HOUSE OF ASSEMBLY

Wednesday 26 November 1980

The SPEAKER (Hon. B. C. Eastick) took the Chair at 2 p.m. and read prayers.

PETITIONS: PROSTITUTION

Petitions signed by 212 residents of South Australia praying that the House urge the Government to strengthen existing laws against the prostitution trade, reject any proposal to legalise the trade, and request the Commonwealth Government to sign the United Nations convention on prostitution were presented by the Hon. D. O. Tonkin, and Messrs. Abbott and Schmidt.

Petitions received.

PETITIONS: TEACHERS

A petition signed by 21 staff members of Allenby Gardens Primary School praying that the House urge the Government to take all possible steps to prevent the erosion in numbers of seconded teachers and support services in the Education Department was presented by the Hon. D. O. Tonkin.

A petition signed by 25 staff members of West Beach Primary School praying that the House urge the Government to take all possible steps to prevent the erosion in numbers of seconded teachers and support services in the Education Department was presented by Mr. Becker.

A petition signed by 240 staff members and parents of Black Forest Primary School praying that the House urge the Government to take all possible steps to prevent the erosion in numbers of seconded teachers and support services in the Education Department was presented by Mr. Langley.

A petition signed by 15 Educational Technology Centre advisory teachers praying that the House urge the Government to take all possible steps to prevent the erosion in numbers of seconded teachers and support services in the Education Department was presented by Mr. Trainer.

Petitions signed by 46 residents of South Australia praying that the House urge the Government to take all possible steps to prevent the erosion in numbers of seconded teachers and support services in the Education Department were presented by Messrs. Becker and Evans.

Petitions received.

PETITION: GOVERNMENT CONTRACTS

A petition signed by 25 residents of South Australia praying that the House urge the Government to ensure that it does not let contracts to private enterprise to the detriment of Government employees was presented by Mr. Slater.

Petition received.

PETITION: RETAIL MEAT SALES

A petition signed by 153 residents of South Australia praying that the House urge the Government to oppose any changes to extend the existing trading hours for the retail sale of meat was presented by Mr. Blacker.

Petition received.

MINISTERIAL STATEMENT: UNIROYAL HOLDINGS LIMITED

The Hon. D. O. TONKIN (Premier and Treasurer): I seek leave to make a statement.

Leave granted.

The Hon. D. O. TONKIN: I indicated to this House as far back as 6 August that the Government would take every possible step to prevent the closure of Uniroyal Holdings Limited in South Australia. Today, Uniroyal Holdings Limited informed the Adelaide Stock Exchange that Bridgestone Tire Company, of Japan, and Uniroyal Incorporated had agreed in principle to a 60·4 per cent acquisition of shares in Uniroyal Holdings Limited by Bridgestone.

This agreement is the culmination of several months negotiations between the two companies. The Government has been kept fully informed of all stages of discussions. Indeed, on recent trips to the United States and Japan I was briefed by senior executives of Uniroyal Incorporated and Bridgestone Tire Company.

The Government's major area of concern has been to safeguard the future employment of the 1 600 people who work for Uniroyal in South Australia. The reorganisation by Uniroyal Incorporated in the United States could have hampered the future job prospects of those people and the future development of Uniroyal in South Australia. The Government believes that the agreement in principle reached by Uniroyal Incorporated and Bridgestone Tire Company ensures the continued viability of Uniroyal in South Australia. Moreover, it protects the jobs already held at Uniroyal plants, and offers the prospect of more employment opportunities.

Uniroyal Holdings Limited will now have ready access to the considerable technical and financial resources of one of the world's most advanced tyre companies. The Attorney-General and Minister of Corporate Affairs has received an application for an exemption under the provisions of the Company Take-overs Act, 1980, to allow Bridgestone to acquire only those shares held by Uniroyal Incorporated. Additionally, the Government has been informed that Bridgestone is lodging an application with the Foreign Investment Review Board for Federal Government approval. The Government will support both applications.

The Government believes that it is in the best interests of the State, of employees, of minority shareholders, and of the company itself that links be established between Uniroyal and Bridgestone.

It had been the Government's intention to assist in any way possible at briefings of employees, of union representatives and, indeed, everyone associated with the industry before this announcement was made. However, apparently the announcement has been brought forward earlier by virtue of a report, a premature report I may say, appearing in the *Financial Review* this morning. I am sorry that we were not able to assist in those measures that we had undertaken.

QUESTION TIME

ECONOMIC POLICIES

Mr. BANNON: Has the Premier now had an opportunity to examine the A.N.Z. Bank's *Business*

Indicators publication yet, and, if so, does he agree that its findings represent a scathing critique and, indeed, repudiation of his Party's propaganda and his Government's economic policies and, if not, why not?

The report points out a number of things that we in Opposition have been attempting to establish and get the Premier to face up to over the past 12 months. In particular, it points to the fact that the South Australian economy did much better than the rest of Australia after the oil shock of 1974-75 but this did not last; as the report points out, Federal Government restrictions on spending contributed to the depth of the recession here. The report confirms that economic activity and unemployment in South Australia are now worse than they were under the previous Labor Government.

The A.N.Z. Bank also appears unimpressed with the Government's announcements of industrial development, pointing out that the State must find new industries or rely on substantial recoveries in the motor vehicle and white goods industries. It has made clear that much publicised resource projects are unlikely to boost the South Australian economy for many years hence.

The Hon. D. O. TONKIN: No, I do not agree with the Leader of the Opposition in his comment that the A.N.Z. Bank's *Business Indicators* article "Riding a Different Wave" is a scathing critique of this Government's performance, and I will be happy indeed to tell him why I do not agree with his assessment. The article itself is a well written one. It makes four major points, and those points are quite clearly defined. The first point made was that the regional economy remained depressed after national recovery commenced in 1977. I think that no-one could argue with that. The second point was that South Australia's economy may only now be reaching the bottom of the trough. That, of course, implies that the upswing is now ahead of us. Recovery in this State, which is the third point made, will require substantial new employment in existing labour-intensive industries or, alternatively, in new industries. No-one could quarrel with that. The fourth point made was that there had already been some indications of increased demand. That was a matter to which the Leader of the Opposition did not give any great emphasis. The Government has no quarrel with that analysis. Indeed, the article in the A.N.Z. review confirms exactly what this Government has been saying ever since it took office. I believe there is substantial additional evidence which is now publicly available which could have been included which would have supported still further the claim of gradual recovery ahead of us.

I would like now to take each point outlined in the article in turn. There is no doubt whatsoever that South Australia's economy remained depressed beyond 1977. That is entirely right. When the present Government came to office South Australia had the highest rate of unemployment, and it was still going up; it had the lowest share of projected capital investments in Australian mining and manufacturing industries, which was a level of 2 per cent; it was building its lowest share of national dwellings since Australia-wide figures were first compiled in 1954; it was recording the highest rise amongst all States in building costs; it was losing record levels of capital and people to more prosperous free enterprise States, largely because of the taxing policies and the industrial policies of the previous Government; it was paying the highest rate of State taxation in Australia; and provided always that we keep out of the calculation the royalty income that the other States were enjoying, it was paying the highest rate of State taxation in Australia. The whole point is, as the article says, that the South Australian economy could be sustained only by high Government expenditure.

The second point is as follows. Naturally, given the long lead times involved in all major policy changes, whether they be Government or business, the slump did not stop just like that on 16 September 1979. The rate of acceleration (because it is very much like trying to stop a heavy freight train at full speed; it takes a long time once the brakes have been applied for it to pull up) has been arrested, and very very successfully arrested, so that only after 12 months an independent assessment (and I would say that this is, and I presume that the Leader would agree, because he has quoted it, an independent and authoritative assessment) says that the bottom has been reached.

It is also well recognised, of course, that substantial new employment (and this is the third point that we deal with in the article) in existing labour-intensive industries or, alternatively, new industries involving new employment is needed, and the key to achieving that new employment is, without doubt, the installation of a new climate of confidence, a climate where business itself can have confidence in the future of South Australia. That task is well in hand, and it is continuing. I know that members opposite do not like the answer that they are getting, but they have asked the question and they are going to get the answer.

The Leader talks about new industries being needed and asks, "Where are they?" Well, let us have a look at some of the new industries that have come. I am referring first of all in general terms to the survey of South Australian industry conducted by the Chamber of Commerce and Industry in the June quarter of this year. That shows that 35 per cent of respondent companies increased their employment in the previous year; 56 per cent increased their sales in the previous year; and the best results were achieved in white goods manufacturing, heavy engineering, wood and paper products and construction industries. The Leader says that it is misleading, because he does not agree with it or he does not like to hear it; he does not like it. He is always trying to tear down confidence in South Australia.

Thirty-eight per cent of those people who responded to the survey made by the chamber indicated their expectation of increasing capital expenditure in the year ahead; 14 per cent of those expected an increase in real terms compared with only four per cent in the previous quarter. There is every indication that we are bottoming out of the slump which has steadily continued in this State since 1977. The survey of business activity by the Australian Chamber of Commerce and the National Bank is another document to which I refer the Leader. It indicates that 62 per cent of South Australian businesses regard current performance as satisfactory and 15 per cent now regard it as good. It shows quite clearly that South Australian businesses are more optimistic of the future now than are those in New South Wales, Victoria, and Western Australia. I would have thought that the Leader might be pleased about that, but apparently he is not pleased. In addition, there have been substantial indications of renewed confidence in the investment and expansion decisions announced this year. I refer only to those announced this year.

I apologise to other honourable members of the House that we have to go through this sort of list again, but apparently the Leader and his colleagues need reminding of it from time to time. Simpsons Ltd. chose South Australia as the site of a new dishwasher factory ahead of all other States, and this project will cost $6 000 000.

Mr. Bannon: Since September 1979?

The Hon. D. O. TONKIN: Yes, indeed, the decision was made after September 1979, and I would go further and

say, since the Leader wants to lead with his chin, that the Simpson organisation has stated quite categorically that it was thinking, if there had been no change in Government, of locating that factory in Victoria, where it would have been lost to South Australia for good. I would be interested to hear what other comments the Leader of the Opposition has to make: he will do what he can to tear down our achievements, because he is jealous. I have been told on the best of authority that he is jealous. I do not care particularly whether or not he is jealous: the facts speak for themselves.

Omark Australia Limited has upgraded its South Australian operations at a cost of $1 500 000; William Angliss and Company is transferring operations from Melbourne to Adelaide; John Shearer Limited is transferring operations from Queensland to South Australia; General Motors has chosen South Australia ahead of all other States as the site of its new plastics factory.

Mr. Bannon: And it is cutting out business here by doing so.

Members interjecting:

The Hon. D. O. TONKIN: I do wish the Leader would try to be positive at least once or twice in an afternoon. As I said, G.M.H. has chosen South Australia ahead of all other States as the site for its plastics factory, and it will redeploy parts of its Pagewood operation, part of which has been done already; more will be coming. The automotive industry, taking into account the announcement that has been made today, is well and truly establishing in South Australia; Grundfos International, a new company in South Australia, is choosing South Australia ahead of all other States; I.C.I. has announced its $100 000 000 long-term development plan; Mitsubishi has announced a $50 000 000 development plan; Australian Bacon (which the Leader delights in tearing down every time it is raised), a $100 000 000 company, is moving its headquarters to South Australia, because it is on record as saying that it has confidence in the State and the new Liberal Government. The Leader now wants some new ones; he wants to ignore what has been done by this Government and deny that it has done anything and now he wants to know about new projects. He cannot have it both ways.

Mr. Bannon interjecting:

The SPEAKER: Order! The honourable Premier is answering the question.

The Hon. D. O. TONKIN: Seeley Brothers has increased employment by 80 people to fill new export orders, with more coming; Fasson Proprietary Limited will undertake a $4 000 000 expansion in South Australia. In the construction industry, although the housing sector remains depressed, which is a matter of concern to everyone, as a result of an over-supply that commenced four years ago, significant improvement is occurring in the market elsewhere. The latest schedule of large-scale projects in South Australia compiled by the Commonwealth Employment Service shows that, in the 12 months to August 1980, the value of large-scale projects under construction and let to tender rose by $155 000 000, or 15 per cent. Most importantly, more than one-half of the 63 listed construction projects had been commenced since September 1979 or are to commence later this year.

In the longer term, the prospects are equally encouraging. The 1980 report of the Foreign Investment Review Board shows that prospective new investment in South Australia rose from $17 000 000 in 1979 to $1.18 billion in 1980 from being the lowest of all States to being the highest of all States in just 12 months. Of all national investment approval given by the Foreign Review Board, South Australia's share rose from 3.7 per cent in 1979 to 22 per cent in 1980. These figures unquestionably confirm the figures reported by the Department of Industry and Commerce survey of investment in mining and manufacturing, which I have quoted before in this House and which I will quote again for the benefit of the Leader.

Committed and likely long-term investment in South Australia's mining and manufacturing industries rose by $3·4 billion in the 10 months from October to June, an increase of more than 1 000 per cent. All of these things show quite clearly that, although the economy has been running down since 1977 (and we agree with that for reasons which we believe were largely the result of local influences, local policies of the former Labor Administration of this State), we will accept that we are at the bottom of the down-turn, and indeed, we would go further than the A.N.Z. in saying that we are beginning to climb out of the trough. I say what I have said before in this place many times: although we have not very many positive results to show in terms of—

Mr. Langley: You haven't got any.

The Hon. D. O. TONKIN: The honourable member should not make a fool of himself. Although we have not very many positive results to show in terms of money spent and jobs created, the planning has been done, the consideration of the projects has taken place, the projects have been committed, and once again South Australia can look forward with some confidence to a future, where literally billions of dollars has been committed to expenditure in the future.

I have no doubt at all that the Opposition will continue to denigrate, will continue to criticise, without realising that what it is doing is criticising South Australia's future. I can only regret that Opposition members take that attitude. I can only regret that they consistently adopt a negative attitude towards confidence and the development of this State, and if I had to make a choice about being confident in South Australia's future and being proud of this State or adopting the attitude that they are currently adopting, I know that I am on the right side, not only of this Chamber, but of the question.

HORSNELL GULLY FIRE

Mr. RUSSACK: Has the Deputy Premier noted the findings of the State Coroner, given on Monday, following his inquiry into a fire at Horsnell Gully on 13 April this year and can he say whether the findings justify certain statements made at the time of the fire?

The Hon. E. R. GOLDSWORTHY: I certainly have noted the findings of the Coroner, and I hope the Hon. Dr. Cornwall in another place has noted them. An apology from the gentleman is overdue for the public statements that he made in relation to the Minister of Agriculture; indeed, I believe he owes me an apology, and he certainly owes an apology to the people in charge of fighting the fire. The Hon. Dr. Cornwall publicly indulged in the sort of tactics which have now become common for him—a bit of cheap dirty politicking.

The Hon. R. G. PAYNE: On a point of order, Mr. Speaker, I ask that the Deputy Premier withdraw those remarks, under Standing Order 154, which states that no person shall denigrate a member of the House.

The SPEAKER: What are the remarks that the honourable member is referring to?

The Hon. R. G. PAYNE: The remarks were made in the context—I do not even want to repeat them, Sir.

Members interjecting:

The SPEAKER: Order!

The Hon. R. G. PAYNE: This House is descending into the pit of garbage when the Deputy Premier rises to his feet at any time—

Members interjecting:

The SPEAKER: Order! Order! The honourable member will resume his seat. The honourable member has taken a point of order under Standing Order 154, as was the case last evening. I am advised that the words used by the Deputy Premier were demeaning of a person in another place, and I ask him to withdraw those words and then to continue with his answer.

The Hon. E. R. GOLDSWORTHY: I cannot remember the words, and I do not believe the member for Mitchell can, either.

The SPEAKER: Order! The Deputy Premier has been asked to withdraw the words which were demeaning of a member in another place. I ask him to withdraw those words unconditionally and then continue with his answer.

The Hon. E. R. GOLDSWORTHY: I withdraw the words, in view of your request, Mr. Speaker, and I will outline to the House the behaviour of the honourable member from another place and leave members to draw their own conclusions as to the behaviour and whether an apology is due to the Minister of Agriculture and those who fought the fire at Horsnell Gully. The letter addressed to me from the honourable member in another place was dated 21 April, and was hand delivered to my office on 23 April, 24 hours after the media had a full coverage of his allegations. In the letter, Dr. Cornwall stated as a fact that the koala colony at the Horsnell Gully Conservation Park had been wiped out. He referred (quoting from his letter) to "continuous allegations of grave mismanagement, incompetence and bungling handling the fire". He implied that the Minister of Agriculture had improperly interfered with the conduct of the fire-fighting operations, but he did not stop there.

On 3 June, he made further statements. He said:

> There was evidence of grave errors of judgment, confusion in the chain of command, lack of communication and a decision taken quite improperly by the Minister of Agriculture to begin a burn back from Coach Road that burnt out the Horsnell Gully Conservation Park.

He alleged that the Minister of Environment had acted dishonourably by allowing his officers involved in the fire-fighting operations to be discredited. He alleged that, because of a public statement I made about the matter, as Acting Premier, I was "the front man for what has now proved to be a disgraceful cover-up". He alleged that the Government "intimated officers of the National Parks and Wildlife Service in a shameful way". He also stated, "It was claimed that the burn back was necessary to protect lives and property. However, there is quite clear evidence to the contrary . . ."

The Hon. H. Allison: He shoots from the tonsils.

The Hon. E. R. GOLDSWORTHY: I wish that the Minister of Education would contain his wit; this matter is serious. The Hon. Dr. Cornwall was pressing for a coronial inquiry. We sent all of the papers to the Coroner and said, "Make up your mind, as it is your legal responsibility to investigate this matter if you think you should." Fortunately, he investigated the matter, and the following are his conclusions in relation to all of those grave allegations of impropriety and misconduct by the Minister of Agriculture, the Minister of Environment, and me, but particularly by the Minister of Agriculture. In relation to the allegations of mismanagement in fighting the fire, the Coroner found "that an overall view of the fire-fighting tactics adopted supports the conclusion that such tactics were successful". So much for Dr. Cornwall's allegations about incompetence of the fire fighters.

Mr. Mathwin: Under the protection of the House?

The Hon. E. R. GOLDSWORTHY: No, publicly. The Coroner further stated:

> In my view, it is much preferable that an area of a national park would be destroyed rather than the loss of one single house property or indeed loss of life or serious injury to any person or persons.

I think that most sensible South Australians (and I do not include Dr. Cornwall in that list) would endorse that view.

The SPEAKER: Order! The honourable member for Mitchell.

The Hon. R. G. PAYNE: On a point of order: the Minister's remarks are denigrating to the honourable member concerned, and they are not in the best interests of this Parliament. I ask that they be withdrawn.

The SPEAKER: Order! I uphold the point of order, and I ask the honourable Deputy Premier to withdraw the words he used in relation to an honourable member in another place.

The Hon. E. R. GOLDSWORTHY: I withdraw the words that Dr. Cornwall is not sensible, but I leave the public and members of this House to draw their own conclusions as a result of what I have quoted.

The SPEAKER: Order!

Mr. MILLHOUSE: I take another point of order, Mr. Speaker. That was not an unqualified withdrawal, but merely rubbing it in.

The SPEAKER: Order! Back-bench members of the Government can take heed of the silence from the Opposition on this occasion. I do not uphold the point of order. I did not ask, as I have done previously, for an unqualified withdrawal. That was an error on my part, and I do not take the honourable Deputy Premier to task for not having given an unqualified withdrawal.

Mr. MILLHOUSE: I take another point of order, Sir. I ask that the Minister be required to give an unqualified withdrawal of what he originally said.

The SPEAKER: Order! I do not uphold the point of order, because it is not relative to the immediate point of time, and I will not accede to the honourable member's request.

The Hon. E. R. GOLDSWORTHY: As to the allegation that a koala colony was wiped out, the Coroner states:

> The evidence given at the inquest does not in any way support this allegation. On the contrary, the evidence established that only one koala was destroyed, along with a few possums and rodents.

I pointed out at the time that we had a report from the R.S.P.C.A. referring to the possibility of one koala having been destroyed, plus two rabbits and three rats. So much for that allegation. As to the allegation that the Minister of Agriculture improperly gave directions that caused a mess-up in the conduct of fighting the fire, the Coroner states:

> The evidence quite clearly establishes that he did not in any way dictate any policies in relation to the firefighting tactics which were employed.

It is obvious from the conclusions of the Coroner that each and every one of the allegations made by Dr. Cornwall was without foundation, and I believe that, in view of the seriousness of these allegations and the behaviour of Dr. Cornwall in reflecting on members of this place, he owes an apology especially to the Minister of Agriculture, as well as other members of the Government.

BUILDING INDUSTRY

The Hon. J. D. WRIGHT: Can the Premier say whether the Government's view on the position of the building and construction industry is the same as that expressed by the

Acting Premier on 25 September when he said, in reply to a question by the member for Gilles:

> There is in fact an upsurge in the construction industry in this State and the trends are quite encouraging.

This week the latest figures on building approvals were released by the Australian Bureau of Statistics. Despite rising costs, the value of approvals for business premises fell from $48 200 000 in the three months to August 1979 to $34 300 000 in the three months to August 1980. In the same period the number of approvals for private sector houses fell by 11·4 per cent, from 1 691 to 1 499. I assure the House and the Premier that I ask this question as a concerned South Australian politician, and that I am not knocking South Australia.

The Hon. D. O. TONKIN: I am pleased and reassured to hear the Deputy Leader's statement on that matter, and I congratulate him on it. As I said in my reply a short time ago to the Leader of the Opposition, the Government is not happy with the present state of the building industry. There is no doubt that the recovery in the building and construction industry is not proceeding as rapidly as we would like it to proceed. I repeat that to a large extent concerning dwellings this is attributed to an over-supply that occurred during the past three or four years. The major comparison is, I think, the Bureau of Statistics comparison which compares the full year (and I think that is the important figure) with preceding years, and which shows that, although small, improvements have occurred.

I could go through the figures, but I am sure the Deputy Leader has already read them and has available to him the 12-monthly figures so that he may compare them. There is an increase by a small 1·5 per cent over the preceding year's figures for private dwelling approvals. They fell during the previous Government's last year in office by 16 per cent. Government dwelling approvals, however, have increased by 29 per cent over last year. There was a decline during Labor's last full year of 8 per cent, but total dwelling approvals last year increased by 534, or 6·5 per cent, compared to a fall in Labor's last fall year of 14·6 per cent.

I could go on. However, the comparison between the performance of this Government and that of the previous Government, although it shows positively in favour of this Government, is not the point at issue, and I think that the Deputy Leader in his closing remarks when asking the question makes that clear. The major problem is what can be done to improve the situation. The situation has got to go on being encouraged in every way possible by every member of the community.

The stamp duties concessions which have been brought into effect have benefited, up to the end of September, 7 659 transfers—that is a great number. It does not necessarily mean, of course, that all of those houses were new houses, but a proportion of them were.

Mr. Bannon: What proportion?

The Hon. D. O. TONKIN: I cannot give the Leader a reply directly, but a proportion of them were. That stamp duties concession on the purchase of a first home, together with the permanent building societies voluntary waiving of some of their fees in respect of the purchase of a first home, have been of great assistance and help. There is no doubt that the only way in which South Australia's economy will pick up (and that includes the building industry and every other facet of our economy) is by attracting investment expansion, not only in mining but also in industrial expansion, to this State. There is no question but that now South Australia has far more funds committed, as I have already outlined to the Leader, than it could possibly have dreamt of having 14 or 15 months ago.

The question of lead times has been raised many times before. As a Government, we accept that this investment will not begin to show positive developments in terms of small buildings, in terms of expansion in the whitegoods and car industries, certainly not, as I think the member for Mitchell interjected at one stage, for two or three years, and we have said that constantly.

The Hon. R. G. Payne: You did not say that before the election in 1979.

The Hon. D. O. TONKIN: We said it in 1979 and we have continuously adopted that line. I do appreciate the Deputy Leader's concern, a concern which is shared by us all, but at least I think that the Deputy Leader would accept that there is far more prospect of development in the pipeline for the next two or three years than ever there was 18 months ago.

CHRISTMAS HOLIDAYS

Mr. BLACKER: In view of the proclamation for 26 December this year to be declared a public holiday in lieu of 28 December, can the Minister of Industrial Affairs say whether Saturday morning 27 December has been declared a holiday to satisfy the request for a four-day break? During the debates and subsequent press coverage of the recent Holidays Act Amendment Bill, considerable emphasis was given to the effect of a four-day break. A store manager in my electorate has contacted me this morning stating that there was uncertainty among business houses in Port Lincoln (and no doubt in other areas) as to whether stores are to be opened on the Saturday morning. They claim that, if stores are to open on the Saturday morning, workers will not in any way benefit from the proclamation. They further claim that Saturday morning workers could in some cases be disadvantaged by the proclamation made for this year.

The Hon. D. C. BROWN: Yes; under the Shop Trading Hours Act the State Government has proclaimed that Saturday morning 27 December will be a closed shopping morning. The effect of that is that only shops specifically exempted under that Act and petrol stations (which will be given special treatment because this is a period when people are travelling), will be allowed to open on that morning; otherwise it is a general shopping holiday. That means that shop assistants in South Australia, now that the Government has proclaimed 26 December a holiday, will have as holidays Christmas Day, 25 December; Boxing Day, 26 December; and 27 and 28 December.

I believe that that is a commonsense arrangement to which we have agreed. We have tried to facilitate matters for both employees and the employers in the retail industry with what is a fairly unusual Christmas holiday period. As a result of that, we have announced that there will be two additional late nights of trading in the metropolitan area, which includes the city of Adelaide.

They will be the Monday night and the Tuesday night. There will be normal trading on the Wednesday, and then all shops, except for the exempt shops, will be closed for the days to which I have referred. One reason why we gave an additional late night of trading before Christmas is that the traditional late night of trading on the Friday night, which is now a public holiday, will not take place, so we have brought it forward to the Monday night and given the additional late night also on the Tuesday night.

WOOD CHIPS

The Hon. R. G. PAYNE: Does the Premier intend to carry out his threat made in this House last night to take

legal action on behalf of the Government against the Hon. Brian Chatterton? I seek your leave, Mr. Speaker, and that of the House to explain my question briefly. Two hours ago, at a press conference held outside the Parliament building—

The SPEAKER: Order! The honourable member for Mallee.

Mr. Lewis: Mr. Speaker, I refuse leave.

The Hon. D. O. TONKIN: I think the matter which has been referred to by the member for Mitchell is well known to us, and I doubt very much whether there is any need for any explanation. I understand that the word has been around the media traps this morning that the Hon. Mr. Chatterton has a number of documents, which I must say I find surprising if, in fact, these allegations are true. I understand that not only has he a document of a Government nature but he also has copies of a personal letter that were never attached to the docket, and one can only assume that some illegal, or indeed criminal, activity has been involved in obtaining that copy. I was told (and I do not know whether this is true or not) that in fact there was some suggestion—

The Hon. PETER DUNCAN: On a point of order, Mr. Speaker. Allegations of criminal behaviour on the part of a member in another place are certainly out of order, and I seek to have them withdrawn.

The SPEAKER: I do not uphold the point of order. There is no direct allegation as I have heard this matter to this juncture. The honourable Premier has been asked a question, and he is explaining the situation as he understands it. If, in fact, the honourable member, in due course, can show me where a direct allegation was made, I will take the necessary action, but I am not aware of a direct allegation as suggested.

The Hon. D. O. TONKIN: I simply made the point that these are the stories which have been floated aound in the media community this morning. It certainly has been put about, and the other matter that has been put about, which I cannot confirm or deny, is that I was also informed that there was some suggestion that there was a copy of some international police document in his possession. I must hasten to say that I have not heard the Hon. Mr. Chatterton make these claims, but certainly the story has gained some circulation in the community. All I can say is this. If, in fact, these matters are matters of fact, it is a very disturbing situation indeed, not only from the point of view of the activities that might have been indulged in to obtain possession of the documents (and I am not attributing these activities to the Hon. Mr. Chatterton), but also the activities generally would be most disturbing, and particularly the possession of any document of such a high security nature as an international police document, because I certainly have not seen one, and I do not believe the Government has had one on this matter at all, so I find it extraordinary.

As to the particular matter that I think the honourable member was raising (and that was the question of whether or not the allegations which were made by the Hon. Mr. Chatterton that the Minister of Agriculture was in breach not only of his duty as Minister but also in breach of what would be considered to be normal law-abiding behaviour), I repeat what I said, that in some circumstances I believe that, if a member of either Chamber made such statements outside the Chamber, that member must be prepared to abide by the due processes of the law. In respect of the particular matter that has been outlined, I think it has been given far too much publicity already.

The Hon. R. G. Payne interjecting:

The Hon. D. O. TONKIN: I find it rather interesting that the Hon. Mr. Chatterton should have waited until the Minister of Agriculture had departed for overseas before he raised this matter. I believe that the matter may be elucidated still further. The Acting Minister of Agriculture will make some detailed remarks or statements in this House in due course, and I recommend that the honourable member and his colleagues wait until that statement is made. In the meantime, I quite frankly do not think that the Hon. Mr. Chatterton is worth worrying about.

LEAD AIR LEVELS

Mr. GLAZBROOK: Will the Minister of Environment say whether it is necessary for the Air Quality Control Unit of the Department for the Environment to expand the surveys of lead-in-air that have been undertaken, and, if it is, when is it proposed that these studies will be undertaken?

On 19 November 1980 in this place, the Minister of Health intimated that the lead-in-air surveys undertaken by the Air Quality Control Unit of the Department for the environment would be expanded to include a greater number of sites in the Adelaide metropolitan area. In addition, a suggestion has again been made in another place concerning the levels that have previously been measured. Therefore, as this matter is of concern to the South Australian community, including all honourable members, I seek clarification as to when it will be possible for additional surveys to be undertaken in metropolitan Adelaide.

The Hon. D. C. WOTTON: The first thing I want to say to the member for Brighton is in relation to the lead-in-air figures that have been quoted by a member in another place, because they were obtained from a very limited survey and were published by the Australian Environment Council in a report on the vehicle emission and noise standards advisory committee. At a recent meeting attended by the Ministers of Transport, Health, Mines and Energy, and Environment, and representatives of industry, it was recognised that insufficient lead-in-air monitoring data appertaining to Adelaide, in particular, was available to make a meaningful decision on emission strategies.

As honourable members would be aware, the lead-in-air goal of 1.5 mg/m^3 three-month average was proposed by the National Health and Medical Research Council only last year, and it was exceeded in three air monitoring sites in metropolitan Adelaide. That is a known fact and one that has received some coverage in the media recently. However, I tell the House that, until the full extent of the problem is known, it would be premature for me, despite what has been said in another place, to undertake any major action against the use of lead in petrol in this State.

The questions of air quality, air quality levels and the most appropriate course of action to be taken in this regard are very complex, because actions taken to reduce air pollution must have an impact on manufacturing, energy and the economy of this State generally. I am informed that, in February next year, the Committee on Motor Vehicles Emission, which is a committee of the Australian Transport Advisory Council, will report on the long-term emission strategy in regard to motor vehicles. The report will consider in depth the implications of various emission control options, including the removal and part-removal of lead from petrol and more stringent emission controls.

It is generally recognised that there is a need for more monitoring to take place, particularly in metropolitan

Adelaide. That is why I am pleased to be able to inform the member for Brighton and other members that this week approval has been given for the expenditure of an extra $10 000 by the air quality unit of the Department for the Environment to expand the lead-in-air survey. I might also say that there is a very close working relationship on this matter between both the Federal and State departments responsible for environmental matters.

I would suggest that this new data which will be available as the result of that extra expenditure and which will be collected from March next year onwards, plus the report from C.O.M.V.E., along with the advice that will come from the Minister of Health and officers of the Department for the Environment, will provide very important and essential information in regard to lead levels in South Australia and will assist in the formulation of strategy adopted by the Government in South Australia. In summary, I can inform the member for Brighton that the Government has approved extra expenditure for monitoring the lead levels and we believe that this will help in the strategy to be formulated on behalf of the South Australian Government.

MR. YEELES

Mr. ABBOTT: Does the Deputy Premier agree with the statement made by Mr. Richard Yeeles, his Press Secretary, that the South Australian Campaign Against Nuclear Energy (CANE) is an extremist group linked with communism? Mr. Yeeles, in a recent speech to students, quoted in two newspapers, said he had:

> . . . instructed his Minister not to respond to statements from extremist groups such as the Campaign Against Nuclear Energy.

The report also states:

> If the Government responds to statements from the Campaign Against Nuclear Energy Mr. Yeeles said, "they are somewhat dignifying those statements and encouraging them to make more statements".

Mr. Yeeles said that CANE is recognised now as being extremist and that the way that CANE was indoctrinating young children was also a symptom of communism. Did the Deputy Premier carry out this instruction, and does he agree with it?

The Hon. E. R. GOLDSWORTHY: I think that perhaps we should get this thing in perspective—a perspective that the honourable member obviously has not got. I would have thought this would be a fairly embarrassing question, particularly for the member for Elizabeth, because I think it was Mrs. Duncan who invited Richard Yeeles to come to the Hartley College of Advanced Education, I think it was. This was before we went overseas, so it is not all that fresh in my memory. Yeeles asked me if I had any objection. I replied that "No, I have no objection, it is a professional request and it will be treated professionally, I take it.", and he assured me it would be. So, Mr. Yeeles, in due course, went to the college, addressed the students and answered questions, and a report, the accuracy—

The Hon. Jennifer Adamson: Journalism students?

The Hon. E. R. GOLDSWORTHY: Journalism students, yes. I understand Mrs. Duncan was in charge of the course; she certainly provided the invitation.

Mr. Bannon: Who brought it to your attention? Not Mrs. Duncan.

The Hon. E. R. GOLDSWORTHY: I am just giving the background.

Mr. Bannon: She could sue you outside now.

The Hon. E. R. GOLDSWORTHY: I am saying that—

Mr. Bannon interjecting:

The SPEAKER: Order!

The Hon. E. R. GOLDSWORTHY: If anybody had any sensitivity at all, I would think that the member for Elizabeth and Mrs. Duncan would be very embarrassed by this question.

Mr. Bannon: It has got nothing to do with her.

The Hon. E. R. GOLDSWORTHY: I do not know who it has to do with, but all I know is that Richard Yeeles went out there acting professionally in response to what he thought was a professional request on an understanding, and a report of that talk and those questions appeared in the Labor rag in due course.

I just give the background to the House, so that we can get this question in perspective. That is point No. 1. Point No. 2 is that I do not doubt the veracity of what Mr. Yeeles told me when he mentioned that he had been in a country town and attended a meeting of the CANE organisation. I got more detail out of the Labor rag, but he mentioned it to me. He also mentioned to me that there were some posters on the wall and that they were produced by the Communist Party of Australia. I had no reason to doubt his word. I found him completely trustworthy and highly efficient. I accepted that as the truth, and still do.

The other point he mentioned to me was that there were a number of young children at this function, with anti-nuclear badges. Obviously, someone was doing the thinking for those children. That was about the only account of the visit of Mr. Yeeles, with a friend, to this function that I had prior to the rather fuller account in the Labor rag.

In relation to Mr. Yeeles instructing me, he said that that word was a figment of the imagination of the reporter to the Labor rag, whoever that unprofessional person may be. I am not for a moment suggesting that it was Mrs. Duncan. I have no reason to suspect that it was she, but someone acting in the forum was acting in an unscrupulous fashion, in my view.

The Hon. Peter Duncan interjecting:

The Hon. E. R. GOLDSWORTHY: What am I doing that is unscrupulous? I am putting the record straight and dealing in facts. If members opposite are not prepared to deal in facts, what are they prepared to deal in? I ask you. Those are the facts. Richard Yeeles attended, with a friend, a function, the nature of which I do not know. I have forgotten what was in the Labor rag. It was a CANE function. There were communist posters there, and kids with badges on. This came out in answer to a question at what was supposed to be a closed professional gathering at Hartley college, and found its way into the Labor rag. I am not terribly disturbed about it. I was not instructed. Mr. Yeeles does not give me instructions. He did not use that word. If he did, I would not take any notice of him, as he knows, if I did not want to.

ST. JOHN AMBULANCE

Mr. OLSEN: Has the Minister of Health seen a report in relation to the alleged lack of funding for the St. John Ambulance service, resulting in the services being undermanned, and does she agree that volunteer effort has a place in the provision of such services, even for such activities (and I quote the words of the union representative) as "spinning a chocolate wheel" or "raffling a chook"?

The Hon. JENNIFER ADAMSON: Yes, I have seen that report, and I was thoroughly disgusted to see an irresponsible attack on the St. John Ambulance service by a union organiser who appears to be motivated solely by a desire to win what I understand is a national battle for membership of his union.

In response to the report, let me refer to the allegations he made, and let me put the facts on the record by way of correcting his allegations. The first allegation was that the service is grossly undermanned and short of funds. The facts are that the service and the ambulance services in South Australia are the best in Australia, on the basis that we have the highest number of ambulance officers per head of population and the greatest spread of services geographically.

That is the fact, although it is not the impression one gets from this allegation by the Acting Secretary of the Ambulance Employees Association. Another allegation in that article was that South Australia has the lowest level of Government funding of any State. True, South Australia's ambulance services are run extremely economically, and the reason for the lower level of Government funding is not meanness on the Government's part as implied by Mr. Roberts, but because 500 000 hours per annum of voluntary service is put into the services in this State.

We have a far higher level of volunteer participation in South Australia than in any other State; that not only means a more economical service to the taxpayer, but it also, I believe, means a service that carries with it a high component of a spirit of service, which is exactly what volunteers bring, wherever they choose to give their efforts in an honorary capacity, as so many St. John volunteers do. This brings me to the snide and derogatory remarks of Mr. Roberts about the fact as he said:

> It is time to stop spinning the chocolate wheel and raffling the chook to raise funds for an essential community service.

Mr. Roberts may not be aware that 80 per cent of the funds for St. John comes from subscriptions raised by St. John and transport charges, and, of the transport charges, a large proportion of them are cost shared by the Commonwealth and State. Of the St. John revenue, 20 per cent comes from the State Government (that is, about $1 700 000) and a very small proportion of St. John revenue comes from voluntary fund-raising efforts to which Mr. Roberts referred in a derogatory fashion. That voluntary fund-raising effort, like the honorary efforts and services of the volunteer ambulance officers, is an important component of St. John and is highly valued by the South Australian community, because it brings to the notice of the community the importance of the work of ambulance services and also involves the community in supporting that service on an honorary basis. Further in the report, Mr. Roberts continued with his inaccuracies. He said:

> The average response time for an ambulance call in the metropolitan area was about 12 minutes.

