HOUSE OF ASSEMBLY

Wednesday 20 April 1983

The SPEAKER (Hon. T.M. McRae) took the Chair at 2 p.m. and read prayers.

CADELL TRAINING CENTRE

The SPEAKER laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Cadell Training Centre (Staff Housing Improvement Scheme).

Ordered that report be printed.

PETITION: BUSHFIRE VICTIMS

A petition signed by 482 residents of South Australia praying that the House urge the Government to provide relief assistance to the Wistow area bushfire victims of 24 November 1982 was presented by Hon. D.C. Wotton.

Petition received.

QUESTION TIME

The SPEAKER: Before calling on the Leader of the Opposition to ask his question, I inform the House that, in the absence of the Deputy Premier, questions normally directed to him will be taken by the Minister of Local Government.

PREFERENCE TO UNIONISTS

Mr OLSEN: Will the Premier confirm that an instruction has been sent to the permanent heads of all Government departments directing them to provide information to trade unions about public servants not members of a union and, if that is true, will the Premier table the instruction in the House and immediately withdraw it from circulation? I have been told that an instruction has been sent to all permanent heads by the Public Service Board at the direction of Cabinet. This instruction requires permanent heads to forward to the appropriate union organisation the names, classifications, and locations of employees who do not at present have union subscriptions deducted from their salary or wage. Union organisations referred to in the instruction are the United Trades and Labor Council, the Public Service Association, and the Royal Australian Nursing Federation. The instruction clearly relates to the Government's policy of preference to unionists and is involving permanent heads of Government departments in a union-recruiting exercise. It is also intimidating to non-union members and a gross invasion of their privacy.

The SPEAKER: Order! It is clear that the Leader of the Opposition is now debating the issue. In no way do I intend to prevent him from presenting any of the facts at his disposal, but he must not debate them, as he well knows.

Mr OLSEN: As the Government's action is unprecedented and improper I ask the Premier to withdraw the instruction immediately.

The Hon. J.C.BANNON: I am not sure that I can recall at this point the memorandum or directive referred to by the Leader but, if he has details of it or a copy, he can give it to me if he feels so inclined. This Government strongly believes in the principles of unionism and supports the principle of all members of the workforce being members of the appropriate organisation or association. In saying that as an employer, the Government is in line with many major employers in this country. In fact, some employers go much further than this Government and have closed shop agreements, which means that not one of their employees cannot be a member of a union. We do not have that. We have a policy of preference to unionists, which is clearly spelt out and circulated to all departments. This fact is well known and the matter has been raised in this House previously. That policy is aimed at trying to ensure that employees are members of their appropriate trade union. As such, they obtain the protection that such membership gives them, and as such (and this is important to the Government as an employer), we are able to deal in terms of wages and conditions for all those trade unionists with their appropriate organisation. That is fundamental to the conciliation and arbitration system. Those very Acts were propounded with a view to ensuring that groups of employees and representatives of employers could either agree on, or have arbitrated, their wages and conditions.

It is a fundamental and strongly held principle and, I repeat, it goes beyond the Labor Party's policy into the practice of a large number of employers. It is entrenched in industrial legislation where preference is provided and where the courts have certain powers to make particular awards. There is nothing exceptional in an employer seeking to encourage his work force to become members of the appropriate trade union. We do not have a policy of compulsory unionism: that has never been the policy of this Government. It is not the policy of my Party. However, we believe in trade unionism and we believe that it is vital for industrial relations in this State and in this country that members of the work force should belong to their appropriate organisation.

CAMPBELLTOWN CHILDREN'S CENTRE

Mr GROOM: Will the Minister of Community Welfare report on the current situation with regard to the plight of the Campbelltown Children's Centre? This centre is reported to be in danger of closing. Its debt is estimated to be in the vicinity of $30 000. It was set up in 1976 and some 170 families use the centre. As a consequence of the report on the plight of the centre various representations have been made to the Minister of Community Welfare and also the Federal Minister for Social Security, both from the centre and, as the Minister knows, from myself. The fiasco at the centre is blamed on last year's Social Security Department formula.

The Hon. G.J. CRAFTER: I thank the honourable member for his question and acknowledge his interest in the Campbelltown Children's Centre, its survival, and its ability to continue to serve that community in the manner it has in the past. I point out to the honourable member and the House that this centre is wholly funded by the Commonwealth Government through the Department of Social Security and it is not a matter over which the State Government has a funding responsibility, or has ever had.

The concept of new federalism brought about these types of funding situation in which the State acts as a conduit for the Federal Government in these matters. I believe that the current position has been resolved to some extent by a payment of moneys by my department from the Commonwealth Government of $27 000 on 5 April.

However, there are amounts outstanding and they have to be resolved. I point out to the House that the previous Minister of Social Security gave unequivocal undertakings to the Campbelltown Children's Centre, and indeed a number of other centres in a similar position in this State, that no

centre would be financially disadvantaged by the change of Commonwealth funding formula. I have spoken personally to Senator Grimes, the incoming Minister for Social Security, about this matter and he has undertaken to investigate this situation and the situation relating to other child care centres and have the matter resolved as quickly as possible.

PILOT PROCESSING PLANT

The Hon. E.R. GOLDSWORTHY: Can the Minister of Mines and Energy explain the reasons for any delay in plans by the Roxby Downs joint venturers for a pilot processing plant to be built? The Roxby Downs joint venturers have outlined plans to build a processing plant in a document they published last week as a supplement to the draft environmental statement covering the project. The plant will cost between $15 000 000 and $20 000 000, will employ 70 people and produce, over a 12-month period, 750 tonnes of copper matte and 40 tonnes of uranium oxide. That is somewhat more than the Honeymoon plant was estimated to produce.

This is a significant further step in the development of the project and the Opposition certainly supports and welcomes it, having fought to get the measure through Parliament. The joint venturers had planned to have the plant designed and built this year so that it could begin operations from the beginning of 1984. This is the schedule outlined in the draft supplement to the e.i.s. which became available last week. However, I understand that the schedule has been put back as a result of Government delays in giving approval to some aspects of the work of the project. I ask the Minister for any details he has of these delays and of the programme from here on.

The Hon. R.G. PAYNE: I think the honourable member asked whether I had been informed of any delay. I have not been informed in the terms of his phrasing of the question. I understand that there are some matters still to be resolved in relation to the construction and operation of the pilot processing plant. A meeting is to take place today between relevant Ministers involved in this matter.

The Hon. E.R. Goldsworthy: Who with?

The Hon. R.G. PAYNE: I understand it is to be with representatives of the Kokatha people. It seems to me there is a veiled suggestion in the member's question that there is an aspect which he did not wish to refer to directly. I cannot understand his reasoning in relation to the question except that he was so busy trying to make some political point regarding Honeymoon. He was not even fair dinkum about that because he made only a passing reference to it. The Government has clearly stated during and since the election its full support for the Roxby Downs project and the development aspects of it. I can assure the honourable member that if there is any matter in which the Government can be of assistance in ensuring that the project continues on the time schedule involved, it will be forthcoming.

TEACHER APPOINTMENTS

Mr KLUNDER: Will the Minister of Education make available figures on the number of permanent appointments to South Australian State schools for 1983 and also figures for previous years for comparison?

The Hon. LYNN ARNOLD: There were 665 permanent appointments to the Education Department this year, which is the highest level since 1979, when the figure was 697, 628 more than in 1982, and an equivalent amount more in 1981. This is the result of the specific fulfilment of two promises by the incoming Labor Government: first, to maintain staff levels in the Education Department, the 231 positions; secondly, to convert some positions from contract to permanent.

We have, in fact, already converted some 56 such positions. This has substantially improved the employment outlook for teachers who are looking for work. More importantly, it has had a significant impact on the quality of education happening in our classrooms. We must not overlook the fact that there are significant numbers of unemployed teachers in South Australia, and that their numbers continue to grow. There were 3 526 applications for employment in the Education Department this year, which is 500 more than last year's figure of 3 000. Nevertheless, within the constraints of the resources available to it, the Education Department was able to provide more permanent positions than for any other year since 1979.

ROXBY DOWNS

The Hon. H. ALLISON: Can the Minister of Mines and Energy explain why it is now being claimed that 18 Aboriginal sacred sites are affected by the Roxby Downs development? According to media reports this morning, representatives of the Kokatha Aboriginal community have sought talks with the Government in relation to 18 sacred sites at Roxby Downs of which, it is claimed, eight have been damaged.

The Minister and his colleague, the Minister for Environment and Planning, would be aware from their involvement with the select committee which inquired into the Roxby Downs Bill last year that the committee heard some conflicting evidence from representatives of the Kokatha community about the existence of sites, and whether or not any had been damaged. Originally, the Government and the joint venturers were informed that there were no sites of ethnographic significance in the area. Then it was alleged that there was one site and that it had been damaged. The Department of Environment and Planning inquired into the matter and was unable to find any evidence of damage caused by exploration activity.

The joint venturers have offered all possible co-operation in the identification of significant sites. This was referred to in evidence to the select committee by the Director-General of the Department of Environment and Planning, Mr Phipps. At paragraph 41 of the evidence of the committee, Mr Phipps stated:

> I think the company has been most co-operative with us. The only instance where we were surprised was when we came across an Aboriginal site in the area of which we were not aware. The company drew our attention to that site very quickly to obtain our co-operation in assessing whether it was significant. If the company had not been alert, the site could very easily have been damaged. There has been no instance with which the department has been displeased.

The history of this matter indicates that, while the joint venturers have been prepared to co-operate in identifying any significant sites, representatives of the Aboriginal community have not reciprocated, and it is disturbing to note the comment in the joint venturers supplement to their draft e.i.s. that 'further discussions have failed to reach agreement in relation to the principles for the conduct of anthropological surveys and exchange of information'. It is on the basis of the escalation since the passage of the indenture in the number of sacred sites said to be in this area, and allegations of damage to them, that I seek information from the Minister.

The Hon. R.G. PAYNE: I must say that I am surprised about the question I received from the former Minister, who had responsibility for Aboriginal matters in the previous Government.

The Hon. H. Allison: We thought—

The SPEAKER: Order!

The Hon. R.G. PAYNE: The Minister's asking me to explain why 18 Aboriginal sites of ethnographic significance have appeared in a certain area demonstrates that he never took a real interest in Aboriginal matters when he had responsibility in this House.

The Hon. H. Allison interjecting:

The Hon. R.G. PAYNE: How on earth could I be asked to explain such a thing? I am not an Aboriginal person.

The Hon. H. Allison interjecting:

The Hon. R.G. PAYNE: By asking the question the honourable member has demonstrated his abysmal ignorance of these matters. The Kokatha people have every right to have a concern about disclosure of matters pertaining to their culture. It is not a new principle: it may be a new one to the former Minister, who had that responsibility. It is a wellknown area and the Kokatha people seem to me, anyway, to have followed the experience of those in other States and in this State in regard to these matters. They have a genuine reluctance to divulge matters which very properly are the concern of that particular tribal group, and no other. When matters proceed, such as those involved in this development, and it becomes clear to them that there is a necessity to divulge information, then sometimes that occurs. To ask me, as Minister of Mines and Energy, to explain the reasons clearly demonstrates that the former Minister is absolutely absurd in his approach to these matters.

Members interjecting:

The SPEAKER: Order!

The Hon. R.G. PAYNE: What is happening in regard to this matter? The Roxby principals have made some submissions to me, as Minister of Mines and Energy, expressing their concerns about some difficulties they have been having in this area. I accept their explanation, as put to me, that there have been some difficulties. The fact that there had been that difficulty that I have referred to was apparent on the select committee and has already been mentioned. At a meeting at which the former Minister of Mines and Energy was present, there were expressions on both sides that steps would be taken to try to resolve the difficulties that had occurred and for a procedural arrangement to occur to allow for the delineation of sites. Surely, that is a matter between the company and the Kokatha people, and certainly not for the Minister of Mines and Energy. Certainly I want to see the matter progressed and I have already referred to the meeting which is to take place later today and which is directed towards that end.

I can assure members of this House that the Ministers who will be at the meeting, and who do have a better understanding of Aboriginal thinking on this question, will do all that they can to assist. I am in no way purporting, even now, standing in this House, to be representing the views of the Kokatha people. Their views are their own; they have a right to them and to express them.

GALAXY REFINERY PTY LTD

Mr MAX BROWN: Will the Minister of Mines and Energy advise me of the current situation concerning the proposal by Galaxy Refinery Pty Ltd to establish a refinery at Stony Point? Several statements have been made recently in the Iron Triangle area about this matter, including one from Senator Janine Haines. I believe that the Senator's statement has been quite misleading, and I seek factual information from the Minister on where the proposal now stands.

The Hon. R.G. PAYNE: I believe that I can throw some chronological light on the matter, as well as give some information as to the present situation of the project. The scheme to build a refinery at Stony Point was announced by the former Government during the election campaign. Essential to the project is the provision of a Government guarantee for the finance which the company would need to raise. While the former Government announced the refinery, considerable work had to be done before the proposal could be in a form which could be put before the Industries Development Committee which, as the House would know, has to give approval before a guarantee can be given.

It is worth pointing out that the I.D.C. is comprised of four members of this Parliament, two from this House and two from another place, and the Deputy Under Treasurer. It is a requirement that any proposal for a Government guarantee receives a positive vote by four of those five committee members. Consequently, and I believe that members will agree, there is no possibility of the Government's dominating that committee simply because it has a majority of members in either House.

The Galaxy proposal has been before the I.D.C., which indicated that a number of significant issues needed to be settled. The Government has talked to a number of companies with a view to settling those issues. This is yet to be finalised, and I hope that before too much longer Galaxy will be in a position to satisfy the committee, but I would stress that the final decision on whether a guarantee can be granted remains one for the committee alone.

I can assure the honourable member and the House that the project has been given the Government's full support. I believe that some support had been given to the project by the former Government, on information I have seen since becoming Minister. Officers of the Department of State Development and the Department of Mines and Energy are continuing to give the Galaxy company all possible assistance.

The honourable member, in raising the question, mentioned some statements made in the Iron Triangle by Senator Janine Haines. I have had an opportunity of seeing two reports which appeared in the press in that area, and even a cursory reading of them will show that they appear to be in conflict on more than one account. I am sure that the electors in that area are quite capable of reading the two articles and seeing the contradictions that occur in those articles: one from the principal in the Galaxy group and the other from the Senator. The electors will be able to make their own judgment as to which information is or is not accurate.

UNIONISM

Mr OLSEN: Will the Premier say whether the Government proposes to insist that all public servants must join a union following a memorandum sent to all permanent heads by the Acting Chairman of the Public Service Board, Ms Beasley? As the Premier is not prepared to acknowledge the existence of the document, and as a result of his Cabinet's decision, I might add, and also as evidence of the fact, I will read Memorandum to Permanent Heads No. 275, signed by Ms Beasley on 13 April 1983. It states:

> As a result of a Cabinet decision, heads of departments are requested to forward lists to the appropriate organisations indicated below which show the name, classification and location of employees or officers who do not have union subscriptions deducted from their wages or salaries.
>
> United Trades and Labor Council
>
> All weekly paid employees
>
> Public Service Association of South Australia Inc.
>
> (1) *All Public Service officers
>
> and
>
> (2) Salaried staff employed by the South Australian Health Commission.

Royal Australian Nursing Federation
All staff employed under the provisions of the Nursing Staff (Government General Hospitals) Award.

It is requested that the information be forwarded at quarterly intervals and that the first lists be forwarded as soon as possible. The above organisations have been advised of this memorandum, and their attention has been drawn to the fact that, as some employees and officers pay their subscriptions privately, departmental records will not show them as union members.

The heading of the memorandum is 'Information for unions'.

The Hon. J.C. BANNON: The Leader has obliged me in reading the memorandum. It will be recalled that in answering an earlier question I suggested that if the Leader could provide me with some precise details I might be able to respond positively to what he said. Now that he has read that out, I do recall the decision referred to.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: One wonders whether this rabble opposite is interested in getting any information at all. They have run out of no-confidence motions this session, so they are now indulging in this sort of thing. I suggest that this is a fairly serious matter and ought to be attended to accordingly. As I said in my previous answer, it is the Government's intention and the Government's belief that persons should belong to their appropriate industrial organisations. First, in saying that we are being quite consistent in terms of industrial principle and, in fact, we are duplicating what is done in most large public and private sector organisations in this country.

Secondly, let me direct my answer to the precise question: does the Government propose to insist that all employees do so? The answer to that is 'No'; it is up to the organisations to recruit their membership. We provide preference to unionists and, as this memo suggests, organisations may have access to the names of those persons who are not members of unions so that they may, in accordance with the principles of the Conciliation and Arbitration Act, approach them with a view to their becoming members. That is responsible employment personnel practice, and I defy anyone to prove otherwise or to get support for an alternative view. This Government values very highly good industrial relations in this State. It is one of our prime selling points.

In fact, the former Minister of Industrial Affairs was never slow to boast of our industrial record in this State when he tried to sell the State to businesses internationally and in other areas—never slow to use that as a major point in our favour. He was quite right to do so, but he could claim absolutely no credit for it because of the abysmal record of his Party both in Government and in Opposition in its attacks on the industrial trade union movement; nonetheless that was a fact of life.

He trumpeted South Australia's good industrial relations record abroad, so long as he was not heard within the State. My Government intends to preserve that record to the greatest possible degree and to set an example as an employer. We do not believe in compulsory unionism, and we are not supporting it. We do believe in preference to unionists, and we also believe that organisations have a right to know who are unionists and who are not, so that in the normal course of events they can approach the people concerned and encourage them to join the appropriate union.

ECONOMIC PLANNING ADVISORY COUNCIL

Mr TRAINER: Can the Premier say whether arrangements have been made to set up the Economic Planning Advisory Council that was referred to in the national economic summit communique which the Premier tabled yesterday?

The Hon. J.C. BANNON: As I said yesterday, an important part of the economic summit was that it did not simply finish at the end of the week with delegates dispersing and nothing more being done. In fact, the machinery is to be provided to complete work arising out of the summit and to ensure that the spirit engendered among employers, employees and Government groups shall continue afterwards. The advisory council to which the communique refers is to be set up to ensure that it will not only improve the quality of Government economic policy, by increasing the amount of information upon which economic policy decision making is based, but will also enhance community understanding and support for economic policies by enabling a broad cross-section of society to participate in the discussion of policy issues.

It is contemplated that EPAC will include representation from the Federal Government, the States, business, unions, the farming community and community support groups. In order to go into the detailed arrangements, the composition and method of working of the council, a working party has been established which will be chaired by the Federal Treasurer (Mr Keating), and I am pleased to inform the House that I have been invited by the Federal Treasurer to be a member of that working party. Other members will be Mr Wran (Premier of New South Wales), Chief Minister Everingham of the Northern Territory, two representatives of the A.C.T.U., business men including Sir Peter Abeles, Sir Eric McClintock, Mr J.W. Utz, Mr George Polites, a representative of the National Farmers Association, and Miss Phillipa Smith, from the Australian Council of Social Services, as well as a representative of small business who is yet to be named.

As only one other State Government is represented, I believe it is a real feather in our cap that this State should be directly represented on the working party, and I am looking forward to making a contribution as a member. The working party will hold its first meeting in Sydney on Friday 22 April, to begin work on establishing the principles on which EPAC can be established. The Federal Government intends to legislate to give EPAC a statutory relationship.

I consider (and I have said this before, during and after the summit) that any arrangements made in this area must take account of regional economic vulnerability. We must ensure that the interests of a State such as South Australia are not lost in the overall national considerations. I therefore believe that it is important that a smaller State is represented both on EPAC when finally established and especially on the working party that is to set up the principles on which EPAC will operate. It is for that reason that I am pleased to have been invited to join the working party, and I intend to play a full part in its deliberations.

STATE FINANCES

The Hon. M.M. WILSON: Will the Treasurer give the House the information that was requested yesterday concerning the sum by which the Government has reduced this financial year's capital works programme and its use of Commonwealth funds allocated to South Australia as a result of savings from the wage pause?

The Hon. J.C. BANNON: As I indicated yesterday, I will give the House a full statement covering all these matters when I introduce the Supplementary Estimates. I do not believe that the premature release of such information will be valuable, partly because it is only as we get nearer the end of the financial year that we can make precise calculations on these matters.

All I can say at this stage is that the previous Government had budgeted for a transfer of capital works of some

$42 000 000 to prop up the recurrent side of the Budget. We inherited that position and, despite our desire to in fact increase expenditure on public works or, rather, obviate the need for that sort of transfer, we have been committed to the Tonkin Government Budget, so that a transfer at least of the order of some $42 000 000 will be required. Because of various reassessments that have had to take place in particular projects, there may be a slightly larger sum than that $42 000 000. However, that will only be finally known at the end of the financial year, and I will be able to give a much better indication at the time I give the Financial Statement accompanying the Estimates. Therefore, all I can say in response to the honourable member's question is that that information will be fully put before the House at the appropriate time.

VISITORS GALLERY

Mrs APPLEBY: With the new arrangements for the media, I ask you, Mr Speaker, whether consideration has been given to the situation which has occurred where schoolchildren will be disadvantaged in viewing proceedings of this House from the visitors gallery? As members of this Parliament, we represent all people of this State. The more we encourage children to understand how their Parliament works, they will be better able to assess decisions made for them in their adult years. Space is limited in this House but I believe that every effort should be made to ensure that the education needs of children are not hindered if they have made the effort to be in the House to witness proceedings. It is obvious from my place in this Chamber that approximately 30 children will be disadvantaged in viewing proceedings unless other arrangements are being made.

The SPEAKER: First, I might say that I fully agree with the honourable member's philosophy and, secondly, I would like to pay a tribute to the members of my staff who work very hard, as all members will know, to ensure that any member who requests that a school party receive assistance does in fact receive that assistance. Of course, we have an absolute limitation of space and we are aware, of course, that with the presence of cameras (the honourable member is quite right) something in the order of 20 to 30 children are excluded from the centre section of the upper gallery.

I have already taken steps to provide spaces for approximately the same number on the left-hand side of the Speaker's Gallery at the back, and the honourable member will have noticed that that space was occupied this afternoon. Certainly there will be an ongoing review of the whole matter.

Finally, I point out to all honourable members that the pressure on the Speaker's office concerning the provision of facilities for the viewing of Parliament by schoolchildren has become absolutely immense. It is imperative that appropriate arrangements are made through the local schools a long way in advance, and honourable members who are not making their arrangements now, if schools have contacted them for the next projected sittings in August and September, will find that they may very well miss out.

UNSWORN STATEMENTS

The Hon. D.C. WOTTON: In the light of concern being expressed publicly by many people and organisations in the community, including the Police Association, in regard to the Government's refusal to abolish the right of an accused person to make an unsworn statement, will the Chief Secretary inform the House whether he or the Government has sought or been provided with advice from the Police Commissioner on this important matter? If so, what was that advice and what action has the Government taken in regard to that advice?

The Hon. G.F. KENEALLY: I will obtain from the Attorney-General the information that the honourable member requests and bring down a report for him.

MAIL ORDER PUBLICATION

The Hon. PETER DUNCAN: Will the Minister of Community Welfare representing the Minister of Consumer Affairs investigate a publication entitled *Magna Mail* a mail order publication, to determine whether the advertisements in the publication breach State laws against unfair or misleading advertising? The two advertisements complained of concern so-called cordless massagers. These consumer durables, which are illustrated in each advertisement, are puffed up and described in the following manner:

> A cordless super massager. Enjoy the pleasures of satisfying relaxation. Massage every body muscle—for deep penetrating vibrations. Soothe away your aches and pains, gives the skin a tingling, stimulating massage—to your face and facial tissues—under the skin, around the eyes and brows where wrinkles occur. Made of soft, flexible, latex rubber.

It states that the device is 17 centimetres long, which I think is 7 inches. The other advertisement is as follows:

> Lets you enjoy a private facial massage at any time. Get the same benefit as a hand massage.

And so on. I object to the fact that these devices are clearly intended for purposes other than those advertised. I think the Minister ought to investigate the advertisements with a view to asking the publishers of this brochure to ensure that they are not breaching the State laws. It is clear that these advertisements are not in accordance with the legislation passed by this Parliament.

The Hon. G.J. CRAFTER: I thank the honourable member for his vigilance on behalf of the consumers of such products. I shall refer the question to my colleague in another place, but I am not sure that he has the resources to carry out the investigation.

BUDGET TRANSFERS

The Hon. D.C. BROWN: Is it correct that as at the end of February 1983 the capital works budget was underspent by $24 000 000 compared to that provided for in the first eight months of the Budget and that this is over and above the $42 000 000 already transferred from the capital works side of the Budget to the revenue side of the Budget? I ask the Premier to confirm whether the amount transferred from capital works to revenue, based on the first eight months of this year, could be as high as $66 000 000 for the entire year. I also ask him to confirm that he was elected on the basis that his Government would increase rather than reduce capital works. He made several statements criticising the former Government for such transfers.

The Hon. J.C. BANNON: I am amazed at such a subsequent question; I think it is a supplementary question, especially the last portion. The audacity of the Opposition never ceases to amaze me. This is the position: the Opposition, when in Government, transferred well over $100 000 000 in three years as an operation to cover up the disastrous position in which it left the current receipts and expenditure balances of the State.

Eventually the crunch had to come and someone had to do something about the matter. We are the unfortunate Government which inherited that dreadful situation. The previous Government did this year after year for cosmetic

reasons and it did it at the price of running down capital works in this State. It is a pretty scandalous record. Therefore, to stand up here as large as life and suggest to the Government that within 12 months it should in some way be reversing that trend and doing something about it is quite outrageous and, as I have said, it really suggests audacity.

In terms of the earlier part of the question, which was subsequent to the question asked by the member for Torrens, I can only repeat what I said to the member for Torrens: the figures and the facts will be before Parliament at the time when the Supplementary Estimates are before us. I do not think there is anything more to be said at this stage.

The Hon. D.C. Brown: You know that it is $24 000 000.

The SPEAKER: Order!

TOURISM INDUSTRY

Ms LENEHAN: I have recently noted with great interest that the Minister of Tourism has announced that tourism is now worth more than $720 000 000 to South Australia, more than twice the previous estimate. Does the Minister believe that this increase will be sustained and, if so, will he outline to the House any other indications which would confirm that tourism is on the increase?

The Hon. G.F. KENEALLY: I thank the honourable member for her question. I am very much aware of the honourable member's interest in tourism and of the involvement and encouragement that she gives to her own regional tourist association on Fleurieu Peninsula. A consistent message comes through about tourism and the value of this industry to South Australia. It has always been a very difficult thing to affix a precise figure to the amount concerned, which is why we welcomed the comprehensive research undertaken by the Bureau of Industry Economics on domestic overnight travel and a thorough survey of overseas visits undertaken by the Australian Tourist Commission. It was a combination of their work that established the figure of $720 000 000 to which the honourable member alluded. I do not think anyone would disagree with the evidence that there is a sustained growth in tourism in South Australia.

The latest indicator is the regular tourist accommodation survey of the Australian Bureau of Statistics, and I refer to the bulletin covering the December 1982 quarter. This survey reveals a further increase in the number of hotel and motel rooms and caravan sites occupied. A few details that I shall give will show what has been happening. In the December quarter, hotel and motel rooms sold went up over the previous December quarter by 6 174, or 1.9 per cent. Over the first six months of the current financial year, rooms sold went up by a total of 2.5 per cent over the same period in 1981-82.

However, there was a curious situation about hotel rooms caused by the introduction of the new Hilton Hotel into the statistics. Our total room capacity went up by more than 10 per cent when the Hilton started in business. This had the effect of lowering the statistic on average room occupancies. It will take the Hilton some time to build up custom, although I understand that at present the rooms are full.

The Hon. Jennifer Adamson interjecting:

The Hon. G.F. KENEALLY: As the shadow Minister says, the situation is improving, and certainly I welcome that. However, that was not the situation during the first few months of its operation. So, although we had more people buying rooms, there were more rooms to choose from. This sent averages down but when you understand the reason it is plain there is no cause for alarm; quite the reverse. Average room occupancies are 49.1 per cent, compared with 53.5 per cent for the same quarter in 1981. Healthy increases were recorded in caravan park site sales, up 2.9 per cent over the same period in 1981.

In brief, all the indicators are pointing in one direction, and that is upwards. It is pleasing to report that at a time of economic downturn and rural crisis there is one industry in South Australia, namely, the tourist industry, that is showing an upward movement. I am certain that all members of the House are encouraged by that and would support that trend.

SHEARERS DISPUTE

The Hon. W.E. CHAPMAN: My question is directed to the Premier, and is supplementary to the one that I asked yesterday in relation to the activities in the rural industry surrounding the shearers strike. Are the police under any direction by the Government, first, to walk away from fights and applied violence arising out of union disputes over the use of wide-toothed combs in the shearing industry; secondly, to deny protection to any persons working legally in the shearing industry while the current union-incited strike is on; and thirdly, to give the utmost protection to A.W.U. officials in their field actions to prevent people from participating legally in the shearing industry with either standard or wide-toothed combs? If that is not the case, in other words, if the police are not under a direction of the kind outlined, will the Government take immediate steps to have the police give appropriate protection and support to those employees who seek to get on with the job of urgent seasonal shearing and crutching in South Australia?

A report on page 5 of tonight's *News* indicates that yet another violent incident has occurred. A shearer's car and caravan were allegedly forced off the road by a car loaded with some five shearers. The caravan was tipped over and burnt. The occupier of the car was bashed. Other incidents are flowing in as allegedly occurring in the field of the kind described in that newspaper. I have not been on the shearing shed sites around South Australia now for some years, but it is apparent that incited action is being taken by some union members who are violently opposed to their colleagues, also in many cases union members, going on with the job and it is not, as described—

Members interjecting:

The SPEAKER: Order! The honourable member will resume his seat. In any explanation by an honourable member, and especially an experienced member like the member for Alexandra, that member should know that, while he will certainly receive the protection of the Chair when giving the facts as he or she understands them so that the question is understood, the matter cannot be debated. The honourable member's last few sentences tended to put a gloss on the facts which he was submitting to the House. I ask the member for Alexandra to come back to the recitation of factual material which he believes will assist the House in understanding the question.

The Hon. W.E. CHAPMAN: I do not propose to pursue the explanation any further and I appreciate your redirection, Sir, in this instance. The fact of the matter is that there is a matter of urgency demanding attention on behalf of those people who are genuinely attempting to work within the law, and I am calling on the Government to take appropriate action.

The Hon. G.F. KENEALLY: That is an unnecessary and disgraceful slur upon members of the Police Force in South Australia who are widely recognised—

Members interjecting:

The SPEAKER: Order! I call all members to order, and I will take the appropriate action if they do not come to

order. That question was a very serious one, quite obviously. It was heard in silence by the Minister and I want the Minister to be heard in silence.

The Hon. G.F. KENEALLY: South Australia's Police Force is widely recognised as the best force in Australia and we in South Australia are lucky to be served by such a group of people. The honourable member has been in this place long enough, and he was a member of the former Government long enough, to know that Governments do not and cannot instruct the South Australian Police Force on how to go about their duties.

For him to suggest that any Government can do that in South Australia is, again, a reflection not only on his own intelligence but on the standing of the Police Force in South Australia. I should also point out to the honourable member that members of the Police Force in South Australia, I imagine, see themselves not as people who are going to be involved in industrial disputation, but rather as people having the responsibility, when disturbances occur, when people are threatened, or when people are likely to be injured, to involve themselves in that situation; the Police Force in South Australia will do that.

