## HOUSE OF ASSEMBLY

Thursday 1 April 1982

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

### PAPER TABLED

The following paper was laid on the table:

By the Deputy Premier (Hon. E. R. Goldsworthy) for the Treasurer (Hon. D. O. Tonkin)—

*Pursuant to Statute*—

Parliamentary Salaries Tribunal—Report and Determination 1982.

## QUESTION TIME

**The SPEAKER:** Before calling on questions I indicate that questions for the Premier will be directed to the Deputy Premier, and questions for the Minister of Water Resources will be directed to the Minister of Industrial Affairs.

### STATE ECONOMY

**Mr BANNON:** Can the Deputy Premier tell the House and the people of South Australia exactly how close we now are to the boom that the Premier says is just around the corner? Today's *News* refers to a nine-page newsletter issued by the Premier on 9 March about which I commented in a public statement on Tuesday and which alerted the *News* and other media to the fact that the newsletter existed and was being circulated to business men. The newsletter report is headed 'South Australia in for boom'. This, of course, follows a rather larger headline in this morning's *Advertiser* that states 'South Australia slowest growing State'. The newsletter also remarks that we are embarking on an era of prosperity and development not experienced since the boom years of the 1960s. This observation may or may not have been included in the Premier's newsletter before his remark on 22 March that 'South Australia faces very tough times over the next 18 months or two years'. Is the Deputy Premier in a position to say whether there are to be tough times or whether there is to be a remarkable era of prosperity?

**The Hon. E. R. GOLDSWORTHY:** We know that the Leader of the Opposition just cannot leave off his habit of knocking this State. We have got it again today. I answered a question in this House yesterday to which I draw his attention, because I mentioned the sorts of statement that are being made by people quite independent of Government. I drew his attention to a statement made by one of the people associated with the Chamber of Commerce who said last week that all signs in South Australia were encouraging and that we were going upward. I drew his attention to the comments of the notable Japanese at an investment seminar which he attended on Monday who said that they were most encouraged by what was happening in South Australia.

**Mr Bannon:** Who were they?

**The Hon. E. R. GOLDSWORTHY:** The two gentlemen on Monday, Mr Narasawa and Dr Seito. The Leader was there. If he had his ears open he could not help but be encouraged by what they said about billion dollar developments in South Australia. He mentioned specifically the Cooper Basin. I can recall only one other billion dollar project of this style in South Australia previously. That was the development by the B.H.P. company in Whyalla. Expansion has taken place there during this Government's term of office in relation to the rail rolling mill. We have the project at Stony Point in excess of a billion dollars, up and running. Benefits from that will be flowing to the State when that oil comes on stream next year. We also have in contemplation an indenture before the House for another project in excess of one billion dollars in relation to the Roxby Downs world-class mining development.

If the Leader of the Opposition does not understand that these projects are tangible, that they are here and are, in most cases, up and running, and that the others, if he can make his Party see sense, will come to fruition as quickly as possible, I do not know what we can do to help him. I draw his attention to the article in the *Financial Review* of a day or two ago. I am quite sure that the 65 companies who advertised in that publication do not accept the Leader's claim of gloom and doom about South Australia. They are hopeful about our future. That supplement begins with these words:

South Australia is shaking off its poor cousin image in State politics.

It is typical of the Leader that, when one reads the contributions, the one thing that sticks out like a sore thumb in all those articles in the *Financial Review* is the comment by the Leader, where again we get a dose of gloom. If he could shake off this pessimism, which seems to be part of his very being, and look at what is going on, if he could talk to people who know what is happening, like the leaders in commerce and industry from the Chamber of Commerce, let him examine the first six months returns for companies in South Australia and compare them with the first six months returns 12 months ago, for instance. He will find a very encouraging picture.

What other evidence he needs to shake off his pessimism, I do not know. The only conclusion that one can draw is that he is deliberately trying to downgrade the real progress that has been made in the past 2½ years for purely political reasons. He does not mind if he spreads this pessimism and doom and gloom throughout the State. He does not mind if he saps the confidence of the public, because it might, he thinks, help get his Party elected to office. Obviously, he has a vested interest in decrying the very real achievements of this Government. I strongly advise him to carry on as he is if he wants to be re-elected and keep the lid on the policies of the Party which he leads. I also outlined to the House yesterday the Labor Party recipe to accelerate these developments that this Government has initiated. If anything would spell a death blow to what we are getting up and running in this State, it is what the Leader of the Opposition stands for.

**Mr Millhouse:** I have never seen a more bored press gallery than there was while you were speaking.

**Mr Mathwin:** Then why didn't you leave the Chamber?

**The SPEAKER:** Order! The honourable member for Hanson.

### ADELAIDE AIRPORT

**An honourable member:** It's a pity the member for Mitcham was not here at 2 o'clock this morning.

**Mr Millhouse:** Why?

**The SPEAKER:** Order!

**Mr BECKER:** We were working. Will the Minister of Transport say whether a feasibility study has been undertaken into the possibility of State Transport Authority buses operating to and from Adelaide Airport, West Beach? With the proposed provision of international facilities at Adelaide Airport, albeit not with my personal blessing, and the claim that a large number of economy-class tourists will use the

new facilities, would it not be possible for S.T.A. buses to operate to the international and domestic terminals? I understand that similar public transport is provided to all major international airports overseas, with adequate luggage facilities for passengers. If my suggestion has not been considered, will the Minister have his officers investigate the suggestion and report as soon as possible, as the Federal Public Works Committee is meeting in Adelaide to receive submissions for new international terminal facilities at Adelaide Airport?

**The Hon. M. M. WILSON:** I believe some work was done a few years ago on this matter. One of the factors influencing that work was that West Beach airport is so close to the city, which militates against the extension of an S.T.A. service to it, because taxi fares and airline bus fares from the airport to the city are reasonably low in comparison with those applying in other States. Of course, the member for Hanson has mentioned the advent of international services to the West Beach airport in about October of this year, and the introduction of wide-bodied domestic jets will take place in about August of this year. With the greater carrying capacity of those aircraft it would certainly be fortuitous at this stage to investigate the matter again.

In the coming 12 months we will see the delineation of the specific site in the Virginia and Two Wells area for a future international terminal, a project that I hope will receive the full support of the member for Hanson. In such a location it is essential that a very efficient public transport link apply in that area. That will be one of the things the State Airfields Committee will be recommending on. However, in answer to the specific question, yes, I will have it looked at.

## BEER PRICES

**The Hon. J. D. WRIGHT:** Will the Deputy Premier say what benefits South Australian consumers have received since the Government changed the system of price control two years ago? My question is prompted by the report today that the price of bottled beer is expected to rise by 3 cents tomorrow, to take the retail price for a large bottle to $1.18. Just over two years ago, in January 1980, the Minister of Consumer Affairs announced major changes to price control. At that time he said:

> The Government believes consumers will benefit by prices more adequately reflecting supply and demand in the market place.

This latest rise will mean that, since January 1980, the price of bottled beer will have risen 25 cents as a result of eight separate increases and one very small decrease. This represents an increase of 27 per cent in two years.

**The Hon. E. R. GOLDSWORTHY:** I do not know whether the honourable member is aware of the details of the Prices Act and how it operates in relation to beer. The price of beer is monitored, and it is under prices justification. If an increase in beer prices is mooted, it must be justified. He may recall that he was suggesting that—

*The Hon J. D. Wright interjecting:*

**The Hon. E. R. GOLDSWORTHY:** I do not know whether members opposite wish to hear the answers I give in this House, but they invariably start to interject within a sentence or two of the commencement of the answer, which indicates that they do not like what they are hearing. The fact is that I well recall the Leader of the Opposition jumping up and down last time an increase in beer price was mooted, suggesting, fallaciously of course, that if the Labor Party had been in office this might not have occurred. Those erroneous and misleading suggestions have been made from time to time.

As a result of a scrutiny by the Prices Branch, the price of beer went down by 1 cent, as I recall. I would think that it would do the Deputy Leader of the Opposition good if he were to look at the wage movements in this State. If he looks at the wage movements that have occurred, particularly during the past 12 months, I think he will realise that price rises are inevitable. If he wants to contain price rises, it would be efficacious, I would think, if he used his best efforts to try to keep a check on some of the wage rises that are occurring. We know the Labor Party's policy, if we apply this argument to the Government sector, is that it intends to increase the benefits to workers in the public sector. It makes no bones about that, as can be realised if one examines their policy: the Labor Party would increase prices and charges to the public to pay for that. It is as simple as that—if costs go up, prices will go up.

There are many items, and beer is one, which are monitored and for which price rises must be justified. However, I think the increased competition in the market place is the basic leveller in relation to prices and in areas where that competition may not seem to be adequate, the Government has retained this series of measures to ensure that prices are justified. I think that if the Deputy Leader examines the facts he will see that there are some distinct advantages in cutting out some of the bureaucratic control that is necessarily contingent upon a very detailed list of pricing arrangements as existed before the changes were made by the present Government.

## CAPITAL INVESTMENT

**Mr SCHMIDT:** Can the Deputy Premier advise the House of further details of capital investment in South Australia which has occurred since the Liberal Government took office? It was reported yesterday that the Premier's report to this House last week on investment in South Australia was a billion dollar lie. In fact, a young couple came to my office this morning who asked a question concerning a TV newsclip last night. They asked who was this little man who was cutting up the Port Adelaide cake with a magpie on top of it. In fact, it turned out that it was the Leader of the Opposition who was cutting up the cake of South Australia, trying to claim that many Labor initiatives were included in the Premier's list.

**The Hon. E. R. GOLDSWORTHY:** Yes, I would be pleased to give the honourable member some details of that investment. Fortunately, I missed what has been described to me as a puerile performance of the Leader of the Opposition when trying to cut up this cake. It has been uniformly described to me by all who saw it as a foolish performance one day too early. It would have been more appropriate on April Fool's day, because the Leader looked to be as big a fool as he ever has done during that particular performance.

*The Hon. J. D. Wright interjecting:*

**The Hon. E. R. GOLDSWORTHY:** I do not know whether the Deputy Leader was here. If he does not like the way I addressed the Leader of the Opposition, I am afraid I cannot accommodate his sensitivities. I did not think that the speech by the Leader of the Opposition to the House last night was the most gentlemanly of speeches. Let me now give the details to the honourable member: I will briefly summarise the investment figures. The list, which previously totalled $850 000 000, now totals $980 000 000, which was announced by the Premier last week. The list, in fact, is very conservative and reflects actual investment already spent or in the process of being spent. An example is the Santos component in the total which is given as $71 000 000, whereas we now know that $225 000 000 is actually being

spent at present and that the total project is committed for more than a billion dollars alone.

It was also interesting to note that the employment has been upgraded as a result of some study by Santos recently; instead of 800 new jobs, it is saying that the number of new jobs created by the Stony Point liquids scheme will be more in the order of 3 000. I am sure that the Leader of the Opposition will be most encouraged to know that.

**The Hon. D. C. Brown:** He doesn't listen.

**The Hon. E. R. GOLDSWORTHY:** I think he has tuned out again. I think he has turned his hearing aid off. We are not trying to inflate the figures. If anything, they were conservative. The Leader claimed yesterday that many of the projects on the list were Labor initiatives and should not be included. That assertion is quite ridiculous. Certainly, some projects were being planned and negotiated, but this Government had to pick up the threads and bring many of these projects to fruition. For instance, there was no liquids scheme in contemplation when we came to Government, and the Leader of the Opposition likes to get in on that band waggon, because he knows that he cannot convince his Party that it should be supporting the Roxby Downs scheme. We became used to hearing big announcements from the Labor Party, for example, Redcliff, where since 1973 the Dow Company has just left the scene, after announcements and reannouncements. Then there were the Wayville convention/entertainment complex and Monarto, to name a few. Under the Leader's definition for claiming responsibility for this Government's investment initiatives, I suppose he would say that the Windy Point restaurant is one of his Party's initiatives, or the international airport facilities or the Hilton Hotel.

It was interesting to note that the investment potential for Roxby Downs was overlooked by the Leader yesterday. I could go on and on, and we could talk about the Frozen Food Factory, the initiatives of the Labor Government, and the list goes on and on. The Leader of the Opposition is seeking in a gimmicky way, by trying to hack up a cake before the public—

**Mr Bannon:** It's your poor communication, and you ought to know about it.

**The Hon. E. R. GOLDSWORTHY:** If I were the Leader I would sack his media adviser, if that is the best he can come up with, because if the Leader wants to go on television and make a fool of himself that is all right, but at least when he does put on a theatrical performance let him get his facts straight.

## RAILWAY CONTRACTS

**Mr WHITTEN:** Can the Minister explain to the House the reason for the State Transport Authority Rail Division allotting contracts to Queensland for work that could be performed in South Australia at a cheaper cost and at the same time provide work for South Australian tradesmen? I refer to the manufacture and assembly of points and crossings for the S.T.A. The Minister would no doubt be aware that the rails are manufactured by the B.H.P. at Whyalla and that it would be an expensive and wasteful proposition because of the high freight charges to transport rails to Queensland and back to Adelaide for use in the metropolitan area. The Minister may not be aware that a number of simple points and crossings are stockpiled at the Australian National workshops at Islington and are ready for final assembly and use. I am also advised that the company that may be involved in the manufacture of the points and crossings employs persons who are not tradesmen and are not members of the appropriate union, and that there is a strong possibility that steps may be taken that could cause considerable delays should this equipment come from interstate.

**The Hon. M. M. WILSON:** I will certainly have a look at that matter for the honourable member. The State Transport Authority well knows my views on assistance to local industry and the provision of jobs in this State. I will have that investigated and get the honourable member a report.

**Mr Whitten:** The unions have discussed it with the S.T.A.

**The Hon. M. M. WILSON:** Yes. As I told the honourable member, I will have it investigated and get him a full report.

## SCHOOL UNIFORMS

**Mr GLAZBROOK:** Will the Minister of Education advise the House of the policy of the Education Department and the subsequent legality of enforcing the wearing of school uniforms at State schools? At two separate high school council meetings that I attended recently, a letter was tabled from the Salisbury East High School Council Incorporated, which was dated 26 February last and which stated, in part:

Dear Sir,

One reads or hears much today of the wish of parents to enrol their students at State or private schools where discipline is strongly maintained and where the wearing of a uniform is required. The council believes that it is true that many parents, indeed the vast majority, wish their children to be in uniform, particularly while attending a secondary school. The concern of the council is that, under the present provisions of the Education Act, and the regulations made under it, the wearing of the uniform cannot be made compulsory and parents must therefore depend on the strength of the Principal and staff to enforce something about which, in the ultimate confrontation, the non-wearer can always win ... Our council believes that it should be the right of the school community to be able to determine whether or not a uniform is required. If it does, then the school should have the option of enforcing such a policy. Of course, school communities that do not wish to have a uniform would not be, and should not be, under compulsion to have one. To achieve the result we desire, all that is needed is a simple amendment to the Act permitting school communities that wish to do so to make the wearing of uniforms compulsory ... Subsequent approaches by us to the Minister have brought the reply that he will not make an amendment to the Act because he believes that the majority of parents do not want it.

**The Hon. H. ALLISON:** I thank the honourable member for drawing my attention once again to this matter. In fact, the issue is nothing new to the Education Department, and the file that I have dates back to the middle 1970s, when the question was addressed by the previous Minister of Education in very much the same terms in which I address it. However, I would take issue with the last paragraph that the member for Brighton read out from the letter from the Salisbury East High School Council Incorporated which has been widely circulated. It is quite incorrect that I have been informing parent groups that I do not believe that the majority of parents want the wearing of uniforms to be compulsory. In fact, I have never made such a statement, and quite frankly I would not have any idea of the proportion of parents who are in favour of or against such a policy.

Might I say, however, that for a variety of reasons I am strongly in favour of the wearing of uniforms in State schools. If one looks at regulation 122 (2) under the Education Act, one sees that that regulation quite clearly gives the Principal of the school and the school council some authority to establish school rules that could require the wearing of uniforms. I would suggest that the problem that has confronted successive Ministers of Education, Directors-General of Education, and parent bodies is the fact that the State education system makes it compulsory for youngsters to attend school between the ages of six and 15 years.

While it may be a simple answer to say that the Minister can make an amendment to the Act or alter a regulation,

I put to members of the House and all other interested parties the following questions: if we are to make an amendment to the Act, who will be punished if the parents or the student, or both, decide that the student is either unable or unwilling to wear a school uniform; and once we have decided who is to be punished, what sort of punishment will be meted out? Once those two questions can be fairly resolved—not by an amendment to the Act or the regulations and not by a philosophical or any other sort of argument, but by an act that is acceptable in common law—one will have a ready solution.

I have once again asked the Director-General to investigate this matter for me to see whether there is some solution which would be readily acceptable and enforceable at law. I repeat that I am strongly in favour of schools having a rule requiring the wearing of a school uniform, but I have not yet worked out the legal solution as to how one can enforce it.

## NORWOOD FIRE STATION

**Mr CRAFTER:** Can the Chief Secretary say whether it is true that the Government is currently considering not only closing down the Norwood Fire Station but also selling the property on the open market to contribute to the cost of building a new central fire station in the city? The Norwood Fire Station has a long established tradition of service in the near eastern suburbs where there is situated much high density housing, numerous nursing homes and hospitals and substantial commercial and industrial development. It has been put to me that if the fire station is closed it would take an additional three to eight minutes for fire tenders to attend the scene of fires, depending on their location. I have received many protests from constituents and local business men about this matter and about the lack of consultation with the community by the Government. I would be pleased if the Chief Secretary would provide some detailed information on the continuance of this fundamental service.

**The Hon. J. W. OLSEN:** I am not aware of any suggestion or any documentation that has been through my office to carry out the action to which the honourable member refers. However, I will seek a report from the Chief Fire Officer to establish the facts in relation to this matter and advise the honourable member. Certainly, I have no knowledge whatsoever of any such action being contemplated.

## PAY-ROLL TAX REBATES

**Mr LEWIS:** Can the Minister of Industrial Affairs indicate how successful the pay-roll tax rebate scheme for decentralised industry has been in my district of Mallee? My question is somewhat supplementary to the questions asked earlier by two other members, one of whom was the Leader of the Opposition, about the way in which the Government has stimulated an expansion of the South Australian economy by its policies. As to a quantitative assessment of the way in which these policies have influenced industries that exist in Mallee which operate, in the main, outside the metropolitan or fringe area, I am interested to get from the Minister specific details, if he can provide them, for the benefit of the House, as well as my constituents.

**The Hon. D. C. BROWN:** As from 1 January 1980 this Government introduced a policy of granting a pay-roll tax rebate to any decentralised manufacturing and processing industry and that scheme has been successful. It is interesting to see that it is now costing the State Government about $6 000 000 in revenue each financial year. The scheme has been devised specifically to overcome some of the cost disadvantages of having to manufacture in country areas. The honourable member would be well aware of the additional transport costs, telephone costs and other costs associated with decentralised manufacturing. The State has been broken up into various regions, and I think the regions that would best align with the District of Mallee, although strictly they do not have the same boundaries, would be the Murray Mallee and the Upper South-East, and also perhaps parts of the Lower South-East region would come within the honourable member's district. I have combined the figures for the Murray Mallee and the Upper South-East which show that in 1980 full-time employment under this scheme in which a rebate is granted amounted to 1 394 persons and that in 1981 that had been increased to 1 529. That is a fairly substantial increase in employment in the manufacturing and processing area.

I presume that it has been increased during that 12-month period because of that incentive offered by Government. The honourable member can return to his electorate and point out that there is no doubt that the financial incentives offered by this Government have benefited the Mallee. For the Upper South-East, which may cover some of his electorate, figures show that full-time employment increased from 2 252 in 1980 to 2 399 in 1981, which represented an increase of 6.5 per cent in that year. I think anyone would agree that an increase of 6.5 per cent in full-time employment in that section of the manufacturing industry is a very substantial increase, when total employment in Australia increased during that period by only about 1.5 per cent.

The honourable member can be pleased with the way this Government's policies have assisted decentralised manufacturing industry and encouraged its growth. Figures for the entire State show that for 1980-81 total employment in manufacturing and processing industry outside the metropolitan area increased from 11 459 to 11 675, an increase of 1.9 per cent, which is very substantial. Incidentally, there was also an increase in part-time employment in that area of 1.7 per cent for a 12-month period. That is well above the employment growth across Australia and within this State.

## WORKERS COMPENSATION

**Mr HEMMINGS:** Will the Minister of Health initiate an immediate inquiry into fees being charged by the medical profession where workers compensation premiums cover the cost of such consultation? I am advised that the normal practice is to charge a fee of $25.50 for patients injured at work. Therefore, it appears that the medical profession charges work-related accident patients on a much higher scale than other patients, who are charged $10.60. I am further advised by a doctor that the A.M.A. recommends that the $25.50 fee be charged in all cases where a patient's consultation is due to a work-related accident, although the Government's maximum recommended fee is $20.50. My colleague, the Deputy Leader, has received from the Secretary of the Police Association a letter that proves the point I am making. That letter states:

I understand that the proposed changes to the Workers Compensation Act may in part be motivated by the need to reduce costs. If this is the case, I believe that consideration should be given to examination of how the costs are incurred and, in particular, those costs related to hospital and medical charges. Recently, an employee of our association suffered an accident, and was referred to a doctor. The doctor subsequently rendered his account, the amount being for an item 25 ($25.50). The employee subsequently passed the account on for my attention and I expressed surprise about the amount.

She advised me that she also expressed surprise to the doctor, who advised her that this was the normal fee for this type of account. I subsequently contacted the A.M.A. (Adelaide), who advised me that doctors were free to charge any amount they so desired, and in the case of workers compensation, a higher charge was justified, because there were often delays in having the account settled. I questioned this philosophy further and was advised that a lower scale of fees was often charged by doctors for private patients, as they would have difficulty in meeting the difference between the scheduled fee and the amount provided for in the higher scale.

This approach appears to me to smack to charging the Government a higher rate because it does not complain. I contacted the N.H.S.A. to inquire as to what an item 25 was, and was advised that this item was for a consultation that lasted longer than 25 minutes, but less than 45 minutes. The employee informed me, however, that she thought the consultation lasted only 15 minutes, and at the most, 20 minutes.

Obviously, I am reluctant to involve my employee in a confrontation with her doctor, but I feel that this general community attitude to charging one set of fees for people who are in receipt of workers compensation payments, and the lower set of fees for those who are private patients must in some way contribute to inflated costs for the operation of the scheme.

I must add that I was fortunate to talk to our insurance broker, who advised me that it was common knowledge in the industry that there are two schedules of fees charged by hospitals; the higher charged by those in receipt of workers compensation.

Would you please raise this matter in Parliament on our behalf, so as to enable an inquiry to be conducted into these aspects of the operation of the Workers Compensation Act.

The letter was signed by D. Brophy, Secretary of the Police Association of South Australia.

**The Hon. JENNIFER ADAMSON:** I will certainly arrange to have the matters that the honourable member raised investigated. However, I think it likely that an investigation will reveal that much of the information in his explanation contains the reasons for the difference between the normal fee for consultation and the fee for consultation for workers compensation cases. I think the hint of some of those reasons was encased in the explanation, particularly in regard to the fact that the consultation is likely to take longer than would a normal surgery consultation and that the prospect of legal proceedings arising out of the consultation may require additional documentation.

I should also point out, without commenting in any way on the merits of the differential fee between the general consultation and the consultations in these cases, that the medical profession in South Australia has a greater rate of adherence to common fees than has the medical profession in any other State, and that should be borne in mind. I also point out to the honourable member that in workers compensation cases, for hospital charges under his Government and under this Government, the charges were more related to actual costs for workers compensation cases than were the charges for other hospital cases. With all those background reasons there is obviously an explanation, and I shall seek that explanation and forward it to the honourable member.

## TUNA

**Mr BLACKER:** Will the Minister of Health ask her colleague, the Minister of Consumer Affairs, to investigate the marking, identifying and marketing of tuna products within South Australia? In this State we have canneries that process and market the southern blue fin tuna. However, that market is being seriously affected by imports of cheap canned tuna from overseas. Most of the tuna imported is the skipjack or albacore tuna, and certainly is of a lower quality. The purpose of my question is to see whether identification on the can could include the tuna species contained within the can so that the purchaser of tuna is getting the chicken of the sea, as it is often called, and not a lower grade of tuna fish.

**The Hon. JENNIFER ADAMSON:** I will ask for a report and let the honourable member have it.

## ONKAPARINGA ESTUARY

**The Hon. D. J. HOPGOOD:** Will the Minister of Environment and Planning say whether he has been made aware of the outcome of the public meeting held at the Christies Beach High School on Monday evening of this week to discuss the Onkaparinga estuary, and will he take up, both with his department and the appropriate Ministerial colleagues, the problems raised by that meeting, with a view to their immediate solution?

This meeting was called by Councillor Daphne Coe, of the Noarlunga Council, to consider the Onkaparinga estuary, and in particular, the Onkaparinga estuary concept plan, a matter which, of course, had been pressed upon the Minister when he visited Noarlunga not so long ago. What was interesting about that meeting was that those present, although concerned about the future of the concept plan, were far more concerned about the current condition of the river itself. Although I do not have the exact text of the motion that was carried, the flavour of it was that immediate investigation should be undertaken to determine the location of the river bed which is, at least in part, choked by the silt that now seems to be a characteristic of the estuary, and that something like a small dredge be used in order to clear this accumulated silt.

**The Hon. D. C. WOTTON:** The answer to the first part of the question is 'No, I have not been informed about the outcome of that meeting.' The second part of the question related to action that I will take as a result of that meeting. If the honourable member can provide me with more information in regard to the motion that was moved, I would be very happy to take up that matter. I would remind him that I have already arranged for my own Director-General, the Director-General of Environment and Planning, to meet with the Director-General of the Engineering and Water Supply Department together with an officer from the Marine and Harbors Department to discuss the matter further, relating to the concern that we all have in regard to the Onkaparinga River. I have already indicated that to the House and that will be taking place. If the member provides me with a little bit more information and with the text of the motion that was passed at that meeting, I will be very happy to take up the matter.

## TROUBRIDGE ISLAND

**Mr RUSSACK:** Can the Minister of Environment and Planning indicate when registration of interest will be called for Troubridge Island, adjacent to Edithburgh, Yorke Peninsula? Recently it was announced that the South Australian Government had purchased the island from the Commonwealth Government for $42 000 and that, for the purpose of preserving this valuable asset, applications would be sought from those interested in such a venture. As I have received genuine inquiries from people who are keenly interested, can the Minister say what stage has been reached on the proposal?

**The Hon. D. C. WOTTON:** I thank the honourable member for his question. I am very much aware of the interest that has been shown by the member for Goyder and also by the member for Morphett in the future of Troubridge Island. I am not able to inform the honourable member of the exact date on which we will be calling for registration of interest, but I can indicate to him that I am particularly keen that that should take place as soon as possible. I agree

with what the honourable member has said: we have received an incredible amount of interest, both from local people and from people in different parts of the State who have expressed interest already without registration of interest having been called for. People have indicated their interest in preserving the significant heritage value of this island.

It is not very long ago that the agreement was finally reached with the Commonwealth and the sum of $42 000 agreed to concerning the State's purchase of the island. From reports that I have received from the two local members concerned and also from people in that community who have expressed their concern, I am aware that vandalism is taking place in regard to the buildings and the lighthouse on that island. There is general concern on the part of the community to have that situation rectified as quickly as possible. I share that concern. I will take up the matter with my Director-General to ascertain when we will be calling for registration of interest. Again, I indicate to the member that I am very keen that that should happen as quickly as possible.

## SPORTING BODIES

**Mr SLATER:** I ask the Minister of Recreation and Sport whether there have been any alterations to the previous method of application for assistance to recreation and sporting bodies under the capital assistance grants scheme and, if there have been, what alterations have occurred not only with respect to the method of application but also regarding the scheme generally.

**The Hon. M. M. WILSON:** One of the problems with the former system of calling for applications for recreation and sport capital assistance grants was that last year we received, I think, in the order of $20 000 000-worth of applications and we had approximately $1 000 000 to spend. That is an enormous number of applications and it entails an enormous amount of work by divisional officers and sporting associations themselves, the Sports Advisory Council, in sifting the applications, and the Recreation Advisory Council. Let me also add that, of the 280 applications received—

**Mr Slater:** There were 353 last year.

**The Hon. M. M. WILSON:** I am glad the honourable member remembers the figures I gave at the Estimates Committee hearings. I do not have them at this stage. Of that 353, if that is what the figure was, only fewer than 50 were funded. The honourable member will realise that that leaves an enormous number of unsatisfied applicants. Those applicants have gone to a great deal of trouble to put in their applications and they are disappointed, so it was decided, on the advice of the Sports and Recreation Advisory Council, that the system should be changed this year and that all applications should be channelled through the actual sporting associations or recreation associations, or, in cases where that did not apply, through local government. That means that those applications are sifted by the associations themselves. As I have said, where it does not apply in some country areas, it is done on a regional basis through the local government organisations and by that means the priorities come to the division already stated and the division makes up its mind, on the advice of those sporting or recreation associations, as to the priority for the grants.

## MANUFACTURING ACHIEVEMENTS

**Mr GUNN:** Because of the constant pessimism of the Leader of the Opposition, can the Minister of Industrial Affairs outline what investments and manufacturing industries have been achieved under the Tonkin Liberal Government?

**The Hon. D. C. BROWN:** I realise that the Leader of the Opposition does not like the information that has been given, because it is acutely embarrassing to the Opposition as to what the Government has achieved. I will indicate to the House what has been achieved in the manufacturing area, which comes under the responsibility of the Department of Trade and Industry. I think the Deputy Leader will be interested in the figures. The total number of committed projects since the Liberal Government has been in office is 95, with a total value of $1 606 000 000. There are a further 12 projects and feasibility studies with a total value of $1 341 000 000. I put those together and that comes out at about $2.9 billion. Of those 107 projects in the committed area, 17 are between $100 000 and $500 000; 14 are between $500 000 and $1 000 000; 33 are between $1 000 000 and $10 000 000; 10 are between $10 000 000 and $100 000 000; and two are over $100 000 000.

In the feasibility area, we do not have information on small projects of less than $500 000, but there was one project between $500 000 and $1 000 000, one project between $1 000 000 and $10 000 000, one between $10 000 000 and $100 000 000, and four projects over $100 000 000. I seek leave to have inserted in *Hansard* without my reading it statistical information on both the lump sum and the breakdown of all these projects and also information that lists each individual manufacturing project, the name of the company, the location, the type of project, the cost involved, the stage of completion, and, where information is available, the number of jobs created in each of those projects.

Leave granted.

Known Major Manufacturing Projects—South Australia
(Projects announced, commenced or completed since October 1979)
Department of Trade and Industry, February 1982

Total value of known major manufacturing investment

By firms

| Committed | $ | Feasibility studies | $ |
|---|---|---|---|
| 74 Firms totalling | 506 600 000 | 6 Firms totalling | 1 341 500 000 |
| +Stony Point | 1 100 000 000 | | |
| | 1 606 600 000 | | |

Total No. of firms: 81

By projects

| Committed | $ | Feasibility studies | $ |
|---|---|---|---|
| 94 projects totalling | 506 600 000 | 12 projects totalling | 1 341 500 000 |
| +Stony Point | 1 100 000 000 | | |
| | 1 606 600 000 | | |

Total No. of projects: 107

Known Major Manufacturing Projects—South Australia—*continued*

Total number of firms

| Committed | | Feasibility Studies | |
|---|---|---|---|
| $100 000 to under $500 000 | 17 | $100 000 to under $500 000 | — |
| $500 000 to under $1 000 000 | 14 | $500 000 to under $1 000 000 | 1 |
| $1 000 000 to under $10 000 000 | 33 | $1 000 000 to under $10 000 000 | 1 |
| $10 000 000 to under $100 000 000 | 10 | $10 000 000 to under $100 000 000 | 1 |
| $100 000 000 and over | 2 | $100 000 00 and over | 4 |
| | 76* | | 7* |

*Note: 2 Companies have projects both committed and proposed and therefore 81 firms are actually involved.

Total number of projects

| Committed | | Feasibility studies | |
|---|---|---|---|
| $100 000 to under $500 000 | 18 | $100 000 to under $500 000 | — |
| $500 000 to under $1 000 000 | 20 | $500 000 to under $1 000 000 | 1 |
| $1 000 000 to under $10 000 000 | 44 | $1 000 000 to under $10 000 000 | 2 |
| $10 000 000 to under $100 000 000 | 11 | $10 000 000 to under $100 000 000 | 6 |
| $100 000 000 and over | 2 | $100 000 000 and over | 3 |
| | 95 | | 12 |

Total number of projects:

| | |
|---|---|
| Committed | 95 |
| Feasibility studies | 12 |
| | 107 |

Major Manufacturing Projects—South Australia
(Projects announced, commenced or completed since October 1979)
Committed
Department of Trade and Industry, February 1982

| Company | Location | Project | Cost $m | Stage | Possible Employment Impact |
|---|---|---|---|---|---|
| Abbott Australasia Pty Ltd | Elizabeth West | Expansion to manufacture intravenous solutions in flexible plastic containers | 2.4 | Completed | 30 |
| Adelaide Brighton Cement Ltd | Birkenhead | Expansion including transport and storage facilities | 17.0 | Construction | N.A. |
| Adelaide and Wallaroo Fertilizers Ltd | Port Adelaide | Redevelopment and expansion of manufacturing and storage facilities | 22.1 | Early stages completed. Subsequent stages in hand | Nil |
| Alulite Pty Ltd | Mount Gambier | New factory | 0.2 | Completed | 50 |
| William Angliss and Co. | Wingfield | Establishment to manufacture tennis strings | 0.3 | Completed | 19 |
| APCEL Pty Ltd | Snuggery | Conversion from oil to coal fired boilers | 12.3 | Construction | N.A. |
| Associated Metal Improvements Pty Ltd | Edwardstown | Expansion of electro-plating and heat treatment facilities | 0.6 | Implementation | 25 |
| Aunger Plastics Pty Ltd | Elizabeth West | Expansion and relocation of automotive accessories manufacturing facilities | 0.5 | Completed | 25 |
| Australian Bacon Ltd | Adelaide/Mount Barker | Amenities block to cater for 100 per cent increase in workforce over last 4 years | 0.2 | Construction | N.A. |
| Australian Oilseed Industries Ltd | Nairne | Expansion | 0.5 | In hand | 30 |
| O. R. Beddison Pty Ltd | Nangwarry | New plywood factory | 3.0 | Construction | 60 |

Major Manufacturing Projects—South Australia, Committed—*continued*

| Company | Location | Project | Cost $m | Stage | Possible Employment Impact | |
|---|---|---|---|---|---|---|
| Berri Fruit Juices Co-op. Ltd | Berri | Expansion to manufacture blow moulded plastic bottles and expansion of evaporating plant and steam generation capacity to cope with increased production | 1.7 | Completed | 33 | |
| Birrana Engineering Pty Ltd | Regency Park | Relocation and expansion | 0.4 | Completed | 14 | |
| Bradco Roof Tile Co. | Hendon | Manufacture of metal roof tiles | 0.3 | Completed | 10 | |
| Bridgestone Australia Pty Ltd | Edwardstown | Expansion into building products | 0.7 | Stage 1 completed | N.A. | |
| Bridgestone Australia Pty Ltd | Salisbury | Expansion of facilities | 5.0 | Commenced | N.A. | |
| *The Broken Hill Proprietary Co. Ltd | Whyalla | Rolling mill development | 8.0 | Construction | N.A. | |
| *The Broken Hill Proprietary Co. Ltd | Whyalla | Rail rolling facilities | 43.0 | Construction | N.A. | |
| *The Broken Hill Proprietary Co. Ltd | Whyalla | By-product gas utilisation | 6.0 | Construction | N.A. | |
| The Broken Hill Associated Smelters Proprietary Ltd | Port Pirie | Tall Stack Project | 19.4 | Completed | 103 | peak construction labour |
| The Broken Hill Associated Smelters Proprietary Ltd | Port Pirie | KBA plant | 6.6 | Completed | 46 | |
| The Broken Hill Associated Smelters Proprietary Ltd | Port Pirie | Replacement of plant and equipment | 10.4 | On-going | N.A. | |
| CSR Ltd | Glanville | Upgrading of sugar refinery | 1.0 | In hand | N.A. | |
| Castalloy Ltd | North Plympton | New plant and equipment | 2.5 | Completed | 40 | |
| Charles David Pty Ltd | Murray Bridge | Upgrading of abattoirs | 0.5 | Completed | N.A. | |
| Chemline Pty Ltd | Dry Creek | New complex | 1.2 | Completed | N.A. | |
| Codan Pty Ltd | Newton | Extensions and new plant and equipment | 1.0 | Completed | 50 | |
| Colan Shipbuilders Pty Ltd<br>Colon Engineers Pty Ltd | Gillman, Port Adelaide | Expansion of engineering and shipbuilding facilities | 0.7 | In progress | 130 | |
| W.P. Crowhurst Pty Ltd | Devon Park | Expansion | 0.5 | Completed | N.A. | |
| Dairy Vale Metro Co-operative Ltd | Jervois | Extension and upgrading of cheese factory | 2.0 | Completed | N.A. | |
| Delta West Pty Ltd | Dudley Park | Establishment of operation to manufacture alcoholic solution for medical use | 0.4 | Nearly completed | 18 | |
| C. P. Detmold Pty Ltd | Brompton | Expansion to manufacture plastic packaging | 1.8 | In progress | 95 | |
| Eglo Engineering Pty Ltd | Osborne | New fabrication plant | 4.0 | Implementation | 200 | |
| Fasson Pty Ltd | Elizabeth West | Increased capacity to manufacture self-adhesive pressure sensitive material | 5.0 | Nearing completion | 40 | |
| F. H. Faulding and Co. Ltd | Thebarton | Expansion to manufacture 'Eryc' for world market | 0.4 | Nearing completion | 12 | |
| General Motors-Holden's Ltd | Elizabeth | New engine component manufacture | 2.9 | Completed | N.A. | |

Major Manufacturing Projects—South Australia, Committed—*continued*

| Company | Location | Project | Cost $m | Stage | Possible Employment Impact |
|---|---|---|---|---|---|
| General Motors-Holden's Ltd | Elizabeth | New plastics plant | 4.5 | Implementation | N.A. |
| General Motors-Holden's Ltd | Elizabeth | New plastics plant (stage 2) | 5.0 | Implementation | N.A. |
| General Motors-Holden's Ltd | Elizabeth | Car door hinge manufacture | 0.8 | Implementation | N.A. |
| Gerard Industries Pty Ltd | Bowden | Expansion of premises and operations | 2.2 | In progress | 200 |
| Gitsham Transport Engineers Pty Ltd | Kilkenny | Expansion to manufacture heavy transport equipment mainly for the mining industry | 0.5 | Completed | 30 |
| Grundfos Pumps Pty Ltd | Regency Park | New factory for assembly and distribution of pumps | 1.0 | Completed | 40-50 |
| Henderson's-Rebbeck Industries | Edwardstown | Consolidation and rationalisation of spring making facilities | 0.2 | Completed | 20 |
| Hydrive Engineering Pty Ltd (Division of Associated Metal Improvements) | Athol Park | Expansion of production facilities for marine steering gear | 0.3 | Stage 1 completed | 22 |
| I.C.I. Operations Pty Ltd | Osborne | Bicarbonate plant extensions | 2.5 | Construction | N.A. |
| I.C.I. Operations Pty Ltd | Osborne | Extra lime kiln | 4.7 | Construction | N.A. |
| IMP Engineering Pty Ltd | Newton | Expansion | 0.2 | Completed | 9 |
| Kraft Foods Ltd | Suttontown (Mount Gambier) | Factory expansion | 0.2 | Completed | N.A. |
| Levi Strauss (Australia) Ltd | Elizabeth West | Expansion and diversification | 2.5 | In progress | 245 |
| Lincoln Industrial Radiators | Mile End | New factory | 0.3 | Nearly completed | N.A. |
| Lois (Australia) Pty Ltd | Edwardstown | Establishment of apparel manufacturing facilities | 0.6 | Stage 2 completed | 80 |
| Manos Poultry Industries | Elizabeth West | Stage 1 Relocate and expand poultry processing | | In progress | 200 (1st stage) |
| Manos Poultry Industries | Elizabeth West | Stage 2 Feed mill plus protein recovery plant | 10.0 | To commence in January 1984 | 50 (2nd stage) |
| Mitsubishi Motors Australia Ltd | Lonsdale/Tonsley | New automotive assembly development | 150.0 | Implementation | N.A. |
| Mobil Oil Australia Ltd | Port Stanvac | Lube oil refinery expansion | 20.0 | Construction | N.A. |
| Mobil Oil Australia Ltd | Port Pirie | Port Pirie Block Train Project | 5.0 | Contracts being let | N.A. |
| Moore Bros Pty Ltd | Loxton | Expansion of fruit juice processing | 2.3 | Nearly completed | 15 |
| Oliver J. Nilsen and Co. (S.A.) Pty Ltd<br>Nilsen Electric (S.A.) Pty Ltd | Ferryden Park | Extension to electrical engineering complex | 0.1 | Completed | 18 |
| Omark Australia Ltd | Whyalla | Steel sleeper manufacturing facility | 5.0 | First stage completed | 25 |
| Onkaparinga Woollen Co. Ltd | Lobethal | Expansion | 0.8 | Completed | 20 |
| A. G. Petzetakis (Aust.) Pty Ltd | Elizabeth West | Establishment of flexible hose manufacturing facilities | 1.3 | Construction | 49 |
| Pope, O. E. and D. R. Pty Ltd | Kent Town | Expansion into multi-wall paper bags and sacks | 0.3 | Completed | 20 |
| Port Lincoln Ship Construction Co. | Port Lincoln | Establishment of shipbuilding facilities | 0.9 | Completed | 52 |
| Port Lincoln Tuna Processors Pty Ltd | Port Lincoln | Establishment of fish cannery | 1.3 | Completed | 60 |

Major Manufacturing Projects—South Australia, Committed—*continued*

| Company | Location | Project | Cost $m | Stage | Possible Employment Impact |
|---|---|---|---|---|---|
| Power Mowing Mfg Pty Ltd | Monarto Field | Plant to manufacture commerical mowers | 0.3 | Initial | 10 |
| Quentron Pty Ltd | Adelaide | Expansion of manufacturing facilities for laser and optical equipment | 0.4 | Completed | 22 |
| Raven Products Pty Ltd | Lonsdale | Construction of new premises, expansion and diversification | 0.7 | Construction | 10 |
| Raytheon International Data Systems | Hendon | Establishment of production facilities for word processing and data processing equipment | 0.5 | In progress | 200 |
| Rubery Owen Holdings (Aust.) Pty Ltd | Woodville North | Expansion of steel wheel manufacturing facilities | 3.5 | Initial | 54 |
| Rubery Owen Holdings (Aust.) Pty Ltd | Edwardstown | New casting capabilities | 1.1 | Equipment commissioned | 35 |
| Santos Ltd | Stony Point | Coober Basin petroleum development project (liquids project including field facilities, 659 km pipeline, fractionation plant, storage and wharf facilities) | 1.1 *bn* | To commence end of 1984 | 1 000 (peak construction) |
| Sapfor Timber Mills Ltd | Tarpeena | Establishment of small diameter log mill, expansion of kiln drying and planing mill capacity | 2.3 | Construction | 80 |
| Seeley Bros | St Marys | Expansion to manufacture evaporative coolers | 1.1 | Extensions completed | 80 |
| B. Seppelt and Sons Ltd | Tanunda | Winery | 1.0 | Completed | N.A. |
| John Shearer Ltd | Kilkenny | Expansion, new plant equipment and premises | 5.7 | Completed | 100 |
| John Shearer Ltd | Mile End | Diversification of agricultural product range | 1.8 | Implemented | 70 |
| Silcraft Manufacturing Co. (S.A.) | Golden Grove | Establishment of co-extrusion facilities | 0.5 | Completed | N.A. |
| Simpson Limited | Regency Park | New dishwasher factory | 6.0 | Completed | 150 |
| Simpson Limited | Beverley<br>Dudley Park<br>Finsbury | Modernisation of manufacturing facilities | 20.0 | On-going programme | N.A. |
| Softwood Holdings Ltd | Mount Gambier | New flat pressed thin particle board plant | 4.8 | Being commissioned | N.A. |
| Softwood Holdings Ltd | Mount Gambier | High speed moulding machine | 0.7 | Installation in hand | N.A. |
| Softwood Holdings Ltd | Mount Gambier | Wood fired boiler | 0.6 | Being commissioned | N.A. |
| Softwood Holdings Ltd | Mount Gambier | Mechanical sorter and stacker | 0.9 | Being installed | N.A. |
| Sola Optical Australia Pty Ltd | Lonsdale | Expansion of production capacity and facilities to increase the range of finished bi-focals for the ophthalmic industry | 1.3 | Substantially completed | Nil |

Major Manufacturing Projects—South Australia, Committed—*continued*

| Company | Location | Project | Cost $m | Stage | Possible Employment Impact |
|---|---|---|---|---|---|
| South Australian Fishermen's Co-operative Ltd | Millicent | Creation of fish finger factory and upgrading of machinery | 1.4 | Completed | 40-60 casual jobs |
| Southern Farmers Co-operative Ltd | Mile End | Redevelopment of factory to house 2 milk pasteurisation plants, milk storage facilities and manufacturing facilities for short shelf life dairy products. Installation of sophisticated micro-processing technology | 4.8 | Nearly completed | N.A. |
| The South Australian Brewing Co. Ltd | Thebarton | Rationalisation of production facilities | 21.0 | Final construction | Nil |
| Tatiara Meat Co. Pty Ltd | Bordertown | Establishment of meat processing operation | N.A. | Completed | 35 |
| Texas Instruments Aust. Ltd | Elizabeth | Development and expansion of facilities | 1.1 | Completed | N.A. |
| Tubemakers of Australia Ltd | Kilburn | Flow-line facilities for low pressure gas cylinders manufacture | 0.6 | Implementation | Nil |
| Tubemakers of Australia Ltd | Kilburn | Cut off machine for drawn tube production | 0.2 | Implementation | Nil |
| Tubemakers of Australia Ltd | Kilburn | Replacement of plant and equipment | 2.5 | On-going | N.A. |
| Department of Woods and Forests | Mount Gambier | Re-equipping log mill | 8.2 | Commissioning | N.A. |
| Woodstock Furniture Pty Ltd | Rosewater | Establishment of furniture manufacturing facilities | 0.2 | Completed | 18 |
| W. H. Wylie and Co. Pty Ltd | Clovelly Park | New manufacturing facilities for motor vehicles components | 4.7 | Completed | 18 |

*Source: Department of Industry and Commerce, 'Major Manufacturing and Mining Investment Projects', June 1981

Major Manufacturing Projects—South Australia
(Projects announced, commenced or completed since October 1979)
Proposed
Department of Trade and Industry, February 1982

| Company | Location | Project | Cost $m | Stage | Possible Employment Impact |
|---|---|---|---|---|---|
| Asahi Chemical Industry Co. Ltd | To be determined | Petro-chemical plant and chlor alkali plant | 900.0 | Evaluation | 350 |
| The Broken Hill Associated Smelters Pty Ltd (35 per cent share)<br>British Nuclear Fuels Ltd (30 per cent share)<br>Roxby Management Services Pty Ltd (30 per cent share)<br>S.A. Government (5 per cent share) | Port Pirie | Joint feasibility study uranium hexafluoride plant | 0.5 feasi-bility study) | Feasibility study in hand. Report due December 1981 | N.A. |

Major Manufacturing Projects—South Australia, Proposed—*continued*

| Company | Location | Project | Cost $m | Stage | Possible Employment Impact | |
|---|---|---|---|---|---|---|
| The Broken Hill Associated Smelters Proprietary Ltd | Port Pirie | Lead options study | 70.0 | Feasibility study | 432 | peak |
| The Broken Hill Associated Smelters Proprietary Ltd | Port Pirie | Zinc options study | 100.0 | Feasibility study | 440 | construction labour |
| *The Broken Hill Proprietary Co. Ltd | Whyalla | Blast furnace fuel injection | 16.0 | Initial studies | N.A. | |
| *The Broken Hill Proprietary Co. Ltd | Whyalla | Purchase and installation of new roughing mill stand and associated equipment | 57.0 | Final feasibility | N.A. | |
| *The Broken Hill Proprietary Co. Ltd | Whyalla | BOS plant upgrading | 20.0 | Evaluation | N.A. | |
| *The Broken Hill Proprietary Co. Ltd | Whyalla | BTX recovery from coke ovens | 9.0 | Final feasibility | N.A. | |
| *The Broken Hill Proprietary Co. Ltd | Whyalla | Alternative fuel for pellet plant | 7.0 | Final feasibility | N.A. | |
| Cellulose Australia Ltd | Snuggery | Replacement of existing groundwood pulp mill with thermo mechanical mill | 52.0 | Evaluation | 16 | |
| *The Commonwealth Industrial Gases Ltd | Torrensville | Expansion of gas plant | 10.0 | Final feasibility | 10 | |
| I.C.I. Australia Operations Pty Ltd | Osborne | Soda ash and salt fields expansion | 100.0 | Initial studies | 100 | |

*Source: Department of Industry and Commerce, 'Major Manufacturing and Mining Investment Projects', June 1981

**The Hon. D. C. BROWN:** The information on these 107 projects has been made available publicly, and we have nothing to hide. It is extremely embarrassing for the Opposition, because I challenged members opposite to come up with a list of similar projects that they had achieved in the last five years of Government, but they could not do that. I stress that this information relates to the manufacturing and processing area only, under the A.B.S. classifications. It shows what tremendous industrial confidence there has been in the State in the past 2½ years.