It is not: it is between 7 and 8 minutes, which I think anyone will agree is an excellent response time. Mr. Roberts went on to say that volunteer numbers were dropping and that the last 10 officers to leave had not been replaced. That is not correct. Volunteer numbers are not dropping, and both volunteer officer and salaried officer levels have been maintained at the same number for the past three years. The kind of remarks made by Mr. Roberts, I believe, as I have said, are motivated by industrial and personal advancement reasons on his part. They are inaccurate concerning ambulance services and completely irresponsible, because they tend to create in the public mind an impression that the St. John Ambulance service in South Australia is somehow deficient. The ambulance service in this State is the best in the Commonwealth, on the basis that we have the highest number of ambulance calls per head of population and the greatest geographical spread of services. What State could better that?

REMAND CENTRE

Mr. McRAE: Can the Premier say whether the Government has made a decision on a site for a new Adelaide remand centre and, if so, where will it be sited and, if not, when will such a decision be made? The decision by the Chief Secretary to suspend regulations concerning the accommodation of persons on remand with convicted prisoners to avoid the possibility of chaos in South Australian prisons highlights the critical need for a new Adelaide remand centre.

The SPEAKER: Order! What authority is the honourable member quoting, or is he using his own words?

Mr. McRAE: I am using my own words, Sir, to indicate what is the course of events.

The SPEAKER: I ask the honourable member not to comment.

Mr. McRAE: Thank you, Sir. I refer to the proceedings of the business of this House by way of history. It has been outlined here many times that the former Government, the Australian Labor Party Government, had made a decision to build a new centre and that the site had been chosen. Members would be aware of the considerable detail in that announcement. It is now 14 months since the election of this Government and the abandonment of the former Government's decision. Also, it is three months since the Premier told the House on 21 August that a decision on the site of the new remand centre would be made within a month or so. In these circumstances and in view of the considerable concern in the community, can the Premier further enlighten us?

The Hon. D. O. TONKIN: No, Mr. Speaker.

LERPS

Mr. EVANS: Can the Minister of Industrial Affairs, as Acting Minister of Agriculture, say what action the Government is taking in an attempt to establish the reason for the large outbreak of lerps in South Australia? Many gums in South Australia have been infested with this parasite, lerps, especially in the Adelaide Hills, where there are thousands of acres of eucalypts, particularly gums, being retarded and in some cases dying because of attack by lerps. The activity of lerps has been known to Governments for many years and I ask what action the present Government is taking to find the reason for the increase and how we can control them.

The Hon. D. C. BROWN: In reply to the question, I indicate that, unfortunately, there is no specific action that can be taken at present to stop the spread and action of the lerp. It is a native insect of Australia and attacks native trees. One would appreciate that, as it is a native, it has been living with native trees for a large number of years and the trees have learned to adapt to the effect of the lerp. However, I can assure the member that research work has been undertaken by the Woods and Forests Department since 1966 and by the Waite Agricultural Research Insitute for the same time, and that some work has been done by the Department for the Environment.

It is possible to control the lerp on individual trees if the trees are sprayed with insecticide. However, it is not practical to spray large areas of the Adelaide Hills with insecticide, as the damage to fauna would be greater than the damage done by the lerp. While severe defoliation may occur with the attack by lerp, there is considerable evidence that there is general recovery of the tree, although in some cases there is some die-back. The

department is concerned about the lerp and, as the District of Davenport covers much of the Adelaide Hills area affected by lerp, I join with the honourable member in wanting to control this insidious and ubiquitous insect that exists there.

MINISTERIAL STATEMENT: MINISTER OF AGRICULTURE

The Hon. D. C. BROWN (Minister of Industrial Affairs): I seek leave to make a statement.

Leave granted.

The Hon. D. C. BROWN: Yesterday, in the Legislative Council, the Hon. Mr. Chatterton made certain allegations and attacks against the Minister of Agriculture. Furthermore, some of those attacks, although not in the same detail, were repeated outside the Legislative Council on the news media last night and, I understand, this morning. The Hon. Mr. Chatterton from the Legislative Council has made three specific allegations against the Minister of Forests. These are:

1. That he misled Parliament on 19 November 1980 when he made a Ministerial statement concerning Punalur.
2. That there had been secret negotiations between the Minister and/or his department, and the Japanese company Marubeni, as early as February 1980, with the intent of supplying Woods and Forests Department timber to that company, and
3. That there was a deliberate attempt to discredit Mr. Dalmia, and as a result of that the agreements with Mr. Dalmia and Punalur Paper Mills Limited were terminated.

I take the first allegation of Mr. Chatterton, and ask members to refer to page 2031 of *Hansard* of 19 November. On that occasion, the Minister said:

> The truth of the matter is that Marubeni was only one of the major Japanese trading houses which expressed interest in the South Australian softwood resource. In this regard, it was not closely involved with the Government, nor did any negotiations take place in relation to the marketing or processing of the surplus pulpwood.

In addition, the Minister said Marubeni was not party to discussions in regard to Adelaide Hills pulp wood. The trading company concerned in trial shipment discussions was C. Itoh. In addition, the Minister said:

> Marubeni was one of the 37 parties to indicate interest following the termination of agreements with Punalur Paper Mills Ltd. It is recognised, however, that Marubeni can be involved as a minority shareholder in any venture with an Australian majority shareholder only by virtue of the Foreign Investment Review Board guidelines. There are no direct negotiations with Marubeni.

Nothing that Mr. Chatterton said yesterday—

The SPEAKER: Order! I remind the honourable Minister of the courtesy which is necessary when referring to a member of the other place. The honourable Minister must refer to "the Hon. Mr. Chatterton", or "the honourable member in another place".

The Hon. D. C. BROWN: I apologise, Sir. Nothing that the Hon. Mr. Chatterton said yesterday has contradicted the Minister's statement or suggested that there were direct negotiations in February or March with Marubeni on the supply of timber. I re-emphasise that nothing said by the Hon. Mr. Chatterton even suggested that and neither did the documents show it. Therefore, Mr. Chatterton's first allegation is incorrect and wrong.

I make the following points on the second allegation of the Hon. Mr. Chatterton, that there had been secret negotiations between the Minister or his officers and Marubeni on the supply of Woods and Forests Department timber in the South-East of South Australia in February and March of 1980. Nowhere has the Hon. Mr. Chatterton produced any evidence of negotiations as claimed in this second allegation. Despite this lack of evidence Mr. Chatterton found himself able to say, and I quote:

> Further confirmation of the Marubeni connection and the intent to sabotage the Indian deal is contained in a minute dated also 28 February and addressed (in Adelaide) to the Minister of Forests and signed on behalf of the Director of Forests. That minute was very obviously dictated before the Director left Adelaide for Singapore via Perth. Had it been done later, it would have properly been signed by the Acting Director. The minute recommends to the Minister the following:
>
> 1. That deeds, letters of intent, etc., prepared with the assistance of Crown Law yesterday be not signed until we are satisfied that Dalmia is not the author of the "Marubeni" letter.
> 2. Tony Cole is the departmental officer responsible for continuing negotiations with Dalmia and investigations into the source of the "Marubeni" letter. As such he should maintain direct contact with you.

That is, of course, the Minister. The minute continues:

> 3. He is authorised to float with Dalmia the idea of cancelling all arrangements so far and seeking offers from selected interested parties including the Japanese, A.P.M., and Dalmia.

I end that quote made by the Hon. Mr. Chatterton yesterday in the Legislative Council. However, a copy of that minute does not indicate that there were direct negotiations with Marubeni, as claimed by the Hon. Mr. Chatterton. I think it appropriate that I quote to the House the full minute as dictated by Mr. P. M. South, Woods and Forests Department.

The Hon. R. G. Payne: Will you table it?

The Hon. D. C. BROWN: I will table it. It is directed to the honourable Minister of Forests and it is headed "Punwood". The minute is as follows:

> After consideration of our discussions this week, the following recommendations are made:
>
> 1. That deeds, letters of intent, etc., prepared with the assistance of Crown Law yesterday be not signed until we are satisfied that Dalmia is not the author of the "Marubeni" letter.
> 2. Tony Cole is the departmental officer responsible for continuing negotiations with Dalmia and investigations into the source of the "Marubeni" letter. As such he should maintain direct contact with you.
> 3. He is authorised to float with Dalmia the idea of cancelling all arrangements so far and seeking offers from selected interested parties including the Japanese, A.P.M. and Dalmia. If Dalmia accepted this as a step towards progress he should arrange preparation of the necessary documents and proceed accordingly.

I think you will find, Sir, that the Hon. Mr. Chatterton's statement read to the Council yesterday deliberately omitted the last sentence. He also omitted deliberately paragraph 4 of the minute, which states:

> 4. Because the situation is so fluid, I can only suggest these recommendations may need to be varied at any time depending on the changes that occur. On that account, I have told Tony that recommendation to vary action is at his discretion

and he is to keep the Acting Director informed at all times.

P. M. South,
Woods and Forests Department.

I seek leave to table that minute.

The SPEAKER: The honourable Minister has the authority to table the document without seeking leave.

The Hon. D. C. BROWN: In that case I will use that authority and table that minute. I go on because following on from the full content of that minute, it is quite obvious that the second allegation of the Hon. Mr. Chatterton is found to be absolutely baseless. Incidentally, the Hon. Mr. Chatterton quoted from a private letter from the Director of Woods and Forests to the Minister of Forests, which suggests, quite rightly, as inferred by the Premier earlier today, that the Hon. Mr. Chatterton is in possession of stolen goods, and we all know the implication of that.

Mr. Bannon: Stolen or not, why don't you table that letter, too? Are you going to table it?

The Hon. D. C. BROWN: That letter is not on the file. It is not part of the departmental file, and it would be most inappropriate for it to be on the file. Such behaviour by the Hon. Mr. Chatterton—

Mr. Bannon: They kept it off the file because it is damning, that's why.

The SPEAKER: Order! The honourable Minister of Industrial Affairs.

The Hon. D. C. BROWN: I will get a copy of the letter.

Mr. Bannon: Is there any reason why it is not on file?

The Hon. D. C. BROWN: There is no embarrassment about the letter at all, none whatsoever. It is not on the file, but the honourable member's colleague has got a copy of the letter, so why should he ask us?

Mr. Bannon: It is a copy of the minute.

The Hon. D. C. BROWN: I know that is a copy of the minute. I have just tabled the minute. I deal now with the third allegation of the Hon. Mr. Chatterton, having smashed the first two, and that concerns the discrediting—

Members interjecting:

The SPEAKER: Order! The honourable Minister of Industrial Affairs has the call.

The Hon. D. C. BROWN: The third allegation concerning the discrediting of Mr. Dalmia and Punalur Paper Mills Ltd. is without foundation and, as Acting Minister of Agriculture and as Minister of Industrial Affairs, I can personally verify this, as I was present at the negotiations with Mr. Dalmia that took place in the Gateway Hotel on Saturday 1 March, at which the first agreement between Mr. Dalmia and the South Australian Government was terminated and at which a second agreement was established.

Mr. Bannon: And did not know what was going on.

The Hon. D. C. BROWN: If the Leader of the Opposition listened to the facts he might be able to correct his honourable colleague, who has made such a fool of himself.

Mr. Bannon: I am just saying that the—

The SPEAKER: Order! The honourable Minister sought leave to make a Ministerial statement, and leave was granted. I call upon the honourable Minister to continue with his statement.

The Hon. D. C. BROWN: At the meeting on 1 March, at which I was present—

The Hon. R. G. Payne: What time was that?

The Hon. D. C. BROWN: In the late afternoon. At that meeting, Mr. Dalmia agreed to reject the previous agreement with the South Australian Government, with the request that it be replaced with an alternative agreement which did not involve the South Australian Government as one of the parties. I was present when we sat down and negotiated what the new agreement should contain, that new agreement which was then signed on 5 March. I stress the point that it was at Mr. Dalmia's specific personal request that the earlier agreement be replaced with a subsequent one. The reason why the first agreement reached with the previous Government was cancelled was entirely due to the fact that Mr. Dalmia admitted that he was unable to implement the project in accordance with the 5 March agreements.

The cancellation of the 5 March agreement took place in August this year. Again there is no evidence to substantiate the third and final allegation of the Hon. Mr. Chatterton. The Minister of Forests went to great pains to ensure that Mr. Dalmia was left to conduct freely his business affairs. The Minister conducted his negotiations with Punalur openly. For example, on one occasion when a Japanese company (not Marubeni) inquired about Punalur's situation, the Minister advised Mr. Dalmia of the request.

Again, I can assure the House, because, each time a new request was made, the Minister also informed me as well that he had contacted Mr. Dalmia following that Japanese inquiry, but I stress to the House it was not an inquiry from Marubeni.

The attack by the Hon. Mr. Chatterton is without foundation and is a libellous attack under the protection of Parliament. To make matters worse, he waited until the Minister had left for an overseas trip before making those allegations in Parliament. That shows the extent to which the whole thing has been a cowardly act.

I understand that this morning a Labor Party staff member, when talking to the news media, referred to the existence of an Interpol document and implied that the Hon. Mr. Chatterton had such a document. I challenge the Hon. Mr. Chatterton to table today that document which he is alleged to have.

Finally, it is appropriate that I read to the House a minute, which has been sent to me as Acting Minister of Forests by the Director of the Department of Woods and Forests, which explains the significance of the documents to which the Hon. Mr. Chatterton referred yesterday. The minute, to the Acting Minister of Forests, is headed "Punwood Projects and Marubeni".

1. The context of the accusations of 25 November can be best appreciated by going back to 14 February 1980. On that day, the Director, Woods and Forests Department met with Mr. Dalmia in Kuching, Sarawak. The proposal to export wood chips to that stage was still in force but progress was being retarded because Punalur Paper Mills Ltd. was not remitting called up equity capital for Punwood Pty. Ltd.

Due to transport cost increases, Punalur wished to consider conversion to pulp but would not agree to a proper and necessary feasibility study being carried out as Mr. Dalmia believed that would be too expensive.

The SPEAKER: Order! It will be necessary under Standing Orders for the honourable Minister to seek further leave if he is to continue, 15 minutes having elapsed since he was given the first leave.

The Hon. D. C. BROWN: I seek leave to continue the Ministerial statement.

Leave granted.

The Hon. D. C. BROWN: I return to the minute that I am reading.

1. The Director therefore told Mr. Dalmia that, unless the equity capital for Punwood Pty. Ltd. was forthcoming, he would have no alternative to recommending to the Government that the existing agreements be terminated by default.
2. Mr. Dalmia then went from Kuching via Singapore to Japan, where he arrived on 8 February, and

thence to Adelaide, where he arrived on 18 February.

3. On 19 February, in the discussion in Parliament House, Mr. Dalmia first floated the concept of Punular alone building a pulp mill in South Australia.
4. On Friday 22 February the Minister recalled the Director from Kuching for discussions with Mr. Dalmia.
5. At this time reports were received from C. Itoh first, followed by others, questioning offers made to Japanese corporations by Mr. Dalmia which surrounded the trading of wood chips which, at that time, were not the property of Punalur. C. Itoh informed us of other Japanese parties to whom they believe the same offers had been made. One of the other parties questioned by the department was Marubeni, who then supplied written evidence, including a letter on letterhead of the Imperial Hotel in Tokyo, and said to be originated by Mr. Dalmia. Mr. Dalmia denied having originated the letter.

I stress that the only reason why the name Marubeni cropped up in February or March was that there was purportedly a letter from Mr. Dalmia to Marubeni, and that was brought to the specific attention of the South Australian Government, and was brought for a very valid reason when we asked for a copy of the letter, because the contents of the letter suggested that the agreement that had been reached with the South Australian Government may be in conflict with the contents of that letter. I will now read on from the minute from the Director of Woods and Forests:

6. No negotiations had been undertaken with any other parties, Japanese or Australian, before or after this date but the information was undoubtedly realistic and it behoved us to investigate its authenticity. Note—Marubeni did not proffer information until asked in the course of the checks being made.
7. None of this information prejudiced the discussions being held with Mr. Dalmia in regard to the establishment of the pulp mill.

Mr. Bannon: The Minister did us the courtesy of circulating what purported to be the Ministerial statement which he was going to deliver and, in fact, he got an extension of time, by leave of the House. What he has been reading for a while has not been circulated. Will he table that document?

The Hon. D. C. BROWN: I shall table this minute from the Director of Woods and Forests Department, so there will be no need to circulate it.

The SPEAKER: I take the opportunity of referring to documentation which has passed between members of the House, whereby an agreement has been reached that the document which will be used for the statement made to the House will be the document that is circulated in the House. I ask all Ministers to make that provision in the future.

The Hon. D. C. BROWN: I apologise if that document was not attached. It was intended to be attached. It was copied but apparently it was left off. The minute continues:

8. The Director was required to return to Sarawak on 28 February and the matter was not concluded by that time. The minute referred to, from which three points have been quoted, was advice to the Minister handed to Mr. Cole as an authority to continue the matter in the following days.
9. The letter referred to, on the letterhead of Raffles Hotel, Singapore, was to bring the Minister up to date as at that time of the progress of the whole situation. Note—this was a personal letter and it is completely mystifying how it would be in the hands of anybody other than the Minister. This applies also to the other document quoted.
10. The agreements were then processed between 29 February and 5 March, which demonstrates that Mr. Dalmia was given the benefit of the doubt throughout this period regardless of the information received.
11. From that point on every assistance was given to Mr. Dalmia or his representatives to further the pulp mill project until the termination of the agreement which was entirely due to the fact that Mr. Dalmia admitted that he was unable to implement the project in accordance with the 5 March agreements.
12. The Minister of Forests, Mr. Ted Chapman, correctly insisted right up until that time that all parties making inquiries in regard to the total project did not receive information other than that already made public or any opportunity to negotiate while the agreements existed with Punalur Paper Mills Limited. Many parties approached the department and the Minister and paid calls upon these officers. These were purely visits expressing interest and must not be interpreted as any evidence of negotiations taking place.

That minute is signed by Peter South, Director, Woods and Forests Department. It is dated 26 November 1980, and I table it.

I finalise the Ministerial statement by again reiterating that none of the accusations of the Hon. Mr. Chatterton has been proved. There has been no evidence in any of the documents tabled by the Hon. Mr. Chatterton to substantiate the accusations that he made. It was a classic case of a person using the protection of Parliament to make allegations, to table documents, and then to find, although he did not admit it, that those documents did not prove the allegations that he made. I think it behoves him immediately to stand, withdraw the statements and apologise for making them, especially in the absence of the Minister of Forests.

Mr. BANNON: The Minister is tabling a minute, part of the docket from which he read, and I ask that he table the whole docket. In support of that request, I refer to the incident that occurred on 26 March 1980, when the Acting Chairman ruled that it is the practice of the House that, if a docket or part of a docket (which that was) is read, the whole docket that was quoted from must be tabled. I therefore ask the Minister to do so.

The SPEAKER: Was the honourable Minister quoting from the docket?

The Hon. D. C. BROWN: No, Mr. Speaker, I did not quote from the docket, but from a minute that was personally handed to me by Mr. South this morning.

The SPEAKER: I cannot uphold the Leader's point of view, it being quite established that only those papers that are *bona fide* dockets can be called upon to be tabled.

PERSONAL EXPLANATION: STATISTICAL DATA

Mr. LYNN ARNOLD (Salisbury): I seek leave to make a personal explanation.

Leave granted.

Mr. LYNN ARNOLD: Last night the member for Mallee, in the adjournment debate, referred to a speech I gave in the second reading stage of the Loans to Producers

Act Amendment Bill on 30 October 1980, which appears on pages 1667 to 1671 of *Hansard*. The honourable member accused me of using underhand techniques and selectively quoting long-term and short-term interest rates, and he also said that I quoted disparate interest rates from around the world to try to reflect unfavourably on the Federal Government's present management of the economy. He went on to say that I had committed not only an insult but also that I had committed a gross inadequacy in my observance of the respect for the institution of Parliament.

I refute that I used underhand techniques, I deny that I quoted disparate interest rates and I reject that my speech and the data included in it was an insult or constituted a gross inadequacy in my observance of the respect for the institution of Parliament. In making those assertions this afternoon, I believe that I should give some indication as to the data that I used on that occasion. The statistical data was taken from a statistical bulletin of the Reserve Bank of Australia, and I quoted information that appears on pages 220 and 214 of the present statistical bulletin, and compared the statistics.

The data for the figures that I used related to the United States, three-month Treasury bills, and for West Germany, the discount rate, which is a short-term indicator, and I compared these with the 26-week Treasury notes from Australia. I used short-term data only. Therefore, I reject that I used long-term data. In fact, I specifically excluded long-term data that was available to me from the source that I have quoted. I excluded Government securities of three to five years and 10 years plus from the United States, and public sector bonds of three to seven years and seven to 15 years from West Germany. I also rejected non-government rates quoted in those tables as, in my opinion, they would have been disparate, and hence I rejected prime commercial paper rate, prime lending rate from the United States, and the inter-bank lending rate (three months) and the bank lending rate from West Germany.

I was selective to the extent that I quoted only from West Germany and the United States, whereas the tables included information for the United Kingdom and Japan. However, I pointed out that the United Kingdom figures were higher than the Australian average, but the Japanese figures were lower than the Australian average. I believed at the time, and I still believe, that the figures balance out quite well and show that the West German and United States figures prove the point I was seeking to make on that occasion. I have analysed the statistical data tabled by the member for Mallee, and I have found that in no way does it conflict with the data that I tabled. I reiterate that I reject any imputation that I was trying to deceive this Parliament by the use of underhand techniques or that I have no respect for the institution of this Parliament.

PERSONAL EXPLANATION: JOURNALISM STUDENTS

The Hon. PETER DUNCAN (Elizabeth): I seek leave to make a personal explanation.

Leave granted.

The Hon. PETER DUNCAN: I will not take the time of the House for too long. I refer to a couple of matters that arose from the answer given by the Deputy Premier to the member for Spence in relation to his question about an article which referred to comments made by Mr. Richard Yeeles, who, I understand, is the Press Secretary to the Deputy Premier. My wife's name was mentioned in the reply to that question, and I simply want to place on record that she was not the author of the article referred to, nor did she in any way connive in the production of that article, nor was she aware of the publication of that article prior to its publication. Regarding the fact that Mr. Yeeles went to Hartley College to address journalism students, I indicate that he attended as a guest lecturer (I suppose that is how it could be described).

The SPEAKER: Order! I draw the honourable member's attention to the fact that this is a personal explanation and it is very important that he tie any remark directly to the manner in which he was affected personally.

The Hon. PETER DUNCAN: I was affected personally because, in a degree, a reflection has been placed upon my wife and that relates to the business of the House, because, if she was not married to me, her name would not have been brought up in regard to this matter. Therefore, it is a matter of public interest and what I have to say should be placed on record to clear her name of any imputations or allegations.

As I said, Mr. Yeeles attended Hartley College as a guest lecturer; as is the normal practice, I understand, a tape recorder was placed before him. He was asked whether he objected to having his comments taped: he did not object, and the tape recorder was placed on the table before him. Mr. Yeeles was obviously aware that his comments were being taped. As I understand the position, the tape recorder is used so that journalism students can refer to the details of what was said.

The SPEAKER: Order! The honourable member will resume his seat. I am fully appreciative of the explanation that the honourable member gave to my earlier question. He was relating to the matter as it affected him, being the husband of the lady in question, but I again ask the honourable member to relate the detail that he is now giving to the House to a personal explanation in respect of himself. It is quite apparent that the detail that is being given at this moment relates to the presence at a meeting of another person, who is not the Minister and who is not the honourable member's wife.

The Hon. PETER DUNCAN: This relates to me personally because of the fact that imputations have been made as to my wife's position in this matter and whether or not she in any way acted improperly.

The SPEAKER: Order! I ask the honourable member to establish clearly the relationship that exists between the explanation that he has most recently been giving and his wife.

The Hon. PETER DUNCAN: My wife was the lecturer in charge of the course and she was present on that occasion. In the circumstances, Mr. Yeeles was aware that his comments were being taped and that the tape would be made available to the students which, I understand, is the normal practice. Journalism students at that college write up for internal newspapers and various other purposes the comments made by visitors to the college. Those were the circumstances in which these events took place. What Mr. Yeeles said is not of consequence to me, but I want to put to the House that my wife in no way was responsible for the article that was written, and any imputations to the effect that she has acted improperly in this matter are entirely incorrect.

At 3.40 p.m. the bells having been rung:

The SPEAKER: Call on the business of the day.

PITJANTJATJARA COUNCIL

Mr. KENEALLY (Stuart): I move:

That this House takes note of statements by the member for Eyre in this House on 18 September when he made unfair personal references to Mr. John Tregenza, an employee of the Pitjantjatjara Council, accusing him *inter alia* of a "feeble background", of being "on the extreme left of the political spectrum" and interested in "supporting political philosophies that are quite contrary to the interests of the Aborigines", and that this House dissociates itself from all these remarks and censures the member for making them and calls on him to apologise to Mr. Tregenza and also to the organisation known as Action for World Development, wrongly accused by the member as being "pro-communist".

I was in the House on 18 September when the member for Eyre made these scurrilous (I think that is the word that he is fond of using) attacks on the personal honesty and integrity of Mr. Tregenza. Reference to pages 940 and 941 of *Hansard* will quite clearly indicate that. I did not personally know Mr. Tregenza then, and I do not know him now; I know him by reputation throughout the northern areas of South Australia as a man who is held in the very highest regard by the Aboriginal communities. I know of his work, and I respect him deeply.

Therefore, when the member for Eyre made those comments I was rather taken aback that this sort of criticism should be made of a man who has dedicated so many years of his life to the welfare of Aborigines in South Australia. I decided to investigate what was the real position relating to Mr. Tregenza and his relationsip to the member for Eyre, as I believe that it is most inappropriate for members of Parliament continually to use the Parliament (cowards castle, as it is more appropriately called in these circumstances) to attack private citizens in the community who do not have the right to reply. I thought that it was important that somebody should defend the integrity of Mr. Tregenza.

The action of the member for Eyre on this occasion is not an isolated one. To give some background to the habits of this honourable member, I refer to the statements that he made in this House on 5 August about a Mr. Anderson. In fact, I referred to that (page 941 of *Hansard*) when he was abusing Mr. Tregenza. I refer to a letter written by 49 members of the Ceduna Area School staff which was published in the *West Coast Sentinel* of 27 August 1980. The letter was written in defence of Mr. Anderson, who had been attacked by the member for Eyre. The letter stated:

Readers would be aware of measures adopted by the staff of the Ceduna Area School to ensure adequate classroom accommodation for our present enrolment and our expected increase. It is also common knowledge that the Minister has given firm assurances as a result. This was achieved in the main through the solidarity and professional concern of the staff, supported by the Welfare Club. We were greatly relieved when the issue was resolved, but our faith in democracy has been shattered by Mr. Gunn's speech in Parliament on August 5. A gentleman called Mr. Anderson, a well known member of the Labor Party and spokesman for that Party when he was at Hawker, attempted to turn the matter into a political fiasco by organising a torrid campaign against me. Mr. Whitten, A.L.P., asked (understandably) "What was his name?"

In fact, Mr. Anderson, who was duly elected as our representative to the Institute of Teachers, has only ever attended one meeting of the A.L.P. in his life and is now not a member of that Party. However, even had Mr. Anderson been a member of that Party he would have been free to represent us on an educational non-Party-political matter, without risk of fallacious and unsubstantiated attack in Parliament. Apart from the personal maligning of our representative, who at all times during the accommodation issue, spoke as a result of staff decisions, not as an initiator, we feel that our professional integrity has been dragged through the dirt of the Lower House.

We acted in the interests of our students and at no time wished to be involved in blaming political Parties. Even the Minister of Education, in a discussion with our Principal, acknowledged that our motives were professional and honourable.

We wish to express our disgust at the way Mr. Gunn has tried to turn this situation to his own political advantage and has ridden roughshod over a person who was merely representing his colleagues truthfully and with their full support. To be personally safe when representing those who elect you is surely one of the most important safeguards within a democracy.

(Signed) 49 Members Ceduna Area School Staff.

I happened to be at that one A.L.P. political meeting at Hawker that Mr. Anderson attended. For the member for Eyre to suggest that he was a spokesman for the Labor Party when he was a school-teacher at Hawker is absolutely ridiculous. It so happened that the member for Grey, myself, as member for Stuart, and the candidate for the electorate of Eyre attended a meeting at Hawker which Mr. Anderson also attended. He had recently joined the Labor Party and had then moved to the West Coast, but it seems that if one opposes the member for Eyre in any way whatsoever, no matter what worthy cause one is representing, one will be subjected to abuse. The foregoing comments set the background as to what this honourable member is prepared to do.

I turn now to Mr. Tregenza, who has been scandalised and slandered by the member for Eyre. Mr. Tregenza is a South Australian, a man in his early 30's, who was born at Darwin, educated in South Australia, and graduated from Flinders University from the Department of Sociology. He was employed by the Department for Community Welfare and worked for some years both at Yalata and Amata.

Mr. Gunn interjecting:

Mr. KENEALLY: The member for Eyre interjects, but he does not even know his facts. Mr. Tregenza left the Department for Community Welfare to work in the employment of the Pitjantjatjara people, and for two years he was employed five miles over the other side of the Western Australian border, right in the middle of the Pitjantjatjara community. He was living in a caravan and helping them out with their needs. After that two-year period he came back to Mount Davis and helped to set up a health programme for the Pitjantjatjara people. They employed him, and also a doctor and a nurse, and for 18 months seven people lived in a one-berth caravan to try to set up a health scheme for the Pitjantjatjara people. They started with nothing; they had Federal funds and they were able to achieve a great deal.

Mr. Hemmings: And it is working well now.

Mr. KENEALLY: Yes. If the member for Eyre wants to check whether or not Mr. Tregenza worked at Wingelena, he can check that out, but it is a fact. This is the man whom the member for Eyre describes as having a feeble background. If giving years of one's life in the most remote and desolate parts of South Australia, working under great privation, indicates a feeble background, I would like the member for Eyre, who represents these people, to be prepared to judge his record of representing the Aboriginal people of that community against that of Mr. Tregenza.

Mr. Tregenza is accepted as a full member of the tribe. He is fluent in the Pitjantjatjara language—and this is where the real problem comes about, because Mr. Tregenza was used widely as an interpreter during the land rights discussions. The Pitjantjatjara people used him, and

quite rightly so; he was fluent in their language. They acknowledged him as a member of their tribe; in fact, he has a full tribal name. He is highly respected in that community. The member for Eyre maintains that he sits down and talks with Pitjantjatjara people, but he speaks to them in his language, not their language. Mr. Tregenza speaks in their language. The member for Eyre said (page 941 of *Hansard*):

> I know the feeble background of Mr. Tregenza. We know of his activities in other parts of the State. He would have to be described as someone on the extreme left of the political spectrum. He has not in any way been involved in promoting the genuine welfare of the Aboriginal people. In my view, he is more interested in supporting political philosophies that are quite contrary to the interests of the Aborigines and to the majority of people of this State.

Have I just recounted to the Parliament the record of a person who is on the extreme left of the political spectrum in South Australia, a person who is interested only in promoting himself and not the welfare of the Aboriginal community? How absolutely ridiculous! I have been informed that Mr. Tregenza has never been a member of a political Party. Sir, his crime is to publicly disagree, apparently, with the honourable member who represents his area, and that is sufficient evidence for that honourable member to castigate him in coward's castle, giving Mr. Tregenza no opportunity to reply. I am taking the opportunity: "on the extreme left of the political spectrum" indeed! I will have to seek leave to continue my remarks later, because I am running out of time.

The SPEAKER: Does the honourable member seek leave?

Mr. KENEALLY: No, I am not seeking leave now, but I thought that I might have to seek leave before 4 p.m. The member for Eyre has based his attack on this gentleman by reading an article in the *Adelaide Independent*. If the member and those people whom he mentioned in his speech wish to challenge the accuracy of what Mr. Tregenza has to say, let them approach the Editor of the paper and ask to have their point of view put forward. I have also been informed that they have made no such request, despite the fact that the member for Eyre particularly asked that that opportunity be given to Mr. Lindner so that his case could be put.

I point out that Mr. Tregenza nowhere in his article mentioned Mr. Lindner. Although he did not mention him by name, it is obvious about whom he was talking. He also did not mention a gentleman who worked for the Department for Community Welfare. It was the member for Eyre, not Mr. Tregenza, who identified both of those persons. That would suggest that he must have struck a nerve, to be jumping to the defence of gentlemen whose names were not mentioned. It is a very sad day, indeed, when a member of this Parliament can go on and on attacking individuals in the community and using this Chamber to do so. It is a total anathema to Parliamentary practice and, I believe, it is totally against the practices of this House. I ask the member for Eyre, and his Party, to apologise publicly to the man who has been so badly slandered in this place.

If it was only a personal attack on Mr. Tregenza, as with Mr. Anderson, that would be bad enough, but further on, in what obviously must have been rantings and ravings, the member for Eyre said the following about an organisation called Action for World Development:

> Fortunately, Mr. Lindner informed us that Action for World Development, which is an extreme left wing front and pro-communist organisation trying to stir up trouble, was attempting to get involved.

Let us have a brief look at this pro-communist organisation. What is Action for World Development? It is an organisation that was started in 1972 by the Australian Council of Churches and the Australian Catholic Bishops Conference. It deals with world development issues, and is funded entirely by the Protestant and Roman Catholic churches. It has no political allegiance whatsoever, and it acts in accordance with the policy of the Australian Council of Churches and the Australian Catholic Bishops Conference.

Mr. Peter Holden, of the Australian Council of Churches, says that it is a definite lie to call Action for World Development extremely left wing and pro-communist, bent on stirring up trouble. Their crime, once again, was to be seen to be in opposition to the member for Eyre and his electorate: so, immediately they are pro-communist, extreme left wing. Anyone to the left of Atilla the Hun who does not agree with the member is extreme left wing and pro-communist. Here we have Action for World Development, an organisation of Protestant and Catholic churches, described in this way by the member.

I understand that he wants the opportunity during this debate to apologise to both the organisation and to the individual I have mentioned, but I do not believe it is sufficient for him to do that. I believe it is absolutely important for the Government of South Australia and for this Parliament to apologise to Action for World Development and to Mr. Tregenza for these attacks on the personal honesty and integrity that have been made, and for the member for Eyre to be sufficiently chastened by the exposure he is getting on this occasion to give an undertaking not to do so again.

He has been doing this continually for 10 years in this place, and he has been led to believe that he can do it without any retribution. It may not be retribution to bring up this matter to the light of Parliament in this kind of debate but, at least, it is the opportunity for the House to express its concern at that honourable gentleman's activities and to express its apologies to those people who were slandered. I call on the House to support me in this motion.

Mr. GUNN (Eyre): The member for Stuart, in the course of his remarks today, has clearly indicated to the people of this State and to the House that he supports articles which are not based on fact but which are promoters of deliberate untruths and malicious attacks on people with Christian background who have given years of dedicated service to the Aboriginal community. My attack was based on a scurrilous attack on Mr. Lindner, and officers of the Department of Mines and Energy by implication. The member for Stuart went to great lengths to read articles from newspapers in relation to letters signed by school teachers that had nothing to do with the motion.

I will put the facts. An article was written in a paper called the *Adelaide Independent,* the author of which was one Mr. John Tregenza. Contrary to what the member for Stuart has said, I believe it is very doubtful whether Mr. Tregenza ever worked at Yalata. It is doubtful, from my information, whether he even attended Yalata at the time he alleged in the article. What are the facts in relation to the article? It has been clear for a long time to anyone who has had any association with Yalata that there has been a move by the people in the North of the State to get control of the land that belongs to the people at Yalata: that fact cannot be disputed, and there has been a deliberate attempt to smear and get rid of anyone who stood in their way.

The campaign of vilification launched by the member for Stuart and his colleagues is not isolated to Yalata. It

has taken place by his colleague Mr. Poblocki, at Coober Pedy, and by other people based in Alice Springs and in other areas in the North-West. Any person who will not succumb to the actions of those people who want control of the Aborigines must be obliterated. The facts are that a small group of people have set out to control the Aborigines, to live off them, and to exploit them.

I do not apologise for saying that, and I entirely endorse what Mr. Anthony said a few weeks ago. They are the facts. People like Mr. Lindner, who have given years of service, who have the confidence of the Aborigines, are people who have to be got rid of, if one is to take the word of people such as Mr. Tregenza. Let us examine the article about which I complained. The member for Stuart did not have the courage to debate the article to which I originally referred.

The facts are that he asked the House to condemn me because I rose in my place and defended a person who has given outstanding service to the Aboriginal community, a person we acknowledge—

Mr. Keneally interjecting:

The SPEAKER: Order! The honourable member for Stuart had the call, made his contribution, and may not speak again until he closes the debate. The honourable member for Eyre.

Mr. GUNN: A person we have known for a long time has not pleased members of the Labor Party and certain other Aboriginal groups. We are fully aware of that. Let us examine the original article, and put on record what has been said so that there can be no doubt of the accuracy of what I said. Referring to the white adviser at Yalata, the first point they made was that the people at Yalata had not been allowed to join up with the Pitjantjatjara. The people at Yalata had made clear on many occasions their point of view that they wanted the land they occupied to be held by the Aboriginal Lands Trust and leased back to them. That was made clear to me and to the Premier. Premier Dunstan wrote a letter on 8 June 1977 in which he stated, in the last paragraph:

> The people of Yalata indicated that they wished to retain membership of the Aboriginal Lands Trust and to have the land at Yalata held by the trust as it presently is. They also indicated they were satisfied with arrangements to retain their tribal rights in respect of the Coffin Hill and Indulkana areas. The Government naturally acceded to the request of the Yalata people.

That deals with the first point.

Mr. Mathwin: Who signed that?

Mr. GUNN: Don Dunstan, Premier, and that deals with the first part of Mr. Tregenza's attack. The article continued:

> The Department of Mines was in cahoots with several international mining companies (do Aquitain and CRA ring bells?), and was negotiating with the South Australian Aboriginal Lands Trusts (already rejected by the Pitjantjatjara Council . . .

It had nothing to do with that council. The land belongs to the people of Yalata and was promised to them by the Playford Government. That promise will be honoured by this Government. That is why Mr. Tregenza and others are keen to have me and Mr. Lindner censured because we have supported those people in their legitimate rights. Anyone who stands in the way of those left wing groups is to be castigated publicly and got rid of. There is a group of them organised from Alice Springs and others in those areas who want to maintain complete control over the Aboriginal community for their own aims. The member for Stuart is in cahoots with his mate at Coober Pedy, Poblocki, and we know that his action backfired at Coober Pedy. The article continued:

> The community adviser was away, and so too was the council. They were on a bush trip, accompanied by the National Parks and Wildlife officer. Or was it a State Government Department of Community Welfare officer?