However, I imagine that members of the Police Force in South Australia will not see their role as beyond looking after and protecting the citizens of South Australia. That is their role and I am sure they can get on with that. The unnecessary slurs of the honourable member will not help the situation one bit. The political and industrial comments are irrelevant to the question about what the South Australian Police Force will do, and I hope that I have answered the question to the honourable member's satisfaction.

JAPAN SHIPPING LINK

Mr WHITTEN: Will the Minister of Marine comment on the current state of negotiations on the direct container shipping service between Port Adelaide and Japan? The Minister would be aware that negotiations have been taking place for more than five years, since an initiative in 1977 by the then Minister of Marine, Des Corcoran. In November last year the Minister visited Japan and I believe, from reports in shipping journals, that an agreement in principle was reached to establish a direct shipping link. As such a service between Port Adelaide and Japan would be of enormous benefit to South Australia, and Port Adelaide in particular, I would be interested to know what stage the negotiations have reached and whether a commencement date is known.

The Hon. R.K. ABBOTT: I thank the member for Price for his question. These negotiations have been pursued by successive Governments over the past five years, and there is no question of the commitment of this Government to the project. My predecessor, the member for Torrens, took a personal interest in these negotiations and, from his statements in the press, is concerned that progress has not been as fast as we would like. I share his concern, and I can say that the Government is also disappointed that more positive results have not been obtained as yet. However, the member for Torrens is well aware of the intricacies of dealings in the shipping field and the delicacy of the current negotiations. Little is achieved by thumping the table and claiming that the previous Government had virtually sewn up the deal when the realities, as he well knows, are quite different.

In November last year I travelled to Japan to complete the first stage of the negotiations that had been pursued by the member for Torrens when Minister. This resulted in an agreement in principle to the establishment of a direct shipping link to Japan. However, the next stage of the negotiations then had to take place. The Shipping Conference then had to investigate the implementation of such a service. The practical details, in which there are many problems, in actually commencing the service are well known. The Shipping Conferences have been studying these problems and we believe should now be reaching a conclusion.

The matter should have been discussed on the agenda of Shipping Conference meetings that have been concluded in the last day or so in Japan. In fact, before these meetings I sent telexes to the various parties including Mr Gosuke Shibayama, the Chairman of the New Zealand/Eastern Shipping Conference, and Mr Neville Jenner, Chairman of the Australia Northbound Shipping Conference, reiterating our position and pressing them for some decisions. Part of my message is as follows:

> Now that five years of discussion, debate and study is close to resolution, I thought I should put before you again the vital importance of a favourable decision to the State of South Australia. Whilst for obvious reasons the State has tried to base its arguments on shipping economics, the fact is the existence of a direct shipping liaison with our major trading partner is essential to the State's objectives for overall economic and trade development—which, if realised, will also benefit shipping lines in this trade. Having put this forward one more time, I do look forward to hearing that a starting date and mode of operation have been agreed.

As yet, we have not heard the outcome of those recent meetings, but I hope we will do so in the next few weeks. I hope the result is favourable but, even if there are further delays, I can assure the House that we will continue to pursue the matter with as much vigor as previous Governments have done over the past five years.

SCHOOL OF TOURISM

The Hon. JENNIFER ADAMSON: Is the Premier aware of the undertaking of the Federal Government to establish a school of tourism to provide professional training for the Australian tourism industry, and is he aware that the present plan is to locate the school in either Cairns or Townsville? Has the Premier made any representations to the Prime Minister to establish the school in South Australia and, if not, will he do so? The intention of the Federal Government to establish a national school of tourism offers an unrivalled opportunity for South Australia to present a case for the school to be located in Adelaide. Whereas Cairns and Townsville are remote from centres of population, and therefore costly and inaccessible for students from the southern States and Western Australia, South Australia is centrally located and ideally situated to service the growing tourist industry in this State, the Northern Territory, Tasmania, Western Australia and the Eastern States. Because of the quality of our facilities at the Regency Park School of Technical and Further Education and the unequalled quality of our regional training colleges, the Federal Government would be spared the considerable capital cost of establishing a new college from scratch in Queensland.

Already our TAFE certificate courses in skill training in cooking and catering and in hotel and personnel management are recognised as being among the best in Australia. In addition, the South Australian College of Advanced Education, the South Australian Tourism and Hospitality Industry Training Committee, and the Department of Tourism have already undertaken forward planning for an associate diploma in tourism. The proposed syllabus is being drawn up, and I have no doubt that by combining the existing facilities of the S.A.C.A.E. and Regency Park, as well as the South Australian Institute of Technology and the Adelaide and Flinders universities, a national school of tourism could be established in this State, possibly as early as 1984. This could occur at minimum cost to the taxpayer and maximum convenience to the largest number of potential students if

the South Australian Government could persuade the Federal Government of the very great merits of the case to establish the school in this State. To have the school in South Australia would give a boost to the professionalism of our tourism industry and would be a wonderful catalyst for raising standards and creating awareness. Will the Premier take up the suggestion and make representations to the Prime Minister as a matter of urgency?

The Hon. J.C. BANNON: I thank the honourable member for her question. The matter of this special school has been raised recently. My colleague, the Minister of Tourism, advises that a submission is being developed at this moment in order to make our bid for it. Quite rightly, the member pointed out that Queensland has been mentioned in this context, but I think the points that she elucidated in her explanation certainly would indicate the strength of any submission that could come from South Australia. Through the 1970s and beyond we have developed a splendid infrastructure in terms of training and development of the hospitality and tourist industries. The honourable member quite rightly pointed out that the infra-structure is there and there are cost-effective methods by which such an establishment could take place more rapidly in South Australia and, indeed, more efficiently.

All of those things would be embodied in the submission we make, but whether or not we are successful will depend to an extent on the sort of considerations I have referred to earlier about regional questions in terms of national decision making. I would hope that in this instance the strength of our case and the rationality of it will ensure that it is successful. We certainly intend to do all we can to attract the attention of the Federal Government, and I appreciate the support of the Opposition.

The SPEAKER: Order! Call on the business of the day.

METROPOLITAN TAXI-CAB REGULATIONS

The Hon. D.C. BROWN (Davenport): I move:

That the regulations under the Metropolitan Taxi-Cab Act, 1956-1978, relating to fees, made on 3 March 1983 and laid on the table of this House on 15 March 1983, be disallowed.

My reason for moving the motion is simple. The Premier of this State, who is just about to depart the Chamber, has made some absolute statements that cannot be misinterpreted about increasing fees during the wage pause or wage freeze. The regulations to which my motion refers concern a substantial increase in the fees that taxi-cab operators and drivers would be required to pay to the statutory authority (that is, in effect, to the State Government). These substantial increases would impose an additional hardship on the taxi-cab industry and, more importantly, would breach an absolute undertaking given by this State Government that such increases in fees would not occur during the wage freeze.

The increases to which I refer are these. The fee for a taxi-cab licence will increase from $71 to $81 a year, an increase of 14 per cent. The hire-car licence fee will rise from $55 to $65, an increase of 18 per cent. The fee payable on the transfer of a taxi-cab or hire-car licence will increase from $650 to $750, an increase of 15 per cent. Perhaps the most extraordinary increase of all is the increase in the fee payable for a driver's permit in respect of a hire-car or taxi-cab: from $11 to $20, an increase of 82 per cent.

I find it unbelievable that, in the middle of a period of wage restraint and in the middle of the promise that no Government charges would be increased during this period, this Governent has imposed increases of up to 82 per cent. These increases have been approved by Cabinet and taken through Executive Council so, although these increases are imposed in the name of the Taxi-cab Board, they have the full endorsement of the South Australian Bannon Government.

Mr Becker: It's a rip-off.

The Hon. D.C. BROWN: As my colleague says, it is nothing more than a rip-off; indeed, it is just black and white dishonesty and yet another breach of a promise made by the Premier with resulting hardship being imposed on the taxi-cab and hire-car industry.

We are supposed to be in a wage freeze from now until the end of June this year, although I have serious doubts whether we are after seeing what the State Government did yesterday when it increased the salaries of senior public servants by 10.3 per cent and gave a substantial increase in salary to judges. That was approved by Cabinet on Monday of this week and no doubt will be gazetted tomorrow. Here we have people, already on substantial salaries of well over $50 000, being awarded increases of up to $5 800 a year. In the case of a permanent head the new salary will be $61 900 a year. Those increases are being granted slap bang in the middle of a so-called wage freeze.

Let us analyse the increase. As much as 6 per cent is backdated to 2 August last year and a further increase of 4.3 per cent is granted from 1 January this year, the date when the wage freeze was supposed to commence. I cannot understand how there can be a wage freeze applying, on the one hand, to those people working under industrial awards and on fixed salaries between $12 000 and $20 000 a year who are finding difficulty in meeting a domestic budget each week. Such people are told, 'We are sorry that there are no wage increases for you, even though the State Government has imposed increases in electricity charges and a 20 per cent increase in health charges.' On the other hand, however, the people on the top salaries who are the direct responsibility of the State Government can have an increase of 10 per cent to be backdated from 1 January. The only excuse the Premier can offer for such increases is that they do not come within the guidelines of the wage freeze.

Of course they do not, because they do not come under any industrial commission: the top salaries are determined by the State Cabinet, so the Premier must take the blame for them. Thus, we have a so-called wage freeze on low salaries, whereas substantial salary increases have been awarded to those people who do not come under any industrial award or agreement.

In December, the Premier gave an absolute undertaking, which he later repeated to the trade unions in consultations between employers and the trade unions that came to nothing. Those protracted consultations covered five meetings, and after those five meetings there was no agreement and no communique such as that which came out of Canberra last week. Despite that, the South Australian Industrial Commission has adopted the guidelines of the wage pause applying at the national level, and the Premier gave a guarantee that there would be no increases in State charges during the wage pause. Yet, after only six weeks (allowing four or five weeks for the preparation and promulgation of the subject regulations) from the date on which the Premier gave his absolute undertaking, the Cabinet has said, 'To hell with that. Let us increase licence and transfer fees in respect of taxi-cabs and hire-cars.'

It is on moral grounds that I oppose these taxi-cab regulations. The Minister of Transport is a member of Cabinet and therefore must accept full responsibility. If he has one ounce of decency, he will honour the promise given by the Premier and make sure that these fees are not increased during the wage freeze. Undertakings have been given and the Premier must uphold them, as must the Minister of

Transport, as a member of Cabinet. It is on these grounds that I oppose these regulations.

Last week we had the Premier representing this State at the economic summit in Canberra. At that summit there was a consensus that at present there needs to be wage moderation in Australia for 12 months, that the wage freeze already in operation must continue. In fact, we have heard how vocal the Prime Minister has been against the Builders Labourers Federation for seeking an increase in wages of $40 a week. We also had from the summit an undertaking from the employers that they would not increase prices, shareholders' dividends, or directors' fees. Such undertakings from employers and trade unions are clearly set out in the communique tabled in this House yesterday. There is equally from the summit an undertaking that State Governments and the Federal Government will have appropriate regard to such undertakings when considering increases in Government charges and taxes.

We find yet another case where the whole consensus of the economic summit is being brushed aside to allow these regulations to go through. I would ask all members of the House to give due regard to the fact that we are in a wage freeze, we are in a period of no increases in Government charges and, therefore, these regulations should be disallowed. I especially call on the member for Hartley, who I understand is the Chairman of the Subordinate Legislation Committee—

Mr Groom: I am a member.

The Hon. D.C. BROWN: I am glad that he is a member. As a member of that committee, I am surprised that he equally did not stand up to defend the rights of the taxi-cab drivers, operators and hire-car operators. He knows that this set of regulations is in clear breach of the undertakings given by the Premier, and I ask him to certainly support this motion as a member of the Subordinate Legislation Committee. Further, I ask the Minister to give due regard to withdrawing these regulations and, if he insists on going ahead with them, to reintroduce them only after the wage freeze is finished.

The Hon. R.K. ABBOTT secured the adjournment of the debate.

LANDLORD AND TENANT ACT AMENDMENT BILL

Mr GROOM (Hartley) obtained leave and introduced a Bill for an Act to amend the Landlord and Tenant Act, 1936-1978. Read a first time.

Mr GROOM: I move:

That this Bill be now read a second time.

I am pleased to present this Bill, which as members know is a private members' Bill and which seeks to provide a measure of protection for small businesses by regulating and preventing certain unfair and oppressive commercial leasing practices. I want to make quite clear from the outset that this Bill is not Draconian in intent: it is designed to promote development and expansion in the retailing sector of South Australian industry. The small business sector is a vital segment of the South Australian economy, particularly in the light of our declining manufacturing base. The Bill recognises the importance of the small business sector and is intended to ensure that small business enjoys the proper conditions and protections to enable it to prosper and expand its importance. By providing various exemptions, the Bill also recognises the legitimate interest of developers and the vast sums of risk capital invested in a shopping complex. By providing categories of exemptions, the Bill clearly is intended to protect only the smaller businesses with smaller turnovers on the assumption that the larger retailing concerns are quite well able to protect themselves.

The emergence of major shopping complexes, particularly in the 1960s and 1970s, has highlighted the deficiencies in the common law in dealing with the consequent change in bargaining positions between the contracting parties. Traditional notions of freedom of contract are no longer meaningful in this area of commercial relationship. The power and authority of shopping complexes has meant a gross disparity in bargaining positions, and no longer can it be suggested that small retailers negotiate on an equal footing with shopping centre owners and managers. The plain simple fact is that in many instances small retailers, particularly upon the renewal of leases, have little choice but to accept harsh and oppressive lease conditions—to refuse the terms offered is likely to mean a loss of one's business, a business which more often than not has been built up over many hard working years.

In recent years, particularly at shopping centres, landlords increasingly, upon renewal or upon the entering of new leases, have required, in addition to the payment of monthly rent, which includes rates and taxes and c.p.i. increases, a percentage of the goodwill upon the sale of the business and a percentage of gross annual turnover. There are also demands for various amounts relating to advertising charges, management fees and a 'sinking' fund into which the tenants must pay to replace or reconstruct the shopping centre either wholly or in part should the necessity arise. Many of these additional charges are likewise on some form of percentage formula, some attached to turnover. These sorts of demand that arise particularly, as I said, on the renewal of leases or the entering of new leases are more often than not simply in the form of an ultimatum without scope for bargaining—one either agrees to the terms or one leaves the shopping centre.

Mr Evans: They tax them on their stability, don't they?

Mr GROOM: I take the honourable member's point. I will elaborate a little more later in relation to goodwill, but in simple terms that is what happens. Demands for a percentage of annual turnover in leases, from the lease renewals that I have seen (I have been involved in this matter now for some five years, and I have had consultations with many of the small retailing associations and, indeed, a vast number of tenants who have been subjected to these iniquitous practices), range from 2½ per cent to 10 per cent, once a certain level is reached—and this level fluctuates. Demands for a proportion of goodwill range from 10 per cent to 50 per cent in leases that I have seen.

They are also structured in quite a bizarre way, that is, in the first year of the lease it starts at 50 per cent of goodwill if one sells; in the second year it goes down to 40 per cent; and in the fifth year it is 10 per cent. One really does not have much to sell in the fifth year of the lease because it is up for renewal. However, when one renews the lease it starts again at 50 per cent and then goes on a descending scale. Some leases commence with a base rent coupled with annual c.p.i. adjustments and rates and taxes. The c.p.i. adjustments and rates and taxes are often a doubling up of an increase in rent. However, I have seen leases that provide for the payment at periodic intervals of a current annual open market rent based on increased gross sales in addition to the other matters that I have mentioned.

These practices have spread outside shopping centres, and I believe that many members of this House, particularly in the metropolitan area, have been the recipients of many complaints from retailers about oppressive lease practices. Unless checked, these harsh and oppressive practices will become the standard in most retail outlets, whether part of a shopping complex or not, and will significantly alter in a detrimental way the viability of small businesses.

Various other demands are also made of small retailers, such as key money (which can amount to anything) for entering into a lease and demands for a sum of money upon assignment of a lease where a sale of the business is involved. In fact, some five years ago, I became professionally aware of a landlord who, upon finding out how much the proprietor was getting for the sale of his chicken retail business (this was only an individual holding: it was not in a shopping complex), demanded some $6 000; otherwise he would not agree to the assignment of the residuary term of the lease to the new purchasers of the business. Needless to say, without the assignment of the lease, the retailer had nothing to sell, and the chicken proprietor in this instance, simply out of the sheer practicality of the situation, was compelled to pay this exorbitant sum to the landlord.

Mr Evans: The owner had the chicken that laid the golden egg.

Mr GROOM: You could say that. It is a disgraceful situation when people can be held to ransom in this way. As a result of my observations over the years, as well as consultations with and letters from legal practitioners when I became publicly involved in this matter during the Parliaments between 1977 and 1979 (I have also had letters from interstate), I am well aware that this practice continues to occur in the industry. Many instances of exploitation have been reported to me, as I am sure they have been reported to other honourable members. I have seen provisions that require the tenant to make available his tax return within seven days of its being lodged with the Commissioner of Taxation. That is an incredible invasion of privacy, and I think that the member for Glenelg has probably had from his area representations similar to those which I received when I represented the seat of Morphett.

I have seen other terms whereby the landlord of a shopping complex has power in the lease to dismiss the employees of a small retailer if he finds them unsatisfactory, so that if someone gives a bit of cheek to the shopping centre managers he could find himself under pressure, through control under the lease, with the small business retailer saying, 'You might have to go, because the landlord objects to you as an employee.' That involves a whole host of complications. There are many instances of reported exploitation occurring in a variety of forms, some quite ingenious.

I know that many retailers object to the shopping hours laid down in their leases, often being compelled to remain open at certain hours against their wishes. That is another source of friction, and it is all illustrative of the fact that small business people are simply losing their independence. For small retailers, percentage rents, percentages of goodwill upon sale and demands for key money are quite iniquitous practices. Furthermore, small business people suffer as a consequence of a failure to be given adequate notice of rent increases. If a retailer is unable to meet demands for a rent increase, he should be given sufficient advance warning of the impending increase and a consequent opportunity to sell the business if unable to meet the new demands or to negotiate better renewal terms.

Many retailers are told, sometimes as little as one month before, that the rent will be substantially increased. From my own observations and from discussions with the building owners group, one month does not apply, in the major shopping centres at least; it is a much more generous term. However, in many instances short notice means that the retailer is deprived of a reasonable opportunity to sell. Many cannot afford a protracted court dispute with the shopping complex owners or managers and are simply forced to accept harsh terms; otherwise a substantial asset, often built up over many years of hard work, is lost.

Percentage rents are a clear disincentive to employment and expansion. The effect of percentage rents is that if a small business person works hard and prospers, he pays increased rent based on that prosperity, and clearly that situation is a debasement of the traditional concept of the small business person. Percentage rents operate in the same way as pay-roll tax can operate as a disincentive to employment and expansion. However, a further consequence of percentage rents is that the retailer is required to supply the landlord with significant details of his financial circumstances, in many instances monthly returns. Instances have been reported to me that cash registers have been wired up with some sort of computer arrangement so that the gross sale is recorded for the landlord to see at cash register level.

Many of these practices do not occur at any one given time. There are highs and lows: when the pressure is off these practices increase, and when it is on they diminish. I believe percentage rents to be a particularly iniquitous practice. Equally, there can be no justification for a percentage of goodwill payable to the landlord upon the sale of the tenant's business. In my view, the building up of a business, the goodwill, and the prosperity that arises from many years of hard work belong to the small retailer.

These problems are not isolated to South Australia: they are quite widespread, and other States are looking at reform. In 1981, Queensland set up the Cooper Committee of Inquiry into shopping complex leasing practices which reported to Cabinet in that State on 19 November 1981. That committee confirmed the existence of major problems of great concern to small business people in that State. It found that many small businesses were being burdened with conditions out of proportion to such tenants' individual and relative contribution to the viability of their respective shopping complexes. The Cooper Committee found that the provision for small tenants to pay percentage rents based on turnover was not a desirable practice in the form in which it appears in most leases. Members need to recall that we are dealing with Queensland, which is a notoriously conservative State, and that the report is, I suppose, naturally conservative in its impact. Nevertheless, it made major findings of exploitation, even though personally I do not think that it necessarily went far enough. However, it certainly went far enough to militate towards reform. Further major findings were as follows:

(b) The provision of monthly turnover figures by small tenants to centre managements was an intrusion into a tenant's right of privacy in his business dealings and for the peaceful enjoyment of his tenancy.

(d) The trend for shorter lease terms for small tenants placed an extremely effective bargaining tool in the hands of landlords and managers, and evidence suggested that this practice had been abused by some owners and managers—

because the shorter the term the less asset there is for a tenant to sell—

(e) The share of goodwill sought by some owners as consideration for agreeing to assignment of leases was too great and out of proportion to the major efforts sustained by small tenants in making their businesses successful and saleable assets.

(f) There were unnecessary delays in agreeing to assignment of leases and that when an assignment was approved it was unreasonable to expect assignors to accept responsibility to the owners for the performance by the assignee of the conditions of the lease.

Instances have been reported where a small retailer has sold the business and, even though there is an assignment fee (I have seen a substantial assignment fee in many instances, whether it be by way of a proportion of goodwill to the landlord), full release is not obtained from the terms of the lease. Under certain leases, previous owners have been still liable for the rent if the new owners actually default under the terms of the lease until the lease expires. This was in an instance where the shopping centre complex still picked up something like 30 per cent of the sale price. That is

clearly an improper practice, and it is indicative of the disparity in bargaining positions.

Quite simply, a landlord, whether involved with a shopping complex or a smaller holding, should not be able to withhold consent unreasonably or demand a sum of money for an assignment of that lease, other than for the reasonable expenses attached to the assignment documents. Recommendation *(g)* of the Cooper Committee was that:

The general conditions of leases were almost totally in the favour of the owner. There was also great variation between the form and cost of lease documents. Lease documents were often not available for signing prior to occupancy of premises and in some cases tenants were committed to an over reliance on oral representations.

I do not propose to go through all the findings in the report as it is a very exhaustive report. However, I want to read one further passage from the Cooper Committee report which appears on page 6 of the recommendations, which is as follows:

That the Government reconsider the position after 30 June 1982. In the event that no resolution to the question appears likely at that stage, then the committee suggests that the problems are of sufficient importance and concern to warrant the Government taking positive action to resolve the matters then at issue by legislative means.

What has happened in that State is that the problems have not resolved themselves. In the December 1982 edition of the *Retailer,* which is circulated amongst shopkeepers in Queensland, an article appeared as follows:

Draft shopping centre lease legislation being considered by the State Government will provide for the establishment of a mediator as a low-cost method of settling disputes . . . Doug Black, manager of the Queensland Retail Traders' and Shopkeepers Association, said the announcement was good news provided the government was serious about legislation and not still in the throes of considering whether legislation was necessary . . . 'There has been enough public comment', Mr Black said, 'about the onerous conditions of leases, in reports by the Small Business Development Corporation, the Cooper Committee and two Parliamentary committees.

'The Government has enough information to bring down legislation to outlaw the iniquitous practices that are still being used. 'It's unnecessary to delay legislation any further for public comment.' Neither a model lease nor a mediator would be of any value unless the Government first outlawed undesirable practices by legislation . . . 'What's happening in shopping centre leases is starting to flow into strip shops', he said.

Of course, he means that not in one colloquial sense of the word, but he is referring to strip shops in the sense of something like those that we have on Unley Road or at Glenelg and other retail shopping centres. Ribbon development is another term that can be used. Clearly, there was sufficient evidence in Queensland to show that practices that commenced from shopping complexes have flowed over into the other small retailing areas outside of shopping complexes. On 14 March 1983 an article headed 'Shopkeepers demand curb on landlords' appeared in the Queensland *Courier Mail,* which stated:

Small traders and shopkeepers demanded yesterday that the State Government legislate against unfair leasing practices by major landlords of shopping centre tenants. More than 100 people attended a seminar at Liberal Party headquarters to discuss a paper on shop leases prepared by a joint State Government committee. The Retail Traders and Shopkeepers' Association Secretary, Mr Doug Black, warned that the 'cancer' of unfair practices against tenants was spreading. People talked mostly about major shopping centres but neighbourhood centres, strip centres and isolated shops right across the State were affected.

'All of you should demand legislation and demand it now,' he said. 'Don't be put off by Government inquiries, joint Party committees and booklets. All tenants deserve a better crack of the whip than they are getting from some landlords. The platitudes of free enterprise won't cut any mustard with thousands of businessmen who are worried about what will happen to them when their leases run out,' he said.

Therefore, it is quite clear that in Queensland the problem has reached a serious level, albeit, that Queensland is a conservative State, which presumably as a consequence of its principles, would find some reluctance to move into this area. However, even in Queensland the problems have become so great and the exploitation has become so great that legislation is being contemplated. Indeed, it has been announced by the relevant Minister that legislation is being considered by the Queensland Government.

Pressure to reform in South Australia became so great that in March 1980 the then Liberal Government commissioned a working party to examine the complaints. I am sad to say that the report was nothing more than a whitewash of the problems, because it effectively recommended nothing more than consultation and voluntary control. The effect of that was, of course, to permit the iniquitous practices to continue unabated. The report was greeted with great derision amongst the small business community. Notwithstanding its deficiencies, the report is important at least for the fact that it acknowledged the existence of serious problems. That report is available to honourable members. One matter which particularly was a disappointment concerns arbitration. What occurs is that when leases come up for renewal or the formula for rent increase is under dispute, if a person cannot reach agreement with the landlord one is really forced to have recourse to the courts, which is a very expensive thing for tenants to do. If the landlord will not agree to arbitrate, then one is stuck: a person has no other alternative but to agree to the landlord's terms. The alternative is to institute very expensive and long drawn-out court proceedings.

The unfortunate thing about the report of May 1981 from the working party report on shopping centre leases is that it simply recommended a cosmetic amendment to the Arbitration Act. In essence, it simply recommended voluntary arbitration. The defect in that proposition is really quite obvious, because if one party will not agree to arbitration there is a problem because one simply cannot compel that sort of situation. What is needed is a form of compulsory arbitration whereby if a person cannot reach agreement with a landlord then the provisions of the Arbitration Act should compulsorily apply. If a person is holding all the aces, in a practical situation, one does not give away one of those cards, and landlords are no exception to this. One is in a strong position in the sense of being able to say, 'Why should I make that concession about arbitration if I do not have to; it is not compulsory, I do not agree, if you do not like the terms, go to the courts.' That is a severe detriment to the tenant because it is a very costly exercise, and it is not surprising that tenants simply are forced to sort of toss the towel in. I have not double checked this matter from sources in Western Australia, but I believe that there was an announcement in the *Australian* recently that the Labor Government in Western Australia had announced an inquiry. I know that certain steps have been taken in Victoria by way of reports and recommendations to the Government, and that likewise this has occurred in New South Wales.

The problem is Australia wide and not isolated to South Australia. There are two reports which highlight the iniquitous practices. In passing I should say one other thing in connection with the South Australian working party report. It was stated on page 2 of that report that:

The working party considers that, in view of the breadth of distribution of its requests for submissions from tenants, their total response is disappointing. This is perhaps indicative of a low incidence of lease problems amongst tenants. On the other hand, it may be due to apathy amongst tenants, or to a reluctance to reveal their problems to a Government working party for fear of retribution from landlords. Although, on this point, the working party did emphasise that all individual submissions would be treated in the strictest confidence.

I really think that the working party did not properly come to grips with the problems confronting small retailers. Of course, retailers are frightened to air their problems and have them placed on public record because they have got

substantial assets, and if they are still in that shopping centre, once the pressure is on them, they are vulnerable. Although the various tenant associations made representations to the committee and there were a number of tenants who did as well, the working party really failed to come to grips with the basic fear that small retailers have. Since I made an announcement in the press some week and a half ago, I have had a total of about 65 letters, calls and inquiries emanating from retailers since that newspaper release about specific problems and outlining iniquitous practices that those retailers were being subjected to. They asked me to treat the matter in the strictest of confidence simply because they feared reprisals. Whether this is right or wrong that is the underlying fear that the working party did not come to grips with.

Members only need to go out in their electorates and talk to the small retailers, whether they are in shopping complexes or not, and they will find that those retailers will relate details of iniquitous practices. It is true that there is a reluctance to bring these practices into the public arena simply because they fear the loss of substantial assets, and indeed I know of a situation where that has occurred as a consequence of taking on the landlord.

Members need to appreciate that small retailers have this natural fear. There is no doubt that oppressive lease practices can affect the price paid by the public for goods. Many retailers who wish to stay in business are forced to increase the price of their goods. It has been reported to me that in some instances up to 10 per cent is added to the cost of goods sold to the public as a consequence of oppressive lease conditions. If the retailer's lease is running out and the landlord confronts that tenant with a set of iniquitous and oppressive terms, the retailer cannot meet those terms, but the tenant cannot afford to vacate the premises because he will be vacating a business that he would ordinarily sell for, say, $60 000 or even up to $100 000. He cannot afford to leave the premises and allow that asset to go down the drain. Therefore, the tenant is forced to accept the oppressive practices and harsh rental terms, and to stay in business he has to recompense himself. Needless to say in some instances this has been passed on to the consumer in the form of increased prices. I know of situations where this has occurred and indeed it has been related to me and the various associations have also related that fact to me, that those increases have been passed on to the public and prices have been forced up quite needlessly.

The need for reform is clear and obvious. I have not sought to name shopping complexes or individuals, which I could have easily done. I have sought to approach this matter in a non-Party political manner. Undoubtedly, there may be (and I hope there is not) some members opposite who may seek to suggest that this Bill may discourage developers from further investment in this industry. Such a suggestion would be nonsense and would be nothing more than a confrontationist approach to this problem. The very structure of this Bill is to set standards which promote the economic health of the industry.

It is in the interest of shopping centre complexes to have a secure, viable, prosperous and economically healthy set of tenants, for this in turn increases the economic viability of the centre. It is not in the interest of the developer to have empty shops. During the adjournment of this debate the Bill will be circulated amongst interested parties for comment. I invite honourable members to peruse the Bill and seek the views of retailers within their own electorates.

Clause 1 is formal. Clause 2 provides for the commencement of the measure. Clause 3 inserts a new Division heading. Clause 4 inserts a new Part IIA in the principal Act, 'Commercial Leases'. The proposed new section 46a inserts an interpretation provision for this Part and includes the definition of 'commercial lease', which is critical to the operation of the Part. The proposed new section 46b provides for the application of the Part. The Part is to apply to any commercial lease arising after the commencement of this amending Act, excluding certain specified leases. The Part is also not to apply to any prescribed premises or premises of a prescribed class, or premises where the rate of rent exceeds a prescribed amount. The proposed new section 46c regulates the consideration payable for a commercial lease by restricting it to rent and a security bond. Options to enter into leases are preserved, provided the amount of the option is credited to the tenant upon the exercise of the option.

The proposed new section 46d provides that before or during the first calendar month's occupancy of premises, the tenant need only pay an amount equal to one month's rental. Subsection (2) provides that rent shall not be demanded until it is due. The proposed new section 46e provides that only one security bond may be demanded in relation to a commercial lease, and the bond must not exceed an amount equal to the amount for one month's rental of the premises. A receipt must be given for any bond which is paid, and the money must be kept in a special account. The proposed new section 46f renders void any provision of a commercial lease that requires a tenant to pay to a landlord amounts calculated by reference to turnover, income, receipts, expenditures or other such regular transactions. The proposed new section 46g renders void any provision which requires a tenant on the sale of his business, or the assignment of the lease, to pay an amount *ipso facto* the sale or assignment. An exception is made if the provision is limited in its operation to the first year of the tenancy.