## SHEEP CARCASSES

**Mr PETERSON:** Will the Minister of Marine say who is responsible for the removal of carrions such as sheep carcasses from metropolitan beaches? Only last week a question was asked in this House that highlighted the health risk that is created by decaying sheep carcasses on beaches, but to date there has been no satisfactory solution concerning the removal of these carcasses in the event of a recurrence of this situation which involves throwing the carcasses over the side of ships. The situation is made very much more complicated in my district because of the varied responsibility for sections of the coast. For example, the Department of Marine and Harbors is responsible for the river, Outer Harbor and beach areas in section 605 of the hundred of Port Adelaide; the city of Port Adelaide is responsible for the beach within section 389; and the North Haven Trust has responsibility for the marina and adjacent beach, vested in it under the North Haven Trust Act. This divided control makes it difficult to make any single organisation responsible for cleaning up the beach generally. As the Department of Marine and Harbors is already involved in cleaning up other pollutants, such as oil spills, it has been suggested that that department could investigate the possibility of forming a gang to clean up any other contamination on the beach.

**The Hon. M. M. WILSON:** As I promised another honourable member in this House a couple of weeks ago, we are looking very closely at this matter to try to co-ordinate the collection of carcasses. I will ensure that the member for Semaphore receives the same report that I give the member for Price. However, we really should address ourselves to preventing the dumping of these carcasses in the gulf, and it is not only a matter of preventing dumping outside the three-mile limit: dumping within the State waters should also be prevented. We are giving close attention to that matter to see whether we can achieve prevention by legislative means.

*The Hon. J. D. Corcoran interjecting:*

**The Hon. M. M. WILSON:** I think it applies only outside the three-mile limit, which means that they can be dumped in the gulf. I will ensure that this matter also is included in the report.

## ADELAIDE AIRPORT

**Mr OSWALD:** Can the Minister of Transport say whether there has been any change in Government thinking concerning the extension of the Adelaide Airport boundary which would necessitate a road tunnel being constructed under Tapley's Hill Road? In today's early edition of the *News*, under the banner headline 'Tunnel plan for upgraded airport', it is reported:

The proposal is in an Adelaide City Council submission to a Government inquiry into upgrading the airport for international air services.

The Deputy Town Clerk, Mr John Williams, who presented the submission today to the Federal Parliamentary Committee on Public Works, said there were doubts about whether a new airport at a new location such as Two Wells could be justified economically.

**The Hon. M. M. WILSON:** The State Government's attitude has always been that there should be no extension of the runway over Tapley's Hill Road and that there should be no relaxation of the curfew. The member for Morphett knows that I have said that many times, and that remains the State Government's view. We do not agree with that part of the submission of the Adelaide City Council, although we do agree with some of its submissions.

## POLICE INQUIRY

**The Hon. PETER DUNCAN:** Why did the Chief Secretary not make arrangements today to have available to members of this House copies of the various documents which have been described, I suppose, as being the report into allegations against the police? I understand that three or four documents are involved in the collection of documents to which the Attorney-General referred in another place.

**Mr Millhouse:** There are 33 pages of statement and 94 pages of report.

**The Hon. PETER DUNCAN:** Yes. From about 2.5 p.m. this afternoon, or earlier possibly, copies of this report have been available to members of the media, and they have not been and are still not available to members of this House.

*The Hon. J. D. Corcoran interjecting:*

**The Hon. PETER DUNCAN:** I am probably wrong in that. I understand the member for Mitcham has obtained a copy from the press, not from the Government. These allegations originally arose, to my knowledge, in this House when the member for Mitcham and I particularly were involved in raising these allegations. I think it is the height of discourtesy that copies of those documents were not made available to members of this Parliament before they were made available to members of the press. There was no reason after last evening when the Romeo trial concluded why copies could not have been supplied.

**The SPEAKER:** Order! I would ask the honourable member not to comment but to remain with factual statements relative to the explanation.

**The Hon. J. W. OLSEN:** It is my intention to make a Ministerial statement immediately after the conclusion of Question Time and to table the report in the House. As I advised the member for Elizabeth when he asked me that question privately, I had sought from the Leader of the Opposition, prior to the commencement of the proceedings of the House, the concurrence of the Opposition so that I might, simultaneously with the tabling of the documents and the report in the Legislative Council, bring them into the House of Assembly to be tabled. However, the Opposition did not see its way clear to accede to that request, bearing in mind the attitude of the member for Mitcham recently in relation to Ministerial statements.

**Mr Millhouse:** Oh, come on! That's the lamest excuse I have ever heard from any Minister. I haven't been able to stop one Ministerial statement yet.

**The SPEAKER:** Order!

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## DAIRY INDUSTRY ACT AMENDMENT BILL

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

## MINISTERIAL STATEMENT: POLICE INQUIRY

**The Hon. J. W. OLSEN (Chief Secretary):** I seek leave to make a statement and, by command, to table reports commissioned by the Hon. K. T. Griffin (Attorney-General) into alleged corruption in the South Australian Police Force.

**The Hon. E. R. Goldsworthy:** Are you going to oppose this one, Robin?

**Mr Millhouse:** No, I know what it is. I've read the statement.

**The SPEAKER:** Order!

Leave granted.

**The Hon. J. W. OLSEN:** Early in September 1981, the Attorney-General in another place established an investigating team to investigate allegations of police corruption, particularly in the area of drugs. The team which was established comprised Deputy Commissioner J. B. Giles, Assistant Commissioner D. A. Hunt, and Deputy Crown Solicitor, J. M. A. Cramond. It should be noted that, besides the undoubted expertise which the two top-level police officers brought to the investigating team, Mr Cramond, with six years experience as a stipendiary magistrate, also provided to the team a sense of fairness, objectivity and a capacity for critical analysis. During the course of the investigations a senior Federal police officer, Detective Superintendent Winchester, and Senior Chief Superintendent M. Stanford of the South Australian Police Force became involved in investigating some allegations.

Prior to the decision to establish the investigating team, representations were made to the Attorney-General by the Editor of the *Advertiser*, Mr D. Riddell, and two *Advertiser* journalists, Messrs R. Ball and D. English, that they had gained information from a number of informants pointing to corruption of police officers in the illegal drugs area. Some of the allegations were vague, but some suggested greater particularity. Quite properly, these people were concerned about the apparent serious nature of the allegations and were anxious to make as much information as possible available to the appropriate authorities to ensure that the allegations were fully and properly investigated and, if there was substance in the allegations, that offenders should be brought to account. Their proviso was that the information would be made available if their respective informants approved the release of the informtion.

At the outset, the Attorney-General had in mind that, in addition to the investigating team investigating the allegations, some independent person should ultimately review the reports which might be presented to him. The Attorney approached a former Supreme Court Judge, the Hon. Sir Charles Bright, and asked whether he would be prepared

to accept the responsibility for reviewing the reports and findings and other material of the investigating team. Sir Charles accepted the brief. In writing to Sir Charles, the Attorney-General said:

I confirm that, when the investigating team reports to me, those reports will be made available to you with a view to your assessing independently the quality of those reports and reporting to me in such terms as you deem appropriate as to any other inquiries which you believe should be made, or any other action which you believe is necessary. To assist you in making your assessment and report, you will have access to the investigating team and such other persons as you request and will have access to such other information and documents as you see appropriate. When your report is received, it is intended to release it publicly.

When the investigating team had completed its inquiries, including interviewing informants, journalists and other persons, the statements of witnesses, the reports and findings, and other relevant material were made available to the Hon. Sir Charles Bright. He has now presented his report.

The material which is tabled this afternoon is in three parts. The first part is the report to the Attorney-General on alleged corruption in the Police Force by the Hon. Sir Charles Bright. The second part is Sir Charles Bright's review of the findings of the investigating team. The third part, prepared for the assistance of members, is a composition of the allegations matched with the investigation team's findings and Sir Charles Bright's review.

The names of informants and persons interviewed have been deleted for obvious reasons, and minimal amendments made to ensure anonymity of all those concerned as much as that is possible. It would be an improper use of Parliamentary privilege to table the reports with all the names included, because necessarily that would prejudice innocent people and would be likely to compromise informants and other persons who have co-operated with the investigating team. The reports and findings of the investigating team comprise over 3 000 pages in 15 volumes, with 52 statements resulting from 159 interviews of 101 persons, and 275 exhibit documents. For the reasons already indicated, it would be inappropriate to table all of that material. The total number of people interviewed and the number of occasions on which they were interviewed are as follows:

| Persons interviewed | Number of times interviewed |
|---|---|
| 77 | once |
| 13 | twice |
| 5 | three |
| 2 | four |
| 2 | five |
| 1 | six |
| 1 | seven |

In all, there were 34 identifiable allegations which have been thoroughly investigated by the investigating team, going far beyond the 11 original allegations raised by the *Advertiser*.

Some questions have been raised about the time of tabling the reports. The Attorney-General has previously indicated that he would not make any comment until cases before the courts likely to be affected by the report had been disposed of. The principal cause for delay in recent weeks has been Romeo's case in the District Court. Conley's case was also a reason for earlier hesitation to make public comment on the investigations. Conley has now been convicted on four counts, namely: trading in heroin between 8 November 1979 and 22 November 1979; trading in heroin between 1 February 1981 and 9 March 1981; possessing heroin for sale at Modbury North on 9 March 1981; and possessing heroin for sale at Adelaide on 8 March 1981. The trial judge has not yet imposed sentence in respect of these offences, although it should be noted that an appeal against the convictions is pending.

Romeo's case was particularly sensitive because his current trial was the second trial. On the first occasion, on the morning that the jury retired to consider its verdict, a headline story appeared in the *Advertiser* newspaper about allegations of corruption of police officers engaged in the illegal drug arena. The jury was unable to reach a verdict on that occasion; it was discharged and a new trial ordered. The second trial has resulted in a conviction for trading in Indian hemp at Norwood on 9 April 1980. The verdict was given by a District Court jury late last night. The Attorney-General was not prepared to release any reports or information prior to that verdict. To have done so would have been irresponsible, with potential for prejudice to the accused and a possibility of yet another 'hung jury'. The Government regrets that this has meant that this report is tabled on the last day of this part of the session. However, those who are objective about it will recognise the real impediments to tabling at any earlier time.

It has been particularly valuable to have Sir Charles Bright bringing an independent mind to bear on the extensive work of the investigating team. His report concludes:

The investigation and my review of it have necessarily been protracted. I believe that the investigation has been valuable as a reminder and a warning that there is always a chance of corruption where criminals have plenty of money with which to purchase immunity.

In the present series of allegations most of the persons making them gave detailed interviews to the investigators. The exceptions are listed in a separate note. We therefore have a pretty full picture, and this enables me to say that in no instance does the evidence, taken as a whole, justify taking proceedings against anyone.

It is important to recognise that there were 11 informants. Of these, 10 had criminal records. Sir Charles makes reference to this when referring to a person who is described as informant 'A' in the report when he says:

He has had 31 convictions over the last 28 years. They include several for false pretences, arson, a few involving violence, creating false belief, bankrupt, obtaining credit. He was a paid undercover informer for the Federal Narcotics Bureau for a period and the information that he supplied related to the activities of his friends and associates. He has a vivid imagination but a defective memory.

Sir Charles, however, recognises that, although an informant has an extensive criminal record, that was not reason to dismiss out of hand allegations that may be made. He alludes to the fact that 'it is always possible that on some occasions he is speaking the truth'. The investigating team reached the conclusion, after extensive inquiries, that several persons facing serious criminal charges relating to illicit drugs attempted to weave their own web of intrigue and innuendo, where any publicity 'calculated to discredit the police, in particular, members of the Drug Squad, might well be favourable to the outcome of their cases'. The investigating team has also observed:

It has also become evident to us that these people (informant 'B' and informant 'C') and their associates harbour an intense dislike of police officer 'A', who figures prominently in their accusations. The personal element of revenge could then also be a motive on their part.

The establishment of a Royal Commission, a course suggested by some, would also be in the interests of persons against whom criminal charges relating to illicit drugs have been laid, because it may well have provided a further avenue of escape by presenting an opportunity for informants to testify in return for some form of immunity.

Calls for a Royal Commission have been made by some members of Parliament and also by a group of citizens whose letter requesting a Royal Commission is included at page 36. I draw Parliament's attention to the fact that the first two signatories on that letter are informants 'B' and 'C' on whose allegations much of this report is founded.

The other signatories are all associates of informants 'B' and 'C', and each has a criminal record. It is curious that one of the reasons advanced in the letter for the holding of a Royal Commission is that the signatories state that they would not co-operate with the investigation as then established. In fact, as the report shows, four of those persons have made a full statement to the investigating team. I also draw to the attention of Parliament the fact that the holding of a Royal Commission on such matters has several disadvantages. Section 16 of the Royal Commission Act provides:

> A statement or disclosure made by any witnesses in answer to any questions put to him by the Commission or any of the Commissioners shall not (except in proceedings for an offence against this Act) be admissible in evidence against him in any civil or criminal proceedings in any court.

If, therefore, evidence had been forthcoming in a Royal Commission that either police officers or members of the public had been guilty of criminal offences, that evidence could not have been used to prosecute. No such restriction applies to the evidence obtained by the investigating team except in a few instances where citizens declined to co-operate unless they were given an undertaking that they would be immune from prosecution in respect of what they said.

Experience has proved that it is extremely difficult to successfully investigate a criminal offence once those being investigated have been forewarned in a public forum of the case to be made against them. A recent example is the Beech inquiry in Victoria in 1976. Recommendations were made for the laying of charges against 41 police officers. That was done, but no convictions were obtained—the charges were not established beyond reasonable doubt. The other significant benefits of an investigation such as the one reported to the Attorney-General can be further appreciated when the huge amount of intricate and detailed detective work (as disclosed in the statistics to which I have referred) is taken into account. The investigating team has had to interview many of the people who have given evidence to them on more than one occasion, wherever they could be located, and at whatever time of day or night they could be located.

It would have been impossible to force many of these persons to give evidence before a Royal Commission. Equally, it would have been difficult to force many of those persons to give evidence which would be on an official record even though, in some cases, heard in camera.

In the Ministerial statement which the Attorney made in another place on Wednesday 21 October last year, he said that what was required was 'thorough and steady detective work—not a flamboyant, emotional drama played out before a Royal Commission'. The Attorney believes that this view has now been vindicated. Private citizens and police officers alike have a right to be protected from the publication of vague, imprecise allegations of corruption and misconduct which have potentially serious consequences for that person's character, business or career. As the Hon. Sir Charles Bright summed up in his report to the Attorney-General:

> Some mud always sticks. Once an allegation of corruption has been made against a policeman, it is almost impossible for him to prove his innocence, assuming he is innocent.

These comments apply equally to private citizens. With one exception, to which I shall refer in more detail later, all police officers have been cleared to the satisfaction of Sir Charles Bright of the allegations made against them. Why then should the names of such police officers have been bandied about in front of the general public via the news media? Parliament should note that even the signatories to the letter calling for a Royal Commission clearly contemplated that, while their allegations should be aired in public, their own evidence and identities should be concealed by their giving evidence in camera.

The sole remaining argument for a Royal Commission was that it would be independent. It was, and still is, the view of the Government that the impeccable stature of the investigating team, coupled with the obvious impartiality and independence of the Hon. Sir Charles Bright, affords at least equal credence to the result. I have already quoted Sir Charles Bright's views that:

> In no instance does the evidence taken as a whole, justify taking proceedings against anyone.

Upon receipt of Sir Charles's report, the Attorney-General referred one of the 15 files (the one concerning which Sir Charles felt uneasy) to the Deputy Crown Prosecutor. The file was given to him on the same basis as any other criminal file would be on which advice was sought as to whether a prosecution should be instituted. He has advised that it is his view that there is insufficient evidence to prosecute. In presenting his advice, he says:

> In my opinion, there is insufficient evidence of an apparently credible nature to justify charging police officer 'O'. Such evidence as does exist is riddled with important inconsistencies and contradictions. The sources of such evidence have every motive to lie, and the sequence of events points very strongly in the direction of fabrication.

In view of what I have already stated, some people may think that the substantial input, manpower and other resources in the conduct of such a detailed inquiry has achieved little by way of 'positive' result (suggesting, of course, a ghoulish desire for charges to be laid no matter what). I would have two answers to such a view.

First, the Government considers that any allegation of corruption in the Police Force must be investigated thoroughly for the protection of both the public and the serving officers of the Police Force themselves. Secondly, I believe that a number of valuable lessons have been learned from this exercise. Whether or not it has occurred in this case, it has been demonstrated that there exists the potential—

**The SPEAKER:** Order! The honourable Chief Secretary has now proceeded for 15 minutes, the time allowed by Standing Orders. He will need to seek leave for a further period.

**The Hon. J. W. OLSEN:** I seek leave to complete the statement, nearly 2½ pages.

Leave granted.

**The Hon. J. W. OLSEN:** Whether or not it has occurred in this case, it has been demonstrated that there exists the potential for criminals to manipulate those who, by their utterances, may influence public opinion with a view to discrediting the Police Force in the hope that juries will reject what would otherwise have been accepted as credible evidence.

In my view members of Parliament and journalists should be on guard against giving credence to, and all too hastily airing, too vague allegations of a hearsay nature which are lacking in particularity. It only aids and abets the mischief. In the present case, the *Advertiser* acted in pursuance of its public responsibility in referring the matters to the Attorney-General and in co-operating with the investigating team, ensuring that a thorough and appropriate investigation was undertaken.

There are well-known and well-proven channels for the making of complaints of misconduct against police officers. This is evidenced by the fact that in 1980, 87 charges of breaches of regulations were brought before the Police Inquiry Committee, and in 1981 the figure was one less, 86. Although these charges related to matters considerably less serious than those dealt with in the report, none-the-less they were dealt with by that committee which is chaired by a stipendiary magistrate.

Such matters are not left to the discretion of a supervising police officer who would be powerless beyond 'slapping on the wrist' the offending officer. The powers of the Police Inquiry Committee include authority to recommend dismissal, reduction in rank, or a reduction in salary.

In addition, there is the ultimate course of initiating statutory or criminal charges where there is sufficient evidence to do so. In addition to these 173 cases which have appeared before the committee, where evidence of more serious offences has been discovered, charges have been laid in the criminal courts. In the period 1 January 1980 to 31 March 1982, a total of 17 police officers have been charged in this way. An indication of the thoroughness of internal police procedures and of the unwillingness of the Police Department to conceal any shortcomings which it may have is the fact that all but three of those 17 matters were departmentally-initiated investigations.

In the first part of his report, the Hon. Sir Charles Bright comments upon the 'vexed question of investigation of allegations against policemen'. He makes some suggestions. It is premature to make any comment on the policy implications, although it must be said that both the Government and the police are sensitive to the issue, and I will give careful consideration to whether or not any changes should be made. Sir Charles has also made valuable comments in relation to important matters of administrative procedure in the Police Department. As honourable members will see for themselves, these matters are set out on page 2 of the report and include references to security of information, protection of personnel, security of property, supervision of personnel, public opinion and information, training procedures and officer deployment.

Similar matters have been raised by the investigating team, although these do not form part of the report which has been tabled. Consistent with our policy of ongoing review of procedures, the Police Commissioner and I will fully consider all of these recommendations and, where improvements are considered necessary, will ensure that they are made. Our concern, as is the Government's generally, is to ensure that the South Australian Police Force maintains its high reputation, the respect of law abiding citizens, and its capacity to bring criminals to justice.

The Government hopes that this report will lay to rest once and for all the allegations (some going back 11 years) investigated so thoroughly by the investigating team. They are to be thanked most sincerely for their work on these investigations which has been undertaken in addition to their other extensive and heavy responsibilities. I want to record also my appreciation and that of the Government to Sir Charles Bright for his willingness to undertake his review of the work of the investigating team. That has been done in the usual expert manner so typical of Sir Charles.

By command, I lay on the table reports commissioned by the Hon. K. T. Griffin (Attorney-General) into alleged corruption in the South Australian Police Force.

## PERSONAL EXPLANATION: CASINO BILL

**Mr EVANS (Fisher):** I seek leave to make a brief personal explanation.

Leave granted.

**Mr EVANS:** Last evening, when speaking in the second reading debate on the Casino Bill, I referred to Germany in 1944 and its casinos. The member for Mitcham interjected and I responded to that interjection saying that there was only one casino in Germany at that time and that it had not been there for many years. The member for Mitcham, by way of interjection, said it had been there for a century. I now wish to correct my statement. I was reading at the time a note in relation to Austria, and I shall read the complete note now. It states:

> It is interesting to note that there was only one casino operating under Germany's rule in 1944—

that is in Austria—

> and in the German empire outside of Germany only three, and one of those was in Vienna.

In order to clarify the situation, the first casino in Germany was at Bad Homburg, in 1841, and in that the interjection of the member for Mitcham was accurate. I apologise; I was referring at the time to Austria, and not to Germany.

## MINISTERIAL STATEMENT: STORM DAMAGE

**The Hon. W. E. CHAPMAN (Minister of Agriculture):** I seek leave to make a statement.

**The SPEAKER:** Is leave granted?

**Mr Millhouse:** No.

**The SPEAKER:** Leave is not granted.

**The Hon. D. C. BROWN (Minister of Industrial Affairs):** I move:

> That Standing Orders be so far suspended as to allow the making of Ministerial statements.

**Mr MILLHOUSE (Mitcham):** I was quite willing to allow the Chief Secretary to make his statement, because we knew what it was and we had been waiting for it for an hour. This is a different matter. It has come out of time, and we do not know what it is—

**The Hon. W. E. Chapman:** Sit down and I'll tell you.

**The SPEAKER:** Order!

**Mr MILLHOUSE:** If anything were to confirm the arrogance of the Minister and his view that he has the right to do what he damn well likes in this place, that interjection would be it. It is only in line with all that we know about him, and it confirms me in my opposition that he should not be allowed to make a Ministerial statement just because he wants to at any time that he sees fit. That exemplifies the whole problem of Ministerial statements, and I shall maintain my opposition to them. I hope that, one day, the Labor Party will wake up to what is going on, and indeed the Liberals, back in Opposition, will find that they do not like it much either, and that will be sooner than they hope—

**The SPEAKER:** Order!

**Mr MILLHOUSE:**—and probably a lot sooner than they expect—

**The SPEAKER:** Order! I ask the member for Mitcham to come back to the motion for suspension currently before the House.

**Mr MILLHOUSE:** Yes. I am quite opposed to it. We do not know what the Minister is going to say; we do not know what the subject is; we do not know how long it is going to take, and he will probably as is his wont, throw mud at his political opponents.

**The SPEAKER:** Before calling the vote that is the next and only procedure available, I should draw the attention of the member for Mitcham and all other members of the House to the fact that it is competent for the Minister at any time during the proceedings, not being a time when he will interrupt another member's appearance before the House, to seek leave for such a suspension.

**Mr Millhouse:** I know all that.

**The SPEAKER:** The question before the House is the motion for suspension of Standing Orders. Those in favour say 'Aye', those against 'No'.

**Mr Millhouse:** No.

**The SPEAKER:** There being a dissentient voice, there must be a division. Ring the bells.

*While the division was being held:*

**The SPEAKER:** Order! There being only one member on the side of the Noes, the motion therefore passes in the affirmative.

Motion carried.

**The Hon. W. E. CHAPMAN (Minister of Agriculture):** The matter about which I want to make a statement involves the welfare of some people in the northern Adelaide Plains area. Members of this House will recall that on 14 November 1979 a devastating storm struck the coast in the Port Broughton area and traversed the northern Adelaide Plains into the Barossa Valley and through the Riverland. A large number of fruit and vegetable growers in that region suffered losses of varying extent, not only to their vegetable and fruit crops but, indeed, also to their glasshouses and other associated farm structures on their properties. At that stage the Government, having been in office for only a very short period of time and without a great deal of experience in handling matters of that kind, very promptly met with the people of that community and with the respective local members of Parliament representing the regions and undertook to provide assistance it believed was appropriate.

Briefly, the terms of assistance were along these lines: loan funds were made available to the growers to rehabilitate their properties and facilities at an interest rate of 4 per cent per annum. In order to further assist growers in their plight and to allow them to re-establish their crops, many of which at that stage had been totally destroyed, a repayment holiday was extended to them that gave them the opportunity of relief for a two-year period from the time of taking up a loan, during which time the 4 per cent interest rate per annum accrued and became part of the capital debt involved. For instance, the first instalment due and payable on loans taken out on 1 April 1980 was to be due and payable on 1 April 1982. There was a further incentive extended to growers at the time whereby, if circumstances allowed growers to pay back their loans within 18 months of taking out the loan, then no interest was payable on that money. The money was to be free money available to the borrowers.

The loans were subsequently made to a very large number of growers in the region, who, in the time permitted and available to them, demonstrated their needs, and those loans were extended to such people through my portfolio under the Primary Producers Emergency Assistance Act, 1967. I have outlined briefly the terms that applied to the loans because they were not only generous, but, indeed, were more generous than had been applied to those very same growers in April 1978. The terms extended in 1978 by the Government of the day were at interest rates of 10 per cent and the term of the loans was a seven year maximum and there was a one year interest-free concession extended.

Having regard to those two situations and the terms and conditions applying to virtually the same community, the same growers, on those two separate occasions, I believe that all members could reasonably imagine how disturbed I have been in recent days to find that the Opposition's official spokesman for agriculture has raised the issue three times—first on 24 March, then on 25 March, and then again yesterday, 31 March, in Parliament. In each case he has made quite scurrilous and untrue statements in another place. Out of respect for Standing Orders of this House and, indeed, for you, Sir, and out of respect for the tradition of this Parliament not to unmercifully or unreasonably attack a member in another place, I believe it fair and appropriate to clarify the situation.

**The SPEAKER:** Order! The Minister of Agriculture should clearly indicate that that is so by not attacking a member in another place.

**The Hon. W. E. CHAPMAN:** I have no intention of doing that at all, Mr Speaker. Despite the confusion, etc., that I believe has been quite maliciously caused, I do not propose on this occasion to proceed to personally attack the member responsible for it. However, I think it important that the situation be clarified for those people, some of whom are clearly in a very difficult situation. Of the total number who applied and were successfully extended loan funds for the purposes I have outlined, a number have paid up their loans within the 18 months and have enjoyed the access to the free money.

A further number have already paid their commitments in accordance with the contract of borrowing. There is a further number who, I believe, are having some difficulties and may need a little more time to meet their commitments. There are a further few growers in that area who clearly will not be capable of meeting their commitments and some other form of household support or community welfare assistance may well need to be extended in their cases. I make clear in this Parliament today that the loans will not be cancelled and made grants. The moneys extended to that region of the State, albeit in difficult circumstances for the people, were extended clearly on the basis that they were loans and loans were repayable then and loans are repayable now. There is nothing in the Primary Producers Emergency Assistance Act of 1967 that gives me, as Minister of Agriculture, licence to depart from that. I readily agree that section (5d) of that Act provides me with the opportunity of submitting a case to the Treasurer of the State and, with his concurrence, can make some other arrangements, but despite the requests that have been made and, as I lightly mentioned a moment ago, the vicious allegations that have been made in another place about the management of this issue by my department, the situation at this time is one where the individuals will have to demonstrate their position of hardship in order to be considered and they will be assessed fairly and reasonably on their merits. In no circumstances am I prepared myself or, during my absence overseas for the next three or four weeks, for my Acting Minister to consider or recommend to the Government that it generaly should consider other than an individual case wherein the opportunity will be there to demonstrate the hardship involved. If, within the terms of the Act, we are able to assist in those circumstances, I assure the House more especially and those growers in the Elizabeth, Salisbury and Goyder regions of the State that that will be applied fairly.

I am concerned that the questions I referred to on those respective days, all of which have been answered in the other place today, have caused the degree of hurt, disturbance and confusion in the community to which I have just referred. Earlier this week, even though it was at very short notice (indeed, at 12.30 on Tuesday afternoon) I received notice of the situation that was applying and on return to Adelaide from Port Lincoln on that day I did attend a meeting that was organised for other purposes, a marketing discussion amongst the growers involving marketing methods amongst the growers and had first-hand the opportunity to discuss the subject with them. It was very disturbing indeed to find at that meeting that papers of a politically-orientated nature were circulating, demonstrating and confirming in my mind the deliberate attempts that have been made to upset that community or at least that part of it that was in great difficulty.

I hasten to add that throughout the whole exercise, since 14 November 1979, in my application to that region on behalf of the Department of Agriculture I have had tremendous support from all the local members concerned, the member for Salisbury, the member for Elizabeth, the member for Goyder and the nearby representative in the person of yourself, Mr Speaker. It really upsets me not only to have to report such matters to this House to clarify the

disturbing situation, but also that anyone at all within this Parliament or without should dare or seek to apply himself in a way that can only result in hurt and disturbance of the individual. I know what the feeling is to have my back to the wall. I know the situation that those people are in out there on the Salisbury and Virginia plains. They have problems and they have had them for many years, despite the tremendous assistance that has been extended to them by Departments of Agriculture under previous Governments and under the present Government. They really have problems. The more successful in some cases are doing well; the masses are just making the grade. It is clear that a few are in great trouble and to allow a situation to arise where those persons in that latter category should be further disturbed is a disgrace.

*At 3.47 p.m., the bells having been rung:*

**The SPEAKER:** Call on the business of the day.

## JUSTICES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 31 March. Page 3804.)

**Mr McRAE (Playford):** This is an important measure and I should like to be in the position of saying that the Opposition supports it without reservation. Unfortunately, I am not in that position. The reason is a very unfortunate one. The Government deliberately or otherwise chose, in this important area of trying to deal with domestic violence, to change the legislation in such a way as to gain Draconian powers against unions in industrial dispute situations. That very mean little political manoeuvre is just not good enough. I think it really has spoilt the Government's image. I think the Government would have looked much better in the eyes of the public if it had been like its friends, Premier Joh Bjelke-Petersen or former Premier Sir Charles Court, and came straight into the open and introduced punitive Bills against unions and have done with it, but to mix up powers like this in a Bill that is otherwise totally excellent is a disgrace to the Government.

Therefore, the Opposition at this moment is still in a position of doubt as to whether we can even support the second reading. I think that on balance we must because the basic issue is so important and so much work has been done. The basic underlying problem is so typical and so intractable, and something has to be done. Certainly, I can assure the House that we will be moving an amendment to try to rectify the situation and we are far from pleased, as are most people in the community, at this rather despicable and low little trick. This dirty little piece of paper will be torn up and thrown right back to the Liberal Party when it occupies the benches across here in a few months time.

I leave that rather unpleasant area and turn to the history of this matter. It is very well known to me from my membership of the Select Committee on prostitution that there is a frightening degree of domestic violence in our community and that this cuts across all socio-economic levels; it cuts across age groups, and ethnic groups, and it is to be found to a frightening extent througout our community. The committee noted at the time the relationship that did exist between battered children and people who later became prostitutes. The committee also noted the fact of this domestic violence generally and recommended strongly that something be done by way of an investigation. The Domestic Violence Committee was formed in August 1979 and at the time in giving its report in November 1981 its membership was distinguished.

It was composed of Rosemary Wighton, Women's Adviser to the Premier, as Chairperson; Andrew Paterson, Supervisor, Crisis Care Unit; Joan Haines and Lilian Burns, Women's Shelter Advisory Committee; Inspector John Murray, Policy Section of the S.A. Police Department; Sheila Hall, Director, Elizabeth Counselling Centre; Janie Barbour Social Worker, Child Protection Unit at the Adelaide Children's Hospital; Philippa Kelly, Attorney-General's Department; Julia Dancie, Clinical Psychologist, St Corantyn Clinic; and Penny Stratmann, Women's Adviser's Office, Department of the Premier and Cabinet.

The Committee, in its final report to Cabinet, set out the situation in fact and in law, and, as the report is widely available, I do not propose to canvass it at undue length. The report at page 23, under the heading, 'Summary of the need for law reform', states:

> On reviewing the various legal remedies available to the victim of domestic violence in South Australia, five main weaknesses are apparent:
>
> 1. The complete lack of immediate protection available to threatened victims;
> 2. The weak and cumbersome enforcement of existing sanctions or court orders;
> 3. The difference in the law's response to married people, compared with people not legally married to each other, but whose relationship exposes them to the same stresses and threats;
> 4. The inability of the court system, apart from the Federal Family Court, to direct the parties to supportive services in order to examine sources of conflict and to attempt to negotiate a constructive resolution of them;
> 5. The cost in money, time and physical and emotional energy for the victim.
>
> Protection has two aspects: removing the immediate source of danger, and deterring future resort to violence. The ultimate goal of reform should be to demonstrate by strong law enforcement that society prohibits the use of physical force as a means of resolving disputes, whatever the context. However, the victim has more immediate needs, such as physical protection, which are not being met by current legal sanctions.

Those were the perceived reforms needed, and I agree with everything that has been said. I am very disappointed that this Government, which came to office on its law and order policy and which has done absolutely nothing to any significant extent, has ignored yet another recommendation of the Select Committee on prostitution that underlines many of these perceived needs for reform.

A proper study has never been done anywhere, although half-hearted, well intended, and good natured studies have been attempted to try to ascertain the reason why violence becomes established in certain families. As the committee pointed out, there has been no real attempt to determine why incenst becomes a pattern of behaviour in certain families, with vast destructive force. I call on the Government to think very carefully about that, if it is in any way sincere about its law and order campaign. That campaign served its purpose, and I doubt that much else will happen, but for what it is worth I make that plea.

Having said that, I refer to the recommendations (page 39). Recommendation 1 was that the Justices Act and the Police Offences Act be amended to provide a number of things. I will not go through them all at this stage: I will leave those technical matters to my detailed consideration of the Bill.

Recommendation 2 was that funds be made available to the Legal Services Commission to ensure that adequate legal representation is made available to the parties to such proceedings. Unless the Government does that, the whole exercise will go for nought. The situation in regard to the Legal Services Commission at present is nothing short of pathetic. It is bad enough in the criminal area, but in the civil jurisdiction the ordinary citizen is getting no go at all. The very rich and the very poor are well protected by the law, but the rest of us go at our peril.

Recommendation 3 was that procedures and staffing levels within the magistrates courts be reviewed to ensure the

prompt disposal of such procedures. I am cynical about that. I realise that there are some magistrates on which, and some magistrates courts where, the work load is very heavy. I suspect, however, that it is not in the magistrates courts area so much that the overloading of work occurs. I suspect that, if the majority of magistrates were to follow the example of a few well-known magistrates who get stuck into the work and who actively clear the decks, the whole system would be much better off.

I will not embarrass the guilty or those who can be proud by mentioning the names of people in either group. However, the Minister should refer that matter to his colleague. If staffing levels are considered, perhaps we should start with the Industrial Court, where, again, the ordinary citizen finds himself in a disgraceful situation.

Recommendation 4 was that staff be employed by the Courts Department or be made available on secondment from the Department for Community Welfare so that counselling and referral services are available immediately to parties in such proceedings. I cannot agree more. It is absolutey essential that that be done. There is no point at all, in the family situation, particularaly where one is dealing with a person who has been violent in the immediate past and whose conduct has displayed such a pattern for a long time, in simply using the criminal law and hoping it will all go away. It will not go away. One must use the whole battery of services to get anywhere.

Recommendation 5 was that the remedies provided shall be additional to any remedies whether civil or criminal otherwise available to the complainant, provided that a defendant shall not be punished twice for the same offence. Recommendation 6 was that the police pursue a vigorous policy of prosecution in cases of domestic assault. I sound a note of caution in that regard. I believe that every police officer knows the tremendous problems that exist in this area. No member of the Police Force likes to become involved in domestic dispute situations, because it is notorious that the parties can point guns at each other in the morning but have made up their quarrel in the afternoon. In the meantime, the fatality rate of police is rather horrifying.

Indeed, I agree with the philosophy that, in appropriate cases, where it is quite obvious that a man has been following a pattern of unrestrained and, I suppose, almost psychotic violence over a long period and there is apparently no hope of changing his ways, a rigorous policy must be used against him. However, where there is any chance at all of trying to get the matter settled through counselling or by other means, that should be attempted.

Recommendation 7 was that a separate study should be made to assess the need to revise the law in relation to police powers and compellability of spouses. Recommendation 8 is fairly complex, but I believe I should quote it in full, because it envisages vast changes to the existing structure of the law. It is set out in five sub-parts, and states:

*(a)* that arresting or investigating officers make it their duty to inform police prosecutors of particulars relating to the plight of the victim insofar as fear of a repetition of the offence is concerned;

I certainly support that, because unless there is proper communication between the investigating officers and the prosecutor, the prosecutor is simply not in a position to assess the situation and determine a correct course of action. Paragraph *(b)* states:

that police be required to present to whoever is considering a bail application full particulars of the plight of the victim in so far as fear of a repetition of the offence is concerned;

I agree with that as philosophy but will defer further comment until I deal with the Bill, because much of the complexity of the Bill lies in the bail structure. Paragraph *(c)* states:

If the member of Police Force in charge of the police station to which the defendant has been brought has reasonable cause to suspect that the personal safety or property of the persons protected by the restraining order are likely to be further threatened by the defendant if he is released, that person may refrain from considering the defendant's request for bail for a period of up to 12 hours;

Again that is a great change in existing rights and duties. Providing a cooling off period in appropriate cases is something with which I agree, but I will defer further comment until we come to the clauses of the Bill. Paragraph *(d)* states:

A bail application in relation to an offence as proposed must be considered only by a justice (or higher authority) who is able to impose appropriate conditions.

I agree with that. Recommendation 9 states:

that materials relating to domestic voilence should continue to be included in police training courses at all levels and that such materials should be constantly reviewed and updated.

I agree with that and I know from recent discussions with Inspector John Murray, who is in charge of inspector training and other policy sections of the South Australian Police Force, that he most certainly would support that philosophy. I think what the Minister said in his second reading explanation is an accurate and neat summary from his colleague of what is happening.

As the report indicates, domestic violence cannot be adequately catered for under the existing law. That is so for a number of reasons. First, the victims of crime are often reluctant, from fear of further punishment and further violence, to go to the police at all. Secondly, the police are reluctant in many cases to do anything very positive about the matter. Thirdly, the courts are reluctant to do anything very positive about the matter. Fourthly, there is no very adequate machinery to deal with all of this once those hurdles are overcome. In his second reading explanation the Minister said:

The present procedures under which a person may be bound over to keep the peace are grounded in ancient common law and, in a number of respects, do not provide an adequate remedy against violent and threatening behaviour. This Bill seeks to replace the existing procedures with a system for the obtaining of restraining orders against persons whose violent or threatening behaviour constitutes a threat to others. The Bill will have particular relevance to situations of domestic violence where the inadequacies of the present law have been found to be particularly acute.

In 1979 a Domestic Violence Committee was set up to investigate the necessity for reform of the law which bears upon the occurrence of violence in a domestic situation. The committee's report indicates that there is grave concern for many women and children who appear to be trapped in violent and threatening situations but appear to be unable to achieve adequate legal redress. The recommendations of the committee focused upon legislative reform which would provide immediate protection and prevent further harm. The Government believes that this is a constructive approach in which elements of punishment and retribution will be subordinated to the more positive aspects of achieving a solution to a difficult situation. Since the work of the committee related purely to domestic violence, the Goverment has varied a number of the recommendations in order to arrive at legislation of more general application.

That is the Government's rather grubby little way of telling us that it has amended the recommendations so that it can get the picket lines, but unless one knew the background to all this I doubt whether one would draw that conclusion. The Minister went on to say:

This will not, however, detract from the impact of the legislation on situations of domestic violence. To afford adequate protection in such situations is obviously a primary object of the Bill.

I noticed the use of the words 'a primary object of the Bill': the whole background of the report should make it the object of the Bill. I believe it should be 'the primary object of the Bill'. This, again, makes members on this side of the House very suspicious indeed. The Minister continued:

It is hoped that the amendments proposed in the Bill will provide a more effective remedy and speedier enforcement. The complaint may be made by the person affected by the violent behaviour or by a member of the Police Force. In order to cater for situations

of emergency, the complaint may be made and heard on an *ex parte* basis, but, in that event, the defendant must be summoned and given an opportunity to show cause why the order should not continue in force. The order will not continue in force after the conclusion of the hearing to which the defendant is summoned unless the defendant does not appear at that hearing in obedience to the summons or the court having considered the evidence of the defendant and any other evidence adduced by him confirms the order. In deciding whether an order should be made excluding the defendant from his usual place of residence, the court must consider the effect of the exclusion or non-exclusion of the defendant on the accommodation needs of persons affected by the proceedings and also the effect upon children of, or in the care of, those persons. The onus which a complainant must satisfy in order to obtain an order is an onus based upon the balance of probabilities, in other words he is not required to satisfy the difficult criminal onus of proof beyond reasonable doubt. Any party may apply at any time to the court for variation or revocation of an order.

If a person against whom an order has been made contravenes or fails to comply with the order then he will be liable for imprisonment for up to six months. Rather than the complainant being required to issue a fresh complaint as applies under the peace complaint procedure (in order that a peace order might be enforced) this Bill provides that the person suspected of a breach may be arrested without warrant and brought before the court to answer the allegation. This must generally be done within 24 hours of his arrest.

Both the frequency and degree of violence occurring in domestic situations must be reduced. The Government hopes that by ensuring that the law is available to protect persons from harm and increasing public awareness of the remedy then much can be achieved to improve the circumstances under which many people presently have to exist.

That is a neat summary of the Government's proposals, as I have said, and it certainly is a dramatic change in the existing law. While I have been strongly convinced by the report of the Committee on Domestic Violence, I was also impressed by the evidence that was gained by the Women's Information Switchborad in an earlier and, granted, more primitive inquiry. This document, the Domestic Violence Phone-In Report of the Women's Information Switchboard, was prepared by Rosemary Wighton and Ros Johnson, co-ordinator of the Women's Information Switchboard Unit, in February 1981. I wish to refer briefly to certain parts of that document to demonstrate to members that there is justification for the very great changes that are being made. Certainly, there must always be a balance between the freedom of the individual and maintaining the physical and mental well-being of citizens. The authors of that report state:

> The planning for the Domestic Violence Phone-In took place for several months before operation. It was necessary to define the precise purposes of the phone-in, to decide on its extent, on the number of women needed to staff it, on the problems that might be caused by responding to callers and perhaps raising their expectations of help, and, hardest of all, to devise a questionnaire that switchboard staff could use to elicit the required information simultaneously with having a natural and supportive telephone conversation with the caller. The phone-in received wide media coverage both before and during the week, including articles and advertisements in the newspapers, as well as interviews and free community announcements on radio and television. A poster was produced and circulated.
>
> Many of the women who called later in the week commented that they has seen a number of pieces of publicity but had had to overcome their nervousness and reluctance before they felt able to ring.

The questionnaire was designed, we are informed, to research three areas: The nature of the violence and victims' response; effects on the children; knowledge and appropriateness of services; and sociology of the caller. I do not propose to refer to all the questions then set out, although I think all the questions were relevant and, taken together, make a reasonable inquiry. Section 1 was the nature of the violence and victims' response. Other questions were:

> What did you do?
> What did you feel?
> Did you talk to anyone about it; if so, who?
> How often had it happened?
> Were you hurt?

It is question 9, 'Were you hurt,' at which I pause because it gives a horrible picture of what goes on in this city. Injuries listed in the reply to this question were as follows:

> Head injury—78; Body injury—78; Weapon involved—38; Verbal or mental abuse—77; Bruising or blood—89; Sexual assault—36; Treatment received—41; Other—42.

The summary was interesting:

> Several things are worth noting about these figures. First, one-quarter of callers had been threatened with a weapon. Bottles, guns and knives were most usual, but golf clubs, a hammer, rake, screwdriver and axe had been used. While sometimes used to cause physical injury, these weapons were mostly used to frighten and intimidate the callers.
>
> Second, 36 out of 156, more than a quarter of the women, were sexually assaulted as well as physically assaulted. The incidence of this form of assault further supports the need for the recent rape-in-marriage law, and the case studies that emerged at the time of the change in the law.
>
> Third, while exactly half of the callers (78 out of 156) had received head and/or body injuries and more than that (89 out of 156) had suffered bruising or bleeding, only 41 had sought treatment for their injuries, even once. Fourth, the category 'other' was used, in the compilation, to cover threats and particularly gross injuries. The threats included in this category were also of a severe nature. Examples were an attempt to run over a caller with a truck, an attempt to run a car over a cliff, a caller being physically strung from the rafters, attemps to injure which did not result in injury.
>
> The physical injuries which are covered in this category include choking, attempts at strangulation, burst eardrums, teeth knocked out and a severe spinal injury from being kicked. The high incidence—more than a quarter of callers—of severe threats and gross injuries is a further indication of the severity of domestic violence; more is involved than a push and slap. Indeed, the existing literature on the problem supports the incidence of severe injury and real danger to the victim's life, a step more grave than the cruel bullying which most callers suffered. Erin Pizzey, in *Scream Quietly or the Neighbors Will Hear You*, described some cases of domestic violence as 'systematic torture'.

That is not a very pleasant picture of the scene in many Adelaide homes. First, it is my belief that that presents a true picture which cuts across socio-economic barriers of any type. But it is my suspicion that the incidence of this sort of thing is even greater than the committee and the Women's Switchboard imagine. It is of quite horrifying proportions. Let us bear in mind that it took courage to make the call, and I suspect that it was probably those women in the higher socio-economic groups who are more articulate, better educated and with better access to the telephone who did the calling in, and that there was a large number of women who did not call in because they lacked some of the features I have just mentioned. It is rather horrid to think, that in our, what appears to be, placid, nice city we have huge numbers of innocent people being threatened with bottles, guns, knives, golf clubs, hammers, rakes, screwdrivers and axes. That is a rather frightening situation.

I come to the final section, before returning to the Bill, which is a series of conclusions which, in turn, led to some recommended actions. The authors indicated, first, the promotion of community awareness, and I strongly support that. I have been calling for that for more than two years now, and I hope that something can be done there. Secondly, the proposal was the strengthening of facilities for victims. I propose to deal with that because I think it is something that the Government should very much consider. I have taken considerable interest in violence to young children, the child-bashing syndrome, having been involved as counsel in horrifying cases of murder of young children, systematic torture of young children, and so forth.

But it occurred to me that surely in many of these cases, had there been a way in which the defendant could have taken the child, when the injuries to the child were at their smallest, to a Government centre somewhere, obviously in the city to the Children's Hospital, let us say, and in return for making a full confession, if not receiving full immunity, which might not be appropriate, the defendant or the person concerned ould at least receive an appreciation from the

authorities that it took some courage to do this, and then receive appropriate counselling, psychiatric and medical aid, or whatever else was required. The authors suggested that there was a need and put it this way:

In order to strengthen and extend facilities for the victims of domestic violence, long-term planning and allocation of resources must be undertaken, with a continual programme of co-operation between State and Federal Governments and 'caring' agencies in the non-government sector.

