HOUSE OF ASSEMBLY

Thursday 21 March 1985

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

PETITION: RANDOM BREATH TESTING

A petition signed by 13 residents of South Australia praying that the House support the retention of random breath testing was presented by Mr Becker.

Petition received.

PETITION: HOTEL TRADING

A petition signed by 22 residents of South Australia praying that the House reconsider legislation allowing hotels to trade on Sundays was presented by Mr Trainer.

Petition received.

PETITION: WEST BEACH GOLF COURSE

A petition signed by 7 residents of South Australia praying that the House urge the Government to oppose the closure of the existing Marineland Par 3 golf course, West Beach, until a new course is completed was presented by Mr Becker.

Petition received.

PETITION: ETSA

A petition signed by 46 residents of South Australia praying that the House call upon the Government to establish an inquiry into the financial management of the Electricity Trust of South Australia was presented by Mr Becker.

Petition received.

PETITION: FITZROY TERRACE POWER LINE

A petition signed by 577 residents of South Australia praying that the House urge the Government not to relocate the 66 kilovolt power line in Fitzroy Terrace closer to residences but either to place it underground or relocate it within the north parklands was presented by the Hon. Michael Wilson.

Petition received.

WOODVILLE COMMUNITY WELFARE CENTRE

The SPEAKER laid on the table the following report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Woodville Community Welfare Centre—Construction.

Ordered that report be printed.

QUESTION TIME

PAYMENTS TO PRISONERS

Mr OLSEN: Can the Premier as Treasurer confirm that prisoners at Yatala prison are now being paid as much as $70 a week and, if they are, will he explain why the Government has given them this massive pay rise? We have been informed that many prisoners at Yatala prison are now receiving more than $50 a week for the work they undertake within the prison and I believe approximately $70 is paid to a storeman. On 1 November last year the regulation setting minimum and maximum pay rates was scrapped. At that time the minimum rate was $1.40 a day and the maximum rate was $2 a day. That meant that prisoners, with bonuses, were earning on average about $14 a week.

However, we have been informed that the Government has brought in a new system to buy industrial peace for the opening of the new industries complex. As a result, prisoners on the top rate are getting only about $6 a week less than the married pensioner rate—and the prisoners do not have to pay for their keep, including food. Last financial year, payments to prisoners in all South Australian gaols amounted to $562 000, a 14 per cent increase, despite the fact that the average daily number of prisoners in gaol dropped by 119, or more than 15 per cent, on the previous year. In view of this pay rise, it appears that there is going to be an even more significant escalation in payments to prisoners this financial year.

The Hon. G.F. KENEALLY: I am unaware of the figures that the Leader of the Opposition has given the House, but I am prepared to get a report. My recollection of the wages paid to prisoners goes back a year or so when the wage freeze was operating and the prisoners' wages were caught up in the freeze. At that time the Department was seeking a 10 cent increase to bring the wages up to about $2 a day or $10 a week. With those wages, prisoners are required to buy their cigarettes, magazines, toiletries, etc., because those things are not provided by the State. So, the money provided for the prisoners is provided as credit against which the prisoners can buy those things so that no money is circulating around the prison. There has been a marginal increase in the wages paid to prisoners to take it to a sum between $2 and $2.50 a day, but I am not sure of the exact figure. I will get a report for the Leader so that the House may be aware what are the wages of prisoners in South Australian institutions.

RATE CONCESSIONS

Ms LENEHAN: Will the Minister of Water Resources consider extending the granting of water rate concessions to owner-managers of non-profit making aged care centres and homes? I have been approached by constituents who reside at the Elkana retirement village in my district. Many residents of the village and, indeed, of many similar non-profit making retirement homes, receive a pension but are not currently eligible for concessions relating to their principal place of residence. Consequently, they are not eligible for local council rating concessions and are therefore at a financial disadvantage compared to other pensioner home owners. Will the Minister investigate the possibility of extending these concessions to such people?

The Hon. J.W. SLATER: There may be an individual need for certain persons in these circumstances to be granted a concession. We need to consider the range of concessions enjoyed by pensioners and the impact on the State Budget of increasing the opportunity for granting concessions to this type of person. I do not know how many will be involved. Although I do not know the circumstances of the aged care home referred to by the honourable member, I am aware that, in respect of certain organisations administering this type of home, the person who is a tenant or owner-manager pays a certain sum to become a tenant or an owner of the property. As such a person does not own the title, the property is not regarded as his or her principal

place of residence. Consequently, the tenant is not entitled to a concession in respect of water or council rates. I believe that we should reconsider the matter and I will take it up with my colleagues because water rates, even though they are part of our concession package, involve other aspects that need considering. I will take up the matter with my colleagues to ensure that, if justice is to be done and if these people deserve a concession, we shall consider it.