I think that the person from the Department for Community Welfare would have been Mr. Busbridge. He went in with Mr. King and others well known and trusted by the Aborigines. The National Parks and Wildlife Division is responsible for the conservation park. Mr. Lindner many times has gone in with the council assisting them and has made no secret of it and the people appreciate his work. The article referred to a helicopter landing and being brought to Yalata by a mining company. There was some sin in that!

The facts are that it came there, picked up two members of the council and took them into certain areas, and brought them back a few days later. Later, it took another member of the council, and at council's request the community adviser went along. There was nothing underhand or improper about that. There was talk that maps were being provided illegally. The community adviser at Yalata had assisted the Aborigines in an effective manner.

I suggest to anyone who has any experience of those areas that he compare conditions at Yalata with those at Mount Davies. The group that should have our sympathy is the one at Mount Davies. Never have I seen people that I have been more concerned about. I was there the other day. I can tell the member for Stuart what his former Federal colleague, Mr. Clyde Cameron, and his Chinese millionaire tried to do to get the mining contract at Mount Davies. That leaves much to be answered for. If it were not for my intervention, those people at Mount Davies would not have received justice. Who got all the money there from the chrysoprase at Mount Davies? This is the first time to my knowledge that the local community at Mount Davies has been paid in cash for chrysoprase mined there.

Mr. Keneally: Who are you suggesting got the money?

Mr. GUNN: I do not know what happened, nor does the local community. It was fortunate that people moved on behalf of that community to make sure that responsible people mined it and created jobs so that local people received some benefits. The group of people at Mount Davies needs help because it is isolated and living in wretched conditions. I have been there many times.

An honourable member: Are you going to apologise?

Mr. GUNN: I make no apology for what I have had to say. The day after I made the statement in this House, an interesting article appeared in the *Advertiser*. It stated:

> Living off problems of Aboriginals, says expert: Social workers "parasites".
>
> White social workers had become professional parasites living off the problems of Aboriginals, a senior South Australian public servant said last night. This was partly because Aboriginal welfare had become a growth industry providing a great number of jobs for white welfare workers, the head of the South Australian Office of Aboriginal Affairs, Mr. L. J. Nayda, said.
>
> In an address to a conference in Adelaide on multi-cultural welfare Mr. Nayda:
>
> Condemned Government officials who "fly by the plane-load on fact-finding missions to determine the needs and wishes of Aboriginal people".
>
> Described short-term appointments of Aboriginal people to Government positions as tokenism.

What Mr. Nayda said in this article is absolutely correct. People with experience, practical knowledge, and understanding are required. If possible, Aboriginal people should be trained to advise their people. They need

assistance. As Mr. Nayda pointed out, it is a growth industry, and I commend his statement. I have seen what is taking place. Many genuine people have tried to help the Aboriginal community, giving years of their lives in faithful service. I am condemned because I referred to people as being extreme left wingers and used other descriptions.

Mr. Abbott: Mr. Lindner doesn't like Mr. Nayda.

Mr. GUNN: I am not discussing that relationship. I think they have a reasonable working relationship. They, or the honourable member, can comment on it if they want to do so. I referred to Action for World Development, and other groups, but I was condemned for speaking about them. During my investigations, I went through some material that I had collected over a long time.

Before dealing with that, I should mention that in the October edition of *Adelaide Independent* appeared a series of articles headed "PSST". This paper normally has a go at Government members and other people, but what most people do not understand is that the author is Mr. Mike Rann. He attacks public servants. The *Adelaide Independent* is the other wing of the Labor Party. If one needs further evidence, the following article appeared in the *Herald* in October:

> Anybody wondering whether the new *Adelaide Independent* newspaper is worth reading/supporting or advertising in can get a good pointer from Parliament. Liberal M.P. for Eyre, Graham Gunn, referred to the Independent, as "a rather obnoxious journal". This should be testimonial enough for any *Herald* reader.

Clearly the *Herald* is saying that they are brothers, they are in the same camp, so it is a good paper to read. This article tried to write me up in a rather poor fashion. I do not mind that. I have featured in these sorts of journals ever since I have been in Parliament but I do say that it is a pity they cannot get their facts right. From what is stated in the second column of the article, it appears that they do not know that I have lived on Eyre Peninsula all my life and that my family has been there for four generations. I suggest that they should look at the telephone book to see where I live. I did not buy the paper in Ceduna because to the best of my knowledge most of the people there would not be interested in it. I bought my edition at the railway station. It was pointed out that Action for World Development is a group of people, including Mrs. Ruby Hammond—

Mr. McRae: Archbishop Beovich.

Mr. GUNN: I am just quoting one particular person for the benefit of my legal friend from Playford. If he does not like what I am saying, I suggest that he be a little patient.

Mr. McRae: It does not worry me, but it might worry Archbishop Beovich.

Mr. GUNN: I am sure that that honourable gentleman is quite capable of speaking for himself. There is an organisation in South Australia which is known as the Moscow Peace Committee, the vice-president of which is Peter Duncan, and one member is Ruby Hammond. The *News Weekly* of 23 July stated:

> Ruby Hammond, an Aboriginal land rights campaigner and Vice-President of the Australian Peace Committee. Mrs. Hammond visited Moscow on a delegation organised by the Socialist Party of Australian in 1976, and has been active in Action for World Development in South Australia.

The Socialist Party of Australia is the Moscow wing of the Communist Party. We all know that, yet they split over Czechoslovakia, and there is now the Communist Party, which I understand is the Peking section and the Socialist Party in Australia, which is the Moscow wing. They are the people who opposed Bob Hawke strongly at the last election. That organisation comprises people on the extreme left of the political spectrum.

It is interesting to note the address of some of these people, because we have these people popping up from time to time supporting various groups. The Action for World Development newsletter has as its address 60 Henley Beach Road, Mile End, and the telephone number is given. Another group involved in land rights, the support group, has the address of 60 Henley Beach Road, Mile End, and the same telephone number. I could go on, I have a considerable dossier. Anyone who has been involved knows that those organisations are setting out to stir the political pot. I did not say that the friend of the honourable member was a Marxist. I did not say that at all, but I said there are people in it—

Mr. Keneally: No, you didn't; you said—

Mr. GUNN: I make no apologies for that. I want to demonstrate clearly that there is an orchestrated campaign designed to get people like Mr. Lindner and Mr. McCormack at Coober Pedy, as well as others. We had the example not long ago of groups from Alice Springs coming down to try to get rid of the adviser at Fregon.

That was a deliberate campaign and fortunately the local community got rid of those stirrers. We know what happened to Mr. Albert McCormack, another person like Mr. Lindner, with strong Christian beliefs. He came under considerable attack from the friend of the member for Stuart, the community welfare worker up there. That particular person assisted a Mrs. Hudson to write letters to the Federal Minister for Aboriginal Affairs in relation to that particular person. Fortunately, the Minister acted promptly and had an investigation carried out. The result of that investigation was sent to Mrs. Hudson in a letter which stated:

> Dear Mrs. Hudson,
>
> I wrote to you on 15 July in reply to your letter in which you complained about the conduct of the affairs of the Umoona Community Council . . . On the matter of Mr. A. McCormack's qualifications to perform the duties of a community adviser. My officer has reported that he regards Mr. McCormack as dedicated and well intentioned and enjoys the respect and popularity of the majority of Coober Pedy Aborigines.

I have given two examples of the sort of conduct involved. According to the member for Stuart, it is wrong for me to stand in this House and defend Mr. Lindner, whom I have known for the whole time I have been a member of this House. The honourable member said that it is quite wrong, but it is all right for him to get up and support this article and other articles that have attacked people like Mr. Lindner.

The honourable member has clearly indicated to the people of this State that the Australian Labor Party supports the sorts of article that appear in the *Adelaide Independent*. Not only does he support the attack on Mr. Lindner, but he also supported the casting of doubts upon the Director and Deputy Director of Mines. The article maligned them without any evidence whatsoever.

During the time I have been the member, I have done my utmost to support the Aboriginal community. I am concerned about their welfare and I have always done my utmost to support their genuine welfare. I have not always agreed with the particular community advisers—

Mr. Keneally interjecting:

Mr. GUNN: That is untrue. I have not won many popularity contests with certain of the people who associate with Aborigines. I make no apology for that because—

Mr. Keneally: Did you make yourself popular with the

Mintabie miners?

Mr. GUNN: I will debate that a little later this afternoon. As long as I am a member, which is longer than the member for Stuart will be, I intend to support what I believe—

Mr. Keneally interjecting:

Mr. GUNN: He might do that, too. I intend to support what I believe to be in the best interests of those people and I will continue supporting the genuine rights and the wishes of the people of Yalata. The member for Stuart and his colleagues have sought repeatedly to make life difficult for them and to hand them over to their friends in the North. I ask the House to reject this shabby motion, which attempts to establish double standards.

Mr. ABBOTT secured the adjournment of the debate.

BUDGET ESTIMATES COMMITTEES

Adjourned debate on motion of Mr. Bannon:

That in the opinion of the House a Select Committee should be established to consider and report on the operation of the Budget Estimates Committee and to give particular consideration to:

(a) the means of participation of all members, including members of minor parties and independents, in the proceedings of the committees;

(b) time limits on committees' considerations and the flexibility as between various sets of estimates;

(c) the role public servants should play in the committees;

(d) the adequacy of Sessional Orders;

(e) the role and powers of the Chairmen; and

(f) experience of committees in other Legislatures.

(Continued from 19 November. Page 2050.)

Mr. SLATER (Gilles): I support the motion, which seeks to establish a Select Committee to consider and report on the operation of the Budget Estimates Committees.

The Leader of the Opposition covered the matter adequately in moving the motion. The only point that I want to make is that he wrote to the Premier on 21 October this year, as follows:

As I indicated to you verbally yesterday, the Opposition has been reviewing the experience of the new procedure for considering the State Budget. During the course of the coming debates a number of our members will be expressing views about the success or otherwise of the committees.

I would like, however, to propose that a special, all-Party committee of the House be established in order to review the experience of this year's procedure, consider all relevant submissions and comments on that procedure, and make proposals which will form the basis of any changes that are needed.

We have serious reservations about the value of the new procedure and believe that a thorough evaluation is called for. I remind you that in introducing the Sessional Order you gave the undertaking that the opinions of the committees and of all members as to Estimates Committee procedure and possible improvement of the Sessional Order would be carefully considered by the Government (see *Hansard* 27 August 1980, page 685). A special or Select Committee as proposed would appear to be the best way of collecting those opinions.

The Leader suggested in that letter a number of means by which the committee could improve the situation. The letter was written on 21 October, but as yet, I understand, the Leader has not received a reply, although I understand that a letter has been directed to you, Sir, as Speaker of the House, from the Premier in regard to this matter which rather oddly sets out proposals which are included in this motion. Perhaps, if I may I will read part of that letter. It says:

Without intending to limit the scope of the review, the Government wishes to draw the committee's attention [that is, the Standing Orders Committee] to the following areas of specific concern:

The need to allow increased participation by members of minor Parties and independent members; the need to allocate the time available for questioning Ministers so that every vote is considered adequately within the total time available; the adequacy of existing guidelines for committee members and Chairmen; the admissibility of questions relating to Government policy as distinct from questions seeking financial information; and the possible use of committee rooms rather than the Assembly and Council Chambers.

Perhaps the committee might consider visiting Canberra in order to discuss Estimates Committee procedures with members and officers of both Houses of Federal Parliament.

It seems rather odd that the Premier has written in that vein when he has not replied to the Leader's letter of 21 October, and the very matters raised in this motion are covered in that letter to you, Sir, suggesting that the Standing Orders Committee consider that very matter. With those remarks, I support the motion.

The House divided on the motion:

Ayes (21)—Messrs. Abbott, L. M. F. Arnold, Bannon (teller), Blacker, M. J. Brown, Corcoran, Crafter, Duncan, Hamilton, Hemmings, Hopgood, Keneally, McRae, Millhouse, O'Neill, Payne, Peterson, Plunkett, Slater, Trainer, and Wright.

Noes (21)—Mrs. Adamson, Messrs. Allison, P. B. Arnold, Ashenden, Billard, D. C. Brown, Evans, Glazbrook, Goldsworthy, Gunn, Lewis, Mathwin, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, Tonkin, Wilson (teller), and Wotton.

Pairs—Ayes—Messrs. Langley and Whitten. Noes—Messrs. Becker and Chapman.

The SPEAKER: There are 21 Ayes and 21 Noes. There being an equality of votes, I give my casting vote in favour of the Noes in the knowledge that the matter will return to the House by way of report from the Standing Orders Committee.

Motion thus negatived.

PUBLIC TRANSPORT SYSTEM

Adjourned debate on motion of Mr. Ashenden:

That this House commends the Government on its decision to immediately proceed with the provision of a modern rapid public transport system utilising all the advantages of conventional and guided busways, to serve the people of the North-Eastern suburbs of Adelaide, and its associated decision to restore and develop the River Torrens in line with the River Torrens Study Report prepared by Hassell and Partners Pty. Ltd.

(Continued from 22 October. Page 1319.)

Dr. BILLARD (Newland): When I last spoke on this issue, I had intimated that some people had taken sides on the question of what transport system should be provided to the north-east suburbs, who had based their decisions on what I thought was inadequate knowledge of the systems that would be provided. That is, they had based their decisions on their own experience of buses versus trams and had not looked at the details as to how the bus systems would be applied and how the tram systems would

be applied if they were implemented.

I referred at that time to one example in particular in which the member for Salisbury had referred to capacities of trams as opposed to buses, and how he had repeatedly referred to the capacities of the buses as being, I think from memory, 150, neglecting to take note of the fact that the system that was proposed in this instance was on the basis that all people in the buses would be seated, and therefore the effective capacity of the buses in this application would be 70, rather than 150.

The same comments could be applied in a more general manner to the remarks that were made by the Deputy Leader of the Opposition, when he referred to the fact that he thought people would prefer l.r.t. because it was clean, smooth and fast. If we consider the comfort aspects of the alternative options and if we rely solely on our previous experience of buses as opposed to trams, we might be tempted to come to a similar conclusion, because it is true that our experience of buses is that they are usually crowded, slow, jerky and noisy vehicles, and that, in many cases, the bus routes are inappropriate. As a result, the whole operation is rather uncomfortable and undesirable.

If we simply based our judgment of future systems on those experiences, of course we would prefer a tram, which, by comparison, has its own right of way and is therefore not so jerky, and is run on electric power and therefore the acceleration is normally fast and smooth. Because trams have their own right of way, they are not delayed by traffic. The busway that is proposed for South Australia will not meet many of the problems that have been met by buses in the past. Most people, in order to take a total recognition of the factors that are involved in the decision, would have to experience the alternatives so that they could make their own judgment, and I must confess that I have not experienced an O'Bahn ride, although I hope that at some time in the future I can do so. I am certain that I will.

I refer to an overseas experience that was quoted in the winter 1980 volume of *Transportation U.S.A.*, which refers to a busway in Pittsburgh and to the fact that traditional difficulties with buses included their lack of speed. It was stated:

> Buses mix with the regular traffic and get bogged down in the urban traffic jam like everybody else.
>
> Pittsburgh has found a way around that disadvantage without giving up the advantages.
>
> In town, buses operated by the Port Authority of Allegheny County operate on city streets like other traffic. But southbound buses take advantage of a four-and-a-half-mile highway built just for buses and trolleys.
>
> After crossing the Smithfield Street Bridge . . . buses enter their own exclusive tunnel. Three minutes later, they come out of the 3 600-foot tunnel and enter the busway, which sweeps them past the 140 000 vehicles that clog the regular traffic arteries out of town.
>
> Ten minutes later, they leave the busway and follow their regular routes through Pittsburgh's southern suburbs.
>
> The busway is open 24 hours a day. About 25 bus routes travel the busway, and during rush hours, more than 160 PAT buses can be moved through what would otherwise be a major traffic bottleneck.

The PAT refers to the Port Authority Transit. It is significant that that publication cites as one of the advantages the saving of an estimated 4 500 000 gallons of gasoline every year through the institution of the system. We can see that busways are being used overseas to great advantage and that they can avoid many of the traditional problems that have plagued buses and bus systems.

Again, I cite the example of the Director-General of Transport in South Australia (Dr. Scrafton), who went overseas recently and who has been recognised, during the past and in the time of the previous Government, as an enthusiastic advocate of l.r.t. systems. However, on his return from overseas, when in front of television cameras, he was in turn quite enthusiastic about his experiences of the O'Bahn system. He said that the buses were surprisingly comfortable and smooth.

Mr. Ashenden: He was most impressed, wasn't he?

Dr. BILLARD: Yes, he was most impressed, and this underlines the fact that many people who simply rely on past experiences of other systems perhaps do not appreciate what is being offered until they experience it for themselves. I will now consider the important factors that had to be considered by this Government in making a decision.

The first point is that I believe that the Walkerville Terrace option is not on and is not practical. For a short time, I lived in a house on Mann Terrace, at North Adelaide, next to a bus stop. For those honourable members who have not lived next to a major bus route and in close proximity to a major bus stop, I can assure them that it is bad news.

Mr. Mathwin: It is nearly as bad as a railway crossing, isn't it?

Dr. BILLARD: I am not sure: I have never lived next door to a railway crossing, but I can assure honourable members that it is quite disruptive to the social and family life to have a heavy stream of buses pass the door from the early morning until late at night. In effect, the front part of the house cannot be used unless it is heavily sound-proofed. For that reason, I believe that, even if the amount of car traffic on Walkerville Terrace was equivalently reduced, the fact that the buses are heavier than cars, and therefore noisier, means that the discomfort to the residents who live on Walkerville Terrace would be such that I could not support this option. At the start, that option must be ruled out.

We are then left with a choice between l.r.t. or bus options down the Torrens Valley, and I refer first to the overall cost impact. I note that there has been a lot of twisting of the figures in this respect, perhaps not deliberate in all cases, but if one looks at the raw figures, one will see that the cost of $39 000 000 for the bus system, as opposed to $115 000 000 for the l.r.t., represents a ratio of almost three to one. Some people have used table 2 in the summary of options extensively, and this gives net capital costs.

Those net capital costs imply that, for example, a guided busway to Park Terrace would lead to a net capital cost per passenger trip of 26c, whereas an l.r.t. line, the high standard scheme, would lead to a net capital cost per passenger trip of 35c, and 25c for the reduced standard scheme. If one simply looked at those figures one might be excused for believing that, really, when it is all boiled down, there is not much difference. However, the clue is that these figures have been quoted without referring to the fact that they are simply capital costs. That is all that they count. They do not count the interest that would have to be paid on that capital. They do not count the maintenance that would have to be paid, or the operating costs. As soon as we start to take into account these other costs we see that the net capital costs are really a most minor part of the total cost.

If we look at the $115 000 000 original capital cost of the l.r.t., we recognise that, with inflation, by the time the scheme is completed the cost would be $178 000 000. If one sits down and works out the effective interest repayments per annum on that outlay, and how many passenger trips would be taken per annum, that cost works

out to a figure of about $2·50 per passenger. Thus, the 25c per passenger of net capital costs is absolutely and totally dwarfed simply by interest payments.

The maintenance charges on such a high capital cost scheme would be higher, and we could go through the whole of the operation, and all of these other costs would ensure that, if we counted all the costs, and equated them down to a per passenger cost, then the cost of the l.r.t. scheme would be greatly in excess of that of any of the busway options. Secondly, it has been alleged that the figure of $39 000 000 in 1979 dollars for the busway option is an under-estimate, and I readily admit that it is possible that costs will vary with time, whilst saying that the estimates at the moment are the best estimates that the transport officers could provide. However, when we look at the detail of how that $39 000 000 is made up, it can be seen that in fact the scope for increasing that figure to something like $70 000 000 is simply not there.

I cite by example the cost of about $19 000 000 quoted for rolling stock. It is said that the cost per bus is of the order of $158 000, and that we need 91 buses. By my tally, the total comes to well under $15 000 000. So, where does the extra $4 000 000 come from? The fact is that included in that $19 000 000 quoted costs for rolling stock is the cost of normal buses required prior to 1986; these normal buses would be required as part of the normal S.T.A. operations in the area prior to the opening of the new system. That cost of about $4 000 000 has been loaded into this cost of $19 000 000.

Moreover, once the new system comes into operation and just over 100 of the normal S.T.A. buses become surplus because they are no longer required in the north-east area, the return from the disposal of those surplus buses has not been subtracted. In fact, that cost appears only in the 20-year figure—20 years later; even then the value that is subtracted is the value that would be returned by selling the oldest buses in the whole of the S.T.A. fleet. It seems to me that there is a great area of padding in the figures and that if we really took the marginal costs of supplying the new system, that is, the cost of the new system as compared with the cost of simply proceeding with a straight traditional bus service, then we would have to reduce that $19 000 000, first, by $4 000 000, which is the cost of new buses required up until 1986, and, secondly, by the amount that we could recover from selling off surplus buses as soon as the new system came into operation.

So, it seems to me that, when we look at the make-up of the cost of that $39 000 000, there is not that much scope for increases in costs. I admit that inflation will take some toll of that figure, and certainly, the costs quoted were in 1979 dollars, but that is not the same as alleging that the $39 000 000 really is $70 000 000.

I have mentioned the comfort aspect, which has been examined at great length previously. I now want to talk a little about the flexibility of the schemes. I believe that co-ordinated schemes, which is what the l.r.t. scheme really is, are in some circumstances quite good schemes. I know that in Brisbane, where I lived when I went to university there, there was a co-ordinated scheme which linked from the local railway station to service by bus an area which could not be served by rail. The fact is that those schemes are relevant and useful where there is no other alternative. Where we have an alternative, it is much better from the point of view of the fare-paying public, to provide a scheme which does not involve two different modes of transport. If we can avoid the cost of duplication of different modes of transport, we should do so. I believe that the inherent inflexibility of having a fixed rail line which then necessitates having a co-ordinated system of bus and rail is undesirable in this circumstance, because we can avoid it.

Further, Tea Tree Gully is a growing area and it is quite unrealistic for us to assume that we can predict now all the future needs of Tea Tree Gully in order to load all its transport needs into one system, assuming that we can meet all those needs simply by providing this one system. It is true that in the late 1960's and early 1970's more people from Tea Tree Gully used to work in the city than in other areas.

However, that does not mean that most Tea Tree Gully people work in the city. I understand that, on 1971 figures, 26 per cent of Tea Tree Gully people worked within the bounds of the city of Adelaide; that also means that 74 per cent did not, and those 74 per cent need to have their transport needs met.

Next, I consider the environmental impact, and I simply say, because my time is running out, that of the two systems, if we consider the environmental impact on the city area, it is obvious that the l.r.t. has the biggest environmental impact, since it has to establish a right of way through the park lands. The bus system, on the other hand, uses existing roads, and will not impact the park lands to the same extent.

Finally, when it comes to a question of whether we should have a busway or a guided-way, there are compelling reasons for having a guided-way in that environmentally sensitive inner suburban region. In that area, there are several bridges that could benefit—

The SPEAKER: Order! The honourable member's time has expired.

Mr. SLATER (Gilles): This motion, which was moved by the member for Todd, can be described only as a political back-slapping exercise. The member for Todd is trying to convince himself and perhaps to sell the O'Bahn system to the general public, especially to residents of the north-eastern suburbs.

Going back to August-September 1979, prior to the last State election, I recall a Liberal political commercial on television in which the member for Todd (who was then the candidate for the area) and the member for Newland (who was the candidate for the Newland District) appeared with the Minister of Transport and in which, as I recall it, they were two nervous and apprehensive candidates.

Mr. Ashenden: Not at all.

Mr. SLATER: That is how they appeared to me as they directed questions to the then shadow Minister of Transport (Mr. Wilson). The style of the commercial was that the candidates directed questions and, as the commercial ran for only a minute or so, there was not much questioning. The purpose of the commercial was, in a sense, in some way or other (it seemed to be a desperation situation), to come up with an alternative to the then Government's proposal to establish an l.r.t. system for the people of the north-east suburbs. I believe that it was done, in some way, to come up with any alternative to the l.r.t. system that had been proposed.

Mr. Ashenden: And what was the proposal we came up with?

Mr. SLATER: They were stuck with it, making it part of their political policy for the election. So, when both the member for Todd and the member for Newland found themselves in Government (I use the words "found themselves" in the sense that they appeared as rather apprehensive candidates), as being members for the area, they and the Government were stuck with the promotion of the O'Bahn system.

We went through the exercise of the Minister's sending a review team overseas to examine the system in Germany, and reporting back. That report took some months to come to the knowledge of the public, and later the matter was thrown open for public discussion. Finally, the Government came down, last August, I think, with the proposal for a limited O'Bahn system. I say "limited", because most of it is a conventional busway, with only about three kilometres on a guided system. It is rather strange to me that that guided section of the route is to be where most of the people were concerned about any mode of transport at all being established in the area. They wanted to protect the Torrens Valley from any mode of transport, but they have accepted this compromise arrangement.

The people of St. Peters and Walkerville, who were the most vocal adversaries of the l.r.t. system, were also vocal about the fact that one of the options being proposed was that the bus route might run down Walkerville Terrace: that was abhorrent to the residents of Walkerville, and I did not believe that that is one of the options which should be adopted. However, I am not querying the route. I think that that is the most appropriate way in which the system can operate into the north-east suburbs. Most of the necessary land has been acquired over many years. I know that in my district, Gilles, most of the land was acquired over a period of years. It was purchased by the Highways Department as the properties became available for sale. In the 1960's, the land was part of the original MATS plan that was to have been converted into a freeway, but freeways became unpopular at the time, and Governments looked for alternative ways to provide a form of transport for people in the expanding areas of Tea Tree Gully, Modbury, and the north-east suburbs.

The option chosen by the Government is a political compromise, with a small part of the route as a guided busway and the remainder as a conventional busway. I should like to know (and I am not sure that all of the technical and engineering aspects have been concluded), because it affects my district to some degree, what will happen to the major arterial roads over which the busway will cross. I refer particularly to Portrush Road. Will there be grade separation there, or at the O.G. Road or at Darley Road? I notice that the member for Todd is nodding his head. Perhaps he has information about which I am not aware to indicate that that is to be the case; I hope that it is. If we are unable to provide grade separation, we are creating problems for traffic travelling north-south across the Torrens River, because there are only limited roads and bridges across the Torrens in that area. I have mentioned the major ones: Portrush Road, O.G. Road, and Darley Road. I believe that the O'Bahn system as proposed will not solve the problems of people commuting to the city from that area.

The member for Newland said earlier today that only 26 per cent of people who live in that area work in the Adelaide city area. That means that 76 per cent work in other parts of the metropolitan area. It has always been difficult to determine relative costs. We said that the l.r.t. system would cost about $127 000 000, which would vary depending on the extent to which bridges were constructed and grade separation was involved. There were two or three proposals about that system that affected the cost of it. No doubt the O'Bahn system seems to be initially a low-cost system, but I believe that the costs need to be calculated in eventual results.

Will it solve the problem of giving the people from those areas rapid, effective, and comfortable transport to the city of Adelaide? That is the important matter. Will it solve the problem of peak hour traffic on the North-East Road, Lower North-East Road, and Payneham Road? Traffic rates have increased considerably on those roads during morning and evening peak periods. I doubt whether it will, but I also doubt whether the l.r.t. system would have solved the problem. I certainly doubt whether the O'Bahn system would solve that particular problem. People will still use motor vehicles, so that we will continue to have the problem of traffic congestion on inner suburban roads, many of which pass through my district.

Mr. Ashenden: Are you saying that Steele Hall was right with the MATS plan?

Mr. SLATER: I am not sure about that. I am saying that, if the freeway had been built as Mr. Steele Hall proposed in those days, we would have overcome the cost problem of transport to the north-east suburbs. Perhaps he was right. Freeways became unpopular, but perhaps one to the north-eastern suburbs would have been the proper thing to construct. The existing roads were not designed originally to cater for the number of vehicles now travelling on them. The members for Todd and Newland travel on the roads and know that at peak traffic hours negotiating these roads becomes difficult.

I wonder whether the O'Bahn or an l.r.t. system would solve the problem of traffic congestion now and in future. Are we creating a system that not only will not solve the problem but also will add in the long term to the large transport deficit now existing? I refer to the attitude of people living in the north-eastern suburbs and those who represent them on councils. When options were being discussed the Tea Tree Gully council supported the l.r.t. system. In the local *Standard* of 9 July 1980 an article states:

> At its latest meeting council opted for the l.r.t. along the Modbury Transport Corridor and the Torrens Valley to Park Terrace. Council has told Transport Minister Michael Wilson of its preference and urged the State Government to achieve its target construction date of 1986. Mayor John Tilley said council believed any form of improved transport to north-eastern suburbs must be located in its own right of way.
>
> "Only in this way can interference with existing services and facilities be avoided," Mr. Tilley said. He said the l.r.t. would not aggravate the already crowded conditions on roads between Tea Tree Gully and Adelaide and would have the least effect on properties.
>
> Mr. Tilley listed council's reasons for favouring the l.r.t. proposal:
>
> it is pollution free and does not need oil derived fuel;
> the l.r.t. proposal would require no street widening and need the narrowest right of way of all the options;
> there would be a reduction in the number of buses on already congested inner suburban and city streets;

That is another point that I raise. Once buses leave the guided section at St. Peters into Walkerville and Gilberton, they will use existing roads and cause further traffic congestion in the inner city. I understand that one proposal is to use Grenfell and Currie Streets, and this may add to our problems rather than alleviating them. I find that the proposal commended by the member for Todd is an exercise that is needed to be done because they became committed to that proposal in August-September 1979, when it became part of their transport policy.

I do not think it is the ultimate solution, and it may not solve the problem for people travelling to the city from north-eastern suburbs. I think that we will be spending money when it is not necessary to spend it, and I doubt whether either proposal (the l.r.t. or the O'Bahn) would have worked effectively for the people of that area. I oppose the motion.

Mr. SCHMIDT (Mawson): The member for Gilles

referred to the motion as being nothing more than Government back-slapping, but that is not the case. Rather it is more an indication that we are prepared to show that we are a responsible Government, and prepared to take some action. The motion commends the Government on its decision to immediately proceed with the provision of a modern rapid public transport system. The operative words in the motion are "to immediately proceed".

We know that this has been under way for some time. The member for Newland said that when Dr. Scrafton returned from overseas he was enthusiastic about the system he had seen at first hand, and he is now prepared to give it the full support it requires.

The operative words of the motion are "the immediate implementation of a transport system". I believe that that is a far cry from what we saw prior to the last State election, when the then Government made a hue and cry for many years over this issue. All we had, year after year, was promises of expanded transport systems and we got virtually nothing at all.

Mr. Slater interjecting:

Mr. SCHMIDT: The member for Gilles said that down our way (which is the Noarlunga area) we received a super train, but that super train was not delivered prior to the last State election. If he remembers correctly, the super train was put into service only this year, but I would agree that it was ordered by the previous Government, and rightly so, but what I am saying is that the previous Government gave us a lot of hoo-hah about the fact that it was going to electrify that line and it ordered the material—

The DEPUTY SPEAKER: Order! There is too much audible conversation across the Chamber. The honourable member for Albert Park will have an opportunity to speak. I do not want to have to speak to him again.

Mr. SCHMIDT: The previous Government ordered the material to electrify the line; it ordered the girders and the equipment, but it sold them off. It sold the people of the south down the drain. The people in the south had been told for years that they would be getting a magnificient electrified system, but nothing happened. Now we have some better trains which people have deserved for many a year. The previous Government said that it was going to do something constructive, but all it did was hoodwink the people and the public became aware of what was being done, and that was why there was such a resounding reaction against the previous Government, and rightly so. People require a Government to be responsible and this Government is being exactly that.

When he quoted the 1979 figures, the member for Gilles said that the l.r.t. would have cost $118 000 000, and that the Mercedes system would cost about $39 000 000. That is about one-third of the total cost, leaving two-thirds of the money that would have been used for one system to be allocated to systems elsewhere throughout the metropolitan area.

Mr. Mathwin: Down our way.

Mr. SCHMIDT: Right. For too long people in the south were neglected in any sphere in which the previous Government operated: for example, the transport system and the Department for Community Welfare. For many years we saw expenditure on the western and northern suburbs, rather than on the southern suburbs, which was the poor sister which was left in the lurch because it was believed to be a safe Labor seat, where no money need be spent. The previous election proved that thinking to be wrong.

Members interjecting:

Mr. SCHMIDT: As was correctly said, it was a fiasco and it died a natural death. Returning to the words of the motion, the Government needs to be applauded for the action it has taken. It is not prepared to look at one particular area and build a white elephant. The Government is prepared to look at the total needs of the whole metropolitan area and not just one small area. By doing this, money will be made available in ensuing years to provide an upgraded transport system for the southern area, which has been crying out for a better system for years. The previous Government did nothing for the people in the south year after year but make promises. Promises were made about transport and health. You name it and promises were made about it. No action was taken to fulfil those promises. Since this Government has been in office it has fulfilled many of the promises, one notable one being the emergency helicopter system for the south. The previous Government made a lot of hoo-hah about that service, but this Government is a responsible one, a Government of action, and it did that in no time flat. We now have a far better emergency helicopter system than that proposed by the previous Government. This Government's responsible action will provide an up-to-date modern system for the northern area, one which people required and one which the people will be glad to receive. The Government will make money available to spend on better transport systems throughout the whole metropolitan area and, more importantly, for my own constituents in a better system for the southern area. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

FIREARMS

Adjourned debate on motion of Mr. McRae:

That in the opinion of the House, in view of the increase of firearms in crimes of violence, the Government should urgently implement and enforce the new regulations on obtaining and keeping guns and further that the existing guidelines should be much strengthened.

Mr. RANDALL (Henley Beach): When this motion was given to me to consider participating in this debate, I immediately turned to *Hansard* to see what the member said when he introduced it so that I could get some background information on it. I was somewhat surprised by what little the member for Playford did say in support of his motion.

Mr. McRae: It was all said last year.

Mr. RANDALL: Last year! The honourable member has been pushing this point of view consistently, so I am sure he will see some results from it. I therefore took it upon myself to get some statistics from the Police Department in an attempt to answer some of the queries raised by the honourable member in his speech. The honourable member asked the Chief Secretary whether he would report to the House on the way in which the regulations were working, and inform us about what problems were being run into and also in what areas the existing guidelines should be strengthened. I would like to tell the House what has happened since this Government implemented the regulations. I cannot support the motion, because I do not believe that the member for Playford has established a definite link between crimes of violence and firearms to the extent he talks about. On 1 November 1980, 223 000-odd licences had been applied for and of these 107 714 had been processed and 101 121 people have received licences.

Mr. McRae: One gun for every two adults!

The DEPUTY SPEAKER: Order!

Mr. RANDALL: I said licences, Mr. Speaker. At

present, 240 574 firearms are held in this community, of which 129 000 are registered in South Australia as class A (·22 rifle or air rifle), 59 500 are registered as class B (shot guns), and 10 700 are registered as class C (pistols).

Mr. McRae: Pistols?

The DEPUTY SPEAKER: Order!

Mr. RANDALL: There are 40 500 registered as class D (high powered rifles). I know that the honourable member is quite concerned about it, and I know he gets quite emotional. There are people in the community who wish to enjoy the privilege of belonging to clubs and participating in various forms of shooting activities, and they should have that privilege. I know the honourable member is concerned about the irresponsible use of firearms, and I share that concern with him. It appears, from the trends observed by the Police Department, that over the past years, since the regulations have been enforced, there has been a reduction in the past trend that firearms have played a major part in fatalities, as a tool or instrument being abused. The trend is there, but it can be demonstrated by the Police Department that a reduction is actually taking place. I would say that would diminish some of the concern that the honourable member has expressed quite strongly in this motion.

Also, the Police Department is quite happy with the reception they are getting from parents of young people. The police approach parents when they are considering whether a young person should have the right to obtain a licence for a high-powered firearm and have that weapon at his disposal. The parents are feeding back to the Police Department a strong recognition of the work the police are doing.

It is believed that in South Australia, for each licensed owner, 2·7 guns are held. They are the figures that the honourable member is looking for. No doubt they will help him assess his position, and I believe that if he wrote to the Chief Secretary he would see that the reduction can be demonstrated in figures. I have not got them with me at the moment.

Mr. McRae: I would like to speak to the Commissioner.

Mr. RANDALL: Well, I am sure that, if he spoke to the Chief Secretary, he would arrange to obtain the figures. I have not been able to establish clearly that there is a definite link between crimes of violence and firearms, and therefore I am unable to support the motion.

Mr. EVANS secured the adjournment of the debate.

ROXBY DOWNS

Adjourned debate on motion of Mr. Gunn:

That this House—

(a) commends the Government for its efforts to develop the copper/uranium/gold deposits at Roxby Downs;

(b) calls upon all members of the South Australian Parliament to give their support to the development of Roxby Downs; and

(c) supports the building of a uranium enrichment plant in the Iron Triangle area in South Australia,

and calls upon the Federal member for Grey, Mr. Wallis, to give his unqualified support to both projects which are vital to South Australia.

(Continued from 24 September. Page 1094.)

Mr. KENEALLY (Stuart): On this occasion I am sure that you and I will be in complete agreement, Mr. Deputy Speaker. The motion is a very cynical move by the mover. It was brought into this House just prior to the Federal election, and the whole intent of it was to try to embarrass the Federal member for Grey, Mr. Laurie Wallis: that is clearly stated in the terms of the motion. I happened to be in the same building with the member for Rocky River and you when this whole plot was thought up. As I can recall, it was the opening of extensions to the Channel 4 building at Port Pirie. I intend to elaborate on this plot, developed by the two senior political strategists from the Liberal Party, to rid Grey of its long-serving member, Mr. Laurie Wallis. I will also point out to the House in due course the remarkable reversal that happened in Grey, where 63 votes were needed to defeat the sitting member, but he had an overall swing of 6 per cent.

Because we need to be able to get to other matters before the House adjourns for the dinner break, I indicate that I shall be moving the following amendment:

Leave out all words after the word "House" and insert in lieu thereof the words—

(a) congratulates the Federal member for Grey, Mr. L. G. Wallis, on his magnificent win in the recent Federal election and particularly for the swing he achieved in the State electorate of Eyre;

(b) requests the Government to continue to support the proving up of the mineral lode at Roxby Downs initiated during the period of the Corcoran Government; and

(c) calls upon all members of the South Australian Parliament to oppose the establishment of a uranium enrichment plant in the Iron Triangle until problems of safety relating to the nuclear fuel cycle are satisfactorily resolved.