The proposed new section 46h provides that a landlord may not unreasonably withhold consent to an assignment or subletting, nor make any charge (other than for incidental expenses) for giving consent. Where consent is withheld, the landlord has the burden of proving the reasonableness of his decision. The proposed new section 46i provides that a dispute over the meaning or effect of a commercial lease, or over the proper rent payable on an extension of the lease, must be referred to arbitration.

The proposed new section 46j requires a landlord to give six months notice of increases in rent, increases therefore not being less than six monthly. Notice need not be given if the lease expressly provides the amount of rent payable for the whole term of the lease. The proposed new section 46k renders void any agreement or arrangement which is contrary to the legislation. It is to be an offence to attempt to defeat the operation of these provisions. The proposed new section 46l provides that offences are summary offences. New section 46m is an express regulation-making provision.

Mr EVANS secured the adjournment of the debate.

MEAT HYGIENE REGULATIONS

Adjourned debate on the motion of Mr Lewis:

That the regulations under the Meat Hygiene Act, 1980, relating to sale of slaughterhouse meat, made on 24 February 1983 and laid on the table of this House on 15 March 1983, be disallowed.

(Continued from 30 March. Page 780.)

Mr GROOM (Hartley): I tend to think that the member for Mallee has overdramatised the situation. I oppose the motion. The effect of the regulation is not as the honourable member has stated, to close every slaughterhouse in South Australia. The honourable member also stated:

There are no circumstances in which any slaughterhouse can continue to operate legally.

Again, this is an incorrect observation and shows a lack of appreciation of the effects of the regulation. Slaughterhouse licences are granted under Part III of the Meat Hygiene Act, the same Part that grants abattoirs licences. Slaughterhouses differ from abattoirs, as I am sure the member for Mallee knows, in that they are not subject to the same rigorous inspection system or hygiene system as are abattoirs. In short, the same hygiene standards and standards of inspection are not applicable, with the result that slaughterhouses have significantly lower overhead structures when compared with abattoirs. I really think that this might be the basic source of friction within the industry, particularly in the light of the fact that abattoirs are by far the greater employer of people, and the simple fact of the matter is that with a lower overhead structure, and not being subject to the same standards of inspection and hygiene, slaughterhouses would as a consequence of those factors be simply able to undercut abattoirs if they were allowed to compete.

The Meat Hygiene Authority determines the conditions applicable to a slaughterhouse licence. Although, as the honourable member said, a condition similar to the regulation, which is in issue here, could be attached to the grant of the licence; this is currently discretionary on the part of the Meat Hygiene Authority. The effect of the regulation is simply to make it mandatory that licence holders cannot permit meat or meat products to be wholesaled from such outlets. This simply means that any butcher shop in the country, which has a slaughterhouse licence for that butcher shop, obviously slaughters animals for retail use. The effect of the regulation is that such a butcher with such a slaughterhouse licence cannot wholesale the meat to other butchers, otherwise there could be wholesaling in the metropolitan area of meat that is not subject to the same rigorous inspection routines and hygienic standards as apply in abattoirs.

Mr Lewis: What is the legal definition of 'wholesaling'?

Mr GROOM: I have read the honourable member's speech in relation to this matter and I suggest that he does a little bit of homework. There are numerous Acts of Parliament which refer to wholesaling and retailing and there are some very good dictionaries available in the library. Wholesaling and retailing have clear meanings in law. I suggest the honourable member simply go to the library and pick up one of the standard dictionaries and look up the definitions of wholesaling and retailing.

Mr Lewis: We do not really need definitions of words in any Act, then?

Mr GROOM: That is not necessarily the case. There are differences in interpretations and the honourable member might not be able to formulate a definition of wholesaling or retailing, and if there is a sufficient number of people in the same plight then the Legislature sees fit to insert definitions in legislation. Wholesaling and retailing are terms in common use, they are defined in dictionaries, and I do not think there is any real misapprehension about the way in which they operate. The example I have just given the honourable member should clarify that. It is the classic example of a butcher with a slaughterhouse licence who slaughters animals for retail sale in his own shop. If he sells the meat to other butcher shops outside his area or in the metropolitan area he is selling it at a wholesale price which is the first price in line and then that person retails it to the public. I would have thought that to be a quite simple concept, one which the honourable member, on reflection, ought to be able to grasp and I am sure he really does grasp it, but he is under pressure from people who have slaughterhouse licences who undoubtedly operate in his area. No doubt he is mouthing the concern of people who hold slaughterhouse licences who think they might ultimately lose that status.

Mr Lewis: If I bought half a beast instead of a kilo of T-bone steak and at a reduced price for the half beast, isn't that wholesaling?

Mr GROOM: If the honourable member wants to get legal advice, I suggest he does so through the proper channels. I am not here to advise him or his constituents on legal matters. I have illustrated the concept for the honourable member and he ought to go to the definition in the dictionaries and simply read them. If legislation is found to be anomalous at some future time the courts point that out and then Parliament passes amending legislation, but I do not think there is any misapprehension in this situation in that a butcher shop with a slaughterhouse licence will not be able to wholesale the meat to other butcher shop outlets.

Mr Lewis: Why didn't you get it right the first time?

Mr GROOM: I have pointed out to the honourable member that at the present time those sections under the Act could be used, but it is by the authority and it is discretionary. This regulation alters the status of that discretion and makes it mandatory. It does prevent the classic situation I have referred to. I know many country butcher shops with slaughterhouse licences will not be able to wholesale meat to other butchers in the area and, indeed, to the public; they must retail to the public through their own retail outlets. If this regulation were not permitted, slaughterhouses with lower overhead structures as a consequence of the higher standards of hygiene and inspection applicable to abattoirs would seriously be able to undermine the viability of abattoirs by simply undercutting the abattoirs, and with large employers in South Australia such as Samcor that situation would be quite intolerable. I do not think the honourable member would seriously want meat that is not subject to the hygiene and inspection standards of abattoirs to flow into the metropolitan area.

Mr Lewis: I kill my own.

Mr GROOM: The honourable member might be very flexible in the things he does, but many people are not. I am sure when honourable members reflect on this matter they would not want meat that is not subject to the standard of abattoirs meat to be sold to the public on a grand unrestricted scale in the metropolitan area. I know that most butcher shops that hold slaughterhouse licences are very cautious about the way in which they slaughter the animals and the steps they take. That is a one-off situation, but the honourable member refers to an expanded situation if he permits these people to carry on a different form of trade without the same standards applicable to abattoirs and if the honourable member—

Mr Rodda: What do you think of the report you obtained about three years ago?

Mr GROOM: I will debate that on another occasion. I am happy to join the honourable member in such a debate if he wants to promote that sort of debate, but at the moment, if this regulation were disallowed, as the honourable member seeks to do, it would jeopardise employment in the meat industry as well as create a greater risk of unhygienic meat being consumed by the public.

The honourable member should also know that many holders of slaughterhouse licences who have a certain number of customers as a pre-existing situation are in the process of converting to abattoirs licences (and I suspect the honourable member knows the one to whom I am referring) and spending considerable sums to bring them up to abattoir standards so that they will be able to function as abattoirs, but it will preserve the situation with regard to the country butcher who slaughters his own meat and retails from his own outlets. It does not, as the honourable member incorrectly suggested, stop slaughterhouse licences throughout

South Australia. It does nothing of the kind. The benefits to the industry are quite clear and explicit. If honourable members reflect on this legislation they will see that there will be a greater use of regional abattoirs, there will be more employment in the industry and more secure employment, and the maintenance of high standards of hygiene and high standards of inspection will be maintained.

Mr RODDA (Victoria): I was interested to hear the comments of the honourable member for Hartley. I had something to do with the Meat Hygiene Act when I was shadow Minister of Agriculture during the Dunstan era. By interjection, I asked the member for Hartley whether he had any comment on the 'gum tree' provision that would enable a farmer or grazier to continue to kill his own stock.

The Meat Hygiene Act is important legislation, and I commend the Tonkin Government for introducing it. At the time it was said that many old slaughterhouses around the State were to be put to rest. There has been much kerfuffle about the old slaughterhouses and the reason for changes in the standard of hygiene, and I do not think that the member for Mallee is out of order when he seeks to move to disallow this regulation, which provides:

> No person shall cause, suffer or permit any meat or meat products supplied by the licensee of any slaughterhouse to any outlet specified in his licence to be wholesaled from such an outlet.

That provision seems superfluous. After all, anyone with any knowledge of the many hours of meetings held on the subject of meat hygiene and the consideration given by such Ministers as the Hon. Ted Chapman and the Hon. Brian Chatterton would realise that the original legislation was not possible without much haggle and hassle.

The member for Mallee drew to the attention of the House the wording of section 24(1), which provides:

> (1) A licence granted under this Division shall be subject to such conditions as the authority may specify by notice in writing given to the holder of the licence.

I believe that, if a slaughterhouse operator held himself out to be a wholesaler, this overriding provision would pick him up.

Mr Groom: It's discretionary.

Mr RODDA: Possibly, but it would not be too long before the position would be drawn to the attention of the authority. As a farmer, I killed stock on the farm. Indeed, each week my wife would direct me to the gum tree to kill the week's mutton. Today, however, most farmers take half a dozen fat lambs and a young bullock in the farm truck to the local kill where the stock is killed, dressed, placed in plastic bags, and labelled. Then, after hanging for three or four days in hygienic conditions, it finds its way into one of the freezers that are to be found on country properties today.

The member for Mallee is merely echoing the wishes of his constituents as to their farming practices. Dr Tony Davidson, the senior officer responsible for the administration of the Meat Hygiene Act, has all the power in the world, and I am sure that the inspectors will be down like a ton of bricks on anyone flouting the law. For these reasons, I support the motion in the belief that the member for Mallee is speaking with a great awareness of what goes on in country districts. I do not see the need for the restriction provided for in the regulation when the authorities already have the power to demand a high standard of hygiene in slaughterhouses or any other place where stock is killed.

The Hon. LYNN ARNOLD (Minister of Education): I oppose the motion. I was a member of the Select Committee into Meat Hygiene in 1979-80. This House debated at some length the provisions of the report that the select committee made after some months of inquiries. As is the case with all select committees, that select committee was made up of members from both sides, none of whom have as yet spoken in this debate. As Minister of Agriculture at the time, the member for Alexandra was Chairman. The other two members from this House were the present Leader of the Opposition and me. From another place came the Hon. John Carnie and the Hon. Ren DeGaris, representing the Government of the day, and the Hon. Brian Chatterton, at that time shadow Minister of Agriculture, representing the Opposition.

That committee met, I think, 25 times and visited Victoria to inspect conditions there. We also inspected conditions in certain slaughterhouses and abattoirs in this State. At the time considerable concern was expressed by the meat industry generally about the regulations then applying and there had been pressure from some sources for the situation to change: first, regarding the geographical areas of trading, and; secondly, regarding differences between slaughterhouses and abattoirs.

It would also be correct to say that the viewpoints from which the representative of both Parties started on the select committee were perhaps different. The position of the then Government was different from the position of the then Opposition. After the deliberations of the select committee, which heard evidence from witnesses, took account of written submissions, and considered the conditions it saw on inspections, a report presented to Parliament and signed by the Minister of Agriculture on 5 March 1980 was a unanimous report of all members of the select committee.

For us to consider at this stage a motion to oppose or disallow a regulation tabled in this House, given the thrust of that disallowance, would be to suggest that the work of that select committee was not in fact sound and that the recommendations of that select committee were not appropriate. Indeed, the member for Mallee has almost indicated that by virtue of his comments on 30 March, when he said:

> I was not happy with that section when the original Act was enacted in 1980, and I am no more happy with it today than I was then.

I do not want to take away the member for Mallee's rights not to have been happy then or not to have been happy now; he can not be happy as much as he wants. However, what I believe we should take into account as a House is that, before we vote on this matter, to suggest that we may vote to disallow this regulation, we would summarily, in a rather brief debate in private members' time, be counting as nought a significant amount of the deliberating process of that select comittee. I would have thought that in fairness the member for Mallee might have suggested that there should have been a select committee to reconsider that aspect of the matter and that his motion might have called for that, rather than to have acted in a quite peremptory way.

The Hon. B.C. Eastick: Do you see that as the solution?

The Hon. LYNN ARNOLD: I am suggesting that I believe that that is the way the member for Mallee should have handled this matter. I do not believe either that the regulation should be disallowed or that there is a problem here. As a member of that select committee I felt quite happily convinced, as I believed were all other members. If members should wonder at my linking the present disallowance motion with the select committee report, I want to draw attention to that part of the select committee report to which we are referring.

Two relevant areas need to be taken into account. First, the joint committee (it was a joint committee rather than a select committee) took into account the definition areas of trading. Most members will know that prior to the joint committee and change of legislation there were specific

areas of trading within which abattoirs could operate, and they covered portions of the State, not the entire State.

In fact, the joint committee recommended that there should be only one area, that that one area should be the whole of the State, and that it should be regarded as a free trade area for meat slaughtered in licensed abattoirs. It then went on to treat with the matter of slaughterhouses, and made the following statement:

> Most of the currently licensed slaughterhouses provide meat for their own retail shops or for a particular restricted area. The joint committee recognises the need for small slaughtering premises serving country towns and it is recommended that such premises be licensed to trade in those restricted areas, to supply their own retail outlets, and that the authority be empowered to fix levels of throughput above which a slaughterhouse will be required to become an abattoir.

The throughput was 5 000 sheep equivalent units per annum. That was a reasonable recommendation.

I highlight that it is linked to the fact that the joint committee believed (and no evidence has been provided in this Chamber to the contrary) that most of the currently licensed slaughterhouses did provide meat either for their own retail outlets or for a particular restricted area which could be quite clearly defined and was observable. I would have thought that that belies the statement made by the member for Mallee that slaughterhouses would be closed in a wholesale fashion if we were not to disallow this regulation.

For the moment I will deal with the regulation and the impact of what the member for Mallee would seek. In fact, this regulation is not directed at the slaughterhouse operator, but rather at the practice of leap-frogging of sales from outlet to outlet under alleged wholesale arrangement. There are obviously hygiene problems inherent in this practice, and to allow these to go unchecked would be clearly contrary to the spirit of the Meat Hygiene Act. As was pointed out in the report of the joint committee, the practice is inequitable to the abattoirs sector of the slaughtering industry which is required to provide ante and post-mortem inspections of meat.

I recall that there was a spirit of whimsy when I spoke on this legislation in 1980. One will remember that it was a very late sitting of the House; we were debating the matter at 4 a.m., to be precise. I was canvassing that which I had come across in my participation on the joint committee, including problems with the way that meat was handled at some slaughterhouses, and from there came the dirty rag episode; the episode of the cleaning of carcasses with a dirty rag. The member for Mallee obviously recalls the episode: it was drawn to the House's attention on a number of occasions thereafter.

It was a whimsical occasion, but it highlighted that members of the joint committee were provided with clear evidence of insanitary conditions at a slaughterhouse that was purveying meat. From the evidence provided to us that was matched in a number of other slaughterhouses. Abattoirs have been required to provide very rigorous standards in the inspection of meat and, as I said a few moments ago, they were required to provide ante and post-mortem inspections of meat. Slaughterhouses are not required to do this. One can argue that perhaps they should, but I think that quite realistically it was accepted that they could not.

In terms of the cost factor that would clearly wipe out slaughterhouses right around this State. However, the real health problems which took place and which we are trying to avoid by having ante-mortem inspections of meat were the sorts of problem that take place by the time distance between slaughter and the eventual sale and also the way in which that slaughter took place at the slaughterhouse. There could be no dirty rags in the abattoirs in this State, because there are inspectors to see that such practices do not take place. The same could not be said for slaughterhouses. It would be quite inequitable to the abattoir industry to allow a sudden free-for-all for slaughterhouses in this State because they operate on a lower cost basis because they do not have to meet the same inspection requirements, and that, as quite correctly has been pointed out by the member for Hartley, would have a significant employment effect.

Quite apart from that, we do not have these health regulations for the mere purpose of being bureaucratic. They are there to try and ensure the protection of the consumer and the health protection of the employee in those places. In practical terms this regulation is hygiene oriented, and there are no strictures on slaughterhouse operators selling meat to those outlets nominated on the slaughterhouse licence. That point should not be missed by this Chamber. However, the proprietors of outlets so nominated may only sell direct to consumers, and that was clearly the understanding of all the members of the joint committee when we framed that recommendation. I would be intrigued to know whether the now Leader of the Opposition or the member for Alexandra would be prepared to say that that was not the understanding of the joint committee or indeed not the understanding of the House when we voted upon the legislation that followed the joint committee's report. There can be no wholesale arrangement entered into with other meat outlets. I have read out the recommendation of the joint committee report, and there is clearly no other interpretation of that.

Similarly, the retail outlet of a slaughterhouse operator/butcher cannot sell at wholesale rates unless permitted to do so by the licence. In his comments of 30 March the member for Mallee asserted that there was a lack of clarity and indeed legal doubt over the term 'wholesale'. I suggest that this practice has long been applied and clearly understood by those in the meat trade. It is not the Government's intention, as the member for Mallee has implied, to close down slaughterhouses, because the place of those and smaller butcher shops in local communities is willingly recognised and was recognised by the previous joint committee in a bipartisan spirit. We maintain that recognition now. Instead, it is the aim of the regulation to prevent the reselling of meat from outlet to outlet at obvious risk to the end consumer. That practice is currently being applied by opportunists posing as meat wholesalers or under other guises and must be prevented, in the interests of public health.

With that in mind, I have every intention of opposing the motion of the member for Mallee. I would be interested to know what voting pattern will be followed by other members of the Opposition and what they plan to do on this important matter. If they propose to vote against the spirit of the joint committee of 1980, why do they now believe that that should be done when they did not express that at that time in voting for the legislation quite willingly (with the exception of the member for Mallee, who expressed his doubts at the time about the important matter). I oppose the motion.

The Hon. B.C. EASTICK (Light): I congratulate the member for Mallee for bringing to the attention of the House a problem which he perceives and one which undoubtedly he has had reported to him by people whom he represents. I also thank the Minister of Education, who so recently returned to his seat, for making in the main a valuable contribution. I say 'a valuable contribution' in the sense that the Minister suggested alternative ways in which the matter might have been canvassed. Certainly, he indicated options which are available and from which members might like to take the hint or clue and bring forward at a later stage. More specifically, there was the suggestion that the member might have sought another select committee

on the subject so that it could be canvassed. I point out to the Minister (and I am sure he appreciates it) that, if the motion was that a select committee be set up, the decision as to whether or not there would be a select committee would be a Government decision, and not a decision of the House.

The House might conceivably support such a move for a select committee to be set up for the purposes of investigating questions relative to a particular issue but, ultimately, the Government would make the decision on a select committee. Therefore, the end result for the member (the member for Mallee in this case) may not have been so effective.

The Hon. Lynn Arnold: We all know what happens to Opposition members who move select committee motions. I moved one on market gardens for three sessions.

The Hon. B.C. EASTICK: There could be no greater testimony than that which the Minister has just provided to the House. He recognises the difficulties in achieving an end result; that was my point. It was valuable in that it suggested to the House alternatives but did not provide a necessary result. We can dwell for a moment on the Minister's contribution and inherent suggestion to the member for Mallee that the matter be referred to a select committee. He chronicled some events which surrounded the existence of a previous select committee and stated that all five members on that committee were happy with the end result and that the report was as a result of a unanimous decision and consensus. As so often can happen, we had a position where the select committee, members of Parliament or the Minister in charge, can be quite happy as to what words mean but regrettably it is the interpretation of the words in the field that can have serious consequences. The best intentions of a committee, a Minister, or his departmental head can be torpedoed in five seconds flat by a rough, unnecessarily strict or warped interpretation in the field. That is one area which Ministers and members of Parliament must always consider. That situation certainly exists in the Minister's area of education. It has come to his attention since his becoming a Minister that a field interpretation of a directive can be quite opposite to the intent of the original directive.

I suggest that the member for Mallee has done the House and the meat industry a service by questioning the interpretation of certain of the provisions of the Act as they are applied in the field. I have not the complete detail of the representations made to my colleague, the member for Mallee. I believe that he made a cogent point in questioning the word 'wholesale'. The member for Hartley indicated that 'wholesale' does not need definition because everyone knows what it means. It is not defined in the Acts Interpretation Act. If I have misinterpreted the contribution made by the member for Hartley, I am sorry. However, I believe that that was the thrust of his comment in relation to the word 'wholesale'. The honourable member will have an opportunity to correct that situation later if it is vital. Again, we come back to the definition and how it is being construed. We must look at the definition of a word in a changing society. What 'wholesale' meant in the not so distant past might be entirely different to the trade or community interpretation of 'wholesale' at the moment.

To give an example, in listening to the radio on the way into Parliament yesterday morning, I heard a person associated with the grocery industry stating that when he joined it some 30 years ago there were 400 lines on the shelves of a grocery store. Today a fully stocked grocery store has 20 000 lines.

The Hon. M.M. Wilson: It happens in other professions, too.

The Hon. B.C. EASTICK: I have no doubt that my colleague, the member for Torrens, could highlight the situation in regard to a pharmacy.

The Hon. Lynn Arnold: A chemist shop.

The Hon. B.C. EASTICK: No, a pharmacy. Changing circumstances quite often throw a different emphasis on what has become construed as the interpretation of a word. I believe that the Minister, and other members who have taken parties of schoolchildren through the House and to the library will recall the contribution made by the Assistant Librarian, when referring to the dictionaries used frequently by members of the House and turning to a little three letter word—'set', pointing out that there are three pages of definitions of the word 'set'. We can turn to 'red', another three letter word, or many others.

Mr Groom: How do you get by?

The Hon. B.C. EASTICK: The point has been made. There is a problem of interpretation. I suggest that the member for Mallee has done the House a service by bringing to our attention problems that are perceived and do exist in some quarters because of the manner of some interpretations. It would be completely foreign for me to seek the destruction of the Meat Hygiene Act or any part of it, from my own basic training and because a professional colleague of mine happened to be the person who signed the document which accompanied the regulation to the attention of the Minister and the House and which was laid on in this House.

I know what my colleague's definitions are and how he believes the regulations concerning which there is some disputation should be interpreted, but I am not satisfied. From my experience and from discussions that I have had with that colleague and with the Minister of Agriculture of the day on a number of occasions in relation to the meat hygiene activities in the field, I would strongly suggest to the Minister that due consideration be given to the debate and to the manner in which the wording is being interpreted in the field.

Although the Minister has indicated that he will not accept the motion moved by the member for Mallee, I suggest that he should take the necessary action to withdraw the current regulation and that he replace it with a better worded and more definitive regulation. That should always be the intention of Government, and I think that basically it is. Regrettably, however, the disallowance of regulations and their replacement sometimes involves quite inordinate delays. In the meantime, people may find themselves trapped in a position not of their making. That is not the intention of the Ministry or a Director of a department, but this does occur in the field. These matters need to be attended to.

The other matter that I should canvass in regard to this motion is that sometimes we find that entirely different interpretations of words apply in different sections of the industry. In the areas involved in slaughter and delivery the word 'wholesale' can have a meaning entirely different from that which applies in a butcher shop where a person is not a slaughterer but a purchaser of meat. This is a matter of some concern. From practical experience, I question whether 'wholesale' is the correct word to use having regard to the changed trading circumstances that apply today, not only in the butchery but also in many other areas of activity.

Even if the effect of my colleague's motion is defeated by weight of numbers from those opposite (and that is a Government prerogative), nonetheless, the more important aspects of the matter will have been canvassed and given due consideration. I support the motion.

Mr LEWIS (Mallee): I thank members who have spoken to my motion for their contribution to the House which has promoted the understanding that we now have, or the

misunderstanding of what the regulation as it exists in fact means. I know what Mr Davidson intended at the time when, as Chairman of the authority, he signed the explanation of the regulation. However, I suggest that what he meant and what other people will interpret the regulation to mean, especially those charged with a responsibility to administer the law and give it full effect, will ultimately be two different things. The use of the terms involved makes the meaning of the regulation ambiguous and, as I pointed out initially, it is merely a duplication of the existing general provisions of the Act.

I do not quarrel, and have never quarrelled, with the intention of those general provisions. My initial opposition at the time when the Act was debated and my more recent restatement of my opinion of section 24 does not relate to what I am sure most men of goodwill would see as the intent of the regulation; rather, it relates to the very wide powers that it gives to people who are not accountable to the electors at large for the exercise of those powers. The regulations confer those powers arbitrarily, and they are complete powers. That is what I did not like about that Act at the time it was enacted. For the life of me, I cannot see how in any way this regulation further clarifies or strengthens section 24 (1), which provides:

(1) A licence granted under this Division shall be subject to such conditions as the authority may specify by notice in writing given to the holder of the licence.

Just like that! Section 24 (2) provides:

(2) Without limiting the matters with respect to which conditions may be imposed... the authority may impose conditions in respect of any slaughterhouse licence—

(a) limiting the maximum throughput of the slaughtering works;

This just tells the local country town butcher that he may not slaughter any more than a certain number of beasts. There is no reason other than that. Then there is a further paragraph, as follows:

(b) regulating the sale or supply of meat or meat products produced at the slaughtering works.

That can be applied in any way that the authority sees fit. Section 24 (3) provides:

The authority may, by notice in writing given to the holder of a licence, vary or revoke a condition of the licence or impose a further such condition.

Surely members can see that those powers already established in the Act are sufficiently wide to enable the authority and its inspectors to prevent any licence holder operating a slaughterhouse from selling meat slaughtered there to any other retail outlets. The provisions of section 24 are so broad that no-one could argue convincingly a case to the contrary. However, we now have an additional regulation that seeks to do the same thing, according to the explanation given by Dr Davidson, Chairman of the authority.

That is the explanation, but an additional effect can be construed from this regulation which is not covered by section 24 of the Act. That effect would be to prevent any customer going into the butcher shop of a licensed slaughterhouse operator and asking to purchase half a body of beef at wholesale price, instead of two kilograms of T-bone steak or a sheep reduced to wholesale price, rather than a roast, some chops and a lamb's fry; otherwise I am concerned to know why the regulation was ever introduced.

I am not normally of a suspicious mind but I have to find a reason. I have explained why I believe that section 24 of the Act covers the explanation given by the Chairman of the authority for the introduction of this regulation. That makes this regulation superfluous; if it does not, it can only be because it is intended to effectively close down butcher shops, where the owners of those shops are also the licensed operators of a slaughterhouse, and to prevent them from selling half a body of beef as they may have been doing for generations (in the case of the Pinkertons in Kingston, for over a 100 years). The people of the localities concerned know their shops, and the practice or service that has been in operation for so long can be completely removed if this regulation is passed, maybe not today or next year but at some time in the future.

One matter raised by the member for Hartley concerned me. I may be mistaken, but it may have shown what his real intention was in opposing the Bill, and that was that he did not think it was fair that the owner/operators of slaughterhouses and their associated butcher shops should sell in competition with fully licensed abattoirs. He said that fully licensed abattoirs have higher overheads. I do not accept that that is necessarily so. Some of the overheads in certain categories would definitely be higher, but overheads in accounting terms in other categories would not be as high as the overheads of a slaughterhouse operator, simply because of the throughput of beasts or other animals to be slaughtered annually.

The comment made by the member for Hartley may have meant that indeed it was intended to stop the bulk sale of meat from slaughterhouses to their traditional customers, a practice which has been going on for years, and to redirect the demand for that meat to licensed abattoirs. If that was so, that would mean that the small business man would lose that work and the income derived from it, and it would go to ticket-holding unionists. I hope that that is not the mischievous and long-term intention of the introduction of a regulation that is otherwise superfluous.

So that I can place on record the ambiguity so ably illustrated by the member for Light and referred to by the members for Victoria and Hartley, I quote the definition of 'wholesale' as it appears in the *Concise Oxford Dictionary*, as follows:

By, or relating to, wholesale; at wholesale price.

The illustration of the meaning of the word is given in the context of the phrase: 'I can get it for you wholesale'. The definition continues:

On a large scale.

Again, the illustration is given: 'A wholesale slaughter took place'. It can be seen from that meaning in the dictionary that the word is ambiguous and would preclude the kind of transaction to which I have alluded, whereby many country people have been accustomed in the past to buying their meat, in whole or part carcasses, and cutting it down themselves, or even buying it already cut down. Then there is another meaning of 'wholesale':

Selling of articles in large quantities to be retailed by others.

I am told, and I believe quite sincerely, by both the member for Hartley and the Minister that this is indeed the meaning of the word. I support what they are saying in so far as I believe that it should not be possible for the owner of a licensed slaughterhouse to sell his meat to another butcher shop for retail purposes. However, interpretation of the meaning of those phrases covers the selling of meat wholesale to a hotel, restaurant or take-away food outlet, so that those outlets can, in turn, sell that meat retail after it has been cooked or prepared in some way.

That definition of 'wholesale' (the selling of articles in large quantities to be retailed by others) could apply to the selling of 50 kilograms of T-bone steaks to a hotel, which would in turn sell it as individual T-bones served on a plate after they have been flipped over from one side to another on a hot plate for two minutes. That would be the retail function effectively outlawed by this regulation.

I suggest that this would further reduce the viability of the owner/operator of slaughterhouse premises, thereby increasing not only the cost of the meat which he must charge to his remaining customers but also the cost to the

local restaurant, hotel or other food-selling outlet in the town which must go to the trouble of trying to procure regular and reliable supplies of fresh meat to be delivered in hygienic conditions from some distant abattoir. The overall cost of operating such a retail food outlet would rise substantially if the definition to which I have just referred were to be given the literal interpretation in the enforcement of this regulation.

If the Government and the Chairman honestly did not mean that, I ask some member of the Government, or the Minister at the bench, to indicate that the Government is willing, even at this point, to withdraw and redraft the regulation. If the Government cannot do this, that interpretation of the regulation can indeed be made at anytime—and made to the detriment of all concerned.

That is why I said in the first instance that I oppose the implementation of this regulation. That is also what I explained in my initial remarks upon it, none of which have been understood, it would seem, by the Government. Regrettably, therefore, I am left with no alternative but to test the opinion of the House and the veracity of its interpretation of the word 'wholesale', because the decision depends on this undefined ambiguous word in the regulations. If the House opposes the motion, I can only conclude that there is some sinister motive behind the introduction of the regulation that was not evident in the explanation given by the Chairman of the Meat Hygiene Authority. I would find that regrettable.

The House divided on the motion:

Ayes (20)—Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, Blacker, D.C. Brown, Chapman, Eastick, Evans, Goldsworthy, Lewis (teller), Mathwin, Meier, Olsen, Oswald, Rodda, Wilson, and Wotton.

Noes (22)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold (teller), Bannon, M.J. Brown, Crafter, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs Mayes, Payne, Peterson, Plunkett, Slater, Trainer, and Whitten.

Pair—Aye—Mr Gunn. No—Mr Wright.

Majority of 2 for the Noes.

Motion thus negatived.

STATUTES REPEAL (AGRICULTURE) BILL

Adjourned debate on second reading.

(Continued from 23 March. Page 608.)

The Hon. LYNN ARNOLD (Minister of Education): This Bill, which was introduced by the member for Alexandra on 23 March, really repeats the spirit of legislation brought in under the previous Government by the then Minister of Agriculture. The matter which is referred to is the repeal of many pieces of legislation that could be termed moribund legislation and of many quaint committees. It was spelt out by the then Minister of Agriculture that it was a necessary Bill as part of a deregulation exercise. One might say that the whole spirit of deregulation is one which the previous Government flaunted many times as being absolutely necessary. It regarded it as being a crusade, although it did not actually have much to show for it. One or two pieces of deregulation proceeded, but the previous Government was finally forced to recognise that one or two pieces of regulation were necessary.