ASER

The Hon. E.R. GOLDSWORTHY: Will the Premier say whether it is still the case that the Government has finalised no documents with the ASER development joint venturers and, if it is, why? Further, what is the latest estimate of the cost of the project? I ask this question because, as recently as last month, the Government had not finalised any documents with the ASER joint venturers, despite the requirement of the agreement that the Premier signed in Tokyo in October 1983 for the joint venturers to proceed with all due expeditition with the preparation of all plans and documentation.

The Hon. J.C. BANNON: The project is proceeding with all due expedition and with all due documentation. I invite the Deputy Leader of the Opposition to go and have a stroll down and around the station area—if he wants to go on site, I hope that he gets permission and that he ensures he is wearing a protective hat.

Members interjecting:

The Hon. J.C. BANNON: It is about time the Opposition indicated whether it is supporting this project or not.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: The question was whether or not in terms of the Tokyo agreement this project was proceeding with all due expedition. I advise the House that the project is proceeding to the satisfaction of the Government with all the appropriate documentation that is necessary at this stage.

BUILDING CONTRACTS

Mr KLUNDER: My question is directed to the Minister of Community Welfare, representing the Attorney-General in another place. Can the Minister inform the House on the advisability of the signing of contracts for the construction of a house on land that has not yet been subdivided, and of cash penalty clauses that can attach to such contracts? A constituent has told me that he signed a package deal to buy a block of land and also to have a house constructed on that block of land by a builder. The construction date was to be the 26th of last month, but so far the land has not been subdivided, and consequently he does not have title to the block. The contract for the construction of the house contains no rise or fall clause but for every day's delay in starting time after 26 February he is supposed to pay the builder $20. However, of course the builder will not commence construction until the title to the land has been issued.

The situation is further complicated by the fact that my constituent sought advice by telephone from the Real Estate Institute and was told that such a contract was satisfactory and that they were used frequently. I have not mentioned in this Chamber the name of the subdivider or the builder because there is no reason to believe that they are anything but genuine and honest in this matter. However, my constituent feels that this is a situation that could easily be misused by unscrupulous groups, and I ask the Minister whether he will publicise this matter to warn people against possible dangers.

The Hon. G.J. CRAFTER: I thank the honourable member for his question. Unfortunately, some builders tell a consumer that a contract is only a matter of formality but then do not hestitate to exploit the unwary by enforcing clauses that impose unduly onerous conditions on the consumer involved. The Minister of Consumer Affairs has advised me that the Department of Public and Consumer Affairs is presently conducting a review of certain building contracts, and even the standard industry contracts used at present seem to be heavily weighted in favour of the builder. The case to which the honourable member has referred will be brought to the attention of those who are involved in the review. However, the consumer involved should be aware that delays of several months may be experienced when contracting to build on land that has yet to be subdivided.

In addition, consumers would be well advised to have any building contract checked by a solicitor before signing it. In view of the amount of money involved in relation to such a transaction which, obviously, is one of the largest, if not the largest, consumer transactions that the great majority of South Australians will enter into during their lifetime, the expense of obtaining legal advice before signing any such contract must be regarded as being a very sound investment indeed.

ASER

The Hon. MICHAEL WILSON: My question is to the Premier, is supplementary to a question asked by the Deputy Leader of the Opposition, and refers to the signing of the contract for the ASER project. Will the Premier say when the contracts were signed and what is the cost of the project as at this moment? I have with me a copy of a letter forwarded to the Hon. K.T. Griffin in another place from the Attorney-General. The letter, dated 19 February 1985, states:

> At the present time no documents have been finalised.

We want to know whether documents have been finalised since 19 February and, if so, why could not the Premier state that in answer to the question asked by the Deputy Leader of the Opposition.

The Hon. J.C. BANNON: The question was aimed at determining whether or not the appropriate documentation was in place for this project. I can only assure the House that whatever is appropriate to have been signed has been signed and that whatever is not appropriate to be signed of course has not been signed. Meanwhile, much to the dismay of the Opposition, the project is going ahead. I know that that galls the Opposition and it finds that outrageous and very worrying, but the project is well and truly under way and the Opposition had better start indicating whether or not it supports it. The cost estimates remain as previously published.

Members interjecting:

The SPEAKER: Order! The honourable Deputy Leader will come to order. Before calling the next speaker, I must say that I am disturbed and have been disturbed on previous occasions by the way in which honourable members on my left have, as a group, all interjected at the same time, making the Chair's job very difficult, if not impossible without vacating the Chair, to maintain order. I ask that there be a sense of self-imposed responsibility in these matters. The honourable member for Unley.