The SPEAKER: Order! I would advise the honourable member for Stuart, notwithstanding that he has foreshadowed an amendment, that it may be that the amendment is not acceptable to the Chair in the manner in which it has been proposed, in that a proportion of it bears no relationship to the business of this House. That is a matter which will be discussed with the honourable member in due course.

Mr. KENEALLY: I appreciate that, Mr. Speaker, and I ask that, when you are determining whether I have introduced matter in this debate which is not business of the House, you will give consideration to the honourable member for Eyre's original motion, which ends as follows:

. . . and calls upon the Federal member for Grey, Mr. Wallis, to give his unqualified support to both projects which are vital to South Australia.

I submit that the original motion moved by the member for Eyre just prior to a Federal election was nothing less than a cynical move to try to embarrass that Federal member within his electorate. The honourable member sent out press statements: in the *Flinders News*, he is quoted as follows:

Mr. Gunn said he will in particular be seeking the endorsement of the Federal member for Grey, Mr. Wallis, to give his unqualified support to both projects.

What happened in the Federal electorate of Grey was that the member for Eyre, the member for Rocky River and their Party made a particular issue out of the setting up of a uranium enrichment plant in the iron triangle and the development of the uranium reserves at Roxby Downs. This was a critical issue that the people in the electorate of Grey had to consider when they were determining their vote at the Federal election. Remember that Mr. Wallis defeated Mr. Oswald, now the member for Morphett, by only 63 votes at the previous election, so a very small swing was all that was needed to unseat him. As I said earlier, the heavyweights in the Liberal Party machine conspired to come up with a formula for ridding this State of the member for Grey. Let us see how successful they

were.

I can recall, not long after this article appeared in the *Flinders News*, speaking to a man who, I suspect, was probably a member or supporter of the Liberal Party in the Wilmington and Melrose area. I asked, "Did you see the article in the *Flinders News* moved by the member for Eyre?" This friend of mine said, "The member for Eyre—who is he?" I said, "Graham Gunn." He said, "Graham who?" I said, "That's fair enough. Anyway, the honourable member for Rocky River supported him." This chap said, "That is the first time I can recall Howard Venning ever supporting a motion like that." I did not take the trouble to tell this gentleman that Howard Venning had left Parliament some 12 months ago and who had replaced him. Obviously, that man was not interested in fishing; otherwise, he would have known. So the member for Eyre and the member for Rocky River circulated throughout the electorate this motion calling upon people to show their support of the enrichment plant at Roxby Downs by voting against Laurie Wallis.

In the electorate of Stuart, which includes Port Pirie, there was a massive swing to the Labor Party federally. In fact, the Federal election this time showed the same Labor vote as the State member always gets in Port Pirie—about 74 per cent, which will gladden the hearts of the people in the Opposition. About 74 per cent voted for Laurie Wallis, of the A.L.P. They were obviously not too distressed about our position on the uranium enrichment plant.

There was a swing of 5·1 per cent in Stuart; in Eyre, where the people were told about the terrible A.L.P. socialist Government's desire to keep the world's resources of uranium in the ground, there was a swing to the Labor Party of almost 3 per cent. The member for Eyre did not convince his constituents that they should not vote for Mr. Wallis. In Whyalla, there was a swing of almost 4 per cent to the A.L.P., and in the Rocky River section of Grey, there was a massive swing of almost 6 per cent. The member for Flinders, who did not take part in this petty electioneering, suffered only a 1·79 per cent swing against the conservative forces in the District of Flinders. That should be a lesson to members opposite—do not use the forums of the State Parliament in petty politicking for Federal purposes.

I ask this Parliament to show its confidence in the decision made by the electors of Grey and to congratulate the member for Grey, Mr. Wallis, for what he has done. I also ask them to support what the Labor Party did in relation to the mineral lode at Roxby Downs and to support the continued proving up of the mineral lode, a massive lode of minerals that the Government of South Australia is trying to suggest was found during its time on the Treasury benches (which is a lot of hogwash, as everyone knows.) The Government will try to get away with it, but the electorate is a bit too smart.

The last point refers to the setting up of the uranium enrichment plant in the Iron Triangle. If members opposite are terribly keen to have an enrichment plant in South Australia, they should not force it on districts that do not want it; I suggest they should have a word to the electors in Bragg, Davenport and Kavel to see whether those people want a uranium enrichment plant in their district. The Government could have a plebiscite to see whether the Premier, the Deputy Premier or the Minister of Industrial Affairs would like the enrichment plant located in their areas. If South Australia must have an enrichment plant, it is quite clear that the A.L.P. policy in those areas into which the Government wants to force the plant is opposed to this suggestion. There are one or two people in Port Pirie—

Mr. Olsen: Wallaroo would have it.

Mr. KENEALLY: Wallaroo will have it. From my point of view, Wallaroo is not quite far enough away from Port Augusta, and I hope the honourable member will rethink that statement. I suggest that, if the plant is to be established, it should be located to the south of Adelaide. I ask for your ruling, Mr. Speaker, on my amendment and, if you rule it is in order, I seek the support of honourable members in this regard, and I ask the House to oppose the motion.

The SPEAKER: The honourable member asked for my ruling on the amendment that he has put forward, and I indicated that I would look at it very closely. Having considered the amendment, I find that paragraph *(a)* is very close to being inadmissible as a form of motion that can be brought forward in this House. I find a different context from that which was contained in the original motion of the honourable member for Eyre. Frequently, this House is called upon to express a point of view on Federal members, be they in the House of Representatives or the Senate, in supporting an attitude that is of importance to South Australia, but it is my intention to give the honourable member the benefit of the doubt and to allow his amendment to go forward as presented.

The House divided on the amendment:

Ayes (18)—Messrs. Abbott, L. M. F. Arnold, Bannon, M. J. Brown, Corcoran, Crafter, Duncan, Hamilton, Hemmings, Keneally (teller), McRae, O'Neill, Payne, Peterson, Plunkett, Slater, Trainer, and Wright.

Noes (21)—Mrs. Adamson, Messrs. P. B. Arnold, Ashenden, Billard, Blacker, D. C. Brown, Evans, Glazbrook, Goldsworthy, Gunn (teller), Lewis, Mathwin, Olsen, Oswald, Randell, Rodda, Russack, Schmidt, Tonkin, Wilson, and Wotton.

Pairs—Ayes—Messrs. Hopgood, Langley, and Whitten. Noes—Messrs. Allison, Becker, and Chapman.

Majority of 3 for the Noes.

Amendment thus negatived.

Motion carried.

VICTIMS OF CRIME

Adjourned debate on motion of Mr. McRae:

That in the opinion of the House, victims of crime suffering personal injuries should be compensated by a publicly funded insurance scheme similar to the Workers Compensation Act and should be otherwise assisted and rehabilitated if necessary on the basis that public money expended be recovered where possible from those at fault; and further that a Select Committee be appointed to report on the most efficient manner of achieving that result and also to examine and report on property loss suffered by victims of crime.

(Continued from 22 October. Page 1319.)

Mr. KENEALLY (Stuart): Thank you, Sir, for the opportunity of contributing to the debates this afternoon. When this matter was last before this House, I said that the matter of compensating victims of crime was something at which this State and this Parliament ought to look at more seriously. The State has a basic fund of $10 000, but that will give only minimal compensation to victims of injury sustained in the course of criminal activity. That amount is peanuts compared to what is available under workers compensation and in civil court action. If it were not for the fact that a very important debate is to follow, I would enlarge on my comments, but I now seek leave to continue my remarks later.

Leave granted; debate adjourned.

FISHING INDUSTRY

Adjourned debate on motion of Mr. Keneally:

That in the opinion of the House a Select Committee should be appointed to consider and report on the fishing industry in South Australia with a view to—

(a) assessing the viability of existing fishermen operating in the coastal waters of the State;

(b) making recommendations on whether legislation should be enacted to improve the management of the State's fisheries;

(c) making recommendations as to whether—

(i) additional licences or authorities should be issued in the various fisheries; or

(ii) the numbers of licences or authorities in these fisheries should be reduced; and

(d) determining the adequacy of existing port facilities to service the needs of the State's fishing fleet.

(Continued from 29 October. Page 1585.)

Mr. OLSEN (Rocky River): Since seeking leave to continue my remarks on 29 October, I have had a look at the speech made by the member for Stuart in relation to the motion that in the opinion of the House a Select Committee should be established to inquire into various aspects of the fishing industry. Some aspects of this cause me some concern, one of which is the time delay in relation to the establishment of a Select Committee and the lengthy period before it would report, because the terms of reference contained in the honourable member's motion are, indeed, very broad and far reaching. However, on some other aspects the terms of reference avoid specific problem areas confronting the fishing industry.

That time delay will not overcome the difficulties faced by the fishing industry in the short term, and specifically the fishermen in the industry at this time. I believe that action is needed to redress some of the severe difficulties faced by the fishermen in the industry now. The motion and the terms of reference for the Select Committee do not contain, for example, areas of concern such as the 200-mile zone, adequate research into the fishing industry, the resource in this State and the proper management of the industry, the size of vessels, and economies of scale associated with vessels in the industry.

Members interjecting:

Mr. OLSEN: I would appreciate members of the Opposition listening intently to my remarks and to my attitude to this motion. The record of Government achievements in the last 12 months is most commendable and when we compare that with the record of the former Government over the last 10 years it is most significant, because the Government and the Minister have taken specific action: I shall refer to two or three of them. On 10 December last, licence conversion was frozen—a specific action taken by the Minister. On 31 January the Minister announced transferability of A class licences between family members. Further to that, on 23 April the Government announced the various aspects of the Jones Report recommendations that it was adopting and implementing forthwith. The Government has taken a number of positive actions in support of the fishing industry and in trying to come to grips with the immense problems that some sections of the fishing industry face, not the least of which are in relation to the fishermen in my electorate who are suffering because they have accepted some constraint in relation to the fishing resource, but they have not seen an equitable share of that restraint over other sections of the industry. I refer particularly to the B grade permit holders in my electorate. The A grade professional fishermen, those who have invested their life savings and their professional working lives in fishing, should, because they have their life investment in the industry, receive some protection. On the other hand we have B grade licensees—

Mr. Keneally: B class.

Mr. OLSEN: We have B grade licensees, or B class licensees, if the member for Stuart has difficulty in recognising the slight variation between the two words, but the B grade netting permits do not have the same restriction, yet those people have another occupation base on which to support their families and their income, and I believe this is unfair. I can well understand the member for Stuart's reason for supporting this motion wholeheartedly, but the Labor Party, generally, in past years has not taken the initiative in relation to B grade fishermen and their netting permits, because quite obviously the majority of these people, particularly those in the northern Spencer Gulf areas, are associated with such other industries as B.H.P. and B.H.A.S. and operate under B class licences as a part-time occupation, depriving the A grade and the professional fishermen of their livelihood, particularly with a reduced resource. As I have said, I can understand the approach of the member for Stuart and the Labor Party in not, in effect, taking the initiative, because I have no doubt about the union background of these people and the wish of the member for Stuart not to run counter to the wishes of those people, those with vested interests, instead of coming to grips with the problem and looking after those people who have invested their life savings in the industry. They are the people who have devoted their lives to the industry, professional people who have given everything to it. They are the people who should be receiving some protection. Certainly I would argue strongly that in relation to B grade licensees they ought not to have, as they currently have, netting options and permits to undertake netting in that part of the gulf.

We need to have a carefully balanced package which has to take into account a reduction in effort that must be equitable across the board, that is, covering the recreational areas, the semi-professional areas and the professional participants in the industry. That situation will be to the ultimate benefit of the survival of the resource itself. I have already stated that I believe that, in effect, the A grade fishermen, and specifically those in my electorate, are sharing that load unequitably at the moment.

Evidence from levels of catch rates and effort in the commercial scale fishery suggest the necessity for control over the total fishing effort throughout the Spencer Gulf region. One of the aggravating problems is that recreational needs are likely to increase through shorter working hours, growth in population, the tourist potential of the area, and real disposable income, so the total effort in commercial and recreational fishing in that area should therefore be reduced.

AFIC and the joint consultative committee have agreed to a reduction in effort in some areas. The A class fishermen have accepted a reduction in effort in fishing the resource. Other provisions have been made in relation to the curtailment of the area that might be fished to assist the fish stocks in that area, but, undoubtedly, more needs to be done. I draw to members' attention what I consider to be impressive action by the Government in coming to grips with some of the problems that have been facing the fishing industry, not for 12 months but for many years. It is a matter of rationally coming to grips with those problems, but I do not believe that a Select Committee, as such, will solve those problems in the short term. It is in the short

term and the immediate future that some of those problems have to be solved for the professional fishermen in that area. That means Government initiative and action now. I have indicated where the Government has taken action in the past nine months, and I would encourage the Government to take further action to support those A class professional fishermen in the fishing industry, particularly in the northern Spencer Gulf area.

Additionally, I have referred to the tourist industry and potential in that region. In the words of Mr. Ken Jury, who wrote an article in relation to the fishing industry:

> Amateurs cannot expect the man who makes his living from the sea to take all the cut-backs. We, too [the amateur fishermen], must tighten our bags and perhaps put up with limits, and clubs to that end should give serious consideration to this, and so should individuals.

I think that that is a clear and forthright approach by the amateur fishing industry in this State—a responsible approach, taking into account the livelihood of the professional and commercial fishermen in the northern Spencer Gulf area.

I have mentioned a couple of aspects of the motion about which I am concerned, and I have some concern about the terms of reference put forward by the member for Stuart. Other areas should also be considered. To indicate my support for action generally to assist the industry to come to grips with some of the problems, I intend to support the motion. That is not in contradiction with those areas of concern that I have already expressed; rather, the motion is a general indication of the concern of the House that problems are facing the fishing industry and that we ought to be looking at those. I hope that Government action will be able to solve some of the specific problems facing the fishing industry, so as to make unnecessary such a Select Committee into the industry.

For example, the research area alone is something about which an enormous amount of work must be done. This area cannot be ignored, but in the past it has been ignored. I support the motion, in general terms, to indicate my concern for the fishing industry and the specific concerns that have been represented to me by people associated with the professional commercial side of the fishing industry in my district. As I have said, some aspects of the terms of reference concern me, but I note that the motion is an expression of opinion of the House; it is in the Government's court to take further action as and if it sees fit, in relation to the establishment of the committee and its terms of reference.

Mr. GUNN (Eyre): I say from the outset that, as one who has been involved with the fishing industry ever since I have been a member, I cannot help but think that there is a certain amount of political cynicism in the remarks and actions of the member for Stuart. As one who listened to the honourable gentleman deliver his speech, I have considered carefully the terms of reference that the Select Committee would have to bear in mind when making its assessment, and I wondered whether we were still living in the same State as we have been living in for the past 10 years.

The problems to which he referred have not suddenly arisen: they have been around ever since this Government came to office. We inherited them after 10 years of a Labor Administration. No member can say that Labor Ministers of Fisheries had any understanding or real assessment of the problems of the industry or were prepared to face the realistic situation in which we found ourselves. It is well known that Minister of Fisheries Chatterton and his chief adviser, his good wife, were regarded as something of a joke within the industry. It did not matter where the Minister went, he had someone on his coat tails who was the real power in the policy area. It was clear to everyone that there were public relations problems in the department and that there was a problem in relation to the physical administration of the department. There was insufficient liaison between the fishing industry and the department.

This Government has taken very positive steps to solve those problems, but that is not to say that there are no problems still. Let us be honest, there will be problems in the fishing industry for a long time. In my district, I have fishermen, farmers and opal miners. If you can get a more independent lot with whom to deal, I should like to discover them. That does not mean to say that their views are not worthy of serious consideration. We all know that there is a real problem in relation to A class and B class fishermen. What the member for Rocky River had to say about the problem of B class fishermen in the area of Port Augusta and Port Pirie will have to be grappled with, and I have concluded that we will soon have to make some fairly hard decisions in regard to that matter.

I have always believed that we must give serious consideration to the needs and welfare of the genuine fishermen, those who are engaged virtually full time in the industry. There will always be people who have to do some outside work such as part-time shearing, but the genuine fishermen must be considered, or we will not have an industry. It is clear from the motion that the member for Stuart is out to get stuck into the prawn fishermen, and no doubt the member for Flinders will have something to say about this matter. Clearly, the member for Stuart has a dislike for these people, but he should give serious consideration to this matter. What he wants to do is turn all the people into unviable units, and have them dependent on the State, in typical Labor Party fashion: everyone dependent on the purse strings of the Government.

If a Select Committee is set up, it will take a long time to reach a conclusion. It will have to travel over the entire State, it will take much evidence, and it will be a lengthy process. I am not against the principle of Select Committees, but I believe that this matter needs a great deal of consideration and that the terms of reference must be carefully considered. I therefore seek leave to continue my remarks later.

Leave granted; debate adjourned.

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

MEMBERS' CONDUCT

The SPEAKER: Order! It is normal practice in the House of Assembly that, when the Speaker is on his feet, members remain stationary. I make that point because I believe that it may have been missed by some members in their recognition of responsibility within the Chamber.

WORKERS COMPENSATION (INSURANCE) BILL

Returned from the Legislative Council with amendments.

PUBLIC SUPPLY AND TENDER ACT AMENDMENT BILL

The Hon. E. R. GOLDSWORTHY (Deputy Premier) obtained leave and introduced a Bill for an Act to amend the Public Supply and Tender Act, 1914-1975. Read a first time.

The Hon. E. R. GOLDSWORTHY: I move:

That this Bill be now read a second time.

The Public Supply and Tender Act is a rather antiquated measure which is in some respects difficult to construe. In particular, it contains a curious definition of the "Public Service" which makes the precise ambit of the Act difficult to ascertain. The Crown Solicitor has recently advised that, in his opinion, the Act should be taken to apply not only to the Public Service, in the normally accepted meaning of that expression, but to all statutory authorities as well. This interpretation places an impossible burden on the Supply and Tender Board, particulary in view of the fact that the board presently has no power of delegation.

The Government believes that new legislation dealing adequately with the various problems of procurement and disposal of public supplies is urgently needed. Accordingly, a committee consisting of Mr. Voyzey, Director-General of the Department of Services and Supply, Mr. Guerin of the Public Service Board, and an expert consultant in the field is to be appointed and will have the task of recommending revision of the present legislation and advising on reforms that should be made in administrative procedures.

However, in the interim period prior to the introduction of more satisfactory legislation, urgent steps are needed to validate what has occurred in the past, and to provide a power of delegation which will make the present legislation rather more manageable. The present Bill is introduced with this purpose in view.

Clause 1 is formal. Clause 2 provides that the Bill will come into operation on a day to be fixed by proclamation. Clause 3 repeals section 15c of the principal Act, which is an old transitional provision no longer required for the purposes of the principal Act. A new section 15c is substituted. This new section empowers the board to delegate its powers to an instrumentality or agency of the Crown or the Government, to a member or officer of any such instrumentality or agency, or to an officer or member of the public service. A new section 15d is inserted in the principal Act. The new section provides that no contract made before the commencement of the amending Act is to be void or voidable by reason of non-compliance with the amending Act.

Mr. BANNON secured the adjournment of the debate.

PETROLEUM SHORTAGES BILL

The Hon. E. R. GOLDSWORTHY (Minister of Mines and Energy) obtained leave and introduced a Bill for an Act to provide for rationing motor fuel, and other means of conserving petroleum, in the event of shortages of petroleum occurring in the State; and for other purposes. Read a first time.

The Hon. E. R. GOLDSWORTHY: I move:

That this Bill be now read a second time.

This legislation is intended to provide permanent means of dealing promptly and effectively with problems arising from petroleum shortages in this State. It replaces the Motor Fuel (Temporary Restriction) Act, 1980, which will expire on 18 December. The background to this legislation was outlined in the second reading speech for the previous Bill. I shall outline only the key aspects here.

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

Leave granted.

Remainder of Explanation

This State is working closely with the National Petroleum Advisory Committee (N.P.A.C.) to identify appropriate arrangements for equitable allocation of liquid fuels during any period of supply shortage, and also to evolve priorities for the allocation of liquid fuels. It is particuarly important, as has been recommended by N.P.A.C., that legislation to deal with liquid fuel emergencies should be such as to "ensure reasonable consistency of approach throughout Australia and effectiveness of operations in current and foreseeable circumstances".

So far, N.P.A.C. has brought forward an interim report which contained recommendations on "measures to reduce and regulate demand for motor spirit", together with recommendations on "essential and high priority users of petroleum products". When N.P.A.C. reports finally, all fuel emergency legislation in other States and in this State will be reviewed.

A major point on which the Secretariat and the members of N.P.A.C. place great emphasis is that each State needs permanent legislation and that the legislation must be capable of dealing not only with short-term disruptions but also with a "more prolonged" crisis—and by "more prolonged" I mean something like three to six months or longer.

No-one who is aware of the situation in the Middle East would deny that a major conflict there could easily lead to a major disruption of our petroleum supplies. South Australia is particularly vulnerable because our refinery is about 90 per cent dependent on Middle East crude. Furthermore, the possibility of industrial disputes in Australia is ever present, as the on-going disputes in or related to various areas of the oil industry testify. Significant proportions of our motor spirit and some distillates are obtained from other States, so disruptions in other States are also a matter of concern for South Australia's petroluem supplies.

It is obvious that adequate powers are necessary to deal properly with the various possible emergencies which may arise. What is required now is workable and effective legislation to enable stocks in retail outlets to be conserved early in any emergency; to enable essential services to be supplied; and to introduce systems of rationing for essential services and for the community if necessary.

Members will realise that there are many stages in the petroleum supply chain, from extraction and production to use and consumption, and problems can occur anywhere along the chain. Therefore this Act needs to cover all of these aspects.

Whilst this Bill, like the Motor Fuel (Temporary Restriction) Act, 1980, is based in general on the Motor Fuel Rationing Act, 1980, it is drafted to reflect the need for restrictions, as well as rationing, if any emergency is to be dealt with adequately. Every other State recognises this and either has in place or is introducing legislation very similar to the intent of this Act.

The powers sought in this Bill reflect the experience gained from the deliberations of N.P.A.C. and also reflect the practical experience of implementation in other States, as well as our own recent experience of odds and evens restriction. Adequate powers are essential to enable implementation and administration of the necessary controls and to ensure that fuel emergencies can be dealt with in the best interest of the community as a whole.

The previous Act had to be introduced at short notice because of the gravity of the situation. Opportunity has been taken in the two weeks since the passage of that Act to incorporate the changes necessary to make the legislation more consistent with the guidelines suggested to N.P.A.C. and more consistent with the legislation in

other States. These changes are necessary to ensure the legislation works most effectively, especially over an extended period.

The broad scheme of this Bill remains the same as for the current temporary legislation. Where there are, or are likely to be, shortages of motor fuel in South Australia, the Governor may by proclamation declare a period of not more than seven days to be a period of restriction and may also declare that period to be a rationing period. Such period of restriction may be extended for successive periods of not more than seven days each but so that the total period does not exceed 28 days.

The Bill allows rationing through a permit system, and also empowers the Minister to announce measures to conserve fuel and to encourage the more effective utilisation of motor vehicles. Any person who is aggrieved by the refusal of the Minister to grant a permit may appeal to a judge of the Local and District Criminal Court or a special magistrate. There is also provision for a person who incurs expenses in consequence of a direction to recover the amount of those expenses from the Crown. The name of the proposed Act has been changed to the "Petroleum Shortages Act, 1980" to reflect the fact that it will be a permanent Act relating to petroleum shortages.

The length of time after a period of restriction expires before a further restriction can be imposed has been reduced to 14 days to reflect the practical necessities for dealing with an extended disruption. During such a disruption, we would be working closely with other States and with the Commonwealth. It would be imperative that this State's powers could continue to be operated in phase with those of the other States. Most other States have little or no restriction on on-going extension of their periods of restriction. It is considered that 14 days represents a reasonable compromise. Details of the granting of exemptions and of issuing of permits has been presented in more detail in clauses 6 and 9.

Part III of the Act has been extended to cover extraction, use and consumption of petroleum. Extraction needs to be included to make it clear that the extraction of crude petroleum in South Australia would be subject to the Act in a period of restriction. As the Act covers a wide range of petroleum products which could be used as (or could be processed to) motor fuel, e.g. fuel oil and other industrial fuel, heating oil, petro-chemical feedstocks, etc., means are needed to control the "use and consumption" of such products in a situation of emergency or extended shortages. Acts in other States have similar provisions.

Clause 11 (1) has been altered to allow a direction to be given to members of the public generally as well as the other persons envisaged in the previous Act. It will also be possible to issue a direction to a "class of person", rather than to each individual. This will simplify the operation of the Act and, by giving an order to the members of the public generally, a purchaser (as well as a seller) who fails to comply with a direction would be in contravention of the Act. This brings the provisions in regard to restricted fuel in line with those applying in the Act in regard to rationed fuel. Such a provision would be more equitable and would assist the control of breaches of the Act, in particular at self-serve stations.

The profiteering clause has been extended to allow the fixing of maximum prices for different areas and different classes of buyer. This will improve this provision in practice and will allow the determination of maximum prices to be restricted to those products, classes of buyers and areas which are necessary.

The provisions of the Bill will be seen to provide an appropriate scheme with reasonable safeguards. The legislation will provide for the necessary action to implement the interim N.P.A.C. recommendations in regard to: essential users; conservation measures aimed at the motorist/user; measures aimed at reducing motor car use; and measures aimed at fuel saving in the refinery.

In addition to the provisions of the Bill, appropriate action may be taken by the Government as and when necessary to encourage such things as car sharing; to provide free parking in the park lands for people sharing cars or operating a car pool; to extend or vary the Beeline and City Loop bus services to cover these car parks; to provide additional public transport services; to introduce multiple hiring of taxis; and to amend instructions regarding the use of Government vehicles so that more than one public servant and others may be transported to and from work.

Clauses 1 and 2 are formal. Clause 3 contains definitions necessary for the purposes of the new Act. Clause 4 empowers the Minister to delegate his powers under the new Act to any other person. Clause 5 empowers the Governor to declare periods of restriction and rationing periods. The declaration of a period restriction brings into effect the Minister's power to make an order in relation to petroleum under Part III. The declaration that a period of restriction also constitutes a rationing period brings into operation the rationing provisions under Part II. A period of restriction (whether or not it also constitutes a rationing period) may be declared initially for a period of seven days and this initial period may be extended by further periods of up to seven days until a total of 28 days is reached. Thereafter any extension must be made upon the authority of a resolution of both Houses of Parliament. When a period of restriction expires no further declaration can be made until the expiration of 14 days, unless the declaration is authorised by resolution of both Houses of Parliament.

Clause 6 empowers the Minister to grant exemptions relating to any specified class of persons, any specified class of transactions, or any specified part or parts of the State. Clause 7 provides that the Minister is, in exercising his powers in respect of rationing, to give special consideration to the needs of those living in country areas. Clause 8 makes it an offence to sell or purchase rationed motor fuel unless the purchaser is a permit holder. This does not apply, however, to wholesale sales to persons carrying on the business of trading in motor fuel.

Clause 9 empowers the Minister to issue permits. Clause 10 permits an appeal to a local court judge or special magistrate against a refusal by the Minister to issue a permit. The appeal is to be heard expeditiously and without unnecessary formality. If an appeal is rejected by a special magistrate, the appellant may apply to a local court judge for a review of the decision. Clause 11 enables the Minister to give directions relating to the extraction, production, supply, distribution, sale, purchase, use or consumption of petroleum. A person who incurs expenses in complying with a direction may recover the expenses from the Crown. Clause 12 enables the Minister to fix maximum prices in relation to the sale, during a period of restriction, of specified kinds of petroleum and establishes a substantial penalty for profiteering.

Clause 13 enables the Minister to gather the information necessary to enable him properly to administer the Act. Clause 14 prevents prerogative writs being taken out against the Minister in relation to the performance of his statutory functions. Clause 15 enables the Minister to publish principles that should be observed, during a period of restriction, in relation to the conservation of petroleum. These principles may involve car pooling and sharing arrangements which would result in technical breaches of policies of insurance. Thus subclause (2) provides that any

breach of a policy of insurance that a policy holder commits by acting in accordance with the published principles shall be disregarded in determining rights under the policy.

Clause 16 empowers police officers to stop motor vehicles and to ask relevant questions to the administration of the Act. Clause 17 is an evidentiary provision dealing with proof of certain formal matters. Clause 18 provides that proceedings for offences are to be dealt with summarily and are not to be taken except upon the authority of the Attorney-General. Clause 19 is a regulation-making power.

Mr. BANNON secured the adjournment of the debate.

EDUCATION ACT AMENDMENT BILL (No. 2)

The Hon. H. ALLISON (Minister of Education) obtained leave and introduced a Bill for an Act to amend the Education Act, 1972-1980. Read a first time.

The Hon. H. ALLISON: I move:

That this Bill be now read a second time.

The principal purpose of this Bill is to make provision for the registration of non-government schools. South Australia, unlike the other States of the Commonwealth, does not have a system for the registration or approval, by Government, of non-government schools. The previous Government introduced amendments to the Education Act in 1979, which empowered the Minister of Education to approve these schools. However, before that legislation could have effect, there was a need for certain regulations to be framed. Up to the time of the change of Government in September 1979, regulations had not been prepared.

Shortly after the present Government took office, I received representations from non-government schools indicating that they did not consider the amendments made to the Education Act to be in their best interests, which, they felt, would be more satisfactorily served by the establishment of a statutory board which would register non-government schools. The Government has agreed to this approach, which forms the main substance of these amendments.

The proposed Non-Government Schools Registration Board will consist of seven members, four of whom will be drawn from the non-government school sector. Of those four, two will be nominated by the South Australian Commission for Catholic Schools, and two by the South Australian Independent Schools Board Incorporated.

Under the proposed amendments, it will be an offence to operate an unegistered non-government school after a date which will be fixed by proclamation. On making proper application to the board, non-government schools will be registered if the board is satisfied that the nature and content of the instruction offered at the school are satisfactory, and the school provides adequate protection for the safety, health and welfare of its students. The board may grant registration subject to conditions relating to these matters, and registration may, after due inquiry, be cancelled if a school contravenes any such conditions.

A distinct advantage for non-government schools or intending non-government schools under the proposed legislation is that a right of appeal to a local court of full jurisdiction is provided against any decision of the board. There are no specific rights of appeal in the existing legislation.

In addition to its main function, the Bill modifies an obsolete reference to the Director of Catholic Education in section 55 of the principal Act, and expands section 58, which grants certain immunities to members of the Teachers Registration Board, by providing that liabilities which, but for the operation of the section, would attach to those members, shall attach to the Crown. The Government is of the view that a modification of this nature is desirable to ensure that persons who might be unfairly prejudiced by the actions of board members are not left without redress.

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

Leave granted.

Explanation of Clauses

Clauses 1, 2 and 3 are formal. Clause 4 amends section 4 of the principal Act, which defines certain expressions employed in it, by removing the definition of "approved non-government school" and inserting a definition of "registered non-government school". In addition, the definition of "governing authority" is modified to include the governing authority of a proposed as well as an existing non-government school. Clause 5 substitutes reference to South Australian Commission for Catholic Schools for the existing reference to the Director of Catholic Education in section 55 of the principal Act. Clause 6 amends section 58 of the principal Act which, *inter alia,* provides that no personal liability attaches to a member of the Teachers Registration Board in the *bona fide* exercise and discharge of his statutory powers and functions. A new subsection numbered (3) provides that any liability which would arise but for the operation of the section shall attach to the Crown. This clause also amends subsection (2), by deleting reference to "purported" exercise and discharge of powers and functions. The Government feels that the word "purported" is imprecise and may give the section a wider impact than is desirable.

Clause 7 effects a minor amendment to section 63 of the principal Act, which is consequential on the central provisions of the Bill. Clause 8 repeals Part V of the principal Act, which deals with non-government schools and enacts a new Part consisting of 16 sections, numbered 72 to 72o, inclusive. Proposed section 72 establishes the Non-Government Schools Registration Board, which consists of seven members appointed for terms of up to three years, one of whom is to be appointed Chairman. Of the other six, two shall be appointed on the nomination of the Minister (one of these must be an officer of the Education Department), two on the nomination of the South Australian Commission for Catholic Schools and two on the nomination of the South Australian Independent Schools Board Incorporated. Proposed section 72a prescribes the term of office of board members, and makes provision for the appointment of temporary members for periods not exceeding six months, and deputies for members. It also provides for the removal of members from the board and the filling of vacancies. Proposed section 72b sets out the procedures to be adopted at board meetings and proposed section 72c provides that proceedings of the board shall not be invalid on account of any vacancy or defective appointment in its membership, and that no liability shall attach to board members in the *bona fide* exercise of their powers or discharge of their duties under the Act. Instead, any liability that might arise in this context, will attach to the Crown. Proposed section 72d empowers the Governor to determine allowances and expenses payable to board members and proposed section 72e creates the office of Registrar to the board.

Proposed section 72f makes it an offence to operate an unregistered non-government school after a date which

will be fixed by proclamation. The penalty is five hundred dollars. Proposed section 72g provides that where proper application for registration is made by a non-government school or proposed non-government school and the board is satisfied that the nature and content of the instruction offered or to be offered at the school are satisfactory and that the school provides adequate protection for the safety, health and welfare of its students, the board shall grant registration. The board may do this subject to conditions relating to the criteria for registration. Proposed section 72h requires the board to maintain a register of registered non-government schools.

Proposed sections 72i to 72k, inclusive, deal with cancellation of registration. The board may effect this if a school becomes defunct, or if, after carrying out due inquiry, the board is satisfied that a school has contravened a condition upon which registration was granted. Section 72j sets out the powers of the board when conducting an inquiry under section 72i, and section 72k requires the board to give a school 21 days' notice of any inquiry in relation to that school. The governing authority of the school is entitled to be heard at these inquiries, and may be represented by counsel.

Proposed section 72l provides non-government schools with a right of appeal to a local court of full jurisdiction against any decision of the board made in the exercise of its powers and functions. Proposed section 72m requires the head teacher of a registered non-government school to keep records relating to the attendance of students, and furnish returns to the Minister as required. Proposed section 72n empowers the Minister to provide advisory and health services to non-government schools if requested to do so by those schools, and proposed section 72o empowers the board to carry out inspections of non-government schools for purposes connected with registration.

Clauses 9, 10 and 11 provide for minor amendments to sections 74, 82 and 107 of the principal Act, respectively, which are consequential on the central provisions of this Bill.

Mr. BANNON secured the adjournment of the debate.

RACING ACT AMENDMENT BILL

The Hon. M. M. WILSON (Minister of Transport) obtained leave and introduced a Bill for an Act to amend the Racing Act, 1976-1978. Read a first time.

The Hon. M. M. WILSON: 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 Bill is designed to give effect to certain of the recommendations contained in the report of the Committee of Inquiry into Racing. The committee recommends that the operating surplus of the Totalizator Agency Board be shared equally between the Government and the racing codes, that the distribution of the surplus be made quarterly instead of annually, and that the Government's percentage deduction from the turnover of the board be removed. These amendments are proposed as a matter of some urgency in order to enable the three racing codes to determine their levels of funding for the current financial year and to plan accordingly. The committee has reported that the financial position of the three codes is critical and that their viability is dependent upon significant increases in stake moneys. The committee points out that the level of stake moneys in South Australia is depressed in comparison with that of other States and argues that the industry requires additional funds immediately, in the order of about two million dollars. The committee also points out that the static income from the Totalizator Agency Board in times of rising costs has prevented clubs from increasing stake moneys with a consequent drop in the quality of racing offered to the public.

As a solution, the committee has urged that the Government should treat the Totalizator Agency Board as a joint venture between the Government and the racing codes in which both share equally the net operating surplus. It also believes that there is considerable scope for increasing the board's turnover, which together with economies in operating and administrative expenses, would increase the surplus available for distribution. In a full year, on current turnover levels, the Totalizator Agency Board distribution proposed by the Bill would provide $3 770 000 to the codes, compared with $2 460 000 under the existing arrangements. It is proposed that these new financial arrangements would have effect from the first day of January 1981. In addition, it is proposed that the distribution of the board's surplus under the existing arrangements in respect of the first half of the current financial year will be paid in advance in the manner authorised by the provisions of the principal Act.

The Bill also amends section 70 of the principal Act which deals with the return to the Treasurer from on-course totalizator operations. The new scales proposed by the Bill will mean a net gain to the clubs of approximately $250 000 and a corresponding reduction in revenue for the Government. The Bill increases the amount that the Totalizator Aency Board may retain for the purpose of capital expenditure from ·5 per cent to 1 per cent of turnover. The committee considered that the Totalizator Agency Board had been disadvantaged by the lack of funds for capital purposes, including the provision of computer betting facilities throughout metropolitan agencies, the establishment of adequate branch premises, and the need to complete early computerisation of country agencies. Because of the lack of capital, the Totalizator Agency Board has been forced to borrow funds to meet capital costs thus incurring substantial liabilities in relation to interest and repayment of capital. The amendments should ensure that in future the Totalizator Agency Board will be adequately provided with capital funds.

No change has been made in the unit of betting since the Totalizator Agency Board started operations in 1967. As early as 1975, the Totalizator Agency Board drew attention to the fact that income received from a one unit ticket did not cover processing costs. In other forms of gambling, the unit of investment has been increased considerably to keep pace with rising costs. The committee recommended that the minimum investment and value of a betting unit should be reviewed from time to time in accordance with changes in money values. The Bill gives effect to this recommendation. It provides for the value of a unit in relation to off-course betting to be determined by the Totalizator Agency Board and the value of a unit in relation to on-course betting to be determined by the appropriate controlling authority with the approval of the Minister.

The Bill increases by ·3 per cent the revenue tax on bookmakers and provides for a corresponding increase in the amount returned to the clubs. At the same time, the Bill removes the duty currently payable on betting tickets. This reflects the committee's recommendation that

revenue from bookmakers should be levied by only one means. The experience of recent years has seen a diminishing use of flat facilities by racegoers. In 1971, flat bookmakers had 28 per cent of total bets and held 12 per cent of turnover. By 1980, those proportions had dropped to 19 per cent and 10 per cent, respectively. The committee considered that the expense of maintaining totalizator betting facilities in the flat enclosures was not justified. An obligation to provide the flat enclosures with the new computerised totalizator facilities would only add a further financial burden which is not warranted in view of the fall of attendances in those enclosures. The Bill, therefore, in accordance with the committee's recommendations, amends section 66 of the Racing Act to delete the obligation of the South Australian Jockey Club to provide totalizator facilities in flat enclosures.