*(a)* Existing facilities, such as women's and youth shelters, should be given additional support to continue and extend their work.

That is true. For example, I was talking to a major in the Salvation Army at Ingle Farm in my electorate who told me that, in the first week that he commenced duty in the new establishment the Salvation Army had built there, at about 6.30 one Friday night a 12-year-old lad came running into the centre with two young brothers and sisters and said, 'Sir, can you help me?' The major said, 'What has happened?' The boy said, 'Mum's lying on the floor in a pool of blood. Dad has just hit her on the head with a hammer.' The upshot was that there was nothing the major could do except ring the police, so far as the violence was concerned. He then searched for accommodation for the children but could not get it. Using his own initiative and not having room in his own home, he got some mobile beds from elsewhere in the Salvation Army and put the children up for the night in the centre with a volunteer whom he got to stay with them.

Such has been the publicity that that incident has received that other people in search of sanctuary in the area have been calling overnight and during the weekend, and at times the place has looked like a casualty clearing station. It is a problem of horrifying dimensions. Paragraph (c) states:

The South Australian Police Department should develop mobile units specialising in domestic violence cases to work in close co-operation with the Crisis Care units (similar to the Rape Inquiry Unit).

I strongly agree with that. I think the Rape Inquiry Unit proved an outstanding success and I think that, if we had a specialist unit of this sort, even if people stayed there for a couple of years as part of their overall experience, it would be a great advantage. Paragraph (d) states:

Women and their children in *de facto* relationships should be afforded similar legal remedies and protection to those provided for legally married people by Family Court orders.

Again, that has my full support. Turning now to the clauses of the Bill, the House will understand why the Opposition is being extremely careful to investigate this matter and why it has been extremely angry at what it sees as a subterfuge by the Government. The first three clauses of the Bill are formal. Clause 4 provides grounds for a restraining order to be made, and those grounds are as follows:

(a) that—
  (i) the defendant has caused personal injury or damage to property;
  and
  (ii) that the defendant is, unless restrained, likely again to cause personal injury or damage to property;

(b) that—
  (i) the defendant has threatened to cause personal injury or damage to property;
  and
  (ii) the defendant is, unless restained, likely to carry out that threat;

or

(c) that—
  (i) the defendant has behaved in a provocative or offensive manner;
  (ii) the behaviour is such as is likely to lead to a breach of the peace;
  and
  (iii) the defendant is, unless restrained, likely again to behave in the same or similar manner.

New subsection (2) provides that a complaint may be made by a member of the Police Force or by the person affected by the impugned behaviour, and new subsections (3) and (4) deal with the right of the court to act on an *ex parte* basis.

What is happening here is that quite extensive, almost Draconian, powers are being given to the courts in appropriate circumstances and with what we believe are appropriate safeguards. However, we agree to the Bill on the basis that the independent inquiries which I have researched and which I accept, and my own experience and that of my colleagues in the community, indicate that there is a grave problem which demands a grave remedy. We say that it is just not good enough to have this remedy, this series of strange and unusual remedies, available in circumstances where they can be used against, for example, union picket lines or political demonstrators.

I have therefore provided an amendment which, in substance, attempts to clarify that the parameters of the Bill are to deal with anti-social behaviour that arises from personal animosity between the defendant and the person against whom or against whose property it was directed, and that there has been some prior manifestation of that behaviour. As the Bill is drafted, if that is not made clear it would be simple indeed for an employer to use this Bill, which is so obviously intended to deal with domestic violence, as a weapon in an industrial dispute scene, and we say that that is quite intolerable. We will not accept it. We make quite clear to the Government and to the community that, on resuming office, if this amendment is not carried, we will proceed to insert it at that stage. On balance, it seems to me that the matter is so important that the Opposition will support it at the second reading but, as I say, with some sorrow and with very grave reservations because of this grubby little political trick.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Orders to keep the peace.'

**Mr McRAE:** Will the Minister indicate why this Bill has been passed in such a broad form? I have indicated to the Minister in a lengthy second reading speech that it is obvious from the comments made in his own colleague's speech that the genesis of the Bill is the report of the Domestic Violence Committee, and I presume also the Women's Switchboard Centre and the advice of the Women's Adviser of the Premier's Department. Granted all that, and granted that the Bill has widespread community support, why has the Government drafted it in a form in which it will pick up situations that do not deal with domestic violence but with other forms of violence?

**The Hon. H. ALLISON:** I am surprised that there is such strong anger or deep suspicion of the intentions of this Bill. In his second reading speech, the honourable member referred to it as a mean little manoeuvre and a Draconian measure, going from one extreme to the other.

**Mr McRae:** A mean little trick.

**The Hon. H. ALLISON:** Yes. As the Attorney-General has pointed out, it is not always easy to distinguish between a dispute related to domestic violence and other threats of violence. Certainly, it was not the intention of the legislation to single out areas of industrial dispute. I feel that that is really the main bone of contention between us. There is an overt suspicion that it is directed towards industrial disputes. I do not think it is correct to suggest that the legislation is even appropriate with regard to industrial disputes. The Attorney-General pointed out in another place that this was simply a long overdue reform of the peace complaints procedures, and I think the honourable member has recongised that, and the domestic violence issue, we feel, is

simply too narrow. The legislation should be widened, and the suggestion that this legislation is not inappropriate for industrial disputes does not seem to acknowledge that, before an order could be granted under this legislation, a complaint has to be made, it has to be proven to the court, on the balance of probabilities, that the defendant has caused personal injury or damage to property, and that the defendant, unless restrained, is liable to again cause personal injury or damage to property. The jurisdiction also lies where a person has threatened to cause personal injury or damage to property and where the defendant, unless restrained, is likely to carry out that threat.

**Mr McRae:** It is paragraph *(c)* of new section 99(1) that worries the Opposition.

**The Hon. H. ALLISON:** Yes, I was about to go on. The jurisdiction also lies where the defendant has behaved in such a provocative or offensive manner that is likely to lead to a breach of the peace which he is likely to repeat if unrestrained. An employer can apply to the court for a restraining order to prevent his employees coming near a factory on the grounds that there is the possibility that some sort of confrontation might take place. I think that was stated by the honourable member's colleague in another place. The Government feels that limiting the jurisdiction that is traditionally regarded as that which ensures the keeping of the peace to circumstances where a criminal act has been proven on the basis of a substantive offence would very significantly reduce the value of this legislation.

There is a whole range of non-criminal activities which, again, were quoted by the Attorney-General and members in another place where an offence is not of a criminal nature. I believe that Enid Campbell, in her book *Freedom in Australia,* a copy of which I have here but which I do not propose to recite at length, lists, for example, females haunting military camps without committing any offence, and there are many others such as tipping rubbish persistently on a neighbour's front lawn, things which are not criminal offences but which are offensive in their own right. To suggest that this legislation has been drawn up specifically for industrial purposes is far from the truth.

There are many relatively minor instances where a person might be impoverished, simply unwilling, or not in a position to pursue a criminal charge, not being in a position to seek an injunction from a superior court, and the Attorney-General felt that there are plenty of circumstances where those alternatives of the criminal law or the injunction would be inappropriate and yet where the life of a person, where that person's entitlement is not to be interfered with, is being abused, but where the behaviour of the other person, the offender, is not of a criminal nature.

There is a possibility that this legislation could be used in an industrial situation, but the Government considers that the appropriateness of exercising that jurisdiction would depend on the behaviour of the person or persons involved. This legislation is not specifically designed to stop or retard industrial legislation. The requirements of the legislation that must be satisfied before an order of the court can be made are quite clearly listed in the legislation. There is really no strong reason for limiting this legislation purely on the speculative basis that it may be used in an industrial dispute at some stage.

**Mr McRAE:** Perhaps I shall give the background to a matter I want to raise before asking for a further assurance from the Minister. My Party certainly takes the view that violence is not justified in pursuance of industrial aims. However, picket lines are justified and have been used, and they have been used for 100 years. But there is a great deal of difference between a picket line outside a retail store or outside the Industrial Court, where for instance, we had one not so many months ago which was a non-violent protest on the part of a group of employees, and the situation whereby a person picks up a hammer and bangs it over a protester's head or picks up a brick and throws it through a window of a car. The Labor Party does not see any justification for that sort of behaviour and, of course, the criminal law would deal with those types of offences straight away.

I think that the Minister's advisers would readily assure him that there is no problem at all in the case of any personal violence; that at a very minimum it would be assault, then assault occasioning actual bodily harm, and so on. In the case of property damage, it would be classed as malicious damage or some other offence cited in the Police Offences Act or the Criminal Law Consolidation Act. In the case of offensive behaviour which might involve indecent behaviour, involving a person using a picket line as an occasion to act in an indecent way in a public place, that, too, could be dealt with under that section. I would ask the Minister to bear all that in mind. If, in fact, the potentially of this being used in the industrial situation is as small as the Minister says, I again ask him whether he is prepared to reconsider or accept my proposed amendment or, alternatively, to give me an assurance that such a provision will not be used in circumstances where there are merely picket lines and where there is no offence committed such as those that I have described, which as I quite agree must be dealt with.

**The Hon. H. ALLISON:** My experience of picket lines, and I have seen quite a few, has been that as a matter of general principle the law enforcers, the police themselves, and others have exercised a very responsible approach, especially where it was obvious that there was a peaceful demonstration or peaceful picketing. I believe the intent of this legislation is quite clear, namely, that where there is obviously some threat of a breach of the peace, action may be taken. Particularly in the case of industrial disputes in this State, the police have been especially careful; they have been ever mindful of the possibility of taking inflammatory action, and they have erred on the side of keeping away even when a situation showed more potential threat than that implied in paragraph *(c)*. I think that based on the past record of the South Australian Police Force there is very little threat concerning the use of the provisions contained in that paragraph where there is a peaceful picket line situation.

**Mr McRAE:** If it was simply a question of this particular Minister's administering the Bill, I do not think the Opposition would be too worried, but we have no guarantee that it will be that Minister. Indeed, we cannot prophesy the future. I think we have exhausted our arguments across the floor at this stage, and in any event—

**The Hon. H. Allison:** It's a case of relying on our good sense.

**Mr McRAE:** It does rely on good sense in a way; the Minister has picked that up and, as I said, if the Minister involved was the Minister to whom I am now speaking, the Opposition would not be terribly worried but we do not have any guarantee that it will be that Minister either now or in the future. If there are no further questions I now propose to move an amendment. I move:

Page 2, after line 18—insert subsection as follows:

(1a) The court shall not make an order under subsection (1) unless satisfied that the behaviour that forms the subject matter of the complaint arose from personal animosity between the defendant and the person against whom, or against whose property, the behaviour was directed and that there had been some prior manifestation of that animosity against the same person before the occurrence of the behaviour that forms the subject matter of the complaint.

The Committee divided on the amendment:

Ayes (17)—Messrs Abbott, L. M. F. Arnold, Bannon, M. J. Brown, Crafter, Duncan, Hamilton, Hemmings, Hopgood, Keneally, Langley, McRae (teller), Payne, Plunkett, Slater, Trainer, and Wright.

Noes (20)—Mrs Adamson, Messrs Allison (teller), Becker, Billard, Blacker, D. C. Brown, Chapman, Eastick, Evans, Glazbrook, Lewis, Mathwin, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, Wilson, and Wotton.

Pairs—Ayes—Messrs Corcoran, O'Neill, and Whitten. Noes—Messrs P. B. Arnold, Goldsworthy, and Tonkin.

Majority of 3 for the Noes.

Amendment thus negatived; clause passed.

Title passed.

Bill read a third time and passed.

## TRUSTEE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 31 March. Page 3805.)

**Mr McRAE (Playford):** The Opposition supports this measure. It is an important Bill and the matters with which it deals are somewhat complex. Again, I think that the second reading explanation given by the Minister does accurately summarise the situation. Quite unfortunately, as we all know, there is tremendous pressure on the money market at the moment and, certainly, while the Opposition deplores the soaring interest rates and the way in which industrial and investment rates have put pressure on home lending rates, it must be realistic and see that institutions in this State are not put into an invidious situation because of artificialities and strange distinctions.

The situation at the moment is that under section 5(1) of the Trustee Act a trustee may invest trust funds in his hands, among other things, with any dealer in the short-term money market approved by the Reserve Bank of Australia as an authorised dealer but that has established lines of credit with the bank as a lender at the last resort, but there is no proposition that enables a trustee to invest in this form with the investment banks. Apparently, this was brought to the attention of the Government by local government and it appears to us on investigation quite appropriate that in circumstances where local government is dealing with banks who are looking for reciprocal trade (we all know that if banks can get reciprocal trade they will certainly bargain for it), we should not be putting our local government authorities in this unfortunate situation.

As the Minister said, by excluding councils from investments with investment banks, they are forced to accept a lower return from bank deposits and use higher yielding non-bank investments. They are therefore put in the position of jeopardising their loan programmes. We quite agree it is anomalous that trustees can invest in the short-term money market with authorised dealers but not with banks. We support that amendment and we do not see that there should be any dangers to the beneficiaries.

The other amendment is in relation to the protection of trustees lending up to the total value of the properties on which the loan is secured. Again, this is a somewhat complex situation. It was indicated that protection currently is given for a claim for breach of trust under section 10a of the principal Act. The justification for that protection is that repayment of a loan must be insured with the Housing Loans Insurance Corporation established under the Commonwealth legislation. Apparently, proposals have been made to change the nature of the corporation so that it is owned and controlled privately. My Party would not support that manoeuvre but the fact is that, if it is going to occur, we have to protect our institutions in South Australia.

It follows therefore that I agree, having given that basic philosophical reservation, with the Minister's next statement that if that were to occur, the Housing Loans Insurance Corporation may cease to be an appropriate insurer for the purpose of subsection 10(a), and the proposed amendment provides for responsible insurers to be prescribed by regulations. Since those regulations will come before the House and in particular before the Joint Committee on Subordinate Legislation, there should be an opportunity for adequate scrutiny. In those circumstances and with those reservations I support the Bill.

Bill read a second time and taken through its remaining stages.

## FISHERIES BILL

Adjourned debate on second reading.

(Continued from 4 March. Page 3346.)

**Mr KENEALLY (Stuart):** The Liberal Government came to office in South Australia with the promise that a new deal would be given to fishermen exploiting the State's waters. Fishermen believed this propaganda and actively supported the election of this Administration. During the past 18 months, the shadow Minister for Fisheries, the Hon. Brian Chatterton, has been inundated with complaints from fishermen who have learned, to their cost, what this new deal really means.

**The Hon. W. A. Rodda:** Who wrote this for you?

**Mr KENEALLY:** I wrote this. I might say that I too am receiving complaints from fishermen at a rate I have not experienced previously. A better deal under the Liberal Party always means greater profitability for its friends at the expense of all others.

This is exactly what is happening in the South Australian fisheries. A few big fishermen, with seemingly unlimited resources, are doing very well, while the majority of authority or licence holders are struggling to exist. Our fisheries are in great disorder. The previous Minister (the now member for Victoria)—

**The Hon. W. A. Rodda:** What's new about that?

**The SPEAKER:** Order! I am quite sure the honourable member for Victoria will learn if he listens.

**Mr KENEALLY:** The previous Minister (the now member for Victoria) and the Director have much to answer for. It is widely acknowledged throughout the industry that policy decisions are made and were made on the basis of the last argument from the last pressure group that had access to these gentlemen. Because of the conflicting interests within the fishing industry and because of the very nature of fishermen, independent men who jealously guard their own interests against all else, this State requires a Minister and a Director who will put the interests of the community above that of individuals within the industry, no matter how powerful and influential those individuals may be.

Let there be no doubt what has happened over the past 30 months. The fishing industry, always hard to manage, a problem for any Minister and any Administration, has become confused, cynical and frustrated. What are the reasons? One cold hard fact that should not be dodged in this Chamber is the relationship that exists between the current Director and the official fishing body, the Australian Fishing Industry Council.

It was only a few short years ago that Mr Stevens was executive officer of AFIC. He promoted its interests very well! He was a good servant to that organisation. He was paid to do a job and I believe he did it very well. We found him to be an effective opponent to the then Labor Govern-

ment, which was trying to effect necessary change within the industry.

Mr Stevens moved from AFIC to accept a position on the staff of the then Minister for Primary Industry, Mr Ian Sinclair. Upon Mr Sinclair's being suspended by the Prime Minister for shady dealings (not the subject of this Bill), Mr Stevens was again in the job market. Fortuitously for him, the new Minister of Fisheries proved susceptible to some heavy lobbying from AFIC, and to the surprise of everyone (except AFIC, I imagine, and members of the Cabinet), Mr Stevens was appointed Director of Fisheries. It is an open secret that AFIC believes the Director to be its man. It appointed him, and it expects his loyalties to be to that organisation.

I have been told on many occasions, by perfectly reliable sources, that at AFIC meetings the Director is frequently reminded of how he got his job. I imagine the implied threat is that the same influences could work to remove the Director from his position, should the need arise.

One particular habit of the Director causes me some concern: that is his habit, when explaining policy, to inform fishermen that things 'would be worse under Labor'. I put that serious indiscretion down to his inexperience as a public servant and a fishing administrator. Despite an offer he received from the Labor Party's fishing caucus to meet with us so we could explain our policy, the Director seems to prefer not to let the truth spoil a good story.

I know that the Minister will vehemently deny what I am saying. The charges and the rhetoric that we will get from him are traditional and predictable. AFIC will cry shame and also deny any such charge, and that is predictable. The Director may express shock and even disgust, and that is also predictable. However, anyone in this Chamber who has any contact with the fishing industry knows that what I am saying today is being said within the industry, often and widely. I have not said one thing that is not common knowledge in the industry, and that should be stated in the House, because this is where these matters of great importance are debated.

I know that the new Minister has heard the charges, and I expect him to do something about them. Despite what I have said, I still have some sympathy for the Director. I do not say that he is merely a pawn to his patrons.

**Mr Gunn:** It sounds as though—

**Mr KENEALLY:** However, he knows how he got his job. He is not so naive, as is the member for Eyre, as not to understand the motives of the people to whom he is indebted. No matter how hard he may try to be an objective Director, he will remain compromised by his links with AFIC. A Director-General of Fisheries having links with AFIC might not be a bad thing, but I believe it is bad in this case, not only because of the Director-General's original involvement with AFIC as an employee but also because I do not believe that AFIC is doing its job. According to a 1974 reference, the role of AFIC is as follows:

1. to unite all sectors of the Australian fishing industry at State and Commonwealth levels.
2. to present the views of a cohesive Australian fishing industry at State and Commonwealth levels.
3. to promote the implementation of a national fisheries policy framed by the industry and the Government.
4. to promote unity of effort within the industry for the solving of common problems.
5. to act as adviser to or intermediary between government and sectors of the industry.
6. to appoint representatives to bodies working for the betterment of the industry.
7. to obtain for the industry the best conditions which the economy of Australia will permit.

They are all admirable objectives, and I do not anticipate that there will have been a dramatic change (if there has been any change) in those objectives since the date these listings were circulated. As I said previously, I do not believe that AFIC fulfils those objectives. I believe it looks after the interests of big fishermen in the lucrative fisheries who are, in number, the overwhelming minority of South Australian fishermen.

Recently, a President of AFIC threatened to follow a more democratic course. He was promptly moved from his position. The Minister has heard of the Port Lincoln Mafia, a term given to a small clique of Port Lincoln fishermen who exercise influence far beyond the numbers they represent. It is my view that the scale fishery which has the most members is grossly under represented on the council.

It is right and proper that the Parliament should scrutinise the activities of AFIC, because I understand that organisation is subsidised by a system of compulsory unionism administered by the Department of Fisheries. Every fishing licence in South Australia is levied by the department to assist in financing the running costs of AFIC. There is no voluntary contribution. Every fishing licence or authority in South Australia is levied by the Liberal Government to finance the operations of AFIC. That is compulsory unionism, quite clearly. No fisherman in South Australia has the opportunity to opt out, but I have not heard too many Government members of Parliament complain about the ethical position of that situation. They only want to complain if they think there is a preference for unionists. There is compulsory unionism amongst the fishing industry and I have no objection to that at all. I think it is perfectly reasonable.

**Mr Trainer:** It's just hypocrisy.

**Mr KENEALLY:** Of course it is hypocrisy on the Government's part. I believe the Government should seriously consider changing the method of funding AFIC through the levy system. Instead of making the payment direct to AFIC, funds should be given to the various fishing bodies affiliated to AFIC, in accordance with the membership of those organisations. If those constituent bodies are satisfied with the representation AFIC provides, they should forward the grants on to the council but, if not, they should retain the funds to make their own representations. Such a system could make AFIC more representative than I believe it to be currently. One of the worst decisions ever made by Government in South Australia was the decision to allow transferability of authorities.

**Mr Gunn:** That's if you have a nasty socialist outlook.

**Mr KENEALLY:** That is one of the worst decisions ever made by a Government in South Australia and it was made by a Government of which I was a member. It has had the most incredibly bad effects on the fishing industry and I will go on to tell the member for Eyre why. This practice has increased effort in our waters to a dramatic degree. Originally, all authorities or licences belonged to the community. They were leased to individuals for a small licence fee. The capital investment required to operate a fishing unit was the cost of vessel and gear.

To compare that eminently sensible system to what is currently happening, we need look no further than the Spencer Gulf prawn fishery. A few years ago authorities were granted at the discretion of the Minister. Then a ballot system was implemented. The cost of the authority was the licence fee. Then a decision was made to allow prawn authorities to be sold. Today, I understand, there is an authority and a vessel on offer for those who may wish to buy, for a small sum of $600 000. A few years ago the cost of the vessel and the gear was all that was needed to enter the prawn fishery, if a ballot was won, or at the discretion

of the Minister. Now, the fee to get into the prawn industry is, in this particular case, $600 000.

I have also been informed that a recent sale in Port Lincoln was for a similar figure. I am informed that on both occasions the authority price was about $400 000, the balance being made up by the value of the vessel. In many cases, the fishermen who seek these incredibly high figures have received their authorities for nothing. By placing such a premium on an authority, by capitalising future profits, which no fisherman has a right to do, the purchaser is forced into greater effort. I see the member for Glenelg smiling. I would ask him to listen. A prawn fishing unit costing $600 000 at an interest rate of 15 per cent, which is conservative, as the honourable member would agree, requires a catch of $90 000 merely to service the capital. The vicious circle starts. Each consecutive sale and each increased price requires greater effort.

The same story applies to the abalone fishery. I can recall being lobbied by abalone fishermen early in 1979. They wanted to be able to sell their authorities. They claimed that they needed the financial security that such action would provide. They said that, because of the dangers of the fishery, poor returns, and too many authorities, they anticipated that an authority plus equipment would fetch about $30 000. That figure was given to me and my colleagues by abalone fishermen. To the credit of the Labor Party, those overtures were resisted, but unfortunately the Liberal Party did not see fit to follow that sensible course. Today, I understand, the abalone authority, here again, overwhelmingly was given to the abalone fishermen who were in the industry. One or two additional authorities were granted as a result of a ballot, but they by and large got the authorities for nothing or only a small licence fee. Today, if you want to buy an abalone authority (remember, they assured us that $30 000 would be the going rate for vessel and authority), you could not get a vessel and authority for abalone fishing unless you were prepared to pay between $150 000 and $200 000. Again, the capital investment needs to be serviced, effort will increase, divers will be encouraged to flaunt regulations controlling periods allowed under water, and there will be all the other ills that can attach to such an industry. I understand that this Government is to allow transferability in the marine scale fishery.

**Mr Gunn:** Yes.

**Mr KENEALLY:** The member for Eyre says, 'Yes'. He has either no knowledge of or he is quite cavalier about the scale fishery resource in South Australia, because if he had any consideration at all he would not be adopting this outrageous attitude. He must have played a fair part in convincing the Government to take the action it took. I trust that the Government knows the inevitable consequences of such a decision. By general agreement it is acknowledged that too much effort is concentrated in the scale fishery of our coastal waters. This effort will be dramatically increased once scale fishing authorities are capitalised. I have heard prices of $100 000 being bandied about and there is no doubt that prices of that magnitude will be sought and I am prepared to wager that they will be obtained.

It has always been a matter of considerable interest to me to see fishing returns, always very low, then to speak to fishermen who never catch fish, then to see the prices they demand and get when they sell their enterprise. The inconsistency in all that is stark and the reason is patently obvious. Authority holders will argue that it is vital that they should be able to sell their authorities as a return for the effort they have put into their fishery. I ask to whom it is vital, and what is the effort. The sale of authorities is no doubt vital to the holder. However, it is disastrous for the fishery and contrary to community interests.

Fishermen contribute very little to the improvement of the resource. Apart from a few seasonal closures, I cannot recall any example where fishermen have willingly contributed to the economic survival of a fishery. They take a lot out of the fishery, however, and that is the nature of the industry. The sea is a common resource: if one fisherman does not take the fish, another will. There is no encouragement for fishermen not to ravage the sea, because if they do not, other fishermen will. If the fish are there, fishermen will fish it. We have all heard stories of undersized fish being caught. I think a lot of us have seen them and we have heard the stories about and seen photographs of the dead fish floating away, and we all know about markets being flooded by fishermen when they have these massive catches.

Fishermen are not like farmers, who clear their land, till the soil, fertilize it, allow it to lay fallow, etc., to improve productivity. Money and effort are expended by the farmer in improving his asset and the capital appreciation is earned. A fisherman may improve his vessel, but he does not and cannot improve the authority. As the scale fishery is the only fishery that does not have transferability, I acknowledge that a case can be put for equity. However, the interests of that fishery, the fishermen within it, the community, and, I guess, the tens of thousands of amateur fishermen cannot be served by adding another stake to those already made in the lobster, prawn and abalone fisheries, for (and this is the crux of the matter, and I ask honourable members to take note) the value of an authority is not determined by actions of fishermen so much as by actions of government.

In my view (and it is a view I have held strongly for many years, and when we were in Government) the role of government in restricting authorities in such a way as to ensure high premiums is wrong, because restrictions on the number of authorities automatically result in a premium and because this happens the authorities should not be able to be sold.

Fishermen, in fact, want it both ways. They want restricted entry, a managed fishery, so as to reduce competition and ensure profitability. Then they want to capitalise that profitability and be able to sell the guarantee provided by the Government. People in this Chamber know that this is my speech, and it is my view as one person who has heard most of the situation in recent days. In my view, fishermen should have protection without the right to sell, or the right to sell without protection. Community interest demands that the first option be followed. I have said many times, and I repeat today, that the Spencer Gulf prawn fishery is nothing short of a public scandal. I have raised this matter several times over the years, but no notice has been taken of my remarks.

**Mr Mathwin:** You raised it with your own Government.

**Mr KENEALLY:** Yes, repeatedly and, of all people, the honourable member should know how many times I raised this matter when we were in Government. If the Minister of Fisheries were to check his file he would see that there is not much of what I am saying today that I have not already said to other Ministers on other occasions. I have said that I believe the Spencer Gulf fishery to be nothing short of a public scandal, and I have raised that matter several times here and elsewhere, but unfortunately my remarks are a cry in the wilderness. However, if a Spencer Gulf prawn authority holder wants to cry poverty, plenty of media space is available to him. Strange as it may seem, I spend a considerable amount of my time speaking to fishermen, particularly as a person who has probably gone fishing less than anyone in this Chamber. I never initiate these discussions but they frequently occur, and I am told some very interesting things by fishermen in the Minister's electorate, the previous Minister's electorate (people tele-

phone me), and in the electorates of Flinders, Eyre, Alexandra and many other places.

Fishermen, for some reason or other, take the opportunity to telephone me. I do have an insight, and what I am saying is not just a personal view: it is feedback from professionals in the industry who should know what they are talking about and who are, by and large, unhappy about what is happening in the industry. I do not suppose that they would ring me if they were happy; they would ring the Minister or the Director.

I am told that I am not AFIC's most popular M.P. and that that body does not really appreciate my questioning on fishing activities in South Australia, and I accept that. They may have cause for their opinion, but I can tell AFIC that I have a healthy suspicion of stories I hear from all fishermen, and I need to be convinced before I represent any point of view. I am convinced of the scandalous situation presented by the Spencer Gulf prawn fishery. We have in Spencer Gulf 39 authority holders all benefiting from a privileged position. They are the only persons who can exploit this very lucrative resource, and I say that advisedly many of these people received these authorities from the Government free of charge and currently still pay only a nominal fee for the opportunity to print their own money, and printing their own money is exactly what is happening.

My information is that the average catch for a prawn trawler in that fishery in 1980-81 was in the vicinity of $500 000. Imagine my surprise to read that, according to the returns, the official figure was not $500 000 but $217 000. I conveyed that information to my contacts in the industry and got a louder laugh than John Cleese and *Fawlty Towers* ever achieved. Everyone knows that the declared catch figures are a joke. Indeed, everyone knows that the declared catch figures in every fishery in South Australia are a joke. Everyone knows that if there is a fisherman who gives an honest return he would be a unique person in his industry. That is correct; the fishermen themselves privately acknowledge that fact. However, fishermen in a group deny it. If one talks to fishermen about their returns they will tell you what happens. Some have the strange idea that the Taxation Department is interested in fishing returns to the Department of Fisheries. They should be sure in their own minds that those figures are not passed on, but that is not the only reason, and I will canvass other reasons for this discrepancy.

Because fishermen in managed fisheries derive such benefits from the protection afforded them by Government, there should be a mechanism whereby fishermen understating their catch can be detected and penalised. I have already mentioned the cost of prawn authorities and vessels in the Spencer Gulf fishery. I would be amazed if some accountant could show me how gross income of $217 400 could service the interest, loan repayment, wages, maintenance costs, fuel, taxation, etc., and still command a sale price of $600 000. One of the reasons for understatement is to reduce pressure for additional authorities. However, the figures I have quoted argue for additional authorities, a desirable decision that I have long sought.

At the same time that Spencer Gulf prawn operators are growing rich, their poorer less fortunate colleagues in the scale fishery are battling to remain solvent. Members can appreciate how galling it is for these scale fishermen, in their over-fished economically poor fishery, to witness the activities of prawn fishermen. A move has now been made by scale fishermen in Northern Spencer Gulf to gain entry into the prawn fishery, and I support their efforts. They propose that a certain number of additional authorities (10 to 15 perhaps, depending on research) should be established on a two-year trial. Stringent controls should be placed on the area and the season that these authorities can operate in, and authorities should be given only to fishermen owning vessels capable of easy and cheap conversion to a prawn trawler. This would ensure that, if the two-year trial were to show a continuation of these authorities to be non-viable, the holders could not plead economic injustice. Such an authority should not be used as a back-door way into full participation in the fishery, and agreement in writing to this proviso could easily be insisted upon.

What would be the benefit of such a decision? To take a dozen or so of the larger-scale fishing units out of an over-fished resource must benefit that resource, so long as there is no replacement of these authorities within the scale fishery. Fishermen currently facing bankruptcy could anticipate a viable fishing future. A community resource would be more equitably spread throughout the community. After all, this is what the Minister and his Director are charged to do: above all, they must ensure that a community resource is more equitably spread throughout the community. I submit that that responsibility of the Minister and his Director is not being fulfilled.

Additional authorities in the Spencer Gulf fishery would take the pressure off the escalating price of entering the prawn fishery. Unless something is done, and done quickly, I forecast that within a few short years the cost of entering this fishery will be $1 000 000. I estimate that, unless something is done about this scandalous situation, the cost of entering the prawn fishery in the Spencer Gulf of South Australia will be in the vicinity of $1 000 000.

**Mr Lewis:** Why do you suppose that is so?

**Mr KENEALLY:** I suppose that is so because it is an economically viable industry. It has the protection of the Government against competition, and we have 39 authorities exploiting a very rich resource. So, on a market value, that resource is very valuable, but what is happening is that, as the fishermen take advantage of the protection given to them by the Government to maximise the premium on those authorities, fishermen have to work harder. As they do that, they put a greater premium on their authority. It is a cycle of time which has forced those prices up from no cost to $500 000 or $600 000 and, within a few years or months, it will force them up to $1 000 000. The logic is quite conclusive, and I think the member for Mallee understands that point.

A decision to increase for a trial period the number of authorities in Spencer Gulf would not in my view adversely affect the prawn fishery and would most certainly benefit the scale fishery, where the majority of fishermen are to be found. That is an important point. The fishery in South Australia in the most desperate straits is the fishery where most fishermen are to be found. In those small select fisheries where people have been fortunate to participate we do not find the same economic privations.

Despite a Government decision in 1974, which is still in force, I understand that as a matter of policy only a person from the local fishing industry can obtain a prawn authority, and very few fishermen can afford a Spencer Gulf prawn authority. Very few fishermen in South Australia can afford to enter the prawn industry in the Spencer Gulf. My information is, and the Minister may wish to prove me wrong, that the two recent entrants into the prawn fishery in Spencer Gulf were a bookmaker and a quarry owner. When I tried to get information from the department I was told that, unfortunatly, they could not find it, but I could be assured that there was a policy allowing only active fishermen into the prawn industry. The bookmaker and the quarry owner were able to enter the fishery because only people like bookmakers, quarry owners and people of that ilk can afford to enter the fishery.

**Mr Gunn:** Who put them there?

**Mr KENEALLY:** That is the point. They bought their authorities.

**Mr Lewis:** When did that happen?

**Mr KENEALLY:** One in the past few months, and one within the past two years. I cannot give the specific date but, for the benefit of the member for Mallee and the member for Eyre, it was during the period of their Government, but it could as easily have been during the period of our Government. An authority was for sale, so those who were able to afford it could purchase it. There is no restriction on that by the department, although there was a policy to say that one had to be a fisherman to participate in the Spencer Gulf prawn industry. Although that policy was implemented in 1974, the people entering the prawn fishery in the Spencer Gulf are not fishermen, by and large, but people who have made their fortunes elsewhere and who, for one reason who another, want to enter the prawn fishery. They are smart entrepreneurs, people with an eye to a good and profitable venture. They have looked around South Australia, they know they have the money to spare, and they know where to spend it profitably, so they go into the Spencer Gulf prawn fishery.

**The Hon. J. W. OLSEN (Chief Secretary):** I move:

That Standing Orders be so far suspended as to enable the motion for the adjournment of the House to be moved later than 5 p.m.

Motion carried.

**Mr KENEALLY:** I notice that my comments are causing a degree of dissension in the Government ranks, and I am not surprised, because rarely is anyone prepared to speak strongly, forcefully, and accurately about the fishing industry in South Australia, an industry which, by and large, flourishes in certain fisheries because of the action of this place, the Government and the Parliament of South Australia. We have a right and a responsibility to involve ourselves in what is happening in the waters of South Australia. Failure to do so would mean that we are not fulfilling our responsibilities. Failure to do so does not mean that everything is rosy in the fishing industry, because it is not, but there is a strange philosophy amongst fishermen in this State. They are prepared to complain individually and in groups, privately to members of Parliament, and within their own organisation, but they are very reluctant to speak up against the Government because they fear what the Government is able to do to them, because they are a managed industry.

There should be a better relationship than that existing between the fishermen and the Government. That relationship had been built up before 1979, but it has been destroyed. There should be a good relationship between fishermen and the Government. Only because of that relationship can the fishing industry in South Australia flourish and can the operators expect to look forward to a viable future. A viable future should be available to all fishermen in the industry, not just a select few who make those incredible fishing catches and monstrous profits, as happens in the Spencer Gulf. I know the catches are in the vicinity of what I have said, because I speak to the prawn fishermen. I am speaking not to people who are jealous of prawn fishermen but to the people who have prawn authorities, skippers of prawn vessels who know what is taking place in the industry but who have a conscience and acknowledge that the representatives of the industry, AFIC, do not tell the people of South Australia (and, I expect, the Government of South Australia, and certainly the department) what is going on.

For those reasons, I have some cynicism about AFIC. It represents, I think, those who are big within the industry, and I share with the small fishermen of South Australia a healthy disregard for the protection AFIC affords them. I do not believe that any small fisherman in South Australia would dispute what I am saying. Predictably, the prawn fishermen are opposing any new entry to the Spencer Gulf fishery. One could not expect anything else. Mr Puglasi, in his statement in the *Advertiser* on 19 March 1982, argues that the fishery is being over-exploited—39 fishermen, and an average catch of $500 000. He says it is being over-exploited, and we cannot have any more authorities in the fisheries. It costs $600 000 if one wants to get into the industry, I point out to the member for Flinders.

*The Hon. J. W. Olsen interjecting:*

**Mr KENEALLY:** The Minister says, 'Rubbish', but he will have his opportunity to tell us all the price of an authority plus a vessel in South Australia, an ordinary vessel—$600 000 is what anyone would need to be able to get into the industry. Is this a sick industry—big catches, high premiums, expensive entry? Is this a sign of a sick industry? I should not think so. Mr Puglasi is entitled to his view, but I do not share that view, nor do many others in the industry.

Perhaps an independent inquiry might resolve these differences. I could not imagine Mr Puglasi or his colleague opposing that suggestion, nor could I imagine members of Government opposing that suggestion. I am pleased that the member for Flinders is nodding his head; he agrees that there ought to be an independent inquiry into the Spencer Gulf prawn fishery. I am very pleased to have the honourable member's support, because if there is one member in this place who has been able to win great success for his constituents it is the member for Flinders, because of his representations on behalf of fishermen. It is to his credit and they ought to be thankful to him for that. He has certainly worked wonders for them. I would like to have his assistance to work wonders for some of the fishermen I represent.

Any inquiry of the type that I have stated could only result in providing some very valuable information. If there is a discrepancy between the information that I have received and the information I am putting to this House and what the prawn fishermen say about the industry, an investigation would not go astray. I can remember as a member of this House not so many years ago being lobbied by prawn fishermen in South Australia. I think about a dozen gentlemen turned up, and they were all people we know operating in the prawn fishing industry. They were telling me and my colleagues how desperate things were within the prawn industry. I treated those comments with some degree of cynicism, and they were offended; they felt that I ought to accept in good faith what they were telling me. I said that there was no trouble; could they tell us what their prawn catches were the previous year, but not one prawn fisherman was prepared to provide that information. We told them that we understood that they might be embarrassed to tell us in front of their colleagues what their catches were for the preceding year, but that they could go away and write to us in confidence, which we would respect, but not one letter was received from them.

*Members interjecting:*

**Mr KENEALLY:** The member for Eyre might have a healthy cynicism about members of Parliament honouring commitments, but I do not. I would have thought that the member for Eyre would acknowledge such a commitment. If I thought that the member for Eyre believed that I would not honour such a commitment, my view of him would deteriorate somewhat. When the member for Eyre and his colleagues speak in this debate (and I heard that cynical laughter) I would like them to say whether or not they believe that I would honour a commitment. The Minister knows that I would, but obviously some of his colleagues might have a suspicion.

When we asked those fishermen to give a clear indication of the value of their catches, that was the end of the discussion. They packed up their bags and went. They did not want to be involved in such a discussion with any member of Parliament. I believe that they have an absolute responsibility to let the department and the Parliament of South Australia know exactly what the value of their seasonal catch is, because their seasonal catch depends upon the decisions that we make and, as I said earlier, the value of their industry has nothing to do with their efforts; it has everything to do with decisions we make here.

When the member for Flinders speaks, he might like to point out how that is wrong. If he can point out to me how it is that the value of the prawn industry relates to the efforts of prawn fishermen and not to the restrictions on the number of people within that industry, I shall be surprised. I shall be surprised if he can logically explain the contradiction.

**Mr Blacker:** The same logic applies to farmers and to any other producing sector of the community.

**Mr KENEALLY:** The fisheries industry is vitally different. I think the member for Flinders would be slightly disturbed if his nextdoor neighbour suddenly charged on to his property and took away his crop; the member for Flinders might reasonably think that his property was his to work as he sees fit, and he might see such an action as being a bit of a liberty. That is what happens within the fishery. So, the fishermen do very little, but they take out a lot. They might pay a lot for their vessels, or they might put in rather sophisticated processors to process prawns, thus reducing the number of on-shore jobs. Of course, because a fisherman is processing his prawns on board there is a greater possibility that returns to the Fisheries Department will be considerably more doubtful in accuracy because it makes processed prawns easier to dispose of.

There are many problems, and I do not want to canvass all of them: we all know what they are, and some of us are prepared to acknowledge that they exist, but others are not. The member for Eyre knows of the West Coast prawn fishery about which a remarkable situation became known during the Estimates Committees, where the figures of one prawn authority were greater than the total returns declared to the Fisheries Department. Obviously, the member for Eyre's constituents are doing well, and good luck to them. All I am saying is that other people ought to be able to participate in what is a community resource. It does not belong to prawn fishermen—it belongs to the member for Eyre, the Minister, me, and all the citizens of South Australia. As a State and as a community, we own that resource; we lease it to the prawn fishermen in South Australia, and we expect those prawn fishermen to have greater regard for a community resource which would mean that more people could participate in what is a lucrative industry.

This Bill completely revises the Fisheries Act, 1970, and incorporates the Bill that was introduced in December last year to give effect to arrangements with the Commonwealth to establish joint authorities. This new legislation reflects the dramatic change that has taken place over the last decade. In 1970 fisheries management was a new concept, not completely accepted by fishermen. However, specific fisheries have been brought in over the years, such as rock lobster, prawn and abalone fisheries, and now management is almost universally accepted in South Australia. Management is therefore the norm. This Bill takes as its starting point the management of all fisheries, whereas in 1970 there was a general open fishery that has now ceased to exist.

The Minister's second reading explanation fails to explain or show an understanding of the major change in principle that this legislation embodies. For instance, he mentions 'a privileged access right to a common property resource'. That common property resource will cease to exist under this legislation, as there is no common right to this common property. The important question is whether the former common property remains a community resource. The Opposition argues strongly that it does, and the freehold of the resource should not be sold. If present authority holders are allowed to continue in perpetuity, there is no longer a community resource.

Clause 20 of the Bill includes the provision of objectives for the Minister and the Director to follow in their administration of the Act. The Opposition believes that these objectives are worth while, despite the fact that they do not have any legal force. I understand that the Minister received advice that these objectives were additional and unnecessary verbiage. The objectives of the Act are to ensure 'through proper conservation and management measures that the living rsources of the waters to which this Act applies are not endangered or over-exploited' and to achieve the optimum utilisation of those resources. These objectives do not include any reference to fishermen or fishing communities. Here we have the objectives of the Bill, but there is no reference to fishermen or fishing communities, and that to me and to my Party is a major omission. It is therefore quite possible for the Government to grant a couple of authorities to a couple of factory ships and achieve these objectives but destroy existing fishing communities and the profits of practising fishermen.

If the Government did license two massive trawlers, it would fit quite easily within the objectives of this legislation, and that is quite contrary to good management and to the community's rights. So it is essential to include a provision that requires the Minister and the Director to consider the import of their administration on the fishing community and the family unit and not just on conservation and economic efficiency. At the appropriate time the Opposition intends to take action on that matter.

Clause 27 provides that fisheries officers shall not have a pecuniary interest in the industry. Fisheries officers are defined as those who are appointed plus *ex officio* officers such as the Director of Fisheries and police officers. The Opposition supports this policy but it does not go far enough. The Fisheries Department currently hands out huge windfall profits, for example, a new prawn authority for Spencer Gulf and a new abalone authority. Therefore, clause 27 should apply to all officers employed under the Public Service Act in the Fisheries Department, in particular the Licensing Branch. A fisheries officer who contravenes clause 27 shall upon conviction lose his job. A similar penalty should apply with the fishing industry. Any authority holder or licence holder should forfeit his authority if he has an interest with any officer of the department.

Opportunities do exist for officers of the Fisheries Department to cash in on their huge powers of patronage by obtaining jobs in the fishing industry after they retire. We know examples of that. More recently, examples have occurred within the Commonwealth Department of Primary Industry Fisheries Division. Pecuniary interests should therefore extend for one year after officers retire, and this requirement could be enforced through forfeiture of authority.

Clause 36 is the crux of the new legislation, as it makes the granting of a fishing licence or authority subject to and in accordance with the provisions of the scheme of management prescribed for the fishery. I will comment on that in a moment. The previous rights held by fishermen disappear under this Bill. There existed a general right to a licence which was subject to refusal on the grounds of conservation or competence. This resulted in very many challenges by fishermen. However, these challenges were

largely ineffective, because the Fisheries Department hadall the scientific evidence available on conservation of resource. Any member who represents an electorate that includes fishermen or people anxious to enter the fishery knows exactly what I am saying to be true.

The new criteria under which an authority will be granted is the scheme of management for the relevant fishery. This scheme of management is very largely the same plan as that put forward by the Opposition last year and rejected by the Government. I could easily have taken the trouble to look up *Hansard* and quote the comments of members of Government when they argued that there ought not to be schemes of management, but they have come up with the same proposal and changed the name; so if it has a different title obviously it achieves a different result. Some little time ago, when the fisheries measure was before the House, I moved in this place, and the Hon. Brian Chatterton moved in another place, amendments that sought to set up schemes of management, and they were rejected almost hysterically, certainly among the fishing industry itself.

The industry lobbied members of Government and sent telegrams to me and my colleagues, saying, 'Please don't support the Hon. Mr Chatterton's proposal.' Well, here we are a little later, as we were with correctional services, and as we are with almost every other piece of legislation on the Notice Paper today, seeing a somersault from this Government, this so-called consistent group of politicians who feel very easy about making a decision one day and changing it the next. It seems to me to be typical of Liberal Party philosophy.

I believe that the people in South Australia are entitled to expect a standard from members of Parliament that they are not getting from members opposite. Members ought to have principles and they ought to stay by those principles. If something is bad on one occasion it is very unlikely that circumstances will have changed so dramatically as to make it good in three months time, yet in the last few weeks repeatedly we have seen this Government trundle up legislation (and this is another example) which it bitterly opposed, argued against and gave all the good reasons in the world why it should not be accepted. The Government now quite blandly comes before Parliament with a completely changed mind.

I would find it very difficult to have the diet of words that members of Government are currently eating, and the Minister is a classic example. He took that most recent piece of legislation through this House—embarrassed, of course, and so he ought to be. He carried the can on behalf of his colleagues. It is not good enough. Legislation in this place ought to be debated on its merits, but it rarely is by members of the Government. It is debated on the basis of the particular political advantages seen by them at the time, and I refer to such items as the Pastoral Act, pecuniary interests, the Casino Bill, sunday trading, pay-roll tax, and so on. I could go on, but it serves no purpose because Government members have no shame.

There has been a widespread realisation within the fishing industry that our amendments were necessary particularly as the Director's powers to impose any condition on any licence are much too all-embracing. A major difference between the provision of the Bill and the Opposition's fisheries management plans is that there is no obligation on the part of the Minister to put forward draft schemes for public comment. It was a very important part of the management schemes that we promoted that there ought to be public comment involved in the determination of those management plans. This is missing from the current legislation. Given the Government's disastrous record of consultation, for example, on the Spencer Gulf fishery (I could point to a more classic example—the Gulf of St Vincent and Investigator Strait prawn fishery; we can remember the consultation or lack of it that took place there) it is essential that these provisions are included.

There is no requirement for the director to make schemes available in consolidated form. After all, these schemes of management are the rules by which fishermen must live. Any infringement of these rules carries such heavy penalties as might lead to bankruptcy. I believe that it is absolutely important that in consolidated form these management schemes are provided for the fishermen so that they know what their responsibilities and rights are. It is not an unreasonable request, and we will be seeking to take up this matter at a more appropriate time.

The Government has patched together the part of the Bill dealing with fish processing without thinking through the principles. The provisions covering licences are so loose as to require the question 'why license processors at all?' The bill does not give power to the Director to refuse a licence to process fish despite considerations of public health and despite the fact that the company may have recently had its licence cancelled. We will be taking the necessary action on that as well. However, I am pleased to note that the Govenrment has not succumbed to the pressure seeking to have the processing capacity in South Australia regulated. So, it is not all bad. There are parts of the Bill that we support.

We will be supporting the Bill to the second reading, and we will be moving amendments. We also support the new arrangements of cancellatnion and suspension of authorities. There has been difficulty in the past for the courts in determining who should pay the penalties imposed, whether it should be the skipper or the authority holder. This is now clear, as it should be, and the authority owner is to be responsible for all activities undertaken under that authority. Suspension of authority on the second offence and cancellation on the third offence is appropriate and is the only penalty that some fishermen can understand. Fines for prawn fishermen would, as I have said earlier, be a joke; it would be no penalty at all.