The Hon. M.M. Wilson: Are you going to try to outdo us on that?

The Hon. LYNN ARNOLD: I would venture to suggest that the deregulation that will apply if this Bill passes will bring under the aegis of this Government an automatic coup of a number of committees. The committees were mentioned by the member for Alexandra in his speech and I indicate that the Government intends to support the Bill.

It does so because it acknowledges that the particular committees referred to are in fact moribund committees, and it serves little purpose in having them remain on the Statute Book if they are not serving any good purpose. I think two points should be noted from that. One is that this Government believes in regulation when it is necessary and effective and does not believe in it when it is not necessary. Against all the assertions of the former Government to the contrary, we believe in sound Government and not in superfluous Government.

The other matter that should also be taken seriously is that here we have a private member's motion that is being supported by the Government of the day even though it comes from the other side. That was a remarkably rare occurrence under the previous Government. During its term of office, motions that in fact conveyed the spirit of things spoken about by the then Government but moved by the then Opposition were suddenly resisted by the then Government. I recall that in the time of the previous Government, even though I moved several motions, not one of them was accepted by the Government. The Minister of Education in that Government accepted only one of my motions.

Another time, when he was talking about the role of the Opposition, he said that it mattered not how good was the Opposition's legislation, it would not be accepted. I am sure that the present Speaker of the House would remember occasions, when he was dealing with matters handled by the Minister of Education, acting on behalf of the Attorney-General, when we would have a *contretemps* in the House about accepting amendments moved by the Opposition. We were told that no matter how much merit there was in an amendment moved by the Opposition, the then Government would not accept it.

That was sheer bloody-mindedness on motions moved and legislation introduced by the Opposition and it came to devalue the worth of private members' time accordingly. However, on this occasion the Government does not intend to be bloody-minded, although we could use the same sort of spurious argument often used by the previous Government regarding the Opposition's motions and Bills. Rather, we choose to accept the legislation introduced by the Opposition in this case.

I note that the previous Liberal Government introduced legislation to remove from the Statutes some obsolete Acts pertaining to the Agriculture portfolio, including those provisions covering the Fruit Fly Compensation Committee, Oriental Fruit Moth Committee, Renmark San Jose Scale Committee, Waikerie San Jose Scale Committee, Berri-Barmera Red Scale Committee, Markaranka-Pooginook Red Scale Committee, Renmark-Lyrup Red Scale Committee, Swan Reach Red Scale Committee, and Waikerie District Red Scale Committee. I further note that the 'reds' are being eliminated, and I leave it to the member for Glenelg to explain to the House the significance of that action. Having made those comments, I hope that the Opposition will accept the spirit in which they have been made.

The Hon. M.M. Wilson: We'll move more motions and see how they get on.

The Hon. LYNN ARNOLD: If members come up with the wisdom of Solomon we will accept the wisdom of Solomon but, if they come up with foolishness, we will reject foolishness.

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

WAGE PAUSE

Adjourned debate on motion of Mr Olsen:

That this House supports the extension of a wage pause in South Australia until at least 31 December 1983 and that the Premier be authorised to indicate at next month's National Economic Summit that this is the attitude of the House.

(Continued from 30 March. Page 791).

Mr EVANS (Fisher): I understood that the Minister of Education was to speak in opposition to the motion. I support the motion, which is excellent. I congratulate the Leader of the Opposition on moving it. I am sure that all that needs to be said from this side has been said to this point, but more will be said later.

The Hon. LYNN ARNOLD (Minister of Education): Some circumstances have changed since this motion was drafted. We have had the National Economic Summit conference, where there was a consensus reached between almost all sections of the community. However, we should all be concerned at the pettiness of the Federal Leader of the Opposition, who seems absolutely intent on undermining this effort at bridge building. It is that kind of activity that brings into disrepute the role of politicians. Here we had various groups from the community, at the instigation of the Federal Government, getting together and talking about the major problems facing this country and seeking to find solutions to those problems. Never could such a proposition be 100 per cent successful by its very nature because of the differences of opinion and the diversity of the groups involved; yet we have the initiative taken and the community responding for the most part to that initiative. The Federal Leader of the Opposition could have responded by commending the initiative and the willingness of those who took part and the spirit in which they entered into discussions. However, he chose not to do that.

It is interesting to see that the State Leader of the Opposition does not have the same petty attitude as has the Federal Leader. The State Leader, by his motion, has implicitly accepted the worth of the economic summit, and full marks to him for that. I hope that he will discuss the matter with his Federal colleague and ask him to have the same spirit of accord.

This country is facing serious difficulties, and this was recognised by the Federal Government when it called the economic summit. It was then spelt out clearly to those who attended the summit that these problems are grave indeed. Most time was taken at the summit telling the economic facts as they are in this country today, and it was said that hard decisions would have to be made by all sections of the community. Some scenarios were put to the conference as to what might be done and what effects might result in the community from the various actions of Governments. For example, decisions would have to be made on wage rates and the rate of Government expenditure. The scenarios covered three possibilities, one of which was the possibility that there be no wage increases for the remainder of this year and that there be minor wage increases from thence on, and by 'minor' I mean less than the rate of inflation.

Another scenario was that there should be immediate catchup of wage increases followed by full indexation plus productivity agreements. A third scenario was somewhere between those two propositions. That suggested a minor catchup for the rest of this calendar year followed by wage increases after that, which would include a productivity element. Those who attended the national economic summit were made privy to the considerations of economists about what would be the outcome of those various possibilities; what would happen to growth in this country; what would happen to real wage rates in this country; what would happen to the rate of unemployment; and what would happen to the rate of inflation.

It is interesting to see what each one of those scenarios suggested. What in fact came out from the propositions put to members of the economic summit, who were quite at liberty to criticise the premises upon which these various propositions were put, was that the first option that I put, that there should be no wage increases for the rest of this year and then unsubstantial ones thereafter, would in fact be the worst option for general economic growth in this country. It would be the worst option in terms of benefiting the well-being of not only wage-earners in this country but indeed the whole economy, that is, everybody: those in receipt of social welfare benefits, those in receipt of invested income, or whatever. That option would have the least possible effect on advancing those particular causes.

I think that that tells pertinently upon the spirit of this motion. We were told that if there were to be no wage increases this year plus unsubstantial wage increases from then on, that would deprive not only wage-earners and salary earners but deprive everyone else in the community of economic product. It would undermine the capacity of this country to get back on its feet, because if we are to provide the hundreds of thousands of jobs that are needed in this country, then we need economic product to do that. We need to have the economy moving and it was spelt out by that scenario that that scenario would not do it.

The scenarios that would have some chance of providing economic growth were the other two. It has to be admitted that one of those other two scenarios had the prospect of providing economic growth in a global sense, namely, one that would see major wage increases now and, in an ongoing sense, would provide major economic growth in a global sense. However, it would mainly benefit those who remained in employment and would mask the fact that there would be growing unemployment at the same time.

Therefore, I think that the proposition that came out as being the most favoured one was the middle one. That would suggest some wage increase this year followed by compensating increases for cost of living increases plus productivity wage element in the years ahead as being the most realistic one to offer growth in this country, not only growth in the global sense across the whole economy but growth in the particular sense for each individual household in Australia. That is what Governments should be on about. That is what the national economic summit should be on about and I hope that given what has already happened at the national economic summit and given the propositions that were put forward as being options for economic planning in the years ahead, the Leader of the Opposition would have the grace to withdraw his motion or to allow it to be amended to take into account the fact that what he is suggesting is not sound, not realistic and that, if it were supported, it would be of bad effect to this country.

We have many serious economic problems. They were spelt out over the week of the summit. We need to acknowledge that in treating with these problems there are no simple answers. We live in a mixed economy that first of all raises the matter of the relative parts to be played by Government, public sector or private sector, and also the relative parts to be played in terms of the generation of economic product by wages, profits and the like.

Various theories have developed about what should best happen in each of these regards. However, no solution will be easily found if it is simply to be determined by an answer: 'Keep wages down. If one keeps wages down, then everything will work out because it is the wage-earners who are ripping the guts out of this country.' That is not a correct analysis

of the situation. Any simple understanding of economics should lead people to understand that wage-earners are consumers and they spend their wages and purchase products. In purchasing products they generate activity. If their wages are a realistic level of wages, then they will generate a realistic level of consumption in this country. If they do not receive sufficient levels of wage, then they will themselves suffer deprivation and they will not be able to generate consumption sufficient to keep a healthy level of production going in this country.

The other point that must be remembered is that in reality lower wage-earners must spend all, or a significant proportion, of their wages upon consumption because they do not have much to spare for saving or investment. Many householders in this country are sailing very close to the economic wind due to the way in which real wages have declined for many people since 1975. They face very real problems. I know that from just seeing on a day-to-day basis the very real economic problems of many people in my electorate. They are being squeezed and have been squeezed for years on end.

It should be a matter of some concern that I met with one constituent who said to me that even though he is in full-time employment, he, his wife and family can go out nowhere on social occasions. He can go to work, he can come home and that is all he can do because he can afford nothing else. That is something that should concern us: that life in that instance for an employed person has been reduced to such a basic routine.

In terms of the sharing of the economic product in this country, all householders are entitled to have access to the economic well-being that this country can produce. From 1975 to 1982 that economic well-being was not being shared equitably. There were hundreds of thousands of householders—in fact I venture to say millions—who were being deprived of their fair share of the economic product.

Members interjecting:

The SPEAKER: Order! Persistent interjections are out of order.

The Hon. LYNN ARNOLD: I might say that the former Minister of Industrial Affairs should have really examined very closely what took place this week when increases were granted to various people. If he reads very closely what has taken place he will know that those increases were within the spirit of the guidelines of the wage pause, because they represented an anomaly where one category of employee in this State had fallen behind in relativities over the past 12 months. He would also know that there were some deputy directors of departments earning more than their own directors as a result of these anomalies and, in a society which accepts a relativist wage structure, there has to be a reconsideration of those relativities from time to time—and within the guidelines of the wage pause, not beyond it. I might say that those wage increases were held up by the Government for a considerable time, because we as a Government felt that they should be considered before the national economic summit had a chance to meet and consider where it believed this country should go.

It was after the summit had met that Cabinet agreed that those increases were still in the spirit of that meeting and that they should be supported. That is the true situation. I defy the honourable member for Davenport to say that his Government, if it were still in power, would have done anything different.

The Hon. G.F. Keneally: It would not have done anything.

The Hon. LYNN ARNOLD: No, it may not—in fact, that sums up its three years. I defy him to say that it would have done anything else in this matter. The very saga of the Parliamentary salary increase in 1982, and the way in which the then Cabinet danced around trying to protect its own options so that it still got a wage increase (but was seen in a public sense to do the right sort of posturing), is testimony to the hypocrisy with which it viewed such matters. I hope that the Leader of the Opposition will see in his wisdom that his motion is quite out of place given what happened at the national economic summit. He should either seek to withdraw it or significantly amend its wording.

The Hon. D.C. BROWN (Davenport): I find it interesting that I am following the Minister of Education—the Minister who on Monday this week decided to grant senior public servants a salary increase during a wage freeze to the amount of $5 800 a year, 6 per cent being backdated to 2 August last year (which was certainly outside the period of the wage freeze) and 4.3 per cent being backdated to 1 January of this year (the very period covered by the wage freeze).

I was Minister of Industrial Affairs for three years. I understand fully the guidelines laid down by the Industrial Commission. I understand the system and defy anyone to stand up and justify how senior public servants could receive a 4 per cent increase since 1 January without interfering with the apparent guidelines for the wage freeze. I suspect that that was a decision of expediency not based on any rational decision from looking at the fact that the nation and the State is undergoing a wage freeze. In fact, we all know, as the Minister of Education said, that there was no breach of guidelines laid down for the wage freeze which was made by that decision. Of course there was no breach of any guidelines. We all know that salaries for senior public servants are determined by Cabinet and therefore do not come under the strictures of the Industrial Conciliation and Arbitration Commission. Of course there was no breach of guidelines. The guidelines did not apply and the system did not apply. It was therefore up to the conscience of Cabinet. It would appear that Cabinet did not have too much conscience.

The point the Leader of the Opposition made in moving the motion originally was that the Premier has been very weak and indecisive on the issue of the wage freeze. He seems to be partly there and partly not there. He appeared to be the one Premier almost out of step at the economic summit last week. I remember his opening speech when he spoke on the second day in which he appeared to be out of tune even with what the trade unions were saying. On the previous day the unions had said that they agreed that some consessions need to be made and that wage moderation must be continued. The trade unions were saying that, but the Premier of South Australia was saying that the wage freeze should finish at the end of June and that we should get on with the rat race and inflationary wage increases which have done so much damage to this country. He then wished to stand alongside the Prime Minister, Bob Hawke, in the final photograph taken in order to gain some kudos from the summit. It was clear that the Premier had no regard for the overall feeling that existed at the summit. He certainly had no understanding of the case being put by the employers of which even the trade unions had some understanding. I refer again to part of the communique from the economic summit. One pertinent statement was:

> There is also wide recognition that Australia's economic problems are deep seated and not amenable to rapid solution.

It further stated:

> To ensure that such generated growth is equitably and efficiently distributed requires a community prepared to place a priority on employment and a restraint on self interest.

The summit was saying that the cost of unemployment needed to be shared by the entire community and especially by those with jobs. It was wrong for those with jobs on salaries of $15 000 to $25 000 a year to sit back and demand that they be allowed to receive wage increases in line with

the c.p.i. and then see the level of unemployment further increased throughout Australia and have almost the entire cost of unemployment pushed on to the shoulders of those who could not get jobs without the rest of the community showing any restraint whatsoever. I see that the member for Semaphore is nodding. I am sure he would join me in expressing concern. He is a man with some rational thinking, despite what is often found amongst members opposite.

Members interjecting:

The SPEAKER: Order! Members must not harass the member for Davenport, and the member for Davenport must not embarrass the member for Semaphore.

The Hon. D.C. BROWN: I was about to praise him. He is a man of conscience, which is more than we can say for the Labor Cabinet of South Australia. He has a conscience—

The Hon. B.C. Eastick: And distinctive features.

The Hon. D.C. BROWN: Yes, he has distinctive features and also a conscience. The Cabinet of this State has no conscience whatsoever in giving senior public servants a salary increase of $5 800 and the judges a substantial increase. We find that those on salaries of $12 000 or $15 000 a year—the people who are struggling to make their budgets meet each week—

Mr Mathwin: The little people.

The Hon. D.C. BROWN: Yes, the little people are having trouble making their budgets meet.

The Hon. G.F. Keneally: Those out in Davenport and in Bragg.

The Hon. D.C. BROWN: The honourable member may laugh but there are many unemployed people in Davenport and Bragg, particularly amongst the young people in that area. I have had numerous young people come to me and talk about the plight they face of long-term unemployment. The unemployed person in Davenport and Bragg is just as poorly off as anyone unemployed elsewhere. I take exception to the way in which the Chief Secretary tends to mock people who are unemployed in Davenport as though they had financial resources on which they can suddenly call and that any unemployed person in Davenport is not worth thinking about. On behalf of those unemployed people there I take exception to such an attitude.

The Hon. G.F. Keneally: Do you know what the percentage is?

The SPEAKER: Order!

The Hon. D.C. BROWN: It is quite clear, as expressed by the Leader of the Opposition's motion, which I fully support, that there is a demand and a recognised need for wage restraint in Australia well beyond the end of June of this year. The motion put forward calls for a continuation of wage restraint. It is interesting to note that what the Leader of the Opposition called for was in fact finally endorsed by the economic summit. I challenge members of the House, particularly members opposite, to read the final communique. I doubt whether any of them have bothered to do so. The proposition put forward in the Leader of the Opposition's motion was supported in the communique. Yet the Minister of Education, on behalf of the Labor Party, this afternoon opposed what the Leader of the Opposition said, saying that this was no longer relevant. Of course the issue is relevant. Only last week, the economic summit re-endorsed the sentiments espoused in the Leader of the Opposition's motion.

We find that it is the Government of South Australia that has become very weak, very wishy-washy, and very indeterminate on the issue of wage restraint. I would make the accusation that the Bannon Government will go down as the one Government of Australia that did the most to sabotage the wage restraint called for in Canberra last week, sabotage the efforts throughout the nation to help the unemployed. It is the Bannon Government that is doing that sabotaging. I can think of no issue that does more to sabotage that effort than granting increases of $5 800 to senior public servants, while saying to the others, 'I'm sorry, you can't have any increase at all.'

Members interjecting:

The SPEAKER: Order! There are far too many interjections.

The Hon. D.C. BROWN: I wish to make further comments on this matter, and I want to analyse in more detail what the Minister of Education said. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

SECOND-HAND MOTOR VEHICLES BILL

Second reading.

The Hon. G.J. CRAFTER (Minister of Community Welfare): I move:

That this Bill be now read a second time.

The Second-hand Motor Vehicles Act, 1971, was based on recommendations made by a committee of members of the Law School of the University of Adelaide who presented a report (the Rogerson Report) to the Standing Committee of Attorneys-General of the Commonwealth and States of Australia on 25 February 1969. The Rogerson Report related to consumer credit and money lending, but it devoted a chapter to used car transactions because it found that 'there is ample evidence that purchasers of second-hand motor vehicles are the source of much trouble and hardship in the field of consumer credit. We believe that strong and far-reaching methods are needed if prevalent abuses are to be remedied' (page 46 of the report). In introducing the Bill for the 1971 Act into the House of Assembly on 26 October 1971, the then Attorney-General said:

> Used car transactions have been a source of innumerable and constant complaints by purchasers. Many people have suffered injustice and found themselves without a remedy. Many, who could ill afford it, have paid for cars which have turned out to be of little value to them and, in fact, involved them in great expense. This measure provides an effective means of preventing such injustices. It asks no more of used car dealers that they should observe ordinary standards of honesty and integrity. Those who are frank and honest with their customers have nothing to fear from the measure. On the contrary, it will ensure that they do not suffer from the competition of dishonest methods used by competitors. One frequently reads advertised statements by used car dealers that their business is conducted on frank and honest lines. This Bill will ensure that those claims are made good and that the public receives the protection it needs.

The Second-hand Motor Vehicles Act, 1971, was assented to on 9 December 1971 and came into operation on 1 April 1972. From time to time, Bills have been drafted to amend the Act, but no amendments have been finalised and the Act remains as initially passed. An amendment Bill was introduced into the House of Assembly on 9 November 1978 and passed by the House of Assembly on 20 February 1979. It was partially debated in the Legislative Council but then lapsed when Parliament was prorogued on 29 March 1979.

In 1980 the then Government established an inter-departmental working party to undertake a comprehensive review of the Act. The working party comprised representatives from the Department of Public and Consumer Affairs, Premier's Department, and the Department of Industrial Affairs and Employment. In conducting the review, the working party was asked to hold discussions with industry representatives and officers of the department who were responsible for administration of the legislation, to take into account all views and submissions and to prepare final recommendations to the Minister of Consumer Affairs on amendments to the Act.

The working party reported in May 1982 and recommended significant changes to the legislation in a number of areas. The report suggested that it would be preferable to draft a new Act rather than to introduce a large number of amendments to the 1971 Act.

A Bill was prepared by Parliamentary Counsel in October 1982, but this Bill was only in draft form and had not been circulated to interested parties for comment at the time of the election in November. I therefore decided to seek comments on the Bill and circulated copies for this purpose to the S.A. Automobile Chamber of Commerce Inc., Chamber of Commerce and Industry (S.A.) Inc., Australian Finance Conference, Law Society of S.A., Society of Auctioneers and Appraisers (S.A.) Inc., Royal Automobile Association of S.A. Inc., Consumers Association of S.A. Inc., Second-hand Vehicle Dealers Licensing Board, and Consumer Services Branch, Department of Public and Consumer Affairs.

In the meantime, the Hon. J.C. Burdett, M.L.C. introduced the same Bill into the Legislative Council as a private member's Bill. I must emphasise that this Bill had not at that time been considered by the parties referred to above. Before any submissions were received, Parliamentary Counsel had re-examined the draft Bill, because there were some aspects that he was unhappy about from the drafting point of view.

Submissions were then received and examined and the Bill was redrafted in the light of those submissions and the policy of the Government. The Government is satisfied that the revised Bill takes into account the various views that have been expressed by interested parties and is a great improvement on the draft Bill prepared for the previous Government.

This Bill confers jurisdiction on the Commercial Tribunal established by the Commercial Tribunal Act, 1982. The new tribunal will take over from the Second-hand Vehicle Dealers Licensing Board the licensing and disciplinary functions and will also have an adjudication role in respect of certain types of dispute.

The Bill includes specific provisions relating to the sale of second-hand vehicles by auction. The present Act contains no such provisions and this has led to some confusion and uncertainty. Auctioneers who auction second-hand vehicles only on behalf of other persons and who do not otherwise act as dealers will not have to be licensed. However, all second-hand vehicles offered for sale by public auction will have to have a notice displayed setting out certain information for the benefit of prospective purchasers.

In the case of a trade auction, at which only dealers will be permitted to bid, there will have to be a notice on the vehicle, and in any advertisement of the auction, advising of this restriction. Where a second-hand vehicle is sold by auction on behalf of a person who is not a dealer, the position regarding the vendor's duty to repair (commonly referred to as the 'warranty', although the description is not strictly correct) will be the same as if the vendor sold the vehicle by a negotiated private sale, that is, there will not be any duty to repair. However, where the auction is conducted on behalf of a dealer, that dealer will be subject to the duty to repair.

The provisions relating to the licensing of dealers have been revised in accordance with recent developments in occupational licensing policy. Licences will be continuous, rather than subject to renewal every year, but each licensee will have to lodge an annual return and pay an annual fee. Where the return is not lodged or the fee is not paid, a default fee will be payable and the licence may be suspended and, ultimately, cancelled if the default is not remedied.

More stringent licensing criteria are also imposed and provision is made for licence applications to be advertised and for objections to be lodged. The tribunal will be required to be satisfied that an applicant has made satisfactory arrangements to fulfil his obligations under the Act (particularly in relation to his duty to repair) and that his premises are suitable. This latter requirement will assist in preventing 'backyard dealers' from operating from their homes in a manner that enables them to pretend to be private sellers. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Remainder of Explanation

Used car dealers are presently required to be licensed under both the Second-hand Dealers Act and the Second-hand Motor Vehicles Act. This double licensing is considered to be unnecessary. It is therefore proposed that the revision of the former Act, which is being conducted by the Chief Secretary, will include a provision to the effect that a dealer who deals principally in motor vehicles and who is licensed under the Second-hand Motor Vehicles Act will not be required to hold a licence under the Second-hand Dealers Act. Such a dealer will, however, continue to be bound by the documentation and other requirements of the latter Act.

The provisions of the present Act in relation to disciplinary proceedings have proved to be quite unsuitable and ineffective. The only action that can be taken under these provisions is to disqualify a person from holding or obtaining a licence, and this penalty is obviously appropriate only in the most serious cases. The Bill therefore introduces a new flexible system with a range of different penalties that can be imposed depending upon the gravity of the conduct in question. The grounds upon which disciplinary action may be taken have also been expanded so as to ensure that the provisions are effective not only for the purpose of taking action against offenders but also to act as a deterrent against misconduct. One of the grounds upon which such action may be taken will be a breach of a code of practice prescribed by regulation. It is expected that the code adopted by the S.A. Automobile Chamber of Commerce will be so prescribed (possibly with some modifications) so that the standards of conduct considered appropriate by that body will be applied to the whole industry.

The Bill clarifies the obligations of a dealer in relation to the particulars that are required to be included in the notice displayed on a second-hand vehicle that is offered for sale (presently the first schedule notice, commonly referred to as the 'red sticker'). For example, the present Act requires the dealer to disclose the odometer reading of a vehicle when it was acquired from the last private owner. This has enabled a dealer to disclose the actual odometer reading, even when he suspected this did not accurately represent the distance travelled by the vehicle—or even when he knew that this was the case because he had been so advised by the previous owner. The new provisions will require a dealer to state whether the odometer reading is considered to be reasonably accurate. If he acts responsibly in this respect he will be protected by the provision that gives him a defence to a prosecution for making a false or misleading statement. In order to discourage dealers from simply stating in every case that the odometer reading is not reasonably accurate (as has happened in Victoria under a similar provision) a dealer will not be permitted to use the odometer reading as a selling point unless he has stated that it is reasonably accurate. For example, he will not be able to say on the notice that the odometer reading is not reasonably accurate and then describe the vehicle in an advertisement as having 'low mileage'.

Under the Bill a contract for the sale of a second-hand vehicle by a dealer will be required to be in writing and to set out certain essential particulars in the manner required by the regulations. The Government will be consulting closely with the industry to ensure that the regulations in this respect are effective to require meaningful disclosure of the required information but to not impose any unreasonable paperwork burden on dealers. A purchaser will be required to be given a copy of the contract, together with a copy of the notice that was displayed on the vehicle and a notice in prescribed form that will summarise the purchaser's rights and obligations in respect of the transaction.

The provisions that impose on a dealer a duty to repair a defect in a second-hand vehicle sold by him have been completly re-written. The new provisions continue to use the purchase price of the vehicle as the principle benchmark for determing the duration of the 'warranty', but the amounts have been adjusted. The position may be summarised as follows:

(1) If the vehicle is sold for under $500 or was first registered more than 15 years ago, the duty to repair applies only if the defect existed in the vehicle when the purchaser took possession of it and the defect was such that the vehicle was not roadworthly. This applies also to a defect in the tyres or battery of a vehicle.

(2) If the vehicle is sold for an amount between $500 and $1 499, the duty to repair applies to a defect that appears within one month or before the vehicle has been driven for 1 500 kilometres (whichever occurs first).

(3) If the vehicle is sold for an amount between $1 500 and $2 999, the duty to repair applies for two months or 3 000 kilometres.

(4) If the vehicle is sold for $3 000 or more, the duty to repair applies for three months or 5 000 kilometres.

The Bill also includes for the first time a definition of 'defect' and makes it clear that in determining whether a defect exists, regard must be had to the apparent condition of the vehicle and any representation by the dealer regarding its condition. To ensure that the provisions operate effectively and reasonably, there is power to exclude by regulation any defect to which the duty to repair should not apply.

The question of the extent of a purchaser's responsibility to return a vehicle to a dealer where a defect is to be repaired has been a vexed one for some time. The present Act contains no specific provisions on this subject but the Bill introduces a system under which the obligations of the parties are clearly set out.

A licensed dealer will have to obtain approval from the tribunal of the place to which vehicles are to be brought for the repair of defects and this place will be registered by the tribunal. The registered place of repair will be notified on the notice displayed on a vehicle when it is offered for sale so that a purchaser will be aware of this right at the outset. However, the parties to a particular transaction may agree on a different place and record this in their contract. Thus a purchaser will not be bound by the requirement to bring a vehicle to the registered place of repair if he has managed to negotiate an arrangement that is more convenient in the particular case.

Where a purchaser wishes a dealer to repair a defect in accordance with the duty to repair, he will be responsible for delivering the vehicle to the registered place of repair, or such other place as may be agreed with the dealer. It must be emphasised that the registered place of repair is the place at which the dealer will accept delivery of vehicles for this purpose. The actual repairs may be carried out elsewhere if the dealer wishes, but the dealer will be responsible for all arrangements after the purchaser has delivered the vehicle to the registered place of repair.

Where a purchaser complies with his obligations but the dealer refuses or fails promptly to repair a defect, the tribunal will be empowered to make appropriate orders to direct that repairs be carried out or to resolve any dispute about the extent of the dealer's obligations.

Despite these provisions, there may still be cases in which it would not be reasonable for a dealer to insist on a vehicle being delivered to his registered place of repair. For example, a vehicle may break down in the country as a result of some minor defect, such as a burst radiator hose, which could easily and inexpensively be repaired by a repairer located at or near the place of breakdown. A responsible dealer would be expected to allow the purchaser to have the defect repaired by that repairer at the dealer's expense. If he unreasonable fails to do so, and the purchaser has the vehicle repaired at his own expense, the Bill provides that the purchaser may subsequently apply to the tribunal for an order that he be reimbursed for the costs he has reasonably incurred. In addition, if a dealer repeatedly acts unreasonably in this respect, disciplinary proceedings could be brought against him.

When a second-hand vehicle dealer disappears or becomes insolvent, there are inevitably unsatisfied claims against him in respect of his duty to repair or his failure to pass on to third parties moneys received by him for this purpose. The working party canvassed this problem in some detail in its report and recommended a bonding system, with appropriate security (usually by way of insurance), for licensed dealers. However, in subsequent discussions with dealers and insurers it was found that this system was not likely to be practical. The Bill therefore adopts a different approach and establishes a compensation fund for the purpose of satisfying these claims. The fund will be established by contributions that licensed dealers will be required to make in accordance with the regulations. These contributions will be determined from time to time and the Government will monitor the position closely to ensure that the fund is sufficient to meet potential claims. However, when the fund has built up to a level that is sufficient for this purpose, further contributions will be required only to the extent that the interest on investments of the fund is insufficient to meet current claims and the cost of administration of the fund.

The fund will be administered by the Commissioner for Consumer Affairs but claims will be paid only in accordance with orders of the tribunal. The Commissioner will be subrogated to the rights of a person to whom an amount is paid out of the fund so that recovery proceedings can be taken in appropriate cases.

The present Act provides that a purchaser may waive a right conferred by the Act only with the consent of the Commissioner for Consumer Affairs. This approach has been criticised as being excessively paternalistic. However, it is necessary to ensure that any provision enabling waiver of rights is not abused by unscrupulous dealers and that a person who waives a right understands what he is doing and is not subjected to undue pressure. The Bill therefore does away with the concept of the consent of the Commissioner and provides for the Commissioner to issue a certificate that he has explained the effect of a waiver of a right and that he is satisfied that the person to whom the certificate is issued understands the effect of that waiver. However, this procedure will not be available where the purchaser is a minor.

Because the waiver of a right is treated as a matter that is personal to a particular purchaser, dealers will be prohibited from advertising a vehicle for sale on condition that the purchaser waive any of his rights under the Act. For example,

it will not be permissible for a dealer to advertise a vehicle at a reduced price 'without warranty'.

The penalties for breaches of the legislation are substantially increased in this Bill. The maximum penalty for serious breaches will be a fine of $5 000 and provision is made for additional penalties for continuing offences. The Bill includes other provisions that are considered necessary to ensure that there is a fair balance between the interests of dealers and purchasers, together with appropriate administrative and machinery provisions.

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Under the clause, the operation of a provision of the measure may be suspended until a subsequent day fixed in the proclamation or fixed by subsequent proclamation. Clause 3 provides for the repeal of the Second-hand Motor Vehicles Act, 1971. Under the clause, licenses granted under that Act are continued in force subject to the new provisions. Clause 4 sets out the arrangement of the measure. Clause 5 provides definitions of terms used in the measure. Under the clause, 'dealer' is defined as a person who carries on the business of selling second-hand vehicles, that is, a person who has established an organisation that has as its purpose or one of its purposes the sale of second-hand vehicles on a continuing basis for profit or gain. The term would not include a person who sells such vehicles merely as an incidental part of carrying on some other business. Attention is also drawn to the definition of 'sell', the effect of which is to extend the provisions of the measure to a sale of a second-hand vehicle by a dealer on behalf of another person.