The committee found that illegal betting was substantially diminishing revenue of the Totalizator Agency Board and legitimate bookmakers. It therefore recommended that the provisions of the principal Act be amended to increase the penalties for illegal bookmaking and illegal betting. The Bill gives effect to these recommendations. A subsidiary amendment includes a bookmaker's agent within the definition of a bookmaker. This amendment will obviate a problem of prosecution that was revealed in the case *Fingleton v. Lowen (1979)* 20 S.A.S.R. 312.

Clause 1 is formal. Clause 2 provides that the amendments are to come into operation on 1 January 1981. Clause 3 amends the definition section of the principal Act. A "bookmaker" is defined as including a bookmaker's agent. "Unit" is defined to allow for the fixing of the amount of a unit of totalizator betting by the board.

Clause 4 amends section 56 of the principal Act. The amendments increase from 0·5 per cent to 1 per cent the amount of revenue that may be retained by the board on account of capital expenses. Subsection (2) is amended to provide that one-half of the funds remaining at the end of each quarter, after the board has made the payments referred to in subsection (1), is to be paid to the Treasurer for credit of the Hospitals Fund and the remainder is to be divided amongst the controlling authorities of the three racing codes. Clause 5 amends section 66 to remove the obligation of the South Australian Jockey Club to provide totalizator betting facilities on the flat.

Clause 6 substitutes a new section 69 dealing with the application of the percentage deducted from totalizator bets made with the Totalizator Agency Board. The proposed new section continues the present provision for payment to the Racecourses Development Board of one per centum of the amount of bets made with the board on doubles and multiples, but does not include the present requirement for payment to the Treasurer of 5·25 per centum of the amount of all totalizator bets made with the board. The amount presently payable to the Treasurer would under the proposed new section become part of the funds of the board to be applied in accordance with section 56.

Clause 7 provides the new scale of payments to the Treasurer in respect of on-course totalizator betting. Clause 8 enables the board and controlling authorities to fix the amount of totalizator betting units. Clause 9 amends section 100. The amendment is consequential upon the new definition of "bookmaker" which is now to include a bookmaker's agent.

Clause 10 increases by ·3 per cent the revenue tax payable by bookmakers. Clause 11 removes the duty on betting tickets. Clause 12 is a consequential amendment. Clause 13 substantially increases the penalties for illegal bookmaking and illegal betting. Clauses 14, 15 and 16 make consequential amendments.

Mr. SLATER secured the adjournment of the debate.

LOTTERY AND GAMING ACT AMENDMENT BILL

The Hon. M. M. WILSON (Minister of Transport) obtained leave and introduced a Bill for an Act to amend the Lottery and Gaming Act, 1936-1978. Read a first time.

The Hon. M. M. WILSON: 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 proposes amendments to the principal Act, the Lottery and Gaming Act, 1936-1978, that are of a disparate nature. The Bill proposes amendments to provide for regulations which will prescribed conditions to enable the conduct of free lotteries or competitions for the purposes of promoting trade, and for penalties in the event of a breach of the prescribed conditions.

Under the old Trading Stamp Act of 1924, South Australians were prevented from participating in promotion and free lotteries run by business and industry in which "bonus" gifts and prizes are offered. Such suppression is a cost to South Australian consumers as they are deprived of the potential benefits of products for which they are paying. National companies do not charge a lower price for their products in the State simply because gift offers are banned here. Local business and industry has also suffered by not being able to take part in this type of promotion and by wasting time and money on checking their marketing promotions with Government Departments. This Government has therefore decided to amend the Trading Stamp Act during this Parliamentary Session to allow such harmless promotions while continuing to ban trading stamp promotions where stamps are offered with products that could be "traded in" to a third party for cash or gifts.

However, in order to protect the rights of participants it is necessary to amend the Lottery and Gaming Act to provide for regulations which will prescribe conditions and penalties to enable the proper conduct of free lotteries or competitions (involving an element of chance and/or skill) in this State by local or National promotions. Free lotteries and competitions for the promotion of trade are becoming increasingly popular. It has been estimated that these lotteries offer prize payouts of approximately $1 500 000 per annum. The present, difficult economic climate and acute trade competition is flooding the market with many free lotteries, and in the absence of any controlling legislation, there is no means of checking the bona fides of promoters, controlling the number of competitions being presented to the public or checking that these prizes as advertised are indeed given.

The extent of the present free lotteries/competitions is also causing concern to the Lotteries Commission and to many charitable organisations endeavouring to raise funds through licensed lotteries. While it is acknowledged that free lotteries are an important and acceptable feature of competition in trade, it is also agreed by most parties concerned that some form of control needs to be introduced regarding the conduct of these lotteries and competitions, not only to eliminate spurious schemes but

also to protect the participating public.

In keeping with the Government's policy to cut red tape for industry and develop a climate of fair trade to benefit both business and the consumer, it has been decided to allow trade-promotion lotteries on specified terms and conditions. Part IIA of the Lottery and Gaming Act, 1936-1978, enables the making of regulations for the licensing and exempting of lotteries. Regulations will be drafted which will exempt trade-promotion lotteries which comply with specified conditions.

The Bill proposes the insertion in the principal Act of a new section designed to enable regulations to be made declaring certain machines to be instruments of unlawful gaming. This proposal has arisen primarily as a result of the introduction into this State of machines known as "In-line Bingo" machines. These machines are electronic game machines activated by the insertion of a coin or token. Their operation involves minimal skill and provides little in the way of entertainment apart from an opportunity afforded by the automatic action of the machine to play one or more further games on the machine without the insertion of any further coin or token. However, the feature of this type of machine which distinguishes it from ordinary pinball and other amusement machines is that up to three hundred free games may be won by the successful operation of the machine. Given the limited entertainment provided by the operation of the machines and the very large number of free games which may be won, it would appear that the machines were designed to be an alternative to ordinary poker machines but without the self-incriminating feature of an automatic pay-out of money or tokens. Instead, they may be used for gaming purposes by establishing a system of paying cash credits for the free games won on them. Instances of this practice occurring in the State have already come to the attention of the Government.

Although the establishment of a system of cash credits in relation to the operation of these machines would constitute unlawful gaming under the principal Act in its present form, the Government considers that it would be desirable for the considerable enforcement difficulties to be obviated by declaring the machines themselves to be instruments of unlawful gaming and the playing of the machines to be unlawful gaming whether or not any person derives any money or thing as a result.

Although it was the introduction of the "In-line Bingo" machine that primarily gave rise to this proposal, any other type of machine that is either specifically designed for gaming purposes or lends itself to that use may also be declared under this proposed provision. Again, this would have the effect of making it an offence to play the machine in any way, thereby obviating the need to prove that any person was deriving any money or thing as a result. It is the Government's intention to declare In-line Bingo machines and poker machines to be instruments of unlawful gaming. Finally, the Bill substantially increases various penalties in the principal Act relating to betting and gaming offences and makes several other amendments relating to illegal betting that have been recommended by the Committee of Inquiry into Racing.

Clauses 1 and 2 are formal. Clause 3 amends section 4 of the principal Act. The clause inserts a definition of "bookmaker" which includes bookmakers' agents. It also inserts a new definition of "betting" and a definition of "trade-promotion lottery". Clause 4 amends section 9 of the principal Act. Section 9 specifies lotteries that are not proscribed by the Act, and by paragraph *(d)* includes all lotteries where no entrance fee is payable. As I have already stated the Government believes that all trade-promotion lotteries should be regulated whether "free" or not. Clause 4 therefore amends section 9 *(d)* of the principal Act so that trade-promotion lotteries will be excluded from the lotteries exempted by that paragraph.

Clause 5 replaces paragraph *(j)* of section 14b of the principal Act. This paragraph provides the power to make regulations in relation to exempt lotteries. The new paragraph will enable conditions to be imposed by regulation and provision as to the conduct, advertising and promotion of exempt lotteries to be made. Clause 6 provides for the enactment of a new section 59a empowering the Governor to declare by regulation that certain machines, articles or things are instruments of unlawful gaming. Subclause (2) of the proposed new section is designed to make it clear that a machine, article or thing may be declared notwithstanding that, as is the case with the "In-line Bingo" machine, it does not appear to be specifically designed for gaming. Subclause (3) of the proposed new section provides that the playing of or with any machine, article or thing so declared shall constitute the playing of an unlawful game, whether or not any person derives any money or thing as a result.

The remaining clauses of the Bill (other than clauses 10 and 23) substantially increase the penalties provided for betting and other gaming offences. Clause 10 amends section 71 so that, in addition to the Commissioner of Police, the Deputy Commissioner and any Assistant Commissioner of Police may issue a search warrant under the section. Clause 23 inserts a new section 98 which is an evidentiary provision relating to bookmakers' licences and licence conditions and authorities to conduct totalizator betting under the Racing Act, 1976-1978.

Mr. SLATER secured the adjournemnt of the debate.

ROAD TRAFFIC ACT AMENDMENT BILL

The Hon. M. M. WILSON (Minister of Transport) obtained leave and introduced a Bill for an Act to amend the Road Traffic Act, 1961-1980. Read a first time.

The Hon. M. M. WILSON: 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 function of this short amending Bill is to provide for a new give-way rule in relation to what are commonly known as T-junctions. In July 1980, the Australian Transport Advisory Council endorsed the adoption of a new traffic rule at these junctions for implementation on an Australia-wide basis. In essence the new rule is very simple; it requires that a driver approaching a junction from a terminating carriageway, that is, the stem of the T, shall give way to any vehicle which has entered or is approaching the junction from the continuing road.

This rule marks a major change in the approach to traffic control in Australia by overriding the give-way-to-the-right rule and relegating it to a relatively minor role in the future. It would virtually eliminate the need for signs at T-junctions, thereby introducing significant cost benefits. The Government is of the view that the rule will assist traffic flow, regularise driver behaviour and improve road safety. This law has been in operation in Western Australia since June 1975. The experience there indicates that there has been a reduction in rear-end collisions on the continuing road and has resulted in a smoother traffic flow.

Clauses 1 and 2 are formal. Clause 3 amends section 63 of the principal Act, which deals with giving way at intersections and junctions, and provides, in general, that a person who is approaching a junction on a road that does not continue beyond the junction is required to give way to any vehicle approaching the junction on any other road.

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

KENSINGTON GARDENS RESERVE BILL

Second reading.

The Hon. D. C. WOTTON (Minister of Environment): 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 is designed to authorise the Corporation of the City of Burnside to lease portion of the Kensington Gardens Reserve to the Kindergarten Union of South Australia for use as a kindergarten. By agreement made in 1909, Kensington Gardens Limited purchased from the Bank of New South Wales portion of sections 270 and 271, comprising approximately 40 acres shown in Certificate of Title Register Book Volume 820 Folio 56. This land was then transferred to the Municipal Tramways Trust subject to the trust's executing a deed of trust under which the land would be held in trust for use by the public as a recreation ground. The trust executed such a deed on 26 October 1909. Under the deed, the trust had authority to transfer the land to a local government body subject to the same conditions for its use, and, accordingly, on 8 September 1932, a transfer was effected in favour of the body that is now the Corporation of the City of Burnside.

Approximately 26 years ago, Burnside council approved the erection of buildings on portion of the land for use as a kindergarten. Buildings were subsequently erected and the Kensington Gardens Pre-School Centre came into being. As part of this arrangement, the Kensington Gardens Pre-School Centre Incorporated was, in 1954, granted a lease of the land in question for a term of 20 years. However, since the expiration of that lease doubts have been raised about the authority of the council to grant a lease for such purposes, having regard to the terms of the trust. These doubts were raised in connection with the financial arrangements for proposed repairs to the kindergarten buildings, in particular, the policy of the funding authority, the Childhood Services Council, that financial assistance for building improvements will be provided only in respect of land held in fee simple or under a registered lease for a minimum term of 21 years.

This Bill, therefore, is designed to remove those doubts by expressly authorising the council to grant such a lease, notwithstanding the terms of the trust. In doing so, the Bill recognises the *de facto* situation that buildings were erected on the land some 26 years ago and have been used for kindergarten purposes since that time with the express approval of the council and the tacit approval of the ratepayers.

Clause 1 is formal. Clause 2 provides definitions of expressions used in the measure. Clause 3 provides that the Corporation of the City of Burnside may, notwithstanding the trusts contained in the deed of trust made on 26 October 1909, lease portion of the Kensington Gardens Reserve for use as a kindergarten. Subclause (2) of this clause provides that the lease may be for a term of not more than 21 years, shall be subject to such terms and conditions as the corporation may think fit, and may authorise the erection of buildings, fences and other structures with prior approval in writing of the corporation. This Bill has been considered and approved by a Select Committee in another place.

Mr. BANNON secured the adjournment of the debate.

SHOP TRADING HOURS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 November. Page 2110.)

The Hon. J. D. WRIGHT (Adelaide): I inform the House that, after very close examination of this amending Bill, the Opposition supports it, although not in its entirety; I indicate that I will move amendments at a later stage. However, the Opposition supports the Bill to the second reading stage. Generally speaking, the Bill tightens up the Act, which the present Opposition introduced in 1977. The Minister has attempted to make great play in his second reading explanation of the fact that the present Government was responsible for that piece of legislation, but it should be placed on record once again that the Labor Government was responsible for that legislation, as it came into the House, although I cannot say the same about the form in which it came out of the House, because untoward amendments were put into the Bill in the Upper House. The legislation was clearly based on the Labor Government's action of implementing a Royal Commission under Commissioner Lean, who is not now with us.

Credit for that legislation must remain with the Government of the day, the Labor Government, and it is utter rubbish for the present Government to attempt to take credit for that Bill in any way, because it was clearly the result of the previous Government's actions and was based on the findings of the Royal Commission.

It is of great interest to me that the Minister also attempted to slate the previous Government by saying, in his second reading explanation, that the Labor Government had made no attempt to overcome the loopholes in that legislation. I do not deny that there were some loopholes. Clever operators, big firms, such as Kauri Timber, Godfreys and so on, were able to use the loopholes. I notice that the brother of the Manager of Kauri Timber has come into the House. I reiterate for his benefit, in case he missed it, that businesses such as Kauri Timber and other companies were able to receive legal advice about the legislation and established that it was possible for them to create shops within shops with the use of small partitions; three individuals were installed in the one shop, thus overcoming the provisions of the legislation.

One must establish who was responsible for allowing them to do that: I say clearly that it was the responsibility of the Legislative Council of the day, which amended the previous Government's Bill by taking out the word "natural" on illogical grounds. I am fairly convinced about that. The legislation then applied to persons, whether natural or otherwise. The Government of the day opposed that amendment quite strongly in the Legislative Council and when the Bill was returned to this House. If the Minister now says that the then Opposition was responsible for the main part of that legislation, and if that is true (and I do not suggest that it is), it is clear to my

mind that he must take the blame for the loopholes. The legislation has good and bad parts and, clearly, if the present Government wants to take credit for the good parts of the legislation, then it also must be just as responsible for the bad parts.

It is not true that the previous Government was not concerned about the loopholes or about the car yards that operated outside the law. I want to put on record that so many inspections were made by the inspectorial staff that the officers concerned came to me and claimed that I was rostering them too often in an attempt to overcome this anomaly. I had to listen to the inspectors' complaints because, Sunday after Sunday, they were trying to close the car yards that were operating in breach of the Act, and that can be checked on the time sheets. That was not the end of the legislation as far as the Labor Party was concerned. In introducing that Bill into this House, I said that it was a first step towards correcting the anomalies in shop trading hours.

The second and most important facet of our plans regarding shop trading hours at that stage was, after the last election (if we had been fortunate enough to win that election), to pass the legislation wholly and solely over to the Industrial Arbitration Court. I am on record as saying that in 1977. It was not possible, with the strong objections coming from the Liberal Party, to do that before the Labor Party had a majority in the Legislative Council. Nevertheless, that was the firm and clear plan of the Government of the day, to pass the control of that legislation over to the Industrial Court. There is clear evidence, in my view, that the best relationships exist with regard to shopping hours in Queensland, where this has been done. The Minister laughs. I do not know whether he has ever been to Queensland to look at the situation. If he has not, he ought to take the trouble to go to Queensland and study the legislation and how it operates.

The Hon. D. C. Brown: The Minister has spoken to me about their problems.

The Hon. J. D. WRIGHT: He has not as many problems as the Minister will have with this legislation. The Minister will not eradicate the problems any more than I was able to eradicate them when I was Minister. Shopping hours is one of those problems. This matter should be passed to the Arbitration Court, which is responsible for determining penalties and wages, and which should, therefore, in my view, also determine hours. It is clearly the responsibility of that organisation of society, which can understand the wages concept, the penalties concept, and the hours that should be worked in an industry.

It has it in its power, also, to determine the need in particular areas. I know that the country situation is not included with the metropolitan area, but there may be areas within the metropolitan area which need a different type of shopping hours from those needed in the inner metropolitan area. It is clear to me that that tribunal is the only one which can adequately look after the situation and be fair about it. Governments are making political decisions, in most cases, about this matter. This piece of legislation is a political decision; there is no doubt about that. The Minister has been under pressure from the bigger stores, and I can well understand that, because of the competition that was developing through anomalies which allowed businesses to divide their stores into smaller type businesses. If we want to get shopping hours out of the heat of political debate, and out of the concern of political Parties, where it ought to be placed, the Opposition goes on record now as saying that, as soon as it is back in Government and able to do so, it will certainly be introducing appropriate legislation. I believe that that legislation would be popular and that it would be correct.

The Minister has said that he has a good consensus in relation to this legislation. I admit that I have not received a lot of written information, but I certainly have had some, and I think, for the benefit of those people who have taken the bother to either send telegrams to me or to write to me, that it is only proper that their feelings in this matter be placed on record in this House. I have six telegrams from people in the community. I will not read them all, because they are all of the same verbiage, but I will read one and go through the signatories of the others. The first telegram reads as follows:

> The Hon. Leader of the Opposition,
> Mr. Bannon.
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> Please support us by opposing the Bill before Parliament for closure of shops over the weekend. Many staff will be unemployed as a result of same. Parafield Discount City Shopping Centre consists of 13 different family businesses, many of which will be forced to close if this Bill goes through.

The telegrams are signed by Walkabout Souvenirs; Parafield Disposals; Parafield Discount City Carpets; Parafield Discount City Paint; Parafield Fabrics; and Parafield Discount City Furniture. It is obvious that those people would not go to the trouble of sending telegrams to the Leader if they were not dissatisfied with this legislation.

I do not know whether the Minister has been able to take into consideration any of the complaints those people have raised. He may decide to give me some answers, if he has, so that I can send to those people any replies to their objections.

The Hon. D. C. Brown: How are you going to overcome their objections?

The Hon. J. D. WRIGHT: This Bill has not yet gone through the Legislative Council. I might remind the Minister to be careful about upsetting people in that place and getting too confident and too arrogant before the Bill leaves this place. I have a further letter from a Mr. Flint, of 62 Grote Street, Adelaide, as follows:

> Dear Mr. Wright,
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> Knowing of your efforts to bring some sanity and uniformity into this area when you were Minister for Labour and Industry, I am concerned that the whole problem may have gone again into the melting pot through the Government's unwillingness to upset certain pressure groups. I am repeatedly asked by others concerned in this matter as to what I would like to see happen and my suggestion is that hardware trade shopping should be limited to any six days of the week with a maximum of 52½ hours. If, as some would have us believe, that weekend trading is so essential for their area then allow them to open Saturdays and Sundays, if they so desire, but force them to close another day of the week of their own choice. Those who are making the loudest noise to keep week-end trading alive are probably those who tried to make the proverbial "fast buck", by circumventing the existing laws some years ago.
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> As a small business we, at the present time, are open from 8.30 a.m. to 5.30 p.m. Mon.-Thurs., 8.30 a.m. to 9.30 p.m. Fri., and 8.30 to 11.30 a.m. (lucky to be away by noon) Saturdays, which in all fairness is giving the customer a wonderful "go". When you have the opportunity would you kindly ask in the House when something is going to happen and if you have the chance you might put forward the idea of a six-day week for the hardware trade. For most of us who own our own businesses the real work starts when the doors close and for the hours worked and capital involved many of us would be lucky to clear the basic wage.
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> With best regards,
> Yours sincerely, KEITH FLINT

I want that letter on the record so that Mr. Flint knows that I raised this matter in this debate setting out his ideas

and giving the Minister the opportunity to comment on whether or not he has anything to say about Mr. Flint's complaints.

The Hon. D. C. Brown: Do you agree with his ideas? Do you agree?

The Hon. J. D. WRIGHT: I am not under questioning here. It is the Minister who must answer in the debate later. If I choose to answer the Minister's interjections, I will do so, so the Minister need not ask me the same question three or four times. I have said that I support the Bill, so how can I be supporting Mr. Flint's ideas? I would have thought that even the Minister would have been able to work that out.

Let us look at what the Bill really does. It is important for us to understand that. It stops the larger type businesses from sectionalising their establishments. I think that that is important and I support it quite strongly. I did not at any stage support the rights of people to use loopholes in the previous legislation to beat what was the clear intention of that legislation at that time. That was the intention of the Government at that stage, but I want to place on record that it was not the then Government's fault that that intention was not implemented. It was circumvented because of the Liberal Party's attitude in the Legislative Council in taking out of that legislation the word "natural". Evidence of that appears in *Hansard*. The blame clearly rests with the Liberal Party and it is no good the Minister, or any other person in the Liberal Party, trying to blame the then Government. This Bill caters for food shops with a floor area of not less than 200 square metres but more than 400 square metres. A further condition is that there shall be no more than three persons physically present at any time.

I have had complaints from the Mixed Business Association on this matter. I would have been much happier if the legislation had contained the words "natural persons". The Mixed Business Association is responsible for looking after small business, and it does a very good job in that regard. Mr. Ron Paddick, of that association, came to me only this morning exercising his right to make a complaint to me in that regard, and he said that he thought that an area of 400 square metres was much too large, and that in those circumstances the mini-type supermarket would be able to come into this category. I do not know what is in the Government's mind in this regard—whether it intends to allow the smaller type or the mini-type supermarts into this category, or whether it intends only to have the situation working whereby it is for small business areas.

I am not familiar with the type of shops that Mr. Paddick talked to me about, but he has a concern that he has asked me to register. It seems to me to be a fairly legitimate concern, and I would like at least some explanation as to whether the dimensions are big enough to cater for the mini-type supermarkets, which of course will threaten smaller businesses. This is the complaint that Mr. Paddick has raised with me, and I would appreciate it if the Minister gave it some thought.

I refer now to the outlets that combine the sale of petrol with the sale of food which, again, is of concern of the Mixed Business Association. I do not find much wrong with this amendment; I think it will probably serve the purpose it is aimed at serving, and I hope it does. Again, the Mixed Business Association has pointed out to me that there is concern by the small business groups that there is the possibility of major firms in this State closing down their service station outlets and erecting small food outlets on those sites. I have had no communication with that firm, and I do not intend to nominate it, as I do not think that would be fair. However, I have been informed that this is the case, and therefore the dimensions of petrol/food outlets has become vitally important to small business. I would like to hear from the Minister as to what consideration, if any, has been given to the allegation made by Mr. Paddick and whether the Minister is aware of it; he should be, and he probably is. It may be that he has even more information than I have at the moment. If the Minister does have additional information, I would like some assurance on behalf of the mixed business people that the dimensions allowable will protect the situation that Mr. Paddick is concerned about.

I have found no problems at all with the provisions for the sale of hardware. I think that these provide a requirement within the community; I think that the consumer will be served well by the provisions inserted by the Government. It is clear that there is a consumer demand and that the new provisions will be used. It is not compulsory for shops to open; it is entirely up to them. If shop owners want Saturday or Sunday off of if they want to switch their business around and to trade on any other day, that is possible, and this seems to be a reasonable proposition which could serve proprietors equally as well as consumers. I think they must be considered, too. I suppose the old adage of business will apply in that, if one shop opens, they will ultimately all be forced to open and compete. I suppose what will occur in this area is that we will find that all the shops will open. At least, that will be a good thing for the consumer. I have one complaint about this legislation: I think that it is bureaucratic nonsense to be concerned about having permits.

The Hon. D. C. Brown: I shall explain that clearly.

The Hon. J. D. WRIGHT: The Minister will want to have a fairly good explanation. I do not think permits are necessary or that they serve any good purpose. The Minister may have a good explanation, but it seems to me to be bureaucratic nonsense, causing work for inspectors who have to get around worrying about the situation, issuing permits, and so forth. I think it should be incumbent upon the business man to declare his situation, and the premises could be inspected on complaint or if the Minister is not satisfied with the declaration of the store owner.

I turn now to the provisions concerning cars, caravans and boats. I do not find anything much wrong with any of this; I just hope it works. I have never supported the right of those few people who are breaking the law in this area, and I did what I could administratively to overcome this situation. As I said earlier, I was besieged by my inspectors who complained quite bitterly about the number of hours they were working. In those days, the department had physical reasons why it was very difficult to catch offenders in the act. One had virtually to catch them in the act of signing a document and it was terribly difficult to make the charges stick even though one may have had very strong suspicions.

The Minister has said that, of the replies he has had regarding this piece of legislation, 92 per cent of those people supported his actions. I am still concerned about the remaining 8 per cent, because in all probability they were the ones who were breaking the regulations before and causing the problems in the industry. Even though the actions taken by the Minister here are an updated version of what the Government tried to do in 1977, I still believe that it will take a lot of policing and control. I think it will be found that some of the rebels who refused to obey the law of the day previously will still take the risk of getting caught. They will not want to get caught because of the new penalties, which I shall deal with in a moment.

As I say, the Opposition has no complaint about this

piece of legislation. I am hopeful that at least it will work to protect those people who obey the law in this area—that is the important thing. Ninety-two per cent obviously are prepared to obey the law, until they are forced into a situation brought about by the rebels, and then they, too, may find themselves in a situation very similar to that in which they have been placed over the last couple of years because of a minority breaking the law.

I refer now to the power given to the Minister. The Minister has allocated himself extraordinary powers in this piece of legislation. I am sure that, if the Labor Party had attempted to do such a thing in similar legislation when it was in office, it would have had the whole of the Liberal Party, and certainly the Democrats (I am not sure whether the Democrats are represented here tonight) down on it like a ton of bricks. There is no question about that. These are extraordinary powers: the Minister has given himself the right to exempt certain shops. I cannot support that provision. I believe the Minister is overstepping his authority, and I do not believe that he should be able to do this. The Minister will be placing himself in a very difficult position by allocating such power to himself. For example, a favour can be asked: if he does not grant that favour he can be in difficulties, or if he does he will be accused of giving favours, when, in fact, he might have been quite honest about his intentions. I shall be moving an amendment to that clause in the Committee stage.

The final matter in the Bill which interested me greatly was the penalty provision. The Minister is making an amendment to the present Act whereby he can impose fines on people of $10 000. I find this unbelievable. I would not have thought from what the Liberal Party said, when in Opposition, that it would ever increase penalties. I thought that it would probably reduce them. There is no minimum: the maximum and only fine now to be imposed on people will be $10 000 for any offence.

The member for Eyre attacked me strongly over the last legislation about having penalties of $500, and a minimum penalty as well. On that occasion, he moved to reduce the minimum penalty from the legislation, and I agreed to that. After having listened to his argument, I thought that it was reasonable enough. We can have a maximum, but why impose fines on people that might not fit the crime? We ought to allow the judge to decide on penalties. That was the philosophy of the Liberal Party of the day. The member for Eyre is on record as moving that amendment and speaking to it, and I accepted it, because I thought that he had an argument. It will be interesting, when this legislation comes to a vote, particularly in regard to penalties, to see how the member for Eyre will vote. It will be even more interesting to see whether he decides to speak to the Bill and explain why he has changed his mind since 1977. I find that almost unbelievable. I cannot believe that the member for Eyre would have changed his philosophical stand on fines and penalties in a short 2½ years, but evidently he has. It appears that he wants to fine people, not a minimum or a maximum, but a straight-out penalty of $10 000.

The Hon. D. C. Brown: Read the Bill again. It's a maximum fine.

The Hon. J. D. WRIGHT: I did not read it that way; I read it as one penalty. Very well; it is up to $10 000. If it is a maximum fine, it does not make much difference: it is a tremendous escalation from what the penalties were in previous Bills. The member for Eyre was very reticent at that stage about having any sort of extreme penalty in the legislation, whereas he is now prepared, in effect, to see people fined $10 000.

The final matter I want to talk about is the sale of red meat. On the last occasion on which I introduced legislation on this matter into the House, almost every member of the Liberal Party attacked the Government of the day for not having lifted the controls on red meat and not making red meat as well as chicken, fish and pork available to the consumer, together with whatever else was on the available list at that time. We were attacked by Messrs. Evans, Gunn, Rodda, Nankivell, and Venning, and there were others (I have taken just a few from *Hansard* at random). I cannot see anything about the sale of red meat in this Bill. I do not oppose that. In fact, I support it, and I supported it in 1977 as well.

The Hon. D. C. BROWN: On a point of order, Mr. Speaker. If the honourable member cannot see anything about red meat in the Bill, can he speak about it?

The SPEAKER: I am not going to uphold the point of order. It has been traditional that the lead speaker for the Opposition, on a matter which opens up as many clauses as does this Bill, has a degree of latitude, and this is an area of great interest to many people.

The Hon. J. D. WRIGHT: Thank you for your protection, Mr. Speaker. You are perfectly correct in your judgment.

Mr. Gunn: You can't argue with the Chair.

The Hon. J. D. WRIGHT: I am not arguing with the Chair, nor have I any intention of doing so. It is important to place on record what Liberal Party members said on that occasion about our not allowing red meat to be sold. There was a good reason for it, and the Minister knows that, and there is good reason for his not allowing it. The following were some of the statements thrown at the Government of the day. Mr. Evans said:

> If this is the reason for excluding butcher shops, let us say that it is because of the unions. We do not seem to be considering the consumer or the producer. How can we say to a woman that she may shop on Thursday or Friday evening after finishing her day's work, in order to save the hassle of Saturday morning, but at the shopping centre she cannot buy red meat although she can buy chicken, fish, rabbit, fritz, sausages, metwurst or other processed meat? Obviously there will be an increase in that type of foodstuff, and the cattle industry, which is having a hard time at present, will suffer further problems.

It will be interesting to see what Mr. Evans has to say about the current situation. Mr. Gunn said the following:

> The thing that perturbs me about the Bill is the Government's decision to virtually prohibit the sale of red meat after 5.30 p.m. One would think that a Government which claimed that it wanted to help those industries in the State that were facing difficulties would have thought that this was an opportunity to give beef producers a chance to have their products put before the public on a basis similar to that relating to chicken producers . . . In view of the serious situation facing beef producers in this State and throughout Australia, the Government should reconsider the situation relating to the sale of red meat after 5.30 p.m.

It will be interesting to see whether he moves any amendments to the legislation, which he has obviously supported in the Party room. Even Mr. Rodda bought into the argument by saying:

> This amendment refers to meat and to butcher shops closing at 5.30 p.m. I speak on behalf of both consumers and producers, because the best market for the producers is the home market. Despite what has been said during the debate, the sale of red meats will be disadvantaged by butcher shops closing at 5.30 p.m. . . .

I will not bother relating what Mr. Nankivell and Mr. Venning said. I know that we want this legislation through tonight. I will not carry on with what they said, but they commented similarly to other Liberals. It is interesting to know that the Liberals can learn, although they are slow

learners. It has taken them three years to realise why the Government of the day, and this Government, have taken the decision they have taken. It is a correct one. I could oppose it, if I wanted, like the Opposition of that day did, namely, hypocritically, because hypocritical is what the Liberal Party is being now about the situation. It wanted to destroy the Bill the Government was introducing, and to capitalise on that legislation, not taking a responsible attitude like the Opposition is taking tonight.

We are moving only three or four amendments to the Bill, which, I think, the Minister will consider accepting. On behalf of the Opposition, I support the Bill to the second reading, but indicate that I shall be moving amendments.

Mr. OLSEN (Rocky River): I support the measure. I believe that it is a further indication that the Government is paying more than lip service in support of the small business sector of the business community in this State. Before proceeding with other aspects of the legislation, I make one comment in relation to the Deputy Leader's remarks on the maximum penalty of $10 000. I refer him to clause 9 of the Bill. It is clearly stated that the penalties listed therein indicate that any fines for breaches of the Act do not exceed $10 000. In effect, what he has indicated as being the point of view put forward by the member for Eyre on a previous occasion has been agreed to—that is, the minimum has been reduced, eliminated.

The penalty now starts from zero and goes up to $10 000, so it may well be, in effect, that the severity of penalties levied under the Act could be reduced. Therefore, as I have said, by referring to clause 9 of the Bill it is plain that penalties start from zero and go up to $10 000. There is no doubt also that the courts interpret such terminology in legislation as "not exceeding" $10 000, and therefore the discretion is left to the courts, on the severity of the case before them, to make an interpretation as to the level of the fine that ought to be inflicted, depending on the case before the court.

As I have said, this shopping hours legislation protects the future of the small businessman. In fact, the small business man has to have some form of protection, within the community today, from big Government, big labour and big business as such. The small business man has not the ability in many areas to match the buying capacity of the large corporations and therefore be able to trade economically and viably in competition with them. A classical example of that is the large supermarkets we are now seeing established in many areas, not the least of which are in some rural areas of the State. Some of the large corporations and business concerns that are establishing those supermarkets must be doing so on the basis that they are going to operate for a period at a loss. They could do so by the inflationary spiral offsetting building costs over a protracted period of time. No small business man or family enterprise can ever afford to run in competition against large supermarkets that are prepared to go into the market place and operate at a loss for a given period of time, so that, by the effluxion of time, they squeeze out the small operator, the small business man and the small family concern, with the life savings of people invested in them; they squeeze them out of the market place and they have what is commonly termed a monopoly in that area. I think it is an objectionable course to be followed, and I think it is right that some protection is given by Government to ensure that there is an equitable basis on which those people can operate; that is, an environment in which business people, who are prepared to invest their life savings and who have proved their flair or business acumen, are able to perform in the market place and have an equal opportunity to be successful in that market place.

That does not mean that you make provisions for the small business men which give them advantages above others. It means that you give them an equal opportunity to perform in the market place, provided they are prepared to roll up their sleeves and provided they are prepared to develop the business acumen that is necessary to make that small enterprise viable and profitable within that particular community.

The amendments contained in the Bill, I believe, reflect the Government's view that small business men should not be placed, or have placed upon them, burdens of restrictive legislation such as the control of hours in which they may trade in some particular categories. Small enterprises suffer the disadvantage of small purchasing power and thereby greater cost per article than do the larger corporations. Certainly the same applies to money spent on advertising and the like. One can look at almost every category of expenditure in a small business operation, and the same applies—economies of scale. There is also no doubt that it would be almost impossible to completely satisfy all the views held by members of our community in respect of trading hours and the hours in which businesses are able to operate. At one extreme you have trading only on week days and in restrictive hours, such as mentioned in the letter that the Deputy Leader read out from a Mr. Flint, wherein he described in, I believe, accurate detail the problems of an owner-operated business, someone who obviously has life savings invested in that business, who puts all his available time into the business and, in fact, after hours does the necessary book work, stocktaking and other facets of the business to keep it going and viable. On the other hand, and certainly on the other extreme, you have those who want total repeal of all laws and restrictions on trading hours.

Mr. McRae interjecting:

Mr. OLSEN: In response to the honourable member I am not responsible for the actions of any other person. I thought that in this debate I had the opportunity to put my point of view on shop trading hours and I hope he will allow me to proceed to do that without further interjection. In between those two extremes which I have described, there is a variety of views which no Government (including the Australian Labor Party, I might add) ever had or could hope to satisfy in one single piece of legislation. It is impossible to do so, and I am sure the honourable member will at least acknowledge that.

Mr. McRae: Nobody denies that.

Mr. OLSEN: Amendments which the Government has decided upon, I believe, represent the best consensus that is possible. They are a rational and reasonable approach to this vexed question of shop trading hours.

Mr. O'Neill: He is a sort of reluctant socialist.

Mr. OLSEN: I can assure the member for Florey that I am no reluctant socialist. I would hate to be termed a socialist of any persuasion or in any definition of the word. There is no total agreement on this Bill, as has been said, but I believe the Minister, in his speech when introducing the legislation, indicated that a period of time had elapsed in which detailed consideration had been given to the Bill, in addition to taking about 1 000 submissions from concerned people and individuals in this community. I think that indicates that the Government is prepared to heed, take account of and incorporate the views of the general public in terms of legislative framework in this State.

Mr. O'Neill: What's happened to your good old *laissez faire?*

Mr. OLSEN: If the member for Florey checks my record in relation to the small business community in this State, he will see that I have had some involvement with them over a period of years. Indeed, I have championed their cause over a number of years in terms of having some sort of equitable basis for trading in the community, such as Government intervention and legislation to ensure that they have an equitable basis on which they can trade profitably with other sectors of the community—a fair go, in other words. I am sure the member for Florey recognises the words "a fair go".

The small business man has trading disadvantages, to which I have referred, in comparison with his large counterparts, and therefore he has to have some restrictions placed upon the trading community to ensure that he has a reasonable climate in which to operate. I suppose another recent example of the Government's firm intention in that area is the recent decision to fix a maximum wholesale price for fuel to ensure that small traders are treated equitably by the large multi-national oil companies.

Many have claimed that the oil companies' pricing policies were destroying the small operator, forcing him into bankruptcy and subsequent loss of life savings. Government action in that respect indicates its determination to give more than lip service, which was better than the previous Government was able to do for the small business community, and ensure a fair go for the small business man. I was heartened by the remarks made by the Minister of Industrial Affairs recently in this House in which he indicated that a review would be undertaken by the department to ensure that there were provisions protecting the small business community. It is on the record that about 75 per cent of all new jobs created in the United States were directly related to the small business community.

If we really want to tackle the unemployment problem in this State, we should be looking to the small business community to appease and overcome that problem and we should take the restrictions off the small business man to ensure that he can achieve that end. I understand that there are between 250 000 and 300 000 small business men in Australia today, and if every one of those business men was able to employ one extra person, the unemployment problem in this country would be reduced significantly. We must take off such disincentives as pay-roll tax, and I acknowledge the action taken by this Government in some 12 months to reduce the burden of pay-roll tax, which is a tax on the privilege of paying someone else a wage.

Such a tax level is a disincentive to the small business man to create employment opportunities.

The increase in the exemption for pay-roll tax that has been given to the small business men has been an advantage, and I hope that these incentives will continue, because with that type of approach we will get back to providing incentives for small business men to increase their staffing levels. I am sure that they want to do this, provided the climate is right, because they know only too well that, by reducing staff, their personal work load increases dramatically.