It would have to be a very heavy fine to worry a prawn fisherman. If a prawn fisherman is kept off the water for one week or two weeks when the prawns are in season, that is a very severe penalty, because it is a very lucrative industry. If the boat is not out in the water getting prawns, another boat will. I was interested to read the Minister's comments that only commercial licences will be issued under a scheme of management. There will no longer be A class or B class scale fishing licences; there will be a commercial licence only under the new scheme of management.

This raises the question of the rights of B class fishermen. Because there will be a commercial scale fishing authority, will fishermen be able to sell their authority when the scheme of management is introduced? It has not been said that they cannot do that. We have been told that the Government will allow the sale of scale fishing licences and that the scale fishing licence will be changed so that there are no A class or B class licences, only a commercial licence.

The question arises whether current B class fishermen whose licence will be changed to conform to the new policy will be allowed to sell those licences. I hope that the Minister, when he responds, will outline the nature of the B class licence. I look forward to a reply in that regard, because members know that I have a considerable interest in B class licences. When I recently moved a vote of no confidence in the Premier and the Minister, the Government prepared its answer to what it considered would be my argument on the basis of B class licences. However, I did not mention that subject: I referred to prawn authorities. However, the Government answered the no-confidence

motion in regard to prawn authorities by telling me of the situation in the scale fishing industry, particularly with respect to B class licences. The Bill is a total rewrite of the Fisheries Act, which, as I am sure the Minister would know, encompasses what I have said.

I now refer to the part of the Bill that relates to the new arrangements with the Commonwealth Government. The Opposition supports the new joint authorities, albeit with some reluctance. They are certainly better than the present arrangements. Joint authorities have a great potential for becoming executive authorities, completely remote from public accountability or scrutiny. Present arrangements are totally unsatisfactory, we acknowledge. There are State managers, State waters and Commonwealth managers, Commonwealth waters. In most fisheries, mirror legislation exists, for example rock lobster. There are State and Commonwealth regulations under State and Commonwealth acts. It is all hopelessly cumbersome—a merry-go-round for fishermen seeking change. They are shunted from State Director to State Minister and from Commonwealth Minister to Commonwealth Director.

The possibilities of the new arrangements were first discussed at a Fisheries Council meeting in Perth in 1976. The breakthrough at that meeting was that either (which in the Minister's second reading speech was misquoted as 'neither') the State or Commonwealth could manage a fishery as a whole in State or Commonwealth waters provided the other party withdrew. Joint authorities provide great opportunity for rational administration and saving on costs, as two sets of public servants are no longer required, and it is simpler for fishermen to understand who exactly is responsible.

I am disappointed that the Minister has not given reassurance that the division of fisheries into State or Commonwealth fisheries is the preferred option. The Opposition when in Government had reached agreement with the Commonwealth that in South Australia the rock lobster, prawn, abalone, and coastal scale fishery should all be State fisheries, whether they were in State or Commonwealth waters. The Minister should report to the House on progress of allocation of fisheries into each category. The Bill establishes joint authorities with the Commonwealth, and in most cases New South Wales, Victoria and Tasmania. It is important that joint authority fisheries are used only as a last resort because the Opposition fears that they may take over. We believe that only exceptional fisheries should be placed in the hands of joint authorities.

Joint authorities are established under the Commonwealth Fisheries Amendment Act 1980, and the State Act will give them jurisdiction in this State. The powers of the joint authority override the powers of the State. They form a whole new level of Government. Together with offshore minerals, oil and gas joint authorities provide the first occasion that Ministerial meetings have executive authority. A whole series of Parliamentary powers will be removed. The joint authority is not responsible to any Parliamentary forum. There can be no questions on activities or policies. There can be no votes of no confidence.

Honourable members should be well aware of the power of joint authorities. That means that we in this Parliament will have very little opportunity to question the operations of joint authorities. To take that power of questioning and supervision from the Government should not be done lightly. The State Governor in Executive Council may make regulations to carry out the decision of the joint authority. It is not clear whether the State Parliament has any power to disallow these regulations. I hope the Minister can enlighten us on that.

The Commonwealth Act provides for a joint authority to adopt its own rules of procedure. Will Minister explain in which direction discussions have gone. Will rules favour open discussion, public access and *Hansard* records publicly being available, or will it be a closed Cabinet-like meeting where even the agenda is secret? If the State Parliament is to give away constitutional powers, we must have more detail on the organisation to which it is giving the powers. Details are certainly not spelled out in the Commonwealth Act. I imagine that the Minister has read that Act. Section 12F (4) of the Commonwealth Act provides:

> If, at a meeting of a joint authority, the members present are not agreed as to the decision to be made on the matters, the Commonwealth Minister may, subject to subsection (5), decide that matter and his decision shall have effect as the decision of the joint authority.

Subsection (5) requires the matter to be referred to the Fisheries Council, where presumably there will not be agreement, either, in which case the Commonwealth has the power to improvise its view on the States.

The Minister should define 'are not agreed' in section 12f (4); otherwise the Commonwealth alone may not agree with the joint authority. The meeting is therefore not in agreement and, after further delays, the Commonwealth view prevails, in spite of the opposition of, say, four States, which, after all, is total mockery of co-operative federalism.

I refer to the base line. The Minister makes no mention of the base line, unlike his colleague the Minister of Mines and Energy in comparable legislation. I expect the Minister to inform the House what the base line will be in terms of this legislation. We presume that it relates to the inept handling of the Investigator Strait issue by the Government. We know what happened in that regard, almost, I expect, to our peril.

The base line will include Investigator Strait in State waters. It will be hopeless for the State to continue to blame the Commonwealth for failure to come to grips with the management of prawn fishery in that Strait. I hope that the Minister recognises the important point that I am making. The Federal Minister has already pulled the rug from under the State Government by showing that he did not insist on Investigator Strait boats being included in the State Fishery, as we were told in this Parliament by the then Minister of Fisheries. I hope that the present Minister does not try to continue with that furphy.

I believe that what occurred in Investigator Strait was an idea that was dreamed up by the Minister of Agriculture. I am surprised that the Minister continues to have such influence in fisheries policy. I take the Minister's movement to indicate that he believes that that influence is now to stop. We certainly hope that that is the case, because we believe that the Minister of Agriculture has not contributed to sensible administration of fisheries policies in South Australia. The Opposition will support this Bill to the second reading, and we will move appropriate amendments in Committee.

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

**Mr GUNN (Eyre):** The member for Stuart has been concerned about the welfare of the fishing industry ever since I have been in this place, and I have listened with some interest to the comments of the Opposition spokesman on this matter. I want to say at the outset that it would appear that the member for Stuart did not understand the Bill, that he had not read it, or that he was not concerned about its contents. I should have thought that, before launching into a scurrilous attack on individuals whose sole motives have been to enhance and improve the fishing industry in this State, he would have checked his facts. Perhaps for his benefit, I ought to read to him the title of the Bill.

**The Hon. M. M. Wilson:** It is a pity he's not here to hear it.

**Mr GUNN:** For the benefit of the member for Stuart, I will read the title, as follows:

A Bill for an Act to provide for the conservation, enhancement and management of fisheries, the regulation of fishing and the protection of certain fish; to provide for the proection of the aquatic habitat; to provide for the control of exotic fish and disease in fish, and the regulation of fish farming and fish processing; to repeal the Fisheries Act, 1971-1980; to repeal the Fibre and Sponges Act, 1909-1973; and for other purposes.

**The Hon. D. J. Hopgood:** That is what it says, but what does it do?

**Mr GUNN:** It is very obvious that the Opposition Whip, the member for Baudin, has not read it either, or that he does not have a great deal of knowledge in this area.

**The Hon. D. J. Hopgood:** Come on, I have some coastline.

**The Hon. M. M. Wilson:** His knowledge would be about as good as your French.

**Mr GUNN:** That would be right. I have no knowledge of that region.

**The Hon. D. J. Hopgood:** I have tried myself out on Parisian taxi drivers only for the language.

**Mr GUNN:** I never attempted to do that. This Bill has been the subject of a great deal of consideration, discussion, amendment, and comment over a very long period of time. It results from the policy that the Liberal Party put into effect following the 1979 election, and it would appear from the vicious comments of the member for Stuart that he is not prepared to accept that the people of South Australia overwhelmingly rejected the Labor Party and put into office a Government that had a mandate to change the fisheries legislation. The only way to describe the speech by the member for Stuart today is to say that he is a political scoundrel. He came into this House and launched a savage, malicious and an absoluely inaccurate attack on public servants and people who represent the fishing industry, and made wild allegations and did not have the courage to name the people who had provided him with this malicious, untrue and scurrilous material. He stood under the privileges of this House and launched this tirade of abuse, which is unworthy of a member of this House and unworthy of a person who sets himself up as the alternative Minister.

It is also unworthy of someone who claims to have concern for the fishing industry. As the honourable member read this diatribe, I would say that it was not prepared by the honourable member. I would say that it was prepared by the person who was the pseudo Minister of Fisheries and Agriculture in the previous Government, that is, Mrs Lyn Chatterton, because the contents of it follow closely other unfortunate statements that have been made by members of the Labor Party in recent times.

**The Hon. M. M. Wilson:** I have heard you mention her before.

**Mr GUNN:** I do not like to have to do it, but unfortunately I have no alternative. I should have thought that, after the Australian Labor Party received the treatment it received in the report that the Chief Secretary tabled in this House today, it ought to have learned its lesson. It received a real drubbing from His Honor Mr Justice Bright. It is not the first occasion, but the member for Stuart, the Leader of the Opposition and a number of other members are following on the conduct that has characterised the Labor Party in Canberra, that is, to say what you like and do not worry about the truth or the facts of the matter; throw as much mud as you like, and hope that some of it will stick.

I have had the pleasure of representing this industry for a number of years. I have been closely involved with the fishermen in the organisation, and I have attended numerous meetings. I grew up close to the coast, and I have known all my life large numbers of the people involved in the scale fishery. I grew up with them. For the honourable member to make some of the charges that he has made is absolute nonsense, and I am surprised that he is so devoid of knowledge of the industry that he would have continued for about an hour in this vein.

This legislation will allow for the proper management of the resource. One of the areas that the honourable member skirted when he was talking about over-exploitation (he never had the courage to say—I am quite happy to discuss the matter—where the real pressure is coming from) is the drastic increase of recreational fishermen on the coastline in this State. If anyone visits the popular resort areas of the State, he cannot help but take note of the very large number of people who are availing themselves of a very pleasant pastime, that is, fishing. However, it is true to say that many of these people have better equipment and far more resources than do the professional fishermen, and they are affecting the resource.

This Bill puts those people basically on the same level as professional fishermen. The same penalties will apply, except that where fishermen are convicted of continuing serious breaches of this Act they will lose their right to fish. For reasonably minor offences, they will lose that right for a short period, but, if they repeat blatant breaches, they may be forced to leave the industry. That provision has the support of the industry.

The honourable member had a lot to say about the prawn industry and how there are a few people raking off allegedly millions of dollars. I do not know what their resources are, but I do know what takes place when the prawn industry is over-fished. I know what took place on the West Coast when there was unlimited access to that small area and how they completely destroyed the resource for a number of years. That is why it has been necessary to take some rather unpleasant courses of action, to guarantee that resource and to ensure that there was only limited entry to the area.

We all agree that there ought to be regular surveys and that the data ought to be updated on a regular basis. If it can be proved that there is room for an increase in the number of people permitted to exploit these resources, that should be given consideration. But that decision should not be made without a great deal of thought and careful planning, because we can easily over-exploit these resources. The other thing that ought to be taken into consideration is that it will not do the industry any good, and it will not be in the long-term interests of the people of this State if we have peasant fishermen. If one listened to what the honourable member for Stuart had to say, one would realise that he wants to destroy those people who, through hard work and experience, have been able to improve their lot and who are in a position to have the best and most up-to-date equipment that is available.

Surely, we want to be in a position to encourage people to improve their machinery or the method by which they fish the resource. I am surprised that the honourable member displayed his complete lack of economics when he went on at some length about a person who allegedly had an income of some $217 000 or $220 000 and then put the vessel up for sale for $600 000. Surely, if he gave that any thought whatsoever, the honourable member would know that a person purchasing a piece of equipment for that amount of money does not expect to pay for it in one year or two years. He would not be able to do so, and no-one with any knowledge would believe that he could pay for it in that time. He has to amortise the cost over a number of years. It is a long-term investment. People borrow money for 15 years or so. The member for Flinders and other members here would know that, when a person buys a farm and pays a considerable amount of money for it, there is no way, unless he is one of the very few people in the State or unless he wins the lottery, that he could hope to pay for

that enterprise in the first year. He would be more than lucky because the Income Tax Commissioner would not allow him that right.

I now turn to transferability. Why has the Labor Party this ideological hickup about people having the opportunity to transfer their means of making a living. They are quite happy to support through this House legislation which guarantees every public servant and members of both Houses of this Parliament the opportunity to participate in fairly generous superannuation benefits. The right to sell a fishing licence is the superannuation for a fisherman. It gives him the opportunity to leave the industry with some dignity. I have one constituent who has had 51 fishing licences. Why should not that person, after that long period within the industry, have the opportunity of leaving it with some dignity in his final years and have a few pleasures of this world without having to continue to work very hard, as he has done all his life? He has been a good citizen. He has helped to meet a need, that is, to have available to the community of this State good quality fish.

The comments that the honourable member has made indicate clearly that he has no knowledge whatsoever of the views of the rank and file fisherman. He had a lot to say about the rights of abalone fishermen to transfer their permits. We all know that it is a dangerous industry. It is an industry that requires much skill. True, there are only a limited number of people within it. It is normally expected that people have a limited period in which they can operate. If the member for Stuart wants to see the situation that happened to my constituent at Streaky Bay, the late Terry Manuel, and how his widow was treated, he will see that it was one of the most disgraceful acts ever perpetrated by a Government. The Labor Party should hold its head in shame at the way in which that poor woman was treated, when her husband was taken by a shark. He was, unfortunately, killed, and that woman was not given the right to transfer that licence with that equipment so that she could live with some dignity. It is a scurrilous situation. Labor Ministers refused under any circumstances. Repeated representations were made. It is to their shame that they continued to put forward the arguments that they used on that occasion. So, let us not have any argument on the abalone industry.

**Mr Russack:** What is the situation now?

**Mr GUNN:** Now those people get some justice. They do have the right to transfer their permits with their equipment when they want to leave the industry. So they should. I make no apology for saying that I was involved in getting that decision written into Liberal Party policy before the last election. I have supported it ever since I came into this House. I do not for one moment regard myself as being irresponsible or as having done anything wrong.

On transferability in general, surely those young people who are members of a fishing family—in some cases where we now have the third generation coming along who want to be fishermen, having fished with their grandfathers, fathers and brothers ever since they could sit in a boat—should have the right to go into the industry. Why should not a father, when he is nearing the end of his working life, transfer to one of his sons or daughters his right to make a living? Not to allow him to do so is a very narrow and shortsighted attitude to adopt. The Government should be commended for the attitude that it has adopted in allowing people this right.

I look forward to the transferability of all scale fishery licences in the very near future. This request has been made by the industry for a long time, and it is long overdue. If one looks at the ages of the fishermen, particularly in upper Eyre Peninsula, one will find that a large number of them are aging gentlemen. There should be a right to other young people to enter the industry. The honourable member has failed to appreciate that it is a requirement that the Fisheries Department provides a proper management plan for each of our managed fisheries. That will take into consideration the problems of over-exploitation.

The member for Stuart mentioned inaccurate returns. I wonder whether he or his colleagues have taken the trouble to check the actual returns of the fishermen with the returns of the fish buyers. There are not many fish buyers operating today. I could count them on the fingers of both hands, particularly those on Eyre Peninsula, where there is only a small number. I wonder whether he has taken the trouble to have those figures checked to see whether they do balance. It would be an interesting exercise for the honourable member to engage in.

Further, allegations were made that one of my constituents was not putting in accurate returns. When the figures were checked, it was found that they were accurate, but malicious and untrue statements were made that reflected on the character of that person and on the integrity of the Director and the department, it having been said that some underhand deals were taking place.

I am very sorry that the member for Stuart has absented himself for 16 or 17 minutes from this debate, especially in view of what he had to say. The honourable member started his speech by personally attacking the Director. He followed it shortly after by attacking AFIC and obviously reflecting on the current executive officer there. Is the honourable member aware that when Mr Stevens left AFIC he was given a glowing reference by Mr Chatterton? He described Mr Stevens in glowing terms. Either Mr Chatterton has changed his mind, the member for Stuart was not aware of that, or he hoped that everyone had forgotten that Mr Chatterton—not as a member of the Upper House, but as Minister of Fisheries—gave a reference.

I am sure that, like all members of this House, the Hon. Mr Chatterton would not be in a habit of giving references to people on a willy-nilly basis. He would give it much consideration and make sure that the person in question was suitable for the position for which he was applying, that he was a person of the highest calibre, and that he was a capable and good citizen. I believe that the honourable member has proved that his attitude in this matter is hypocritical. Much was said about AFIC; and about how the fishing industry is subsiding the operations of AFIC. I well recall that it was the Labor Party that put those arrangements into effect. I recall raising this matter, on behalf of the industry, on the floor of this House from the very seat from which the member for Stuart delivered his tirade today.

The Labor Party, to its credit, implemented the recommendations of the fishing industry so that representatives were in a position to speak on behalf of the industry and also to negotiate with the Government and with the Fisheries Department, because the fishing industry is a widely scattered group of people and it is difficult for them to be in regular contact with the Government and the department. I find that criticism shallow and it can only be described as complete nonsense.

There are many aspects of this document that I believe will enhance the industry considerably. I think we all are aware that sections of the industry have been under pressure for a long time. It is not an easy decision to tell people that you cannot enter the industry, that the resource has to be restricted, but I think what I want to make sure we do is that we guarantee that we have a viable industry, we have an industry that is managed well, and that our fishermen are able—I repeat, able—to exploit the resource to the mutual benefit of all South Australians.

I think when the member for Stuart talks about the privileged few, he ought to realise that most of those people have been in the industry all their lives. They have progressed. Some of them started off as scale fishermen and moved into shark fishing. Some of them went into the lobster industry and have progressed. Some of the people who were in the prawn industry have now gone in a big way into the tuna industry. They have had to make very large financial commitments. I do not know whether the honourable member or his colleagues have ever been to Streaky Bay for a holiday during the Christmas period, but they just ought to look at the number of boats tied up at a jetty there and see the sort of capital that is required.

Those people, over a considerable time, have been able to greatly progress and buy better equipment, because we ought to be in a position to exploit that resource. If we do not catch it, Japan or other countries which have large fishing fleets will do so, so our fishermen have to be in a position to maximise their efforts. They are going farther and farther out into the bight, in very rough and difficult waters, and we ought to encourage those people. We now have a 200-mile economic zone and we have to be in a position to take advantage of it, otherwise we will not be able to withstand the pressure from these other countries which have far larger fishing fleets than we have.

**Mr Keneally:** I could not agree with you more—outside the sheltered waters, no problems. They need all the help and encouragement they can get.

**The SPEAKER:** I am sure the honourable member for Stuart would not want to transgress and speak twice in one debate.

**Mr GUNN:** I would sincerely hope the House would not have to put up with two speeches from the honourable member. We had to listen long enough previously. In conclusion, I say that it would now appear that it is Labor Party policy, in view of the fact that it is opposed to the transfer of fishing licences, that obviously it is opposed to people transferring hotel licences and to people who own taxis transferring their licences, because that is the same logic. The Labor Government set up and put into operation an Act that allows people involved in egg production to sell licences for the keeping of birds, livestock at great profit, and that Party has, by that legislation, greatly restricted the number of people who can enter that industry. It is now saying it is opposed to that particular concept. I really think that it is not a very logical argument. It is all very well to say what one ought to do when one is in Opposition, but one ought to—

**Mr Keneally:** The difference is that it is a limited resource.

**Mr GUNN:** A limited resource, the honourable gentleman says.

**Mr Keneally:** You can provide more chickens and more eggs but you cannot provide for more fish.

**Mr GUNN:** There is a very limited market for eggs, and we have over-production.

**Mr Keneally:** In prawns?

**Mr GUNN:** I am speaking in relation to the example I gave of egg production. It has been the desire of the fishing industry for some time to have this particular Act upgraded. In co-operation with the Government and the department, that particular course of action has now been achieved. I sincerely hope that it will help manage the industry in a manner that is in the interests of all concerned. I look forward to seeing the transferability policy put into effect for the total fishery and I make no apology for saying that I have made the strongest representations, because my constituents, who have been in the industry a long time, want to leave it with some dignity.

**Mr Keneally:** Bookmakers—don't they leave with some dignity? Why can't they sell theirs?

**Mr GUNN:** What the honourable gentleman is saying—

**Mr Keneally:** That is what you are saying.

**Mr GUNN:** What the honourable gentleman is now saying is that a person can spend his lifetime in the industry, be conscientious and hardworking, obtain considerable skills and experience, and, when the time comes to leave the industry, a fisherman should not leave it with any dignity.

**Mr Keneally:** They got it for nothing.

**Mr GUNN:** I am pleased the honourable member has made that particular comment, because I am sure those of my constituents who have worked hard all their lives—

**Mr Keneally:** They got their licences for nothing. It used to be 50c.

**Mr GUNN:** They are entitled to the same dignity as any other citizen. The honourable member is happy to support the taxpayers paying huge contributions to superannuation schemes, because all this is a fisherman's superannuation right. That is all it is. It is absolute nonsense to say that they ought to be pitched out on their necks, told to pull their boats up on the beaches, and told, 'That is it, you cannot work any longer.' If the honourable member had been here a little earlier, I said that the Labor Party treated the wife of one of my constituents who was killed by a shark attack in the abalone industry in a way that was one of the most scurrilous and disgraceful efforts ever perpetrated by a Government on a helpless individual. I certainly am proud to be a supporter of and sit behind a Government that is putting into force an action that is right, fair and just.

**Mr Keneally:** You will ruin the scale fishing industry.

**Mr GUNN:** We will not ruin the scale industry, because there is a restriction. There are no new licences being issued and the honurable member knows as well as I do where the real pressure has been put on the scale fishing industry. The member should look at the number of boats in the recreation fishing industry, which is making a considerable indent into the reserves.

**Mr Keneally:** Thirty per cent.

**Mr GUNN:** I would say, in many cases, a lot more than 30 per cent. I commend the Minister and the previous Minister. I am sure that the fishing industry will be in good hands under the new Minister. I believe the Director of Fisheries and AFIC have done their best to put into effect policies that are right. That does not mean to say that I always agree with them, but I do believe they are competent people. They are sincere and it is unworthy of the honourable member to engage in the scurrilous attacks he made on their professional integrity, and the reflections upon their character were unnecessary and, I believe, unworthy of the honourable member. I support the Bill.

**Mr BLACKER (Flinders):** I support the Bill. I do so by commenting first of all that it is basically a Committee Bill and one that has to be dealt with piece by piece as we go. Last week the member Stuart asked me whether I as going to speak on this Bill and I assured him that the majority of the industry was in favour of the contents of this Bill and therefore I thought any remarks that I had should remain for the Committee stage. He assured me then that after he had spoken I would easily be able to fill in 30 minutes.

He has not disappointed me, because I do not know if I have ever heard such a blinkered, narrow-minded, vitriolic attack against an industry in all my life. The repressive comments made by the member for Stuart were astounding. The industry will be horrified by them. I do not know how he can come into this place claiming to represent members from the industry and do that.

I take him back just one week to when he launched an equally vitriolic attack on supporters of the Pastoral Act Amendment Bill, giving totally inaccurate information. He

tried to justify his comments by making statements that could not, in any circumstances, be substantiated. Frankly, that is what he is doing tonight, for which I condemn him. The member's hysterical outburst at the outset is to be condemned, paticularly with respect to his remarks about individuals in the department, other Ministers of the Crown, and people involved in the industry. He should also be condemned because they were prepared statements and he referred to a Minister in another place as 'shady dealing'. He read those statements to this House. The member for Stuart should not be allowed to get away with comments like that.

He referred to the present Director of Fisheries in his former capacity as the Executive Officer of AFIC. Mr Stevens was appointed by a Labor Government. I know that his Minister at that time gave him good references to seek a job with another Government. I endeavoured to assist when he was attempting to get that job. He served the Minister and the present Government well, as he has served the industry. It ill behoves the member to make such remarks. Whilst I was upset by them and their shallowness, I was more than upset when he started to refer to some of my constituents as the 'Port Lincoln Mafia'.

**Mr Keneally:** Oh, I just quoted what other people refer to them as.

**Mr BLACKER:** The honourable member is running for cover, because he was not doing that. He made direct accusations and cast aspersions on my constituents. I challenge him to come forward with evidence that could in any way suggest that might be true, because I do not believe he has the slightest evidence on which to base such accusations.

**Mr Keneally:** Are you saying that nobody regards the Port Lincoln people as the Port Lincoln Mafia?

**The SPEAKER:** Order! I advise the honourable member for Stuart to remain silent.

**Mr BLACKER:** I will relate some of the honourable member's comments about this long overdue Bill in which the present Government was prepared to tackle the problem.

**Mr Keneally:** We support it.

**Mr BLACKER:** The member says he supports it. I rather doubt that, from his comments. The Governemnt has had as detailed a consultation with industry as any Government has ever offered to any industry. Every possible liaison and consultation has taken place. That is why the Government can present proposed legislation that has industry support. As the honourable member has said, the industry is comprised of individuals and it is difficult to get them to pull together. Not only are there differences within their respective industries, but also there are differences between respective groups, whether they be in tuna, prawns, lobster, scale fishing or abalone. We have a multitiude of individuals in turn representing a multitude of groups, yet under this proposed legislation they have all been brought together under the one umbrella. They are all satisfied with that legislation, and are looking forward to its implementation.

There is no doubt that the speech made by the member for Stuart tonight sets out to do one thing, and that is to outline the Australian Labor Party policy of trying to drag down all the progressive elements of the fishing industry to the dinghy and oar stage. He does not want today's modern technology havesting our fish resources. He wants to cut them all off at the knees, put them all out in small boats, trying to drag trawl nets with outboard motors, and so on. I take the honourable member one step back in the prawn industry and remind him about exactly how it commenced. A potential prawn industry was in the Gulf for many years. What did the fishermen in his area do about it? Prawns were there many years ago, at his own back door.

**Mr Keneally:** They were not found by Port Lincoln fishermen any more than they were by Port Pirie or Port Broughton fishermen.

**Mr BLACKER:** The honourable member should be very careful in his explanation. I will tell him how it happened. Some 30 years ago, under a Government led by the late Sir Thomas Playford, a tuna industry was developed and fostered, with some Government support, the bringing to South Australia of the Jangard brothers to develop the pole fishing method of tuna harvest. That worked very well for a short time until there was a flat spot in the industry; the price for tuna dropped. We had men and families involved in the fishing industry with massive amounts of capital invested. They could not sell their fish. A general economic slump occurred in that industry.

What did they do? They did not sit on their backsides and say of the Government, 'You have to get us out of it.' They knuckled down; they started looking for themselves, found that there was a resource available, and set about developing it. They set up their own trawls, went through trial and error, and developed a fishing industry that someone else wants to take from them. It required hard work, sweat, labour, finance and equipment. The honourable member for Stuart is not prepared to recognise this.

**Mr Keneally:** Yes, I am.

**Mr BLACKER:** No fear, he is not, because those people have sacrificed so much in adverse times when they were down on their luck in the tuna industry. They were prepared to look for a new industry. Goodness only knows, there are probably other new industries out there if people are prepared to look. They found something that they could develop into a viable resource. Now the honourable members wants it all split up. That is typical of Australian Labor Party philosophy, dividing resources. These people have invested massive amounts of capital. The member for Stuart would know that he could not adequately fit out a good prawn trawler and keep it operational for under $1 000 000.

**Mr Keneally:** You can't do what they are doing now, but you can catch plenty of prawns with much less capital investment than they are using.

**Mr BLACKER:** The honourable member should get his priorities right and get his facts in order, because there is no way that a resource of that nature can be adequately harvested by small-time fishermen. We would all like to be big fishermen.

**Mr Keneally:** All they've got to do is—

**The SPEAKER:** Order! I ask the member for Stuart for the last time to remain silent.

**Mr BLACKER:** I think the point is well made that probably every fisherman would like to be in the big time, the big league. Let us face it: that position arose only because of the hard work and sweat and effort of the people concerned; they were prepared to put their capital at risk for such a venture. That is the point in question. That capital risk paid off and, because it did, someone wants to divide up the resource.

The member for Stuart referred to the prawn industry as being a public scandal, but we should get the whole thing in context. What is fisheries legislation for? It is not to slice up an economic cake, but to protect a resource, to provide equitable sharing as far as is humanly possible. If we followed the philosophy of the member for Stuart and brought in 10 or 15 more licences, as he suggested, which would mean a 30 per cent to 40 per cent increase in fishing effort, the prawn industry would be history—there is no doubt about that. The resource would be depleted, it would be fished out. It is a unique resource, unlike anything anywhere else in the world at such a southerly latitude as that of the gulf and the upper reaches of the Bight.

The industry has developed, in part in consultation with Governments of the day, a very sound and effective management programme. I give the great majority of the credit to the industry itself, because the Government of the day would not listen to the industry on what was desirable for the management of the programme. It would not look at closed seasons and the management programme and now the industry has forced on Governments—and the present Government has been more than happy to look at seasonal closures and the six-day period over the moon, and so on—the necessity for such provisions, and the fishermen have been able to economically harvest the resource, bearing in mind the massive capital involved.

The real problem with the member for Stuart and the Opposition is that profit to them is a dirty word. He does not want to see anyone make a profit and, more importantly, I think we should get back to the point of looking at our industries collectively. One industry was developed, and I refer initially to the tuna industry, because people were prepared to put their capital at risk to develop it. The slump in the industry led in turn to the development of the prawn industry, and the tightening up in that industry has meant that people have been able to go out and endeavour collectively to get into the purse-seine industry. Now we have the 200-mile zone on our doorstep, yet we do not have any fishermen who are encouraged to try to harvest that resource in the interests of Australia. To me, that is criminal. We have a massive resource available to us and yet, because our fishermen have been limited to small-time enterprise, they are not in a position to harvest it.

To harvest effectively the 200-mile zone, we have to look at an investment of $3 000 000 or $4 000 000, which is far beyond the reach of most people. The member for Stuart wants them out there in dinghies, 200 miles off shore. The ridiculous nature of his argument becomes apparent. The industries have been developed because people have been prepared to put their capital at risk, to put their accumulated profits back into the industry, either that industry or a new one. We are on the threshold. We have in Australian waters probably the greatest natural tuna resource in the world. The Australian tuna catch this year could top 20 000 tonnes. Last year, it was in the vicinity of 16 000 tonnes. From reading fishing magazines, I am aware that, in Queensland waters off the Coral Sea, there is a resource estimated to be capable of returning 100 000 tonnes of tuna a year—an absolutely mind-boggling amount of fish.

Let us bear in mind that our existing fleet, until this year, landed a maximum 16 000 tonnes. That resource will be harvested by someone—if not by an Australian, then by someone from outside our country. But what Australian can get into the industry unless he is allowed to reinvest the funds that have been accumulating from other sections of the fishing industry? That is the position today. I have been involved in the past week in trying to get some co-operation between the States and the Commonwealth and local fishermen and local fish-processing factories to give Australians an opportunity to conduct an economic survey of the resource.

**Mr Keneally:** Hear, hear!

**Mr BLACKER:** I am pleased to hear the honourable member's comment. Every word he has said tonight has been against that concept.

**Mr Keneally:** In the coastal waters, I said.

**Mr BLACKER:** Now he is trying to qualify it. He blazed away tonight in an unreal shot-gun type fashion, referring to a $600 000 prawn licence—

**Mr Keneally:** And vessel.

**Mr BLACKER:** —and vessel and processing company. Come on, let us be honest about this. The $600 000 licence was the basis of his argument. We have a licence, a vessel, and a small processing company involved in that. The honourable member has been talking of facts, but he should get his facts straight. More particularly, I think the licence to which he has referred is not far from his home territory.

He raised the matter of the alleged price for an abalone diver's licence. Without doubt, large sums of money are involved in the abalone diving industry, but I question the amount that he raised, although I known that a considerable sum is involved in the exchange of a licence. We should go one step further in looking at the abalone industry. It involves diving to considerable depths, basically in the 70ft to 90ft category. Because of the over-exploitation of the resource, all the shallow abalone around the South Australian coastline has been fished out, so that the divers are forced into deeper and deeper water, putting themselves and their families at risk in doing so.

*Mr Keneally interjecting:*

**Mr BLACKER:** I do not think that the honourable member is quite right; in fact, I am sure he is not. I am concerned that, if there is a further fishing effort placed on that industry, with more divers being allowed to go into the water, they will be going deeper and deeper. Therefore, we will have a problem of bone necrosis and the bends. A fortnight ago, a death occurred at Mallacoota as a result of a case of the bends. Although I fear the day, we will have such a death in South Australia. I like to think that our divers are responsible. Most have been diving for some time and are aware of the hazards of their occupation.

However, if they were compelled to dive in accordance with the regulations of the Department of Marine and Harbors, not one of them could make a living. By the strict letter of the law, they are diving over depth and without the correct decompression times, putting themselves at unnecessary risk in regard to their long-term livelihood. These divers therefore have to look at it as a short-term industry. We get right back to the problem of what they have invested in the industry, and basically that is very little other than the value of the licence and what they have done in developing the industry from the start.

They found it, developed it, they arranged the marketing resources, and they set up the marketing companies, and the only thing that is really keeping that industry going is the fact that it is a limited entry field. That is what this entire Bill is all about, that is, fisheries management. We either agree with the concept of fisheries management or we don't.

**Mr Keneally:** They shouldn't be able to make big profits because the Government restricts access.

**Mr BLACKER:** The honourable member talks about big profits, but I just wonder how big they are. Can the honourable member tell me off the top of his head how many days abolone fishermen have fished over the past month?

**Mr Keneally:** I don't know.

**Mr BLACKER:** The honourable member does not know. However, I point out that, because seas have been too rough, yesterday was the first day they have been out for 3½ weeks.

**Mr Keneally:** Why pay $150 000 for the authority?

**Mr BLACKER:** That is because they must have a good catch on the few days that they can get out. We all know that there are times when they can make massive amounts of money over the period of a month, but over 12 months it evens out. For instance, even though we are still in the summer period at the moment when we would normally expect divers to be out at sea they have not been able to go, and as I said, yesterday was the first day for weeks. The divers are not fishing today. The honourable member has not taken into account what the whole industry is all about. The member for Stuart made the comment that the

value of the authority lies with the actions of Government, not the fishermen.

**Mr Keneally:** Right.

**Mr BLACKER:** There is probably a two-way argument: it is the action of the Government that makes it a limited entry resource, but it is the action of the fishermen that puts into being those management programmes. Therefore, to say that the Government is the be all and end all is not correct. In fact, the liaison consultative committee, which the honourable member was rubbishing, was in fact set up by his Party when in Government.

The member for Stuart referred to the method by which an average person can purchase an authority. I think that is probably fair comment. How can an average person purchase an authority? How can he raise finance without that authority? It should be remembered that banks will not lend money on a vessel of any nature unless it has the backing of an authority, so it is a real Catch-22 situation. However, once a person has an authority it enables one to raise funds. We can apply the same argument when considering the question of how a person can purchase a farm if he wants to get into that type of exercise. Let us get things into relative comparison so that there is some guide upon which to make our assessments. I think one of the honourable member's fears concerned the fact that because restricted entry is permitted, fisheries are no longer a public resource.

**Mr Keneally:** I said that, right. It is no longer a common resource.

**Mr BLACKER:** That is right, the honourble member said that if there is restricted entry it is no longer a public resource; so, he is saying that because there are 20, 30 or 50 licence holders—

**Mr Keneally:** In perpetuity, if they sell them.

**Mr BLACKER:** Such licence holders are allowed to sell their licences; provisions in the proposed Act allow them to do so if it can be demonstrated that the resource can handle it. Licences are not necessarily in perpetuity, and as such, the public resource element of this is negated.

**The SPEAKER:** Order! As the normal timing mechanism is not functioning, I should advise the member for Flinders that he now has 4 minutes left in which to speak.

**Mr BLACKER:** Thank you, Mr Speaker, for that warning. The argument that the honourable member has raised on that particular issue is equally negated if one considers the result of having open access to a limited resource. If that were so, we would no longer have a resource from which to fish. It is a fair comment that, if we double the fishing effort, we wipe out the industry. Therefore, what we are aiming for in this legislation are provisions that will effectively control and manage a resource that we know is limited to enable it to be available to the maximum number of fishermen to economically and viably harvest that resource, which, in turn, will maintain a processing component of the industry and a marketing component of the industry.

Therefore, if the catching component of the industry is over-exploited not only are a series of fishermen brought down but so also is a series of process organisations and a series of marketers, all of which revolve around the enterprise and initiative of a few people who are prepared to get out and spend their money and time. In the few minutes that I have left to speak I want to point out that the industry itself acknowledges and responds to the effort that the member for Victoria has put into the development of this particular piece of legislation. It is to be carried through by the incoming Minister of Fisheries. However, the Bill in its basic form will be thought of as the Rodda Bill. The legislation has been prepared through a lot of hard work and consultation with the member for Victoria, officers of the Government, and the industry.

I cannot speak highly enough of the efforts that have been put into this Bill now before us. We all know that we have been dealing with a group of individuals who in turn have been representing the individual components of the total industry. I support the Bill. I will have various comments to make about the component parts of the Bill, but I believe on the basic principle, that the fishing industry itself, comprising professional fishermen, recreational fishermen, the processors and the marketers, are all in agreement with the provisions of this Bill.

**Mr LEWIS (Mallee):** First, I want to pay my respects and give my compliments to the new Minister of Fisheries and congratualte him on his appointment to that office. I also want to particularly pay my respects to the man whom he follows into that office and I point out that that man, in the short time that he held the portfolio as well as the other portfolios he held, accomplished a great deal in the way in which he set about investigating the problems that he discovered and obtaining solutions to those problems with, first, thorough research into what was happening, and secondly, by determining how to set about analysing a problem through consultation and co-operation with the industry or with the Police Department, which came under another of his portfolios. In that way he obtained information necessary to ensure that he could get to the bottom of the mess that was left in his portfolios by the previous Administration. That mess was only exceeded in the degree by which it was despicable by the comments made by the member for Stuart earlier tonight. His comments were intemperate and, in my judgment, unwise and unworthy of a man for whom, before that time, I had more respect.

As the member for Flinders and the member for Eyre pointed out, the argument advanced by the member for Stuart would take our fishing industry back in history, back to the days when fishermen went out in coracles to catch pike, and it would be about as effective in marshalling the natural resources we have at our disposal as those fishermen would be catching tuna on the Continental Shelf with the same equipment. I could dismiss all the allegations made in that scurrilous speech about the Minister and the Government, and particularly about the Director and the industry, by referring the honourable member to clause 20 in the Bill. For his benefit, in the clear knowledge and certainty in my mind that he has not read that part of the Bill, or for that matter any other part of it, I will read the provision for him, as follows:

> In the administration of this Act, the Minister and the Director shall have as their prinicpal objectives:
>
> (a) ensuring, through proper conservation and management measures, that the living resources of the waters to which this Act applies are not endangered or over-exploited—

It involves not only the waters around the Australian coastline but also the waters in our rivers and in our current farm dams and, in addition, waters as yet not created but which could be created, both salt and fresh, in ponds, for the purpose of farming fish. To continue quoting:

> (b) achieving the optimum utilisation of those resources.

That is exactly what the responsibilities of the Minister and the Director will be in law once this Act is passed by the Parliament. They will have no choice in that matter. They will be guilty of negligence if they do not adhere to that. I am quite sure that no responsible Government would allow anything other than that to occur and that an Opposition, if it observed anything other than that occurring, would draw it to the attention of the Government and this House. For the member to start to criticise in the way in which the Minister or the Director might operate is nothing short of scurrilous.

I now want to refer to the association that I have had with the fishing industry when almost 30 years ago I worked as a deck hand on a vessel called the *Hecla* operating out of Port Lincoln for two quid a night netting tommy ruffs. It was necessary for me at that time to finance myself into secondary school, and that was very good money, especially for somebody my age. Tommy ruffs were abundant, and still are, in the waters around the southern tip of Eyre Peninsula in places like Whalers Bay, Thistle Island and Memory Cove. There were not many vessels then; in fact, there were only two vessels engaged in a substantial way in that enterprise at that time. Since then I have been involved in the piece work harvesting, if you can call it that, or cockle gouging, on the shoreline both near the Murray Mouth and north of Adelaide in Gulf St Vincent. In more recent years in the mid-1970s, as a marketing and management consultant, I was engaged to do a thorough analysis of the fishing industry, studying each fishery in detail, its direction and growth (if there was any) and the way they were growing, if at all. They were markets both internal (national) and external (export).

With that kind of background I have no hesitation in saying that this Bill recognises the needs for management for the benefit of commercial fisheries, that is, scale fisheries, palagic and crustacean fisheries—lobsters and shell fish, including abalone, oysters, and the like, and I refer to not only salt water but also fresh water. There never has been a more comprehensive Bill nor any attempt at such a Bill by any previous Government. The Bill is a forward-looking measure, providing for research and the development of managed fisheries, as well as commercial fisheries operated by fish farmers.

In addition, it provides the framework within which fish farming (all types, whether salt water or fresh water, scale or crustacean) can be encouraged to develop. That is something that we as a nation have ignored in the past, even though the potential for it is enormous. I guess it is in some part, a reflection on our origins as a nation and the attitude which we acquired in our eating habits and our culture, if you like, as it began to emerge: we settled the land and farmed livestock, and fishing was a recreation activity. Nobody thought very much to go and buy fish. Most of the meat protein we consumed was meat from animals grazed on dry land. No other country eats quite as much animal protein as we do, and certainly no other country with an equivalent consumption of foodstuffs in calories per day as we have eats as much meat as we eat or as little fish. We, as a nation, would perhaps be better off if we were to substitute some of our our consumption of meat protein with fish protein, in that cholesterol levels are non-existent in most fish flesh. Whilst that is not true in the case of lobster and oyster (crustaceans), it is true of scale fish in the main.

We simply ignored developing the resource under the waves, and persisted with clearing the land of vegetation which did not yield a great number of kilojoules per hectare per year, replacing it with other vegetation—not native species—commonly referred to as pasture and grazing animals on that pasture in rotation with the production of cereal crops. So, our technology in fish farming was not developed. There was no incentive to develop that technology; no necessity, and necessity is the mother of invention.

However, I think that Australia and South Australia now recognise and have seen what can be done in other places, which ought to stimulate us into action here. Not only do we have ideal sites around our coastlines upon which ponds could be established for the purpose of farming all the species appropriate to salt water production: in addition, we have the Murray River running through South Australia. The irrigation industry is not only dependent upon the Murray, but in addition to that we use underground water reserves which we simply pump on to the crops which need it, without giving a thought to the additional benefit that might be derived from the increased productivity that could be obtained by using that water as the medium to cultivate fish. The additional increase of capital expenditure to set up such an industry would not be great on the basis of the tonne yield or dollar yield per dollar invested, and for comparison let me point out that trout fisheries cost less per dollar gross income to establish than chicken farms.

The net income (since you can feed trout on the same food virtually as you can feed chickens) per kilo, after you deduct the variable costs of food and labour to manage the operation, is greater in the case of trout because the sale price is greater. The other benefit in trout farming is that the conversion rate of that food is even more efficient than in the case of, say, chickens or pigs. For that reason, the cost per kilo of marketable product is less than the cost per kilo of marketable product with chickens, because the cost per kilo of trout flesh is lower, as it takes less food to produce a kilo of trout flesh than it takes to produce a kilo of chicken flesh.

We now have legislation and a department, with a Director who understands all those possibilities, and we now only have to do in fishing what we have done in agriculture where we availed ourselves of the opportunities and developed the State's capacity to produce agricultural products for the purpose of our own consumption and export. I see the department being able to operate within the constraints of this Bill and encouraged to operate in a way which will ensure that that industry can develop from its humble beginnings, such as they are now. It is probably well known to the member for Stuart that near Port Broughton—

**Mr Millhouse:** What is humble about the fishing industry?

**Mr LEWIS:** I am talking, for the benefit of the member for Mitcham, about farming fish and not catching them. I dare say he knows that aquaculture is to fishing what agriculture is to hunting in terms of development.

**Mr Millhouse:** I thought it would be called piscaculture.

**Mr LEWIS:** Well, you are mistaken. It is aquaculture, and salt water fish farming is mariculture. I will not detain the House any longer other than to again register my delight at the way in which the industry, together with the Minister and officers of the department, through this process of consultation and co-operation, have produced this outstanding comprehensive Bill which now enables the South Australian fishing industry to be well managed, fishery by fishery, and to grow in a way that it has never been able to grow in the past.

**The Hon. J. W. OLSEN (Chief Secretary):** In speaking for the first time on this matter, I would like to place on record my appreciation of the efforts of the former Chief Secretary, the member for Victoria, for the enormous amount of work he did with the department to bring to fruition and to introduce in this House a measure of this nature which will have enormous ramifications for the industry and provide what I think is a very good foundation and a long-term base for survival and protection of the industry for decades to come. The comments which have been passed on to me by the industry in recent weeks would support that contention, and there is no doubt in my mind that the honourable member, as Minister of Fisheries, was held in very high esteem by those associated with the industry for the manner in which he, with his departmental officers, sought to consult with the industry to bring this legislation to fruition.

As the member for Flinders has rightly pointed out, the fishing industry involves individuals, and it is very difficult to resolve matters where individual situations apply. We

now have legislation for consideration which I think achieves that objective. I pay a tribute to his efforts in that regard. I would like to thank the members for Eyre, Flinders and Mallee for their support of the legislation and their recognition of the work behind the scenes by the member for Victoria in bringing this to fruition. However, I must say I am a little surprised at the contribution of the member for Stuart. Obviously, he is out of touch with reality and certainly out of touch with those directly associated with the fishing industry.

I intend to quote from some items of correspondence which tend to highlight that fact a little later. The member for Stuart referred to what he saw as absolute turmoil in the fishing industry at the moment. If his allegations are accurate, he failed to substantiate them, and such evidence was not presented. If his assumptions were correct, the industry would be in uproar, but where is that unrest and where is it highlighted publicly? I would like to quote two items of correspondence I have received which tend to refute the arguments of the member for Stuart. I have no doubt that the text of his speech will make very interesting reading by those associated with the fishing industry throughout South Australia and, if he does not take the opportunity to circulate that, I have no doubt there are some who may take the opportunity to do so. On 9 February the honourable member may well be interested to hear that correspondence was received from the Australian Fishing Industry Council as follows:

> AFIC has considered the draft Bill at great length, and our comments are not made lightly. We realise that a new Fisheries Act will be the blueprint for fisheries management in South Australia for many years to come; therefore we are anxious that the new Act will provide the penalties which have been sought by industry for many years. We are anxious that the powers of fisheries officers are adequate to ensure that offenders will have little chance of escaping successful prosecution. The suggestions outlined above are supported by the vast majority of responsible owners, private and corporative, who recognise the need for a strong Act which will allow all operators to get down to the business of fishing without worrying about the illegal operations which frustrate present and future fisheries management. Accordingly we seek your support.

Let us look at the position concerning SARFAC, the Recreational Fishing Advisory Council:

> We are pleased that many of our submissions over the years appear to be covered by the new draft legislation. SARFAC has made additional detailed comments on certain aspects of the draft Bill herewith. We cannot stress too strongly the feeling of the members of SARFAC that there should be substantial penalties to act as a deterrent to breaches of the Fisheries Act. We consider that penalties as set out in the draft Bill are inadequate to achieve this end, and therefore recommend that most maximum penalties be significantly increased.

That organisation goes on to say that it thanks the Government for the opportunity to participate in the consultation process, highlighted certainly by the member for Flinders when he referred to the fact that the Government had been at pains to consult all sections of the fishing industry to ensure that they had the opportunity to have an input in the preparation of this Bill and matters pertaining to the fishing industry.