Clause 6 provides that regulations may be made exempting from compliance with the measure, or specified provisions of the measure, specified vehicles or classes of vehicles, specified persons or classes of persons, or specified transactions or classes of transactions. An exemption under the clause may be made either unconditionally or subject to conditions. Clause 7 provides that the provisions of the measure are in addition to and do not derogate from the provisions of another Act and do not limit or derogate from any civil remedy at law or in equity. Clause 8 provides that the Commissioner for Consumer Affairs has the responsibility for the administration of the measure subject to the control and direction of the Minister.

Clause 9 provides that it shall be an offence for a person to carry on business as a dealer or hold himself out as being a dealer unless he holds a licence under the measure. The penalty for the offence is fixed at a maximum of $5 000. Under the clause, the requirement for a licence is not to apply to a person licensed as a credit provider under the Consumer Credit Act if the person's principal business is not the selling of second-hand vehicles. In addition, the requirement is not to apply to an auctioneer who sells second-hand vehicles on behalf of others by auction or sales negotiated immediately after the conduct of auctions and who does not otherwise carry on the business of selling second-hand vehicles. Clause 10 provides for applications for dealers' licences. The clause makes provision for any person (including the Commissioner for Consumer Affairs or the Commissioner of Police) to lodge an objection to an application for a licence. Under the clause, the Commercial Tribunal determines applications for such licences having regard to criteria set out in the clause at subclause (9).

Clause 11 provides that a licence continues in force until the licensee dies or, in the case of a body corporate, is dissolved unless the licensee fails to pay the annual licence fee or lodge the annual return or the licence is for any other reasons suspended or cancelled. Clause 12 requires a dealer to register with the tribunal premises in which he carries on business as a dealer. The tribunal is required to register such premises only if it is satisfied that the premises are suitable for the purpose of carrying on business as a dealer. Clause 13 requires a dealer to register with the tribunal a place that is to serve as a place of repair under the measure. 'Place of repair' is defined by clause 5 as the place at which the dealer accepts delivery of vehicles that he has sold but is under a duty to repair pursuant to Part IV of the measure. The place of repair need not necessarily be the place at which the dealer actually carries out repairs to vehicles. The tribunal is required to register a place of repair only if it is satisfied that the place is sufficiently proximate to the registered premises of the dealer.

Clause 14 provides that the tribunal may hold an inquiry for the purposes of determining whether proper cause exists for disciplinary action to be taken against a person who has carried on, or been employed or otherwise engaged in, the business of a dealer. An inquiry may not be commenced except upon the complaint of a person (including the Commissioner for Consumer Affairs or the Commissioner of Police). Where, upon an inquiry, the tribunal is satisfied that a person has been guilty of misconduct or a failure of a kind set out in the clause at subclause (10), the tribunal may reprimand the person, impose a fine not exceeding $5 000, suspend or cancel a dealer's licence held by the person, or disqualify the person permanently, or for a period, or until further order, from holding a dealer's licence. Clause 15 provides that where a person who is disqualified from holding a dealer's licence is employed or otherwise engaged in the business of a dealer, the person and the dealer are each to be guilty of an offence and liable to a penalty not exceeding $5 000. Clause 16 requires the Registrar of the Commercial Tribunal to make an entry on the register established under the Commercial Tribunal Act, 1982, recording any disciplinary action taken against a person by the tribunal and to notify the Commissioner for Consumer Affairs and the Commissioner of Police of the name of the person and the disciplinary action taken. Clause 17 provides that clauses 18 to 20 do not apply in relation to the sale of a second-hand vehicle by auction, or the sale, or offering for sale, of a second-hand vehicle to a dealer. The clause also excludes from the operation of clause 18 and clause 20 the sale of a second-hand vehicle negotiated by an auctioneer immediately after the conduct of an auction for the sale of the vehicle.

Clause 18 requires a dealer who is offering or exposing a second-hand vehicle for sale to ensure that a notice in the prescribed form is attached to the vehicle. Subclause (3) sets out the particulars and other information relating to a second-hand vehicle that is to be included in the notice. Subclause (4) provides an appropriate defence in relation to an offence of including incorrect particulars or information in a notice or failing to include all the particulars and information required. Amongst the information required by subclause (3) is a statement whether or not the odometer reading of the vehicle may be regarded as a reasonably accurate measure of the distance travelled by the vehicle. By subclause (5) it is to be an offence if a dealer refers in any advertisement published in connection with the sale of a vehicle to the odometer reading or distance travelled by the vehicle unless the notice attached to the vehicle contains a statement that the odometer reading is reasonably accurate.

Clause 19 regulates the form of a contract for the sale of a second-hand vehicle by a dealer. Under the clause, such a contract must be in writing, be comprised in one document, be signed by the parties and contain certain particulars specified in the clause. These particulars must be set out in the contract document in a manner to be prescribed by regulation. Subclause (2) provides that any such contract that is not in writing is to be unenforceable against the purchaser. Subclause (3) provides that where any such contract does not comply with those requirements the dealer is

to be guilty of an offence. Subclauses (4) to (6) are designed to ensure that the purchaser is provided with a copy of the contract document for his retention. Subclause (7) excludes from the operation of the clause the sale of a second-hand vehicle negotiated by an auctioneer immediately after the conduct of an auction for the sale of the vehicle except where the sale is made by the auctioneer on his own behalf or on behalf of another person who is a dealer.

Clause 20 requires a dealer to ensure that the purchaser of a second-hand vehicle is provided with a copy of the notice under clause 18 and a notice in a form to be prescribed by regulation before the purchaser takes possession of the vehicle. Clause 21 defines 'trade auction' as an auction for the sale of a second-hand vehicle at which bids will be accepted only from persons who are dealers. Clause 22 provides that an auctioneer is not to conduct an auction for the sale of a second-hand vehicle (other than a trade auction) unless a notice in the prescribed form is attached to the vehicle and has been attached to the vehicle at all times when the vehicle has been available for inspection by prospective bidders. Subclause (2) sets out the particulars and information relating to the vehicle that must be included in the notice. Subclause (3) provides a defence in relation to an offence of including incorrect particulars or information in a notice or failing to provide all the particulars and information required. Subclause (5) prohibits any reference in an advertisement for the sale of a second-hand vehicle to the odometer reading or distance travelled by the vehicle unless the notice required to be attached to the vehicle under subclause (1) contains a statement that the odometer reading may be regarded as reasonably accurate.

Clause 23 provides that where a second-hand vehicle is sold to a person other than a dealer y auction or a sale negotiated immediately after the auction, the auctioneer must ensure that the purchaser is provided with a copy of the notice under Clause 20 and a notice in the prescribed form before the purchaser takes possession of the vehicle. Clause 24 requires a notice in the prescribed form to be attached to the second-hand vehicle that is to be sold by trade auction. The clause also requires any advertisement relating to a trade auction to include a statement in the prescribed form.

Clause 25 imposes a statutory duty upon a dealer to repair certain defects in a second-hand vehicle sold by him. The basic duty imposed by the clause is to repair any defect present in the vehicle or appearing after the sale. The repairs must be carried out to accepted trade standards under subclause (2). 'Defect' is defined under subclause (10) as a defect by reason of which—

(a) the vehicle does not comply with the Road Traffic Act;

(b) the vehicle cannot be driven safely;

(c) the part of the vehicle affected by the defect is not in proper working condition.

The expression includes a defect which would not reasonably be expected to be present in the vehicle having regard to—

(a) the apparent condition of the vehicle at the time of sale;

and

(b) any representations made by the dealer as to the vehicle's condition.

Under subclause (3) the duty does not apply to the sale of a vehicle—

(a) to a dealer;

or

(b) on behalf of a person other than a dealer where the sale is by auction or by negotiations conducted immediately after an auction.

Under subclause (4) the duty does not apply to a defect appearing—

(a) after a period of one month or a distance of 1 500 kilometres (whichever occurs first) in the case of a vehicle sold at a price below the prescribed range;

(b) after a period of two months or a distance of 3 000 kilometres (whichever occurs first) in the case of a vehicle sold at a price within the prescribed range;

or

(c) after a period of three months or a distance of 5 000 kilometres (whichever occurs first) in the case of a vehicle sold at a price above the prescribed range.

Under subclause (5) the periods specified under subclause (4) are to be extended by a period equal to that elapsing between the time when the vehicle is made available to a dealer for repairs and the time at which he has actually carried out his duty to repair.

Under subclause (6) the duty does not apply to—

(a) a defect arising from deliberate damage to the vehicle after sale;

(b) a defect arising from misuse of the vehicle after sale;

(c) a defect arising from any accident after sale;

(d) a defect in paintwork or upholstery reasonably apparent at time of sale;

or

(e) a vehicle in the possession of the purchaser for more than three months prior to sale.

Under subclause (7) the duty does not apply to—

(a) a defect in a vehicle sold below the prescribed amount;

(b) a defect in a vehicle which was first registered at least fifteen years prior to date of sale;

or

(c) a defect in the tyres or battery of a vehicle,

unless the defect is present in the vehicle when the purchaser takes possession of it and the effect of the defect is such that the vehicle does not comply with the Road Traffic Act, cannot be driven safely or cannot be driven at all. Under subclause (8) certain defects can be declared by regulation to be excluded from the duty subject to conditions. Under subclause (9) the duty arising under the Act is to be discharged by a dealer who has another dealer sell a vehicle on his behalf. Under subclause (10) there are definitions of 'prescribed amount' and 'prescribed range'. The prescribed amount is $500 or such other amount as is prescribed. The prescribed range is from and including $1 500 up to but not including $3 000 (or such other amounts as are prescribed).

Clause 26 provides at subclause (1) that where a purchaser requires a dealer to repair a defect that he is liable to repair, the purchaser must deliver the vehicle during business hours to the dealer's registered place of repair or such other place as has been agreed between dealer and purchaser, and allow the dealer a reasonable opportunity to repair the defect. Under subclause (2), where the vehicle is delivered to the dealer in accordance with subclause (1) and the dealer refuses to repair the defect or fails to do so with due expedition or the purchaser is unable to deliver the vehicle to the dealer by reason of his refusal to accept delivery or his absence, the purchase may apply to the tribunal for any of the following orders:

(a) an order that the dealer repair the defect;

(b) an order that the dealer pay to the purchaser the reasonable costs of repairing the defect;

(c) an order that the dealer compensate the purchaser for any loss or damage.

The purchaser is under a duty to mitigate any such loss or damage. Under subclause (4), where the tribunal orders

the dealer to carry out repairs and he fails to do so, the tribunal may order that the dealer pay for the reasonable cost of the repairs or pay compensation to the purchaser for loss or damage. Under subclause (5), where repairs are carried out by a person on behalf of the dealer and that person is paid by the purchaser, the dealer is liable to reimburse the purchaser for the amount paid.

Subclause (6) is a provision which overrides the general principles of subclause (1) in providing that where a dealer is under a duty to repair and, as a result of the defect, the vehicle cannot be driven, cannot be driven safely or cannot be driven without risk of damage, and the purchaser has notified the dealer of the situation and given him a reasonable opportunity to nominate a place of repair other than that referred to in subclause (1), and the dealer fails to nominate another place or it is unreasonable that the purchaser be required to take the vehicle to the place nominated by the dealer, then the purchaser may have the vehicle repaired at his own expense and the tribunal may order the dealer to reimburse the purchaser for that expense.

Under subclause (7), where a dealer is not licensed or does not have a registered place of repair the purchaser may have the vehicle repaired at his own expense and the tribunal may order the dealer to reimburse the purchaser for that expense. An order of the tribunal under this clause may be made on such terms as the tribunal considers just, and the tribunal may make orders as to costs according to its discretion. A determination of the tribunal on a question of fact is final.

Clause 27 provides for the conciliation of matters before the tribunal where the Tribunal considers that there is a reasonable possibility of a resolution by this method. Nothing said in the course of an attempt to reach a resolution may subsequently be given in evidence in proceedings. Clause 28 provides for the establishment of the Second-hand Vehicles Compensation Fund and for its administration by the Commissioner. Under subclause (4), where the amount of the fund is not sufficient to meet an amount that may be required to be paid out of it under clause 30, the fund may be supplemented from the general revenue. Under subclause (5) any excess contained in the fund may be paid to the general revenue towards any amount paid out of it under subclause (4). Moneys standing to the credit of the fund and not immediately required may be invested in a manner approved by the Minister.

Clause 29 requires every licensee to pay into the fund a contribution in accordance with the regulations. If a licensee fails to pay his contribution in acccordance with the regulations his licence is suspended until the contribution is paid. Clause 30 provides for claims against the fund. Under subclause (1) where the tribunal has ordered a dealer to pay a sum of money to a purchaser and either the dealer has failed to comply with the order within a period of one month or the tribunal is satisfied that there is no reasonable prospect of the dealer complying with the order by reason of his death, disappearance or insolvency, the tribunal may order payment out of the fund of the amount of the order. Under subclause (2), where a person who has purchased a vehicle from a dealer or sold a vehicle to a dealer applies to the tribunal, the tribunal may authorise a payment out of the fund to the person if the person has a valid unsatisifed claim against the dealer arising out the sale or purchase but not in pursuance of this measure, and there is no reasonable prospect of the claim being satisfied by reason of the death, disappearance or insolvency of the dealer.

Clause 31 subrogates the Commissioner to the rights of the person to whom a payment is made out of the fund in respect of the order or claim in relation to which the payment was made. Clause 32 requires the Commissioner to keep proper accounts in respect of the Fund, and provides for the audit of the accounts. Clause 33 provides in subclause (1) that any purported waiver of a right conferred by the Act is void. Under subclause (2) a person other than a minor may waive a right under the Act if he has obtained a certificate certifying that an authorised officer has explained the effect of the waiver and was satisfied that the person understood that effect. Subclause (3) provides that the Commissioner may not issue a certificate unless the propsective purchaser has supplied the prescribed particulars in relation to the purchase and an authorised officer has explained the effect of the waiver and is satisfied that the effect has been understood. Subclause (4) provides that a dealer who purports to limit the rights conferred by this measure is guilty of an offence. Subclause (5) provides that a person who enters into an agreement with intent to evade the operation of this measure is guilty of an offence. Subclause (6) prohibits a dealer from publishing a statement to the effect that a sale is conditional upon the obtaining of a certificate of waiver or in such a manner as to induce a prospective purchaser to obtain such a certificate. Under subclause (7) a contract for the sale of a second-hand vehicle conditional upon the obtaining of a certificate is void.

Clause 34 prohibits interference with the odometer of a second-hand vehicle. Under subclause (2) interference includes altering the odometer reading, removing or replacing the odometer or rendering the odometer inoperative or inaccurate. However, these acts may be undertaken with the approval of the Commissioner under subclause (3). Subclause (4) is an evidentiary provision raising a presumption that a defendant interfered with an odometer where it is proved that the reading on the odometer was less, during or shortly after the defendant had possession of the vehicle, than it was before the vehicle came into his possession. Subclause (5) provides a defence in proceedings under subclause (1) if the defendant can prove that the action was not taken by him to enahance the apparent value of the vehicle and that the action was not taken for any fraudulent purpose.

Clause 35 is an evidentiary provision raising the presumption that a person has carried on the business of selling second-hand vehicles if it is proved that he sold or offered for sale, six or more such vehicles within a 12-month period. Clause 36 provides that an act or omission of an employee or agent of a dealer is deemed to be the dealer's own act or omission unless the dealer proves the person was not acting in the course of his employment or agency. Clause 37 provides that an agreement between a dealer and a person other than a dealer from whom the dealer purchases a second-hand vehicle which indemnifies the dealer against any costs incurred under the measure in relation to the vehicle is void. Clause 38 allows the Registrar to request the Commissioner or the Commissioner of Police to investigate any matter relevant to the determination of any matter before the tribunal or any matter which might constitute cause for disciplinary action under the measure. Clause 39 relates to the annual report by the Commissioner on the administration of the measure. Clause 40 relates to the service of documents required by this measure or the Commercial Tribunal Act, 1982, to be served. In the case of a licensee such a document is deemed to have been served if it is left at the licensee's address for service. Under subclause (2) a licensee must give notice of his latest address for service in accordance with the regulations.

Clause 41 prohibits the making by any person of a false or misleading statement when furnishing information required under this measure. Clause 42 prohibits a licensee from carrying on business otherwise than under the name in which he is licensed. Clause 43 requires a licensee whose licence is suspended or cancelled, upon direction, to return the licence to the Registrar. Clause 44 provides that where

a body corporate is guilty of an offence under the measure then every member of its governing body is also guilty unless he proves that he could not through the exercise of reasonable diligence, have prevented the offence. Clause 45 provides that a person guilty of an offence constituted by a continuing act is liable to an additional penalty for each day the offence continues of one-tenth of the maximum penalty. The penalty and the additional penalty apply also if the act continues after conviction.

Clause 46 provides that proceedings for an offence are to be disposed of summarily. Clause 47 deals with the commencement of prosecutions. Proceedings for offences are not to be commenced by a person other than the Commissioner or an authorised officer except with the Minister's consent. Clause 48 is the regulation making power. Among other things, regulations may regulate advertising of second-hand vehicles and prescribe a code of practice for licensees. Such a code of practice may incorporate, in whole or in part, a code of practice adopted by a body which, in the opinion of the Governor, represents the interests of a substantial section of licensees.

The Hon. B.C. EASTICK secured the adjournment of the debate.

CROWN LANDS ACT AMENDMENT BILL

The Hon. D.J. HOPGOOD (Minister of Lands) obtained leave and introduced a Bill for an Act to amend the Crown Lands Act, 1929-1980. Read a first time.

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

That this Bill be now read a second time.

The aim of the Bill is to repeal those provisions of the Crown Lands Act, 1929-1980 that require a lessee or purchaser to clear native vegetation from the lands comprised in a Crown lease or agreement. Successive Ministers of Lands have, since 1978, waived enforcement of this requirement and the former Government included repeal of this provision in a Statutes Amendment and Repeal (Crown Lands) Bill, 1982, which was listed for introduction to the House, but Parliament was shortly after prorogued for the election. Further consideration is being given to a number of aspects of that Bill and the Government has therefore decided to deal separately with this measure. I believe there is widespread acceptance that the clearance requirement in leases and agreements is outmoded and generally undesirable. It is the purpose of this Bill to formalise what has been a policy and administrative arrangement for some time. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Remainder of Explanation

Clause 1 is formal. Clauses 2 to 6 (inclusive) remove references and provisions relating to the covenant to clear land. Clause 7 inserts a new provision that provides for a waiver of the covenant to clear vegetation. A lessee or purchaser who has such a covenant in his lease or agreement will not be required to comply with it. This waiver applies to leases and agreements under all Acts that deal with the disposal of lands of the Crown. Clauses 8 to 13 (inclusive) remove all references to vegetation clearing covenants from the schedules to the Act which set out the form of leases and agreements granted under the principal Act.

The Hon. P.B. ARNOLD secured the adjournment of the debate.

TRAVELLING STOCK RESERVE: OODNADATTA

The Hon. D.J. HOPGOOD (Minister of Lands): I move:

That portion of section 1184, north out of hundreds, set aside as a teamsters and travelling stock reserve as shown on the plan laid before Parliament on 8 December 1982 be resumed in terms of section 136 of the Pastoral Act, 1936-1980; and that a message be sent to the Legislative Council transmitting the foregoing resolution and requesting its concurrence thereto.

Telecom Australia, through the Department of Administrative Services, has made application for a radio telephone site at Oodnadatta on which permanent facilities will be erected. The site chosen was thought to be entirely on section 1184, north out of hundreds. However, following a survey, it was discovered that portion of the site (9 916 m^2) intrudes onto section 1185, north out of hundreds, gazetted as a cemetery reserve. The actual portion of the cemetery used for burials is contained within a fence with a buffer to the other boundary of the reserve. The resumption of portion of the buffer zone from the cemetery reserve has been completed and forms part of the new section 1295 which is being set aside for the radio telephone site.

The balance of the area required, 2.407 ha, is portion of section 1184, north out of hundreds, set aside as a teamsters and travelling stock reserve in *Government Gazette* of 14 October 1897. Following resumption of the total area (3.399 ha) and the creation of the new section 1295, the area will be transferred to Telecom Australia.

The Pastoral Board has considered the proposal and has no objection to portion of the teamsters and travelling stock reserve being resumed. Approval has been given in principle to the above subject to the agreement of both Houses of Parliament. In view of the circumstances, I ask honourable members to support the motion.

The Hon. P.B. ARNOLD secured the adjournment of the debate.

TRAVELLING STOCK RESERVE: BALDINA

The Hon. D.J. HOPGOOD (Minister of Lands): I move:

That the travelling stock reserve, sections 292, 293 and 294, hundred of Baldina, as shown on the plan laid before Parliament on 5 October 1982, be resumed in terms of section 136 of the Pastoral Act, 1936-1980; and that a message be sent to the Legislative Council transmitting the foregoing resolution and requesting its concurrence thereto.

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

Leave granted.

Explanation of Motion

Sections 292, 293 and 294, hundred of Baldina are situated approximately 12 kilometres east of the Town of Burra and contain an area of 87.20 hectares. The District Council of Burra Burra has written to the Department of Lands outlining problems which exist in relation to sections 244, 277/280, 282, 283, 286/288, 292, 293, 294 and 319, hundred of Baldina. These sections contain the travelling stock reserve and adjacent vacant Crown lands, all of which are subject to weed infestation, indiscriminate use by off-road vehicles and access by campers to select areas of what is commonly known as 'Red Banks Reserve' (section 279, area 597.1 hectares). At present, the Government spends approximately $10 000 per annum on horehound control on these areas.

'Red Banks Reserve' is adjacent to a main road and is mainly flat country, one-third of which is covered by mallee

scrub. The District Council of Burra Burra has advised that it will accept responsibility over the area and adjoining Crown land to control the weed problem and recreational activity. Following resumption of the travelling stock reserve, it is proposed to issue a miscellaneous lease over sections 244, 277, 278, 279, 280 and 294, hundred of Baldina to the District Council of Burra Burra for recreation and grazing purposes.

To also assist in the control of weeds on the balance of the land, it is proposed, following resumption of the travelling stock reserve, to issue miscellaneous leases for grazing purposes to the two adjacent owners over sections 282, 286 and 293, hundred of Baldina and sections 283, 287, 288, 292 and 319, hundred of Baldina.

The travelling stock reserve has not been used for many years for driving stock and the land is fenced in with the adjoining properties. The Pastoral Board has no objection to the proposal and, on the recommendation of the Land Board, approval has been given in principle to the above subject to the agreement of both Houses of Parliament to the resumption of sections 292, 293 and 294, hundred of Baldina. In view of the circumstances, I ask honourable members to support the motion.

The Hon. P.B. ARNOLD secured the adjournment of the debate.

INDUSTRIAL SAFETY, HEALTH AND WELFARE ACT AMENDMENT BILL

The Hon. T.H. HEMMINGS (Minister of Local Government) obtained leave and introduced a Bill for an Act to amend the Industrial Safety, Health and Welfare Act, 1972-1981. Read a first time.

The Hon. T.H. HEMMINGS: 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

When the Industrial Safety, Health and Welfare Act was passed by Parliament in 1972, it was heralded as a most progressive approach to industrial safety and to legislation at large. Through its enabling provision, that Act laid down general principles to secure the safety, health and welfare of all employed persons throughout the State, with the detailed and technical provisions to be incorporated in regulations made pursuant to the Act.

Faced with the need to up date legislation requirements in the light of changing industrial standards and practices so that workers can continue to be protected, the approach adopted by the Industrial Safety, Health and Welfare Act has proved to be highly successful. As a measure of that success, it has been used as a model for similar legislation in Tasmania, and consideration is currently being given in New South Wales and Victoria to the adoption of an enabling approach to industrial safety.

Through regulations made under the Act, steps have been taken to safeguard the health of workers engaged in processes involving the handling of asbestos. The dangers associated with asbestos materials have become increasingly well documented in recent years, and it is imperative that the Act's protection respond to any newly indentified need. At present, in so far as the removal of asbestos is concerned, both the Construction Safety Regulations and the Industrial Safety Code Regulations made under the Act require the written approval of the Chief Inspector before any such removal is carried out.

The current departmental procedure to safeguard the health of workers engaged in the removal of asbestos from buildings, and others in the immediate vicinity of the removal operations, involves detailed consideration of each project before commencement and the control of operations during removal. Prior to commencement an inspection of the site is carried out and consultation occurs with officers of the South Australian Health Commission. The approval of the Chief Inspector sets out the detailed requirements to be followed for the removal of the asbestos, together with reference to National Health and Medical Research Council and South Australian Health Commission approved documents which must be observed.

In addition, the approval also sets out the required atmospheric monitoring for asbestos fibres as determined by the South Australian Health Commission. Inspections of the work site are also made during removal operations to ensure that the conditions of approval are being observed. Furthermore, atmospheric monitoring results are analysed and, in consultation with the South Australian Health Commission, it is determined whether conditions are satisfactory or corrective action is required.

However, given the extreme dangers involved, the Industrial Safety, Health and Welfare Board, the tripartite board established by this Act, has recommended that additional steps be taken to give Departmental inspectors more teeth and to deter firms which may have inadequate equipment, knowledge or working procedures from entering the field. Accordingly, this Bill seeks to give effect to the Board's recommendation that contractors engaged in the removal of asbestos from established buildings be licensed by the Department of Labour. The licensing of such contractors is also supported by the National Health and Medical Research Council.

At present, there are five contractors engaged in asbestos removal work in this State. Three are involved in the removal of asbestos in buildings prior to renovation work or for other reasons, one in conjunction with demolition work and the other in the removal of asbestos lagging on machines and equipment to facilitate maintenance and the subsequent installation of alternative insulation.

In line with the approach taken generally, it is intended to contain the detail of the new licensing provisions in regulations made under the Act. These regulations will be subject to the full consultative process by both the Industrial Safety, Health and Welfare Board and the Industrial Relations Advisory Council in accordance with the procedure established by this Government. The points of view expressed by those bodies will be taken into account in establishing licensing provisions in this important area.

Clause 1 is formal. Clause 2 inserts in the schedule to the principal Act a new power for the making of regulations with respect to the removal of asbestos from buildings and the grant (conditional or unconditional), suspension and cancellation by the Permanent head of licences to carry out such work.

The Hon. M.M. WILSON secured the adjournment of the debate.

WORKERS COMPENSATION ACT AMENDMENT BILL

The Hon. T.H. HEMMINGS (Minister of Local Government) obtained leave and introduced a Bill for an Act to amend the Workers Compensation Act, 1971-1982. Read a first time.

The Hon. T.H. HEMMINGS: I move:

That this Bill be now read a second time.

The provision of a legislative right to compensation and economic maintenance for workers injured during the course of their employment has long been the subject of controversy and lively debate throughout the community, and this place has been no exception to that rule. Workers compensation has always been regarded as a matter on which partisan views are held and expressed and countless hours have been spent discussing the philosophies of the stances of the respective Parties in this Parliament over the years.

However, the two parties involved are not, as some members opposite would have us led to believe, the two major political Parties in this State, nor the employer associations and trade unions, nor lawyers and insurance companies, but the individual injured worker and his employer.

Prior to the so-called 'reforms' of the Liberal Government last year, the South Australian Workers Compensation Act was considered both progressive and equitable, affording financial protection to the worker pending his return to work and granting rights to the employer in the fulfilment of his statutory duties. However, it was never expected that workers compensation should remain a static protection, but rather that it respond, as all legislative measures should, to changing community standards and expectations.

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

The Hon. T. H. HEMMINGS: The previous Labor Government appointed a committee comprising representatives of trade unions, employers and Government to investigate fully the subject in a dispassionate manner and to make recommendations on what future direction workers compensation would take with the emphasis to be placed on the rehabilitation of the injured worker. This committee, known as the Byrne Committee, completed its appointed task in September 1980 and reported to the then Minister of Industrial Affairs. I seek leave to have the remainder of the second reading explanation incorporated in *Hansard* without my reading it.

Leave granted.

Remainder of Explanation

Because of the wide-ranging implications of those recommendations and, in particular, their effect on the legal profession and insurance interests, action on the recommendations never eventuated. It was claimed that, due to the lack of agreement between employers and unions, no change in the fundamental approach to workers' compensation was to be made. On behalf of the current Government, I give an undertaking to this Parliament and to the people of South Australia that the recommendations of the Byrne Committee will receive full and detailed consideration when the provisions of the Act come up for a more extensive review later this year. This review is intended to examine not only the existing provisions of the Act but also its basic approach to the whole question of injury compensation. Through the forum of the Industrial Relations Advisory Council, I intend to consult with all interested parties on those issues before any final decisions are taken.

In the interim, the Government considers that urgent action is needed to restore the rights of injured workers. In 1982, the Workers Compensation Act was substantially amended to incorporate several of the policy platforms of the former Government. It is no secret that many of the provisions included in the 1982 amending Bill were matters on which there is a fundamental difference between Liberal and Labor Party policies.

During debate on the Bill and subsequently, representations from several sources were made to the then shadow Minister (Hon. J.D. Wright), expressing concern at the philosophy of the amendments. There were three areas of particular objection:

(a) The first objection was to the concept that an injured employee should compulsorily contribute to the cost of his own rehabilitation through a 5 per cent reduction in his weekly benefits;

(b) The second area was the statutory discrimination against a particular kind of injury; in particular, the imposition of a 10 per cent threshold on a hearing loss claim; and

(c) The third contentious point was the erosion of the basic premise of workers' compensation legislation that a worker is entitled while on compensation to the amount that he would have received had he remained at work. The Bill effected this erosion by allowing the reduction of site allowances and overtime from a calculation of average weekly earnings.

This Bill seeks to redress these fundamental inequities, and restore the original position. Taking the above points in order, the Bill repeals those provisions of the Act which introduced or referred to the imposition of the 5 per cent levy on the weekly payments of a worker who had been off work on compensation for more than 12 weeks. That levy was paid into the Workers Rehabilitation Assistance Fund. It should not be thought from these amendments that the Government is striving to undermine the rehabilitative process, or indeed is in some way denying the positive benefits that result from rehabilitation. Suffice it to say that the Government is strongly committed to the important role to be played by rehabilitation in getting the injured worker back to work as soon as possible. To this end, the Government supports the activities of the Workers Rehabilitation Advisory Unit and sees this unit as vital to the proper co-ordination of rehabilitation assistance and encouragement to the injured worker, whether the worker is suffering from a short-term or a long-term incapacity. I might add that the opinions expressed to the government by both worker and employer representatives would seem to support this view.

Like any other medical cost that arises out of a work injury, it is not considered appropriate that the worker should bear the financial burden of the costs of rehabilitation. In addition, such a levy may persuade a worker to return to work before complete recovery in order to maintain his income at the current level.

Such results severely detract from the underlying principle of workers' compensation, that a worker should not be financially disadvantaged by an injury incurred in the course of his employment. Accordingly, in acknowledgement of the Government's active interest in the benefits to be gained from rehabilitation, it proposes to itself financially support the work of the Rehabilitation Advisory Unit. Cabinet has already approved an allocation from general revenue for this purpose. On the other hand, while rehabilitation is seen to be a paramount objective, the obligation on the employee to submit to rehabilitation after 26 weeks on compensation is seen to be unnecessarily coercive.

In my experience, most long-term injured workers are happy to seek out rehabilitaiton sources in order to facilitate a return to work. Rehabilitation is to be encouraged not feared. If workers are fearful of the consequences they may not fully co-operate in the rehabilitative process.