The Deputy Leader referred also to the survey which was cited by the Minister and which was conducted by the Automobile Chamber of Commerce. This survey indicated that about 92 per cent of that sector was in favour of the Government's proposed legislation, and the Deputy Leader raised a question in relation to the other 8 per cent. Very humbly, I suggest to the Deputy Leader that, if a major political Party were able to receive 92 per cent of the vote, it would be most delighted and, while taking into account the wishes of the other 8 per cent, it would be more than willing to proceed on the basis of 92 per cent support for the principles, policies and directions espoused in the election campaign. Therefore, I believe that the Government has proven general community support and that the measure that is before the House will, in effect, give the small business operator a fair and even go and will prove to be a success in the general community.

Mr. McRAE (Playford): First, I support the Bill to the second reading stage, but I make very clear that this is an act of supreme hypocrisy on the part of the Government which the honourable gentleman who last spoke is supporting. Let me take honourable members opposite back to the situation disclosed in their Party's policy over the past few years. We all remember Mr. Steele Hall as an eminent Leader of the Liberal Party: in fact he has been the only distinguished Leader of that Party in the time I have been here. His policy was open slather, and he made quite clear in his speeches in this House that his view was that shops should be open at any time that they wished to open, on any day of the week, on any day of the year, or at any hour of the day, and that the industrial conditions between the parties should be worked out in terms of a bargain or before the Industrial Commission.

Associated with that philosophy were the present Premier, the current Minister and most of the leading members of the Liberal Party, and this will be well known to anyone in the industry. Some members of the industry are present tonight, and they will well recall the views expressed by the Hon. Steele Hall, both to the Retail Traders Association and the Shop Assistants Union, as it then was. Those views were echoed by the present Premier, the Minister and other senior members of the Liberal Party: let us make no bones about that. In fact, many members of the Liberal Party were strongly opposed at that time by members of the Retail Traders Association, who were quite frightened of the consequences of such a philosophy, and also by the union involved.

That attitude continued to be the philosophy of the Liberal Party throughout most of the 1970's. Let me remind honourable members that, as late as 1977, there was the example of the then Leader of the Opposition (Mr. Tonkin) saying on 1 November 1977, only three years ago, at page 573 of *Hansard:*

> The Liberal Party believes, in general principle, that, if all restrictions were removed during the working week (that is, from midnight on Sunday to 1 p.m. on Saturday), traders, shop assistants, consumers, and everyone else concerned would be able to reach agreement on rational, reasonable and desirable shopping hours, without the intervention of Parliament at all.

The situation is such that this is a total and hypocritical backdown in a deal worked out between the Government and its mates in the private industry sector.

Mr. Hamilton: The R.T.A.

Mr. McRAE: No, not necessarily the R.T.A.: certain members of that body will be violently opposed to this. I will explain why. Let me remind the more junior members of the Liberal Party that, if they believe that these are the true views of their Ministers, either the Ministers have changed their views most radically over the years or, alternatively, the Ministers are conning the junior members. I say this because the Minister in charge of the Bill, his Premier, and the former Liberal Premier all espoused a view of open slather and "Let the parties work it out themselves." That view had only one merit—it was utter simplicity and it let the court sort out the resulting mess.

The Labor Party was violently opposed in those years, taking a different philosophy. Why did we take a different

philosophy? Quite clearly, as indicated by this hypocritical Minister tonight, we took that view because we knew that that one simple solution would not work and could not work, because there was no way on earth that agreement could be reached between the conflicting interests—there was no way on earth that that was possible. Yet, we were abused up hill and down dale by members of the Liberal Party, and members such as I, who represented outer metropolitan areas, were continually harassed in our districts for their own dubious and spurious purposes. I make quite clear that what we are dealing with tonight is, as usual, a dubious, hypocritical and spiteful Minister of Industrial Affairs (as he now terms himself), and I do not retract one word of that. My previous view of the Minister continues to be my view of him; the only word that I have left out is "arrogant", and I am sorry that I left that out.

The DEPUTY SPEAKER: Order! I suggest to the honourable member that, in the best traditions of the House, it would be better if he tempered his remarks.

Mr. McRAE: It would be in the interests of the House if I could temper my remarks, but I am afraid that I cannot because, you, Sir, will recall the vicious campaign that was mounted by your own Party in the Playford District and in the districts of what are now Newland and Todd at that time, and you will also recall the way in which the situation occurred. However, I will not press that point; I will be guided by your better judgment, Mr. Deputy Speaker.

Let me move to the next point. The member for Rocky River made a very positive contribution, he thought, when he said that this Bill will help the small business man. On the surface, it will, but, perused more deeply, it will not. I will explain to members of the House (and if they cannot be bothered listening to me, I will explain to those outside the House, if they can be bothered to read *Hansard*) why the Bill will not help. You will know, Mr. Deputy Speaker, that most small businesses of any account these days that can employ people are conducted inside big shopping centres and you will know, Sir, of those big shopping centres. Parabanks and Tea Tree Plaza will do as examples, and there are many others on a similar scale.

Those shopping centres are organised in such a fashion that large traders such as Myers (and we know how much trust we can place in them) determine the provisions of the lease of the small traders. I am sorry that the member for Rocky River is not here to listen to this explanation, but I see that the member for Henley Beach is, and there is a good example of this in his electorate. If he looked at the leases his small business men have to tolerate he would be appalled. In those leases those small business men can have a turnover tax placed on them within the law. They can have placed on them their hours of opening and their hours of closing, so the provisions of the whole of this Bill can be frustrated. In other words, if any member of the Liberal Party wishes to espouse the cause of the small business man, what he needs to do is go much further than this Bill. He has got to provide a clause stating that this Bill shall have paramountcy over any lease in existence.

Take, for example, most honourable members of this House. Most of us are in a situation where our electorate offices are situated in shopping centres. Do we not know that next door to us there are delicatessens, butcher shops and other such outlets? Do we not know the iniquitous leases they have to face because they simply do not have the bargaining power? In that, I agree with the member for Rocky River; they have clauses in their leases that we do not have to face because we, as the nominal lessees of the Public Buildings Department and, therefore, the Government, have the bargaining power to strike out every obnoxious clause. Yet tonight (and this is the supreme paradox, and let me try to impress it on honourable members opposite), the Minister, on the one hand, as Minister in charge of the Public Buildings Department, ensures that the most obnoxious provisions of those leaseholds are struck out from standard public building leases; on the other hand, he must know full well, as do the retail traders and others, that they will be enforced on the small business men to the abrogation of this Act. So much for the hypocrisy of the Liberal Party.

Mr. Mathwin: What about that secret meeting at Klemzig, when you talked about it that Sunday night?

Mr. McRAE: The meeting at Klemzig, to which the honourable member refers, was a private meeting of the Australian Labor Party, of which I am proud, have always been proud and from which I have never stood aside. In fact, in this House sometimes the displeasure of my colleagues has maintained my view of what should happen in relation to trading hours in my electorate. I have not stooped to the hypocrisy and lies of some members of the Liberal Party.

The DEPUTY SPEAKER: Order! I have been most tolerant with the honourable member. It has been considered by the House that it is inappropriate to use the word "lies".

Mr. McRAE: I withdraw the word "lies" in deference to you, Sir.

Mr. Mathwin: It was an empty block—

The DEPUTY SPEAKER: Order! The honourable member for Glenelg is completely out of order.

Mr. McRAE: If members opposite want to do something real and constructive for small business men they will provide in this Bill (not here, but presumably in another place) that it will have paramountcy over any lease applying to a small business man. That is the very first thing that they will do. The next thing, and in this I most strongly support the Deputy Leader, that genuine members of the Liberal Party will do most assuredly is to oppose clause 4 of the Bill. This clause is incredible. It provides supreme paramountcy for the Minister of the day. Any provision of this Act can, at the absolute discretion of the Minister, and without supervision of the Parliament or the courts, be struck down and be pushed aside to the sovereign will of that person.

Mr. Mathwin: Is that the first time a clause like that has ever been put into a Bill?

Mr. McRAE: Mr. Deputy Speaker, I do not care whether this clause is the first or the last. I hope sincerely it is the last. I, for one, am happy to admit that one's views can change, particularly from an Opposition perspective can they change. I do not like this clause one little bit, no matter who the Minister is. I would not care if he was the honourable Minister now approaching his table, or the Deputy Leader of the Opposition; it is the principle that I am talking about, the principle that any Minister can be so paramount.

I notice that I am greeted with laughter from the Liberals opposite. That appals me. It is almost unbelievable, because it was provisions like this which led the High Court of Justice in Britain, and then the House of Lords, to pour scorn upon the whole concept of any Minister who could be so above the law in a nation which is supposed to believe in the rule of law that he can inflict his power on a grace and favour basis. Notice that I said "can inflict his power". I am not saying that the honourable gentleman moving the Bill, or the Deputy Leader of the Opposition, if positions were reversed, would do that. What I am saying is that it does permit either of them, or a third party that we do not know or cannot even speculate about, to—

Mr. Mathwin: It may be the member for Mitcham when he is Minister.

Mr. McRAE: It could be, but I think that a deal has been done to make him a judge of the Supreme Court, and that that will come about before next June. I think that is unlikely, but it could be the member for Mallee, for example. He is a very honourable gentleman and I would not expect that he would abuse his power, but he could.

I do not care whether it is a 10 000 to one chance, the fact is that the Minister could abuse his power. The philosophy that I have heard over the past 10 years *ad nauseam* from the Liberal Party, and particularly from the member for Glenelg, who might well covertly smile as he is at the moment, is that this whole provision is anathema to the Liberal Party, and any member of the Liberal Party who supports it with any sincerity I can only say is either a fool or a knave. I hope that that is not unparliamentary.

I must now go on, because of limitations of time, to talk about one or two other matters. I am very suspicious (and perhaps that is in my nature) about another clause in the Bill which gives the Government power to do certain things; in particular, it is proposed new section 13 (11), which states:

> (11) Notwithstanding any other provision of this Act it is lawful for a shop to be open in accordance with a proclamation under subsection (9).

That is a proclamation under subsection (9) which permits the authorisation by the Governor of the opening of shops during hours specified in the proclamation when it would be otherwise unlawful to open those shops. That is restricted to a period of one month, but why is the period of one month mentioned? I understand from my inquiries in the industry the explanation that apparently was given that it is to deal with the difficult holiday situation that, for instance, arose this year. I could understand it in that context, but I certainly do not understand it in the context of one month. What I suspect is envisaged by this Minister, who can inflict his iron will, his paramount will, his unchallengeable will, infallible will, in fact, upon the Governor of the State, is that he might, for instance, say "Let all the R.T.A. heavies open two days a week in the four weeks leading up to Christmas." I know full well from the devious history of the Liberal Party in this area that it has ducked and dodged throughout a decade through a dozen different changes in attitude, and I do not believe for a moment, as the member for Rocky River did, that this is a bowing to the consensus of the community. What rubbish and nonsense! This is the best deal that could be extricated to placate most of the people who have paid into the funds of the Liberal Party and have not yet been satisfied by the appointment of Mr. Rundle as Agent-General to London.

The DEPUTY SPEAKER: Order! There is no mention in the Bill of the funds of any Party.

Mr. McRAE: Thank you, Mr. Deputy Speaker.

Mr. Mathwin interjecting:

The DEPUTY SPEAKER: Order! The member for Glenelg has already been spoken to about interjecting.

Mr. McRAE: I maintain that I am totally cynical about this whole measure. I am yet to be convinced, and I will be interested to hear what the Minister has to say, but in the background of the meetings we have had with this Minister over the past four or five years, I will be very surprised indeed if I am satisfied. It may take somebody in another place to do something about this.

I realise that I cannot take a bet with the Chair, but if I were permitted I would make a bet that there would be no amendment moved by the Opposition, no matter how rational or how good, that would be accepted by the Minister.

The Hon. D. C. Brown: Put up a good amendment and I will accept it. I have looked at your amendments and they are hopeless.

Mr. McRAE: That is totally the attitude I expected. There it is set out for every member of the Liberal Party to hear: it is the arrogance of a Minister who knows he has the numbers, notwithstanding the merits of the measure or the advice that we know he has had. That is the irony of it. I bet the Minister has not told those members behind him of the advice that he has had. However, the Opposition knows what the situation is and we know that the Minister is acting in defiance of logic and reason, and in defiance of what one would suspect to be the logical attitude of any Liberal Party properly so called.

The SPEAKER: Order! The honourable member will connect his comments to the Bill.

Mr. McRAE: I am sorry, Sir. While the Deputy Speaker was in the Chair I have been dealing with the history of the Liberal Party's attitude towards shop trading hours, which history I consider to be quite despicable. This Bill has been properly described by the Deputy Leader as a Committee Bill. I shall not take up any more time except to deal with one other matter; notwithstanding the "Hear, hears" from some unknown member opposite, I will not be aggravated, because I am a calm and reasonable person who will always accept reasonable suggestions.

Another matter to which I refer cries out that an obvious deal has been done between this Government and one of its heavies supporting it. I am not sure which one, as it gets so complicated. From one clause the phrase "spare parts and accessories for motor vehicles" has been struck out. I suggest that has been done to equate some kind of deal with the oil companies. I suspect that somehow lying in between all this is a deal that somehow sets out to put up a front for the small business man, somehow sell them out to R.T.A. (I am not sure how, but I am suspicious about the whole thing), and at the same time to placate the oil companies. I do not for a moment wear the nonsense about the Minister's receiving 1 000 letters, his perusing them, and his decision that some are logical and some are not. This has been done, I suspect to attack a couple of small business men on the outskirts of Adelaide, one of whom is in my electorate. I have an interest in the matter, which I confess. I do not hide behind the Parliamentary veil. He is actually annoying the oil companies, those luminaries of industry because he is selling to the public spare parts for motor vehicles. I hope that many of us can recall the time when we had vehicles not in all that great condition, and we needed a spare part. Why on earth should a person not be able to buy a spare part? What nonsense, what rubbish! What does the Government want? Does it want the ordinary citizen, who is trying to keep his motor vehicle in some sort of condition, to go without spare parts and accessories? Again, this makes me suspicious of the whole thing. Rather than take up further time of the House I indicate that I reluctantly support the Bill through to the second reading, and I shall be listening anxiously to the comments made by the Minister.

Mr. GUNN (Eyre): I am delighted this evening to have the opportunity to say a few words on this Bill. Members have just had the benefit of the words of the member for Playford, who has worked himself into a considerable lather. He has tried to portray to the people of this State that we have this great social democrat looking after the rights and privileges of the citizens of this State who are going to have the heavy hand of an arrogant Minister placed on them.

Members interjecting:

Mr. GUNN: He did not tell the people of this State (something he likes to conveniently forget) that he and his

colleagues voted to close the shops on the outskirts of Adelaide, quite contrary to the wishes of their constituents. Where was this new-found democrat when his Government in 1970-71 put a Bill to this Parliament to close the shops when the overwhelming majority of people wanted the shops to remain open? We all recall the performances that went on when the member for Playford and his colleagues were confronted at a famous public meeting.

Members interjecting:

Mr. GUNN: I am aware of the member for Florey's sneering comments that he makes across the Chamber. We know the sort of heavy hand that he likes to exercise in the organisation with which he has some influence. Let me remind the member for Playford of the public meeting where the previous member for Florey put on a performance that had to be seen to be believed.

Members interjecting:

Mr. GUNN: I know the honourable gentlemen opposite do not like this.

The Hon. J. D. Wright: What about the referendum?

Mr. GUNN: Fortunately, the Deputy Leader reminds me of the referendum. What about the referendum? The referendum, Mr. Speaker, as you well know, as one of the people who voted to support the will of your constituents, unlike the member for Stuart, the member for Playford and I do not know if the member for Adelaide had quite graduated to this place at that time. The Hon. Mr. Hudson devised a question which he thought would get the Labor Party out of a very difficult situation.

Mr. Mathwin: Off the hook.

Mr. GUNN: Yes. However, the situation backfired because what the Labor Party did not foresee was that—

The Hon. J. D. WRIGHT: On a point of order, Mr. Speaker. I am trying to relate the member's comments to any clause in the Bill, and I am finding it very difficult. Therefore, I would like a ruling from the Chair.

The SPEAKER: Order! It is necessary for members, in addressing themselves to the debate, to link their remarks to the clauses. I would ask the member for Eyre to do so.

Mr. GUNN: The marginal note on clause 5 says "Closing time of shops". I was talking in relation to the decision of the former Government which brought back the time that those shops could operate. I realise that the Deputy Leader does not like my referring to this matter because it is rather painful to the Labor Party, as its members made fools of themselves.

Mr. GUNN: The member for Adelaide has been trying ever since to get the Labor Party off the hook and he now has the audacity to try to prevent me from refreshing members' memories of what actually took place. We know that Mr. Hudson devised this cunning question, but he did not foresee what was going to take place when the Shop Assistants Union and the Retail Traders Association got together.

The Hon. J. D. Wright: And the Liberal Party.

Mr. GUNN: No, the Liberal Party members were innocent bystanders in this exercise. For anyone to think that the Liberal Party would get up to such skulduggery leaves me cold, because I could not imagine the Liberal Party's wanting to get involved in some such devious activity.

Members interjecting:

The SPEAKER: Order! There are far too many audible comments from both sides of the House. The honourable member for Eyre has the call.

Mr. GUNN: I do appreciate the flattery coming from the other side of the House, and I think it is important to refresh the memories of members opposite. The referendum was defeated and the Labor Party was in trouble to such a degree that it had to bring out the book of rules. Unfortunately, I do not have it here tonight, or I would read it for the honourable member, who was forced to vote, and they had to close the shops. I shall now turn to one or two other matters in relation this measure.

The Deputy Leader referred to an amendment that I moved on a previous occasion. Let me tell him and all members that, ever since I have been a member, I have opposed and will continue to oppose any piece of legislation that sets minimum penalties. I am sorry that the Deputy Leader has just left the Chamber. He talked about Draconian powers. He has used his good grasp of English to describe other features of the Bill, but what he did not tell the people of South Australia was that, as a member for 10 years, he voted to reverse the onus of proof. If ever there was a course of action that should be condemned it is legislation that contains a provision to reverse the onus of proof. I make clear that I will take convincing, no matter what the Government, to get me to vote for that course of action. I can be difficult in relation to pieces of legislation from whichever side of the House they come—make no mistake about that. The Deputy Leader did not understand the provisions in clause 11, when he said he was concerned about a $10 000 penalty. I am not particularly happy with the $10 000 penalty.

The Hon. J. D. Wright interjecting:

Mr. GUNN: The Deputy Leader should be patient. I realise that, if the Bill is to be effective, it must have enough strength to prevent people from flagrantly violating it. Some commercial organisations could afford to pay a $10 000 fine, because it would pay them to trade and break the law. We want to see the law effective, as, I understand, does the Deputy Leader. I am a free trader and I believe that, as a matter of principle, if someone wants to open his shop, he should be allowed to open. We have gone to great lengths to annoy people, but I realise that, if that policy is to be put into effect, it will create considerable difficulties. Although I am a free trader, I recognise that that is not possible at this stage, and that this legislation is necessary to protect small businesses and other forms of commercial activity in the State.

The member for Playford went on at great length to talk about the dubious deals into which the Government had entered, and talked about oil companies. This is the first Government that has had the courage to take action against the oil companies. We took positive action when we reduced the price of fuel by 3c a litre. It was a courageous and proper course of action, and I am sure that the constituents of the member for Stuart appreciate it.

The Hon. J. D. Wright: It will cost you the next election.

Mr. GUNN: Is the Deputy Leader saying that it was an improper course of action to take?

The Hon. J. D. Wright: I am not commenting. Don't get too excited. I will make a speech on it if you like.

Mr. GUNN: I should be pleased if the Deputy Leader were to speak.

The Hon. J. D. Wright: There's nothing in the Bill about petrol prices.

Mr. GUNN: The member for Playford, in the course of working himself up into a considerable lather and doing a great deal of grandstanding, was critical of the Government for being in cohorts with the oil companies. He cannot have it both ways. Where does the Opposition stand? This Government accepted the responsibility in relation to that matter.

The other matter about which the Deputy Leader had much to say was red meat. The overwhelming representation from my district in relation to this matter has been that the people do not want the butcher shops to trade after normal trading hours. I, too, support that

concept, because I am also aware of the effects it would have on a large number of butcher shops in the metropolitan area and throughout the State. Let us face reality. I have received a large number of petitions, with many signatures on them, from butcher shops in relation to this matter, and the overwhelming number do not want this change. Therefore, I will support the *status quo* on this matter. In relation to the other matter which the member for Playford mentioned, namely, giving the Minister these wide-ranging powers, I am not particularly happy about that provision.

The Hon. J. D. Wright: Will you vote against it?

Mr. GUNN: If the Deputy Leader will be patient, I will explain my situation. I would be far happier if there was in the Bill a right of appeal provision against the decision of the Minister, and I make no apologies for that.

Mr. Keneally: Why not move an amendment?

Mr. GUNN: I am in the difficult position of not being able to move an amendment, and the honourable member knows that. I understand that this provision has been inserted in the Bill to protect the interests of a certain organisation which it would be foolish to close down.

The Hon. J. D. Wright: My amendments will fix that.

Mr. GUNN: I doubt that. My understanding of the Deputy Leader's amendments is that they would create complete chaos in the shopping industry. It is obvious that his legal adviser or masters in the Trades and Labor Council have not been operating too well, because they became more confused than normally when they drafted the amendments. The Deputy Leader must operate with one arm behind his back; he has had to take instructions from his union masters, yet appear reasonable.

In conclusion, the Labor Party had 10 years during which to take positive action in relation to shopping hours, but it failed miserably. We are all aware that, when the Deputy Leader was Minister of Labour and Industry, he wanted to put nine-foot fences around car yards. I do not know who helped him.

The Hon. D. C. Brown: Concrete jungles?

Mr. GUNN: Yes, concrete jungles.

The Hon. D. C. Brown: They didn't do that at Yatala.

Mr. GUNN: No. I shall listen with interest to the remarks made in Committee.

Mr. PETERSON (Semaphore): I will link my remarks to clause 4 so that the House will not be confused. It is difficult to follow the eloquence of the member for Playford and the wide-eyed innocence of the declared free trader, the member for Eyre. The member for Rocky River spoke of the squeezing out of the little operator, the need for equal opportunity, and the need for a fair and even go for all traders in the State. He also said that the small business man should not have any restriction on his hours of trading. I had trouble in equating the words spoken from the Government side in the debate with the effect of this legislation. I am sure that there are a few businesses such as Hubbards, Toy Town, and perhaps Godfreys and many others which would have many problems equating what has been said tonight with what will happen. However, many of these middle-stream traders will be put out of business by the legislation. There is one type of trader on whom I will concentrate my remarks. I refer to *Hansard* of 20 November (page 2108), where, in his second reading explanation, the Minister, it seems to me, has lumped together a group of industries. It does not make sense to me or to them, but I am sure that the Minister will give some explanation later.

The Hon. D. C. Brown: I'll explain.

Mr. PETERSON: I am sure that the Minister will, or will try to do so. I quote from *Hansard*, as follows:

> Another area of major concern and controversy is the issue of trading hours for shops selling motor vehicles, caravans, or boats.

I can see considerable confusion in that. I do not see why they are lumped together. I am well aware that, in the motor trade, there is much rejection of the extended trading hours and that many employers and employees in that trade do not want to work extended hours; I accept that.

On the other hand, there are small operators in aspects of that trade who need the weekend trade to survive. The Minister continued:

> Since the passing of the existing Act in 1977, extreme difficulties have been encountered in attempts to police the legal trading hours of such stores. For example, difficulty has been experienced in attempting to prove that a sale has taken place outside of normal trading hours.

The Minister then said that only two people had been prosecuted since 1977, and continued:

> I have held lengthy discussions with the major industry organisation representing the motor vehicle industry, the South Australian Automobile Chamber of Commerce, which represents over 450 dealers.

Again, I am stressing the point on a particular aspect of the legislation (boat trading), and I cannot see the relevance of the Automobile Chamber of Commerce in relation to the selling of boats. The Minister continued:

> In a recent survey of the membership, 92 per cent of the members who responded indicated total support for the amendments incorporated in the Bill. I have also received representations from the Professional Car Dealers' Association of S.A., who have indicated their total support. They have presented me with letters from 157 dealers . . .
>
> In the light of the overwhelming consensus of motor vehicle dealers that weekend trading should not be permitted, the Government has decided that the sale of motor vehicles, caravans and boats will not be permitted . . .

I have a particular case in mind, and I will explain that case in this Parliament so that it will be clear to the Minister what I am talking about. I have spoken briefly with him about it. There is an operator in my electorate who sells second-hand boats: it is basically his trade. It is a recreation or leisure industry, and most of his trade (what there is of it nowadays in depressed conditions) is done on weekends. If this man is forced to close at 12 noon or 1 p.m. on a Saturday (I am not sure what the time is), he will be forced out of business. I cannot see how that fits in with the philosophy, or my understanding of the philosophy, of the Liberal Party of supporting the small business man. There is an aspect of the legislation whereby the Minister can give permission. However, as the member for Eyre stated, there is no right of appeal. If this man cannot trade (if he is on the brink of being put out of business), and he appeals to the Minister and is rejected, that is the end of his livelihood. After many years in the business trying to survive, and seeing his business slowly erode around him, he will be put out of it on the scrapheap, with no sale for the commodity that he has and having to start again in the middle years of his life. That seems very harsh. It also puts him at a disadvantage, because this legislation does not cover, in the boating industry, the open day demonstrations on the Patawalonga, or at North Haven, or anywhere else you like. There is no provision for that, because the man does not have to open his yard for that. He can take 200 boats to the Patawalonga on a Sunday open day, or the industry as such can have an open day display where one can ride in boats. Last weekend I think there was something like that. One can try out these boats and place an order, yet the yard does not open. This cannot be done by a man

operating a second-hand boatyard, as his sales are limited to people who are looking for a lower priced craft. He has difficulty getting the boats there for the display, and therefore he is grossly disadvantaged. I had arranged some amendments to the amendment, but I do not believe I would receive support at this stage. I will support the Bill at the second reading, and see where we go from there.

Mr. LEWIS (Mallee): As the Deputy Leader of the Opposition properly pointed out earlier this evening, members of my family have been involved in shopping hours legislation, such as it used to be in law, and it may be that, had my brother and I not examined the real intent of the law as it was then written, at least as it occurred to us, this Bill might not be before the House at this time. We might not be giving the kinds of opportunities that are now to be presented to those traders who seek to have an extension of the shopping hours, and the customers whom they may now serve over and above what was possible previously. However, I should point out to the Deputy Leader that my brother is not now the General Manager of Kauri, and in fact has not been so for over a year. Neither I nor he would accept any responsibility for the present condition of that company, financially or in any other sense. That is the result of decisions made long since he left its service.

Naturally, I support what the Government is trying to do and, indeed, will accomplish when this Bill becomes law, and I commend the Minister for the great pains and the great lengths to which he has gone, and I also commend those officers of his department who have been equally dedicated, in the lengths to which they have gone, to consult the opinions of all parties that are in any way connected with retail or wholesale trading (however it is defined), that have been affected by shopping hours legislation. I think it is something that stands alone in recent times regarding the extent to which sensible and exhaustive consideration has been given to so many people about such a vexed question.

Mr. HAMILTON: Mr. Speaker, I draw your attention to the state of the House.

A quorum having been formed:

Mr. BLACKER (Flinders): I wish to make a couple of comments on this Bill to clarify my position. As members who were present in the House in 1977, when the original Bill was before the House, would recall, I was one of the main opponents of that Bill. In fact, when a division was called, I think I lost the vote by 39 to 3. Nevertheless, I support these amendments because, as much as I detest it, it makes the position more palatable for some of those smaller industries. At the time, I opposed the shopping hours legislation because I had firm indications within my electorate that the people did not want it. I was able to give selective quotes from some 100 letters strongly supporting the views that I put at that time.

I believe the comments made at that time have been borne out, for the only stores that operate on late night shop trading hours under that provision are the three major supermarket stores. All other small businesses do not operate on Thursday night late trading other than in the week or two just prior to Christmas. In fact, at the present moment a number of smaller stores are putting up signs in their windows to say that they will be opening on Thursday nights for the two or three Thursdays leading up to the Christmas period. This Bill tightens up some of those regulations, and it does mean that it will be only the small corner stores that will be able to operate on extended hours. I believe that is a good thing.

The question of red meats has been raised, and I would like to comment on this matter, because I was one of the 11 Opposition members who expressed support for the inclusion of red meats in the late night shopping hours provision. The present provision means that red meats cannot be traded after 5.30 p.m. on a late trading night, which is Friday in the metropolitan area and Thursday in the country areas. It has been my opinion that, because of that provision, less red meat is sold on the wholesale market, and I believe that much of that potential market opportunity has been taken over by white meats, such as fish, poultry, and the processed meats.

There is a considerable division of opinion within the community on this subject, and I have presented petitions to the House, as have other honourable members, that strongly oppose the extension of meat trading hours. While I can accept the small butchers' point of view, I should explain why that comes about. It is well known that the supermarkets, in trading in red meats in the extended period from 5.30 until they close at 9 p.m., would in all probability trade in packaged meats only and would be highly unlikely to have a qualified butcher at the counter cutting off the required piece of meat and selling it across the counter to a customer, whereas a small butcher would have to provide those facilities so that he could supply fresh meat directly across the counter. This would give an unfair advantage to the supermarkets, because they would be grabbing a part of the red meat market but at the same time not providing the facilities that any small butcher would have to provide.

Reference has been made (and I believe that the Deputy Leader of the Opposition referred to the debate in 1977), to the stance taken by the United Farmers and Graziers Association at that time. I believe that that association has not changed its view, but I do not know whether or not it supports extended red meat sales. That organisation has set up a committee to examine the proposal, and I believe that the committee is of the opinion that the extra cost that butchers would have to put on to the price of red meat would be offset by the lesser quantity of meat that would be sold. Therefore, we have a catch 22 situation.

For the time being, I support the principle that the hours of trading in red meats should not be extended, knowing full well that only the supermarkets and the larger retail outlets would benefit from later hours, because they would be able to deal in packaged red meats and not provide the facilities that other smaller butchers would have to provide. I support the Bill.

The Hon. D. C. BROWN (Minister of Industrial Affairs): First, I thank honourable members for their comments. This Bill is largely a Committee Bill, although it is pertinent that I comment on a number of the contributions made this evening. I refer specifically to the thrust of the speech made by the Deputy Leader of the Opposition, whose comments were endorsed by the member for Playford. I will also refer to one or two of the other pertinent points that were raised. The Deputy Leader said that he supported the Bill in principle, but he then said that be believed it should refer only to shops which trade after hours and which are owned by natural persons. He also referred to amendments that he intends to move to the Bill.

I have had a chance to examine the Deputy Leader's amendments, although I know I cannot comment on them at this stage. If we were to accept those amendments, it certainly could not be said that the Deputy Leader supports the Bill, because the effect of his amendments is totally different from the effect of the Bill. I believe that this Bill will affect only 1 per cent or 2 per cent of those shops that trade on weekends. If we accepted the proposal

of the Deputy Leader, at least 50 per cent, and possibly up to about 70 per cent, of the shops that currently trade after hours would be forced to close down or significantly alter their operations. In saying that he supports the Bill—

The Hon. J. D. Wright: With those amendments.

The Hon. D. C. BROWN: I will refer to the individual amendments later; I cannot talk about them in the second reading debate, but I can point out the effect of some of the amendments. It is fairly obvious that one could not class the proposals made by the Deputy Leader, which I presume are put forward on behalf of the Labor Party, in a category similar to what was originally intended in the Bill and to what is put forward by the Liberal Government. I take up specifically a number of the points raised by the Deputy Leader, who said that only those shops that are owned by natural persons should be allowed to trade after normal hours. I point out that that provision would place small businesses at a very serious disadvantage compared to the position in which they currently stand, and it would certainly place them at a very serious disadvantage in comparison with larger complexes. However, I do not think that that is what the Deputy Leader wants to do.

If we provided that only those shops owned by natural persons were allowed to trade after hours, those persons wishing to trade after hours would be placed in the unfortunate position in which they could not enjoy the limited liability of a proprietary company, which means that, if a small business man who wanted to trade after hours and who, under the proposal of the Deputy Leader, is a natural person, goes bankrupt, he would not only lose his shop and stock (the normal assets of a company or business), but he would also lose his home, his entire livelihood and the land on which he lives.

That is basically what the Deputy Leader's proposal will provide: it will take away from those small businesses the very important advantage that they currently have in relation to limited liability by their being able to register as a company. For the sake of the Mixed Businesses Association and the Confederated Chambers of Commerce, I defend the view that these businesses should be allowed to enjoy the same benefits as a proprietary company that any large business is able to enjoy. That is the first and the most obvious reason why the Government could not accept the Deputy Leader's proposal.

The SPEAKER: Order! I draw to the Minister's attention that we are at present considering the Bill as it was introduced by the Minister and not the proposals that will come forward by way of amendment to the Bill at a later stage.

The Hon. D. C. BROWN: Thank you, Mr. Speaker. I am specifically referring to the Deputy Leader's speech, and he referred to natural persons. I shall certainly obey your instructions, Sir. The Deputy Leader expounded the view that the whole matter of shop trading hours should be referred to the Industrial Commission, but I point out that this practice operates in Queensland, and the Queensland Minister indicated to me recently that he felt that it was not working satisfactorily and that some alterations would have to be made in that State. Especially because of the rather half-hearted manner adopted by the Deputy Leader, although this was the Labor Party's policy in 1977 when it first introduced the Bill that is now the principal Act, I do not believe that it is serious about this matter, and I believe that members opposite now see the failure and deficiencies of that proposal. The Deputy Leader referred to the sort of shop that should be allowed to trade, and he said that only small shops or those shops that are classed as small businesses should be allowed to trade out of hours. He specifically asked for some clarification of what is 400 square metres.

The Hon. J. D. Wright: What sort of shop is 400 square metres?

The Hon. D. C. BROWN: I point out to the Deputy Leader, as an example, the small C.P.S. store or supermarket on Fullarton Road, about half way down almost to Myrtlebank. That shop is 200 square metres.

Mr. Lewis: About the floor area of this Chamber.

The Hon. D. C. BROWN: The member for Mallee has suggested it is about the floor area of this Chamber and I think he is about right. I will not pace the Chamber, as I am not allowed to speak out of my place.

The SPEAKER: There is no Standing Order to permit it.

The Hon. D. C. BROWN: We might be able to measure it. I am sure the member for Mallee has a stride of about a metre. I will explain the 400 square metres size in terms of shops currently open. The Deputy Leader would know that there are 14 convenience shops that currently trade in the metropolitan area with an area of more than 200 square metres. Of those 14 convenience shops, all but two have less than 400 square metres of floor area, so the proposal here would allow all but two of those shops to trade without alteration. The other two shops, one in the north and one in the south, would need to make minor alterations. In one case the shop trading area would have to be reduced by 65 square metres to come within the 400 square metres. Those stores are restricted to a staff of three people in the shop at any one time. Any business which has the proprietor and no more than two employees working at any one time is classified as a small business. The official definition of a small business is as follows:

> Any company that employs fewer than 20 persons, or, if it is a manufacturing establishment, employs fewer than 100 persons.

Certainly, they are well within the definition of "small business", as officially accepted. I can assure the Deputy Leader that the proposals in the original Bill I put forward were satisfactory only to small businesses and could in no way be defined as getting into the medium size business class. I think the Deputy Leader would appreciate that any supermart that operates with only three staff at any one time is not a large supermart.

The next point that the Deputy Leader raised was the reference in the Bill to food shops that sell petrol and petrol stations that might set up a large convenience food store in conjunction with their petrol trading. We have put that in the Bill because we believe it would be unfortunate to establish a whole new area of trading, confusing service stations with food shops. I do not mind if service stations sell something else, but I do not think we want to confuse the sale of foodstuffs with the sale of petrol in a new class of supermarts if you like, selling petrol. For example, we do not want to see the Darlington petrol stations also become 400 square metre supermarts. That would be unfortunate.

The Hon. J. D. Wright: I do not have much objection to that.

The Hon. D. C. BROWN: I appreciate that the Deputy Leader was not objecting to that, but that is why that provision was put in the Bill. Another reason for introducing this Bill, including some of the proposals that members have commented on, is to make sure that some of the loopholes we see here that may not yet have been used are closed before they are abused.

The next point raised related to hardware shops. The Deputy Leader said that he did not object to the proposal in the Bill relating to hardware shops, and I think that no-one else objected to it. I think it is appropriate that I indicate to the House the sorts of item I believe those hardware shops should be allowed to trade in after hours. The Bill before us gives the power by regulation to list

those goods. I indicated in my second reading explanation that the Government is looking specifically at hardware and building materials as classified under Australian Standard Industrial Classification Nos. 4727 and 4728. I will read out the items contained within those classifications so that there is no misunderstanding on the part of the public. They are as follows:

Timber: dressed timber, plywood, particle board, kiln dried timber, veneer.

Builders' Hardware: abrasives, asbestos cement sheets, awnings (windows and doors), basic building materials N.E.C., bathroom or toilet fittings, baths, bitumenised paper, bricks, building paper and paperboard, carpenters' tools, cement, clothes hoists, corrugated iron, doors and windows, earthenware goods, fibrous plasterboard, floor tiles—ceramic, galvanised iron fittings, gas fittings, glass —flat—bevelled.

Mr. Speaker, I seek leave to have this list inserted in *Hansard* without my reading it. It is only a proposal as to what should be included.

The SPEAKER: The honourable member is not in a position to have that list inserted in *Hansard* unless it is statistical material. If it is purely statistical, he may seek leave to have it incorporated.

The Hon. D. C. BROWN: It is not statistical, so I will continue to read the items, which continue as follows:

Glass—sheet—plate, gravel, gypsum boards, hand tools, insulating materials, lacquers, locks, mineral turpentine, nails, paint, plaster, plastic decorative sheets, plastic wood, plumbers' fittings, plumbers' hand tools, reinforcing wire, roller shutters, roof tiles, roofing materials, sand, sanitary wear, screening wire, screens—window, screws, sinks, stains, steel roof decking, stone, stone cutters' tools, swimming pools (below ground), thinners, varnishes, wall or ceiling boards, wallpaper, wash basins, wire netting, wire, woodworking tools.

In addition to that the following items from classification Nos. 4727 and 4728 I would expect to be included, as follows:

Fertilisers, garden supplies (except nursery stock), garden tools, key duplicating and locksmith service, lawn mowers, pesticides/insecticides, swimming pool chemicals, tools—household.