The honourable member made a number of other comments and also referred to the clauses of which he has given notice of amendment. I will speak specifically about those during the Committee stage, because I do not wish to detain proceedings too long. However, there are one or two other comments that I would like to make, first, in relation to B-class licences, to which the honourable member referred in his second reading speech. He was concerned with the status of B-class licences following the passage of this legislation. Quite clearly, B-class licence operators will continue to be the holders of B-class licences. There will not be any further issues of those, and there will be no transfers. But during the effluxion of time, by attrition, the number of B-class licences will be reduced. Therefore, we do not remove the rights of these people who currently have B-class licences, but over a period that aspect of the licensed fishing industry will be phased out.

This is a State resource, and the honourable member referred to the resource and the schemes of managment. Because it is a State resource and, as he pointed out, owned by the people of the State, as it were, it has to be managed properly to effect the protection of the resource for those relying on it for their living. Talking about schemes of management, I was very interested to note the Australian Labor Party's policy on this, because I thought in some respects that what the member for Stuart had to say was at variance with A.L.P. policy, part of which states:

> Encourage the optimum number of economically viable commercial fishing units consistent with the needs of recreational fishing and marine environment.

I emphasise 'optimum number of economically viable commercial fishing units', in other words, a scheme of management. I was interested to note, incidentally, that that policy that was issued just happened to go out on Legislative Council letterhead, signed by Lyn Chatterton. I did not realise that we had a Lyn Chatterton as a member of the other place.

**Mr Millhouse:** She is the wife of a member.

**The Hon. J. W. OLSEN:** That is right. I was interested to know that that was the basis on which the Labor Party was distributing its current fishing industry policy. The other matter to which the honourable member referred was base lines. For the edification of the honourable member, I point out that the waters within three nautical miles of the coastline of South Australia involve State law as recognised by the Commonwealth; they are gulf waters and under State jurisdiction. In addition, in the area of the Gulf of St Vincent the base line is drawn from Troubridge Point to Cape Jervis, and in Spencer Gulf from Cape Catastrophe to Cape Spencer. The State will argue that the three miles south of that base line is under State control as well, and that will certainly be the basis on which we take up the matter with the Commonwealth.

In relation to the economically viable units to which A.L.P. policy refers, the honourable member placed great emphasis on, as he said, the sale of a prawn licence for $600 000. The member for Flinders made some very pertinent points in refuting the argument of the honourable member. The $600 000 claim is inaccurate. As I understand it, the unit that has been for sale at $600 000 has not been sold and, incidentally, it includes not only the boat and the authority, but also the freezer units and a number of other things; that is, it includes the processing facilities with the unit itself. It is very convenient to forget some of the anciallary factors in relation to this matter. The point is, as I understand it, that there has been no prawn licence sold for $600 000 in South Australia. The market value does not reach that stage.

**Mr Keneally:** What is it?

**The Hon. J. W. OLSEN:** I am unsure of any prawn fishing licence being sold in the last four weeks in which I have been Minister. Obviously the honourable member does not appreciate that there are cost factors in running small business operations. I can understand that he does nnot have a very close appreciation of that, not having been involved in a small business operation—overheads and the like—in the past. I can understand his lack of knowledge of this. I asked the department to prepare some figures on what the capital investment was for the establishment of a unit. If you take a vessel of something like 16.5 metres, its current cost would be about $385 000. If you take the gear and spare parts, you could add another $6 000, maintenance shed another $16 000 and vehicle some $10 000. That is a

capital cost in that regard of $417 000. If we look at the running costs (and obviously this is the point that the honourable member does not appreciate when he talks about the significant catch that the the prawn fishery takes in) that is, fishing gear and maintenance—annual cost approximately $8 500, insurance $6 000, licence fee $6 200, association fee $300, vehicle $1 100, fuel and stores $37 000, administration and wages $9 200, depreciation $1 200—

**Mr Keneally:** Administration and wages $9 200?

**The Hon. J. W. OLSEN:** If the honourable member will wait, I will expand on that in a moment. Do not be so anxious. I will get to establishing the bench-mark figure that the honourable member wants to elicit. This gives a total, after depreciation, of $90 300. Wages per annum, based on 35 per cent of gross, which is the approximate percentage paid, as I understand it, to employees of the industry amount to $68 600. Total operating costs for a unit of that nature, before profits, is $158 900.

**Mr Keneally:** Before profits?

**The Hon. J. W. OLSEN:** Yes, before profits, before tax. The proprietor has not made any money out of it yet.

**Mr Keneally:** The average catch is $217 000. That's the point that I am making. So you support me.

**The Hon. J. W. OLSEN:** The other point that the honourable member does not appreciate is replacement costs. He does not appreciate that with inflation the capital cost of replacing these units over a period increases, and some money has to be put aside for this $50 000 to which he refers to replace the unit eventually, and I think it is fair to say that no proper appreciation has been given by the fishing industry to that in the past. So, the arguments of the honourable member are quite shallow indeed. The prawn fishing industry currently undertakes voluntary restrictions to ensure that it gets the maximum catch and to ensure optimum efficiency within the industry. By opening it up all we are going to do is, as the honourable member said, put smaller units in. Some of the people who want to go into the prawn fishing industry now cannot manage the capital expenditure costs and are over-committed in their current fishing enterprises, yet the honourable member is suggesting that they cannot manage debt-servicing fees of that nature. Are we going to expand them and put them in a $200 000, $300 000, $400 000 industry, and all of a sudden they will become financially capable of servicing the debt and operating the industry?

Really, the argument has no basis at all. Instead of having a stable prawn fishing industry, which we have now, its foundation, base and efficiency of operation will be taken away. That will be to the detriment of the industry and certainly of those operators in it.

The honourable member also referred to some changes that have been effected in relation to Spencer Gulf. I think the inference is that we were vascillating on one or two matters relative to Spencer Gulf. We know the honourable member's electorate of Stuart takes in the areas of Port Pirie and Port Augusta, and obviously there has been some pressure from the B class fishermen in relation to that area, as well as from the Port Augusta City Council, to have closures of Upper Spencer Gulf. However, we decided recently to increase from 300 metres to 450 metres the net length for operators in Upper Spencer Gulf specifically for the purpose of maintaining viable units of the scale fishery in the Upper Spencer Gulf area. That will protect the income base of some 15 family fishing units in that area.

**Mr Keneally:** Who decreased it?

**The Hon. J. W. OLSEN:** The Government decided to decrease it after representations from the Port Augusta City Council, which is part of the areas that the honourable member represents in this House. It was considered in reviewing that decision that that might have been too severe. The operating costs in the scale fishery, which relate similarly to the prawn fishery, did not make it viable to operate in that area with 300 metre lengths because of the fuel and operating costs to go out to the catch. Therefore, the Government reviewed its decision in that regard.

There has been maximum liaison with all sections of the industry and even the small scale fishermen to whom the honourable member refers, because the joint consultative committee has several representatives on it. It has representatives from the South Australian recreational fishermen, and reports not to AFIC, but to the Minister. So, the joint consultative committee reports to the Minister. Therefore, the views of those small operators are directly represented to the Minister and the Government and taken into consideration in decisions by the Government.

The Government's policy is maintaining the viability of those fishing units, and that is why we have schemes of management, as we have proposed. Indeed, that is nothing new: it is the policy of the Australian Labor Party to establish schemes of management. The Labor Party had *de facto* transferability. The Labor Party did, by various mechanisms—not that the term 'scheme of management' could be used, but other terminology could be used in that regard.

The honourable member has also referred to the prices obtained in the abolone area. I am informed that the department is not aware of any abalone authority being sold for the price mentioned by the honourable member in this House. It seems to me that many of the comments that were made by the member for Stuart in the debate earlier were very broad generalisations that had no specifics. They were not qualified in his speech. They were not justified. Obviously, it seems to me that the Opposition recognises that this Bill is a very important step forward and a very significant rewrite of the Fisheries Act.

As AFIC and the recreational fishermen have suggested, the Bill will establish the base for the long-term benefit and operation of the fishing industry in South Australia. Obviously, the honourable member was thrashing around looking for matters to criticise and had to resort to personal qualifications on the Director, who was unable to respond on the floor of the House. I do not want to take that matter any further, because other honourable members in fact destroyed the member's argument. I am disappointed that the member for Stuart was not back in the House when we resumed the debate to hear some of the comments by the member for Eyre that put paid to some of the specific comments that he made.

As I mentioned earlier, the honourable member raised a number of other matters, but I think that it would be more opportune that discussions and debate take place on those in Committee.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—'Interpretation.'

**Mr KENEALLY:** There is no reflection in my saying that I would appreciate it, Sir, if you could be a little patient on the clauses because it is a reasonably complex Bill, as you would appreciate. The Minister gave some information in regard to the base line. When is it anticipated that the base line on which the Minister has already given us information will be declared, or has it been declared? It is is declared, will it be proclaimed? What exactly is the machinery that will be used to declare this base line?

**The Hon. J. W. OLSEN:** That will be the basis of negotiation and the basis on which the State will negotiate with the Commonwealth in establishing the joint authority, and that really is a matter yet to be determined. The area that I have as the base line will be the basis of South Australia's argument to the Commonwealth.

Clause passed.

Clause 6—'Interpretation.'

**Mr KENEALLY:** The Opposition believes that the interpretation of 'arrangement' is rather loose. I understand that the Commonwealth Act refers to instruments in writing approved by the State and Commonwealth through the Governor. Is the Minister able to explain somewhat more fully to the Committee what the Government means and what, under the new legislation, 'arrangement' means?

**The Hon. J. W. OLSEN:** 'Arrangement' will cover any arrangement that will be agreed to. It must be published in the Commonwealth *Gazette* and would come into force at the same time that the regulations proclaimed in the South Australian *Government Gazette* come into operation. While the management of a particular fishery is not subject to disallowance by the South Australian Parliament, the regulations would be.

Clause passed.

Clauses 7 to 12 passed.

Clause 13—'Arrangement for management of certain fisheries.'

**Mr KENEALLY:** I move:

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

(1a) An arrangement shall be laid before both Houses of Parliament within 14 days after the making of the arrangement, if Parliament is then in session, or, if Parliament is not then in session, within 14 days after the commencement of the next session of Parliament.

(1b) If either House of Parliament passes a resolution disallowing an arrangement, being a resolution of which notice was given at any time within 14 sitting days of that House (whether or not occurring in the same session of Parliament) after the arrangement was laid before it, the arrangement is terminated.

This is similar to current legislation applying to regulations. The Opposition intends, by introducing this amendment, to bring before the South Australian Parliament the arrangements that are negotiated between the South Australian Government and the Commonwealth Government, so that the South Australian Parliament has a vehicle by which it can discuss these arrangements and form a view. Presently, there is no way in which this Parliament can be involved in negotiations. Parliaments should not abdicate that responsibility. It is one thing for Government to deal with Government. That must happen. We have no argument about that. But, it is another thing to establish another form of Government authority above the Parliament, which these joint authorities do, without giving the South Australian Parliament the opportunity to participate by debate, no-confidence motion, or whatever the normal forms of this House are, in these decisions made by joint authorities.

I have moved this amendment to provide members of the South Australian Parliament with an opportunity to play the role for which they were elected, namely, to participate in Government decisions that determine fishing industry requirements, and as we determine many other decisions on industries and pursuits in South Australia. I strongly recommend that the Minister support this amendment. If he does not do so now, I suggest that he consider it very closely, so that, before it becomes legislation in another place, that approval will be given. I recommend that the Committee support the amendment.

**The Hon. J. W. OLSEN:** For a number of reasons, the Government does not accept the Opposition's amendment. Naturally, the Government will be seeking negotiations with respect to fisheries which may be managed by a joint authority, on the basis that such fisheries are managed in accordance with the policies of the Government, consistent with the provisions of the schemes of management as provided for in this Bill. The matter of arrangement is something to which I earlier referred. Any arrangement agreed to must be published in the Commonwealth *Gazette* and would come into force at the same time as would regulations proclaimed in the South Australian *Government Gazette*. While arrangement for the management of a particular fishery is not subject to disallowance by the South Australian Parliament, the regulations would be.

The process of determination requires the approval of the Governor and communication with all other parties to the arrangement, after which the arrangement will terminate at a time not being earlier than six months after the day on which the notice is given. If that period is to be short, the arrangement itself must specify the shorter or longer period. To be able to negotiate effectively in the joint authorities, the State law will have to be broad enough to accommodate sets of rules agreed by the joint authority for application to a particular fishery under State law. Therefore, we should not risk the situation where the joint authority agrees on a set of rules but the fishery could not be managed in accordance with the law of the State, because the law was deficient in some aspect. For all those reasons, the Government does not accept the amendment.

**Mr KENEALLY:** Am I then to understand that, in any arrangement negotiated between the Governments that affects the South Australian fishing industry, regulations will appear before this House to give members the opportunity for debate, and, if it is the wish of this Parliament, to vote against them, it can do so? I see that there is some nodding of heads. If it is absolutely certain that all the arrangements will, by one form or another, appear before the joint Houses of Parliament in South Australia, there is no problem. But, if arrangements are to be made between the South Australian Government and the Commonwealth Government to seek to manage South Australian fisheries, and about which the South Australian Parliament has no right of debate or decision, this Parliament should object to it. If an assurance can be given that all those management plans, under these arrangements, for joint or indepedent fisheries will be a matter on which this Parliament can have a view and a decision-making right, I am happy to discuss this with my colleagues to see whether we should proceed with it in another place. If that assurance cannot be given, we will have to vote for it in this place and seek to convince our colleagues in another place to strongly support it as well.

**The Hon. J. W. OLSEN:** The arrangement will not be the basis for disallowance, but the regulations relating thereto will be. We should understand clearly the variation between the two. The arrangements will not be subject to, as the honourable member puts it, 'debated disallowance'. However, the regulations affecting the arrangements will be.

The Committee divided on the amendment:

Ayes (15)—Messrs Abbott, L.M.F. Arnold, M. J. Brown, Duncan, Hamilton, Hemmings, Hopgood, Keneally (teller), Langley, McRae, Payne, Peterson, Slater, Trainer, and Whitten.

Noes (18)—Messrs Ashenden, Becker, Billard, Blacker, D. C. Brown, Chapman, Eastick, Glazbrook, Goldsworthy, Lewis, Mathwin, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, and Wilson.

Pairs—Ayes—Messrs Bannon, Corcoran, Crafter, O'Neill, Plunkett, and Wright. Noes—Mrs Adamson, Messrs Allison, P. B. Arnold, Evans, Tonkin, and Wotton.

Majority of 3 for the Noes.

Amendment thus negatived; clause passed.

Clause 14 passed.

Clause 15—'Functions of joint authority.'

**Mr KENEALLY:** This clause outlines the functions of the joint authority, which includes formulating policies and plans for the good management of the fishery. I seek assurance from the Minister that these plans will be readily available to fishermen in consolidated and intelligible form

at least once a year. This is very important to the fishermen within the joint authority. Our effort here is in another area of the Bill to ensure that fishermen who have to operate within the policies and plans of Governments should have available to them a very clear statement in consolidated and intelligible form of regulations or requirements by which they work and the plans under which they work. Will the Minister assure the Committee that this will take place?

**The Hon. J. W. OLSEN:** The management plans will be made available through the normal extension services of the department and, as is the mode of operation of the Government and the policy of the Government, consultative processes keeping industry informed of those plans at all times, and I can assure the honourable member that that function will continue.

**Mr KENEALLY:** I was referring not to management plans for the South Australian schemes of mangement. I was more particularly concerned about consolidating the regulations, and so on, with the joint authorities. If the Minister indicates that the same principle applies as applies to the scheme of management, then I am happy with that.

**The Hon. J. W. OLSEN:** The same principle will apply.

Clause passed.

Clause 16—'Joint authority to exercise certain powers instead of Minister or Director.'

**Mr KENEALLY:** Clause 16 gives the joint authority power, to the exclusion of the Minister or the Director, or the delegate of the Minister or Director. Would the Minister clear up the interpretation of the Commonwealth Act on how the joint authority reaches its decisions? The Committee should know whether these decisions need to be unanimous. If they are not, does the Commonwealth Minister decide, after going through the ritual of referring the matter to the Fisheries Council? The situation could occur that all the States in the South-East Joint Authority agree on one course of action, but the decision of the authority is opposite because of the veto provided by the Commonwealth.

**The Hon. J. W. OLSEN:** As was alluded to by the honourable member, the Commonwealth does have an overriding power, but I would have though that those bodies represented on the joint authority had reached agreement, to which the honourable member referred. I would have thought the Commonwealth would have been willing to concur with the agreement so reached. However, bearing in mind the Federal Constitution, the Commonwealth has an overriding power.

Clause passed.

Clauses 17 and 18 passed.

Clause 19—'Regulations.'

**Mr KENEALLY:** Will the Minister explain what the role of Parliament will be in the regulations? This point was discussed earlier, but I ask the Minister to define it more clearly. Can these regulations be disallowed? If there is no option for regulations to be disallowed, I think that the words 'Governor may' should be substituted with the words 'Governor shall'. If, in fact, that is a more appropriate wording, will the Minister explain what the role of Parliament will be, because obviously Parliament does have a discretion, although it is not readily recognisable by one's reading this clause.

**The Hon. J. W. OLSEN:** The regulations may be disallowed by the South Australian Parliament. Therefore, the other factors to which the honourable member refers are irrelevant.

Clause passed.

Clause 20—'Objectives.'

**Mr KENEALLY:** I move:

Page 11—

Line 9—Leave out 'and'.

After line 10—insert:

and

(c) ensuring that rights of access to those resources are equitably distributed amongst persons seeking to utilise them.

These are consequential amendments. Clause 20 sets out the objectives of the Minister and the Director which relate to the conservation of the living resource and to the economic efficiency. However, there is no mention of fishermen or fishing communities. The Opposition believes that the rights of fishermen and fishing communities should be part of the objectives of the administration of a resource. Apart from resource, it is the only essential role, and for this not to be acknowledged is certainly a failing. The Opposition hopes that the Minister will accept our amendment, because it acknowledges the very important role that fishermen and fishing communities play.

**The Hon. J. W. OLSEN:** The amendments suggest that commercial access to the State-based fisheries would be open-ended. This, in turn, suggests that the policy of limited entry as pursued by the previous Government and, in fact, the present Government for the past 15 years could be effectively dispensed with. The Government does not accept the amendment, because limited entry, although it may not be perfect, has achieved economic benefits to the State that could not have been achieved under any other system of management. In addition, limited entry is wholeheartedly supported by the Australian Fishing Industry Council as well as by the Government. If the amendment seeks to secure common rights for all commercial operators of a particular class, I point out that this is already provided for in clause 46. Finally, the proposed new objective conflicts with the objectives set out in paragraph (b) and the application of the two together would be impossible.

**Mr KENEALLY:** I did not catch those last comments because I was too busy looking through the Bill. As the Opposition has already acknowledged, for non-fishermen this Bill can appear to be fairly complex. The Minister might wish to expand on his comments. I do not believe that the insertion of the proposed provision would give an open-ended entry to managed fisheries. I acknowledge that the provision seeks to ensure that the resources in South Australia are more equitably distributed amongst the community. For the life of me, I cannot understand why anyone would object to that philosophy. The resource is not there to be confined to the control of a few select people. The resource, after all, as is acknowledged in this Bill, is a community resource. It is owned by the State and it happens to be licensed to a few fishermen so that they can exploit it, theoretically at least, not only for their own benefit but also for the benefit of the State.

If the Government believes that the wording of the amendment would provide for open-ended entry into a managed fishery (which I do not accept), it should say, 'Yes, we accept the philosophy. We believe that, in the objectives of the administration, consideration ought to be given to fishermen and fishing communities, and we will seek to do that.' In that case, I would rest rather more easily about the rejection of my amendment. However, if the Government intends to reject out of hand the suggestion that the objectives of the administration should concern the Government not only with regard to conservation, management and utilisation but also the rights of fishermen and fishing communities, I can only say that I am very surprised.

I do not think that this is such a world-shattering amendment. I merely seek acknowledgement of the participation in the fishing industry of fishermen and an acknowledgement that fishing communities in South Australia ought to be the concern of the department. If the Minister and his officers believe that fishermen and fishing communities ought not to be part of the administration's objectives, they

ought to say so, and that would be a very interesting thing for fishermen to know. It might even balance those views that fishermen at Port Lincoln will have about the member for Stuart after the member for Flinders has circulated my speech. That might be a flippant comment, but the point that I am making is a very important one.

If the Government requires more time to consider this before making recommendations to its representatives in another place, I will be quite happy about that. The matter can, for obvious reasons, be debated more fully in another place. However, I will be very disappointed if the amendment is rejected out of hand, because the role of fishermen and the fishing community should be included in the objectives of the administration. For instance, Port Lincoln has a very important fishing community. I do not think it would be detrimental to this legislation to acknowledge such an importance within the objectives of the administration. Once again, if the Government is going to reject this amendment, I ask the Minister to give an undertaking to this Committee that it will be considered? If the Minister objects to the wording of the amendment, will he consider a more appropriate form of wording and perhaps have an amendment moved in another place?

**The Hon. J. W. OLSEN:** I think that the honourable member might have missed the final remarks I made a moment ago, so I will repeat them, because it might allay part of the concern that he has just expressed. I said if the amendment was to secure common rights for all commercial operators in a particular class, this was already provided for in clause 46. Finally, the proposed objective conflicts with objective (b) and application of the two together would be impossible.

I expand further and say that it is the Government's policy to consult fishing communities. I think the classic example of the Government's good intention in that regard is the recent initiatives in relation to the upper Spencer Gulf and the length of net that fishermen are now entitled to use to maintain the viability of those units there. I think that is an example of what I mean. Government policy is for the consultation process. That has been proved and it has been indicated before in debates. Schemes of management also cover the rights of fishermen as well as the restriction on fishermen, and the honourable member ought to keep that in mind.

I take up one of the aspects that the honourable member referred to when he said one of the objectives of the Government could be to put two large trawlers into Spencer Gulf to fish in the Spencer Gulf, thus destroying those small family units and the small communities. What a fallacious argument to place before the Committee! I think the intent of the Bill is quite clear. The Government is not about to proceed to licence two main large trawlers to go through Spencer Gulf, take out all the fish in the gulf, and destroy the living of all those fishermen and the small fishing communities in that area. I think that, if the honourable member wants to be aware of the good faith of the Government, the intent of the Government, and the policy of the Government in operation, he has to only look in that area with which he is most accustomed, Upper Spencer Gulf.

**Mr KENEALLY:** The Minister, of course, knows that Parliaments do not legislate to take account of the goodwill of the Government; Parliaments legislate to lay down the ground rules by which industries such as the fishing industry operate. What if the Government were to change and the members of the Opposition were all those terrible things that the Minister and his colleagues think we are and we had a new Minister, and a new Government that then implemented its plans as it saw fit? I wonder whether the Minister might think differently then.

All Governments, all Ministers, all directors, and all departments do not always think alike. There are likely to be changes, so we have to legislate to take account of the fact that administrations change, but the rules ought not to change. If we have very loosely designed rules and very loosely drawn rules that allow a lot of discretion for the Government directors, and departments for fishermen, we are not going to be able to lay down the guidelines at all.

As to the point the Minister makes about the two super trawlers, the fact is that I agree with the Minister, that it is most unlikely that any Government in South Australia would do that, but it could do that within the wording of the Bill. That is the point I made. Clauses ought to be drawn more speficially to ensure that some Government in the future with a wild rush of blood to its head might not say, 'Here we are, this particular clause allows us to do A, B and C and we shall do it.' I do not think that will happen, because after the next change of Government, which will come very soon, there will be a long period of Labor rule and in those circumstances, the sorts of scenario that I am setting will not occur.

Nevertheless, I do not believe that the legislation should allow Ministers and shadow Ministers to be able to establish different scenarios for the one particular clause. The clause should state exactly what the legislation sets out to do. If we are going to have discretions for lay people like the Minister and myself, what are lawyers going to do with it? I wonder what lawyers have already done with it. We need to have specific clauses that will establish the rules by which fishermen operate, because if we do not have that they could operate for 12 months in one way and then operate in another way under exactly the same clause, and I think that would be disruptive to the industry as it is disruptive to Parliament.

I am not questioning the Minister's good intentions or goodwill or that of the department, but I do not believe that is what we are here to take account of. If we only had to worry about the goodwill of the Minister and the goodwill of the department, we could say, 'Oh well, the Government has been very generous and responsible towards the fishing industry over the past two years. We do not need a Bill; we will leave it to the Government. They will leave it to us. We do not need any rule. We have always acted responsibly but despite we will do that in the future.' How utterly ridiculous! That is taking that argument to the extreme. All I am asking the Minister to do is to be able to give some clearer definition of what the objectives of the department are, and those objectives ought to take into account the role and the need of fishermen and the fishing community.

If it is beyond the wit of the Minister, his departmental officers, and those experts who advise them to be able to come up with a form of words that does not impact at all on some future clause, I am surprised. The objectives of the department are to a large extent indicative of the police of the department and that ought to take account of fishermen and fishing communities. If we cannot put it into clause 20, we should at least have some reference there to the effect that they ought to look somewhere else for that important aspect of the fishing industry.

**Mr BLACKER:** I oppose the amendment, because I do not really think that the member for Stuart means what he is saying. It is fairly obvious that he is trying to totally water down the legislation and to take any teeth out of it that might be there to bring about proper management of an industry. Quite obviously, if this amendment were introduced, everyone would have to have their position considered. I think the honourable member is trying to have us on and trying to broaden this so as to totally take the teeth out of the legislation so that it would become unworkable and

therefore proper management of any of the fishery resources would be out the window.

**The Hon. J. W. OLSEN:** It seems to me that, when the member for Stuart talks about a form of words and the difficulty of establishment, it is the member for Stuart who is out of step with the rest of it. He is out of step with industry. He has a narrow view in interpretation because really it is the scheme of management that will be covering the rights of the fishermen and the fishing communities, in addition to looking at the restrictions in the industry. The schemes of management are the rules that will be established in the regulations for the operation of the industry, to protect the industry, to ensure its long term viability, to protect those fishing communities, and to protect those operators within the industry. It seems to me that everyone except the member for Stuart is in step.

**Mr KENEALLY:** I am not being disingenuous about this at all and there is no attempt here to try to water down the legislation. There are rules elsewhere within this Bill that would control the entry into each of the managed fisheries that in my view would not be impacted upon by an amendment to clause 20. Clause 20 provides:

> In the administration of this Act, the Minister and Director shall have as their principal objectives:
>
> *(a)* ensuring, through proper conservation and management measures, that the living resources of the waters to which this Act applies are not endangered or over-exploited; and
>
> *(b)* achieving the optimum utilisation of those resources.

My attempt here is to have highlighted under objectives the role that fishermen and fishing communities play. I know I am going to be defeated. I am surprised at the Minister, and more surprised at the member for Flinders, who do not believe that fishermen ought to be acknowledged under the objectives of this particular Bill as applied to administration policy.

**Mr BLACKER:** I take a different view. I believe fishermen's interests are catered for in the two preceding paragraphs. I think what the honourable member's amendment does is open it up to doctors, lawyers, business people, farmers, you name it. According to this, their interests have to be taken into consideration, and I think that is a retrograde step in making it so open that that should be the case. I think it is quite obvious that people with an interest, provided that the opportunity is available, for extra effort on the resource, should be the ones to be considered, but in this case, it would just make open slather of the legislation and it would make the effective operation of a managed fishery more difficult.

Amendment negatived; clause passed.

Clauses 21 to 26 passed.

Clause 27—'Restriction in interests of fisheries officers.'

**Mr KENEALLY:** I did canvass this fairly widely in the second reading debate. The Opposition believes that there ought to be a restriction on fisheries officers and on fishermen where fisheries officers may like to take advantage of their position, to make capital by leaving the industry, if you wish, and immediately participating within the industry. I am sure that the Minister and his department are aware that there have been examples in the Federal Department of Primary Industry where people recently have left the department and taken up a position with the Western Australian fishery, the very fishery for which they were responsible for giving additional privileges, and we are trying to ensure that fisheries officers and other people in the department, particularly those in the licensing branch, are not able to take advantage of their privileged position. That does not mean to say we believe there are officers within the department who are likely to do this. All we are saying is that it has happened elsewhere and we want to make sure it does not happen in South Australia. If it does happen here, we want the penalty to fall not only upon the fisheries officer, but on the authority holder as well. I move:

> Page 12, line 37—Leave out 'fisheries officer' and insert 'person who is engaged, or who has, during the preceding period of twelve months been engaged, in the administration of this Act.'

I trust the Minister on this occasion will see fit to support the amendment.

**The Hon. J. W. OLSEN:** The Government does not see the necessity to apply the pecuniary interests section to all officers within the Department of Fisheries. The example of the Commonwealth department might be one situation. I am advised that similar examples do not and have not applied to the South Australian department. Whilst the Government does not make any case to see other officers within the department specifically excluded, we do not see any valid reason to have other officers included, either. In addition, the suggestion that a fisheries officer, or any other person who has been engaged in the administration of the Act during the preceding period of 12 months, cannot hold a pecuniary interest in the business of fishing would prohibit anyone from terminating employment with the Department of Fisheries, from taking up an active role of a fisherman or being involved in the fish-processing industry.

The department draws some of its staff from the fishing industry and it is believed that this is of benefit to the department. Any proposal that suggests that people cannot return to the fishing industry once they choose to terminate their employment with the department is severe and unwarranted, in that it interferes unnecessarily with this area of prospect of employment, and I oppose the amendment.

**Mr KENEALLY:** Once again, the Minister and I have differing views. I do not suggest anybody within the department might tomorrow want to issue a privileged licence or authority to a fisherman, or some privileged position to a fisherman, and next day leave the department and go out and act as that fisherman's agent and so benefit from the officer's own decision. I am sure we would all agree with that, but what the Opposition is trying to do is write into the Act a clause that would ensure, if such an occassion did occur, that some action could be taken about it. I am very interested in the Minister's statement that he does not want to inhibit a person in the fishing industry from going into the State Department of Fisheries and then leaving the department and going back into the fishing industry. He does not want to inhibit that move. Under this legislation a person can do that. There is no problem. What we are seeking to ensure is that there is the 12-month *inter-regnum*. It is very likely that, if a person does that, all hell will break loose.

I am not a person who waits for an occasion to arise where somebody takes advantage of a looseness in the legislation before the legislation is tightened. I am not convinced by any argument that the officers within the Fisheries Department are all honest, ethical people. That is what they are paid for. Everybody expects that they are. There have been occasions elsewhere and, if there are occasions elsewhere, there is the possibility here of cases where fisheries officers have participated in decisions that profited fishing operations, left the department, and then act as agents of or in the employ of the very people whom the decisions they participated in benefited.

All we are trying to do here is give this Government and this Act the powers to ensure that, if such an event were to occur in South Australia, the officer would be penalised, so we are making it apply to any officer within the department, not only fisheries inspectors. People in the licensing section of the department in South Australia play a great role in determining the future of fishing activities and what fisheries officers do.

Of course, people within the Licensing Branch should be brought under the umbrella of this clause. Of course, any fishing operator, authority or licence holder who would co-operate with a departmental officer to the authority holder's advantage ought to be subject to penalty. Why should only the fisheries officer be subject to penalty, when all he is doing is acting in co-operation with someone in private industry? We are trying to ensure that there not only is a joint penalty here, but that it is absolutely certain that any officer within the department who might in any way participate in decisions that can directly benefit people within the fishing industry is inhibited from himself taking advantage of his decisions. It is not an unreasonable amendment, surely.

I am surprised at the intransigence of this Minister and this Government. I think that he has probably been told that what he ought to do as a new Minister is refuse all the amendments and perhaps they can be sorted out and decided upon in another place. The Minister has had these amendments for 24 hours. He and his departmental officers have had opportunities to consider them. All he has done to date is reject them out of hand. He might be interested, as might his Director and other members of this Committee, to know that all these amendments that the Opposition is 'trundling up' have been discussed with the fishing industry, and the industry has agreed with them.

**The Hon. J. W. OLSEN:** The member for Stuart should persevere a little and he might find out just how intransigent we are or not as the debate goes on in the Committee stage on these amendments. As someone interjected, we have given serious consideration to the amendments. I have made an interpretation of those and will act accordingly. I have mentioned earlier that I see the amendment as severe, unwarranted and unnecessary. To my knowledge, it does not apply in any other Act in South Australia. It seems that this new shadow Minister of Fisheries wants to break new ground.

**Mr KENEALLY:** I should not have to reply to that. I am not the shadow Minister of Fisheries at all. I am merely an interested Parliamentarian who is trying to play his role. The shadow Minister of Fisheries is in the other place. If the Minister believes that my handling of this Bill is of such competence as to warrant such a description, I thank him very much. However, he is quite wrong. Unfortunately, there is an almost ingrained suspicion by members opposite of any amendment that we might introduce. I merely say that no amendment that we have presented to this Committee tonight has been thrust upon the fishing industry in South Australia without consultation. The fishing industry in South Australia knows what we are doing.

**The Hon. J. W. Olsen:** Does it agree with it?

**Mr KENEALLY:** Yes, to the best of my knowledge they have agreed with our amendments. I am sure that they will probably do very well without them. I am equally sure that they will be able to cope very well with them. This particular amendment is of no great threat to honest operators within the fishing industry. What it sets out to do is to ensure that people who work in the department are encouraged to remain as honest as the Minister and the Director tell us they are. We do not argue with that, but I repeat that the examples are there in other departments in Australia. We would be insular and foolish not to acknowledge that what happens elsewhere has a potential to happen in South Australia, particularly where we have incredibly lucrative fisheries. I might add that, despite all the criticism I have had from the time this debate started, nobody has refuted the figures that I have quoted in terms of catch and price, and nobody has been prepared to suggest what are the legitimate, as they say, catches and prices. What I am saying is that there is a lot of money in some industries within the fishing world in South Australia, and because there is a lot of money in fishing in South Australia there is the potential for corruption. The more money there is, the more potential there is for corruption. It is not unreasonable, surely, for the Parliament to seek to legislate to ensure that corruption does not occur, particularly when the example is there of its occurring elsewhere. The Minister is going to tell me, 'Well, look, you will have to accept the goodwill and good intentions of this Government. You can be absolutely certain that we are going to ensure that no corruption exists; no corruption takes place.'

**An honourable member:** You do not have to repeat it.

**Mr KENEALLY:** We do not have to repeat it. The Minister might say that we do not need a Bill at all. All we have to do is depend upon the goodwill and the good intentions of the Government. I quite like the Minister. I think he has the potential to make the grade, and I hope he does one day. That is certainly not good enough for Parliament. It is certainly not good enough for a piece of legislation. Here again, I am absolutely certain that the weight of numbers is going to defeat the Opposition. It is a classic example of where you win the argument and lose the battle. There has not yet been one sensible argument put against the proposition that I am submitting. I suspect that the only argument that the Government has is that the amendment comes from the Labor Party. I am sure that if the amendment came from the member for Brighton, if he were on the ball or bright enough to think of such an amendment, they would probably accept it. I wonder whether the member for Brighton might feel disposed to get up and support me. Flippancy aside, it is obvious that the Government is not going to accept this amendment.

**The Hon. J. W. Olsen:** That is right.

**Mr KENEALLY:** 'That is right', says the Minister. I suspect it might be a little difficult in another place.

The Committee divided on the amendment:

Ayes (16)—Messrs Abbott, L. M. F. Arnold, M. J. Brown, Crafter, Duncan, Hamilton, Hemmings, Hopgood, Keneally (teller), Langley, McRae, Payne, Peterson, Slater, Trainer, and Whitten.

Noes (19)—Mrs Adamson, Messrs Ashenden, Becker, Billard, Blacker, D. C. Brown, Chapman, Eastick, Evans, Glazbrook, Lewis, Mathwin, Olsen (teller), Oswald, Randall, Rodda, Russack, Schmidt, and Wilson.

Pairs—Ayes—Messrs Bannon, Corcoran, O'Neill, Plunkett, and Wright. Noes—Messrs Allison, P. B. Arnold, Evans, Tonkin, and Wotton.

Majority of 3 for the Noes.

Amendment thus negatived; clause passed.

Clause 28—'Powers of fisheries officers.'

**Mr KENEALLY:** The whole subject of fisheries officers covered by this Act is of great importance, of course, and there has been over the years that I have been involved with fishermen, willingly and unwillingly, severe criticisms of the lack of adequate numbers of fisheries officers. Has the Minister considered the numbers of staff that are available in the licensing and administration section of the Fisheries Department which have decreased quite markedly under the administration of his colleagues? Can he say whether there is any intention to increase the numbers and improve the service that fishermen are entitled to receive?

Most fishermen in South Australia believe that the fees they pay one way or another are such that they do cover the costs of administration. We know that in fact the fees fishermen pay cover only a very small percentage. It might be 1 per cent of the actual costs of running the Fisheries Department. Nevertheless, fishermen are entitled to have confidence in the ability of the Fisheries Department to very quickly cope with the demands placed upon them, whethere it involve licensing or a whole host of problems

that would come before the Fisheries Department. If you are seeking urgent treatment of a complaint, you might be able to achieve that if you are a member of Parliament representing your constituents and you have the facility of telephoning the Minister, the Director or people within the licensing division. That is an advantage members of Parliament have, but fishermen do not seem to have that facility.

I believe that the reason for that is that this Government has seen fit in its manpower policies to reduce the staffing of the Fisheries Department to such an extent that the department finds it very difficult to be able to provide the service that it is charged to provide. I would be very anxious to find out from the Minister whether he believes that there are sufficient officers within the department to provide a first-class service to the fishing community in South Australia. If he does, of course, I guess that is the end of the penny section but, if he is not satisfied that there is sufficient staffing within the department to provide the very important services fishermen demand and are entitled to, I would be very pleased if the Minister could tell us just how his administration of this very important portfolio will seek to overcome what are obviously problems within the department.

**The Hon. J. W. OLSEN:** I do not suppose that there is any Minister in any Government who is ever satisfied with the total number of employees he is given. You can always argue that more would be able to do the job better and more efficiently, but I am sure the honourable member would be delighted to know that on Monday of this week seven fisheries officers commenced employment with the department. He might also be interested to know that the fees to which he refers account for something like 20 per cent of the $2 000 000—

**Mr Keneally:** It makes my argument all the more legitimate.

**The Hon. J. W. OLSEN:** —not 1 per cent.

**Mr KENEALLY:** I am pleased that the Minister has corrected my arithmetic. It is 20 per cent, so that means my argument is 20 times more relevant, because it is important that the fishing industry is confident that it is getting a return for its contribution. I am prepared to argue that in some fisheries it should be greater. The Minister might be able to advise whether these seven fisheries officers will be stationed in head office or out in the field. I would also be very interested to know, if they are going to be in the field, if they are going to be—

**Mr Lewis:** Or in the water.

**Mr KENEALLY:** Or in the water. 'Field' is a word, for the benefit of the member for Mallee, if he was in his place, that could also be interpreted as water, of which the honourable member seems to have quite a lot on the brain.

**The CHAIRMAN:** Order! I do not know that the honourable member needs to make such a comment.

**Mr KENEALLY:** You are obviously correct, Sir. You did draw my attention to that unwarranted comment and I am prepared to withdraw it. It was inappropriate and it would even be inappropriate if the member was in his place. The fisheries officers are going to be ineffective unless they have the ability to be out on the water in their high-powered boats so that they are able to apprehend people who might see fit to break an odd regulation or two.

It has been traditional within the fishing industry—and I am not quite sure whether someone commented on it earlier—to have pirates who every now and then believe that they should participate in the prawn industry, the abalone industry or even the scale fishing industry. I think the member for Flinders almost got to the stage of talking about abalone fishing and saying that one of the major problems there involves what they call pirates.

It is always interesting that people who are basically amateurs get such a lucrative return from abalone, prawn and scale fishing, when the professionals seem to have great difficulty in making a living. Some part-timer who works somewhere else catches abalone by the gross, prawns by the tonne, whiting and other scale fish by the thousands. If that is the case, the professionals should do much better.

I am concerned that fishery inspectors be provided with the necessary boats and equipment to play an effective part on the water. I recall 12 to 18 months ago when seven or eight additional fisheries inspectors were approved, yet no additional craft was provided. I gained the impression that instead of one inspector in a craft there would be two. That does not seem sensible unless it was thought some fishermen might be aggressive. If additional fisheries inspectors are provided, what is it anticipated that they will contribute to the industry?

**The Hon. J. W. OLSEN:** At a time of zero growth in the Public Service even the member for Stuart would have to concede that the employment of seven more personnel to police fishing laws is a major step forward. Additionally, the Government has provided new equipment for these officers to undertake their duties. They will also be out in the field, to use the member for Stuart's words. Obviously, the Government believes that if we are to establish rules, laws and regulations for an industry, they should be adequately policed. That is why it supports these seven officers' appointment. That approach was strongly supported by fishermen, who also want to see the rules and regulations adequately policed.

**Mr KENEALLY:** Clause 28 (13) relates to a fisheries officer using a fisherman's boat. That, on the face of it, seems reasonable. If he has exactly the same right as a policeman who requires a car to transport him where he needs to go, that seems reasonable. But what happens if the fisheries officer arrives alongside a boat, how I am not sure, a fisherman is catching a few fish, and the officer says, 'All right; I want your boat. I need it. There is a chap out there who is breaking the law, so I will use your boat to apprehend the wrongdoer'? If the fisherman says, 'You are not having my boat. Go fly a kite,' what does the officer do? What sort of powers does he have to take over the boat? What can he do if the fisherman insists that the officer cannot take over the boat?

**The Hon. J. W. OLSEN:** He cannot do anything, because he cannot force the person to provide him with a vessel to check on those matters. But common sense will prevail. If the honourable member is suggesting that a fisheries officer will take control of someone else's boat against his will, that will not happen because the Act does not give that power.

**Mr KENEALLY:** On another point—

**The CHAIRMAN:** The honourable member has spoken three times in this Committee.

**Mr KENEALLY:** I was just getting to the meat.

**The CHAIRMAN:** The honourable member cannot, I am afraid.

Clause passed.

Clauses 29 to 35 passed.

Clause 36—'Grant of licences or registration.'

**Mr KENEALLY:** This is a vital clause, as it reverses the open licensing system. If this Bill is passed, an application will immediately be subject to a scheme of management. I acknowledge that the scheme of management set up under clause 46(b) limits applications that need to be considered to those made during call by the Director. The Opposition is not satisfied with those procedures. There may be more appropriate ways to do this. If the Minister and the Director decide that a fishery can absorb three additional authorities, applications are called, 10 or so are received, and three

appointments are made. Unsuccessful applicants appeal to the court against the Diretor's decision, and the court upholds the appeal of, say, two. Here we have a fishery that, in accordance with the management plan, could absorb an additional three licences granted by the Minister and, as a result of an appeal to the court, an additional two appeals are upheld. What will the Minister be prepared to do then?

The Liberal Party policy at the last election was to establish a fisheries licensing tribunal on the Licensing Court model. I imagine that this has been dropped as impractical and expensive. We do not support the idea of a tribunal, because it would not have the expertise in fisheries management, which is obviously a great problem in South Australia, or has been in recent past months, although the Minister seems to suggest that it has improved in the last month. Can the Minister say what would happen if those circumstances arose?

**The Hon. J. W. OLSEN:** The scenario painted by the member for Stuart cannot happen. It is not up to the court to determine that there would be two extra licences. It is up to the scheme of management to determine how many extra authorities there will be. It is then for the court to determine, if the matter is taken to the court, which of the three is replaced. It obviously will not come out with five licences, although I think that is what the honourable member is saying. The scheme of management establishes how many more authorities there will be, not the court. The court makes a review on an appeal of the three who have been successful and replaces them with someone else it thinks would have been more successful.

**Mr KENEALLY:** If the Director or the Minister selects three of the applicants as being successful applicants for an authority, and if the unsuccessful applicants appeal to the court, the court will then determine which, if any, of those unsuccessful applicants should have been successful and, having done that, it is the court's responsibility to overturn the decision of the Director or the Minister in relation to the original successful applicants. If two of the unsuccessful applicants' appeals were successful, the court would have to take two of the successful applicants out of the industry. If that is so, it seems a little cumbersome. It might have been sensible to give the whole thing to the court in first place and not give that sort of decision to the Minister or the Director.

**The Hon. J. W. OLSEN:** That is accurate, as described by the member for Stuart. The scheme of management will indicate the criteria for the determination of who should have a licence, and the court will review the criteria upon which the judgment has been made.

Clause passed.

Clause 37—'Conditions of licences.'

**Mr KENEALLY:** I move:

Page 20—
Lines 3 to 5—Leave out all words in these lines.
Line 6—Leave out 'other'.

These amendments are consequential upon each other so, if you agree, Sir, I could debate both at the same time.

**The ACTING CHAIRMAN (Mr Russack):** That will be in order.

**Mr KENEALLY:** This clause gives complete power to the Director. A very real concern apparent within the fishing industry over the last 18 months to two years has been the all-embracing power vested in the Director. The Opposition believes that some amendment is appropriate. I can recall that, when we were debating amendments to the Fisheries Act some two years ago, members of the fishing industry were anxious that the Opposition should not oppose the Bill introduced by the Government of the day, even though it was pointed out that the Bill gave the Director all the powers to determine the activities of fishermen within South Australia—where they should fish, what gear they should use, and so on. Absolute power is vested in the Director, greater power, I believe, than in any other public servant in any other department. At that time the shadow Minister, the Hon. Brian Chatterton, went to great lengths to point out to the industry what it was getting itself into, but members of the industry were anxious to have the legislation go through because they believed, falsely, that there was something in it for them. They realise now that those beliefs were false. Neverthless, the Director was left with absolute power.

There has been building up within the industry great resentment at the power that the Director has, because the fishermen cannot effectively appeal against it. The Director has a power to make a decision, a power of veto. What he says goes, and there is not much point in appealing or going to the Minister. It is an absolute power, absolutely unreasonable, and I see some Government members agreeing with me. It was a power that no public servant should seek or be vested with. Now, we are on the merry-go-round again, writing into legislation these absolute powers for the Director. I cannot understand why he should seek such powers. Surely, in co-operation with his Minister, he has played a large role in determining the format of this legislation. We have been told that the Director has co-operated very closely with his old employers, AFIC, in determining what form the legislation should take. By and large, we think that the co-operation that has existed has benefited the Bill to a certain extent. Despite all the criticism and the complaints, clause 37 (1) *(a)* gives the Director those absolute powers. Our amendment seeks to delete those powers and, if that is done, clause 37 (1) would read:

> The Director may, upon granting a licence, or at any other time, impose a condition of the licence, being a condition related to any matter prescribed by the scheme or arrangement for the fishery.

That is all that is needed. If the scheme of arrangement is a controlling instrument, if it is to determine the rules by which a fishery operates, why is it neccessary to give the Director these wide powers? The powers should be available to him within the terms of the scheme of management. Our amendment seeks to do just that. Is it the Minister's intention that the Director should maintain the powers he had previously, or does he intend to place the responsibility within the scheme of management and to say merely that the Director may, upon granting a licence or at any other time, impose a condition related to any matter, and so on?

The word 'other' qualifying the word 'matter' is not required. I hope that the Government will be reasonable and accept this amendment. Will the Minister tell the Committee what his intention is.

**The Hon. J. W. OLSEN:** I am afraid that the member for Stuart will have to be patient for a little longer. The Government does not accept the amendment. The power that the Director has under clause 37 is subject to appeal under clause 58, and it would therefore be incumbent upon the Director to justify the reason for his decision to the District Court if a person feels aggrieved. The Government would expect that some common sense would prevail in the imposing of conditions.

**Mr KENEALLY:** I am continually surprised about the confidence which the Minister places in the good sense of the department and of those concerned with the fishery. The reason that the courts are full of litigants is that good sense did not prevail. How the Minister could ever believe that common sense will prevail in an industry such as the fishing industry, which is made up of entire groups of independent people who do not want to co-operate and who do not want to know what other fishermen are doing, I do not know. It also surprises me that the Director believes that he should be vested with such wide ranging and absolute

powers. The Director, of course, ought to have had the experience of the past 18 months or so. I know that he has had some hassles since the passing of the last Act because of the powers that were vested in him; they were quite unnecessary. Fishermen in South Australia and indeed citizens of South Australia ought not to be arbitrarily subject to the whims of one individual. The Minister says, 'All right, there is no problem, a person can appeal against the decision of the Director. A person can go to a local court and lodge an appeal. One has the right to go before a magistrate, and if the Director is found to be wrong then there would be no problem proving that.'