While the previous amendment seeks to remove a penalty placed on workers suffering a long-term injury, a further provision introduced into the Act by the former Government discriminates between noise-induced hearing loss and other injuries. At present, the Act provides a 10 per cent threshold on all hearing loss claims, thereby requiring a worker to sustain a further deterioration of his or her hearing levels

before a legitimate claim for compensation can be brought. In addition, the existence of a threshold could mean a delay in the employer becoming aware that he has a noise level problem. This must surely be an intolerable situation both for workers and employers alike and is contrary to the rehabilitation aspirations of the Act.

The inequities placed upon the worker by that provision have become increasingly apparent since it came into operation on 1 July 1982. However, the Government cannot resile from its original position that noise-induced hearing loss should not be singled out for different treatment under the Act. The alleged rationale behind the distinction cannot be justified as the purpose of the Workers Compensation Act is to compensate a worker for any injury incurred in the course of his employment.

To this end, the Bill has removed all discriminatory provisions concerning hearing loss claims, including the abolition of the 10 per cent threshold and the ban on hearing loss claims made after two years from the date of retirement. This will restore the position experienced prior to the 1982 amendments. There are many reasons why workers do not become aware of their hearing loss problem in the two years after retirement and it is patently unfair to discriminate against the older worker. Some concern has been expressed that the abolition of the threshold will remove the recognition that some part of the loss is due to age. The natural degenerative process is only one of the factors which is taken into account in determining the level of hearing loss contributed to by the particular employment and accordingly, this amendment will not alter this position.

The Government's basic attitude to compensation legislation is that an injured worker should be entitled to no more, nor less, than he would have received had he been at work. This fundamental principle of the Act was severely qualified by the former Government through amendments introduced in 1982. I refer in particular to the amendment to section 63 which removed from the calculation of average weekly earnings the components of overtime and site allowances. It was claimed at the time that these related solely to on the job performance and were inapplicable to a worker off work through injury. The Government cannot agree with this inconsistent stand. If overtime had been worked by the employee when he was injured, or site allowances were payable, then he has a right to expect them to be reflected in his weekly compensation. Indeed, a worker quite legitimately gears his expenditure patterns to take home pay levels, and not to individual components of the total wage.

However, the Government recognises that factors may change in the work situation to render a payment for overtime or site allowances to become irrelevant. The Bill will allow such factors to be taken into account by the Industrial Court in its review of weekly payments. Previously, such a review could only take into account the past and present condition of the workers and changes in award rates. However, this Government acknowledges that other factors affect earnings levels and has expanded the jurisdiction of the court to adjust weekly benefits up or down accordingly. However, where there has been a fundamental change in the contract of employment, such as the introduction of a four day week or a reclassification downwards such as occurred recently at G.M.H., it cannot be expected that an injured worker's weekly benefits should be reduced accordingly. Such a view would deny a worker, had he remained at work, the right to seek alternative employment that would have maintained his earnings level. In addition, any reduction in earnings consequent upon time lost through industrial stoppages is not to be taken into account, as the worker may not have chosen to take such industrial action had he remained at work.

The Bill further provides that the new basis for calculation will apply to any weekly payment falling due after the amendment Act comes into operation.

Two other amendments are included in this Bill which attempt to respond to a special need. The first places an obligation on an employer, if so required by his insurer, to provide the insurer with a written statement of his estimated wages bill before a policy of workers' compensation insurance is issued or renewed. Such a provision will enable the premium levels to more accurately reflect the risk covered. This will be of particular assistance to the insurance industry which in the past has had to base its policy on unverified information. Such a provision exists elsewhere in Australia and has proved to be especially valuable.

The other amendment seeks to place umpires and referees in the same position as sportsmen under the Act. As honourable members are aware, all sportsmen, other than true professionals, were removed from the ambit of the Workers Compensation Act because of the potential liability of sporting clubs, many of limited means, to make payments of workers' compensation to contestants suffering sporting injuries.

During a review made by a departmental working party in 1982 of the treatment of sportsmen including umpires and referees under the Act, it became apparent that sporting bodies strongly supported the removal of umpires from the Act's coverage. The South Australian National Football League claimed that because the umpires' wages bill was so high—$130 000 for 1982—with the insurance premium adding a further 16 per cent, the league had been forced to curtail its juniors' programme to pay the premium amount. Similarly, the South Australian Football Association had been quoted a premium based on 16 per cent of its $72 000 wages bill for 1982. Other sporting bodies supported this general thrust.

Representations made by the Umpires Association covering football and cricket umpires (the only sports in which such associations exist) indicated that it was aware of the financial strain placed on sporting bodies because of workers' compensation costs. It was further stated that umpires would be prepared to accept alternative forms of insurance for death and injury cover with an option of weekly payments (with cheaper premium costs) which they were certain could be satisfactorily negotiated with their sporting clubs.

In these circumstances, the working party recommended that an umpire or referee officiating at any sporting contest should be excluded from the operation of the Act. Accordingly, this amendment is certain to relieve sporting clubs of a heavy financial burden to promote the growth of sporting activities within South Australia.

Clauses 1, 2 and 3 are formal. Clause 4 amends section 27 of the principal Act by striking out subsection (4). This is the subsection under which a worker who retires from employment on account of age or ill health is required to make a claim for noise-induced hearing loss within two years of the date of his retirement.

Clause 5 amends section 51 of the principal Act by removing subsection (7). This is the provision under which five per cent of an incapacitated worker's weekly payment was to be paid to the Minister for the credit of the Workers Compensation Rehabilitation Assistance Fund.

Clause 6 amends section 63 of the principal Act. The effect of the amendment is that site allowances and overtime will be taken into account for the purpose of computing the average weekly earnings of an incapacitated worker. Thus the position is restored to that which existed prior to the 1982 amendments.

Clause 7 amends section 69 of the principal Act. This is the section under which specified amounts of compensation are fixed in relation to specified injuries. Subsection (5a)

presently provides that where a worker suffers noise-induced hearing loss, no compensation is to be payable unless the percentage of loss exceeds ten per centum, and where the percentage does exceed ten per centum, no compensation is payable in respect of the first ten per centum. This subsection is removed by the Bill. Subsection (12), which is a special provision relating to claims for noise-induced hearing loss by retired workers, is also removed by the Bill.

Clause 8 repeals and re-enacts section 71 of the principal Act. This section deals with a review by the court of weekly payments. The range of matters that may be considered by the court on such a review is slightly widened. Under the new provision the court will be able to have regard to variations in the earnings of a worker that would have occurred if he had continued to be employed by the employer in whose employment he was engaged before the incapacity. At present the court can only have regard to such variations as would have resulted from an industrial award or agreement. However, under the new provision, variations in earnings that would result from reduction in classification of the worker, a reduction in ordinary hours of work, or a strike or other industrial action are to be disregarded.

Clause 9 amend section 72 of the principal Act by striking out subsection (2). This subsection presently provides for five per centum of a lump sum settlement to be paid to the Minister for the credit of the Workers Rehabilitation Assistance Fund. In view of the abolition of the fund this provision is removed. Clause 10 amend section 86c of the principal Act by strking out subsection (4), (5) and (6). These provisions presently provide sanctions aganst a worker if he fails to submit himself for counselling by officers of the Workers Rehabilitation Unit or fails to make, in the opinion of the executive officer of the Unit, satisfactory attempts to rehabilitate himself for employment.

Clause 11 repeals section 86e of the principal Act and the heading preceding that section. This section presently authorizes the Minister to apply moneys from the Workers Rehabilitation Assistance Fund towards the cost of administering Part VIA of the principal Act. In view of the abolition of the fund this section is to be removed. Clause 12 amends section 89a of the principal Act. The amendment extends this provision, which presently relates to sporting injuries, so that it will apply to referees and umpires as well as the sporting contestants themselves.

Clause 13 amends section 118b of the principal Act. The penalty for employing a worker without being covered by workers compensation insurance is increased to a more realistic level. New subsection (5) is inserted under which an employer must, if the insurer so requires, furnish the insurer firstly with estimates of the wages to be paid by him during the period to which a policy of workers compensation insurance relates and subsequently with a statement of the amount actually paid in wages during that period.

Mr EVANS secured the adjournment of the debate.

DEPUTY SPEAKER'S RULING

The DEPUTY SPEAKER: Last evening during the debate on the noting of the select committee's report on the local government boundaries of the District Council of Meadows, the member for Fisher raised several points of order on the right of reply by a Minister to that debate. I finally ruled that the Minister did not have the right of reply. However, having had the opportunity to discuss the matter with Mr Speaker and to consider the practice of the House, I am now of the view that my ruling may not have reflected the present practice of the house. Standing Order 144 suggests that there is no right of reply. However, in 1975 the House resolved that a Minister did have a right of reply and that has been supported by the House on no less than seven occasions since then. Accordingly, I wish to indicate that, after consideration, I believe that my ruling should have been that the Minister had the right of reply. My final point, however, is to clarify that the Minister did not have to exercise that right, and I suggest that the thrust of the honourable member's point at that stage was merely to encourage the Minister to reply.

MOTOR VEHICLES ACT AMENDMENT BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 1—After clause 2 insert new clauses 2a and 2b as follows:

2a. Section 79 of the principal Act is amended by striking out subsection (1) and substituting the following subsection:

(1) The Registrar

(a) shall not issue a licence or a learner's permit to an applicant who has not previously held a licence; and

(b) may refuse to issue a licence or a learner's permit to an applicant who has previously held a licence but not during the period of 3 years immediately preceding the date of his application,

unless the applicant produces to him a certificate signed by an examiner certifying that the applicant has passed an examination conducted by that examiner in the rules required by law to be observed by drivers of motor vehicles.

2b. Section 79a is amended by striking out all words in the section before the word 'unless' immediately preceding paragraph *(c)* and substituting the following:

79a The Registrar—

(a) shall not issue a licence to an applicant who has not previously held a licence; and

(b) may refuse to issue a licence to an applicant who has previously held a licence but not during the period of 3 years immediately preceding the date of his application.

No. 2. Page 1, line 18 (clause 3)—After 'is amended' insert:

(a) by striking out paragraph *(a)* of subection (1) and substituting the following paragraph:

(a) has not previously held a licence issued under this Act or under the law of a place outside this State;;

(b) by inserting after subsection (1) the following subsection:

(1aa) Without derogating from any other provision of this Act, where the applicant for the issue of a driver's licence has previously held a licence issued under this Act or under the law of a place outside this State but not during the period of 3 years immediately preceding the date of his application, the Registrar may endorse upon the licence the conditions referred to in subsection (1).;

(c) by inserting in subsection (2) after the passage 'subsection (1)' the passage 'or (1aa)'; and

(d).

Consideration in Committee.

The Hon. R.K. ABBOTT: I move:

That the Legislative Council's amendments be disagreed to.

I do not wish to debate the amendments again at any length, as my position, and that of the Government, has been made clear on this issue. I have even taken the trouble of speaking to the Registrar of Motor Vehicles and other interested parties about these amendments, in order to clarify further the issues involved. The opinion is that the amendments are really an attempt to find a way out of the difficulty experienced by a few people who have been driving for more than three years without holding a licence and who were required by law to go through the system and complete written and practical tests and have probationary conditions placed on them for a further 12 months.

Most people who did not hold a licence and who did not drive for more than three years accepted this situation

without question, but a few persons who were caught objected. The probationary system was meant to cope with those persons who had not driven for more than three years, and was not meant to cover those who, through forgetfulness, drove while unlicensed. For those reasons the Government opposes the Legislative Council's amendments.

The Hon. D.C. BROWN: I support the Legislative Council's amendments and am delighted that the other place has seen the wisdom of the arguments put forward in this Chamber by members of the Liberal Party, especially by the member for Mallee and me. The whole matter should be looked at in the context of how these amendments would operate if they became law. The first amendment does not automatically mean that a person who for some reason has allowed his licence to lapse for a considerable period would automatically be exempt from a test: the prerogative for that decision would be left to the Registrar of Motor Vehicles.

Therefore, it is not as though the public will suddenly be exposed to risks to which they are not exposed at present. As a typical case, the amendment would deal with the person who goes overseas and stays for three years in another country where he has a fixed-period contract. At the end of the three years, the period of most contracts, his overseas licence expires. He returns to Australia but may take an extra two or three months after the three-year period to return to Australia. In those circumstances, even though he may have been driving regularly under much more demanding conditions than those existing in Australia, especially in dear old Adelaide, on his return he must undergo the enormous insult of having to apply for a learner's licence and a probationary licence, and to drive for the next 12 months with a big 'P' plate on his car telling the world that the driver is still learning.

The only reason he has had to undergo such an insult is that he happened to be away from Australia and there was more than one day's lapse between the expiration of his overseas licence and his applying for a licence in this State. Because of the rigid nature of the present legislation, such a person would be required to undergo both the learner's and the probationary tests if the amendment were not to become law.

If, for instance, in some other circumstances the licence lapsed for three or four years because the person concerned was a poor driver or had committed certain offences, then the Registrar of Motor Vehicles should automatically have the right to demand that that person undergo both a learner's licence test and a probationary test. It is that very rigid situation, which laws that are absolutely black and white with no discretion tend to create, which causes the community to say, 'The law is a fool. The law is incompetent.', or 'Parliament is incompetent; why are laws so inflexible that they cannot take account of very special circumstances?'

The Hon. P.B. Arnold: Common sense.

The Hon. D.C. BROWN: Common sense—and that is all we are trying to provide for in here. We are not saying the public should not be protected from the dangerous driver who has committed an offence and who has had his licence taken away. Obviously he should undergo all the necessary retesting before he is permitted back on the roads. We are simply protecting that situation where, for technical reasons, a person happens not to hold either an Australian licence or a current overseas licence, and this can occur so easily. I have heard of circumstances where that has occurred.

I recall the member for Mallee also citing instances where considerable inconvenience and embarrassment had occurred because of the black-and-white nature and rigidity of the law, so I ask the Minister to reconsider the amendments. I think that the amendments made in the Upper House show a great deal of common sense and I am surprised that, as a new Minister of Transport and a man who obviously would want to try to convince people that he understands the issues and is willing to comprehend a situation and to react in a favourable manner to it, he is just so inflexible. It is the very sort of circumstance as that in which I could imagine the sort of problems that come through a member of Parliament from a constituent are taken to the Minister, who turns around and, in a routine reply prepared by a public servant or staff member, says, 'The law requires you to do it. I am sorry, I cannot in any way exercise my discretion in this matter.'

The Hon. M.M. Wilson: It could happen to the Minister.

The Hon. D.C. BROWN: Yes. I ask the Minister to reconsider his point of view.

Mr LEWIS: I am pleased that my colleague the member for Davenport, our spokesman on such matters, has so eloquently supported the wisdom of the Upper House amendments along the lines of those which were moved here during the course of the previous debate. I want to reinforce what he said and to refer to circumstances in which this discretionary power could be exercised with compassion and that would not be infrequently. The member for Davenport cited the simple circumstance where a person left South Australia, went overseas for a period, and returned here only to find that he was not in possession of a current driver's licence. Before he left here, let us say that his three-year licence had only one or two years to run, and whilst he was away the licence expired.

The renewal notice, if it was sent out, did not reach him at all, although he was still in, say, France or Indonesia driving quite legally with his international licence. He returns only to find that he has to suffer the inconvenience of obtaining L and P plates. If the nature of his employment is such that it requires him to drive quite frequently, that can be a substantial inconvenience. A person could have gone overseas for a similar period and whilst away found that his licence had expired, but before going overseas he may have lived in another State and, upon returning found that he no longer had an international licence. Let us say that South Australia was the only place in which that person could get the kind of job he was seeking: he then finds that he also has to suffer this inconvenience. It is not really protecting the public from one damn thing, because to all intents and purposes these people are very capable drivers.

Further, the Minister and members opposite know that young people, after having first obtained a driver's licence, enter a sociological phase where they are very mobile, tending to shift addresses with a greater frequency than that of any other age group in the community. They, more so than others in the community, are seeking to establish themselves, through a diverse range of job experiences (or perhaps at present, a lack of them)! These people are considerable in number; if they happen to move interstate and, in doing so are subject to that State's driving laws and their South Australian licence expires whilst they are interstate, the renewal notice, if it is sent out, goes to their old address.

The Minister knows that. In spite of the fact that such people may have notified the department of a change of address on several occasions during that three-year period, the notice still goes to the address on the computer, which is the address at which they were living at the time they obtained that licence or its renewal. Because it is not an annual event and not marked on their annual calendar—it is now an event that comes up every three years—they miss the renewal notice. It does not get to any address at which they are known and even the six-month period for forwarding mail at the post office has long since expired. These people then have to suffer the inconvenience of having to have L plates, and particularly the P plates, on their vehicles. Again, that could have serious implications on the kind of employ-

ment they can pursue, especially if they are working in the transport industry.

I do not understand the intransigence of the Government in this matter. I guess it is because it cannot find a way of honourably acknowledging that the amendments are desirable. We on this side sincerely believe that the best interests of the community will be served if the amendments are allowed; otherwise those people to whom I have referred stand to be seriously inconvenienced by the law.

If the Government cannot accede the amendments, the consequences will be on its own head and that of every member opposite. I will make sure in any circumstances in the future, where this is drawn to my attention as some misadventure suffered by an individual, that the person concerned knows that it was a Labor Government which refused to accept a simple, commonsense and compassionate amendment that would have avoided such a situation.

The Hon. R.K. ABBOTT: When I first spoke I indicated that I did not intend to canvass this issue at any length. However, I feel that, because of the comments made by the two Opposition speakers, I should add to their remarks. This legislation was introduced by the Opposition when in Government and we were in Opposition and we supported the system of probationary drivers' licences. Now we have the Opposition wanting to tear that legislation to pieces by introducing these amendments.

I think that we should ask ourselves whom members opposite are trying to help. It was pointed out by the Leader of the Opposition when this Bill was being debated in another place that people would be annoyed and embarrassed about having to go through P plate procedures again. He said:

In some cases it would be necessary for the Registrar to insist on this procedure being followed but this would not be so in many cases and could cause extreme difficulty for people totally unnecessarily.

Are we trying to protect those people within our community— those millionnaires we might say who can afford to buy one of the most expensive limousines, such as a Rolls Royce—who are so embarrassed because through their forgetfulness they forget to renew their licence and they are ashamed of being forced to put a P plate on that Rolls Royce for a period of 12 months? Are these the people we are trying to protect?

Here is legislation introduced by the former Government, and now members opposite are trying to amend that legislation that we supported. The three-year limit for written and practical tests and probationary licence conditions should stay. Every person who for any reason has not held a licence in this State or elsewhere for more than three years should still be required to pass the written and practical tests. The present provisions in section 81a for imposing probationary conditions must apply and, therefore, the Government opposes the amendments.

Mr LEWIS: I do not think that the Minister has answered any of the points which I or the member for Davenport raised. It is quite specious to suggest that it is for the purpose of protecting some wealthy person. To my certain knowledge, the class of person who would be most inconvenienced by this legislation would be a young person struggling to establish himself in life or, say a person who may have gone overseas under an international aid programme such as Volunteer Services Abroad. The Minister is really saying that, if a person has had a driver's licence for, say, four, five, 10 or 15 years and has never driven for all that time, even though he had a licence (he may be ignorant of the road traffic code, traffic behaviour, and the like), it is quite legitimate in the view of the Government for him to be allowed to then go and drive on the road, whereas somebody else who has driven all his life, and has done nothing other than missed receiving his renewal notice and not renewed his licence, suddenly finds he then cannot take employment, for instance, in the transport industry, because he has to have P plates on the vehicle that he is driving.

The Hon. R.K. Abbott: Nonsense.

Mr LEWIS: It is not nonsense at all. I urge the Minister to consider the circumstances of a constituent to whom that has happened. He was driving for a light transport industry. He was not driving articulated vehicles but, because his licence had lapsed and he had not renewed it, when he went back to renew it he was told that he could not do so because under the law the Registrar of Motor Vehicles could not allow it.

The Hon. R.K. Abbott: Explain the hardship involved in driving with a P plate.

Mr LEWIS: The hardship is simply that the driver cannot then undertake his employment at a work rate which would enable his employer to get the job done. What employer will employ someone who does not have a full driver's licence if he can get someone who has one? It is a hardship if one is trying to get a job in any of the transport industry occupations that require one to drive. I honestly do not understand why the Minister and the Government see it in those terms.

Mr Klunder: Should a person be allowed to be late for everything without penalty?

Mr LEWIS: I did not imply that there ought to be a penalty. I do not see driving with P plates and L plates as a penalty. I am interested that that is the way that the member for Newland sees the P plates and L plates. He has admitted—and I do not know how many of his other colleagues have this view—that it is a penalty that the Government is imposing on people who fail to renew their licences. I think that it is a regrettable Freudian slip on his part about which young people in his electorate would be interested to learn. I hope that the Government at this eleventh hour will decide to reverse its stand on the question. It is not putting the public in jeopardy at all: it is merely making the law workable and enabling people, particularly young people, to continue to do whatever they have chosen to do in life without inconvenience and risk to their employment or employment prospects.

The Committee divided on the motion:

Ayes (22)—Mr Abbott (teller), Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Crafter, Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Peterson, Plunkett, Trainer, and Whitten.

Noes (19)—Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, Blacker, D.C. Brown (teller), Chapman, Eastick, Goldsworthy, Lewis, Mathwin, Meier, Olsen, Oswald, Rodda, Wilson, and Wotton.

Majority of 3 for the Ayes.

Motion thus carried.

The following reason for disagreement was adopted:

Because the amendments destroy the principles of the Bill.

INDUSTRIAL RELATIONS ADVISORY COUNCIL BILL

Adjourned debate on second reading.

(Continued from 30 March. Page 787).

The Hon. E.R. GOLDSWORTHY (Kavel): The first comment I wish to make in relation to the second reading explanation accompanying the Bill is that it is one of the most pathetic documents which have purported to explain the purpose and content of a Bill that I can recall. It is in

sharp contradistinction to the explanation given in the case of a Bill with which I dealt yesterday dealing with the reconstruction of the South Australian Oil and Gas Corporation and on which I complimented the Minister. I complimented whoever was responsible for writing the second explanation, stating that it was an accurate and fair summary of the history which led up to the Bill.

We have before us an explanation of a Bill which has obviously been compiled by some Party hack. If one looks at the way it is put together, it is a cut and paste job with types of various sizes stuck here and there. Obviously it is not the work of the normal speech writers who prepare the material which accompanies the explanation of the Bill. It rambles on for pages with precious little reference to the material in the Bill. Indeed, it is not hard to understand why, as there is not a great lot in the Bill. The Party hacks, whether or not they are in the employ of the Minister, have been busy preparing the speech. It is a repetitious denigration of the former Government, in particular the former Minister, and makes a number of assertions which are clearly untrue.

The speech talks about the delicate conciliatory skills required for the settling of industrial disputations, and charges the former Minister with being singularly lacking in these skills. In fact, we have seen precious little evidence (in fact, none) of any delicate conciliatory skills on the part of the present Minister or the present Government.

The Hon. M.M. Wilson: I certainly would not call him delicate.

The Hon. E.R. GOLDSWORTHY: One would be hard pressed to describe him as delicate, as my colleague observes. As for possessing delicate conciliatory skills, they are just not there.

The Hon. M.M. Wilson: He's a jackhammer.

The Hon. E.R. GOLDSWORTHY: I was not going to make the point in the way that my colleague has by way of interjection. In fact, the Government's record in relation to industrial disputation which has occurred since it has been in Government has been to either run for cover or simply capitulate. If we think of any industrial dispute that has occurred since the State election, we have not seen any delicate conciliatory skills applied. We have seen no comment, no action, or else a complete capitulation fairly early in the dispute. We only have to think of the recent protracted and damaging Moomba dispute. Where were the delicate, conciliatory—

The SPEAKER: Order! The honourable member will resume his seat. I want my view made clear at the beginning of the debate, and now will be the appropriate time for any person to dissent from my ruling. I have perused the Bill and, so far as I am concerned, looking at its whole context, I observe that it sets up a council that has wide powers as set out in clause 11. Granted all that, there is simply no basis, in my opinion or in my ruling, to deal with matters outside the ambit of, taking the extreme case, clause 11 (1) *(a)*. I am now ruling that the Moomba dispute, for instance, would be outside that ambit, because it must come within the jurisdiction of the Commonwealth Conciliation and Arbitration Commission or the State Industrial Commission.

The Hon. E.R. GOLDSWORTHY: I take note of what you have said, Sir. I am simply dealing with matters that were canvassed in the second reading explanation. The point I was making was that one is hard-pressed even to link material directly put forward obviously by some Party hack in the second reading explanation to the material in the Bill. In view of the fact that the second reading explanation has been admitted and that it purports to explain what is in the Bill, if any latitude is being extended I am seeking simply to observe the normal customs in commenting on the explanation of the Bill that we have before us, which is on record and which was proffered by the Minister to explain just what was in the Bill.

The SPEAKER: Order! I will not tolerate a situation in which the Standing Orders of the House are adjudged by reference to a second reading speech, no matter how it was introduced into the House. I make that quite clear. As I said this afternoon, I would be the first person in the House to ensure that the rights of members of the Opposition to speak to the facts are maintained, and I will continue to do that. Anything that the Deputy Leader wishes to say that has relevance to the Bill and is within the Standing Orders will be permitted, but he cannot create a new standard simply by ignoring the Standing Orders and going back to the second reading explanation.

Mr MATHWIN: On a point of order, Mr Speaker. Would you mind explaining to me whether I have understood correctly what you have said, namely, that anyone speaking to this Bill is not allowed to speak to the second reading explanation of the Minister; one is not allowed to refer to it or its content, because it might deviate from the matters in relation to the Bill. Is my understanding correct?

The SPEAKER: No, it is not. All I am saying is that all honourable members will abide by the Standing Orders, that they will take their guidance from the Standing Orders and not from the second reading explanation or, indeed, from any other material.

The Hon. E.R. GOLDSWORTHY: I guess the relevant part of the Bill to which the second reading explanation purports to refer is to be found in clause 9 (7) *(b)*, which refers to the function of the council in relation to industrial tribunals. The Minister's second reading explanation also referred to amendments introduced by the Liberal Government (the amendments that were denigrated) in relation to compulsory unionism.

I might say that was not an attempt by the Liberal Party to interfere with the proper performance of the function of industrial tribunals, as outlined in the Bill. That was certainly not the intention of the Liberal Party, but was an attempt to give effect to Liberal Party policy. The explanation referred at some length to the recommendations of Mr Cawthorne, whom the former Minister appointed to report to the Government. In due course Mr Cawthorne reported to the Government, and having regard to the explanation of the Bill, I guess this is linked up with the functions of industrial tribunals. But, in fact, the explanation states that the former Government should have slavishly accepted the recommendations of the Cawthorne Report in relation to the operation of industrial tribunals. The Liberal Party cannot accept that for a moment.

If that argument is carried through to its logical conclusion, every report commissioned by Government would have to be slavishly followed to the letter. In my view that would be a complete abdication of the role of Government. Governments are elected on the basis of policies which are put to the people, and reports are commissioned for investigation and for further information, but in regard to the final decision, to use the vernacular, the buck stops with the Government. It is the Government that is charged with making decisions. The council that would be set up if this Bill passes would give advice to the Minister, but the Minister is not bound, nor should he be, to accept slavishly the recommendations of the council. If that were so, Parliament would be superfluous.

Likewise, the same argument applies to the Cawthorne Report, mentioned in the explanation of the Bill. One of the recommendations of the Cawthorne Report ran absolutely counter to Liberal Party policy. If the Labor Party commissioned a report, and the recommendations ran counter to Labor Party policy, I do not imagine for a

moment that the Labor Party would swallow the recommendations and introduce them accordingly.

There is a clear difference between the approaches of the Parties on some of these matters. The Opposition makes no apology at all for its action, and completely refutes the charge laid by the Minister in regard to this Bill, namely, that the former Government should have accepted slavishly the recommendations of the Cawthorne Report. There would be something wrong with a Government if it did accept something with which it did not agree, with a range of recommendations far reaching and all encompassing.

The other point I want to make in regard to this matter is that the Minister stated at length that there was some sort of sinister motive in the former Government's not releasing the Cawthorne Report. I point out that many reports are not made available fully to the public by the Government, because the reports are confidential and made available to Ministers and the Government. The Minister is paranoid about this point.

I want to direct some comments to the clauses of the Bill. From the ruling that you have given, Sir, it is clear that much of the material introduced into the House in explaining the Bill is quite irrelevant. There is no other conclusion that I can draw from the correct ruling that you gave—I am not disputing your ruling for a moment. I shall be interested at the conclusion of the debate to peruse the Standing Orders to ascertain whether there is any direction given in regard to relevance of material in second reading explanations that accompany Bills. If anything is going to be allowed in the second reading explanation purporting to explain a Bill, it will make the Parliamentary system and the rational debate of Bills difficult in view of the fact that members would be precluded from commenting on the second reading explanation. That would make life intolerable for any Opposition and would make a farce of the operation of the Parliamentary process in the due consideration of Bills.

The Bill is a fine piece of window dressing. It is not much more than that and could even be less. It establishes a council to be known as the Industrial Relations Advisory Council and sets out to define its functions. The point that interests me is that this Bill talks about all matters of an industrial nature being referred to the council, so that we have this new-found spirit of consensus which is prevailing in the Labor Party and which it hopes will prevail in the community. The idea is that we can get together the employers and the employees. Of course, this had happened in the past in the former council which mirrored this in many regards, but this legislation is to ensure that we have the light, harmony, and felicitous relations between various groups within the community—

The Hon. Jennifer Adamson: Consensus.

The Hon. E.R. GOLDSWORTHY: Or even a consensus (that is the 'in' word) among groups which quite often are in competing or opposing stances. There is nothing new about the concept of the Bill although it was promoted as some brand new idea during the election campaign.

Mr Whitten: It has been around for 12 years or more.

The Hon. E.R. GOLDSWORTHY: The council is to be established and is to comprise four members nominated by the Minister who will come from the United Trades and Labor Council; there will be four nominated by the Minister after he has consulted the associations of employers; there will be the head of the relevant Government department and the Minister himself will chair the council. As the clauses progress we see the terms of appointment, the terms of removal from office and so on—the standard type of clauses which appear in Bills of this type. Clause 9 provides:

> The council shall meet for the transaction of its business at such times as may be appointed by the Minister but there must be at least one meeting of the council in each quarter.

The most striking feature of this clause is that there is no compulsion to do anything. Most of the legislation that is introduced before this Parliament seeks to ensure that some things happen and that the citizens behave in a certain way or puts prohibitions in the path of citizens. To make sure that they do behave in this way they are not only enjoined to behave themselves or to operate in a certain fashion, but there are sanctions. In other words, the Bill has some teeth. This Bill has no teeth at all; it is a toothless tiger. In fact, it is not even a tiger. If the Minister does not call the council together, so what? He does not have to, as all the Bill says is that he 'shall', but there is no sanction if he does not. I think it would be strange if we had legislation where the Minister was going to lose his office and he did not. This indicates the phoney nature of introducing this legislation into the House. It does not alter anything. If the Minister wants to establish this council he can go ahead and do it and lay down the ground rules; however, he would only be kidding people into thinking that their behaviour is going to be modified, because there is no compulsion to do anything. If there is no sanction, no modification of behaviour, and no regular meetings, then nothing happens.

Members interjecting:

The SPEAKER: Order!

The Hon. E.R. GOLDSWORTHY: The Bill does not follow the normal course of legislation in this House where if people are to operate in a certain way and they do not, then there are some sanctions. The Bill continues to talk about the council 'shall seek to achieve to the maximum extent possible consensus'. What a dopey clause. Who is going to set up a council and then tell its members that they have to argue every week, that they have to disagree and that they must seek a consensus? That is the purpose of any committee set up to resolve a problem.