Having read that list into *Hansard* so that there is no public confusion about what the Government is thinking of, I take up the point raised by the Deputy Leader concerning the issue of permits to hardware and building materials stores when they are allowed to trade after hours. There was an excellent reason why the permit system was brought in. I point out that it does not require a fee to be paid. I hope that the Deputy Leader is listening to the reasons for this. When there is a shop which is allowed to trade in only a certain range of goods, there is always the problem of that shop selling a few more items here and a few items there on odd occasions. Obviously, one would be hard pressed to prosecute that shop for having one or two items outside of the specified classifications. However, if a shop blatantly breaches that list of classified goods persistently then, instead of having to go through the difficult task of arguing whether or not it comes within one of those classifications, if it is blatantly outside of that one can simply revoke the shop's permit. It is a power to make sure that this part of the Bill can be effectively policed. If people blatantly breach the intent of the Bill then some action can be taken against them, and taken readily. That is the reason for the issuing of permits. As I stressed before, there is no fee involved. It is merely to ensure that this part of the Bill, which would be difficult to administer if that power were not there, can be effectively administered and policed.

The Hon. J. D. Wright interjecting:

The Hon. D. C. BROWN: I am sure that the Deputy Leader knows the trouble that we had with cars, and we are trying to make sure that we do not put ourselves in the same position with hardware. This permit system will ensure that we will not be doing that.

The next point concerns motor cars, caravans and boats. Again, the Opposition indicated that basically it supported the proposal here. I hope the member for Semaphore is listening to my remarks, as he asked a number of questions about this. He asked why we lump boats, caravans and motor vehicles together. I point out that there is a great deal of similarity between a campervan, which is a motor vehicle with a caravan on its back, and a caravan, except that a caravan does not have a motor. Equally, there is similarity between a motor vehicle and a motor bike, and a great deal of similarity between a motor boat and a motor bike or a motor car.

One would be really starting to split hairs if one tried to find the difference between those areas. If one refers to any item without a motor, then one is allowing the trading of caravans, which might be fair, except that one is saying that caravans can be sold and campervans cannot. Basically, we are looking at the motor vehicle area and that is the reason for putting them together. There is power under clause 4 whereby a person can apply for an exemption and if the Minister is convinced that an exemption should be granted, it can be granted. I therefore suggest to the member for Semaphore that he should draw the provisions of clause 4 to the attention of his constituents.

I turn now to the question of fines. It was suggested by the Deputy Leader of the Opposition that we were going to fine everyone $10 000; that is not the case. That is the maximum fine and the fine imposed may be between nought dollars and $10 000. The Deputy Leader made some play of the fact that the maximum fine is so high, and I shall point out the reason for that. I will not mention any names but we all know of some large regional shopping centres around Adelaide. If such a centre opened for trade on a Sunday, and flagrantly broke the law in doing so, the Government has estimated that it could take between $500 000 and $1 000 000 in trade. What is the point of a $1 000 fine if such companies are going to profit by up to $100 000 by opening illegally outside the hours of the Act? If these regional shopping centres made a profit of $100 000, or even $50 000, it is good business for them to open and to continue to open. That is the reason for the large fine and it is the reason for the provision in the Bill that a court may also take into account the extent to which a shopowner benefited from trading outside of the law.

Mr. Hamilton: Are you saying that you are not going to use this against small business men?

The Hon. D. C. BROWN: That is not up to us; it is up to the courts. If we look at the precedents in the courts, it can be seen that a court will not impose a $10 000 fine on a small shopowner for opening once. In fact, now they are allowed to open so they have nothing to worry about. The $10 000 maximum is to ensure that the legislation is effective. If members had thought about this before jumping up and becoming hysterical about it, it would have become obvious to them.

I turn now to the question of spare parts and accessories, raised by the Deputy Leader and the member for Playford. They basically accused me of wanting to shut down all large service stations selling spare parts and accessories. In fact, the member for Playford even made the accusation that the Government had done some deal with a certain party, suggesting that it was the oil companies, and that the Government had decided to close

down the sale of spare parts and accessories. The whole intent of the proposal in the original Bill was just the opposite. The whole intent is to take spare parts and accessories out of the petrol and lubricancy area and to put them on to exactly the same footing as ice cream, lollies, and any other items that can generally be traded at any time. Now, for the first time, if this Bill were passed, we could have small accessories shops selling motor parts and accessories, which could be open for 24 hours a day, seven days a week, in metropolitan areas. So, the case that the member for Playford is worried about is the very group that the Government has catered for and protected: in fact, it is protected further than in the present Act, because the present Act has certain deficiencies in this area and certainly stops the trading of motor parts and motor accessories after hours.

I refer honourable members, and particularly the member for Playford, who raised this point, to clause 13 of the Bill and to section 17 of the principal Act. If members carefully read through section 17, I think they will realise that we are simply removing it from that section, which means that it does not get lumped in with motor fuel and lubricants.

The point was raised concerning Liberal Party policy; it was suggested and that we are now departing from it. I point out that the Liberal Party policy announced (I think it goes back to 1977) was quite specific that there should be free trading from midnight on Sundays through until 12 o'clock on Saturdays and that principle is still upheld in the Bill before us. There is no demand for additional late night shopping. There is no demand for that at all and that issue has not been raised since 1977. The question is as to what trading should take place on Saturday afternoon and on Sundays, and the Bill before Parliament at present is still quite in keeping with that policy that we announced back in 1977, when we clearly spelt out that we thought that there should be some restrictions placed on trading between lunchtime on Saturdays and midnight on Sundays.

Another point that was raised was as to what should be done with a group like Toytown, and I specifically mention that group. I have been criticised tonight by a number of members about clause 4, which gives the Minister the power of exemption of any shop. The member for Eyre raised the point and I can understand his concern. It surprises me that members opposite raised this, because they put exactly the same sort of power into the Motor Fuel Licensing Act.

The Hon. J. D. Wright: It is a different Bill.

The Hon. D. C. BROWN: Certainly it is a different Bill, but it contains exactly the same power. In fact, the very reason I thought of putting that power into this Bill is because of the power that existed in that Act and the fact that, as Minister, I have used that power on one occasion concerning the Duck Inn service station at Eagle on the Hill. I believe that there is every reason for making sure that the same power is included here. Toytown is a classic example. I will point out the fallacy of certain amendments when we get to that. The Deputy Leader also raised a point about the shops at Parafield discount centre. He said that many of these shops will be forced to close. Frankly that is not the case.

The Hon. J. D. Wright: I did not say that.

The Hon. D. C. BROWN: Yes, you did, or the shops might have said that they would be forced to close. As I understand it, most of the shops out there would be able to continue to trade without alteration, although some may need to make some adjustment. The Government is not forcing anyone to close down. What we are saying is that some businesses need to adjust if they wish to be able to stay open, and they need to adjust to come within the guidelines laid out under the Bill.

The Deputy Leader read out a letter from Mr. Flint. The Government is not requiring Mr. Flint to be open seven days a week. I am not sure of the exact dimensions of Mr. Flint's shop and exactly what he trades in the way of hardware and building materials. I would think that Mr. Flint under this Bill could largely continue his existing operation; if he wishes to open only six days a week as was suggested in his letter, he will be allowed to do so. I do not think this Bill will have any great impact on him, and I see no need for concern about that.

I think that I have covered most points raised by members. I thank honourable members for their comments and for the thought they have put into the Bill. I ask them to be attentive in going through the clauses, because I think that there is considerable misunderstanding about some of the clauses, and I want that misunderstanding to be clarified before amendments are moved. I ask the House to support the second reading.

I move:

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

Motion carried.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Interpretation."

The Hon. J. D. WRIGHT: I am looking for guidance, I always have difficulty, irrespective of whether they are my own amendments or another member's, in following the Parliamentary Counsel's interpretation of what I want to do. I am not criticising him. He is probably much more accurate than I am. It now seems that we are left, really, with two problems in the way in which the Parliamentary Counsel has drafted the amendments: one concerns the natural persons, about whom I will talk now, and it seems to me that the next three problems will be taken care of down to the word "toys" in any case.

The CHAIRMAN: I am pleased to allow the Deputy Leader to move his amendments down to clause 3.

The Hon. J. D. WRIGHT: Thank you, Mr. Chairman. I think it will help the Committee. I move:

Page 1—Leave out paragraph *(d)* and insert the following paragraphs:

(d) by striking out from paragraph *(a)* of the definition of "exempt shop" the passage "a shop (not being a hairdresser's shop)" and substituting the passage "a shop (not being a hairdresser's shop) of which the proprietor is a natural person and;"

(da) by striking out from paragraph *(a)* of the definition of "exempt shop" the passage "three persons" and substituting the passage "two persons".

Page 2—

After line 16—Insert the following paragraphs:

(ea) by striking out the word "or" between subparagraphs (xi) and (xii) of paragraph *(b)* of the definition of "exempt shop";

(eb) by inserting after subparagraph (xii) of paragraph *(b)* of the definition of "exempt shop" the following word and subparagraph:

or

(xiii) toys; ;

Lines 17 to 39—Leave out all words in these lines.

Lines 41 to 43—Leave out all words in these lines.

Page 3—Leave out paragraph *(k)*.

The Minister has practically given me his reasons why he is unable to accept the amendment. What the Opposition is trying to achieve by its amendment is to have the natural

persons inserted which, I believe, will give the protection the Minister is trying to give, in another way, to the small business people. The Minister explained in detail what he wanted to do, and made four points in this regard, as follows:

1. The square floor area of the shop does not exceed 200 square metres;

2. Not more than three persons are physically present in the shop at any one time to carry on the business of the shop;

3. The shop is not adjoining another shop leased or operated by the same or an associated person, selling substantially related goods; and

4. Any store room adjoining or adjacent to the shop does not have a floor area greater than 50 per cent of the area of the shop.

It is clear that those are the recommendations of the Minister which he thinks will achieve the purpose he has set out to achieve. I believe that, in item 2 of the second reading explanation, the natural person should be reinserted, as in the Act in 1977, to give the protection to small businessmen.

I want to clear up the Minister's allegation. I am no in no way trying to put anyone out of business. If that should happen, we will have to consider our position in that regard. Nor do I believe that small business people would be in any danger, whether family or otherwise, as regards the things the Minister talked about. If they happened to run into difficulties, and could not incorporate themselves, it is my information that this is rare in the case of small business people. The member for Playford has dealt with this matter in law and says that it is unusual for small business people to be in that position. All we are trying to achieve is the protection that the Bill sets out to give to small business people. The recommendations of the Royal Commission, in 1977, dealt particularly with this matter, and it was on that report that the Government of the day had included in its amendment to the Act the terminology of "natural person". That is all we are trying to do, and I believe that the amendment will suffice.

Mr. McRAE: I support the Deputy Leader's comment. We have now brought out the major disagreement between the Parties, and the matter should not be delayed further. As I understand your ruling, Mr. Chairman, I can speak to any amendment relating to clause 3.

The CHAIRMAN: That is correct.

Mr. McRAE: And the second lot relates to clause 4.

The CHAIRMAN: That will be a second amendment.

Mr. McRAE: And a third group that relates to spare parts, clauses 11, 12, and 13.

The CHAIRMAN: Yes.

Mr. McRAE: If that is the case, it seems to me that the Deputy Leader would want to speak again. At the moment, I will support him.

The CHAIRMAN: My understanding is that the mover of an amendment has unlimited opportunities.

Mr. McRAE: I do not think he will need them. It seems to me that three concepts were caught up in the amendment: the question of the natural person; the Minister's exemption power; and the question of spare parts and accessories. The final one is on the final page. As I understand it, we accept the Minister's explanation on that. We are now left, in effect, with clause 3, which covers the first two points. My remarks are now addressed to the question of the natural persons. First, I find support in what fell from the late Commissioner Lean in his report and, secondly, in not just the legal concept of proprietary companies, but in the commercial realities. Officers of the department present will know the situation is that no small retail trader is possibly permitted an arrangement with his landlord, whereby the proprietary company can be a protection to him.

In other words, in any circumstances where we have known a small retail trader to attempt such a veil of protection between himself and the landlord, the landlord has immediately demanded that the private property, including the home of the small trader and his wife, be put up for security. It may be a bank or landlord, or a combination of the two. In terms of legal advice, my advice to the trader would be, "Incorporate yourself". That is the advice I humbly would give but, in terms of realities, it will be frustrated, because the landlord and/or banker and/or finance company, and/or combination of the whole group, will say, "We require that your private assets be a collateral to any advantage we may choose to give you." That is a commercial reality. All the arguments have been advanced.

I must reserve the right, when my Leader reaches the stage of talking about the Minister's discretion to exempt a shop, to speak on that topic separately.

The Hon. D. C. BROWN: I think that it is worth pointing out the effects of these amendments. Members opposite should be careful that they understand the impact of their amendments, which would have the following effects. First, this amendment would say that no small business could become an incorporated body. It would have a significant impact on a number of small businesses that trade after hours now. The trouble is that if this was moved two years ago it might not have had too much effect. However, it is quite different trying to move it after many small businesses that are currently opening seven days a week have already become incorporated as companies. Members are asking them to abolish that and to go back to being natural persons. I think that this is trying to shut the stable door after the horse has bolted. It would have quite devastating effects if this amendment was adopted.

The next point is that there should be no more than two people in the shop at any one time. That is the effect of their amendment.

Mr. McRae: Plus the natural persons. That is as I understand the council.

The Hon. D. C. BROWN: No. If the honourable member looks at the amendment, he will find that no more than two persons in the shop at any one time is stipulated. The honourable member has substituted my three persons and has brought it down to two persons, not employees. That means that no shop with more than two persons in it at any stage during the week is allowed to open after hours. That is ridiculous. That would close down over 75 per cent of all delicatessens. In fact, I would go so far as to say that it would close down about 95 per cent of all delis in the metropolitan area trading after hours. Members opposite should be very careful regarding the effects that that amendment will have. Members have overlooked the point that the Bill and the Act as they stand allow any shop of 200 square metres selling mainly foodstuffs to have as many people working there as it wishes. There is no limitation in relation to a food shop if it is less than 200 square metres and is not subdivided. They have abolished the 200 square metre rule for food shops.

I ask the honourable member to think of all the delis around Adelaide that at some stage would have more than two persons in them. I can think of a large number of them: the Erindale deli has about six people there on a Saturday morning; the Leabrook deli has about five people there on a Saturday morning. Saturday morning is the busiest time. I challenge the honourable member to name any deli that has only two persons serving throughout the week. In effect, they are virtually closing down not only other small businesses but also all delis in

the metropolitan area.

Members opposite should understand the impact of the next part of their amendment. They have referred specifically to toys. I think, from what the Deputy Leader said, that they are trying to protect Toytown in that amendment. I hope the member for Playford is listening to this part as well.

Having had a discussion only last week with the manager of Toytown, I know that he would be forced to close down under that provision, as toys cover only a very small fraction of what he sells out there. He sells predominantly toys, as well as hobby goods and other items. Again, under that amendment, Toytown would be effectively closed down. This person told me that, if such an amendment was passed, he would be forced to close.

I point out that the whole effect of these amendments is to try to go back to the recommendations of the Royal Commission in 1976. I believe that we are well past that point, in entirely different circumstances. As this would have a devastating effect on after hours trading in the metropolitan area, I urge all members to oppose the amendments. I again stress that they will close down only those shops up to 200 square metres in size but also delis that have two or fewer people working in them at any stage during the week. I oppose the amendments.

The Hon. J. D. WRIGHT: The Minister has had the benefit of advice, probably legal as well as departmental, in this area. However, the Opposition has not had advice, although we have tried to work out our amendments as we saw them fitting our policy in this area.

I place on record that it is not the Opposition's intention in any circumstances to affect people by this amendment if, as the Minister put it, the horse has got out of the gate and it is too late to move this type of amendment. I think it is best that we accept the Minister's explanation in regard to the natural persons, only. There are in this amendment other aspects to be dealt with besides the natural persons element.

I hope that the Minister has been able to give us accurate information. We can certainly have this checked later. I am not making any allegation that the Minister is trying to mislead the Parliament, or anything of that nature. I just hope that the interpretation of what he said is, in fact, true. It will not however, prevent us from dividing on this clause in any case.

I place on record in *Hansard* that it was not the Opposition's intention to interfere with anyone who is currently set up in business and whom that amendment may have affected. I still believe that the natural persons concept was the correct concept in the first instance. We would not have been going through this legislation at this stage had it been accepted in 1977. I say that the principle is right, although the effect of trying to introduce it at this stage is questionable. The Opposition is prepared to be reasonable in that regard and accept what the Minister says.

The Opposition is concerned about the other area, namely, the Minister's giving himself power.

An honourable member: That is the next amendment.

The Hon. J. D. WRIGHT: No, it is not. It is under clause 4 lines 41 to 43. It is therefore necessary to deal with the Minister's power within the confines of this amendment. I do not believe that the Minister needs that power for legislation such as that relating to shop trading hours. I can understand the provision being in a motor fuel licensing Bill where, of course, obviously, emergencies and urgent situations will arise. However, I cannot see the sort of situation arising without any scrutiny in relation to shop trading.

It is not often that I support the member for Eyre, but on this occasion I believe that what he said was correct, namely, that he would find it much more palatable if there were some sort of appeal provision from the Minister's decision. It is a two-way thing, of course: the Minister can or cannot give permission to exempt shops. I have the same feeling about this matter as does the member for Eyre. The Minister is going much too far. He is perfectly correct when he says that we are trying to protect the Toy Town situation that has been drawn to out attention. I understand, from what the Minister said, that he is trying to protect the Toy Town situation. If that is so, and we are both of one course, why does the Minister need this power of which no-one but the Minister (neither Parliament nor the courts) will have scrutiny? I doubt whether the Cabinet would need to be involved in it. The Minister will have the sole power to make these decisions.

I believe that that is too strong and will make the Minister much too powerful. For those reasons, the Opposition opposes the provision. It seems to me that, if the Minister wants to protect Toytown, he should say so; we have placed on record that we have set out to protect the Toytown situation, because it was brought to our attention that 12 or 15 employees would have to be stood down, and I imagine that the business would go with them, if the provisions of this clause applied. That is why the word "toys" should be inserted in that clause.

I hope the Minister, when he answers, can explain whether the insertion of the word "toys" will cover the Toytown situation. If it does not, I would like an explanation as to why it does not. We have considered this matter closely, and we are of the opinion that the power that the Minister wants to give himself can be deleted and the word "toys" can be inserted into the clause, and the Toytown situation would be completely covered. The Minister should come clean on this. If he wants to give himself the power to protect Toytown, he should tell the Parliament so that it can decide what he is about, but if the Minister will agree to the interpretation of the amendment and if he will agree that it will protect the Toytown situation, he should come clean and say that he does not need the power. If the Minister refuses to do that, I would be inclined to believe that he has some ulterior motive in giving himself that power, and the Parliament and the State are entitled to know what the Minister is really about in this regard.

Mr. McRAE: I have listened to what the Minister had to say in regard to the natural person concept, and I still maintain that while, undoubtedly, in legal terms, he is correct, in commercial terms the realities are (as I am sure his officers will advise him) that there is no small business so called. By "so-called" I include a business that employs four or five employees, or even a half a dozen employees, which can enter into a leasing mortgage arrangement without having collateral on the property. I want to state this reality.

My electorate office is surrounded by shops, such as a delicatessen, a butcher shop and a small craft shop, and there are other businesses on another wing of the premises (but I am not sure of the situation in regard to those businesses), and I am advised by people in the profession that it is almost univerally the rule that the only corporate bodies that escape collateral provisions involving their private property are those which are so large that their corporate assets are disclosed on properly audited accounts by chartered accountants. Be that as it may, I support what the Deputy Leader said.

Regarding the exemption powers of the Minister, I simply repeat what I and other members have said (including you, Sir), that this power is very vast indeed. There may be precedents and other cases in which this can

be permissible in a democracy (and I would imagine State disaster provisions or emergency fuel rationing provisions or something of that sort would come into this category), but surely in relation to shop trading hours we are not in an area so fraught with potential dynamite that an appeal to a court would be impossible. I ask the Minister to reconsider his decision.

The Hon. D. C. BROWN: First, I do not believe that the insertion of the word "toys" in the exemption list of shops would mean that Toytown could necessarily continue to trade. It is my belief that if we accept the legitimate definition of "toys", using the Australian Bureau of Statistics classification, it would be too narrow and Toytown would have a great deal of difficulty in coming within the 80 per cent requirement as listed by this Bill to be classed as an exempt shop. I also point out that, in doing that, other toylands would be able to open up all over the metropolitan area and, if members opposite want to ensure that people in retail stores lose their jobs, they should enable other toylands to open up in the metropolitan area. I know that the union involved would be on their backs immediately.

Mr. McRae: Why grant it, even to those in my electorate?

The Hon. D. C. BROWN: Toytown is operating. It is a unique shop and I point out to members opposite, if they do not know, that it is a manufacturing facility, a retail facility and a wholesale facility, all on the one premises. I also point out that other cases may be similar to the Toytown situation. This case is public knowledge, but we could well find other cases in which exemptions should be granted on a similar basis.

The Hon. J. D. Wright: How will you refuse them if you give it to Toytown?

The Hon. D. C. BROWN: I intend to present any application to Cabinet, and I state in this House that, before an exemption is granted, it should be considered by Cabinet. That is the only way in which we can effectively handle the odd anomalies which will come up and which will be similar to the Toytown situation. I do not believe that the insertion of the word "toys" will cover the situation; it will not protect Toytown as the honourable member believes it will.

As the member for Playford has stated, there is a delicatessen next to his office, and I ask him to think about whether there are only two persons present in that shop at the one time. I would be surprised if that were so on a Saturday morning. If more than two people were present at that time, the shop would be closed under the proposed amendment. If the Opposition wants to close 99 per cent of all shops that trade after hours, I urge honourable members to vote for the amendment, but if honourable members want to ensure the continuance of the after hours retail trading situation that applies at present, I urge them to vote against the amendment.

The Hon. J. D. WRIGHT: The Minister is not getting away with the last remark. The last time I spoke I made very clear that I was prepared to accept the Minister's interpretation of what may occur under the first part of this clause, and in those circumstances I indicated that we would not vote against that part of the clause. The way in which the clause has been drawn up by the Parliamentary Counsel it has placed in the same clause the approval that the Minister has given himself in relation to the exemption of shops. I know that the Deputy Premier is becoming very tired and irritable; he is sick of this Bill, as are the rest of us.

The Hon. E. R. Goldsworthy: We had an agreement, didn't we?

The Hon. J. D. WRIGHT: There was no agreement with me, but we are not far off an agreement. The Minister produced more speakers than we did. We will vote against the approval sought by the Minister to give himself the power to exempt shops, but we have accepted the Minister's interpretation in relation to the other matter.

The Committee divided on the amendment:

Ayes (16)—Messrs. Abbott, L. M. F. Arnold, Bannon, M. J. Brown, Duncan, Hamilton, Hemmings, Keneally, McRae, O'Neill, Payne, Peterson, Plunkett, Slater, Trainer, and Wright (teller).

Noes (19)—Mrs. Adamson, Messrs. Allison, P. B. Arnold, Billard, Blacker, D. C Brown (teller), Eastick, Evans, Glazbrook, Goldsworthy, Lewis, Mathwin, Olsen, Randall, Rodda, Russack, Tonkin, Wilson, and Wotton.

Pairs—Ayes—Messrs. Corcoran, Crafter, Hopgood, Langley, and Whitten. Noes—Messrs. Ashenden, Becker, Chapman, Oswald, and Schmidt.

Majority of 3 for the Noes.

Amendment thus negatived.

The Hon. J. D. WRIGHT: I do not intend to move the amendments appearing in my name.

Clause passed.

Clause 4—"Certificate of exemption."

Mr. PETERSON: The Bill states that a certificate of exemption can be provided. I made the point earlier that if a group of firms selling boats decides to have an open day at the Patawalonga or North Haven, or to display their boats, they are outside of their shops and there are no defined areas, so will that be acceptable under the Act or will they need a permit?

The Hon. D. C. BROWN: The very reason I asked for this clause to be put into the Bill was that I could see the potential for that situation arising. At present there is no power for the Minister to grant an exemption, and if a particular class of shop, a car yard for instance, wanted to open for a particular reason, or a boat sales place as suggested, this would give me the power to which the honourable member is referring.

Mr. PETERSON: Even though they are not on their own premises? For instance, cars assembled on an oval or caravans displayed somewhere would not be on shop premises or within a defined registered area, but would be in an open area that may, for instance, belong to the Department of Marine and Harbors or a council. As I see it, they will not be covered by the provisions of the Bill. Therefore, are they under the restriction set out under the Act?

The Hon. D. C. BROWN: I will check that. It is my understanding that they probably would be under the Act still. Cars can be sold after hours, depending on how the operation is set up. If people were leasing land to sell boats after hours, they would come under the Act, but you cannot sell boats on public property. This is the reason why the power should be there, so I can grant exemptions for special occasions.

Mr. PETERSON: This happens particularly with boats, and it can happen with cars and caravans. Every year at the Patawalonga there is a boat open day to which all of the major boat selling centres take a selection of boats and caravans and display them. People can sail them or motor in them and the firms take orders, which is, in effect, selling. Adrian Brien, for instance, could take his cars to the Port Reserve and sell them. What I want to know is whether this comes under the Bill, because they would not be on registered premises. I am asking whether or not they can do that under the Act.

The Hon. D. C. BROWN: My view is that they cannot do that at present legally, but if they apply for an exemption specifically under this clause, and if it was

granted, they would be able to do so.

Mr. PETERSON: Could you give me a firm answer later?

The Hon. D. C. BROWN: Yes.

Clause passed.

Clauses 5 and 6 passed.

Clause 7—"Closing time for shops."

Mr. McRAE: New section 13 (9) provides:

> The Governor may, by proclamation, authorise the opening of shops during hours, specified in the proclamation, when it would otherwise be unlawful to open those shops.

Is that tied up with new section 13 (11), the lawfulness of operation, and also with the provision under new section 13 (10), whereby the proclamation may operate for a month? May I give a practical example? If the purpose is to permit the Governor in Council to deal with the sort of holiday situation we had this year, there is no objection. Can the Minister give an assurance that that power will not be used to permit block openings, for instance, for two days a week extra in the four weeks leading up to Christmas, or something like that?

The Hon. D. C. BROWN: I do not think the honourable member appreciates what powers the Minister has.

Mr. McRae: The Government agreed.

The Hon. D. C. BROWN: The Government, by proclamation, yes. Power is there at present to allow a specific shopping area to open. There is no power to allow a specific shop to open. If, for instance, an application was made to me, similar to that which the member for Semaphore has just raised, that if a shop selling, say, boats in conjunction with a carnival, wanted to open, I could grant an exemption on that shop. The provision is simply to give the Minister greater flexibility than he has at present. I think that, due to the type of life style that we have with carnivals and the like, it is necessary. However, in relation to the sort of example that the honourable member was fearful of, namely, that I might grant additional nights before Christmas, I point out that the Government has the power already under the existing Act.

Mr. McRAE: The portion of the amending Bill that obviously has significance, which was not present before in this form and which drew the Opposition's attention, is the very clear proposition that the Governor in Council will have power to either deal with groups of shops or districts or the whole State. That fact is what drew this provision to our attention. In relation to specified classes of shops or the difficult problems, I do not think there are any worries. What I do want to know, however, is whether the Government is foreshadowing in any way that in years to come it may permit the Rundle Street shops to open, for instance, two nights a week in, say, the four weeks leading up to Christmas, in lieu of one night a week?

The Hon. D. C. BROWN: I have not contemplated such a possibility.

Clause passed.

Clauses 8 to 12 passed.

Clause 13—"Licence to sell motor spirit and lubricants."

The Hon. D. C. BROWN: Because there is some misunderstanding about what this clause really does, I want to reiterate that the reason why spare parts and motor vehicle accessories are excluded from this clause is so that they can be sold on an equal basis with any other general products. In no way does the provision limit the sale of those goods, as suggested by a number of honourable members during the second reading debate. In fact, several people have said this to me outside the House as well, and I want to clear this matter up: it puts those spare parts and motor accessories on the same basis as any other general product.

Clause passed.

Remaining clauses (14 to 16) and title passed.

Bill read a third time and passed.

PITJANTJATJARA LAND RIGHTS BILL

Adjourned debate on second reading.

(Continued from 25 November. Page 2199.)

The Hon. H. ALLISON (Minister of Aboriginal Affairs): There were one or two anomalies that came to light during the debate yesterday. Not the least of them was the case when members opposite said that this legislation was badly put together because it had been rushed. To me, that seems to be a rather strange commentary in view of the fact that, for some 12 to 14 months since this Government came into power, extensive negotiations have taken place between a wide range of interested parties, and the final piece of legislation, which was signed jointly by the members of the Pitjantjatjara Council, by the Chairman, Pantju Thompson, and by the Premier and other Cabinet Ministers, was a result of an agreement between members of the legal profession, including the Anangu Pitjantjatjaraku counsel who has represented them consistently through 20 or more sessions of the previous Select Committee and during all of the subsequent negotiations under the present Government. Also, the Pitjantjatjara people were represented by a Queen's Counsel, Mr. Ron Castan. This was quite apart from the extensive consideration given to the Bill by the present Cabinet, and by the Attorney-General, in particular. Therefore, to suggest that the Bill was rushed is rather ridiculous.

On the Opposition side, there was a counter-argument which suggested that this Government had been guilty of unnecessary delay and that the Bill in fact should have been introduced almost immediately when the Government came to power, referring, of course, to the Bill presented by the former Government. I am quite sure that the Premier when he winds up this debate, will have no trouble at all in demonstrating that the previous Bill was literally riddled with faults. Indeed, the present Bill before the House is considerably different and considerably improved as a result of the time which has been spent over the last 12 months.

An interesting point is that the former Government might just as well have been accused of procrastination, for it, too, had such a Bill before the House in various forms, including the Select Committee consideration, for a period of nearly two years. Indeed, during the several months prior to the premature calling of the last election the Bill was sitting on the floor of the House, having been introduced but with very little attempt being made to push it through. Indeed, the then Opposition was surprised that so little activity was in evidence from the Government benches.

Subsequently when the Liberal Party came into Government it discovered that there had been more than a little opposition to the Bill from the former Minister of Mines and Energy, who in fact had been planning to conduct some sorties into not only the Pitjantjatjara North-West Reserve, but also into the Maralinga lands, and even more than that, into the conservation park, the L-shaped conservation park. Thus, one can see that there was a considerable amount of disunity in the former Government's ranks and there was no positive decision, in spite of the Bill's being before the House, to put it through. At least one Minister had strong reasons for not wishing to hasten its progress through the House; he had his eyes on mining reserves, and there is no question at all as to what his intentions were.

This point naturally leads on to the whole mining question, about which this Government has been attacked. The former Government has very firm intentions about what it intended to do, or at least the Minister of Mines and Energy did. This Government has been at great pains, through its own legal counsel and through the Queen's Counsel representing the Pitjantjatjara, to ensure that the mining rights of the Pitjantjatjara people were protected. Indeed, as one who represented the Opposition of the time on the Select Committee, I was interested to note a steady change of opinion that came through during that Select Committee series of hearings.

Initially, there was no doubt that the Anangu and Pitjantjatjaraku were extremely keen, at all costs, to emphasise the protection of sacred sites. However, at various stages, they said that they were not opposed to mining and, subsequently, in the more recent negotiations with the Pitjantjatjara people and the present Government, we have had some hard-line bargaining at top legal level to ensure that not only the sacred sites were protected but also that the Pitjantjatjara control over mining, exploration and production was well and truly protected by the legislation. This included not only the question of mining but also the question of royalties.

This Government has, I suggest to the House, done far more to establish firm guidelines along which both the Government and the Pitjantjatjara can work for the question of mining and the payment of royalties. These issues were left on a clouded basis by the previous Government, and many things were left quite unresolved.

An interesting point emerged at one stage, and it was really a stage that I will mention specifically, because I felt that the Pitjantjatjara people literally came of age. Five Labor Ministers attended a Pitjantjatjara council meeting, at Ernabella, and, in an unprecedented move, a whole day of question and answer was held during which a whole range of issues was openly discussed in public. During that time, it was obvious that there were European interests that were only ephemerally involved in the case, but were determined to stir the issue and to break down negotiations. One of those gentlemen (for want of a better term) strode up to the microphone during the negotiations, uninvited, and addressed the Pitjantjatjara people, suggesting that they should be taking much stronger and, if necessary, physical action rather than doing what they were doing and enjoying a negotiation, whereupon the Chairman of the Pitjantjatjara council (Mr. Pantju Thompson) took over the microphone and said that the Pitjantjatjara people had no need for European advisers to come along in such circumstances and, more important than that, he expressed to the public at large, because television cameras and radio were there, across the world the fact that the Pitjantjatjara people were not interested in confrontation but in continuing negotiation. I felt proud to be associated with the Pitjantjatjara people at that time.

Mr. Lynn Arnold: That's patronising.

The Hon. H. ALLISON: Not at all. Many European groups have gone to militancy over far less than that. Here are people who are not at all being partronised; it was the gentleman 200 years ago who came from Britain and said that the native people in Australia were little better than the Tierra del Fuegans, and he did not hold them in high regard. That was Sir Charles Darwin himself. He was the patroniser. He set the scene for the next 200 years, not this Government. I was proud to be associated with the Pitjantjatjara on those terms. It was a very mature point of view, exemplary, in effect.

As a result, the negotiations continued, and I am sure that they will continue. Even though the legislation is agreed between the Government and the Pitjantjatjara, the Pitjantjatjara are still negotiating at person to person level with the Mintabie miners, whose opal field is a proclaimed opal field, but who still have some concern not as to the mining rights but over the future tenancy of their homes. That has to be agreed on a short or long-term basis between the occupants of the houses and the Pitjantjatjara people. Discussions and negotiations are still continuing outside the legislation between the two parties, and that is good to see. It is negotiation and not confrontation which is helping the two groups to know one another better and to understand one another better. It is a mutual relationship which is emerging.

During the first Select Committee hearing, there was certainly no suggestion that a situation like that would emerge. Little consideration was given to people such as the Mintabie miners. There was never any suggestion that such a situation might emerge. One thing that interested me was that, during the course of the debate, comment was made about the contribution of the former Government to the emergence of the Aboriginal people to full citizenship status in South Australia. It is interesting that the question of alcohol was not specifically mentioned, that Aborigines had been given full rights to consume alcohol. It is significant in the present context, in that the Pitjantjatjara people themselves have pointed out repeatedly, both in the former Select Committee hearings and during negotiations recently, that they wish to exclude liquor from the whole of the North-West Reserve. Very few thanks are being bandied around for that piece of legislation, even though it may have given a sense of equality; it did not improve the social well being of the native peoples of South Australia.

The Pitjantjatjara people once again are showing remarkable maturity and a far more serious approach to the question of alcohol than we are in what we consider to be a Western civilised society. The protection of sacred sites has emerged during the negotiations as an integral and essential part of the legislation. Equally, the recognition of sociological problems which have been highlighted by the denial of access to a large proportion of South Australia's community to the North-West Reserve have emerged as a key issue, and also the question of protection of Aboriginal mining rights. There has been some misunderstanding. The granting by the Anangu Pitjantjatjara group on application of an exploration tenement to any company or interested party does not mean that the party can go and explore, find minerals, mine, develop, and produce. There has been no question of that happening. The Pitjantjatjara have control over the initial mining tenement. It then has to receive a subsequent application for the mining operation to commence, that is, for production to commence.

The question of royalties and pre-payments has also been adequately dealt with and both parties have signed an agreement to their mutual satisfaction, and there is absolutely no question of open slather being available to any mining company or individual on the granting of that initial explanation. The Pitjantjatjara people have a very tight rein, and applications for exploration will have to be followed by applications for mining, that is, for production mining. I am sure from what I have heard in debate that this is a point which has been well and truly missed by the Opposition, which is accusing the Government of protecting the large companies and anyone who has an interest in mining, but that is not so.

The mining question has been protected by none other than the Pitjantjatjara Queen's Counsel, Mr. Ron Castan, about whom I spoke previously and who has international

experience with mining companies and the rights of natives in Papua New Guinea, the New Hebrides, the Northern Territory, and elsewhere. I suggest that he has done this job extremely thoroughly and that the Opposition need have no worry at all.

The SPEAKER: Order! The honourable member's time has expired.

Mr. LYNN ARNOLD (Salisbury): I support the Bill in the second reading stage, because of the fact that it is going to a Select Committee and will once again be subjected to some study. Of course, we all sincerely hope that this will result in an early introduction of a land rights Act for the Pitjantjatjara people of South Australia. I wish to make various comments about the Bill and the way in which the present Government is handling this matter, and some of the Government's attitudes. I cannot pass over some of the comments made by the Minister of Aboriginal Affairs in the closing stage of his contribution, because they concern me a great deal, and I am sure they concern many other members of this House.

I interjected, and I should not have done so, during the Minister's contribution, but I found one particular reference patronising in the extreme, if not racist in the extreme. He followed up that comment by a number of other comments, and I will refer to four comments the Minister made in order to remind the House of what was said some moments ago. First, the Minister said that the Pitjantjatjara people literally came of age. How very nice of him to tell members and the Pitjatjantjara people that they have come of age. If they had any doubt about that, let them not doubt any longer, because the Minister of Aboriginal Affairs has given the say-so that now, but not until now, they have come of age.

To make them feel good about that, the Minister then said that he was proud to be associated with them, and that is the point at which I was unable to control myself any longer and pay heed to Standing Orders. He then went on to say that the Pitjantjatjara were showing remarkable maturity; it was remarkable that they were showing maturity. How does that statement stand in the light of analysis? The Minister went on to compare Pitjantjatjara society with people in what we call Western civilised society and implied that the Pitjantjatjara were not of those of us in Western civilised society. I found those comments offensive, and I believe that other honourable members will also find them offensive.

The Hon. H. Allison: Was I inferring that we are superior?

Mr. LYNN ARNOLD: I believe so.

The Hon. H. Allison: You read the remarks that I made three or fours years ago.

Mr. LYNN ARNOLD: The comments that I quoted were made by the Minister in the House tonight. I do not believe that the honourable member denies that he made those comments and *Hansard* proofs tomorrow morning will confirm that.

The Hon. H. Allison: It's your interpretation. You are the snob if you think you are superior.

Mr. LYNN ARNOLD: I did not say that; I cited what the Minister said. If the Minister says that someone has come of age and if he can say that they are showing remarkable maturity and make similar comments, I would like to know how he interprets those two statements that he made in the House moments ago. I am also concerned about the question of what is the prime emphasis of the Bill. The previous Labor Government was vitally concerned to ensure that the Pitjantjatjara land rights in this State were protected, and much work was done in that direction. I believe that the prime aim of the Bill introduced by the previous Government was indeed land rights. This comment may seem somewhat fatuous, because this Bill is called a land rights Bill, and what else would it be directed to but land rights? I have some fears that mining rights and not land rights may be the prime aim of this Bill.