On the contrary, there is a problem. I believe that once the Director makes a decision such a decision would not be overturned by a court one in 500 times, because all the research and all the knowledge, by and large, is with the department so far as the court is concerned. A simple fisherman wants to fish and does not want to spend his time in court, and when confronted with a departmental officer (the Director perhaps) the chances of that fisherman being able to win an appeal are fairly remote. I do not accept the Minister's reassurance. The Opposition insists that its amendment to clause 37 should become part of this Bill, because without such an amendment the Bill, and accordingly the new Act, will be defective.

**The Hon. J. W. OLSEN:** The member for Stuart is now trying to do the legal profession out of a living. The fact is that under the Bill provision is made for a person who feels that he is aggrieved to take the matter through the court process and to have an interpretation of his application made independently. One cannot be fairer than provide a mechanism by which a person who feels aggrieved can have his case tested by an authority. The member for Stuart refers to the fact that many of those appeals against the Director's decision are unsuccessful: that indicates to me that the Director and his officers were rather assiduous in the allocation of licences.

Amendment negatived; clause passed.

Clauses 38 to 45 passed.

Clause 46—'Regulations relating to fisheries and fishing.'

**Mr KENEALLY:** I move:

Page 23, after line 44—Insert subclauses as follows:

(2) Notwithstanding the provisions of subsection (1), the Minister shall ensure that, before regulations are made prescribing a scheme of management for a fishery—

*(a)* a draft of the scheme of management proposed to be prescribed for the fishery is made available for public inspection at a place fixed by the Minister;

*(b)* a period of not less than one month is allowed for members of the public to lodge at a place fixed by the Minister written comments upon the draft scheme;

and

*(c)* due consideration is given to any written comments so lodged.

(3) Failure to comply with subsection (2) shall not affect the validity of any regulations made under subsection (1).

When the Opposition moved amendments to the Fisheries Act previously, we sought to institute a system of management plan, and one of the most important aspects of that plan concerned public in-put, the right for not only fishermen but also communities and all those with an interest in fishing, whether economic or otherwise, to contribute to the decisions that would determine how that managment plan would be finally written. I think that the current legislation will be lacking if community input, fisheries input and environmental input, or input from any group of people concerned about our fishing industry, is not included.

These people are not able to participate in a scheme of management. If they are not able to be involved in the decisions that are made, I think that those decisions could be defective. We are very anxious that this amendment be agreed to; otherwise, the schemes of management are no more than decisions imposed upon the fishery industry by a group of bureaucrats. I have no argument against bureaucrats because I was one myself for 20 years. So, there is certainly no argument about the bureaucrats. But, as I have been told not once but a thousand times, 'If you are not a fisherman you do not understand the fishing industry.' I think there has been an attempt to suggest that that was relevant to the—

**The Hon. J. W. Olsen:** The member for Stuart.

**Mr KENEALLY:** 'The member for Stuart', the Minister said. I do not hold myself out as an expert in fishing activities. I never get involved in the technical arguments of fisheries; I get involved in arguments of equity. I believe that arguments of equity are relevant to this amendment. Because hope springs eternal, I move this amendment in the fond hope that the Government on this occasion will see fit to agree with the very sensible proposition that the Opposition is moving.

**The Hon. J. W. OLSEN:** The honourable member for Stuart will have to wait a little longer to find out just which amendment the Government is prepared to accede to. The amendment moved by the Opposition suggests that regulations prescribing a scheme of management be made available for public comment for a period not less than one month. The amendment goes on to say:

Failure to comply with subsection (2) shall not affect the validity of any regulations comprising a scheme of management or arrangement.

The Government does not accept this amendment, and it is a clear commitment of Government policy to consult with professional fishermen in the processes represented through AFIC and the South Australian Recreational Fishing Advisory Council in all matters pertaining to the development of management policies of fisheries in this State. It has been aptly demonstrated that the Government has assiduously followed that policy by correspondence that I have read out to you this evening, and this has been confirmed by other members of the House in the debate this evening. Additionally, if the member wishes to move a motion for disallowance of the regulations made for a scheme of management, he is able to do so when the regulations are tabled in either House. I basically referred to that earlier in the debate. Therefore, if any group of persons is aggrieved by the provision of any scheme of management, they are able to appeal to Parliament. Of course, evidence can be given (and the honourable member would be well aware of this) to the Joint Committee on Subordinate Legislation in relation to this subject.

**Mr KENEALLY:** That is the sort of answer that I would expect to get from the Deputy Premier, and I always imagined that the Minister was a class above that. This amendment indicates that, if accepted, the Government is prepared to have public involvement in the determination of the management plans. Here again the Minister has said, 'You know, we have always had good co-operation and a good association with the fishing industry. We have always discussed our decisions and plans with them.' I do not know why this Government, which keeps talking about their good faith, says that it should be trusted and that it has this wonderful co-operation with the fishing industry, is not prepared to write into legislation the very things that it says it does.

On recollection, I think I do understand why the Government does not write into legislation the very things that it says it does. This is because the Government is not prepared to say that it is going to continue doing those things; it does not want the legislation to require it to have a community input. It is not good enough for the Minister to say, 'Look, we get on very well with the fishing community and, if we are going to amend the Act, we will have

discussions with them.' That may be the case with this Minister. We have not yet had a clear indication of that. However, if one of his colleagues was in that chair (perhaps the Minister who is in the Chamber with him now), I would be very anxious to have written into legislation the most stringent controls on what the Government should do. To say that if anyone objects to these plans they have access to appeal to the Subordinate Legislation Committees that is all disingenuous. The average citizen in South Australia is not all that aware of the Parliamentary processes. To become aware of the Parliamentary processes, they either have to seek legal advice and/or go and see their member of Parliament. Then they have all sorts of hassles, and most of them will drop by the wayside. They will say, 'I am not going to go through all that; I will put up with the decision.' That is all right, so long as they participate in the decision in the first place.

The Opposition wants to ensure that, if we are going to have schemes of management, they take into account the view of the community that is effective. I refer, for instance, to the recent decisions regarding the Northern Spencer Gulf scale fishery. If we are going to develop a scheme of managemenmt for scale fishing, it would not be unreasonable, in view of the things that have happened within the past few weeks, to have an input from the Port Augusta council, the local amateur fishermen, the A class fishermen, the B class fishermen, and the fishermen within the Minister's electorate who fish in that part of the world. That would be more appropriate, because these people live in the area and exploit the resorts.

The Minister might be confident that the people in Adelaide who live 200 miles away from that area are able to make their correct decision and by and large, I expect that they are. However, I do not know what his interpretation of 'democracy' is. The Opposition is trying to democratise the fishing industry and the management plans.

If there is some problem and danger in that which the Minister foresees but which I am unable to determine, I would be happy for him to point them out. I can see absolutely no problems with that from the department's point of view. Indeed, I can see considerable benefits to the department and to the community. After all, I have said many times during this debate that we are talking about a community resource. We are not talking about a resource that is owned by a few select people: we are talking about a resource that is the property of the people of South Australia. The Opposition is trying to ensure that the people of South Australia have some say in how that property can be managed. This is one way in which it can be done. I ask the Minister once again to consider the points that we are making and perhaps, if he is not prepared to accept the amendment at this late hour, he might consider advising the Minister in another place who will have the carriage of this Bill to accept it when the amendment undoubtedly will be moved there.

The Committee divided on the amendment:

Ayes—(16) Messrs Abbott, L. M. F. Arnold, M. J. Brown, Crafter, Duncan, Hamilton, Hemmings, Hopgood, Keneally (teller), Langley, McRae, Payne, Peterson, Slater, Trainer, and Whitten.

Noes—(19) Mrs Adamson, Messrs Ashenden, Becker, Billard, Blacker, Chapman, Eastick, Evans, Glazbrook, Lewis, Mathwin, Olsen (teller), Oswald, Randall, Rodda, Russack, Schmidt, Wilson, and Wotton.

Pairs—Ayes—Messrs Bannon, Corcoran, O'Neill, Plunkett, and Wright. Noes—Messrs Allison, Arnold, D. C. Brown, Goldsworthy, and Tonkin.

Majority of 3 for the Noes.

Amendment thus negatived; clause passed.

New clause 46a.

**Mr KENEALLY:** I move:

Page 23, after line 44—Insert new clause as follows:

46a. The Director shall, not less often than once in each year, publish and make available to the holders of licences in respect of each fishery a document setting out the text in consolidated form of all regulations, proclamations and policies applying in relation to that fishery.

In moving this amendment, I indicate that the Opposition has taken the hint and does not intend to call for any more divisions on its amendments.

Amendment negatived; clause passed.

Clauses 47 to 53 passed.

Clause 54—'Fish processors required to be registered.'

**Mr KENEALLY:** I move:

Page 27, line 16—Leave out 'shall' and insert 'may'.

**The Hon. J. W. OLSEN:** The Government is willing to accept this amendment. I have had discussions with those involved in the fishing industry, and it seems to me that the amendment would facilitate a greater degree of control that can be exercised by the Director for the maintenance of a high standard for those in the fish processing industry, particularly those who have large capital investment and need a throughput to establish their cost effectiveness.

The argument put by the fish processing industry about cost effectiveness is similar to that which we have applied throughout the Bill in relation to the viability of the fishery itself. It will particularly exclude small operators with inadequate facilities from coming into South Australia, possibly from interstate, and poaching, as it were, on those South Australian establishments that have invested capital and have permanent employees on the pay-roll. The Government's view is that we ought to protect those industries that have a capital investment and an employment base in South Australia. I therefore accede to the amendment.

**Mr BLACKER:** I support the amendment. I am rather intrigued at the philosophy behind it, because the philosophy that the honourable member was applying to the individual fishermen is not quite the same philosophy as he is applying to the business community in this instance. It makes a mockery of the honourable member's argument that he expounded to this House earlier on. Perhaps the honourable member would care to comment on how he can take into account this type of philosophy for the processor and yet discount it for the individual fisherman.

Amendment carried.

**Mr KENEALLY:** I move:

Page 27, after line 22—Insert subclauses as follows:

(3a) The Director shall not register a person as a fish processor unless he is satisfied that the operations proposed to be carried on by the applicant would comply with the requirements of this Act and the Health Act, 1935-1980.

(3b) The Director may refuse to register a person as a fish processor if he is satisfied that—

*(a)* a person whose registration as a fish processor has been suspended or cancelled;

or

*(b)* a person who shared in the profits of the business carried on by a person referred to in paragraph *(a)* has a direct or indirect interest in the granting of the registration.

Amendment negatived.

**Mr KENEALLY:** I move:

Page 27, line 29—Leave out 'shall' and insert 'may'.

The Government might see its way clear to support this amendment. It is not too different from the amendment that we made to line 16, where we left out 'shall' and inserted 'may'. Will the Minister test the water again? If he accepts this amendment, the world will not fall in around him.

**The Hon. J. W. OLSEN:** The Government accepts the amendment, as it is basically consequential on the other. I cannot, however, accept the other amendments to clause

54. I have given an undertaking to those associated with the fish processing industry that I will have detailed discussions and consultation with them (and I will confirm that with them) in relation to setting regulations that will take into account factors that they want to put to the Government in establishing the criteria for regulating those in the fish processing industry.

I might add that the Government had intended to move an amendment itself in relation to this clause, but, in view of the fact that the Opposition circularised its amendments, we would agree to those put forward by the member for Stuart.

Amendment carried.

**Mr KENEALLY:** I move:

Page 27, after line 33—Insert subclause as follows:

(5a) The Director shall not specify any premises, place, boat or vehicle in a certificate of registration unless he is satisfied that the premises, place, boat or vehicle and the use proposed to be made of it by the applicant would comply with the requirements of this Act and the Health Act, 1935-1980.

I would have thought that that matter was not only basic but also absolutely essential. I would be surprised if the Government has any reason that it could put to the Committee to justify opposition to such a clause. All we are seeking here is to ensure that the Director shall not 'specify any premises, place, boat or vehicle in a certificate of registration' unless he is satisfied that the requirements of this Act and the Health Act are conformed to. Surely, the Minister cannot object to the requirements of this Act being complied with. Surely, too, when we are talking about food he cannot object to this Act conforming to the Health Act. The Minister might be able to tell me why he does not want the clause to apply to his own Act or to the Health Act. I cannot see any reasons, and I would be interested to hear any that he might be prepared to put forward.

**The Hon. J. W. OLSEN:** There is a very simple reason. These matters are covered under other Acts, and it would mean duplication. The Government does not accept the amendment. The provisions of the Health Act are clearly spelt out in that Act and apply to the processing sector, anyway. There is no good purpose in including them in legislation.

Amendment negatived; clause as amended passed.

Clauses 55 to 63 passed.

New clause 63a—'Bribery.'

**Mr KENEALLY:** I move:

Page 33, after line 6—Insert new clause as follows:

63a. (1) A person engaged in the administration of this Act, or in the exercise or discharge of powers or duties under this Act, shall not—

*(a)* solicit, receive or accept any bribe;

or

*(b)* enter into any collusive agreement involving neglect of duty or improper conduct.

Penalty: Two thousand dollars or imprisonment for six months.

(2) A person shall not—

*(a)* give or offer a bribe to a person referred to in subsection (1);

or

*(b)* make with any such person, or induce any such person to make, an agreement referred to in that subsection.

Penalty: Two thousand dollars or imprisonment for six months.

Although this clause is, in a sense, consequential on other matters that we have discussed, it is nevertheless of vital importance. It is, I believe, fundamental in an industry such as the fishery industry in South Australia, which has such lucrative parts contained within it. I refer to the prawn industry, the abalone industry, and other industries. I suspect that the only ones under pressure are the scale fishery and, at times, the rock lobster industry. The other industries seem to be doing very well. It is absolutely imperative that the opportunities for bribery of people within the Government service or people within the industry are kept as low as possible.

I believe that the logic of this clause is self evident. I am becoming somewhat pessimistic as to the Government's willingness to discuss or consider amendments sensibly. This does replace a 'shall' with 'may', so I suspect that the Minister will not be able to accept it. The only two amendments that he has accepted up to date have been to leave out 'shall' and insert 'may'. This is slightly more complex than that. It may be that the people advising him do not have the ability to determine quickly what the Opposition is on about. They will get this opportunity, I am certain, in another place, so all is not lost as far as the Opposition is concerned. I recommend this clause to the Committee and hope that it sees fit to support what I repeat is a fundamental and an essential element that should be in a measure of this kind.

**The Hon. J. W. OLSEN:** The Government rejects the amendment proposed by the Opposition because it is unwarranted. These matters are already covered by the Public Service Act. For example, the proposed new clause 63a states 'shall not solicit, receive or accept any bribe'. This matter is covered under regulation 18g of the Public Service Act, which states, 'No officer shall directly or indirectly solicit any gift or present.' In addition, bribery of public officers is an offence at common law, and is also covered by section 253 of the Criminal Law Consolidation Act. Therefore, insertion of this provision in this legislation is irrelevant and duplication only.

Amendment negatived; clause passed.

Remaining clauses (64 to 72) and title passed.

Bill reported with amendments. Committee's report adopted.

## TRADING STAMP ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

## LICENSING ACT AMENDMENT BILL (1982)

Received from the Legislative Council and read a first time.

**The Hon. E. R. GOLDSWORTHY (Deputy Premier):** 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 makes several amendments to the Licensing Act, 1967-1981, to overcome problems that have arisen in the administration and enforcement of the Act while at the same time it enacts or amends several provisions which are designed to meet changed trading and entertainment trends. The Government believes that it is appropriate that these proposals should be dealt with now as they will have a positive benefit for the community and the liquor industry. However, it is intended that a more comprehensive review of the Licensing Act be undertaken later.

The provisions of the Bill reflect the Government's commitment to assist the tourist industry in South Australia. A new class of licence to be known as a 'tourist facility licence' is introduced and this will enable licensees to sell and dispose of liquor in specified premises that are associated

with or are in the vicinity of a tourist attraction and which provide tourist facilities. Before the Licensing Court grants such as a licence it must be satisfied that the interests of tourism in South Australia are likely to be enhanced. The court must also satisfy itself that no other suitable licence under the Act (apart from a full publican's licence) would be adequate because, although there are other classes of licence available, recent applications to the court have highlighted a need for a more flexible licence which can be moulded to meet the requirements of new tourist complexes. The availability of the new tourist facility licence will benefit both the needs of the public and individual tourist complexes.

As part of the Government's commitment to assist tourism in this State, it has decided to allow Sunday trading for some hotels. The Licensing Court is given power to authorise the holder of a full publican's licence to sell or dispose of liquor between certain hours on a Sunday if it is satisfied that the authorisation will satisfy a demand by tourists in the area. The Government believes that there is significant support for limited Sunday trading of this nature provided that the quiet of the locality is not disturbed, that owners of premises in the locality are not adversely affected and that persons attending a church service are not inconvenienced.

The majority of the other States now have various forms of Sunday trading in hotels and it has been found that the lack of available bar facilities on Sundays is a drawback to tourists, although patrons consuming a meal in a hotel at any time on a Sunday are presently allowed to drink liquor.

The Bill further amends sections 25 and 26 of the Act to enable vignerons and distiller's storekeepers to sell and supply their product for consumption with a meal on the premises. The measure will also aid the interests of tourism in this State.

Pursuant to section 167 of the Act, the Licensing Court may grant permits authorising the tasting of liquor. The Bill amends this section to enable the more liberal issue of wine tasting permits for a wider range of circumstances. This amendment recognises the importance of the wine industry in this State.

The Bill inserts in the principal Act a new provision designed to assist the combating of noise disturbance associated with licensed premises. Since the introduction in 1976 of open ended trading hours in dining rooms, the number of complaints relating to licensed premises has increased. Although the grounds of objection to the grant or renewal of any licence were extended at that time to include disturbance to the quiet of the locality, the Act does not contain a provision to enable the Licensing Court to hear and determine noise complaints as a matter of urgency rather than having to await the annual renewal of the licence. Having regard to the evidence presented in specific cases, the court should be able to impose appropriate conditions upon a licence or suspend the licence to ensure the peace and quiet of the neighbourhood.

An inter-departmental working party including representatives from the Department of Public and Consumer Affairs, the Department of Environment and Planning, the Police Department and the corporation of the city of Adelaide, was set up to examine problems arising from noise associated with entertainment. The amendments now proposed, embody the recommendations of that working party considered necessary to combat effectively noise disturbance from the few problem premises licensed under the Licensing Act. A complaint may be lodged with the Superintendent of Licensed Premises, a police officer, a municipal or district council or a person who represents the interests of 20 or more persons who reside in the vicinity of the licensed premises. The court is to have power to suspend the licence or permit and attach conditions to the licence or permit. The opportunity has also been taken to insert amendments to extend the ability of the court to impose conditions on all classes of licences. At present the right of the court to impose conditions on full publicans, limited publicans, wine and theatre licences is not clearly spelt out and the court has had to resort to relying on the general discretion available to it in the Act.

The working party on noise recommended that affected persons should have the right to object when a licensee makes an application to the court which may lead to trading or entertainment charges. An amendment to section 48a will allow for objections in cases where applications, if granted, will significantly affect the nature or extent of the business carried on in pursuance of the licence.

Hotels cannot sell or supply liquor between 12 midnight and 5 a.m. other than with or ancillary to a *bona fide* meal and restaurant and motels cannot sell or supply liquor at any time other than with or ancillary to a *bona fide* meal (excepting to lodgers). The Government believes that, given the increase in and demand for late evening entertainment such as discotheques and piano bars, patrons should be able to consume liquor in certain circumstances without also consuming a meal. To this end a new section has been inserted to enable the grant of late night permits to certain full publicans, limited publicans and restaurant licensees to apply to certain areas of suitable hotels, restaurants and motels to allow trading in liquor during a maximum period from 9 p.m. to 3 a.m. (excluding Sunday evenings), subject to specified requirements and conditions including the supply of a meal to any person on demand. A late night permit may be granted for up to 12 months and a nominal application fee will be prescribed by regulation. Provision has also been made to allow the Superintendent of Licensed Premises to apply to the Court for the licensee to appear and for the court to suspend or cancel his permit where there is reasonable cause to believe that the permit holder has breached the conditions of the permit. In effect these new permits will be more difficult to obtain than the present section 66 permits given the criteria a licensee must meet as to standards. Any breach of the conditions of the permit by the licensee may result in the prompt suspension or cancellation of the permit.

The introduction of this new class of permit changes the concept that liquor and entertainment should be ancillary to the consumption of food in restaurants and dining areas. This new concept will assist the police in proceeding against those restaurants and hotels that supply liquor other than with a meal without having a late night permit granted by the Licensing Court.

It is desirable that the community be allowed to consume liquor legally at a wider variety of functions than is the case at present—particularly those functions held on unlicensed premises. Therefore an amendment has been made to section 66 of the Act. The Licensing Court is able to grant special permits to allow the supply and consumption of liquor in circumstances which would otherwise be unlawful, e.g. 21st birthday parties or wedding receptions in the local hall. However, the Licensing Court has had to refuse some applications (which are proper functions for the consumption of liquor), because of the restrictive definition of 'entertainment' in section 66 of the Act. This definition has been broadened to allow the consumption of liquor at a wider variety of functions, e.g. art displays, etc.

The Bill inserts new sections 179a and 179b to assist in controlling a number of undesirable practices and improper schemes which have been devised by a few licensees to gain an unfair advantage over competitors in the cut price war. The avoidance of State liquor licence fees is one of these practices which is becoming prevalent throughout the liquor

industry and could be costing this State a substantial amount in lost revenue annually. This problem is not unique to South Australia and other States are also endeavouring to combat the practice.

In South Australia, following a recent reorganisation of the inspectorate in the Licensed Premises Division, two officers with accounting experience and qualifications have been given a primary role of examining returns from licensees and inspecting records.

The Licensing Act requires suppliers and retailers of liquor in South Australia to submit an annual statement of liquor sold, supplied or purchased detailing the quantity, nature and price and giving particulars of the purchaser. As part of the assessment process, these returns and declarations are cross-referenced and checked. However, in practice this system has deficiencies and requires detailed examinations by the assessors.

Licence fees for vignerons, distiller's storekeepers and wholesale storekeepers are assessed on sales to unlicensed persons only and therefore there is no ready method of assessing the validity of the statutory declarations filed by these licensees. This system also has deficiencies as a simple mistake on the statutory declaration could result in a significant loss of revenue to the Government. The assessors should have the ability to check licensees' records.

The new provisions will authorise the new examiners, inspectors to enter premises for the purpose of examining licensees' books of account to enable the proper assessment of licence fees and will require licensees to make and keep adequate records. In addition licence fees will now be able to be reassessed on more than one occasion. This will allow wrong assessments to be corrected (both in favour of the licensee as well as the Government) in light of additional information received.

The Bill repeals section 22f of the Prices Act, 1948-1981. The provisions of this section are ineffective and have never been used. However, deletion of the section will enable the court, in appropriate cases and in regard to specific licences, to impose conditions relating to unfair pricing practices in light of evidence presented at a particular hearing.

Section 27 of the Act is amended to allow licensed clubs to purchase spirits and wine from any source. The intention is that licensed clubs that can presently purchase liquor by wholesale can continue to do so. However, there are some licensed clubs that presently have to purchase all their liquor by retail and these clubs will now be able to purchase wine and spirits by wholesale or retail while beer must still be purchased by retail. As a result of this amendment a new fee structure has been inserted in section 37 of the Act to cover clubs purchasing liquor from both wholesale and retail sources.

In amending section 27 of the Act the opportunity has been taken to repeal references to the Returned Sailors' Soldiers' and Airmen's Imperial League of Australia (South Australian Branch) Inc. Club in this and other sections of the Act as this club licence was surrendered on 31 December 1975.

The Act presently requires the Full Court of the Supreme Court to grant leave for appeals on questions of fact. The Bill repeals section 9 (1a) of the Act to allow appeals on questions of law and fact as a right.

Clauses 1 and 2 are formal. Clause 3 inserts a definition of 'beer' into section 4 of the principal Act. This definition is made necessary by a later amendment in the Bill that will, in the future, have the effect of requiring the holder of a club licence to purchase only beer instead of all liquor from a hotel or retail store. Paragraph *(b)* clarifies the definition of 'wine' by excluding beer and spirits. Clause 4 replaces subsections (5) and (6) of section 5 of the principal Act. New subsection (6) gives greater flexibility in appointing an appropriate person to act in the place of the judge under the principal Act. Clause 5 removes subsection (1a) from section 9 of the principal Act. This subsection required that an appeal from the Licensing Court to the Supreme Court on a question of fact or of fact and law should lie by leave only. The provision has not worked satisfactorily in practice.

Clause 6 removes from section 12 of the principal Act a reference to 'licensed auctioneer'. The Auctioneers Act, 1934-1961 has recently been repealed and references to licensed auctioneers are therefore inappropriate. Clause 7 makes consequential amendments to section 14 of the principal Act. Clause 8 makes the amendments to section 19 of the principal Act to implement the Government's proposals as to Sunday trading. New subsection (6) is enacted to make it quite clear that the court has power to impose conditions on a full publican's licence. Clauses 9 and 10 make amendments to sections 20 and 23 of the principal Act to make it clear that the court has power to impose conditions on a limited publican's licence and a wine licence.

Clause 11 amends section 25 of the principal Act to allow the holder of a distiller's storekeeper's licence to serve liquor with meals. Paragraph *(a)* is consequential. Paragraph *(b)* replaces subsection (4) and inserts new subsection (4a) into section 25. New subsection (4) provides for the service of liquor and meals or for tasting and subsection (4a) makes it clear that the court can authorise the licensee to undertake either one or both of the activities. A licensee wishing to take advantage of this amendment will be able to apply to the court under new section 48a (inserted by clause 18 of the Bill) for the necessary variation to his licence. Clause 12 makes an amendment to section 26 of the principal Act which is similar in form and has the same effect, in relation to vigneron's licences as the amendments made by clause 11 have in relation to distiller's storekeeper's licences. Clause 13 amends section 27 of the principal Act so that, in the future, the condition attached to club licenses requiring liquor to be purchased from a hotel or retail store will apply to purchases of beer only. New subsection (4) makes the same change in relation to existing licences under which the licensee at the moment, must purchase all liquor from retail outlets.

Clause 14 makes an amendment to section 33 of the principal Act to make it clear that the court has power to impose conditions on a theatre licence. Clause 15 enacts new section 33a of the principal Act which establishes the new tourist facility licence. The new licence can be tailored by the court to suit the requirements of the applicant but can only be granted where special facilities or amenities that will encourage tourism are provided. Subsection (5) provides that employees employed by the holder of a tourist facility licence will be employed on the same conditions as employees working in hotels until an appropriate award is made under the Industrial Conciliation and Arbitration Act, 1972-1981.

Clause 16 replaces subsection (1a) of section 37 of the principal Act. The provision relates to fees for club licences and is consequential on the change that will, in the future, require clubs to purchase beer only from hotels and retail stores. At the moment a club that is required to purchase all its liquor by retail pays a fee fixed by the court between $100 and $500 and is not liable for the fee fixed under subsection (1) as a percentage of value of liquor purchased. Where beer must be purchased by retail the club will have to pay the fee calculated under subsection (1) of section 37 for liquor purchased by wholesale where the fee is greater than the flat fee provided by paragraph *(b)* of subsection (1a). If it is less than the fee fixed by the court then the latter fee is payable.

Clause 17 makes a number of amendments to section 38 of the principal Act which makes it clear that the court

can make more than one reassessment of licence fees. Such a power is important because it is not always possible to guarantee that the court has before it complete information when assessing or reassessing fees under the Act. Clause 18 replaces section 48a of the principal Act. Subsection (1) of the new section makes it clear that a licensee can apply to the court at any time to extend the operation of his licence. Subsection (1) of the previous section implied such a power but the new section specifies it clearly and widens it. For instance, it has been held that an application to the court for the designation of part of licensed premises for the purpose of supplying liquor with meals at any time (see section 19 (1) *(c)* of the principal Act) is not covered by the old section. Consequently where such a change is likely to affect people living in the vicinity it is not possible for the court to order notice of the application to be given which in turn would allow for third party objections. Subsections (2), (4) and (5) are similar to subsections (2), (3) and (4) of the old section but the obligation to give notice and the opportunity of objecting to an application will be wider because subsection (1) applies to a wider range of applications and subsection (2) now applies to applications for a permit as well as to applications under subsection (1). Subsection (3) requires notice to be given to the local council in the case of an application for a late night permit. The council may object to the application under subsection (4).

Clause 19 amends section 61 of the principal Act to make it clear that the court has a general power to attach to or remove conditions from a licence on the grant, renewal, transfer or removal of the licence. Clause 20 replaces the definition of the term 'entertainment' used in section 66 of the principal Act. This section provides for the issue of permits by the court to applicants wishing to hold an 'entertainment'. The purpose of the change is to define the term as widely as possible so that there will be the least restriction possible on the court's power to grant permits under this section. Clause 21 enacts new section 66b of the principal Act which makes provision for permits that apply between nine o'clock in the evening and three o'clock in the morning. The holder of the permit will be required to supply a meal with liquor only if requested (subsection (4)) but must provide entertainment during the hours that the permit has effect (subsection (5) *(b)*). The court may suspend or cancel a permit if the holder fails to comply with section 66b or with a condition of the permit (subsection (8)). Clause 22 strikes out paragraph *(d)* of section 67 (5). The Returned Sailors' Soldiers' and Airmen's Imperial League of Australia (South Australian Branch) Incorporated no longer holds a licence and the provision is therefore inoperative.

Clause 23 makes amendments to section 72 of the principal Act for the reasons mentioned in the note to clause 6 of the Bill. Clause 24 makes a consequential amendment to section 82 of the principal Act. Clause 25 inserts new section 86d into the principal Act. This section gives the court power, on the application of certain persons, to suspend a licence or permit or to attach conditions to a licence or permit where it has been shown that undue disturbance or inconvenience has been caused by the licensee or his patrons to persons living in the vicinity of the licensed premises. Subsection (4) sets out the persons who may apply. Amongst others a person representing at least 20 persons residing in the vicinity of the licensed premises may apply on their behalf. Clause 26 strikes out paragraph *(b)* of section 87 (5) for the same reason as for the amendment made by clause 22.

Clause 27 makes a series of amendments to section 167 of the principal Act to facilitate the application for and issue of permits for the tasting of liquor. Paragraph *(a)* removes the requirement that the application be in the prescribed form. Paragraph *(b)* replaces paragraphs *(b)* and *(c)* of section 167. New paragraph *(b)* requires the consent of the occupier of the premises to the grant of a permit but not the consent of the owner or the Commissioner of Police as the present section requires. New paragraph *(c)* is drawn more widely than the existing provision. It should be noticed, however, that the court has a discretion to grant or refuse a permit and may refuse an application if the premises are unsuitable or for any other reason it believes that a permit should not be granted. Paragraphs *(c)* and *(d)* make consequential changes and paragraph *(e)* inserts new subsection (2) which empowers the court to grant an application where less than seven days notice has been given.

Clause 28 is consequential on the amendments made by clause 29. Clause 29 inserts two new sections into the principal Act. Section 179a requires the making and retention of records for three years. The purpose of the records will be to enable the court to determine the appropriate fees to be paid by the licensee. Section 179b allows for the inspection and copying of records by inspectors and the questioning by inspectors of licensees and others referred to in subsection (2).

Clause 30 repeals section 182 of the principal Act. The substance of this section is replaced in a more appropriate part of the Act by clause 31. Clause 31 enacts new section 185a of the principal Act which replaces section 182. The new section is wider in its effect than section 182 and in particular penalises a person who fails to produce records to or answer questions put by an inspector. Clause 32 repeals paragraph *(b)* of section 189 of the principal Act. The paragraph amended the Prices Act, 1948-1967, by inserting section 22f which empowered the Minister to control the price of liquor. The amendment is consequential on the repeal, by clause 34 of this Bill, of section 22f of the Prices Act, 1948-1981. With these two provisions gone it will be possible for the court, if it thinks fit, to attach an appropriate condition to a licence in relation to an unfair pricing practice. Clause 33 amends section 194 of the principal Act to widen the court's power to call witnesses to attend and give evidence at all proceedings of the court. Clause 34 makes the amendment to the Prices Act, 1948-1981, already referred to.

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

*[Sitting suspended from 11.20 p.m. to Friday 2 April at 2 p.m.]*

## FISHERIES ACT AMENDMENT BILL

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

Bill read a third time and passed.

## LICENSING ACT AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 3983.)

**Mr SLATER (Gilles):** The present Licensing Act is somewhat of a patchwork quilt. Certainly, there is a need to consider a complete review of the Act to bring it into line with present-day trends and the desires of the public and

persons involved in the hotel and hospitality industry. Members may recall that most of the previous amendments to the Act moved in this session related to additional Government revenue. Even though I support the amendments before the House this afternoon, I believe that this legislation may not assist. To the contrary, it may provide further anomalies and confusion in the hotel industry. One of the major amendments to the Bill is the provision of limited Sunday trading. There is no doubt that the Government needs to improve its electoral image, because for some time it has alienated the ordinary person in the community through various legislation.

One of those that readily comes to mind is on-the-spot fines. The Government needs to portray a more human image, if I can use that phrase, to the electorate at large that it is in some way endeavouring to cope with social issues. With this legislation, the Government is trying to please everyone. I know that most of the legislation has been the result of negotiation between competing parties in industry. Although the Government is trying to please everyone, it may please no-one. As I have said, the Government wishes to look less inhibiting and less conservative to the electorate at large. With this measure, I think that the Government can be compared to Christopher Columbus: it has set out not knowing where it was going and, when it got there, it did not know why it was there or where it had been. I think that sums up fairly aptly the Government's attitude to this measure.

The Opposition supports the Bill because there are some aspects of it that I believe will be beneficial to the industry. However, there are some matters about which I have very grave reservations. The legislation provides for limited Sunday trading. This issue of whether South Australia should have Sunday trading has been bandied about for many years. This legislation provides a very limited aspect of Sunday trading. It is proposed that there will be two sessions of trading of two hours duration, with an intervening two-hour gap, between the hours of 11 a.m. and 8 p.m. I believe that it will cause a very difficult situation for those persons employed in the industry.

Employees in the liquor industry have for some time indicated their opposition to Sunday trading. Employees who will be asked to work on Sundays on the proposed basis should receive special remuneration rates to compensate for disturbance to their lives because they are required to work the additional hours on a Sunday. We often hear from people involved in the liquor industry, the tourist industry and the hospitality industry that one of the greatest impediments apropros the tourist situation is the increased labour costs that must be paid for weekends and Sunday work. However, apart from that, persons employed in the service industries are entitled to receive sufficient remuneration for the disturbance to their family life and their social life. This aspect will add to the existing situation a problem that I trust will be resolved.

The new proposals could, and most likely will, provide for the important people as far as industry is concerned, that is, the customers, an increase in the price of beer and liquor generally. In this situation, I refer to the competing interests in the industry, from the suppliers, breweries, wineries, hotels, clubs, the people who work in the industry, and so on. However, the public, of course, who are the consumers, always bear the costs. I believe quite sincerely as I did in regard to revenue measures that were introduced into the Licensing Act some six months ago, or perhaps more recently, that there will once again be an increase in the price of liquor, and that the customer will have to bear the burden of that increased cost.

For some years, there has been considerable controversy in regard to Sunday trading. I do not believe that the Australian Hotels Association, South Australian Branch is unanimous in its desire for Sunday trading. I want to refer to an article that appeared in the press. Granted, it was in 1979, but I think it indicates some of the confusion that exists within the hotel industry. Headed, 'Publicans vote: 231 say no for Sundays', the report states:

> South Australian publicans are overwhelmingly against Sunday trading, according to a ballot by a group of city and surburban publicans. A total of 231 publicans returned ballot papers indicating that they were not in favour of extending Sunday trading hours. Only 39 hotelkeepers said, 'I am in favour of extending Sunday trading hours.'

The 231 publicans not in favour of extending Sunday trading hours were broken up into the city, 26; suburbs, 56; and country, 149. A spokesman for the group that organised the poll said:

> The vote had indicated that the South Australian Branch of the Australian Hotels Association was clearly out of touch with the views of its members.

That poll, taken some two and half years ago, indicates quite clearly that some division exists in the minds of the people involved in the trade, the publicans, in regard to Sunday trading.

I believe that this form of limited Sunday trading will also cause some degree of difficulty amongst the publicans themselves in the hotel industry because we must remember that it is proposed that the licence will be issued for Sunday trading at the discretion of the court, and the publican must prove that it is a tourist hotel. I believe that that will be a very difficult thing to prove one way or the other. How do we define a tourist? Is it a person that travels to the next suburb or down to Glenelg from Adelaide, or something of that nature? I believe that it may cause a good deal of difficulty in regard to the court's discretion in relation to limited Sunday trading.

The Government has come to a compromise in respect of Sunday trading. I do not believe it is a very effective compromise. Indeed, I believe that it may cause more hassles and problems than it will resolve. I agree that in some cases outside the metropolitan area, for example, Victor Harbor, it would be beneficial for the hotels to be afforded this tourist licence. Certainly, there are others in the Barossa Valley, and so on; it may be of assistance to them.

I believe that in the metropolitan area it will probably prove more of a hindrance than a help. Quite honestly, I believe that if no compromise has been reached on this occasion it is probably a foot in the door for full Sunday trading. The Government never had the courage to go that far; it looked for a compromise, and I belive that this is a weak one. We will see how it operates and, of course, when and if, the Licensing Act is consolidated and brought up to date this ought to be one of the measures that receives prime consideration.

I believe that the amendments will, unfortunately, increase the cost of liquor to the community generally. The consumer always pays. At present, there is some control: there are recommended prices for liquor sold from hotel front bars. However, the charges for liquor in other parts of the hotel, as we all know, such as the lounge and dining rooms, are substantially higher, to cover labour costs, I understand, and are usually based on what the traffic will bear. There is a considerable difference between the price of liquor in a hotel front bar and the price charged in the lounge or dining room. That has a very dramatic effect on the hotel industry.

Hotel proprietors often believe that clubs are their major competitors. Therefore, if a customer can be in a club atmosphere instead of a hotel lounge or dining room atmosphere, and if he can purchase liquor from a club for a similar price as he can purchase from a hotel front bar, he

may opt for the club. That is probably one of the reasons why clubs are expanding in this State. The club atmosphere provides an opportunity for people who have a common interest in the club to meet, and there is no doubt that the hotel industry has suffered from the effect of the proliferation of clubs in the past 10 or 20 years.

At the same time, I believe that the club atmosphere (I cannot speak about all clubs, although I have been to quite a few) in comparison to the atmosphere of hotel lounges is much better for convivial imbibing. That means that people are usually able to purchase liquor at what is described as front bar recommended prices, which are quite different from the prices charged in the lounges of hotels. It is no wonder the people of South Australia have developed the club atmosphere. The trading figures as at 30 June 1980 show that there were 260 licensed clubs in South Australia, and there were 798 organisations operating on a club permit basis. That gives an indication of the proliferation of club licences and permits over the past few years.

The Bill proposes a further proliferation of licences in the form of special tourist facility licences. I do not object to that type of licence, because I believe the court will have to be satisfied that no other single licence will apply apart from a full publican's licence. We should provide an opportunity for those licences, as long as they are covered under an appropriate award. People who work in the tourist and hospitality industry should be adequately remunerated for their efforts. However, if that aspect applies I have no objection to the tourist facility licences.

It is true that many in the hotel industry are suffering difficult times, but not only because of the competition from the clubs. I refer specifically to bottle sales. There has been a proliferation of licences to large supermarkets which can buy in bulk and offer to the public quite substantial discounts on bottled liquor. There has been a discount war among the various suppliers and the bottle trade and the industry, and one of the major factors has been that the large supermarkets have been able to undercut normal suppliers in the industry. Although people in the hotel industry believe that the clubs are their greatest opponents, they do have problems in relation to bottle sales by the large discount stores.

I am interested to see that the definitions have been changed to allow clubs with licences to purchase liquor outside of their beer requirements from wholesale outlets. Some licensed clubs now have the opportunity to buy all of their requirements from a wholesale supplier, but I understand that in most cases clubs are required to buy from a retail outlet. In doing so, they pay retail prices, although there is usually a standard arrangement for the hotel to give a concession, of the order of about 10 per cent, to the club on a monthly account. That is standard practice. At the same time, it is much more beneficial to the club if it can purchase its requirements from wholesale suppliers. Here again, the Government has gone part of the way, although not all the way, and I think this is something of a trade-off to the clubs and the hotel industry in relation to limited Sunday trading.

I remind the House that about 780 of the permit clubs will not be afforded this opportunity. It is probably not wise to initiate such an action at present, but the most recent amendments to the Licensing Act increased an annual club permit from a maximum of $100 to $300, and as a consequence the smaller clubs will not be able to take advantage of what is proposed in the Bill. Its provisions will apply to about 200 clubs which are now able to buy wines, spirits, and so on, on a wholesale or discount basis. It is not much of a trade-off to the clubs, but I believe there will be an opportunity to consider this matter further at some future time.

Many of the amendments made by the Bill have my support. There is certainly a need to tackle the problem of noise disturbance emanating from hotels in the evening. Even though this measure might not be as effective as we would hope, people who live near licensed premises are entitled to their privacy, and they should not be disturbed late at night by patrons leaving hotels. I know that there has been great difficulty with one hotel in the district of my colleague the member for Norwood. I agree with anything that would enable the court to hear and determine complaints of excessive noise, and I support that provision very strongly.

Another quite unusual aspect of the Licensing Act relates to *bona fide* meals. Anyone who has any common sense would know that that has been interpreted in a very wide way. There were occasions when the meal was not palatable in the first place, and I doubt that one could eat it, but it was a rather peculiar provision that has been in the Licensing Act for some time. I believe people should have the opportunity to consume liquor without a meal if they so desire.

Another provision in the legislation widens the definition of entertainment for functions on unlicensed premises. I understand that the court has had some difficulty in regard to determining the form of entertainment. I remember a particular experience, which I would like to relate to the House. A young fellow who was getting married on the Saturday had filled in the appropriate form for a permit to hold his wedding reception on unlicensed premises. A question on the form was, 'What form of entertainment' and he put on the form, 'Disco music'. The permit did not arrive and he asked could I help. I telephoned the licensed premises office and explained the situation. Fortunately, I was able to fix the matter up. Because of this definition and the question about the sort of entertainment and as the man did not realise he should have put 'Wedding reception' on the application, the court had some reservations about issuing the permit. This shows that there can be difficulties in the definition of the term entertainment. I also understand that the provision in the Act also extends to other forms of entertainment, such as art displays, so I do not oppose that part of the Bill.

Basically, we support this legislation. I repeat that I personally have reservations in regard to the limited Sunday trading. I have already expressed them and perhaps I should reiterate them. It appears to me that there will be some difficulties for the court in determining what is a tourist hotel. I also believe there will be difficulties in regard to the spread of hours. There will be two hours for a session, with a minimum of two hours break in between, based somewhat, I believe, on the United Kingdom system. Perhaps the member for Glenelg or the member for Brighton can correct me, but I understand they have two sessions on Sundays in the United Kingdom and I believe this provision is based somewhat on that particular aspect of trading on Sundays.

**Mr Mathwin:** They put back the starting time of football matches to cater for the pub closing.

**Mr SLATER:** Yes. There will be a degree of flexibility. I believe that a hotel may apply for whichever two hours it wants. It may want 10 a.m. to 12 noon or 11 a.m. to 1 p.m., and again from 5 p.m. to 7 p.m. or 6 p.m. to 8 p.m. There is a discretion. This would apply specifically to tourist hotels in, for example, Victor Harbor and the Barossa Valley. In the metropolitan area it will create some confusion in the hotel industry. The first applicant who is refused a licence for limited opening on a Sunday will add to that confusion. I support the Bill.

**Mr EVANS (Fisher):** I support the Bill. At present, I intend to move amendments, but I will not debate those

areas now. First, I speak of the history as I know it in relation to the Licensing Act. It is true that until the 1950s there were very few clubs. Must clubs traditionally had been either golf or bowling clubs, or social clubs, such as the Adelaide Club, Tattersalls and the Travellers Club. There were not many football clubs. It was virtually unknown to hear of a community group having a licence, except on the Murray River and, I think, the Ceduna Community Hotel (I am not sure when that hotel became a community operation).

Until the 1950s hotels mainly provided dining and drinking facilities for people. There were differences compared to restaurants, there were many similarities. Of course, the hotels were forced to supply accommodation and food for those who wanted it. If accommodation was available they were obliged to supply a meal. There were not many licensed restaurants then such as there are today. At that time a sporting body could ask for a cabaret licence through a hotel.

**Mr Slater:** You were supposed to give it away. You could not sell it.

**Mr EVANS:** No. It was possible to have a cabaret within a hotel. The hotel could still get a permit.

**Mr Slater:** Go back a bit further.

**Mr EVANS:** I am talking about the 1950s. Extra clientele would come to the hotel for food and drink. On most occasions the hotel did a favour for the club by charging a moderate price for food, whether supper or something more substantial. Those permits were not freely available to any sporting club for many nights in the year, but were available for a few nights a year for each sporting group if it found a co-operative hotel.

In the 1960s a larger number of sporting clubs was looking for some form of club licence. We moved to what might be called composite sporting bodies looking for a licence. It could be a sports club for the whole community. It could be called the Timbuktu Community Sports Club, or it could be just a community club that operated licensed premises, in most cases under a permit system. They supported local sporting teams.

On many occasions all the members of sporting teams were not members of the club, and quite often people who joined had no interest in playing any sport, but they joined because they wanted to socialise and drink at the premises, support the sport involved or, in the case of individual sporting organisations associated with it, support individual sporting clubs. At the same time, smaller hotels were, to a degree, moving away from providing accommodation, because motels were being established offering more modern facilities, and the cost of renovating some of the older hotels to compete with that was becoming too expensive in relation to any benefit that could be gained. Quite often the number of beds available were not sufficient to justify the employment of staff, many hotels were operated by a husband and wife team, and the hours involved were considered too long.

However, following the amendment of the Act in 1967, I think it was, we moved into a period when 6 o'clock closing no longer applied, and it should be emphasised that, because of that, there was a distinct benefit to the community and the hotel industry in particular, as well as the restaurant industry to a lesser extent, because that measure brought about a new way of thinking in the community. Facilities were made available until 10 o'clock, and premises could stay open later, even into the early hours of the morning, with permits.

That was a great boost to the hotel industry, and the years following 1967 were most probably some of the best years for profitability in the liquor and catering trades. However, the penalty rates (I am not attacking them, but simply saying that they have a bearing on profitability) and conditions prevailing for employees made it very difficult to maintain that profitability, especially when at the same time more and more wineries were getting licences to enable them to sell from the cellar door. In more recent times more and more bottle shops have been opening and such establishments, of course, are not required to provide beds, meals or bar or lounge drinking facilities. Also, more and more clubs have obtained full licences, and this has affected the industry, as has the attitude of the community towards drink driving. Another thing that had a real booming effect on the industry at the time, however, was the changing of the age of majority.

**Mr Millhouse:** Do we have to have this long history lesson?

**Mr EVANS:** The honourable member is very seldom here to listen to anything that is said, so if he wants to go back to court—

**Mr Millhouse:** You haven't said one thing yet.

**Mr EVANS:** The honourable member is probably losing immense fees that he is able to charge people; he most probably has an appointment that he wants to keep. I am sorry, but I am going to make my speech.

**Mr Millhouse:** Why don't you get on with the Bill?

**The SPEAKER:** Order! The honourable member for Mitcham will remain silent. The honourable member for Fisher.

**Mr EVANS:** The member for Mitcham may be fully aware of all the history of the Act, but there are many people in my area who are not, and many people are concerned about the changes, albeit moderate changes, we propose to make to the Act. I want now to give the history of it as I see it so that when people communicate with me I do not have to repeat it all. This is a right that I have, a right that the member for Mitcham has used in the past, and I will use it on this occasion.

When the drinking age was changed in 1969 in the Bill my Government introduced, the member for Mitcham was the Attorney-General at the time, and there was an increase in the charge for licence fees. I was not going to say this today, but I openly contested that reduction from 21 to 18 in the drinking age. The member for Mitcham, as Attorney-General, informed me that I could not split the Bill to separate a social issue from a financial issue and that, if I voted against the Bill the Government would fall because of the financial issue.