The Hon. H. Allison: It is superfluous.

The Hon. E.R. GOLDSWORTHY: The purpose of any group being set up is to reach a conclusion, even though opinions may vary, particularly in this case on industrial matters. What if the consensus is not achieved?

The Hon. H. Allison: It's a 'suck eggs' clause.

The Hon. E.R. GOLDSWORTHY: It is not even as sensible as sucking eggs. Then, the council is enjoined to act in a non-political way. What on earth does that mean, that the proceedings of the council are to be conducted on a non-political basis? Do the members have to take the oath to say that they are non-political or declare that they have an interest in a political party?

The Hon. Jennifer Adamson interjecting:

The SPEAKER: Order! I trust that this conversation is not going to develop and that the Deputy Leader will just address the Chair.

The Hon. E.R. GOLDSWORTHY: The clause might say that those members should behave like human beings or rational gentlemen or ladies rather than behave on a non-political basis. This is padding and window dressing so that the Bill looks good and can sell to the public to show that the Labor Government is doing something, because the Labor Party made a big song and dance about an industrial council at election time. This was the time when there was the new spirit and consensus and when we would all love one another. As Wran stated when he brought them back to earth, if we were going to get on with all this spirit stuff we should all join the Hari Krishna. This is the philosophy that the Labor Party is trying to push, that we all love one another. I think that Wran went up in my estimation when I read that. I think that he called them 'greedy bastards' when he talked about all this spiritual stuff and said that

we should not get too carried away with it. This Bill is in that mould; it is all window dressing and appearance.

Members interjecting:

The SPEAKER: Order!

The Hon. E.R. GOLDSWORTHY: It states 'delicate and conciliatory skills'. Great stuff! The Labor Party tried to paint the Liberal Party as the ogres in trying to pick a fight at the drop of a hat. Here we have these peace loving members of the trade union movement and the Labor Party who love their fellow man and who would do their damnedest to behave in a non-political way and demonstrate the delicate conciliatory skills. They were in evidence when they had the clubs out in the shearers dispute! The delicate conciliatory skills went to the fore there. It is all good stuff though. Here we come to the big open Government section. Clause 9 (8) provides:

> No public announcement of a decision or view reached by the council shall be made by the council, a member of the council, or any other person unless the members of the council are unanimously of the opinion that the announcement should be made.

That is great stuff! It is like telling the members of a political Party that the decision in the Party room is secret. What are the sanctions if members do come out and decide to talk about what happened? I find that clause repugnant in its intent, as it is an attempt to gag members of the council. It would be quite easy if it was the desire of some members on that council to suppress a point of view to see that the decision is not unanimous. It speaks volumes for the Labor Party's love of open government and disclosure of information.

The Hon. H. Allison: You could prevent that by making sure an issue was raised.

The Hon. E.R. GOLDSWORTHY: That is true, but I find that clause repugnant. I do not believe that that sort of stricture could operate in the best interests of members in that council, particularly if they have strong views. I do not believe that they should be muzzled by others on the council who hold contrary views.

Part III of the Bill deals with the functions of the Council. Here again, those people wishing the Bill to be drafted have indulged in wishful thinking. Clause 11 describes the functions of the council as being to advise on the formulation of policies affecting industrial relations and employment, to advise on legislative proposals of industrial significance and to investigate other matters referred to it by the Minister or by members. Subject to subclause (3), any legislative proposal of industrial significance should be referred to the council. Where is the compulsion in that? There is no compulsion at all. Such matters need not be referred whereas, if the Government was fair dinkum, the wording would be 'shall be referred'. What if they are not referred? The present wording makes a laughing stock of the Bill because there is no compulsion to do anything. The Minister could just as effectively have set up the council along the lines laid down in the Bill and told it how it was to operate, and it would have been just as effective as it will be as a result of this toothless, window-dressing legislation, which is being enacted simply to con the public into thinking that some great features of conciliatory law making are being processed by Parliament.

Clause 12 provides that the council shall provide the Premier with an annual report on its work. One can see some sense in the Premier keeping tabs on the behaviour of the Minister of Labor, who incidentally is the Deputy Premier but, if the Labor Party is serious about open government, the annual report should be submitted to Parliament. We have heard much hoo-hah from the Labor Party about open government, and the Bill should provide for the report to be tabled in the House.

Clause 13, the final clause, is wrong in principle, even though it may not be constitutionally wrong to seek to bind the Minister in a future Government, whatever political Party is in power, to behave in the fashion this Bill seeks to make the Minister behave. This Bill simply tells the Minister that he must do certain things, but whether he does them or not is his affair. It is wrong in principle to have a future Minister bound by the strictures sought to be enacted in the legislation. In those circumstances it would be more appropriate if the sunset clause were effective only for the life of this Government, whereas the term of three years from the commencement of operation of the legislation will take the effect of this Bill well into the life of a new Government. That is, of course, unless this Government wishes to legislate for four-year Parliaments commencing with this one.

The SPEAKER: Order! There is nothing in the Bill about four-year Parliaments.

The Hon. E.R. GOLDSWORTHY: No, Mr Speaker, but this Bill will run into the life of the next Government. After all, we are nearly six months into the three-year term now.

The SPEAKER: Order! I hope that the honourable member will return to the clauses of the Bill.

The Hon. E.R. GOLDSWORTHY: The sunset clause provides that this legislation shall fade away at the end of three years. Member on this side will not argue about the window-dressing the Government seeks to promote, but why should an incoming Government have to put up with this sort of frippery? As a matter of principle, I do not believe it is proper, even if the Bill has no teeth, to tell a Minister in a future Government how he should behave. This matter may have constitutional overtones, but I am not familiar with them.

Members interjecting:

The Hon. E.R. GOLDSWORTHY: Members opposite may laugh, but they should consider the constitutional and legal position in relation to legislation that tries to bind a Minister in a future Government to a course of behaviour. Members on this side do not oppose the Bill: we are simply making pertinent comments on it. The legislation is a result of an election promise of the Labor Party and is an attempt at compelling a degree of consultation, whereas the desired effects of the Bill could just as easily have been obtained without denigrating the Liberal Party and bringing this window-dressing Bill into the House. However, as the Government wishes to have enacted the nonsense clauses to which I have referred, the Opposition will not argue with the Government.

This is not legislation to which we are violently opposed, but we Opposition members are amused by it, just as we have been amused by some other antics of the Labor Party. Members opposite should talk to the Labor Premier of New South Wales (Mr Wran), who might tell them not to get too carried away with all this spiritual stuff but to keep an eye on the greedy bastards outside. However, the Labor Party may get some kudos from the unions for its effort to get consensus through this legislation. What puzzles me is that one Bill listed to apply in terms of the schedule is the workers compensation legislation. I shall be waiting to see whether, after this Bill becomes law, any amendments to the Workers Compensation Act are referred to this committee, because the workers compensation legislation is a prime example of legislation that should go to this council for consideration. I hope that the Bill passes into law speedily so that the Workers Compensation Act Amendment Bill introduced earlier today may go before the council. The whole spirit that is supposed to be embodied in the Bill will be destroyed unless the workers compensation legislation goes before the council. I for one shall be surprised if unanimity and the spirit of love and affection will last when

the two interests involved in the legislation seek to reach consensus on the measure.

That would be a good test for the council in its early days. Otherwise, if such Bills are not to be referred, this legislation is simply window-dressing: it will be a toothless tiger to which may be sent Bills that are of precious little substance. Where a genuine disagreement or difference in view exists, that sort of measure will not be considered by the council. If the amendments to the Workers Compensation Act are not referred to this committee, that will prove that the Bill is phoney.

Mr GREGORY (Florey): For the last 30 or 40 minutes we have listened to the Opposition explain why it agrees with the Bill. I am pleased that the Leader did tell us that. I think the speech of the Deputy Leader of the Opposition illustrated the very differing philosophical views on industrial relations between my Party and his. The Bill attempts to regularise and give some statutory authority to meetings of parties engaged in industrial relations, that is, the employers and employees, but the measure was treated in a joking fashion. Attempts to help parties reach agreement and to ascertain their views are a very important aspect of our lives, but that was treated also in a joking fashion and referred to as window-dressing. Perhaps that sums up the Deputy Leader's approach to his matter: he cannot see beyond the window-dressing. He is like the person who cannot see the wood for the trees in the forest.

I think it is important that we understand why this Bill has come before Parliament. When an industrial dispute occurs members opposite want this Government to take certain action and blame workers for being in dispute. They do not seem to appreciate that there are two parties in a dispute. They do not seem to appreciate that when two parties are competing in a certain area there will be disputation. If employers were enlightened and understood how to manage their companies, they would manage their industrial relations in a similar way. We find that well-managed companies do have industrial disputes, but the differences of opinion that occur between the workers and employers are sorted out in a manner that is equitable to both parties. Disputation is a sign that industrial relations are not working; it is a sign that there has been a break-down in discussions between the two parties.

I want to refer to comments made by the Deputy Leader about sanctions and penalties created to force people to do things. I suppose that industrial relations are a little like a marriage. Marriage can legally bind a man and woman together, but it cannot make a man and woman love one another or live together: it simply binds them together legally. That also applies to compulsion in industrial relations. It does not make people like each other or behave in a rational manner. I think that the best indication of that is the continual disputation that occurred in the metal industry from about 1954 to 1969. During that period metalworkers were trying to break free from restrictions that were placed on the wages of tradesmen so that tradesmen could receive an adequate reward for their labour. The metal employers, along with the metal unions, were in the front line. The metal employers were urged on by every other employing organisation in Australia to hold the line.

The Hon. D.C. Brown: I would have thought that this is outside the Standing Orders.

Mr GREGORY: If you wait patiently you will—

The SPEAKER: Order! Did the member for Davenport reflect upon the Chair or indicate that I was not upholding the Standing Orders?

The Hon. D.C. BROWN: No. My interjection to the member opposite was based on the fact that I did not see the relevance of his remarks to the Bill and, therefore, to the Standing Orders.

Mr GREGORY: As I was saying before I was rudely interrupted, this battle was going on in the metal industry, and everybody else was urging the combatants on. In 1969 there was disruption in the metal industry, when an attempt was made by the Commonwealth Conciliation and Arbitration Commission—

The Hon. D.C. BROWN: I take a point of order, Mr Speaker. On at least three occasions you asked the Deputy Leader of the Opposition to come to order on the basis that you considered his speech to be going beyond the scope of the Bill, particularly when he referred to any specific industrial dispute. It appears to me that the member for Florey is in fact referring to a specific (even though it was protracted) industrial dispute and that he is talking on exactly the same basis as that for which the Deputy Leader of the Opposition was called to order.

The SPEAKER: My ruling is that the matter on which I had words relating to the Deputy Leader was really in relation to the second reading speech and my impression at that point that he was using that as a standard, as distinct from the Standing Orders. At this point I am prepared to allow the honourable member for Florey to continue in a general way. If he moves into any specific industrial dispute within the cognisance of any industrial tribunal, then I shall not allow him to do so.

Mr GREGORY: As I was saying, in 1969 there was disruption in the metal industry when there was an attempt to absorb over-award payments. For a period of four to six weeks, hardly a metal shop in Australia did not have a stoppage of work. The application of penalties relating to that dispute was being heard in the Industrial Court as late as August of that year, and it went on into 1970. At the commencement of the hearings, unions were being fined about $400 for an offence and by lunch-time they were being convicted without penalty. That also illustrates another point. My uncle, who worked on the waterfront, was brought before the tribunal and told that he had been fined so many attendance days money, and his response to the Chairman of the tribunal was that he could fine him as many days as he liked because he would be over 80 years of age before he would get attendance money. That illustrates that sanctions and compulsion do not work.

Arising out of that dispute in the metal industry, the employers determined that they no longer wanted to be involved in leading the push for all the other employing organisations in Australia—that they would negotiate with the unions in the metal industry, and the other employing organisations could look after themselves. As in the words of the leading negotiator for the metal employers, they were not going to fight to the last drop of their blood for somebody else. As a result, for the first time there was an almost agreed award. The Metal Industry Award of 1971 opened up a new era in the metal industry. We found it difficult to accept that movement. It had never happened before; we just could not trust the employers.

As time went on, we realised that you could negotiate with these employers but that there would be differences of opinion, and that, when you sat down at a negotiating table and reached an agreement on the basis of how much you could get and how much they could give away, parties went away satisfied. We saw how that sense of purpose was applied recently when the metal unions negotiated with the metal employers for an award and they agreed that during the life of that award no extra claims would be made on the matters that were negotiated and dealt with in that award. Despite the predictions of the Jeremiahs in Australia, it worked. It worked because it was an agreement between

two parties which was endorsed by both sides, the unions and employers.

I can appreciate that members opposite do not like the words 'consensus' or 'summit', because in reality they have had the rug pulled out from under them. They have seen something happen in Canberra in which their previous Leader in the Federal House refused to participate, and that is a summit that involved employers, unions and Governments. His principal refusal was on the basis that Bob Hawke, as the President of the A.C.T.U., would go along and play politics. All I can say is that if one is in politics and one does not want to play it, one should get out. Now we know that the bloke has got out because he could not play the game.

It is the hope of our Party that, when there is consultation in this Bill, there will be some agreement. We are not so silly as to anticipate that when there is consultation there will be agreement. However, a number of things will happen. For the first time organisations will be consulted. The previous Industrial Relations Advisory Committee was established in 1971. It was an *ad hoc* committee, appointed by a previous Minister to advise him of its views on industrial matters, so that he could, in turn, express his views.

I think it is fair to say that between September 1979 and November 1982 there were very few meetings of that committee, and I believe that there were none at all in 1982. I venture to say that, even though I have not been involved in the current meetings of IRAC, as I was prior to my election in this place, more meetings would have been held since November 1982 than there may have been in the whole previous three years.

The Hon. D.C. Brown: You know that that's not true. You were a member of IRAC.

The SPEAKER: Order! Interjections are out of order.

Mr GREGORY: It illustrates that we want to seek consensus, and we want to be able to reach some agreement where possible. We want to behave in such a manner as to ensure that people are consulted, and not on the basis of what happened during the discussions leading up to the amendments to the Industrial Conciliation and Arbitration Act moved by the former Minister of Industrial Affairs, when the United Trades and Labor Council was advised on Thursday afternoon that the Government wanted its responses by Friday afternoon.

The Hon. D.C. Brown: That's not true, and you know it.

The SPEAKER: Order!

Mr GREGORY: For the benefit of the interjector, it is true. They were given that period and, knowing how the United Trades and Labor Council works, it was nearly impossible to be able to put a point of view on that matter. Under this legislation the Minister will be able to consult, seek advice and advise other people of what he intends to do. If one looks at the Bill and the number of Acts that will be affected by it, one realises that there is a whole area where the only way one can effectively implement the legislation is by having consultation, and that is in the area of employee and industrial safety.

It is recognised by experts around the world that if employees and employers have a commitment to industrial safety the incidence in the work place of traumatic injury will, if it is high, reduce alarmingly. If it is low—and statistics may show that—one knows that there is a commitment there. That is no better illustrated than by companies which, faced with soaring workers' compensation costs in 1974, applied some thought to their industrial safety and in a two-year period reduced their accident rate by 60 per cent. The most important area where the accident rate was reduced by 60 per cent is in the spot-welding area, where every worker should be wearing glasses with sideguards on them. However, half the workers, including the supervisors, were not wearing such glasses. The Deputy Leader made some comments about accepting recommendations of an advisory body and, referring to the Cawthorne Report, indicated that his Government would not accept all the recommendations.

The SPEAKER: I called the Deputy Leader to order on that very point. I call the honourable member for Florey to order on the matter of the Cawthorne Report.

Mr GREGORY: The Deputy Leader said that one could not reasonably expect a Government to be directed to do something recommended by an advisory committee. I accept that, believing that Governments are elected on a mandate to govern and make their own decisions. However, there is no problem in listening to advice from other people and no problem in rejecting that advice if it is not acceptable.

One of the problems I have is trying to justify the non-publication of a report on the basis that one does not want to accept its recommendations. I believe that reports should be published and that people should know what is happening in statutory authorities. The Government will decide, and the only reason that the Government does not release reports and makes those reports confidential is that, first, they may defame people. Secondly, they may give financial advantage or disadvantage to people. In those circumstances I believe that reports, mainly of an internal nature only, should be confidential.

However, reports on such public areas as industrial relations should be published, and that is why I believe that any review of the Conciliation and Arbitration Act should have been published and not hidden away in a safe. As I said earlier, this Bill will try to encourage people to exchange views and come to consensus opinions where possible. In that sphere one cannot have sanction and compulsion: it would not work.

At the same time, when people meet in these circumstances they need to meet freely. They need to be able to speak freely because, if they cannot do so, what is the use of having these meetings? That is why the Bill contains a provision that stops people from commenting on what happens at those meetings. It does not stop the participants from criticising the matters before the authority—not at all: it gives them open slather. However, protection is given to the integrity of the people who attend, and they are allowed to speak freely.

In his closing remarks, the Deputy Leader of the Opposition referred to this legislation forcing upon a possible future Government the requirement to participate in a council which it may choose not to do. I would have thought that the Deputy Leader of the Opposition would show a little more skill and ability than try to put that argument before the House. He knows as well as I know that, if a Government is in power and does not like some form of legislation, it will move to have that legislation repealed, amended or fixed up to its liking. In reality, all legislation of this House and this Parliament binds future Ministers and Governments until it is changed.

The Hon. E.R. Goldsworthy interjecting:

The SPEAKER: Order!

Mr GREGORY: So, the argument put forward by the Deputy Leader was baloney, to hide the inability of the Opposition to understand the reality of the Bill. Further, there has been already a series of meetings of the current Industrial Relations Advisory Council on the Workers Compensation Act. Notice was given earlier this week on that matter. I am confident that there will be many more meetings on Acts listed in the schedule as time goes on. The Government will be moving to amend such Acts, to remove passages which inhibit the proper use of the Acts and improve them so that workers in this State can live safely, people can live without suffering injuries caused through their employment, industry can prosper and we can fulfil some

of the aims and objectives of the people who established this State.

I am of the view that the Bill will assist industrial relations in South Australia. It will assist in bringing the parties together. It will not bind parties to carry out decisions of the meeting. It will allow for a free exchange of viewpoints, bringing people together, and, in allowing a free exchange of viewpoints, both parties will have an appreciation of the other party's viewpoint. The Minister then has an appreciation of the two parties' attitudes. In reality it illustrates a real difference, a difference of approach to industrial relations. It illustrates an approach of trying to reach agreement, understanding, and negotiating, getting as far as one can in reaching agreement. It does not try to bludgeon people into accepting a viewpoint. The old master/servant approach of 'you shall do this and you shall behave yourself' is gone. It attempts (and I am sure it will work) to bring about a better industrial relations climate and remove the confrontation approach, thereby allowing the two parties in industrial relations to come together and work closely. I urge support for the Bill.

The Hon. D.C. BROWN (Davenport): I would like to make a number of points in supporting the remarks of the Deputy Leader of the Opposition. I thought that his remarks were extremely pertinent and hit the nail right on the head. I say that, having had the experience of being Minister for three years, understanding how the sytem works and how effective the Industrial Relations Advisory Council would be, particularly if set up in the manner proposed by the legislation.

I would like to make a number of points in addition to what the Deputy Leader has said. First, the Minister of Labour obviously set out, in introducing the legislation, to do nothing but try to turn it into a political issue to embarrass and denigrate me as much as he could, despite the remarks in his second reading explanation, which state:

> This speech, however, does not strive to list the failures of the former Government in this respect. What it does seek to highlight is the blatant disregard of that Government to basic courtesy and common sense.

It went on for pages, doing nothing but abusing me personally. I stress that it was not a rational speech by the Minister—far from it; it was an emotive political speech, for a number of reasons. Obviously the Minister hates me, although I do not know why. Perhaps one should look at the record of our industrial relations under the Liberal Government compared to that under him when he was previously Minister. It is an interesting comparison.

I suppose that, if I had set myself up and espoused the personal beleif that I was the greatest in terms of industrial relations and had boasted that on numerous occasions, I would feel rather insulted by the fact that my opposition turned out to produce a better record than I had. Let us look at the details. Under the State Labor Government, over the three-year period from 1974 to 1976, the number of working days lost through industrial disputes in South Australia was about 600 000 per annum. I turn to the next three years (and I stress that the current Minister of Labour was Minister of Labour and Industry during part of that period). I hope that the member for Florey is not leaving the House, as I wish to refer to a number of his remarks and correct the false impressions that he created. I would appreciate his staying so that he can hear the facts rather than hearsay.

I come back to the statistics for the Labor Government in the period 1977 to 1979. The record was about 300 000 working days lost on average per annum over the three-year period. For the whole of the period the current Minister of Labour was the responsible Minister. Under the Liberal Government, between 1980 and 1982, the average number of days lost through industrial disputes was approximately 280 000. So, we find that the average days lost—

Mr Whitten: Not a great deal of difference.

The Hon. D.C. BROWN: It was half. The figure was almost 600 000 from 1974 to 1976 under a Labor Government. The Liberal Government had less than half the number of days lost per year compared to the three-year period under a Labour Government. So, I can imagine the embarrassment that the current Minister of Labour faces with his record. He has set himself up as the grand master and expert in the field of industrial relations and the Labor Party as being the Party that can deliver industrial peace. He now finds that the Liberal Government Party—which has been sold for so many years as being confrontationist—has a lower average number of days lost through industrial disputes over a three-year period than any other Government in the last decade. It highlights the fact that everything that has been said by the Minister in his second reading explanation, by the member for Florey tonight, as well as Labor Party members over the last three years, does not have any basis. The Liberal Government, under Premier Tonkin, introduced the best industrial record that this State has seen for many years. That is on figures produced by the Australian Bureau of Statistics.

I can understand why the present Minister would want to come out and set up a personal attack on me. I remind him that industrial relations, when I was Minister of Industrial Affairs, were better than they were under him. We now have the figures for a full three-year period. I find it amusing that the Minister has delivered not a rational speech but rather an irrational and emotional one and has done nothing but drag in personalities. Let us look at the claims he made. The first is that there was no consultation on the Bill to amend the Workers Compensation Act of 1982 and no consultation on amendments to the Industrial Conciliation and Arbitration Act introduced last year.

First I will deal with the Workers Compensation Act. The United Trades and Labor Council was given a copy of the Bill before it was introduced into Parliament and was asked for comment within a 10-day period. Within that period there was no response, despite repeated telephone calls to the United Trades and Labor Council asking for its comments. Members opposite now have the hide to stand up and say that there was no consultation.

Mr Plunkett: You always said you could speak for the trade unions.

The Hon. D.C. BROWN: In fact I had consultations with delegates from the United Trades and Labor Council on at least three, if not four or five, occasions during the preparation of the Bill. They came to me and put their points of view concerning what they wanted included in the legislation. I invited them to go away and look at all the other areas of the Act requiring amendment and to come back and tell me what they were. In fact they came back with that information. Consultation continued for about six months. We now find that the Minister of Labour has the hide—

Mr Plunkett interjecting:

The SPEAKER: Order!

The Hon. D.C. BROWN: —to deliberately mislead this Parliament as to what occurred. What I find even more concerning is that the member for Florey, who at that stage was the Secretary of the United Trades and Labor Council, was part of those delegations which came and consulted with me on that Bill. He was there on at least two occasions that I can recall, yet he has the hide and the effrontery to stand up here and say that there was no consultation. It hurt me to hear this evening the member for Florey say that when I was Minister I had absolutely no regard for consultation. On literally hundreds of occasions I saw del-

egations either from individual unions or from the United Trades and Labor Council, or received telephone messages from them or had conversations with them on countless numbers of issues during the three years that I was Minister.

Mr Whitten: Did you listen to the chief T.L.C.?

The Hon. D.C. BROWN: Yes, I did listen to them, and they know, and particularly the member for Florey knows, that not only would I listen to them but also we would take comprehensive notes about what was said at those delegations, and I would go through and respond to issues raised in subsequent letters to them. Frankly, it did hurt me to hear the former Secretary of the United Trades and Labor Council making the claim that he made tonight, when he was there on dozens of occasions, and he knows that there was not one single occasion when I would not see a delegation that had asked to come and see me on an issue. In fact, some of the criticism by departmental people was that the Minister was spending too much time talking to the United Trades and Labor Council and not sufficient time talking to them on matters that they wanted to raise with the Minister. I replied that that was my style and that I would stand up and defend it, because I believed that adequate time should be given to consultation with all parties involved.

There is absolutely no basis for the accusation made by the Minister and the member for Florey that there was no consultation on the Cawthorne Report. The entire concept of that report, and the reason for its late arrival on my desk was that it took 12 months for Mr Cawthorne to consult with all the parties involved and to produce a discussion paper and to go back and then have further discussions with the parties involved on proposed legislation and about what should be included in the legislation. Yet members opposite have the effrontery to stand up and say there was no consultation. It went on for 12 months, and in fact there were filing cabinets full of material that was received. There were individual talks and personal discussions in confidence between Mr Cawthorne and various trade unions, including the representatives of the United Trades and Labor Council. On various occasions I actually went down to the headquarters of the trade union movement on South Terrace, Trades Hall, and sat around the conference table and discussed legislation, yet members opposite have the hide to say there was no consultation, even though I went to their grounds and discussed at great length this legislation.

For instance, I recall that in regard to the Industrial Commercial and Training Commission legislation, for three-and-a-half hours during a final meeting I sat around in its conference room and went through the legislation. There had been earlier meetings also. Yet, members opposite have the hide to say there was no consultation. I would say that there would be few Ministers who have spent more time hearing views put forward. However, unfortunately, if I disagreed with the views put forward the allegation was made that there had been no consultation.

This is not a new concept brought forward by the Minister. The Industrial Relations Advisory Council has been operating on almost exactly the same basis as that proposed by this legislation for many years. The membership was similar: four employers representatives, and four employee or trade union representatives. Also, the permanent head of the department sat on that committee, and it was chaired by the Minister. Therefore, there is nothing new whatsoever. The Minister has simply written down the procedure on a piece of paper, and presented it to this Parliament as a Bill. As the Deputy Leader has said, it has no strength in it and it is nothing but a paper tiger, a piece of paper which is window-dressing.

I think the member for Florey accused me of not having had many meetings with the Industrial Relations Advisory Council. That comment concerns me because if I remember correctly, the one member who invariably did not attend the Industrial Relations Advisory Council meetings was the then Secretary of the Trades and Labor Council, the present member for Florey. However, the member for Florey accused me of not having enough meetings with the Industrial Relations Advisory Council, even though he was a member of that council who did not bother to attend.

Mr Mathwin: Did he get a sitting fee?

The Hon. D.C. BROWN: No, he did not get a sitting fee. I must say that on those committees where a sitting fee was paid it was found that members attended far more regularly. I am not making a personal accusation against the member for Florey on that ground, but I am simply making a general comment. I will not vote against this legislation as there would be no point in voting against it. It does not do anything. If the Minister wishes to run around in glory with this piece of paper thinking that he has done something, I would be only too happy to let him do so. If that is good for his ego, then let it be so—small men have small minds, although we must be careful in saying that the Minister of Labour is a small man. Perhaps he is not physically small, but small of mind.

The concept is not new because the National Labour Consultative Council has been operating for some years in Canberra. If I remember correctly the comments of the Labor movement of Australia, the experience has been that the National Labour Consultative Council which was set up on virtually exactly the same basis as provided for in this legislation, has not been particularly effective. Here we have the Minister saying that this is a quiet revolution in regard to consultation in South Australia, whereas an almost identical body has been accused (by those on the same side of politics as are members opposite) of not being effective.

It appears to me that they talk with a forked or political tongue, rather than with a rational one. One small sideline that I find amusing is that in the copy of the Minister's second reading explanation presented to Parliament 'Labor' was spelt as 'Labour' throughout. It amuses me that a Minister of the Labor Government does not even know how to spell his Party's name.

Members interjecting:

The Hon. D.C. BROWN: I said that it was a small point and I am fascinated by the reaction it brought from the other side of the House. Members opposite are obviously very sensitive.

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. D.C. BROWN: Some fundamental points need to be addressed. The first is that the legislation before us allows for only four employers and four trade union representatives all to be appointed by the Minister. Let us be quite clear on this. This legislation is establishing an advisory body for consultation in which the Minister will appoint all of the participants. Really, it is the Minister's own little discussion group; it cannot necessarily be seen as a broad representative body. The Minister appoints the representatives; the legislation clearly stipulates that. The Minister can appoint whoever he wishes—after consultation, but he has the final say. Obviously any such body needs to be seen in the light that it is there not as a representative body of the community but as a pet committee of the Minister.

The second point is that four employees cannot possibly represent the interest of vast groups of employers throughout the community. The fact that those employers have not come together on a complete council like the trade union movement is perhaps the one ground for criticising employers for various reasons; because of the diverse nature of employer groups; it is not possible to appoint four employers who can represent a council. When I was Minister we had a

policy of negotiating with at least six major employer bodies: the Chamber of Commerce and Industry, the Metal Industries, the Retail Traders Association, the Employers Federation, the Printing and Allied Trades Federation, and the Master Builders Association. They are the six biggest employers in South Australia. If this legislation is introduced then two of those employers will be excluded from these consultations. It appears that the whole basis on which the Minister is setting up the consultation will be far narrower than has applied over the past three years.

Another important point is that I have always argued that industrial relations were not there just for the participants but that the public had a vital interest and a right to have a say in industrial relations matters. So often the public is the party most affected and most severely hit by industrial disputes. If one was to set up a committee with any credit whatsover, one would bring in broad community representatives as part of the processes of consultation, and yet we find that those people are not involved in this. I think that it is to the detriment of the whole process, and certainly the Industrial Relations Advisory Council, as proposed by the legislation, that people representing the broader community are not included. It is like saying that, when judging matters of education in this State, we should consult only the teachers and students. Of course, the parents and others have a vital interest. Yet, based on the standard being set by the Minister, those people will have no say whatsoever. This reflects the extent to which the Labor Party has always tried to give absolute right to the parties immediately involved in industrial relations with no regard whatsoever for the broader community or for the effects of industrial disputes on that community.

I think that the committee that is being proposed (and I am sure that the Deputy Leader will agree) is deficient in that it does not have any broader representation. We are not going to meddle with it. It is what the Minister wanted. He thinks that it is marvellous. Let him try it and see that it is far from what his perspective of it is.

With those few remarks I repeat that I intend to support the legislation not because I believe it is going to work and not because I think it is anything different from what has happened previously but because the Government and the Minister have asked for it and I see no harm being done by allowing him to have this paper tiger.

Mr WHITTEN (Price): I am pleased to hear the member for Davenport, the previous Minister, coming out forthrightly and saying that there is nothing wrong with this legislation and that he will support it. I am pleased to hear that; I did not expect that.

The Hon. D.C. Brown: I didn't say that I would support it. I just said I wouldn't oppose it.

Mr WHITTEN: He might want to have a bob each way, which is his usual way of operating. At least the shadow Minister was not prepared to come out as the deposed Acting Minister has come out. I am pleased that the Labor Government's policy on industrial relations is consultation and not confrontation. Over the last few years, when the member for Davenport was Minister, it was certainly rife throughout the trade union movement that there was no intention that that Liberal Government would have consultation at any time; it wanted confrontation.

The great part of it if we look at the second reading explanation of the Minister of Labour is in the opening paragraph, which states:

> Over the years it has been a fundamental premise of the Labor Government that consultation and co-operation are the very foundation stones of good government, upon which development, progress and harmonious relationships are to be built. While this principle operates across the whole spectrum of public activities it is especially applicable in the area of industrial relations.