I know that the Government is not responsible for the way in which the news media interpret its actions, and I accept that, but the *News* made an interesting comment on the situation on 2 October in an article in regard to the signing of the land rights agreement under the heading, "Land deal signed. Mining can go ahead." There was no reference to land rights, but to a land deal. I accept that that article was written by a sub-editor of the *News* and not by the Minister, but it reflected some of the emphasis that appears in this Bill. I could quote from other comments made by Government Ministers at the time, and I refer particularly to an article that appeared in the *Advertiser* of 30 October, in which the Minister of Mines and Energy stated that he thought the land rights Bill would be of great advantage to mining. He further stated:

> I think they have always been looking for a set of ground rules in these sorts of situations. This Bill, I believe, will provide those rules.

That is fine. The Bill certainly provides a set of ground rules; I do not argue with that. Ground rules have to be set, and we accept that, but I would have thought it behoved the Minister to pay attention to the prime aim of the Bill—the question of land rights. On a simple statistical analysis, I was interested to note that the Minister of Mines and Energy is referred to directly 19 times in the Bill as well as one indirect reference, while the Minister of Aboriginal Affairs rates a mention only five times, and indirectly a further two times.

For some time I have been concerned about the status of the Minister of Aboriginal Affairs in regard to matters concerning the Aboriginal community within South Australia. When I and other members from this side questioned him about certain matters relating to the Pitjantjatjara people on 1 August 1980, the Minister gave a series of answers that attempted to work him out of any responsibility in that area. He told us that neither he nor his department intruded into housing, health, education, or any other department's province unless there was an acute problem. I venture to suggest that acute problems already exist in quite a few of those areas. The Minister went on to say that, in regard to the precise *modus operandi* of the Department of Aboriginal Affairs, the department did not intrude into the work of other departments.

The Hon. H. Allison: We spend the money, though.

Mr. LYNN ARNOLD: That is a very sorry attitude for the Minister to take, and I wonder how he balances his work in this regard against the work of other Ministers in the Cabinet. If this Bill, when it finally becomes an Act, is to be successful in achieving as its prime and principal point the promotion of land rights, it will depend upon the extent to which the Minister is able to hold his own in Cabinet against others who see the promotion of mining as the prime aim of the Bill. I hope I can take comfort from the Minister's words when he was in Opposition in 1977. On 27 July 1977, the Minister stated:

> I am not easily intimidated by bully boys, irrespective of the side of the political line from which they come; they can exist on either side.

The Minister had a foreboding then about the Minister of Mines and Energy, and he was determined to say that he would not be bullied by that Minister. I hope that that is the situation, and I look forward to seeing how it can apply.

Much work has gone on over some years in regard to this Bill, and reference has been made to the Bill that was

tabled in this House previously. We have referred to the discussions that had taken place over many years and reference has also been made to Letters Patent in this State at the first settlement of the State. It is a great pity, in regard to our ancestors, that more attention was not paid to those Letters Patent.

The Letters Patent stated that nothing should affect the rights of any Aborigines of the province and their descendants to their occupation and enjoyment of any land that they occupy or enjoy. At a time when this State was being settled, at the same time as many other parts of the world were being settled by Europeans, there was a wide variety of responses by European settlers to the peoples that they met. I have had the opportunity to study, for example, the way in which the New Zealand European settlers entered New Zealand and negotiated their arrival with the Maori people.

Indeed, while criticisms could certainly be made of that settlement, too, in general I believe that the settlement and treaties, and standing in law of the treaties arrived at in that country, show very much more success than the example of South Australia. I think we must pay credit to that, particularly the fact, as I repeat, of the standing in law of the initial treaties. Maybe many of the problems we have faced in trying to reach a settlement in the 1970's would not have occurred if similar settlements in law, or the rights of the law, had applied to these letters patent all that time ago.

We should not in any wise try to ignore the very pioneering work that was undertaken by a former Premier in this State, the Hon. Don Dunstan, in his work to try to promote the rights of Aboriginal people within this State. I have been sorry, Sir, to note that the Government has tried to pay as little attention to the good work as possible. It has paid scant regard to it. Indeed, moments ago the Minister of Aboriginal Affairs did not make any reference to that particular person, and made the most scathing comments about the work done by the previous Government. Is he suggesting that the previous Government did nothing for Aboriginal Affairs?

The Hon. D. O. Tonkin: Did you read my speech?

Mr. LYNN ARNOLD: I am talking now to the Minister of Aboriginal Affairs about his contribution a moment ago. If he was suggesting that, then I think that that was a clear example of myopia on his part. The many people who have been involved with this Bill have paid a tribute to the work that has gone before. We have also had mentioned to us a statement by Mr. Pantju Thompson about this matter, who said the following:

> Don Dunstan was vital to us—he saw our concern and responded with sympathy and understanding.

That is a correct analysis of the situation that actually applied. What we have before us today, different though it may be from the legislation that was promoted in the previous Parliament, is, nevertheless, the result of the work that has gone before, because it took all those initiatives of the Labor Government of the 1970's, I believe, to get a Liberal Government of the 1980's to introduce land rights legislation, for why had it not been done in the decades upon decades upon decades before that?

The question that I started with is the matter of the degree of concern as to whether we are talking about a land rights Bill or an ore rights Bill. What is the aim of it? I think that perhaps we should come back to some of the comments made by the Aboriginal community, just to remind ourselves that it is land rights, after all, that we are talking about. In the *News* of 2 October, in that article which was so unfortunately headlined, I quote what was referred to as being said by Mr. Pantju Thompson, as follows:

> "We can now hold the European freehold with our Aboriginal law which gave us these lands thousands of years ago," he said.
>
> "Both laws are now brought together in the strongest way to protect our land, our culture and our people."

I certainly endorse the sentiments in that statement, and I am sure that all members of this House would endorse those sentiments, because that is surely what this Bill is supposed to be all about.

Therefore, it clashes, I think, somewhat unfortunately with a reported comment attributed to the Premier in the *Advertiser* of 24 October. I accept that it may not be a totally correct report, because I believe, in fact, the Premier does have good intentions in this regard. That report was as follows:

> It also had been demonstrated that guidelines on exploration and mining on the Pitjantjatjara lands could be established to achieve the proper balance between their interests and those of the entire South Australian community.

I hope, and indeed I believe, that the Premier really believes that the proper balance of their interests and the South Australian community goes very much further than that. It goes much further, to encompass all of the things embodied in the words of Mr. Pantju Thompson, who I quoted some moments ago.

It was mentioned by my colleague, the member for Elizabeth, that there are examples of slipshod drafting in this Bill. He very expertly went through many of those details and outlined them. It is not my particular object tonight to go over the ground that he covered, because that is available for everyone to read, and I know that the Premier will be commenting on his remarks, because he will have studied those areas. However, I also know that since this matter has been referred to a Select Committee it is within the proper province of that Committee to follow up those points and look at them in greater detail. There is one small point I wish to make note of, because I think perhaps it is a slight problem within the wording of the Bill and, therefore, should be given some attention. This relates to clause 36 (4), which states:

> In proceedings under this section, the tribal assessor should observe, and where appropriate give effect to, the customs and traditions of Anangu Pitjantjatjaraku.

The critical point to which I refer is the words "customs and traditions of the Anangu Pitjantjatjaraku". In the Bill, two terms are used on occasion. One is the "Pitjantjatjara people" and the other is "Anangu Pitjantjatjaraku". In most parts of the Bill they are used with a degree of clarity as to which is meant. If one turns to the front of the Bill one sees that "Anangu Pitjantjatjaraku" means a body corporate constituted under that name by this Act. That appears in the definitions. In clause 5 it is again referred to as being "a body corporate", mentioning that all Pitjantjatjara are, members of the Anangu Pitjantjatjaraku.

Then, throughout the rest of the Bill, it refers to that in the sense of being a body corporate representing all the Pitjantjatjara people. That is fine; I accept that. That is where the complication with clause 36 (4) comes about, because we are talking then about customs and traditions of a body corporate. Now, it is not possible for a body corporate to have customs and traditions in the sense I believe that clause is speaking about. We are surely talking here about the Pitjantjatjara people. I hope that, when the Select Committee gives attention to this matter, it will seek to make that relatively minor amendment and change the words to "Pitjantjatjara people", which I believe is

what was certainly meant.

I know that the Premier will agree to that minor change, surely. But the situation is that we have the Land Rights Bill before us and it will go to a Select Committee. It will, we hope, come back soon to the Parliament, be able to be passed and, as the Pitjantjatjara community has already expressed, will pass into law and form the first land rights Act that this State has had. Indeed, as my Leader has said, credit is to be given to the Government that there is, in fact, to be an Act, but also let credit be given to the very great work that went before and laid the solid foundations which allowed this situation to be arrived at now. Likewise, let this House be ever conscious that the real aim of the Land Rights Bill is the question of land rights and the promotion of the interests of the Aboriginal community within the context of the entire South Australian community, and that all other matters that come under the ambit of the Bill are secondary to that. They are important, but secondary to that and, therefore, attention to mining, minerals and the like, important though they are, are still secondary to the prime aim of the Bill.

We have had quite a lot of discussion on this matter and I have agreed that I would not speak for more than 20 minutes. Although there are other points that I wish to make, they will have to be deferred until the Bill comes back from the Select Committee and we have the opportunity to discuss the matter then. I commend this Bill to the House.

Mr. GUNN (Eyre): I want to say from the outset that I support the Bill. Having had considerable interest and involvement in this matter for a long time, I am pleased to see that it is a Liberal Government that will eventually effect into law a piece of legislation that will be unique in Australia. Over considerable periods, I have had involvement with the Aboriginal communities in my electorate. Of course, there has been a very conscious and well orchestrated campaign by certain people always to paint me as a big a villain as they possibly could. I have been aware of that ever since I have been a member. I refer to my political colleagues and others and their associates. I am not referring to my colleagues on this side of the House, because in most cases they have been most helpful.

Mr. Lynn Arnold: In most cases.

Mr. GUNN: Opposition Members and their colleagues have set out to tell people that I am a villain and not to be trusted; various other colourful expressions have been uttered about me. I suppose that is one of the political realities that one must accept. However, one thing that I have always done is to be quite frank and truthful with the Aboriginal communities. I have not set out to manipulate them or to unduly raise their expectations.

One of the criticisms that can be strongly levelled at the Australian Labor Party is that it set out deliberately to raise the expectations of the Aboriginal community, particularly those people in the North-West. This happened at one stage to such a degree that the people were of the view that, the moment a Land Rights Act was passed, all their problems would be over—something similar to the expectations of a number of people in the newly independent countries of Africa, where it was explained to them that, once they gained independence, their troubles would be over. Unfortunately, though, in many cases their troubles had just begun.

The Pitjantjatjara people in the North-West have for a long time been promised title to their lands. I, and I believe all members, recognise (as I believe the majority of the people in this State recognise) that we are in 1980 not in the 1880's. That must be clearly recognised. Sir Thomas Playford, I think in 1948, or thereabouts, enacted legislation to protect the original North-West Reserve. In 1962, he gave an undertaking to protect further areas for the benefit of the Aboriginal community. That was a long time ago; there have been a number of Governments since then. This is the first Government that really intended to enact the legislation.

Mr. Lynn Arnold: That is not true.

Mr. GUNN: The member for Salisbury was not here during the last Parliament. I shall say one or two things about the previous Bill in a moment if the honourable member will let me continue. When the Liberal Party was in Government, particularly under Sir Thomas Playford, large areas of land were set aside for the benefit of the Aboriginal communities. Sir Thomas Playford set aside areas in the North-West Reserve and the land at Yalata; he bought Collona station; and gave an undertaking that the land in the Maralinga area would be returned to those people who had been shifted at the time of the atomic bomb trials in the area. So, all that has been achieved. A Liberal Government will effect that agreement and a number of other measures relating to problem areas around South Australia.

The former Government did a great deal of talking about such things, but unfortunately that Government was great on words but very short on action. We became accustomed in this State to a deliberate compaign that was always launched at the most appropriate political times to create great emotional issues. It was one of the hallmarks of the Dunstan era. One can think of a number of areas where this took place. Aboriginal land rights was one. However, when it actually came to putting the legislation through the Parliament the Labor Party was found to be wanting.

On a previous occasion, I clearly explained to the House that it was some 13 sitting days after the Select Committee sat last year that the Bill sat on the Notice Paper, and no attempt was made (and I emphasise that) to bring on the Committee stages of the debate or to bring on the debate on the report of the Select Committee. There was no reason other than that which we ascertained when the Liberal Party achieved Government in this State, namely, that there was a Crown law opinion, which to the shame of the former Government of the day, was not made available to the Select Committee. I shall read from that directly. An attempt was made by the then Minister of Mines and Energy (Mr. Hudson) to enter into an agreement with Pitjantjatjara representatives. The former Government had no intention of enacting this legislation. So, let us have no more of the grandstanding from the member for Salisbury, who really has not given an accurate assessment of the situation.

The area of land with which we are dealing is a very large part of South Australia. I understand that it covers about 189 000 square kilometres. It is a very attractive part of South Australia, and I do not think that anyone who has had the benefit of travelling through this area could help but be impressed with the scenery and with the great potential that lies in that area as far as pastoral activities are concerned. The properties in the area, which are run as cattle stations, have a great potential and can carry many thousands of head of cattle. I believe that, under effective management, guidance and advice, they can be very profitable enterprises for those communities. I would hate to hazard a guess at the number of cattle that could be carried on the land. I have been to those places and seen them at first hand. Also, they carry a lot of horses and various other stock.

The member for Elizabeth complained about the

definition of a Pitjantjatjara person. I am inclined to agree with him that the definition needs close attention by the Select Committee. I have given close attention to the clause that applied in the previous Bill. The Select Committee in its deliberations decided that the clause should be strengthened, and I think that it would be a wise course of action if the Select Committee took some legal advice in relation to this matter and gave it some consideration. Therefore, I do not object to that provision because I am most concerned to ensure that the members of the Aboriginal community in those areas are the people that exercise effective control.

I do not want the situation to be created where outside people with ulterior motives of any kind can manipulate the Pitjantjatjara people. It is very important that the poeple in the Aboriginal communities in those areas are the masters of their own destinies. I do not believe that a lot of people understand that other Aborigines can be excluded from the area, the same as any other person in South Australia. Except for members of this Parliament and other Parliaments very few people will have the right of open access to the area. In the long term that may cause some problems.

Mr. Abbott: They can be over-ridden by the Minister.

Mr. GUNN: I do not believe that the Minister will start opening up the area in a willy-nilly fashion to large droves of people. Undoubtedly, there will be a tremendous demand by the tourist industry to get into the area; everyone recognises that. I do not believe that, at this stage, that would be proper. However, I believe that some people have legitimate rights and may find some difficulties. I do not object to it in the strongest terms. I understand why the provision is there.

The other matter in relation to the Bill that needs consideration is that of royalties. I have had it put to me strongly that the allocation one-third to the Government, one-third to the local community, and one-third to the Aboriginal community as a whole is defective, because there is no guarantee that a local community will actually receive any royalty for a mining activity or for some other act that takes place in their local community. That area ought to be examined by the Select Committee and the provision amended to read that one-sixth go to the Pitjanjatjara as a whole and the other one-sixth go to the local community; that would be reasonable. That was the point of view put to me by the local communities, not only recently but on a number of occasions, and that matter ought to be considered.

Also, the Bill deals with the composition of the Executive Board. Clause 9 provides:

> (1) There shall be an Executive Board of Anangu Pitjantjatjaraku.
>
> (2) The Executive Board shall consist of—
>
> *(a)* a Chairman;
>
> and
>
> *(b)* eight other members,
>
> elected at an annual general meeting of Anangu Pitjantjatjaraku.

That clause ought to be examined to ensure that there is a reasonably even balance of representation for the local community. We are dealing with a very large area of land. Very few people who have not been there could comprehend the size and vastness of the area. The communities are scattered over a large area. If we are to have an executive body that will exercise considerable authority, there ought to be a provision to ensure that the membership of it is evenly distributed over the area.

Mr. Keneally: What about Yalata?

Mr. GUNN: The honourable member has referred to Yalata. He knows as well as I do that I am not referring to Yalata but to the area mentioned in the Bill as set out in the schedule. The honourable member is trying to be facetious. If he does not know what the schedule is, that is not my fault, but I feel sorry for the honourable member if he does not understand that. That is another area that ought to be looked at. There is yet another area which involves an unusual provision.

An honourable member: The definition?

Mr. GUNN: I have already covered the definition. I said that I basically agreed with the member for Elizabeth on it. There is in the Bill a clause that prevents the Crown from acquiring compulsorily any land in any circumstance. I understand that there is a provision in the Northern Territory legislation, in the national interest for the Minister by reporting to Parliament, to take certain courses of action. I understand that the Government of the day really has the power to acquire St. Peters Cathedral, if it is foolish enough to do so. There is no power, except by coming back to Parliament, to have powers of acquisition. That matter ought to receive consideration.

Another matter has caused considerable concern to one section of the community. We have set out at great length over a long period to try to reach a reasonable and negotiated settlement for the Aboriginal community, bearing in mind their interests and the overall interests of the people of the State. I think we have gone close to reaching an agreement that will work reasonably well, except that there has been for a considerable time a group of people mining at Mintabie who have a close association with the people at Coober Pedy, where there are a number of miner—free opal fields in the area, as well as in as in areas scattered in the rest of the northern parts. Those people are, to put it mildly, most perturbed at the provisions of the Bill. Obviously the member for Stuart is not interested in those people. They believed that their rights would be protected. Their mining rights have been protected, but, in my view, their residential rights have not been protected. These people object most strongly to the provisions of the Bill. It is unfortunate that there has been somewhat of an oversight in relation to this matter.

Let us face the reality of the situation. There is no way, without calling in the police in large numbers, that anyone would evict any of those miners from their residences because they will have the overwhelming support of the miners at Coober Pedy. Unless we are careful, we will create bitterness and a difficult situation which, in my view, can be overcome by a simple amendment to this legislation. We are talking about a very small parcel of land, when one considers that, of the total area of almost 90 000 square kilometres, we are dealing with an area of only 2 square kilometres, which was already excised from the pastoral lease.

The provision could have been enacted without any problem whatever. The area had already been excised. The Department of Lands had surveyed the blocks and set about releasing them to the miners on an annual licence basis, which, with the Crown, is not much protection, many people would say. However, it is a lot more protection than giving them to any outside group that does not have to answer to the Parliament or to the people of this State as a whole. I will read some of the correspondence that I have received in relation to this matter. The latest correspondence that I received from the Mintabie Progress Association, dated 19 November 1980, is as follows:

> We are still intent on having Mintabie opal field excised from the Pitjantjatjara Land Rights Bill 1980 and have control left as it is. As you will remember that is the crux of a motion passed at our meeting.
>
> We are depending on you to advise us and Mr. F. Moran

Q.C. (his telephone number is given) at the earliest, of the time and place of the meeting of the Select Committee, and over what expected period.

We also have requested the Premier to have the Select Committee meet at Mintabie.

Section 15 of the Bill seems ominous and can only create a dissatisified minority, without legal or equitable estate or interest in the land, who certainly have not agreed to surrender their respective interests.

That was signed by Mr. H. Hamlyn Harris, Honorary Secretary of the organisation. The matter goes a little further than that. I received a telegram under the heading "Objections by Mintabie Progress Association relating to the Pitjantjatjaraku Land Rights Bill", as follows:

The principle established under section 28 where the Pitjantjatjaraku have effective control over all areas not held under the Mining Act is unacceptable to open miners. The miners consider they should be under the control of the South Australian Government and not the Pitjantjatjaraku Council. Section 28.2A. No reason has to be given unacceptable. Section 28 5 no right of sale or transfer of living premises given to miners unacceptable. Section 28.6A land department only body to have control of any living areas in Mintabie. In other words Mintabie area should be removed from negotiations completely unless under control of the Department of Mines and Energy.

Deblaquiere, Chairman of the Mintabie Progress Association.

The Coober Pedy people also supported the Mintabie miners in relation to their desires to have this matter excised. For the record, I will read into *Hansard* some of the comments that have been made. In the July 1979 issue of *Opal Chips* there was a strongly worded attack on the provisions of the Bill.

A notice was sent around Coober Pedy in relation to holding of a public meeting. The notice stated:

The people of Coober Pedy fully support the Mintabie Progress Association in its total rejection of section 28 of the new Pitjantjatjara Land Rights Bill. This obnoxious section is an affront to the freedom and rights of all Australians.

It has a detailed and quite critical analysis and makes wide-ranging comments in regard to the legislation. I have been in contact with that organisation on one of my recent trips with a representative of the mining industry at Coober Pedy. We met a number of people from the communities. One of the interesting discussions we had was with one of the chairmen of the Aboriginal Councils. The Hon. Mr. Whyte and myself and the Chairman of the Mining Section of the Coober Pedy Miners and Progress Association were involved. The Chairman said that the provisions in relation to Mintabie were not the desire of the Aboriginals but rather the white advisers. He understood that Aboriginal people particularly those at Indulkana, spent a lot of time at Mintabie. There has been problems. They are engaged in considerable noodling. There has been little or no objection to the mining from the miners themselves. That was a very interesting comment that the Chairman made. However, we have now arrived at the situation where we have sections 27 and 28 of the Bill. I believe that they should be modified and altered to bring about a situation that gives these people reasonable protection.

It is all very well for us in this Chamber to sit in judgment on those people. We can go back to our homes and families and at least we have some security over our place of abode. As some people pointed out quite strongly to the Attorney-General, when some of those women who were so cross with him went home to their families they had to say that tenure could be only six months, and then they would have no right and would have to leave. We are not dealing with hundreds of thousands of square kilometres. We are dealing with a small area of land. I believe that it would have no effect upon the overall intention of the legislation.

I am aware that there have been negotiations taking place between the Progress Association, the Mintabie Miners Association and representatives of the Pitjantjatjara Council. I hope that a reasonable compromise can be reached. However, I do believe that the Select Committee ought to give close attention to the matter because we are dealing with a group of people who have been legitimately and legally mining that area. Everything at Mintabie has been placed there by the miners. They have put water there and built various facilities. We are not dealing with a large area. There is also a strong desire by the people there to have some guarantee that in the future, if they want to reasonably extent the field, they will be given that right. That is a matter that will be subject to negotiations with the representatives. I think that that is the sort of provision that members on this side would have liked to have seen in the Dunstan Bill.

As a member of the previous Select Committee, I was disappointed that it was not fully apprised of the views of the Crown Solicitor. I have extracts of what the Crown Solicitor provided, and I believe it would be appropriate to read it in view of the fact that the member for Elizabeth commented in relation to that matter. Paragraph 7 states:

I am disturbed by the possible ramifications of the definition of "Anangu Pitjantjatjaraku" contained in clause 4 of the Bill. That expression means the Pitjantjatjara people and "Pitjantjatjara" similarly is defined to mean ". . . a person who has, in accordance with Aboriginal tradition, an interest in the nucleus land:" "Aboriginal tradition" is defined to mean ". . . a body of traditions, observances, customs and beliefs based upon an interest in land, or under which an interest in land is recognised and which binds together Aboriginals living on that land:". The effect of clauses 5 (1) and (2) of the Bill is to make all the Pitjantjatjara people members of a body corporate called Anangu Pitjantjatjaraku, the functions and powers of which are set out in clause 6 of the Bill.

What that meant was that before any agreement could be reached, the agreement of every single Pitjantjatjara had to be obtained. That was impossible. He also stated:

If, in the light of what I have said, it is considered necessary for the Bill to be amended, perhaps advantage could be taken in order to make special provision for the range of activities likely to be conducted by SAOG in the areas of land that may be subject to the provisions of the Bill. At the same time perhaps the identity of the Minister referred to throughout the Bill could be the subject of a further provision. The Select Committee of the House of Assembly seems to have assumed that this would be the Minister of Mines and Energy . . .

He then went on to mention Mr. Phillip Toyne and various other people. That information was available to the previous Government; I do not know whether it was available to the two Labor members of the Select Committee but it was not available to the members of the Liberal Party. This measure has taken a considerable time to reach this stage. It has been the subject of a great deal of discussion within the media around Australia. It has provoked a great deal of community interest.

I sincerely hope that it will operate in a way which will serve the legitimate rights of the Aboriginal community and that it will assist them to live in a manner which they will determine and will allow for a system of arbitration in relation to mining disputes. I hope the long-term effects of the Bill will be advantageous to all sections of the com-

munity. I look forward to the deliberations of the Select Committee, because I believe they will be interesting. I understand that there was a large body of opinion in the community who have representatives who wish to make comments to the committee.

I hope the matter is not protracted and drawn out. I believe that the time has come when the matter should be cleaned up once and for all and we should proceed as quickly as possible. I told the people at Ernabella during the last election campaign that the Liberal Party would enact legislation. That legislation has taken longer than I originally anticipated, but I believe that we have reached negotiated agreement with the community, which is something which will stand this Government in good stead if those provisions, which I have discussed at some length, are considered by the Select Committee.

Contrary to what has been said about me, I have always been concerned about the welfare of those Aboriginal communities in my electorate. In the earlier parts of the discussions, concern was expressed by my constituents at Yalata that they could be encompassed in this legislation. Their desires and aspirations will be accommodated in another measure that will come before this Parliament in the not too distant future. I am pleased to support the Bill, and I look forward to the Committee stages. I hope that the matters and problems that I have raised will be rectified.

Mr. RANDALL (Henley Beach): I am pleased that at last I am able to express my opinions about this Bill, one frustration I suffer as a back-bench member, because I have some strong opinions about the land rights legislation, both the old Bill and this Bill, but I had to sit back and say nothing, not because I was gagged, but because I respected what the Ministers were trying to do. Sensitive negotiations were taking place, and I knew that, if I spoke outside this House about this issue, the news media would have taken up my comments and distorted them, and divisions would have taken place amongst the negotiators and the Premier and his Ministers. Therefore, I held my tongue, because I knew that there would be an appropriate time at which to speak, and I believe that it has come, because some things did concern me.

I was concerned to see people manipulated and to see that Aborigines had to travel all the way from the North-West Reserve to Adelaide to camp overnight to show the people of Adelaide that they were concerned about land rights. We as a Party know that. I do not say that this was a wasted exercise, but I was concerned that elderly people had to travel so far in the heat, because I believe that they were given false information. False impressions were created, and those people responded accordingly. I hope to trace some of the history. Perhaps we have learnt some lessons. I am prepared to acknowledge the role that the former Premier, Don Dunstan, played in this area, as members opposite have said, and there is no doubt that credit must be given to the Labor Party for setting the scene. However, I wonder whether, if the same advisers who came to Don Dunstan had come to Premier Tonkin today, we would have been in the same situation.

All members of the House have acknowledged that the Bills are not dissimilar. Both major Parties, and possibly the minor Parties, have acknowledged that there is a need to do something about land rights, but we have differed in regard to the complexity of the legislation we have been prepared to introduce. Just as Premier Dunstan's name will go down in history in connection with the Aboriginal people, I believe that Premier Tonkin's name will be remembered in the same way, because a treaty has been signed and a Bill has been introduced. After the deliberations of the Select Committee, legislation will be enacted by the Liberal Government that will benefit the Aboriginal people.

The member for Eyre cited some of the achievements of Sir Thomas Playford's day, which showed that Liberal Governments care about Aboriginal people. The impression one gained from the press over the past six months was that Liberal Governments do not care about Aboriginal people, and that was a false impression, which created a lot of concern in the community and to members on this side. I would like to pay a tribute to those who have worked among the Aborigines for some time, such as Dr. Charles Duguid, who, I think in 1936, established a mission at Ernabella. The *Advertiser* paid a tribute to Dr. Duguid on 15 February this year and attributed to him (he is now 96 years old) some comments. It was said that all the whites who went to Ernabella had to speak Pitjantjatjara and all of the children were taught in their own language for the first few years of their schooling. There was no compulsion for them to adhere to the Presbyterian religion, and the Aboriginals were encouraged to keep their own culture. Dr. Duguid had some foresight, because if one looks at the history of South Australia and the Northern Territory, one will see that a change has taken place over a period.

Settlement started with protectionist policies, and proceeded to assimilation. We recognise that the Aboriginals have a right to determine their own destiny and that no Government or any other body should determine their future. They must be encouraged to develop initiative. The hour is late and having waited so long, I have many points to make, but I shall touch on them briefly. One thing members opposite made some fuss about was the land rights rally at Elder Park. The Leader decided to single me out at that rally and put me in an embarrassing position; I was not able to say anything and I was booed and hissed at, but I believed that, as a Liberal member, I could support land rights, and that is why I marched. I believe that this Government supports the land rights issue, perhaps not in regard to the original Bill, but in general support. I knew that the Government would negotiate to achieve what it was aiming to do, and I marched as a personal expression of my belief in what the Liberal Party was doing.

As I have said, some members of our community were manipulated. I was concerned about some of the articles that appeared in the press. Under the very emotive heading "Land rights or violence. Dunstan", an article appeared in the *Advertiser* of Friday 18 January this year, which helped to create situations of conflict in the community which should never have emerged. If the Liberal Party had been able to say publicly where it was going, I believe that the community would have seen this sort of report for what it really was—a beat-up to stir up people when they should not have been stirred up. We were going somewhere as a Party, but we respected the wishes of the people with whom we were negotiating, and we remained silent. That was a difficult time for me, because I had to remain silent when I knew that the Liberal Party was trying to solve the problem and would introduce land rights legislation that would be acceptable to all members of the House.

I have listened to the view points of members opposite, but I have yet to hear of major differences between the two Bills or major concern expressed by members opposite. I take the point made by the member for Elizabeth in regard to the drafting of the Bill and I accept that there are problems in this area, which no doubt will be sorted out during the Select Committee. There are other areas of minor concern, but there is no area of major

concern. This Bill is a clear demonstration that the Liberal Party can legislate for land rights, and there was no need for anyone to create possible violence or to confront a person who dared represent the Liberal Party. There was no need for the people at Elder Park to become stirred up because a member of the Liberal Party was in their midst, because we are concerned about people and we have their interests at heart.

A false and misleading advertisement appeared in the *Advertiser* on 4 February 1980 under the heading "Liberals don't care, says Dunstan." That article frustrated me. It stated that Mr. Don Dunstan, former Premier, said the South Australian Government simply did not care what happened to ordinary Aboriginal people. I was frustrated when the former Premier was reported as saying things like that, because I knew that the Premier, with the Minister of Aboriginal Affairs, the Minister of Mines and Energy and the Attorney-Genreal (four top level members of this Party) were negotiating and expressing their concern and developing the Land Rights Bill.

I knew that was happening and I was irritated and concerned to read statements like that. These things did not only appear in the *Advertiser,* but they began to appear in church newspapers. That concerned me, because here again church groups were being misled and manipulated into putting statements in the press—

Mr. Abbott: That is nonsense.

Mr. RANDALL: If that is nonsense, listen to the advertisements. Under the heading "Aboriginal land rights", an article appeared in the *Southern Cross* on 14 February 1980, as follows:

> There is a tragedy to be averted in South Australia. It would be a final and deliberate destruction of Aboriginal society for the marginal profit of white society. The South Australian Government has decided to approve mining intrusion into some of the last land Aborigines regard as theirs. The Government has broken under-takings to consult with the Pitjantjatjara before announcing new policy.

That was a beat-up to cause concern in the community. Then, not only was it put out throughout the community but also through church groups. I believe that it is the responsibility of church newspaper groups to print the side of the story which tells what the Liberal Party is doing and what this new legislation is doing and is going to do for these people and to say that there is no great difference between the two Bills and that our Bill will comprehensively solve the problems associated with this matter. The Anglicans then spoke out through the Archbishop himself, Dr. Keith Rayner, as follows:

> The Anglican Archbishop, Dr. Keith Rayner, last night warned the State Government it would only have itself to blame if suspicion and hostility were aroused over Aboriginal land rights.

There are other statements condemning the Government for what is was supposedly not doing when, behind the scenes, three Ministers, including the Premier, were sitting down quietly negotiating. That was on 17 February 1980. Another article appeared in the *Southern Cross* newspaper on 21 February 1980 under the headline "Commission supports land rights, criticises South Australia Government". Those are a few quotations I have drawn out of a thick file concerning Aboriginal Land rights. I would like to take the time of the House to spread them out, detail them and to show where they are wrong, but I do not have the time. I make the point that these people were misled, manipulated and misinformation was spread throughout the community to create false impressions regarding what this Government was doing.

Again, I repeat that the Premier and three Ministers were sitting down negotiating quietly with these people. I could go further and quote articles which appeared in the Uniting Church paper castigating this Government for not doing anything and not being concerned about people. I knew that this Government was concerned about people and had to hold back from answering. An article that surprised me was entitled "Quakers on land rights". The Quakers are even coming into the situation now. That article was as follows:

> The Religious Society of Friends—Quakers—in South Australia have issued a statement on Aboriginal land rights . . .
>
> "If these rights are not granted, the spirituality and the culture of the Pitjantjatjara people which is integral to the whole of the land, will be further destroyed . . .
>
> "It supports the Pitjantjatjara people in their struggle for land rights and calls on the South Australian Government to pass the original Pitjantjatjara Land Rights Bill without delay."

Knowing full well the Crown Law opinion of the previous Bill, and knowing the inadequacies of that Bill, here we have groups that have been manipulated to call upon the Government and people who have been told that the South Australian Liberal Government was not prepared to do anything about land rights in South Australia when it was working hard at it, but quietly through its three Ministers in the background.

Mr. Lynn Arnold: Don't they have the right to make submissions to the Government?

Mr. RANDALL: I do not deny that they have the right to make submissions to the Government. What concerns me is that if one looks at the history of the church and its activities among Aboriginal people, it is now calling upon people to recognise the spirituality among the Aboriginal people. However, if we look at the spirituality among the Aboriginal people, I say that the spirituality of the Aboriginal religious culture is different from the Church, yet the Church is saying, "Let us acknowledge it" when it is not many years ago that the churches were sending missionaries and its people into the area to convert Aboriginal people from their spirituality beliefs. Where does the church stand? I would like to develop that further at a later stage with the churches themselves. Where do the churches stand on this issue? Do they believe that we should recognise the Aboriginal spirituality and its close ties with the land and all that that involves in this culture and the practices associated with it, or does it believe that there should be another stand taken? That is the point the Quaker movement raised.

I would like to develop that further, but I cannot at this stage. The other point made several times that reoccurs in our community is the social implications of Aboriginal people living in the community. I saw at Mintabie some of the social implications of having a township so close to an Aboriginal settlement. I saw misuse of alcohol. I am glad to hear that this Bill will allow the Aboriginal Pitjantjatjara people in the North-West to make their own laws regarding alcohol and its consumption. They will be able to determine their future and to grapple with their community's social problems in that area. Not only that but, also, the exploitation of their women and children which is taking place in the North-West. That is a problem which I will not say is prevalent, but it is there in our community. It is the problem the Aborigines face of being exploited by Europeans. It is a problem where the Aboriginal people are manipulated by people in positions of power.

I believe that we need to look closely at our association with our Aboriginal people. We need to work for their benefit and for their future in this country. We need, most of all, to encourage them towards their own self

determination. I hesitate to wake the member for Elizabeth, so I will not speak too loudly and he will get his rest as the evening goes on. That is all I wish to say at this stage. They are points that need to be developed later, and I will take the time of the House to do that later. I believe that there are points that need to be answered that were raised in various church newspapers and, also, that the *Advertiser* needs to hear the other side of the story that we can now tell and that we need to be shouting from the house tops.

The Hon. D. O. TONKIN (Premier and Treasurer): There has been a great deal of discussion on this Bill, which I believe is very much one of the most significant pieces of legislation which has come before this Parliament in its entire history. I regret in some ways what seems to have been a lukewarm approach to the problems which have been raised by members of the Opposition. I regret, too, that the quality and intent of the legislation really deserve better treatment from them. While there have been quite a large number of matters raised, I believe that the criticisms which have been levelled and the rather lukewarm support which has been given has, in many instances, been done without actually reading the Bill.

The original Bill, as introduced by the previous Government, differed greatly indeed from the recommendations of the Select Committee. Then, as has been pointed out this evening, it contained very many unworkable provisions, provisions that I agree were known to the Government of the day at the time and which were brought to light during the very intense discussions which took place between the Pitjantjatjara Council and the members of the Government. I am most grateful, indeed, for the sincerity and dedication which everyone, both representatives of the Pitjantjatjara Council and the Government, brought to those discussions, and I would like to pay a tribute to all of those people involved.

[Midnight]

There are a number of matters that should be answered, and I shall just answer one tonight, because the hour is getting late. I refer to the question that the member for Salisbury raised about the status and role of the Minister of Aboriginal Affairs. The honourable member certainly spoke in rather less than favourable terms of the Minister and of his role. I point out to the member for Salisbury (he has not been in this place very long, and his Leader has not been here much longer) that this Government did what preceding Governments had never done. We created a specific portfolio of Aboriginal Affairs, and we appointed a Minister to that portfolio immediately upon our election to Government. The Government did this because we accepted the need not only to recognise the general importance of Aboriginal Affairs—

Mr. Bannon interjecting:

The Hon. D. O. TONKIN: I know the Leader is trying to interrupt and fudge the issue. We have done this because this Government accepted the need not only to recognise the general importance of Aboriginal Affairs but also effectively to advance the interests of the members of the South Australian Aboriginal community. That is something that previous Governments cannot claim. Specifically, the Minister of Aboriginal Affairs has had a most important role to play in the discussions and the agreement leading to the introduction of this Bill. If what we have seen is the level of support that the Opposition can bring to this most vital measure, all I can say is that their support is not worth very much.

Finally, I refer to the point made by the member for Henley Beach: support has been expressed publicly by church leaders, by community leaders, by the leaders of the Aboriginal communities themselves, and by members of the Pitjantjatjara Council, and that support is most enthusiastic for what has been achieved jointly between members of that council and members of the Government. I repeat that I am very proud and pleased that the people of South Australia will have an agreement of which they can be very proud. A number of petty criticisms and examples of pique need to be answered, so I seek leave to continue my remarks later.

Leave granted; debate adjourned.

NATURAL DEATH BILL

Received from the Legislative Council and read a first time.

MEMBERS' CONDUCT

The SPEAKER: I draw to the attention of all members of the House for the second time in one day that it is necessary when the Speaker is on his feet that members remain stationary.

COUNTRY FIRES ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

ADJOURNMENT

At 12.5 a.m. the House adjourned until Thursday 27 November at 2 p.m.