I went to some officers in the House for advice on whether I could split the Bill and they agreed that the Bill could be split. The Bill was split, and I am thankful to those people who supported me in relation to a drinking age of 20 years. The argument was that a person under the legal age may try to sneak into licensed premises, and that if the age was 18, young people 15 and 16 years of age would be trying to do this. Parliament agreed to this in 1969 and the age of 20 applied for about nine months until a change of Government on 30 May 1970, when the age was subsequently reduced to 18.

We all know now, those people in the liquor industry as well as we Parliamentarians, that one of the biggest problems we have in the community is the under-age drinking, and trying to control it is virtually impossible for the publican or the person operating licensed clubs where, for example, permits are obtained to run discos. Wine bars are also involved. Without identity cards or driving licences bearing a photograph, we have in our society a massive number of people as young as 14 years drinking in licensed premises. I do not say that as a reflection on those operating those premises: it is because this Parliament made the age too low to enable adequate policing.

With some form of identification in this country, a person could be asked to prove his identity without doubt, and if he was under age could be asked to leave. The problem of

using a driving licence as a basis for identification is that some people who are 18 years of age do not drive a motor vehicle. I certainly hope that the carrying of identification cards will come about in the not too distant future, but it will not occur in the present political scene. I receive many complaints about under-age drinking and associated with it is another problem involving hotels and clubs, but mostly hotels, which have been established for many years, often in residential areas, when people did not have the mobility of transport that they have today. The problem is that the law does not state that it is an offence for a person under the age of 18 years to drink in a public place. I know that I cannot move an amendment to this Bill, but I intend in the future to move an amendment in relation to another Act to the effect that it shall be an offence for any person under the age of 18 years to drink in a public place, except with the authority and under the control of the public place that allows that opportunity.

The member for Gilles referred to problems experienced in Norwood in relation to a hotel, and to a lesser degree those problems occur in relation to a hotel in my area. It is not the fault of the hotelier, because people over 18 years of age can go into the bottle shop, buy a large amount of liquor, take it across the road, sit by the side of the road, and give it to children of 10 or 12 years. There is no law that provides that children of 10 or 12 years cannot drink in a public place. In my district, children of 14 or 15 years are drinking liquor on the side of the road, throwing bottles over fences, urinating in shop doorways and causing a lot of trouble to residents, and the poor hotelier gets the blame. That is unfair, and Parliament must be prepared to take up this challenge.

If it is improper for people under the age of 18 years to drink in a licensed place, where there is at least some supervision, surely it is just as improper for them to drink without supervision in a public place, for example, on the beach, in a park, or on the side of the road adjoining residential areas. The community must acknowledge that that is an offence, and that situation should be covered by legislation. If we tackle that matter, we will eliminate some of the problems of noise that occur close to hotels or other licensed premises, for which the poor old publican or operator of the licensed premises gets the blame. It is not his fault.

**Mr Mathwin:** Can they have a drink of milk?

**Mr EVANS:** The honourable member is trying to divert my attention. I ask the Government to consider changing the law. For the benefit of the honourable member, I will relate a situation which occurred at the so-called great hotel, Wrest Point. I visited that hotel with other members of Parliament; when I asked for a glass of milk, I was told that I would have to get it from the food waiter. I then asked for a whiskey and milk, and I was told that the drink waiter could supply the whiskey but I would have to get the milk from the food waiter. I told the management, and the situation was corrected. That is the story of milk in another State.

**The Hon. J. D. Wright:** That was a casino, not a hotel.

**Mr EVANS:** The honourable member is right—and he was with me. Every Parliamentarian and every member of the liquor industry understands the teenage drinking problem, but it has not been solved. It would be a hopeless task for the Police Force or the Licensing Court to police the law. It is virtually impossible.

The role of hotels has changed. Hotels now run vaudeville shows and discos, and many have dining rooms that are equally as good as the better class of restaurants (and I do not deny them that right), although the community type hotel providing accommodation has not necessarily changed. Under the law, hotels now have the opportunity to trade for longer hours, because there is a demand for this in the community. They would not operate for longer hours if there was not such a demand. The costs of operating and the work load on the proprietor are great, and proprietors no longer operate in the way in which they operated in the 1950s. They have changed with the times.

Of course, that has been of benefit to our tourist industry. If we are to compete with other countries in the matter of wining and dining, a move had to be made in that direction. While that was taking place, there was a massive increase in the number of licensed restaurants. I do not deny anyone the right to run a licensed restaurant, but I cannot see why a court or a Government should say that it wants a certain number of licensed restaurants or hotels, and that is it. In my experience of the court scene, the lodging of objections to prove whether there is a need in the community for certain services is expensive, unnecessary and ridiculous, doing nothing more than giving an income to lawyers when they would be better off working in other areas. It is an expensive practice for a club to change its hours.

**Mr Millhouse:** He hates professional people, no matter—

**Mr EVANS:** I think the member for Mitcham has proved one thing. He believes the Act is written in such a way as to guarantee work for lawyers, and he thinks it should remain so. It amazes me that he would make such an assessment of the situation. I am not against lawyers, but I am saying that they could be better engaged in other fields, earning just as much, than in trying to decide the hours for a club to open.

As the Act stands at the moment, the court, at its discretion, can decide the number of hours in a week in which a club can operate. I do not think that that should be the role of the court. Hotels are open when the demand is there, although they are compelled to open a certain number of hours a day. Leaving that aside, however, they open the number of hours that best suits their situation. On six days a week that should be the concept for the clubs, and on Sunday they should get permission for the hours during which they wish to operate. Even though I may attempt to introduce an amendment of that sort during the passage of this Bill, it is unlikely that I will succeed, but I want people in all sections of the industry to think about that concept. It is unfair and ridiculous that so much money is being spent in courts in this area at the moment.

I know that hotels and clubs are having difficulties with viability. This is the situation with many hotels at the moment, especially small hotels in country towns where clubs operate, or those struggling to survive in the metropolitan area and competing with clubs, wine bars, restaurants, and so on. Many clubs are also in difficulties. Some have paid employees, but many are small operations with volunteer staff who are working for no reason other than to support the local community and local sports teams.

Over the years the hotel industry has made a big contribution to sports groups, and that must be appreciated, but I think the hotels have made a small error in one respect. When the beer and bingo ticket machines came into operation in hotels and elsewhere, the money initially went in great part to local sports groups. The sports groups were getting the benefit and the hotels, through the permit system of licensing, were getting benefits from the sporting groups. Suddenly, we saw the formation of social groups within the hotels. Their purpose was to socialise, to play darts, and so on, and perhaps therefore to legitimise the sporting interest. Quite often it was simply a social group. As the funds built up, the social group could have a cheap meal or a dinner at the hotel, or a picnic with the family, and the benefit was going to the local community groups as sports or other groups disappeared.

I know that the hotel industry is worried about that concept and that one or two problems have developed with

it. I congratulate them for being aware of that problem, which is something else that we must tackle. I have spoken about the hours for which a club may operate. I now refer to another area. I admit quite openly that I hold an executive position with three licensed clubs and that I am a financial member of nine other licensed clubs. So, I have affiliations with clubs and I have some very good friends and supporters in the hotel industry. That industry cannot say that I did not fight its cause. I believe that I was leader of the cause when the Hotels Commission was planned and established in this South Australian industry.

The other area of concern to the clubs is where a club may have two separate rooms and it wants to register one as a reception house, using common toilets and kitchen facilities. I believe that if they are on the same floor with the same entrance, and there is a foyer, so that there are separate entrances into the room but not in the building, the court has refused to recognise that sort of operation. I believe that was never the intention of the Act.

I do not believe there is anything wrong with an operation having club members on one side and, on the other side, a licensed reception house, so that the club should have to go to the hotel to get a permit to operate a booth licence. If that is unacceptable, there is only one alternative, namely, to fight for the total, so that when the club can get that form of reception operation with an amendment to the Act in the future, we then allow the club to use its own facilities where it is fully licensed to supply the reception house. If it is a permit system, they will have to go to the hotel, and under this amendment they will have to go to the hotel for beer but not for wine and spirits.

I see this as a compromise Bill, where the hotel industry and the tourist areas will get an extension of hours for the Sundays and the licensed clubs will get an opportunity to buy direct. The reception house is a real problem to some operations. Not all clubs are based on the same principle. Some carry a big responsibility, bigger than some hotels ever carried, in servicing sections of the community. I belong to one of those clubs. It is unique, and I do not believe that the Act should be amended to benefit just one organisation, although that has been done, under this Act in the past, for clubs which had licences and which were given special privileges. I emphasise that I do not believe that it will do any harm to the hotel industry but that it will help some of the clubs out of a difficulty if we look at the reception house situation with some form of compromise.

Regarding tourist licences for hotels, I have opposed Sunday trading for hotels ever since I have been in this place, and one must be considered to be slightly inconsistent when one also belongs to a club or clubs that operate on a Sunday. I accept that. However, if it is proposed to give this opportunity to genuine tourist hotels, I support it. However, I do not say that a tourist hotel can be at Victor Harbor, the Barossa Valley or Hahndorf only. If tourists come to Adelaide and use the Gateway as their headquarters, does that make it a tourist hotel?

**Mr Slater:** They are guests of the house.

**Mr EVANS:** It is claimed that they are guests of the house. I do not believe that, if those persons do not want to drink in their room, it is not improper for them to have it the bar or in the lounge.

That is how I see the situation, although one cannot be sure who will get a licence. I hope that the court will look at that in terms of a true tourist-based hotel. Then I will accept it. Until now in this Parliament, I have always opposed that concept. I do not accept straight-out opening of hotels on Sundays. Some clubs will struggle to survive now because Sunday afternoon or lunch time has been their saving grace.

If this legislation is passed, many clubs that will be in trouble will make representations to Parliament. Some people pay $30 or $40 to join a club for no other reason that to be able to get that Sunday drink and socialise with a few friends. They will not in future pay that because they will be able to go to their local tourist hotel. Licensed clubs will have difficulty there. I will support the Bill at the second reading stage, but will move a couple of amendments in Committee.

**The Hon. J. D. CORCORAN (Hartley):** I do not want to speak for long, because of my voice. I was interested in the final remarks made by the member for Fisher, who said that he has never supported Sunday trading, although he is an active member of a club that trades on a Sunday. He sees nothing untoward about that. On the other hand, inconsistent with that, he said that he would be prepared to support the Bill through to its final stages if it could be proved to him that applications were granted to truly tourist hotels. The Government hinged its whole plan for Sunday trading on the following statement in the Minister's second reading explanation:

> As part of the Government's commitment to assist tourism in this State, it has decided to allow Sunday trading for some hotels.

I emphasise 'some hotels'. The Minister continued:

> The Licensing Court is given power to authorise the holder of a full publican's licence to sell or dispose of liquor between certain hours on a Sunday if it is satisfied that the authorisation will satisfy a demand by tourists in the area. The Government believes that there is significant support for limited Sunday trading of this nature provided that the quiet of the locality is not disturbed, that owners of premises in the locality are not adversely affected and that persons attending a church service are not inconvenienced.

In relation to the last matter, I entirely agree, because that can be easily overcome by the spread of hours which the hotel, wherever it is granted a licence, can be open. I say categorically that the Sunday trading question has been a vexed one for some time. Of course, it was discussed in 1977 following Mr Justice Sangster's report into the Licensing Act and was courted at that time. It has been courted since.

I have made no apologies at any time about making my position on Sunday trading quite clear. I thought there was nothing wrong with it provided, of course, that the spread of hours was right, and so on. I sympathise with the Government in its possible difficulty in coming to a final conclusion, because it had to have something effective to hang its hat on. I think that the Government did it cleverly. I am not being critical; if I were in government, I would probably look at something similar. I want to be honest about this (probably more honest than I can afford to be) and say that I do not believe that the restrictions placed on applicants who can go before the court in this measure are necessary. I believe that any publican in this State should be able to do this if he so desires. It is optional. I know that it is optioral for a tourist licence, but at least they must have the other qualification. More importantly, they have to prove to the court that anyone who has a full publican's licence should be able to apply to the court if he so desires and get a spread of hours, which I am prepared to nominate. I do not think the hours should be broken. It should be one spread of hours only. The court, if it so desires, and the person applying should have the option to have that spread of hours reduced. That is the only proviso I put on it. I foreshadow that if this Bill gets to the Committee stage I will move an amendment to give effect to what I have said.

I hope that members will see the good sense in this, because I believe that there will not be a single hotel in South Australia that will not be able to put some claim to some form of tourism or to people near the hotel as a result

of tourism activity. It will cost them a packet for lawyers to go before the court and convince it that that is the case. I do not see that that is necessary at all. For God's sake, if it is proper to drink at a particular hotel because there are tourists there, surely it is proper for local people in the community, if they desire, to be able to do exactly the same thing. I do not think that tourists who come to this State need that special treatment that we are handing out at the moment. We should treat all citizens, be they tourists or people living here, in the same way. That is my only real point. I wanted to raise several other matters, but they have been attended to in another place and my concern in relation to them has been allayed. That is the prime matter that concerns me at the moment.

Because of my voice, with which I am having difficulty, I do not want to say any more than that, other than to foreshadow that I will move an amendment to put some sense into this and make people face up to the fact that we will eventually be saddled, whether for tourism or otherwise, with full Sunday trading in this State.

**Mr RUSSACK (Goyder):** I rise with a good deal of concern to speak on this measure. I appreciate that some very good amendments are proposed in this Bill. At the same time, I cannot support some of the other proposals that the Bill contains. First, when one is a representative of the public, one must be very careful that one does not present one's own thoughts and principles to endeavour to force everyone into one's own mould. However, I think that the House will accept that there are various points of view. I have a certain point of view that I wish to express about this measure.

I mentioned some of the advantages that could be brought about by this Bill. I understand that at present even a full licence runs for a certain period, but, if there is a contravention in practice that is not desirable or accepted, nothing can be done about that until that licence expires. The Minister can correct me later, but I understand that this Bill will provide that a licence can be cancelled if thought necessary by the court through malpractice or contravention of its conditions. If that be the case, it is a good thing. Another matter of great concern is the noise factor. We all know that there has been a problem, particularly in certain areas, with noise. It has been difficult to do anything about that. In his second reading explanation, the Minister said:

> An inter-departmental working party, including representatives from the Department of Public and Consumer Affairs, the Department of Environment and Planning, the Police Department, and the Corporation of the City of Adelaide, was set up to examine problems arising from noise associated with entertainment. The amendments now proposed embody the recommendations of that working party considered necessary to combat effectively noise disturbance from the few problem premises licensed under the Licensing Act. A complaint may be lodged by the Superintendent of Licensed Premises, a police officer, a municipal or district council or a person who represents the interests of 20 or more persons who reside in the vicinity of the licensed premises. The court is to have power to suspend the licence or permit and attach conditions to the licence or permit. The opportunity has also been taken to insert amendments to extend the ability of the court to impose conditions on all classes of licences. At present the right of the court to impose conditions on full publicans, limited publicans, wine and theatre licences is not clearly spelt out and the court has had to resort to relying on the general discretion available to it in the Act.

I consider that that is an improvement which will be of great advantage in the control of noise and other aspects concerning licensees who have not been careful and have not acted in accordance with the conditions of the licence. It is further stated in the second reading explanation that:

> The working party on noise recommended that affected persons should have the right to object when a licensee makes an application to the court which may lead to trading or entertainment changes. An amendment to section 48a will allow for objections in cases where applications, if granted, will significantly affect the nature or extent of the business carried on in pursuance of the licence.

The fact is that there will be tighter controls in the area of discotheques and piano bars. Having referred to the advantages, I now refer to my concerns about discotheques and piano bars. I understand that at the moment a permit for discotheques and piano bars is available which allows them to open from 9 p.m. to 5 a.m. the following day. However, there is an associated provision whereby the permit holder is responsible to provide food during that time.

I suppose every member knows that this provision has been fulfilled simply because it had to be done as it was a condition prescribed in the permit. However, it has not been a practical thing. The amendment provides that a licence can be issued to provide for trading between 9 p.m. to 3 a.m., excluding Sunday evenings, subject to specified requirements and conditions, including the supply of a meal to any person on demand. The difference is that, instead of a permit being issued for a specified number of evenings, the licence will be issued for 12 months and, instead of having to provide a meal and the people attending having to have that meal, a person who now attends will not have to have a meal but must be provided with one on demand.

If a licensee does anything that is contrary to the conditions imposed then, by complaint, the court can cancel or place restrictions on his licence. I would be happy if these provisions improved the conduct at discotheques and bars, but in general terms I am concerned about the availability of intoxicating liquor and beverages where young people are concerned.

Over the years there has been a definite shift in relation to many of our habits in society. I am sure that we are all concerned about the welfare of young people. There has been a shift concerning young people, who nowadays seek their entertainment in areas where alcoholic beverages are available, and discotheques and piano bars attract large crowds of young people. This represents the shift in our social behaviour over the years. Therefore, it is essential that there is proper conduct and that everything possible is done to assist those young people and to ensure that entertainment is as wholesome and as acceptable as possible. A statement in the second reading explanation concerned me greatly, namely:

> The introduction of this new class of permit [referring to discotheques and piano bars, about which I have just been speaking] changes the concept that liquor and entertainment should be ancillary to the consumption of food in restaurants and dining areas. This new concept will assist the police in proceeding against those restaurants and hotels that supply liquor other than with a meal without having a late night permit granted by the Licensing Court.

I hope that I have not misunderstood what that statement means, but it appears to me that priority over food is being given to alcoholic beverages. Having referred to the dictionary, I have found that 'restaurant' is defined to mean 'public premises where meals or refreshments may be had'. It then refers to a restaurant car, which is a dining car. Perhaps I am a little too restrictive in my interpretation, but I would consider that the dictionary places importance of meals and food before that of liquor.

**Mr McRae:** You are right: that is why there is such a big blue between the two unions.

**Mr RUSSACK:** This disturbs me, because I feel that the emphasis should be placed on the meal. What worries me about social legislation is that it goes step by step. A few years ago I was told that there should be a more liberal licence in relation to wine because the correct use of wine is to consume it with a meal.

**Mr Mathwin:** To clean your palate.

**Mr RUSSACK:** That is what I was told. Therefore, that was the argument used so that there would be a liberalisation of the licensing provision as far as the wine industry is

concerned. I accepted that to be correct. Now I find there is a reversal of the situation, to a position of 'Let us do away with the fact that there should be meals and let us put the emphasis on the consumption of alcohol.' This, associated with young people, is giving me great concern and brings great doubts to my mind. As I mentioned in the debate on the Casino Bill, I know that it would be said to me that the majority of people would perhaps think differently to what I think: so be it. I feel that it is right in a democracy that the greater number of people have perhaps an influence over what happens, but at the same time attention should be paid to the minority. I repeat that I am not so sure that there is that great majority that accepts these things. In life young people will have and accept certain principles. They think of themselves and they might think of their partner, but as they have a family and consider their children and some of the dangers that lurk in society, they start to change their mind and they have a different outlook.

**Mr McRae:** If they have any brains they do.

**Mr RUSSACK:** I am glad the member for Playford agrees with me. I think this was one of the factors that assisted in the change of representation in some of the electorates in the 1979 election, in some of those outer metropolitan areas where there were young people. They were with it when they were just married but as they got older, had families, and started to think of their children, they started to think of some of the moral aspects. I am sure the Party to which I belong will still consider those facets of our social life and the principles that we should be following. Amongst the representations from certain people, I have a letter that is applicable to what I am saying. It is from the Uniting Church in Australia and it is signed by the Moderator of that church, the Rev. Dr H. D'Arcy Wood. It says the church:

> expresses concern at the present incidence of under-age drinking at discos and opposes any extension of hours or removal of any existing requirements in respect of discos,

I would hope that the conditions outlined in this measure will improve the position at discos. We lowered the age of drinking from 21 years to 18 years. That provided a premise on which under-age drinking could be more prominent. The younger person now, I am afraid, because of certain circumstances, is able to gain access to intoxicating liquors that otherwise they would not have. I would like to refer now to the second point of the shift in our society. The first one was the interest of young people. The second thing is the shift in our society as far as Sunday is concerned. I have no need to say that I have very strong thoughts about Sunday. As a member of Parliament, I find myself at many functions on a Sunday, but as a private individual I would not be there. I accept that every person has a right to attend whatever he or she wishes that is legal and to participate, and I, as a representative of those people, feel that I have an obligation to take an interest. Carrying out that responsibility gives me the opportunity to see just what takes place. I would say that, without doubt, there has been a shift in the habits of the people of the present day as far as Sunday is concerned.

I speak on behalf of those who would hold Sunday in a certain way as probably the most important day of the week in the Christian calendar. Let me say that even in this Bill there is exemption for Christmas Day and Good Friday. I take it that that is recognition of our Christian religion. If we recognise our Christianity, I have no apology to make for standing in this House and saying that we have a responsibility, or at least I feel I have, to safeguard what happens on a Sunday. I am not in accord with trading on Sundays in open hotel bars. We have very many outlets in the State now. I refer again to the second reading explanation as follows:

> It is desirable that the community be allowed to consume liquor legally at a wider variety of functions than is the case at present—particularly those functions held on unlicensed premises. Therefore an amendment has been made to section 66 of the Act. The Licensing Court is able to grant special permits to allow the supply and consumption of liquor in circumstances which would otherwise be unlawful, for example, 21st birthday parties or wedding receptions in the local hall. However, the Licensing Court has had to refuse some applications (which are proper functions for the consumption of liquor)—

that is a matter of opinion—

> because of the restrictive definition of 'entertainment' in section 66 of the Act. This definition has been broadened to allow the consumption of liquor at a wider variety of functions, for example, art displays, etc.

The point I wish to bring before the House is that all social legislation, as I have said before, progresses and develops step by step. If we think back to the introduction 15 years ago of more liberal hotel hours, we realise that that action has gone on step by step. Today we face an amendment that this will provide for restricted hours on a Sunday for hotels and specified hotels. As the member for Hartley asked, which hotels? I venture to say that, if this amendment is carried, which it possibly will, I say, without claiming to be a prophet, that within the not too distant future this will be widened and we will see hotel bars open for more than two hours or specified hours on a Sunday. I place that on record. To use the old colloquialism, it is the thin end of the wedge as far as I am concerned. It is being brought in under the guise of tourism. Who is to decide whether a hotel in Adelaide does more for tourism than a country hotel where I live, in Maitland, on the Yorke Peninsula? In the same circumstances, a hotel in Maitland would be considered to be just as important for tourism for this purpose as would a hotel in Adelaide.

**Mr Mathwin:** Especially if it makes Cornish pasties.

**Mr RUSSACK:** My word. The Cornish pasty is possibly a greater tourist attraction than is the swanky in the Cornish festival, the Kernewek Lowender. I know that thousands of Cornish pasties are prepared for each festival.

**Mr Mathwin:** They taste good, too.

**Mr RUSSACK:** Yes. One would not find better. In case there has been a misunderstanding about communication, I will read the letter that was circulated to all members of Parliament. It is signed by the Rev. Dr H. D'Arcy Wood, the moderator of the Uniting Church in Australia, and states:

> In a news release from the Hon. John Burdett, M.L.C. on 17 February 1982, it was clearly stated that 'Sunday trading would not be included in the amendments introduced into State Parliament'. Three reasons were given. First, Sunday trading could have adverse effects on family life; secondly, Sunday trading could boost the road toll; and thirdly, there has not been widespread community demand for Sunday trading.
>
> However, in a news release on 24 March 1982, it was reported, 'the changes will include a major boost to the tourist industry by allowing some hotels in tourist areas to open during certain hours on Sundays'.
>
> The Standing Committee:
>
> 1. expresses concern that the objections given on 17 February are still valid and urges that amendments to the Licensing Act with respect to Sunday trading be not made,
> 2. expresses concern at the present incidence of under-age drinking at discos and opposes any extension of hours or removal of any existing requirements in respect to discos,
> 3. opposes the amendments claimed to be in the interests of tourism because any advantages will be outweighed by adverse circumstances in terms of increased drunken driving and disruption to family life.

I endeavoured to obtain concrete statistics in regard to the road toll, because it is less effective to make statements that are not backed up with fact. I apologise to the House, but it was not possible for me in the time available to

collate certain facts. However, I believe that, if one looks at the articles in our daily newspapers, one finds that many road accidents occur in the early hours of Sunday morning particularly and other mornings. Most of those accidents involve young people. That is how I interpret the articles. I hope that those accidents are not caused by over-indulgence by young people, although I fear that that is the case.

Therefore, anything that will make the conditions more acceptable would be a good thing. It appears to me that, where there must be strict control over certain circumstances, there must be inherent dangers which have to be arrested. There must be added restrictions in certain areas. If there is greater restriction and control to allow people to participate in discos, piano bars, and extended drinking hours, then I believe that those dangers could be avoided without the introduction of extended liberal conditions in regard to the consumption of alcohol.

I commend the Government for endeavouring to present the advantages in this Bill to control those areas where there is concern, risk to family life and risk to the road toll. However, I also express my sincere concern and opposition about the liberalising of drinking hours on a Sunday, and I hope that whatever eventuates from this measure will be for the good. I hope the Bill will control those areas in which at present there are disadvantages and dangers.

**Mr CRAFTER (Norwood):** I very much enjoyed listening to the comments of the member for Goyder, and I congratulate him on his contribution to the debate. His feelings are strongly held and well articulated. I am sure that his comments will be of great advantage to the House in its deliberations on this most important measure. This Bill is important not only in regard to the affects to which the member for Goyder alluded but also because the liquor industry in this State is a $250 000 000 retail industry. It is a major employer of both full-time and part-time employees. It is a vital industry in anyone's terms.

The industry must be administered by law effectively. Of course, that is not an easy task, as has been pointed out by other speakers. The administration of the licensing laws in this State has always been a delicate balancing act between competing interests, and we see that once again, perhaps in a less articulate way than certainly I and many other people in the community would desire.

Debates on liquor licensing or liquor laws generally in this State or in the whole of Australia make one reflect on whether we have progressed very much down the track from our early days as colonies of the United Kingdom. This country started with a currency of rum, and liquor has always been one of the major factors, good or bad, in the development of this country. I believe that we still have a very unsophisticated attitude in the main towards the consumption and sale of alcohol.

There is a high incidence of alcoholism in our community, which causes destruction within families, in the community, on the roads, and in the workplace. That is a cost too great for a community of our size to bear. However, I do not believe that the licensing laws of this State will overcome those problems. Other aspects of administration must attend to those matters.

The matter cannot be left just to the lawmakers and the law to solve those massive problems. I would be interested to hear the Minister, in closing the debate, say whether a family impact statement was prepared on these amendments to the Act, what it recommended to the Government, and why it has not been released. There has been a substantial reversal of attitude on the part of the responsible Minister to the Sunday trading laws and the changes being made. It is difficult to reconcile the Minister's recent statements on Sunday trading. Such a reversal of policy causes great confusion in the industry as well as in the community, and it does not assist those who have vested interests in this area of activity.

A most pressing problem in need of remedy is that of excessive noise associated with licensed premises. Since I have been a member in this House, I have spoken on this subject *ad nauseam*. I have not taken it up as an issue; it has been thrust upon me as member for an inner suburban electorate in which there are numerous licensed premises, including 16 hotels, licensed clubs and restaurants, many of which have conducted their business so that even without the knowledge or attention of the proprietors of those premises problems have arisen. They are problems for which they feel a responsibility in trying to find a remedy.

The Government caused an investigation to be carried out, and the report was brought down last year, although there seems to have been no response from the Government to it. It has had little publicity, and there has been no statement of whether or not the Government accepted the report or any of its recommendations, although one of the recommendations appears in amended form in the Bill. I would be interested to know what the Government intends in relation to that report, which was a very worthwhile exercise, so that its recommendations should be pursued. It carried out an investigation in a most responsible way, because it looked not just at the licensing laws but at all the other authorities concerned with these problems.

It has been my experience that problems associated with noise often are related not to noise emanating from the licensed premises, noise that is the responsibility of the licensee, but frequently to noise emanating from patrons of the hotel or their friends or others who are attracted to the area outside of the licensed premises, and therefore outside of the jurisdiction or responsibility of the licensee or his staff. The working party looked at the role of the Police Force in this matter and pointed out some of the deficiencies existing in the law in relation to properly policing problems outside of licensed premises.

Some of the problems of local government were looked at, together with the noise control laws and the problems of the Department of Environment and Planning inspectors in this regard as well as the licensing laws. It tried to bring together all of those areas of administration and to make recommendations. I am disappointed that the Government has not commented on this or brought forward a much more comprehensive package to tackle these problems. In the main, I have received great assistance from licensees and they have taken action, often at great expense to themselves and their shareholders, to try to remedy some of the problems, but there is a limit to what structural change and staffing and administration of licensed premises can overcome.

The existing problems can be very damaging, causing the worst disruption to the peaceful enjoyment of one's home that can be found in a community. In many of the affected areas in my electorate, housing is densely grouped around licensed premises, and that is why I believe special powers should be given to councils to deal with the problem. It is as much a problem of planning law as of licensing law. Councils, in my experience, have proved impotent in dealing with these matters, particularly where there has been a change of use of existing premises. There may be a change from a quiet suburban hotel to a major entertainment centre, without the operators having to go to the council for authority or, if they have gone to the council, it is tied because it is the law that existing premises can be extended by 50 per cent without its being a consent matter.

**Mr Mathwin:** Surely it has to agree to the extensions of the building?

**Mr CRAFTER:** It is a matter that the council would lose to the Planning Appeal Board under the existing law, and that is why it is not taken further. There is considerable pressure on proprietors of hotels to change the nature and extent of services to the community to maintain profitability. Local government is tied in dealing with some of the problems associated with changes of use, particularly of hotels. As it comes to this House, and as amended in another place, the Bill begins to tackle the problems in some small way, giving councils the right to object to certain categories of licence for which hotels may wish to apply. This may well overcome many of the problems that have existed in the past. However, there is a need for a more thorough look at the matter, and I hope that the inquiry into the Licensing Act that has been announced by the Government will look very closely at this.

Another problem associated with the change of use from a quiet suburban hotel to an entertainment centre has been the ability of the hotel to have almost the whole of the interior of the building, often including the beer garden, as a declared dining area. This is a method by which a way can be found around the existing trading hours, by using the *bona fide* meal law. By having the inside of the hotel declared a dining area, and by providing so-called *bona fide* meals, hotels can trade throughout the night. Prosecutions are pending in relation to offences against the provision of the *bona fide* meal, but I have noticed that the police have been instructed to apply to the magistrate hearing those matters to have them withdrawn pending the passage of this legislation. I would be pleased if the Minister could explain this most unusual course of action on the part of the police, presumably acting on the instructions of their superiors.

I was involved in helping a person who was charged for the second time with driving under the influence of liquor. He was facing a mandatory gaol sentence. However, between the time when he committed the second drink-driving offence and his appearance before the court, the law had been changed, and it was no longer mandatory that a person in such circumstances should face a term of imprisonment, but the magistrate had no choice but to imprison the offender. I would have thought that what has occurred regarding the alleged breaches of the Licensing Act is a substantial departure from the rule of law that applies in this country. I would be interested to hear why those instructions were given to the police officers who were prosecuting the offenders, some eight licensed premises being involved.

It is also of concern to me that there is no attempt in this legislation to redefine the *bona fide* meal definition. One can only hope that, with the passage of amendments, there will be a re-emphasis by the licensing authorities and the police on a proper policing of that section of the Act. Two other sections of the Act need to be administered much more seriously than at present. The first of these is the obligation imposed upon a licensee to refuse to serve a person who is intoxicated. There are very few prosecutions for that but, if the matter were strictly policed, there would be fewer problems in this area.

Secondly, there is the obligation on the licensee to remove from the premises any person who is intoxicated and, likewise, if that was strictly enforced I also believe many of the social problems to which the member for Goyder has referred would also be overcome. I realise that this places the licensee in a difficult position of judgment, which they often do not believe is fair. However, I believe that the problems that exist because of excessive intake of alcohol are so important and so costly to the community that an onus should rest upon those who accept a liquor licence. I think that the inquiry that the Government has announced should look at this whole conflict between planning laws and licensing laws and reassess the role of local government in the administration of these laws so that it is in the community interest that licences are granted and the appropriate conditions are attached to those licences.

There have been substantial changes in the last decade, certainly since the Royal Commission in the middle of the 1960s that revamped our licensing laws, our current set of laws. That was the Royal Commission presided over by Mr Justice Sangster. It is time again for there to be a very detailed, thorough, and I would hope, independent inquiry into those laws.

The role of the police in administering these laws is another matter I mention in passing. There are obviously some deficiencies in the law and their powers need to be reassessed as well. I refer also to the need for reassessment of the judicial administration of this Act. This has been the subject of heated debates in this House now for some time and in my view the Government has clearly interfered in the judicial administration of this Act and there have been some very strong statements indeed coming from the bench of the Licensing Court with respect to the Government's policies in this matter. I think that has been a healthy debate. It is unfortunate that it was carried on to the extent it was in public but it has been healthy because we now know many of the deficiencies in the law and the administration of it.

I would not be happy to see this Act administered by magistrates appointed on an *ad hoc* basis even, as the current law provides, for legal practitioners to be appointed as acting judges or other magistrates to be appointed as acting judges who come and go from time to time to ensure this law is administered. In an industry of these dimensions and importance to the community as it is that is not satisfactory. We need to have experienced judicial personnel in that court and they need to be given an opportunity to acquire that expertise and knowledge of the industry over a long period of time. I think it is most unfortunate that Judge Grubb was not allowed to remain in that jurisdiction until his retirement, but we can only hope that the Government will see its way clear to appoint a permanent judicial officer of high standing to this court.

The matter of noise is attended to in this measure by means of a widening of the ambit of those who may appeal to the court against the grant of a licence and it also allows those appeals to be lodged at any time throughout the year. They are two of the very real problems that objectors have faced in the past, and I believe the ability of local government to lodge appeals in this way is a considerable advancement, because they can act on behalf of their residents and it does not place individual objectors in a position of financial burden and of exposure to interests who may indeed harass those persons in overt or covert ways so as to have them withdraw their appeals, as has been my experience in the past.

I believe that the way in which the laws have slowly slipped out of the realm of relevance, as happens in an area such as delivery of services in the supply of liquor and meals to the community, is of concern. When the Royal Commission in the 1960s brought down its report, it had as its plan the equitable distribution of services throughout the metropolitan area and there was an unreported master plan drawn up so that hotels would be placed in strategic positions throughout the metropolitan area, and they would provide a range of services, whether meals, formal dining room meals, counter meals, various bars, lounges, accommodation, drive-in bottle departments, and entertainment facilities.

However, that plan is no longer relevant today and one of the most destructive forces that has existed in bringing

down the viability and profitability of that enterprise has been cut-price liquor sales, which has meant that the profit margins that were applicable in one section of the hotel to compensate for unprofitable areas of hotels—for example, provision of counter meals—has now passed and therefore it is not possible for licensed premises to provide that range of services that they have traditionally accepted as their responsibility to provide and therefore it is important that we see these amendments as only piecemeal. It is my view that perhaps some of these will not work satisfactorily. I am most concerned about the way in which the Sunday trading amendments have been framed and also about the provision of licences for hotels to trade until 3 o'clock in the morning where entertainment is provided. The definition of entertainment is simply irrelevant as it is framed and I believe it will be open to considerable abuse. However, I am prepared to accept a trial period for these initiatives contained in the Bill and, hopefully, if they are not workable or cannot be administered properly, the review that the Government has announced will attend to this. We will, at the earliest opportunity, consider amendments that will provide for comprehensive, proper administration of the licensing laws of this State.

**Mr MATHWIN (Glenelg):** I particularly refer to the problems in our society involving the prevalence of under-age drinking.

**Mr Slater:** What's that got to do with it?

**Mr MATHWIN:** Surely the member for Gilles would realise that the more we extend drinking hours the more opportunities we provide for under-age drinking which, of course, cannot be policed. The legislation provides that people should not drink until the age of 18, but under-age drinking goes on. The member for Gilles would know only too well the problems we have with juveniles, even at 15 years, drinking in hotels, and so on, and this situation cannot be policed. Surely, we have some responsibilities in this regard. Our consciences must be pricked, knowing that this is going on. How on earth can we point the finger at the young people who are causing trouble to themselves and others, even killing themselves? Most people involved in serious or fatal accidents are teenagers, many of whom are under the influence of alcohol.

**Mr Evans:** What about identity cards?

**Mr MATHWIN:** Members will know the member for Fisher's opinion on identity cards. I believe that it is imperative, if one is to police any Act which stipulates an age limit, that identity cards be issued. No-one can define a young person as being 16, 17, 18 or 20. The only way is by identity cards with a photograph which cannot be scrubbed off. My particular concern is the road toll and the fact that so many victims are young people. Alcohol has a great effect on that problem. I want to get some definition from the Minister when replying to this debate regarding—

**Mr Millhouse:** That will be some time in Holy Week, won't it?

**Mr MATHWIN:** It will be before Maundy Thursday, I hope. I think it will be later on this afternoon.

**Mr Millhouse:** Do you think so?

**Mr MATHWIN:** Yes, I do. One definition I would like is what is a tourist facility. In the second reading explanation it was said:

> The provisions of the Bill reflect the Government's commitment to assist the tourist industry in South Australia. A new class of licence to be known as a 'tourist facility licence' is introduced and this will enable licensees to sell and dispose of liquor in specified premises that are associated with or are in the vicinity of a tourist attraction and which provide tourist facilities. Before the Licensing Court grants such a licence it must be satisfied that the interests of tourism in South Australia are likely to be enhanced.

Who defines tourism? What is a tourist attraction? From my meagre experience of tourism, I believe it could be a bridge, certainly a cathedral, a wishing well, a jetty or a casino, for which we had a Bill in this place; they could all be regarded as tourist attractions. In America in some places if they do not have a tourist attraction they build one. I heard of a small town that dug a well and put it on the map as the deepest man-made well in the world. Who will define what a tourist attraction will be? Would a hotel at Glenelg qualify because it has a jetty near it, or would it include the local Glenelg Football Club, which is, incidentally, a great club?

**Mr Slater:** They're all right for part of the year, then they go sour.

**Mr MATHWIN:** It is home ground where, like Port, they always win. I would like to know who will define before the court what a tourist attraction is.

**Mr Hemmings:** That's what we all want to know.

**Mr MATHWIN:** If we have any sense, we will see that the court does not have to decide that by excluding whatever is involved. As my friend and colleague the member for Goyder said, some of the hotels in his area would hope to claim to be there for tourists. Therefore, if half a dozen people and their dog go to Kadina or wherever this hotel is, how will it be proved to the court that it is a tourist attraction? Do they have to build a goldfish pond outside the hotel? Or may they have to put a shark or stingray in it? Does the Licensing Court have to go there to define whether it is a tourist attraction or not?

**Mr Hemmings:** You've got a good point there.

**Mr MATHWIN:** I feel I have. I am on the wrong side today, but I am still on the Liberal side. The other matter about which I am concerned relates to clause 11 (1d), which provides:

> (1d) The holder of a vigneron's licence may, if the court so authorises by endorsement on the licence—
>
> *(a)* sell or supply wine or brandy in any quantity for consumption on a specified part of the licensee's premises with, or ancillary to, a *bona fide* meal;

What is a *bona fide* meal?

**Mr Slater:** It might be some of those goldfish you were talking about.

**Mr MATHWIN:** One man's fish is another man's poison. A *bona fide* meal could be a banana sandwich.

**The SPEAKER:** Order! I think we can get away from red herrings.

**Mr MATHWIN:** If we talk about a *bona fide* meal, it can be anything. We have made it a little easier for the sort of fiasco that now prevails to prevail even further, where one goes to a night spot, pays an entrance fee of a few dollars and is given a paper plate with a dry lettuce leaf, a slice of cucumber and a thin slice of tomato to eat while drinking.

I wonder how we can define a *bona fide* meal. It could mean entirely different things to different people. To one person it could mean a snack and to another it could mean roast beef, Yorkshire pudding and the lot. The second reading explanation refers to 'including the supply of a meal to any person on demand'. That means that a person who goes into one of these places after paying an entrance fee can demand a meal. What type of meal can he demand? Can he demand a Chinese meal of 10 courses? Can he demand soup, entree, main course and sweets? If one can demand a meal I suspect that one would demand more than one course. According to the second reading explanation, a publican or restaurateur would be obliged to feed members of the public according to their demands.

The interpretation of *bona fide* meal worries me. What is the precise definition, and who will define it? A person who receives a ticket and goes into a place of entertainment

and then demands a meal and receives a plate of fish and chips might refuse it as not being in accordance with his interpretation of a *bona fide* meal. He may then become involved in an argument with the proprietor and the local constabulary may have to be called in to settle it by which time the meal would have gone cold, anyway. This situation needs some explanation.

I agree with the provisions concerning supplying liquor at celebrations and functions—21st birthday parties and wedding receptions, etc., which are now to be categorised as restricted forms of entertainment. I suppose one could call a 21st birthday party entertainment, and I suppose, depending on one's relationship with the family involved, one could also call wedding receptions entertainment. People's definition of entertainment varies considerably. I agree with that part of the Bill, but I am very concerned about the juvenile aspect of the matter, and I believe that these provisions will exacerbate the road toll situation even more. Until we are able to police under-age people drinking, one must continue to be concerned.

As responsible members of society we point out the dangers that exist for young people and we say that they should not do certain things, but we then provide an avenue for them to get into trouble. The only way to control under-age drinking and under-age people seeing R-rated films, and the like, would be to institute a system of identity cards with photographs on them. That is the only way to police the situation. I am very concerned about the matter and I would like the Minister, when she replies, to give some indication of what is perceived in relation to the points I have raised.

**Mr MILLHOUSE (Mitcham):** I have received two letters today from the Uniting Church, and I guess all members have received these letters.

**Mr Hemmings:** I do not think I have opened mine yet.

**Mr MILLHOUSE:** Reading them is a pleasure in store, if pleasure it be, for the member for Napier. I must say that upon reading them one sees that the Methodist Church rides again, because both parties indicate that they are against Sunday trading. One letter comes from the Moderator, Dr D'Arcy Wood, and the other comes from Dr Geoffrey Scott, the Executive Officer for Social Justice. As Dr Scott's letter is a trifle more biting than Dr Wood's, I propose to quote part of it. I may say to Madam Minister in charge of the Bill that there appears to be shades of the casino controversy with this matter: 12 months ago the Minister said that there would never be legislation for a casino in South Australia during the life of the present Government or during the life of the present Parliament but then, of course, we get it. Well, it did not take 12 months for the Government to change its mind about Sunday trading, because this is what Dr Scott says in his letter, under the heading 'Devaluation of democratic process':

> In Mr Burdett's [he is the Minister, I think] newsletter of 17 February he stated that 'Sunday trading would not be included in the amendments introduced into State Parliament'.

Three reasons were given, as follows:

> First, Sunday trading could have adverse effects on family life; secondly, Sunday trading could boost the road toll; and, thirdly, there has not been widespread community demand for Sunday trading.

The letter continues:

> However, in a news release of 24 March 1982 it was reported that the changes will include a major boost to the tourist industry by allowing some hotels in tourist areas to open during certain hours on Sunday.

So, according to the Uniting Church, and I accept the church's opinion on this matter, there has been a turn-round in the Government's attitude to this matter in about five weeks, together with other matters as I mentioned earlier. For the benefit of the member for Semaphore, the casino was another. Dr D'Arcy Wood's letter is to the same effect.

It is a funny, jolly thing that the Government is doing all this. I suppose it is chasing a little popularity with the electorate, because it is known to be socially conservative. Personally I will support Sunday trading, and this is the reason: I do not suppose I will ever go into a hotel on a Sunday. There are three hotels in my own electorate and, regrettably for the licensees, I do not go into them very often, but they are all good hotels.

*Mr Slater interjecting:*

**Mr MILLHOUSE:** They are the Torrens Arms, the Edinburgh and the Hyde Park.

**The Hon. D. J. Hopgood:** You haven't got a chook raffle in one of them? The Democrats need funds don't they?

**Mr MILLHOUSE:** Dicken!

*Mr Mathwin interjecting:*

**The SPEAKER:** Order! I am quite sure that the member for Mitcham can construct his own address to the House.

**Mr MILLHOUSE:** Thank you, Sir; I will keep on the straight and narrow if I can. The main reason why I propose to support Sunday trading is that, in effect, we have it now in that anyone who wants a drink can get it if they want to. Although we have heard many speeches from members opposite, who seem to be stonewalling their own argument (I refer to the member for Goyder, the member for Fisher and the member for Glenelg), the fact is that if one wants to get a drink on Sunday there is no problem whatever about it, and this applies mainly to clubs.

In my view it is very unfair on hotels that clubs should have the advantage that they do. They do not have the capital investment that most hotels have, and yet they are able to take advantage of the fact that hotels do not trade on Sunday to go all out and, as I say, for that reason alone I would support Sunday trading. It is absolute hypocrisy for members opposite, like the honourable member for Goyder, to talk about this, that and the other as though it did not happen. He knows as well as I do that it happens. He knows as well as I do that people under-age drink in that way. The member for Glenelg was bleating about our young people all the time: let him go to a few football clubs and he will find out who drinks and what takes place there.

Let me come now to clause 8 of the Bill, which is the one that will allow Sunday trading. It is, if I may say so, one of the most absurd pieces of draftsmanship that I have seen. Of course, it is meant only to be the thin end of the wedge. I do not know how on earth it could ever have been interpreted by the Licensing Court or anybody else. Let us have a look at it in this rather unusual form in which it has been presented to us; these are the hours:

> During a period of not more than two hours or during two separate periods each of which is not more than two hours and which are separated by an interval of not less than two hours.

I suppose that means two hours on and two hours off, and the idea would be to have it at lunch-time or from 11 o'clock until 1 o'clock, and then from 3 until 5, or something like that. I cannot see any point in that, and I do believe, anyway, that 11 o'clock is too early—people should still be at church. In my view, it should not start before 12, and with those churches that still have an 11 o'clock service people can go to 11 o'clock divine worship and then go on to the pub afterwards if they want to. I do not think the two should overlap.

In my view, it is an absurdity to have these two periods of two hours, in the first place. Secondly, I think that 11 o'clock is too early, and 12 o'clock would be early enough to start. I say that, even though the clubs are going merrily on much earlier than 12 o'clock; nevertheless, I think it would be appropriate for us not to start grogging in hotels until noon on Sunday. That is one thing, but now let us

have a look at this silly business about tourism. New subsection (2a) *(a)* provides for—

> the sale and disposal of liquor by the licensee on a Sunday is required to satisfy a demand by tourists in the vicinity of the licensed premises;

There is no way in the world in which this can be interpreted except absolutely arbitrarily, and this was one part of the member for Glenelg's speech which perhaps was fairly appropriate. I do not know how you could ever establish demand or how you can say what a tourist is. Is it somebody who travels from Mitcham down to Glenelg, or from Victoria to South Australia, or is it somebody from Greenland? I do not know how you define a tourist; so far as I know, a tourist has never been defined. What does 'in the vicinity' mean? Does it mean within 100 metres or two kilometres, 10 or what? None of these things is spelt out and the Licensing Court would have to be entirely arbitrary.

'Tourism' is not really defined. If Madam Minister looks at the definitions in the Licensing Act we find that the nearest thing we have to 'tourism' or 'a tourist' in the definition section, which is section 4 is a 'prescribed tourist hotel'. There is no definition of a prescribed tourist hotel; it merely means any premises or proposed premises declared to be a prescribed tourist hotel pursuant to the provisions of the Act. You can call a tourist hotel what you like, but they do not try to define it there any more than this Bill tries to define what a tourist is. That shows the absurdity of that provision. Either you do have drinking on Sunday or you do not. You do not tie it to an idiotic qualification like this. Then we go on to new subsection (2a) *(b)*:

> persons residing or worshipping in the vicinity of the licensed premises will not be unduly inconvenienced as a result of the granting of the application.