Since the re-election of the Labor Government, particularly federally, it has been the prime concern of the Prime Minister to ensure that there is consultation, not confrontation. This is borne out by the summit conference held recently, where all parts of the spectrum were in complete agreement that there shall not be confrontation any longer as has been the case from 1975 to 1983 when there were no industrial relations whatsoever.

I am pleased now that the previous Minister in this House has had a change of heart. He can see that those policies were not getting anywhere and that the policies of the Labor Government will work. It is just as well for him to make it appear that the Liberal Party is trying to make things work. He said that this is nothing new. Certainly it is nothing new. Dave McKee in 1971, as Minister of Labour, set up IRAC. It was not a statutory authority, but there were regular consultations and members of the trade union movement and the Employers Federation, the head of the department, and the Minister himself were involved in that committee.

That set-up operated very well until 1979, during which time the previous Minister did not call a meeting of the council for a whole year. However, the new Minister, within a month of assuming office, called the employers and trade unions together for consultation so that they could see where they were going. The Minister let both parties know what the Government intended.

In 1979-80, the previous Minister (the member for Davenport) commissioned Mr Cawthorne, a man respected in the community, to make an inquiry but, unfortunately, when the Minister saw that the results of that inquiry were not what the Liberal Party wanted, he said that he would not release the report. Mr Cawthorne in his report said that this council should be set up as a statutory authority consisting of four representatives of employers, four representatives of the trade union movement, the permanent head of the Ministry of Labour, with the Minister to chair the council.

Mr Mathwin: What page is that on in the report? I've being looking for it all night.

Mr WHITTEN: I have not got a copy of the report, although I have read it. I only recently saw a copy. We could all have read the report a long while ago if the previous Minister had released it instead of hiding it in his bag and taking it away with him. One day, when the member for Glenelg and I have plenty of time, we shall look at the report and I will show the honourable Minister the page to which I refer. I cannot be fairer than that. Mr Cawthorne recommended that the status of the Industrial Relations Advisory Council be reviewed and that it be made a statutory authority. This is what has happened: we have taken notice of a report commissioned by the previous Minister; we have looked at the good things in it; and the present Minister has adopted it. We are now asking Parliament to adopt that report.

Any draft legislation must go to the committee and remain there for two months before it is introduced, so that there can be plenty of consultation not only with the trade union movement but also with the employers. The draft legislation will be reviewed by the committee before coming to Parliament. One of the great things about the committee is that it will have four employer representatives appointed after consultation with the Minister, which means that the employers will have the right to submit a panel of names so that, after consultation with the Minister, four can be appointed to the committee.

Mr Mathwin: If he likes them. If he does not like them he will not appoint them.

Mr WHITTEN: Surely the honourable Minister is not so thick between the ears he cannot see—

The DEPUTY SPEAKER: Order! The member for Glenelg is out of order in interjecting.

Mr WHITTEN: I apologise to you, Mr Deputy Speaker, for answering interjections. Only this afternoon the Minister of Education in this House referred to the differenc in

approach of this Government from that of the previous Government, and he referred to the co-operation received from the Labor Government in relation to a private member's Bill on which he was speaking. Never did the previous Government agree to pass legislation introduced by the Labor Opposition, and that marks the difference between this Government and the previous Government. Even last evening the Minister of Local Government in this House expressed a desire for co-operation on a minor amendment that was opposed by the Opposition merely because it had been moved by the Government, and even though it set out to correct an anomaly created by legislation sponsored by the previous Government. It has always been the policy of the Labor Party to help people, not to stand over them with a big stick in an effort to belt their ears off.

This evening I felt sorry for the Deputy Leader of the Opposition, because he sounded as though his heart was not in his speech. He does not understand industrial relations any more than does his colleague the member for Davenport, who was Minister of Industrial Relations in the Tonkin Government. However, now that the previous Minister has been dumped as spokesman on industrial relations, the Deputy Leader is saddled with the task of speaking on industrial matters in this House. The member for Henley Beach said that the Deputy Leader does not know much about industrial relations.

Mr Mathwin: The member for Henley Beach has got his ears wet.

Mr WHITTEN: At least the member for Henley Beach has had long service in the trade union movement whereas, unfortunately, the member for Glenelg has never been an official of a union or taken an active part in union affairs.

Mr MATHWIN: On a point of order, Mr Deputy Speaker, I object to the member for Price saying that I have never been a union official or had close connection with a trade union. That is wrong. It is untrue. I was a member of a union.

The DEPUTY SPEAKER: Order! There is no point of order.

Mr WHITTEN: I apologise to the member for Glenelg if I said erroneously that he had had no connection with the trade union movement. I believe that he has had no such connections but, if he has had some, I apologise. However, from his actions and remarks in this House he does not appear to have had any. The Deputy Leader of the Opposition said that there was not much in the Bill and he described it as a joke. Unfortunately for the dignity of this House, the member for Coles, who would not have the slightest iota of industrial knowledge, said that it was a joke and that we treated her as a joke. The Deputy Leader said, rather unwisely, that the Liberal Party would not accept the Cawthorne Report.

Members interjecting:

Mr WHITTEN: The Deputy Leader said that. The report was commissioned by the previous Minister and it appears that anything in the report that is not the same as Liberal members believe will not be accepted by the Liberal Party. If honourable members opposite read the *Hansard* proof tomorrow, they will see that the Leader of the Opposition said what I have attributed to him, although he may not have meant to say that.

The Hon. D.C. Brown: Do you support the whole report?

Mr WHITTEN: No. No way: you do not catch me on that! The Deputy Leader also said that this Bill was only a piece of window-dressing and that it would have no beneficial effect. If that is the case, was that the reason why, after the advisory council had been in operation from 1971 to 1979, the then Minister said, 'I will have nothing to do with it' and that is why he did not call it together for 12 months? It appears that the previous Minister did not want to consult with even his own people. We must have consultation, not only confrontation. The previous Minister also said it appeared that this Bill would be an effective gag on members serving on the council. I cannot see how that could possibly be the case if a council comprised of equal numbers from two opposing forces, forces from the employers and forces from the union, is set up. How will that be an effective gag on anyone?

The member for Kavel dealt with clause 12, the second-to-last clause in this Bill. He asked, 'What is the use of this Bill? It has no sanctions and penalties in it.' What is industrial relations about? Whilst the member for Florey did not name the sections, he brought this point out. Those people who were involved in the industrial movement in the 1970s (as you were, Mr Deputy Speaker) know how effective were the pains, penalties, and sanctions. You, Sir, will remember how organisations refused, under section 109, to pay those fines. We never paid a fine. Because those pains and penalties existed whereby people could be thrown into gaol, it did not make for good industrial relations. In fact, I am aware of only two occasions on which trade union officials were gaoled. This is the sort of thing that the member for Kavel was talking about—pains, penalties, and sanctions. The only occasion on which this was invoked and trade union officials were gaoled the whole nation was brought to a standstill. If we consider what happened when Clarrie O'Shea was gaoled, we remember that the whole nation stopped.

Mr Mathwin: You did a jig.

Mr WHITTEN: The member for Glenelg asks who that is.

Mr Mathwin: I did not say that. I said you did a jig.

The DEPUTY SPEAKER: Order! Will the honourable member please resume his seat. The Chair has been fairly tolerant in this debate, but it does not intend to let this situation continue. I would remind the member for Glenelg that he is named to speak in this debate and the Chair certainly looks forward with some interest to his participation. Until that time, I would ask the member for Glenelg to cease interjecting.

Mr WHITTEN: Thank you very much for your protection, Mr Deputy Speaker, but I can assure you that the member for Glenelg does not upset me. I think I can handle him.

The Hon. G.F. Keneally: He amuses you.

Mr WHITTEN: As the Chief Secretary says, the honourable member certainly amuses me. I am not a vindictive person and I will not retaliate when the member for Glenelg next speaks. I am a very charitable person. People in the Labor Party are of that nature and wish at all times to have good relationships. We do not want confrontation. The member for Davenport said that the Labor Government had introduced the Bill only as a political measure and would do nothing to promote industrial relations. I suggest that this Bill is formalising an arrangement that has been in operation in this state since 1971, when a Minister in the Labor Government (the member for Pirie, David McKee) set up the organisation. Unfortunately, the honourable member is now about to leave the House. Why, in 1980, did he not allow the council to meet? I can see only good coming out of this. I support the Bill.

Mr ASHENDEN (Todd): I am concerned about a number of points, although I certainly will not oppose the Bill *in toto*. However, if amendments are moved in certain areas, I will certainly support those amendments.

I cannot believe that the Government is serious in bringing this Bill before Parliament, because I can see a number of problems arising due to the way in which the wording in the Bill is presently couched. I agree with the Deputy Leader of the Opposition, who feels that this Bill is purely and

simply a piece of window dressing. Obviously, it is something that the Government hopes to hold up to the public and say, 'Here you are. We are trying to bring about conciliation. We are trying to stop confrontation.' However, when one looks closely at the Bill, one can see quite clearly that this is not the Government's aim, or, if that is its aim, then the Bill, as it is presently put forward, will certainly not achieve that aim. I am aware that a number of amendments will be put forward and I certainly hope that the Government will accept those amendments, because undoubtedly they will improve the Bill and will make it one which is more likely to achieve the ultimate aim that the Government states it seeks.

I refer first to clause 6. It concerns me very much indeed that all persons appointed to this council will be nominated by the Minister. This certainly lends itself to abuse, because obviously a Minister does not have to accept the recommendations put forward to him by either the trade union movement or by employer associations. The Minister alone will determine who the appointees are to be.

This immediately lends itself to abuse, and if members opposite say that a Minister in their Government would not do this, I would refer them to their own official paper which they have printed monthly and that is the *Herald*. On two occasions of which I am aware in the past 12 months, first, the name of an employer was printed in a report in that paper and, secondly, the name of a company was printed. The Labor paper made quite clear (in fact it directed) to readers and members of the Labor Party that they should not support either of those two businesses, because of the stance in one case that a particular person took, and in the other case because of a stance taken in the name of an industry. In other words, people were told, 'Disagree with the Labor Party and we will immediately make sure that your name or your business is made public and we will instruct our members, under no circumstances, to trade with you.'

Therefore, make no mistake, under those circumstances the Labor Party is quite happy to have any person who disagrees with it blackballed. I have no doubt at all that, if an employer appointed to this committee by the Minister was to dare to disagree with that Minister, he and his company would be leaving themselves wide open for the sort of treatment that has been officially sanctioned in the *Herald*.

For those reasons I am very concerned indeed that all the appointments are at the whim of the Minister of the day. Again, if the Government was sincere in its desire to bring about concensus, surely it would be seeking a manner of appointment to this committee that would lead much more to a consensus. Let us face it: consensus can only be achieved where differing points of view are put and considered. What will happen in this situation if the four employer representatives, for example, are fearful of putting forward their genuine feelings just in case a spiteful Minister was to turn that around on them?

If the Government was sincere, it would have welcomed genuine comment opposed to its own beliefs to try to bring about the consensus that it says it is seeking. So, if amendments are brought forward in relation to clause 6 I will certainly be supporting them. I now move to clause 7 (1) which provides:

> A person nominated for appointment as a member of the Council shall be appointed for a term of office (not exceeding three years) specified in the instrument of his appointment and shall, upon the expiration of a term of appointment be eligible for reappointment.

This is tied up in a later clause which makes quite clear that appointments are for a period of three years. Again, I take up the point of previous speakers on this side. If this is to be adopted it commits any incoming Government, whether it be of the same political persuasion that presently exists or of another political persuasion, to continue with a council that that Government may not wish to have advising it. It is as simple as that. If we are to have sunset legislation—and I think that that is an excellent idea—then let us have sunset legislation that is meaningful. Surely, as the Minister is the person who is appointing all the members of this council, that council should be responsible only to that Minister as long as he is Minister.

The point is that there may not be a likelihood of disagreement between Ministers that come from a Government of the same political persuasion. However, I can certainly see difficulties occurring where there is a change in Government. Again, I would earnestly seek the consensus and agreement of the members opposite seriously to consider the difficulties that that clause in this Bill could create in relation to consensus in the future.

I do not wish these later comments in any way to play down my very real concern about the original point that I made, namely, that all appointees are appointees of a Minister. I do not think that that is right. I hope that that will be changed. If it is not changed, the comments that I have made in relation to clause 7 stand very strongly indeed.

I now move to clause 9. Again, this clause gives tremendous power to the Minister, and I cannot understand why a Government which says that it wants consensus is placing so much power in the hands of one man. I again make the point that consensus is something which is agreed to and achieved through a group discussion. Therefore, why should it only be, as clause 9 seems to indicate, purely and simply at the whim of one person that this council should come together? It could mean that any legislation coming forward which the Minister did not really want this council to consider could easily come forward to Parliament without the committee's consideration, because the Minister would not call his council together. I realise that in later subclauses the Bill goes on to provide that the Minister shall convene a meeting of the council if requested to do so by four or more members of the council.

However, I return to the point that I made at the beginning of this speech, that it should be remembered that all these people will be appointed by the Minister. Whether the Minister means to or not, because of his authority he could cause those people to think twice about calling a meeting on a contentious issue. Let us face it: whether it is in the union field or the management field, this type of fear is a very real thing for people who are subjected to an overpowering boss, and I am sure that members opposite would agree with that.

I am not for one minute saying that the present Minister would necessarily use his power in this way. I merely state that this Bill leaves it open for an unconscionable Minister to abuse his power. This Bill gives a Minister tremendous power, and that concerns me. The next thing that concerns me is clause 9 (4), which provides that the Chairman shall preside at all meetings of the council. Surely there will be times when a Minister will be either overseas or interstate on official Government business. This clause means that while he is away this council cannot be called together. I cannot see the point of that either, if the Government's genuine aim is to achieve consensus and a committee which is designed to advise and put forward points of view that will hopefully lead to the aims that the Government states it is trying to achieve with this Bill.

I also note (and I can understand why) that the permanent head will not be entitled to a vote as far as this committee is concerned. It could put that permanent head in a most invidious position, particularly if he had a feeling about an issue that was contradictory to that of his Minister, who is,

after all, his supervisor. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

ADJOURNMENT

The Hon. T.H. HEMMINGS (Minister of Housing): I move:

That the House do now adjourn.

Mr PLUNKETT (Peake): I would like to use my short time in the adjournment debate to discuss the wide comb issue. I find the decisions of both Commissioner McKenzie and the Full Bench hard to understand. If they agreed that the 86 mm wide comb should be used, why did they not say so instead of leaving it in the hands of the employer to say whether this comb could be used or not? It would appear that the commissioner and Full Bench relied heavily on the situation prevailing in Western Australia when arriving at their decisions.

In Western Australia, graziers have encouraged and assisted in the importation of shearers from New Zealand and Tonga, so much so that there are now about 700 of these shearers in Western Australia. These imports have been in the main anti-union and encouraged by Western Australian graziers to use wide-gauge shearing gear and to ignore and break normal working conditions. The result is that now conditions in the pastoral industry in Western Australia are such as to be unacceptable to decent union members.

These imports are now finding that because they were prepared to work for less than award rates and conditions, they are now required to work seven days a week, cook for themselves and provide their own accommodation. These are the conditions that the more greedy graziers would like to have introduced into the Eastern States.

The history of the Arbitration Commission so far as pastoral workers are concerned is that the commission will only approve for pastoral workers what it knows that pastoral workers can take. This was the case in the 40 hour week struggle of 1946. The commission approved the 40 hour week for pastoral workers after the pastoral workers had won it and had been working it for months. In 1956, the commission reduced pastoral workers' rates on the application of a few disgruntled graziers who had pressured their organisation. Pastoral workers refused to accept the new rates and continued to work only at the old rates. After an interval the commission recognised its error and restored rates acceptable to pastoral workers.

This is the position that prevails now. The Commission, at the behest of grazing interests, is endeavouring to foist on pastoral workers an alteration to the width of the shearing comb. Both the graziers and the commission know full well that the width of the shearing comb is central to the computing of the average number of sheep shorn per week, which is decisive in computing the rate per 100 in the shearers formula. At present this figure for the average number of sheep per week used in the formula is 480. Graziers are well aware of the power for manipulation of shearers pay rates that will be gained by them if they are successful in their campaign for the introduction of wide-gauge shearing gear into the pastoral industry. Graziers require to have the legislation of the use of wide-gauge combs accepted in the Federal Pastoral Industry Award, so as to facilitate and legalise their collection of tallies from sheds, prepatory to their seeking a review—

The Hon. W.E. CHAPMAN: I rise on a point of order. The member for Peake appears to be reading from a book. If that is not so, I withdraw my point of order. From this side of the House that appears to be the case.

The SPEAKER: Order! I ask the member for Peake—

Mr Plunkett: I am using copious notes, Sir.

The SPEAKER: The point of order is not upheld.

Mr PLUNKETT: Graziers are well aware of the power for manipulation of shearers pay rates that will be gained by them if they are successful in their campaign for the introduction of wide-gauge shearing gear into the pastoral industry. Graziers require to have the legislation of the use of wide-gauge combs accepted in the Federal Pastoral Industry Award, so as to facilitate and legalise their collection of tallies from sheds, prepatory to their seeking a review of the average number of sheep shorn per week as used in the shearers formula.

By organising runs of suitable and fast shearing sheep, and with specially selected wide-gauge shearers, graziers would accumulate tallies that will be used to substantiate their claim that the present figure of 480 used in the formula is too low. Any increase in this figure above 480 will result in a reduction in the rate per 100. Taking a lead from Commissioner McKenzie's decision of 10 December, pastoral workers can be excused for thinking that Commissioner McKenzie shows a bias and believes that wide-gauge shearing combs of 86 mm would increase shearing tallies by 14 per cent.

This was the finding of an investigation conducted in Western Australia in 1978-79. It has since been used by graziers in the Eastern States to justify their support for scab elements using wide-shearing gear. If the Arbitration Commission accepts that 86 mm combs increase shearing tallies by 14 per cent and applies it to the sheep shorn per week in the shearing formula, it will result in the figure of 480 being replaced by the number 547. This will be absolutely disastrous for shearers and will effectively cancel out any possibility of shearers gaining any worth-while improvement in either pay rates or from reduced working hours. I have a shearers formula which I wish to have inserted in *Hansard* without my reading it.

The SPEAKER: I take it that the honourable member can give me the usual assurance.

Mr Plunkett: I do.

Leave granted.

SHEARER'S FORMULA—INCORPORATING THE PRO RATA INCREASE OF THE COMMUNITY WAGE INCREASE OF 18 DECEMBER 1981

	$
Current total wage	223.90
Plus 20% piecework allowance	44.78
	268.68
20 weeks wages at $268.68 per week	5 373.60
20 weeks fares at $7.96 per week	159.20
3 weeks travelling at $72.46 per week	217.38
17 weeks mess at $43.70 per week	742.90
17 weeks camping allowance at $7.82 per week	132.94
1 week lost earning time at home at $223.90 per week	223.90
Pro rata allowance in lieu of 4 weeks annual leave plus 17.5%	534.94
Pro rata allowance in lieu of 1.8 weeks sick leave	189.11
	7 573.97
Less 17 weeks contribution towards cost of meals at $29.11 per week	494.87
	7079.10
$\frac{7079.10 \times 100}{17 \times 480} = \frac{707910}{8160} =$	$86.75
Plus comb and cutter allowance per 100	3.17
Plus allowance for occasional flyblown or daggy sheep, per 100	0.56
Present rate per 100	$90.48

Mr PLUNKETT: I will now deal with the interjections of the member for Alexandra, who had the audacity to ask

why problems have been caused in the shearing industry in which there has been no trouble since 1956, as he well knows because he was a shearing contractor himself. It was only because of the greedy nature of the graziers and their associations that the trouble was caused. I do not stand here and support violence, but the graziers and their associations have brought about the violence. There will be violence in many cases before it is finished. I have never known a shearer who has carried a gun. Yet, we see in the newspapers that shearers now have guns. That has never occurred before. I have been a shearer and have been through a strike. I have never carried a gun and have never had to. Through greed and through contractors and their associations, scabs are being brought in from New Zealand and Tonga to reduce the cost of shearers, shed hands, cooks, and so on. They will have no independence at all. That is what is being introduced, and that is why I have tried to make this speech tonight.

I have only had 10 minutes in which to do that. The member for Alexandra has tried to take up my time. He did not want me to speak and show what a hypocrite he is, along with many other graziers and people who seek to reduce the conditions of shearers. In fact, it has always been accepted that no shearer ever got his money unless he earnt it. It is on a contract basis. If the honourable member was not so hypocritical he would not make such a fool of himself. I wish the member for Mallee were here; he is a complete idiot. He could not even ask a question this morning. He had to rely on the member for Alexandra to ask the question. He has made a dumb commitment because he could not ask the question himself.

I stand here and ask the member for Alexandra to think about the previous time. He always says that he had shearers working for him and had a good association with his workers. I know many shearers who worked for him, and they did not think that he was such a hot shot. If that was the case, he would know full well that this is the real scab endeavour to reduce the shearers and all workers in the shearing industry back to being slaves. It is going back to the old days. He can talk about the blade. He asked me today why they are using the ordinary comb at Diddiculum. There is only one reason for that: they cannot shear with the wide combs, because the sheep are merinos, and they would never push it. In Australia the merino sheep—

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

The Hon. E.R. GOLDSWORTHY (Kavel): I wish to raise a matter which I mentioned earlier in the House in the Address in Reply debate in relation to—

Members interjecting:

The SPEAKER: Order!

The Hon. E.R. GOLDSWORTHY: On 15 March I described to the House the situation that existed in the Barossa Valley in the wake of the disastrous floods, and I have to report that there are continuing problems. The Premier unfortunately refused to sponsor a public appeal for those victims. I pointed out in my earlier remarks that the flood was an enormous disaster, but coming as it did so soon after the other disaster which befell the State, namely, the Statewide bushfires, the public was saturated to the extent that the flood did not attract the media or public attention that it would have had it been an isolated event.

However, that has not diminished the enormity of the problems which the flood created and which still persist. The Premier refused to sponsor an appeal, which was a great shame. He had earler sponsored an appeal for bushfire victims. Nonetheless, an appeal has been launched. The Government's contribution to the public appeal launched by the Chairman of the District Council of Angaston has been a paltry $20 000.

The Hon. W. E Chapman: As a total contribution?

The Hon. E. R. GOLDSWORTHY: Yes, a total contribution to that fund; other contributions are made under the terms of disaster legislation. I am talking about the fund set up to give the same sort of relief that the $9 000 000, which has been prescribed to the bushfire fund, will give.

Compared with the total contributions of the bushfire fund, the pro rata contribution of the Government may have been comparable, but when one considers the needs that exist and the total pool of money available for flood victims, that $20 000 is a very miserable sum indeed. It is hardly even a token. It is far short of the funds required. In my view this has led to a great deal of criticism of the Government's parsimony in regard to the appeal.

Honourable members would be aware that there are major problems concerning insurance. Most householders and others had taken out in good faith what they thought was adequate insurance cover for their properties. In the event I think that we could count on one hand the number of properties which were covered by insurance, simply because people were unaware that there was not a standard clause applicable. This problem has added to the other problems associated with the bushfire tragedy, and in my district there have been plenty of them, including the part of the district where I reside. Therefore, these problems have been exacerbated as a result of the fact that no insurance has been available to most of these victims, resulting in a series of problems that have been very widspread.

As honourable members would know, the total bill for damage in the Barossa Valley, the area for which I am responsible, runs into millions of dollars. Under these circumstances we must look at the level of assistance available from Governments, both State and Federal. The contribution to the general appeal was miserly; I think that is understating the situation. It was entirely inadequate when one considers the needs that must be met.

In regard to the guidelines, the funds available under the terms of assistance to flood victims are set out in terms of disaster relief, but a matter that is causing a great deal of concern is that the guildelines are quite inadequate. They are different from those that apply to bushfire victims, which in themselves are inadequate.

A statement was made (which has been reported to me on more than one occasion) by the Minister of Local Government when he attended the Angaston council initially (the first time any Government member had gone to the Barossa Valley), that assistance would be identical to that given to the bushfire victims. When I was asked about this, I replied that I knew a bit about this and that back in my office at Nuriootpa I had a set of guidelines produced for fire victims. I made available a copy of those guidelines. I might say that it was fairly difficult to get a coherent set of guidelines from the Government for quite some time to enable people to know the situation in relation to relief.

The Hon. W.E. Chapman: Did you find the guidelines to be the same?

The Hon. E.R. GOLDSWORTHY: The guidelines are not the same, which is the cause of some concern. I realise that they refer to a different situation and that the difficulties involved are different, but they are widespread, and the assistance available for flood victims is inadequate in almost all cases.

In the case of householders and elderly citizens a very stringent means test is applied. All this has arisen in view of the fact that people who thought that they would be provident and that they had adequate cover found that they were left high and dry because their insurance policies, unbeknown to them, did not cover the situation: if water

comes through the roof they are covered, but if it comes under the front door they are not covered.

The Hon. W.E. Chapman: Are you saying that the Minister of Local Government misled people?

The Hon. E.R. GOLDSWORTHY: I would not go that far. That was the understanding of the Minister, but at that stage I do not think that he knew what the final determination would be. I do not want to press that point. The guidelines are not the same as those applying to bushfire victims, which is a cause of considerable heartburn, because people affected are confused, upset, hurt, and do not know where to turn; they are bitter.

A vast number of the homes inundated have not yet been rehabilitated, and a number of primary producers were affected. However, their guidelines are not the same. For instance, no provision is made in the guidelines for fencing, as is the case in the bushfire guidelines, although the guidelines for the bushfire victims may not be entirely satisfactory. However, they are less satisfactory in some regards in relation to the flooding. The provisions made in relation to loans are not identical. The same sort of extensions to loans that were negotiated by the Minister of Agriculture in the case of bushfire victims are not available in the Barossa Valley. All in all, the guidelines are different in the case of the flood victims, and they are tougher. In my view it is essential that they be changed or modified.

Some time ago I wrote to the Premier concerning the general guidelines for householders and the like. I also wrote to the Minister of Community Welfare in regard to the guidelines for senior citizens, the effects of which for those people are traumatic. I believe that the Minister is looking at the matter sympathetically. I have spoken to both the Premier and the Minister in regard to this matter, and I believe that it will be given sympathetic consideration. Further, I have written to the Minister of Agriculture in regard to guidelines affecting primary producers.

The Hon. W.E. Chapman: What was the response?

The Hon. E.R. GOLDSWORTHY: I have not received one yet. If there is any humanitarian instinct in Government members at all, and any sense of perspective, I believe that it is essential—

The Hon. R. G. Payne: That is a bit uncharitable.

The Hon. E.R. GOLDSWORTHY: I am not saying that I think there is none, but I am saying that, if it is there, the Government should do something about the guidelines, having regard to the needs of those in the community. There is a very urgent need by those people in that part of South Australia contained within my electorate. Ministers of religion have detected a degree of mental trauma that has not been seen before in that area. It needs amelioration, which can come only with relief.

Mr HAMILTON (Albert Park): I want to raise a question which has been brought to the attention of this Parliament on a number of occasions, and which arose out of a situation that occurred in my electorate in February 1981. I refer to the problems that were reported in the Messenger Press on 4 February 1981 in an article entitled 'Anglers making life hell'. It related the nuisance caused to local residents by unthinking people who came to the area to fish. Many residents paid very large sums to buy their residences to retire in that area in the eventide of their lives. They have been subjected to a pretty rough time since that matter was brought to my attention.

As a result of representations, I circulated information that I received from the C.I. Division of the Port Adelaide police some few months later, which resulted in a public meeting being called at what was then the Semaphore Park Football Club, now the West Lakes Club, at which time a subcommittee was set up and made recommendations to the Woodville council. They were rather lengthy recommendations governing the control of the West Lakes area and the surrounding waterways. Regrettably since then very little has occurred; however, the problems affecting the local residents have continued.

As late as 9 April the local residents came to my office and spoke about this problem. I advised them that I had been in contact on a number of occasions with the local government authority and also with the former Chief Secretary and the present Chief Secretary in relation to this matter. The response from the Woodville council, and in particular the Mayor, was that negotations would begin with West Lakes Limited next month (that is this month). The article in the *Messenger Press* went on to say:

> The Government and West Lakes Limited still have to finalise some matters before we can regulate fishing, swimming and boating on the lake.

The local residents have been subjected to all sorts of problems, even foul abuse. In fact, it has been alleged that on one occasion a gun was discharged in that area. That was drawn to the attention of the local constabulary.

As late as 11 April, I received correspondence from the Chief Secretary (for which I thank him) regarding the problems experienced by residents at West Lakes. In his correspondence he said:

> I understand through the Commissioner of Police that the most recent complaint from residents resulted in a special policing objective being put into effect, the results of which were made known to you.

Indeed, just deviating from the correspondence, that was a fact. The Chief Secretary continued:

> Other patrol objectives are ongoing and due to the complex nature of the situation it has been the practice of sector inspectors and divisional commanders to keep you informed.

The crunch of the correspondence was this:

> The lack of by-laws specifically designed to prevent access to certain areas and to control fishing and other like sports is considered to be the main cause of the problems in that area. Despite much correspondence between the developers, West Lakes Limited and the Woodville council no satisfaction has been obtained for local residents and, in fact, the trouble with fishing parties, etc has increased significantly. Until suitable enforceable by-laws are framed then police will have to rely on the provisions of the Police Offences Act in dealing with the complaints. This does not, of course, provide a solution to the trepass and fishing complaints. Added to the problems on shore are the problems in the private waters of West Lakes to which the Boating Act does not apply. Consequently the behaviour of users of these waters is virtually uncontrolled with various club events on the lake clashing due to lack of co-operation and non-enforceable rules.

The Chief Secretary goes on to point out that the police will continue to investigate all complaints and provide patrols in that area.

I raised this tonight because residents at West Lakes are becoming increasingly agitated with each event, and I seek, through the Minister of Marine information as to when these regulations and negotiations are likely to be completed. If I can give some indication to my constituents, this may alleviate some of their hostility. The problem, as I pointed out earlier, has continued since February 1981 and, coupled with other events in that area, it has brought the police more and more into play. In particular, I refer to recent calls I have made to the Chief Secretary of the day for more police patrols in that area, and I took it upon myself to accompany a police inspector on two eight hour shifts commencing at 8 p.m. and concluding at 3 a.m. to see the problems that exist in that area. I am receiving more complaints from people about housebreaking, and when it comes very close to home (in fact just across the road), one can understand the concern of local residents.

I believe that South Australians should be asked to advise their neighbours when they are going out, even for only half an hour to do some shopping or to take the children to

school or whatever, so that the neighbours can keep an eye on their homes. It takes only a few minutes for a thief to break into a home and ransack it.

Members in this House would be aware, when they have been out doorknocking, that on many occasions houses have been left unattended, doors have been unlocked, and wirelesses have been blaring whilst the residents have been next door having a cup of tea or in the back yard talking to a friend. I tell these people that they are leaving themselves wide open to danger, more particularly the women. It would be a terrible experience to go home and find someone ransacking it.

I hope that the Chief Secretary will look at this matter, warn people about the dangers of leaving their homes unlocked and also encourage people to tell one another when they are going out, albeit for a short period of time and for whatever reason. It is most important to ensure that all windows and doors are locked before one leaves the house on whatever excursion may be necessary.

Motion carried.

At 10.28 p.m. the House adjourned until Thursday 21 April at 2 p.m.