They can be somewhat inconvenienced but they are not to be unduly inconvenienced. How can anybody say what that means? Why should anybody be inconvenienced at all if that is going to be a criterion? Why do you put in the word 'unduly'? That is another word which cannot be defined. The next door neighbour can be inconvenienced but he must not be unduly inconvenienced. The draftsman might enlighten Madam Minister before she replies as to what he meant by using that ridiculous and vague ill-defined and undefinable word in that provision.

I hope I have said enough to show how silly this provision is. One gets the impression that the thing has been drawn up in this way only because the Government really does not have the guts to come out and say 'Sunday trading' *per se*. So it hedges around it and says it is going to help the tourist industry, or that the hotels are only going to be open for two hours with intervals and it will not inconvenience anybody, rather than saying straight out that there is going to be Sunday trading. To me it is either one thing or the other. Why don't they say it straight out? That would be impossible in my view for the Licensing Court. The criterion is just not sufficient, so it would be quite impossible to police it and regulate it afterwards. Those are my views on what is, I think, the most controversial clause in the Bill.

The other one I want to say something about is clause 25. I am glad that clause 25 has come in because it shows the apparent inadequacy of the situation. For some time residents around the Shandon Hotel at Seaton have been coming to me for help because of the enormous inconvenience and upset that they suffer from noise there at night from a disco or some dance thing that runs there. Clause 25 will now allow residents or persons, it says, 'to protest at any time' when the licence has been renewed, as in the last few weeks, but to protest to the Licensing Court and hopefully get a remedy. That is certainly a step in the right direction. There is one problem about that. I direct the attention of the relevant authorities, who may be in the Chamber, to proposed section 86d (4) *(d)*, which provides:

> a person acting on the written authority of not less than 20 persons who reside in the vicinity of the licensed premises.

Twenty is quite a large number of people to have to get to sign it. I would have thought it was rather too high and that it would be better to have 10 rather than 20. This would make it fairly difficult and somehow impossible to get the people to sign it.

**Mr Slater:** You are right.

**Mr MILLHOUSE:** As a rule, I am right, but the other point I make is that the word used is 'persons', and presumably, so long as the child can write, you can get your children to fill this in.

**Mr Peterson:** Why not?

**Mr MILLHOUSE:** If that is what is required, I just wonder whether the Government realises what it has done by using the word 'person' rather than 'elector' or 'ratepayer', or something else. It means that anybody of any age, so far as I can see, could be one of those who is given written authority to make the complaint. It may be all right. The Minister has not even heard what I have said about this. I hope she will listen to me when I say it again.

**Mr Mathwin:** She is listening.

**Mr MILLHOUSE:** I doubt whether the member for Glenelg speaks for her. He might think he does, but I doubt that. The point I am making is that 20 persons can make the authority, and that could be anyone young enough to write or even somebody quite senile. I just wonder whether that is what is required. In any case, I think 20 is a bit much. The overall thrust of that provision is a good one. I will vote for the second reading of the Bill, as I suppose everyone will. I am very much attracted by the amendment that has been circulated on the question of Sunday trading, and I hope that it gets a good fly.

**Mr LANGLEY (Unley):** In this State there have been many changes over the past 12 years, but nothing has changed more significantly than liquor laws and betting laws. When something new comes forward, there are always people who are against it, but we find that, after the change, people change their minds. I will not refer to other Bills. From what other speakers have said, I believe that this Bill will pass, although it has been brought in through the back door, as has another Bill. This Bill constitutes a promise to the people and a prop up to the Government. It represents progress, and that is one thing in its favour. I intend to give it a chance.

I remember many years ago there were three clubs in South Australia—the Adelaide Bowling Club, the Commercial Travellers Club, and the North Adelaide Cycling Club. Those clubs had licences for 24 hours, every day of the week, and I believe that they still have. They were allowed to sell bottled beer on a Sunday, and I am sure that that occurs now. Those clubs had to be notified 24 hours before they were raided by the police. I believe that the times have changed in that regard. I do not say that the clubs were not well run, but I believe that the situation was biased against the hotel keepers. I know that the Adelaide Bowling Club had plenty of members. Other bowling clubs were established, to which members would bring their own beer. The bottles were marked before they left. These antiquated ideas were held in the Sturt Bowling Club. There was a tiny refrigerator in the corner, and everything was done under the lap.

It is shocking to think that these things happened. Occasionally, a club would be raided to show that the police were on the job. Someone had to take the rap, and I suppose that everyone put in a dollar to pay for the fine. These were antiquated ideas, which would not appeal to the general

public today. The situation with regard to raffles and bingo is similar.

Because of the advent of licensed clubs, the hotels have suffered. The situation has been a little one-sided. After all, hotels are part and parcel of the community and they should have the opportunity to compete to a certain extent. Clubs are allowed to open for a certain number of hours a week. They have an opportunity to change those hours according to whether it is summer or winter. The hotels have always been opposed to that kind of trading. Clubs buy from hotels, less 10 per cent.

If a person wants to get refreshments on a Sunday, there is no doubt that he would be able to do so. In my district there are five hotels between which one could throw a stone. There are three licensed clubs near the Sturt oval, and one could kick a football between them. They have been competing against hotels for quite some time. The situation is the same with regard to bowling clubs—it is all done under the lap. If a person does not do the right thing and misbehaves, he can be asked to leave the club, and that opportunity exists in hotels.

I remember that, before 12 o'clock closing came in on a Friday and Saturday night, the hotels would open until 10 o'clock and then get a special licence permit. People had to pay 50 cents, and the money went to a charity. I remember certain charities that benefited. There was a complete change when 12 o'clock closing was brought in. Everyone is entitled to his opinion, but some people, if they think that things will change, believe it is awful.

There has been a lot of change in many spheres of society. When these changes were suggested, some people opposed them, but it is marvellous how the ideas of many people (but not all people) change. This change could be very helpful. However, I am concerned that the refreshment drinker will have to pay more because of the cost of wages. I have thought of an idea, but I do not know whether it will help hotels. I am in favour of the English standard, namely, hotels opening for two hours in the morning and two hours in the afternoon on a Sunday. That practice also applies in Queensland and is a good idea as long as the price of liquor remains close to what it is now. An extra charge may apply if a person wants to drink on Sundays. I believe that that would be quite fair, because after all tourists who are out for the day want to enjoy themselves, but not to excess. People will have an opportunity to take their friends to hotels, as occurs in other States and countries.

I support this Bill, which I believe will benefit the community. I do not believe it will be very long before Sunday trading will be introduced throughout. Optional opening is a great opportunity, but one of the problems associated with it is that, even though it is up to the hotel, if one hotel opens, nearby hotels will probably want to open. I do not know whether the Government can control that area. It will be awkward to define what is and what is not tourism. If one hotel opens, nearby hotels are bound to open, and the Government should realise that that will occur. I believe that if one hotel in my district opens, all the other hotels will want to open, and that would be a little awkward.

The situation could be overcome by the practice that occurs in Victoria, where only certain garages open (although I do not suggest that that is the same situation). That system has worked pretty well, and it may work in this State. This Bill is a step in the right direction. The hotels were overlapped by the clubs, which are pretty well everywhere. Sporting, bowling, and other clubs need this to keep their various sports going. Many people were amateurs, but everyone is now a professional. That is part and parcel of our life. I support the Bill.

**The Hon. D. J. HOPGOOD (Baudin):** I want to make my position clear on this measure. I do not like it at all, but it is necessary that I support the Bill at the second reading stage, because largely it is a Committee measure. I am opposed to the extension of drinking hours that it envisages, but the Bill contains measures other than simply an extension of hours and outlets, and these do not fall into the normal ambit of the non-Party vote such as applies to those other matters to which I have referred. That being the case, I find that the best approach I can adopt is to support the second reading so that in Committee I can give the necessary attention to those clauses to which I object.

I want to make that perfectly clear. I do not want it to be thought that, by voting for the second reading, I in any way approve of the contents of the Bill. It is interesting to turn to the reception that this measure received from the *Advertiser* in its editorial on Thursday 25 March. The Government was given a bit of a pat on the back by the editorial writer.

**The Hon. Jennifer Adamson:** Faint praise.

**The Hon. D. J. HOPGOOD:** As I will proceed to suggest, and I thank the Minister for her prompting. The editorial states:

> The State Government must be commended for its realistic change of thinking about Sunday hotel trading.

Then it goes on to say—and this is the part the Minister finds a little ironical:

> It is true that, in deciding to open the door to 'limited' trading on Sundays, it has exhibited some characteristic political timidity. Instead of grasping the nettle boldly, it has passed the buck to the Licensing Court, which will have to be persuaded that hotels which wish to take advantage of the new policy can demonstrate a clear public demand for extended facilities, especially by tourists.

It is Friday afternoon. We do not normally sit on Friday afternoon, and therefore I will be generous to the Government and not comment on that faint praise from the *Advertiser*. It then goes on to say:

> It is extremely unlikely, however, that licensees will have difficulty providing the evidence the court needs. Patterns of living have changed dramatically in South Australia during the past decade or two and only an ever-shrinking minority of citizens still devote Sunday to church-going and other pious activities.

My comment on that is that, although I do not devote the whole of Sunday to what no doubt the *Advertiser* would narrowly call pious activities, nonetheless I deplore that an increasing number of the populace spends none of Sunday on any of those activities.

**The Hon. Jennifer Adamson:** It was a rather patronising comment.

**The Hon. D. J. HOPGOOD:** Very patronising indeed, as the Minister points out. The editorial continues:

> Nor is it any longer convincing to argue that hotel trading on Sundays will 'interfere with family life'. Very large numbers of families wish to enjoy Sunday outings together in a cheerful hotel or restaurant where someone else takes over from wives and mothers the burden of providing meals.

And so it goes on. What I find interesting is the statement that it is extremely unlikely that licensees will have difficulty in providing the evidence that the court needs. I am sure that that is correct, because other speakers in this debate have highlighted the problem of definition into which this Bill gets us. It is represented as a limited measure whereby hotels will be able to trade on Sundays, provided that they are in tourist areas or are servicing the needs of tourists. I wonder how the court, in all its accumulated wisdom, will be able to handle that one, or whether it will not be scratching its collective head and saying, 'What is this the politicians have thrown to us now?'

It is obvious that the Crown Hotel at Victor Harbor is located in a tourist area. There is no doubt that the Wirrina tourist complex is located in a tourist area. Perhaps there are already arrangements for that—I would not know. Coming closer to town, coming north, we have the Aldinga Hotel. Is that located in a tourist area? The Christies Beach

Hotel advertises fairly extensively on television, which boosts its admittedly impressive facilities, and holds itself out as a pleasant place for a convention, which no doubt it is. There is no doubt that the Christies Beach area, although for the most part residential, still contains a proportion of holiday homes to which people repair in the holiday months.

Brighton? Glenelg? Where do we stop? If Glenelg, why not North Adelaide? Why not a hotel on North Terrace? It seems to me that this measure opens the way for a judicial initiative which will allow for general Sunday trading. Perhaps the Minister will be able to put me right on that when she responds at the end of this debate. The way in which I will vote will be in part conditioned by the Minister's persuasiveness on that point. It seems to me that there is little doubt that the inevitable effect of this legislation will be general opening on Sundays. There are those who are probably fearful of this measure because they see it as the thin end of the wedge that, before very long, we will be back here legislating for general Sunday trading. I am not sure that we will be, because I am not sure that we will have to be. I imagine that this is all that is necessary to bring that about.

People have taken up the point of the clubs, which are largely able to open on Sundays. I make the point that the vast majority of the clubs are establishments to which liquor is supposed to be only incidental—the so-called permit clubs which will, I guess, for ever and a day be denied a licence because the Licensing Court maintains the philosophy of the parent Act that these are clubs set up for sports, educational or social purposes, and liquor is only incidental to them. These establishments have to buy from a local hotel. They are not allowed to buy directly from the brewery. They have fairly stringent control of their hours and indeed of their membership, and although it is always possible to sign other people in, there are also limitations on that. It seems to me that, with the exception of a few larger clubs which have licences and have had them for a long time, for the most part in the club area we are talking about permit clubs where, although it is true that they can trade on Sundays, they are in other respects quite considerably circumscribed as to the way in which they can trade in liquor.

That is really all I want to say. I do not believe that the Government has been straightforward in the way in which it has represented this measure. It has been represented as a compromise, a bit of an experiment. It has been represented as a slight opening of the door that will assist the tourist industry. I believe that it is far more than that, and that the Government should have come straight out in the very beginning and made clear what it is pretty obvious will be the inevitable result of the passing of this legislation.

Finally, I make the point of the workers in the industry that is covered by this legislation. I will not go into that at great length because my colleage the member for Playford will be following me, and he is far better equipped than I, both academically and in terms of experience, to address himself to this matter. If I were a person working in this industry, I would be viewing with a great deal of concern this initiative on terms of its impact on my lifestyle. It may well be that I finish up with a little bit more in my pocket as a result of this initiative, but I would suggest that it would be to the detriment of my family life.

**Mr McRAE (Playford):** I would like to commence by pointing out that any respectable visitor from Mars who came to this place and considered the circumstances in which we are examining this Bill would think that we are all fit for Glenside, if he knew where Glenside was and what its function was.

**The Hon. D. J. Hopgood:** They may have them up there, too.

**Mr McRAE:** That is so. I am giving attention to this matter at approximately eight minutes to five (I think I can vaguely see the clock). I would like to indicate that I began work on Tuesday at 9 o'clock. I finished work on Wednesday morning at six minutes past three. I began work on Wednesday at 9 o'clock and finished on Thursday at 21 past three. I began work on Thursday at 9.30 a.m. and finished at 11 p.m. I began work today at 10.30.

**The Hon. Jennifer Adamson:** That was a late start.

**Mr McRAE:** Actually, it was a very late start. I had a sleep-in. The dog was amazed.

**An honourable member:** Do your children recognise you?

**Mr McRAE:** No, they do not. They haven't seen me for quite a long time.

**The SPEAKER:** To which clause does this relate?

**Mr McRAE:** This is general background material. I make the point that it is time that this Parliament took control over the Executive. After all, the Senate in Canberra only two weeks ago, led I am told (the Minister will be interested to know) by the ladies of the House who said that it was their civilising influence which brought this change about.

*The Hon. Jennifer Adamson interjecting:*

**Mr McRAE:** I was told by the Hon. Jeanine Haines that it was her civilising influence, together with Susan Ryan, that brought this great change about, and the Senate voted, much to the anger and anguish (I was told) of the Ministers and the Executive, that they would not sit before 9 a.m. or after 6 p.m. They have managed to do that within 80 years, and here we are still struggling along after 130 years or something under this dreadful system.

I point out that it is time that Parliament attempted to get some control over the Executive and that the Executive danced to the Parliamentary tune rather than the reverse. I hope that we can do something about it. Thank you, Sir, for your great tolerance in that, but I thought it was about time that something was said about the stupidity of the system under which we are working.

I have not been able to listen to all the contributions of the debate. One debate I did listen to with great interest was that of the member for Goyder. I thought that he analysed the situation very well. I did not agree with all that he had to say, although I certainly agreed with much of what he had to say, as I indicated at the time. There is no doubt that there is a chequerboard effect in any social change legislation. We have seen that over the years. One gets the thin end of the wedge, and then the party with the biggest bargaining power and wielding the biggest mallet proceeds to widen the gap and make the change bigger. There are a lot of people in the community, including myself and the Minister, who are alarmed at some of the consequences of the rapid—

**The Hon. Jennifer Adamson:** The big lobbies.

**Mr McRAE:** Indeed. I am coming to them in a minute. The Minister has foreshadowed exactly what I am coming to next. There are a lot of people in the community, including myself, who are alarmed at the very rapid changes that we have had. Many of these changes, taken in themselves, are good changes, but if we accumulate the lot we can sometimes get quite disastrous results. However, coming to this measure, having complained about the circumstances under which we debated it, I now bluntly say that, although I intend to support it to the second reading for reasons which I will give, the circumstances under which the Bill is presented to us are quite crook. I know full well, as everyone does, that this Bill in large part represents a deal between the Liquor Trades Union, the A.H.A. and the Minister or the Cabinet. I am afraid that it is just not good enough when we are not told that. I do not care if we are told, but when there is a masquerade performance to hide what went on, I do complain. We had an example of that in legislation

yesterday. I refer to the good legislation to protect women and children against domestic violence, which the Government used as a cover to provide ammunition for an attack against union picket lines or political demonstrations. We have another example today, and I protest against that.

I know that there are many issues in here that are important, but I am not competent to speak on many of these issues. I want to concentrate on what I see as the key issue, Sunday trading. Again, I would have very much preferred if the Government had come straight out and said, 'We support Sunday trading for this, that or the other reason.' I would have been much more impressed by that approach rather than the approach that has been used in this Bill. I support what the honourable member for Baudin and the member for Goyder, among others, said: in determining what a tourist hotel is, there are going to be the most damnable squalors and attacks, and extreme difficulties and problems will be caused in the community.

What is a tourist hotel? Obviously an organisation like the Oberoi, the Hilton or the new hotel that the brewing company proposes to establish would fit into that category, but there are many other hotels in and around the city that can claim to fit into that category. How can anyone say that only the Hilton, the Oberoi or the proposed new hotel are tourist hotels inside the square mile of Adelaide or those areas immediately adjacent to the square mile? Why should not (picking these at random) the smaller hotels in Hindley Street, Grenfell Street, Currie Street, or the whole string of hotels along Hutt Street renovate their premises and then, at very much cheaper rates than the Hilton or the Oberoi, accommodate genuine tourists? I submit that it is very easy to do that. Very few people can afford to pay $100 a night to stay at the Hilton. However, a lot of people would be prepared to pay, say, $40 a night and stay at one of those smaller hotels (I cannot remember them by name because I do not frequent them all that much) along Rundle Street, Hutt Street, and so on?

All they have to do is add on a bit, renovate, refurbish, and so on. Once they have done that, effectively Adelaide will be opened up for Sunday trading. No-one can deny that. That leads to the key question: do I or do I not support Sunday trading? Really, I am being asked, on the face of it, whether I support Sunday trading for tourists in certain circumstances. For the reasons I have given, that is such an artificial question that I cannot answer it. We all know from the very short analysis I have just given that that question is a mask for the true question, which is whether I support Sunday trading throughout the city of Adelaide, provided that the hotels are refurbished to the standard required by the Licensing Court. I find that a tough question to answer.

On balance, I have to say, 'Yes, I will,' but what are my reasons? There is now such a plethora of clubs, big and small, trading in the liquor area throughout the city of Adelaide, the metropolitan area and throughout South Australia on Sunday that I find it very difficult to draw a distinction. I know that there is a distinction to be drawn theoretically in many cases, because many of these clubs are genuinely small clubs that provide sporting and recreational activities for adults and children. But, I also know that even in my own electorate (and I do not intend to nominate the establishment) there are very large clubs, one in particular pulling 18 18-gallon kegs a week, which is trading as a hotel. I say that bluntly. I have been past there and I have seen the magnificent establishment. No-one can deny the advantages to the members of its sporting activities, recreational possibilities, children's playground, and all sorts of other good things of which I am in favour in a family-type atmosphere. However, that establishment is trading just as a hotel. Other establishments are even worse and in more flagrant abuse of the Act. This is not any criticism of the inspectors, the Superintendent, or anyone. It is a most difficult task to try to police this Act in all its complexity.

I am not criticising anyone involved in its administration. But, I am bluntly saying that other clubs do not provide any recreational facilities, certainly not for children, and they are, in effect, carrying on business as hotels. In those circumstances, I come to the conclusion that one should be honest about it and say, 'Very well, there is a demand for liquor on Sundays; therefore there is no reason why that demand should not be satisfied.'

However, if that is going to happen, I come to the next question. In my view, it must happen in circumstances that are industrially justifiable. The present provision is an abomination. Take, for example, the case of a person employed in one of the large establishments that will obviously get this licence. I have no doubt in my mind that, among other things, this Bill is to help the Oberoi, and particularly the Hilton. Take, for example, the case of people who live in my electorate and work as barmen and barmaids in those hotels. Depending on the way in which they split and adjust the trading periods, the workers will have two options, either to stay in the city on the split shift, doing nothing, or, alternatively, travel back home again. They have already travelled that same hour from Elizabeth to get to the city, done their two-hour stint and gone back home. Then they take another hour back to the city, do the two-hour stint and take another hour to get home, which is four hours travelling time for four hours work, which is quite unfair. If we are to have this at all, it must be under circumstances that are fair to everyone.

My present disposition is to support the amendment foreshadowed by the member for Hartley, which would require that the advantage outlined by the Minister would accrue to all hotels at their option, but that there would be a fixed trading time, which would be between 12 o'clock and 8 o'clock or, depending upon the decision of the court, a shorter time. Having looked at it again, I think I shall speak to the member for Hartley and ask him to remove paragraph *(b)*. But, I foreshadow that in addition to that I will propose, as at presently advised and subject to discussions with various people expert in the industry, to amend the amendment foreshadowed by the member for Hartley to the Minister's Bill to provide specific penalty rates.

I thought briefly of how I might be able to do this and advise the House as to what I was foreshadowing, but it is extremely complex, and, having looked at the award, I find that it is not just as simple as saying that double time shall be paid to employees, because there is a span of hours situation and the amendment will obviously be complex. I do not intend to deal with some of the more esotoric things in this measure, because I do not claim to be any expert on the Licensing Act. On the occasions that I have been to the court I have found that the procedure of the court has been very good and efficient, and that the various personnel before whom I have appeared or with whom I have dealt have been courteous and knowledgeable about the industry. I have no criticism of any member of the court, but I would like the Minister to lay her cards on the table and, in particular, if we are to deal with this measure at all, I must demand industrial justice. It is ludicrous to impose this sort of burden on the employees. It is quite unjust. This being very much a Committee Bill, I will support the second reading. As presently advised, I shall amend the foreshadowed amendment of the member for Hartley.

**Mr LYNN ARNOLD (Salisbury):** This Bill contains a number of disparate alterations to the Licensing Act, and

it is not entirely possible to say that I support the whole Bill or reject the whole Bill. Indeed, I support some of its provisions. About other of its provisions I am somewhat equivocal, because they partly, but not entirely, address the problem at hand, while there are parts to which I am opposed. I will detail those in my speech this afternoon.

The question of Sunday trading has been identified quite rightly as one of the main aspects of the Bill before the House. It has been wisely perceived by many members in this place, including the member for Playford and the member for Goyder, that now this Bill really is chapter 1 in the story of the attempted introduction of Sunday trading in this State. Any attempt to mask it by any degree of tourism promotion or whatever really is just that—an attempt to mask what is really going on. I wish to make some further comments in that area shortly. First, one of the comments made by people in support of Sunday trading is that we already have *de facto* availability of liquor on a Sunday, namely, through clubs in South Australia. They point to the incongruity of one outlet or series of outlets, namely, the hotels, not being able to trade or compete on that day.

How justified is that criticism? There are many points that could be made in favour of fair competition of liquor outlets and if we expect one to be subject to restrictions, then so should the other. That is a logical point of view to put. Indeed, there are those who would suggest that the clubs are nothing other than, in their primary purpose, liquor suppliers. Criticisms have been made of the way in which they handle that job. I refer to a judgment given by His Honour Judge Grubb on 23 February this year when referring to clubs. I point out that although the comments are very critical about clubs, he indicates that he is not talking about all clubs. He recognises that many clubs are in fact *bona fide*, but that there are some that are not. As to those which are not he states:

> They have no concern at all to trade according to the tenor of their licences. What they do is to show their contempt of the licensing laws. They also show their contempt for any suggestion of fair play and fair competition. Perhaps more to the point, they show their complete disregard for the employment prospects of a substantial number of persons who would otherwise be employed by the licensed hoteliers and restaurateurs in Whyalla [the place where the judgment was given]. In the long view they show their contempt for the concept of a fair go—in this they are un-Australian.

They are very harsh words indeed; it is very damning criticism of those clubs that do not do the right thing by the conditions of their licences. Inasmuch as any of those criticisms can be made of any clubs, and I accept that they can be made of some clubs, I would have thought that the solution is not to have an open slather and allow all potential liquor outlets to trade on Sunday, but rather to try to rectify those particular anomalies. If, in fact, they are showing contempt for the licensing laws, then the rigor with which the Licensing Act is applied should be upgraded. If, in fact, they are showing contempt for any suggestion of fair play or fair competition, an attempt to do the best possible should be made to ensure that they do have to abide by the rules of fair play and fair competition. Also, if, in fact, they are in total disregard of the employment prospects of a substantial number of people, they should be required to subject themselves to the same employment constraints as do licensed hotels.

Indeed, I am fully in support of suggestions along the line taken by the Liquor Trades Union whereby it requires clubs selling over a certain volume of beer, which I believe is five 18s a week, to maintain a club manager and that that manager be affiliated to the union. I fully support that. We do not get very far by saying that the only solution to that is to have Sunday trading for hotels. In a moment I want to make comments about the contribution of clubs in my electorate, but for the moment I seek leave to continue my remarks later.

Leave granted; debate adjourned.

## RADIATION PROTECTION AND CONTROL BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 4, line 20 (clause 9)—Leave out 'nine' and insert 'ten'.

No. 2. Page 4 (clause 9)—After line 34 insert paragraph as follows:

'*(ha)* one shall be a person with expertise in the field of genetics and a knowledge of radiation genetics;'.

No. 3. Page 5, line 24 (clause 11)—Leave out 'Five' and insert 'Six'.

No. 4. Page 6, line 20 (clause 14)—Leave out 'and *(g)*' and insert ', *(g)* and *(ha)*'.

No. 5. Page 6, line 30 (clause 14)—Leave out 'and *(e)*' and insert ', *(e)* and *(ha)*'.

No. 6. Page 12, line 10 (clause 26)—Leave out 'limit' and insert 'of all the limits, or less stringent than the least stringent of all the limits,'.

No. 7. Page 12, lines 11 and 12 (clause 26)—Leave out 'any code, standard or recommendation.' and insert 'the codes, standards and recommendations.'.

No. 8. Page 17, line 40 (clause 41)—After 'registration' insert 'or an application for a licence or registration'.

Consideration in Committee.

**The Hon. JENNIFER ADAMSON (Minister of Health):** I move:

That the Legislative Council's amendments be agreed to.

**Mr HEMMINGS:** I do not want say too much. It seems that the Government, at least in one small area, is agreeing to some worthwhile amendments. I appreciate the fact that the Minister, on behalf of the Government, has accepted those amendments.

Motion carried.

## TRADING STAMP ACT AMENDMENT BILL

Second reading.

**The Hon. JENNIFER ADAMSON (Minister of Health):** 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 Trading Stamp Act, 1980, permits many trade promotion schemes that were formerly prohibited by the repealed Trading Stamp Act and prohibits only third-party trading stamp schemes.

The Government has become aware of certain trade promotion schemes that are designed to promote the sale of cigarettes. Some of these are specifically described as competitions for adult smokers. Competitions that are trade promotion lotteries within the meaning of the Trade Promotion Lotteries Regulations and which require proof of purchase of a packet of cigarettes as a condition of entry are obliged in this State to provide a free entry alternative. However, the alternative offered (for example, calling at a particular address to collect an entry form) is often such that a person wishing to take part is in fact more likely to purchase a packet of cigarettes.

If promotions of this kind are to be successful they must increase sales of a particular brand of cigarettes—that is, after all, their primary objective. In some cases this might

be achieved by reason of smokers purchasing this brand rather than another. However, there is also a potential for promotions of this kind to act as a catalyst to encourage persons to purchase and smoke cigarettes when they might otherwise not have smoked at all.

In the interests of public health, the government firmly believes that it should take all possible measures to discourage people from smoking and that particular attention must be given to discouraging people from taking it up in the first place. While not at this stage prepared to ban altogether the advertising of cigarettes, we believe that one step that can and should be taken is to prohibit all trade promotion schemes involving lotteries or trading stamps where the objective of the scheme is to promote the sale of cigarettes (or other tobacco products). Accordingly, amendments are being drafted to the Trade Promotion Lotteries Regulations to prohibit trade promotion lotteries where:

*(a)* participation is limited to persons who smoke cigarettes, cigars or tobacco in any form;

*(b)* a participant is required as a condition of entry to submit a package containing, formerly containing or designed to contain cigarettes or other tobacco products, or a facsmile of such a package;

*(c)* a participant is required to answer questions or provide information in relation to the appearance of such a package or information appearing on such a package; or

*(d)* participation is otherwise dependent upon a participant having or having had in his possession such a package.

The Bill is designed to ensure that similar schemes which are not covered by these Regulations are also prohibited. For example, promotions under which the purchaser of a particular brand of cigarettes receives a free cigarette lighter or some other free gift will be prohibited by the Bill.

Clause 1 is formal. Clause 2 amends section 4 of the principal Act by introducing a new definition of 'prohibited trading stamp', which includes a stamp supplied in connection with the sale of, or for the purpose of promoting the sale of, tobacco, cigarettes or other tobacco products. Clause 3 extends the prohibition of certain practices in relation to third-party trading stamps to other prohibited trading stamps as defined.

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

## LICENSING ACT AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 3999.)

**Mr LYNN ARNOLD (Salisbury):** When I sought leave to continue my remarks later, I was commenting on the role of clubs and was about to mention those clubs about which I have some experience, those in my own electorate. I do not wish to dispute that there are many clubs in South Australia which, as His Honour referred to, are rapacious. However, from my experience in my electorate I have found the clubs not to be so. I have found them to have a distinct community function which, for the most part, they fulfil with their every endeavour. The clubs are made up of two distinct types. The first are sporting clubs, and there are a great many football clubs. I am a member of one of those. Further, there are cricket clubs, and I am a member of one of those, and also there are community groups, and I am a member of one of those, my local community club, which makes a hat trick. Such clubs provide the opportunity for sporting and community interaction and other types of community group activities for my constituents. It is true to say that they all raise funds through their liquor trade activities, but I think in every case such activities are subsidiary to their prime purpose, and the funds they raise are all devoted towards promoting their prime purpose. To that extent, they have quite a different role to play and, in a sense, we can see that their trading on a Sunday can be quite different.

When it comes to considering whether or not there should be the sale of liquor on Sundays, there are two things that I think should be taken into prime consideration. First, the rights of the family should be considered. I believe that it is very important that we try to promote rather than erode family activities at any time, but especially on a Sunday which is very often the only occasion when families have the chance to be together. I very much take the point of the member for Norwood: I would be interested to know whether a family impact statement was done on this legislation to determine exactly what the impact on families would be.

The next conceptual point I find is that the supply of alcoholic beverages on a Sunday should be a subsidiary right and not a primary right. During the other six days of the week I quite concede that it should be the primary right of hotels to supply liquor to achieve their economic goal, which is to make a profit. On Sunday, I think it is quite reasonable for society to say, 'No. The supply of alcoholic beverages falls into a secondary place'. It is for that reason, I suppose, that in the past we have required that the supply of alcoholic beverages be subsidiary to the supply of meals in hotels on Sundays.

Likewise, by permitting clubs to sell alcoholic beverages on a Sunday we are recognising that is subsidiary to their fulfilling their prime function. It might be suggested by some that in this legislation, the supply of alcohol becomes subsidiary to their supply of some amorphous tourist function. It is truly amorphous, given the background information we have had supplied to this Bill this afternoon.

I would like to pursue this point and indicate that, if we were to be genuine about maintaining the primary service purpose in another direction on a Sunday and having only as a secondary purpose the supply of alcoholic beverages, we should then make sure that hotels do something in that regard. I would not only want to talk about their promotion of tourist facilities: I would like to talk about the way in which they can provide community facilities as well. I am not opposed to the supply of liquor from community clubs, because I know that when a family goes there the children may well be playing sport out on the oval, the cricket pitch, or the hockey field, the parents will be interacting inside, and there is then some positive activity that can be the prospect for every member of the family.

What would Sunday drinking in hotels provide? It would provide some interaction for parents and those over 18 years old, but the only activity it would provide for the children of the family is the right to a seat to sit down on and the right to have a lemon squash. So they would have to thrill themselves with an endless run of lemon squashes all the afternoon, and that would amount to their joint family activities. I cannot see that being argued at all as being reasonable and fair. I would like to see the following restriction placed on any hotel that seeks to trade on a Sunday: it should be forced to provide community facilities that would enable real recreational opportunities for all members of the family. So then the poor children, who become the victims in this type of problem, do in fact have something constructive in which to participate, and a family activity in every sense of the word can take place, be that the provision of a swimming pool, a playing field, or some sort

of recreational activity in which the family, as a family, can take part in. I do not mean by such things just the provision of some Star Wars game or something like that to provide some sort of electronic soporific for people in the hotel; I mean something that would be of a real contribution to the community. That is very difficult to define. It is certainly not in any way attempted by this Bill, and for that reason I must oppose that aspect of the Bill.

We do require in another part of the legislation that night entertainment be of a high standard. Why cannot we require as well that any hotel seeking to trade on a Sunday provided community facilities of a high standard? I accept the profits will not be there for the hotel but, to me, the provision of liquor on a Sunday should not be a primary motive; it should be a secondary one. To that extent, the profit motive should not be our prime consideration as a Parliament, with regard to Sunday trading. Social consequences should be our prime consideration on that day of the week.

If what I have suggested were to happen, it is indeed possible that many communities that do not have adequate community facilities could see an enhancement or development of their facilities. It would also recognise that the clubs have had a serious contribution to make. They are not the *bete noir* of the whole piece; they are not those who have always sought to take malicious advantage of their particular economic position.

**The Hon. Jennifer Adamson:** Has anyone suggested they are?

**Mr LYNN ARNOLD:** It has been suggested in some quarters, although I do not say it has been said here. I read out some relevant comments earlier. There is a dual role in the provision of liquor that involves clubs and they have a rightful place in that. As I have said, if there are inconsistencies in the terms of justice in the way they are providing a service, let us sort those problems out as they occur and in each particular regard. For instance, let us sort out any injustices that occur in relation to the employment of labour. Let us sort out the problem of competition and unfair publicity promotion in the community attracting customers beyond the ordinary membership of clubs.

The next area I want to turn to in the Bill concerns the nuisance factor. I am somewhat equivocal about the proposal in the Bill, since I support the decision of the legislation to give redress to noise nuisance occurring outside hotels, but I am disappointed that it does not go as far as I had been led to believe the Bill would go. Late last year, on 28 November at 3 a.m., I received a phone call. I was not particularly amused to receive it at that time but I answered it and I found myself speaking to a constituent who had just been let out of gaol after having been arrested in the early hours of the morning following a brawl outside one the hotels in my electorate. The person was most irate because he felt he had been unjustly arrested, but I do not want to comment on that.

How the brawl had broken out with this particular person was that he had gone to the aid of two neighbours of the hotel, who were being attacked in their own front yard by hooligans who had been patronising the hotel. As a result of that episode and as a result of speaking with the neighbours in question, I wrote to the Minister of Consumer Affairs asking that something be done. My letter, in part said, 'They', that is my constituents, the neighbours who had been attacked, 'have lodged serious complaints about the management of the' (for the sake of the discussion I will delete the name of the hotel; members can come to me and get that) following a brawl that originated at that hotel on Friday night, 27 November. The letter continues:

> The later stages of that brawl resulted in my constituents being physically attacked in their own front yard. The wife who recently had a baby, was extremely distressed by the incident.
>
> Both my constituents have identified inadequate management practices at the hotel as a major cause for trouble being centred there. They pointed out to me that last Friday's incident merely represented a more serious event in a sequence of incidents that have been going on for some months.
>
> I would point out at this juncture that in my interview with them I was of the opinion that my constituents are a quiet and peaceable couple who would not seek to aggravate events of deliberately provoke. The incidents of last Friday, however, have forced them to make this complaint to me; they have also requested my assistance in seeking a transfer with the Housing Trust.
>
> On 7 November 1980 I wrote to the Licensed Premises Division seeking their assistance following complaints I had received concerning behaviour at the Hotel/Motel. I received a reply on the 4 February from Mr A. W. Sampson, Assistant Superintendent of Licensed Premises.
>
> In his letter Mr Sampson advised that he would keep the matter under review, though at the time he was of the opinion that increased police patrols and improved procedures by the licensee had alleviated the problem.

Obviously not! It further stated:

> I would appreciate it if you would advise Mr Sampson that the problem has not been alleviated and also if you could request that, under section 76 (1) of the Licensing Act, an inspector, representing the Superintendent of Licensed Premises, make application to the court so that it may consider if the management of the licensed premises has been satisfactory. I appreciate that this is a major request with considerable implications; however I would point out that my constituents complaint is but one of a number concerning that hotel and, therefore, I believe further investigation is warranted and some form of action to assist the local community vital.

The reply I received from the Minister, after I had appealed for redress under the legislation, was, in part, as follows:

> Mr Sampson has indicated that he has reviewed the matter again and is of the opinion that present evidence would not support and does not warrant an application to the Licensing Court for forfeiture of the licence on the grounds that the management of the hotel has not been satisfactory.

I really believe it is too much when people can be attacked in their own front yard by hooligans operating out of a hotel, and that does not provide sufficient evidence for some sort of action. It was further stated:

> I do sincerely share your concern about the distressing incident which [your constituents] endured. However, I do accept the assistant superintendent's assessment of the situation and in any event you would appreciate that it would not be proper for me to direct him in the exercise of his statutory responsibility . . .
>
> The problems arising from disturbances caused by the patrons of licensed premises in residential areas is of real concern to the Government. Consideration is being given to proposing amendments to the Licensing Act which would give the Licensing Court the power to impose conditions on all types of licences. In addition, another provision could be inserted whereby, if licences are being conducted in a manner which habitually or frequently disturbs unduly the quiet or good order of a neighborhood, then the Licensing Court can summons the licensee to appear before the court and show cause why his licence or permit should not be cancelled, suspended or varied. Amendments along these lines should go a long way to assisting people in circumstances like that of Mr and Mrs Rains, and be a simpler way of getting an order from the court rather than an action under section 76 (1). I intend to introduce appropriate amendments to the Licensing Act early this year.
>
> Yours faithfully,
> John Burdett, Minister of Consumer Affairs

It concerned me, therefore, when I read in the second reading explanation that there is a new provision. It was stated:

> . . . a new provision designed to assist the combating of noise disturbance associated with licensed premises. A complaint may be lodged by the Superintendent of Licensed Premises, a police officer, a municipal or district council or a person who represents the interests of 20 or more persons who reside in the vicinity of the licensed premises.

The implication is in regard to noise disturbance. Where is the amendment that refers to good order, which was referred to in the letter? I wrote back to my constituents and indicated that I hoped the problem would be resolved. I told them that I would monitor the situation to see that their needs were resolved. I cannot now go back to them

and say that this Bill, if passed, will give them that guarantee of security, the right of security in their own homes, the right of freedom from interference in their own homes from hooligans who may patronise a certain hotel.

**Mr Mathwin:** Did you name the hotel?

**Mr LYNN ARNOLD:** I did not name the hotel. I am quite prepared to do that privately to other members. The hotel people will know what I am talking about. I propose to continue monitoring the way in which that hotel conducts itself and contributes to or detracts from the amenities of that neighbourhood, because I believe that sound planning, which must be one aspect that the Licensing Act should take into account, must insist that an orderly neighbourhood in which residents can live without reasonable fear of molestation on all levels from people of this kind is a right.

I do not wish to comment further except to indicate that, of the provisions I have not addressed, I am in support of many. I certainly do not oppose the provision in regard to noise. I think it is good, but it does not go far enough. As for Sunday trading, I will not be able to support that part of the Bill and during the Committee stage I will indicate my opposition to those aspects.

**Mr BLACKER (Flinders):** I support the second reading of this Bill, because a number of minor amendments are worthy of the support of this House. However, I would like to express my opposition to the part of the Bill that refers to Sunday trading. This matter was debated in this House some time ago. When the proposition was made, I sought from my constituents some reaction as to whether they believed Sunday trading was desirable or necessary. I received nothing but opposition in relation to the Bill at that time. There was opposition from those hotel owners who would have to provide additional staff at penalty rates. Many of the hotels in my district are family operations and, as such, the proprietors believed there was nothing to be gained by extending hours of trading.

I do not really know who is pushing for this. The Bill was introduced on the premise that it will assist the tourist industry in South Australia. I seriously question that. Certainly, no-one in the tourist industry from my district has ever suggested that there should be Sunday trading and that there would be beneficial gain as a result. I do not really know who wants Sunday trading. No-one has ever contacted me seeking Sunday trading: quite the contrary. All indications have been against Sunday trading.

One of the reasons why many hotels or the majority of them (and I do not use a blanket approach by saying all hotels) are against this proposal is that it will result in increased costs, obviously, at penalty rates, and with little or no known proven benefit. We can go a step further and ask, 'What will be the effect on family life?' That matter has not been addressed adequately in this proposal. I think it fair to say that six days and six nights trading is more than adequate for the majority of people and families. More particularly, those who want to dine out in a family atmosphere will still have the opportunity to do so. I wonder what the real net benefits to the liquor industry will be if Sunday trading is introduced. I refer to Sunday trading for hotels, because, as I understand, the liquor that is purchased by clubs must be purchased through a licensed hotel, so almost certainly the hotels, in effect, are receiving a commission on what is being sold on Sunday through the clubs.

Therefore, the commission that they receive involves a no-cost operation, or certainly a minimum cost operation. If, on the other hand, hotels are direct competitors, it is doubtful whether much more alcohol will be sold. However, the direct operational costs for the hotels will obviously be increased. For that reason, I seriously question the wisdom of an extension. We can go to the other end of the spectrum and quote letters that have been received from members of the community and churches that have a strong opposition to the extension of trading hours for alcohol consumption. Such letters have been quoted this afternoon. I believe many people would respect those views. Certainly, I for one cannot accept that there is a just case or a good reason to extend the hours, and I support the churches in their belief that there is no proven need for an increase in the services.

I believe that there is division in the industry about this proposal. I think that the majority of people have expressed an opposing point of view, and that there will be considerable argument about who is entitled to a tourist licence and who is not. In my area, most of the hotels are along the coastline and all could probably qualify as tourist hotels. The only three hotels in my area not on the coastline are on an east-west road network, so anyone who was doing a West Coast trail, as promoted by the Minister of Tourism, or a Southern Eyre Peninsula trail, as promoted by the Eyre Peninsula Regional Office, would be passing an hotel.

What better tourist promotion is there than a trip on Lower Eyre Peninsula, calling at the hotels at Cummins, Lock, or Wudinna for a midday drink or a Sunday afternoon drink? Where is the line to be drawn? In my electorate, probably every hotel would qualify as a tourist hotel. I see no real need for that clause, and I will oppose it. I think the provision in relation to noise would have the full agreement of the majority of members, and I support that proposal.

**Mr PETERSON (Semaphore):** When I received the Bill yesterday, my first reaction was to vote totally against it. It is a total mix-up, a hotch-potch, giving in to someone. I am interested to see what will happen to the Bill in Committee, because I know that there are amendments to be moved. This reflects again how the Government has switched its policies. I spoke in this House last night about a former Liberal supporter who had switched her allegiance to me because of the actions of this Government.

**Mr Mathwin:** You told us that about the casino yesterday.

**Mr PETERSON:** Yes, I am saying how the Government is chopping and changing. My decision to vote against the Bill is not because I am necessarily against Sunday trading. I think we have it now to a great extent. I object to the sneaky underhanded way in which this is being introduced, without saying what it is all about, and using the guise of tourism to get it in. The Government is well aware of this. The second reading explanation states that the Bill makes several amendments to the Licensing Act to overcome problems that have arisen in the administration and enforcement of the Act. We are told that it is intended that a more comprehensive review of the Act will be undertaken later. Why should that not be done now? Obviously, there is some sort of electoral advantage in amending the Act now, but surely there is as much benefit in amending the entire Act to get a sensible Act out of it. I think the Government should undertake a full review, giving Judge Grubb an opportunity to have a look at it. He is the most informed man in this State on this subject. If the Government is serious about this, it should let him look at the matter.

The tourist facility definition defeats me. The Largs Pier Hotel is 100 years old, and a noted structure, serving a good meal and good beer. It is in the midst of a tourist area, and surely such a hotel would be a front runner for a licence. The problem is to administer the Act correctly, and now we are aggravating the problem by adding a few more appendages.

I am appalled about the system of two hours on and two hours off. If a person drives to Victor Harbor and arrives during the period of two hours off, must he wait outside for two hours? If we are to provide a tourist facility it must

be that. There is an added disadvantage to employees, as outlined very well by the member for Playford. Are they expected to hang around? I suppose there has been some discussion with the union, but I would not accept it if it were up to me. I suppose they will be paid only for the hours they work, and I think the whole concept is wrong. I do not think that I should accept that on behalf of the workers in the industry who will be affected.

Even now, hotels could operate to a limited degree in this area under the existing legislation, and that is recognised in the second reading explanation. The Minister referred to people having meals in hotels at any time on a Sunday being allowed to drink liquor.

Why change? If it is a tourist facility people go there if they wish and obtain food and drink while they are there. There is provision in the Act for that now, so I am very confused as to why there should be any need for this provision. I support the provisions in relation to the noise aspect. I have had a few problems in my own electorate concerning noise, and I know that there are much larger problems in other electorates. The only problem that I can see is that the noise aspect applies only to Sunday: at any other time of the week such matters are under the jurisdiction of the Noise Control Act, but in my experience that Act has not been of much use to people; it just does not work, and people cannot get help from either the police or the noise control officers. I do not know how the provisions will be made to work in this instance, even on a Sunday—perhaps because it is the Lord's day it might be easier, but I do not think so. The noise aspect must be looked at in the Licensing Act, and the provisions certainly need to be bolstered in the noise protection legislation.

I do not think the provisions in the Bill are strong enough; I think they are wishy-washy, and a much more positive attitude is needed to the whole matter if we are serious about tourism. I read an interesting article in the *National Times* recently about investment in tourism facilities: every State in Australia was mentioned in the billions of dollars category investment in tourist facilities, but South Australia was not even mentioned.

**The Hon. Jennifer Adamson:** We have well over $100 000 000 capital investment proceeding at this present moment.

**Mr PETERSON:** I am pleased to hear that, but the *National Times* article did not mention it. South Australia was a glaring omission. I am aware that there are considerable amounts of money being spent, and one that I can refer to is 'Hazelmere,' the big new establishment in the South-East which I visited the other day when I was in the area and which is a magnificent facility. I can see how help can be afforded in this way.

With regard to the two hours on and two off provision, what happens to people who go to an establishment at the wrong time? Do they stand outside and wait? A person might take overseas visitors to an establishment, having told them that it is a great place to go and that as a tourist they will like the place and the local wine, together with the local flavour, but upon arrival find that the doors are locked and cannot get in for two hours. I do not think this legislation is a vote catcher. I tend to think that there is a bit of pressure being put on the Government. However, if it is fair dinkum about this it should consider full Sunday trading; it should put the matter to the public to let people have a say. However, as the member for Flinders said, 'Who wants it?' As a matter of fact, there are about 10 hotels in my electorate which I could hit with a rifle if I stood on the roof of my electoral office building: I have spoken to all those people, and the general reaction has been that they do not want Sunday trading, but they realise that if a competitor opens they will have to open also. If the Government is considering Sunday trading seriously, it should provide that such trading be optional; it must be up to the hotels whether they open. Licensed clubs provide those facilities now. I have no strong personal feeling against Sunday trading because it is there now. One can go to licensed clubs. In my electorate I could get drunk 20 times on Sunday in clubs if I wanted to. There would be no difficulty at all if I were that way inclined, which I am not. There is provision for enough drinking now, unless one is serious about full optional Sunday trading.

The legislation makes no sense to me. If we are thinking about Sunday trading, let us bring it out and lay it on the table. Let people have their say and clear it up. I hope that the Liberal Government does not think that it will win votes, the way that this is going at the moment, if that is the plan. I wait with expectation for the Committee stage of the Bill, to see how I finally vote.

**The Hon. JENNIFER ADAMSON (Minister of Health):** This has been a most interesting debate with a multiplicity of views expressed which, I imagine, is a reflection of the multiplicity of views found in the community at large. Nevertheless, principal attention has been given to Sunday trading for a tourist facility, with perhaps less weight. However, some importance is being attached to the general tourist facility licence which is being introduced, the late night permits and the combating of noise disturbance. It is interesting to note the views which have been expressed by various members in accordance with their own electorate experience and the experience of their constituents. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

## ADJOURNMENT

At 5.58 p.m. the House adjourned until Tuesday 6 April at 11 a.m.