MEDIA MONITORING

Mr MAYES: Will the Premier say whether his office has been approached by an organisation offering a media monitoring service in which talk-back shows, news and current affairs bulletins on radio and television are recorded from 6 a.m. to midnight, seven days a week? I understand from a media report yesterday that the Opposition has commissioned an organisation to provide surveillance of any items of political interest that occur on radio or television. The organisation's promotional material says of itself (and I quote):

> It is the first and only company in Adelaide offering a continued surveillance of programme content on radio and television. We will keep you advised and up to date when your company, your competitors and your industry are mentioned in the electronic media. On critical matters, you will be notified by telephone within 15 minutes of broadcast during business hours. If you want a transcript or a tape, it will be dispatched to you within 30 minutes.
>
> You will be able to stamp out rumours and clear up inaccuracies before they have a chance to damage your business. For subscribers with facilities for recording from the telephone, audio tapes will be played over the phone if preferred. From 8.30 a.m., we will be constantly monitoring all news and the major talk-back and current affairs programmes, such as Jeremy Cordeaux and Phillip Satchell.

Allegations have been made that the Liberal Party has a sophisticated system where Party members are organised to phone talk-back shows for propaganda purposes whilst maintaining the pretence of being just ordinary callers. It has also been alleged that the Liberal Party organises bogus letters to be sent in to newspapers attacking the Government. Is the Liberal big brother getting out of hand?

The Hon. J.C. BANNON: Yes, the Premier's office has been approached by several organisations offering political media monitoring. Those offers have been declined on the basis that taxpayers' funds could certainly not be justified for a monitoring service set up for purely political ends.

STATE AQUATIC CENTRE

The Hon. D.C. WOTTON: Will the Minister of Public Works say whether, as a company which has a major contract on the State Aquatic Centre has gone bankrupt, this will cause any further delays in the completion of the project? A company which had a major contract for air-conditioning at the State Aquatic Centre has gone into bankruptcy, with the loss of about 165 jobs. The company has not completed the contract. I have been informed that there have been difficulties already with this contract in that new ducting work has had to be dismantled because it was not galvanised against the corrosive effects of chlorine. This latest development, involving the bankruptcy of the contractor, raises the possibility of further problems in completing the contract and the project, which is already almost a year behind schedule.

The Hon. T.H. HEMMINGS: Yes, it is true that one nominated subcontractor has had a provisional liquidator appointed. As to the cost outstanding, perhaps I need your guidance, Mr Speaker, as to whether I give this information to the House. Baulderstone, the main contractor, has been advised: in fact, it was fully consulted at all stages, and ultimately—

The SPEAKER: Order! If the matter is before the Bankruptcy Court, the guidance that I give is that the particulars cannot be given. If the matter is, to the knowledge of the Minister, before the Bankruptcy Court, that is the end of it. The Minister can deal only with those matters that are outside the judicial system.

Members interjecting:

The SPEAKER: Order! The honourable member for Mallee will come to order. The member for Mawson.

CHILD SAFETY RESTRAINTS

Ms LENEHAN: Can the Minister of Emergency Services tell the House what success, if any, has been achieved by the Police Department in encouraging more people to use seat restraints for children travelling in motor vehicles? In December last year I requested the Minister to initiate discussions with the Commissioner of Police to introduce a road safety campaign focusing on the correct use of child restraints in motor vehicles. As a result of that question, such a road safety campaign was implemented in January of this year and reported in the *News* of 5 January under the heading, 'Police set to get tough'. The article states:

> The officer in charge of the police traffic division, Superintendent R. Hanel, said today seat belt and child restraint legislation played an important role in reducing road deaths and injuries . . . The wearing of a seat belt significantly reduces the chances of being severely injured in an accident . . . A child not restrained in an accident can smash against the inside of the vehicle or be thrown out, resulting in death or serious injury.

I am very interested to know the results of this campaign.

The Hon. J.D. WRIGHT: I have received from the Police Commissioner a report which I intend to share with the House, but before doing that I place on record my personal congratulations to the member for Mawson, for I am told by our archivist, the member for Ascot Park, that the question just asked of me by the honourable member was her hundredth question since joining this Parliament. That in itself may not be a record, but it proves a great deal of activity on the part of the honourable member. I am also told that some 80 per cent of the questions asked by the honourable member affect her own district. So, anyone who is considering any opposition to that member would have great difficulty in overcoming that type of activity.

The reason that I say that it may not be a record in her own right is that when I first came into this place Question Time used to go for two hours. I admit that it was very boring indeed, but, nevertheless, it went on for two hours. As a consequence, a lot of questions were asked. I know that all members will join me today in congratulating the member for Mawson. In the short period of two years during which the member has been in this Parliament and in the sitting days and times available to her, I believe she has done very well. It is an object lesson to the other members sitting on the back bench.

I know the member has been interested for some time in the dangers to children who are not wearing restraints while travelling in motor vehicles. Since the honourable member asked a question on this subject last year, I have received advice from the Commissioner of Police on the matter. The 1985 police traffic plan provides for a number of Statewide road safety campaigns to be conducted throughout the year. Each campaign will involve community groups as much as possible and is to be supported by publicity campaigns.

The first of these campaigns was conducted in January and urged people to wear seat belts. The campaign also addressed the issue of the use of child restraints. The Police Department is making an assessment of that campaign to determine what needs to be done in the future as a follow up. The Commissioner has informed me that, during the week long campaign in January, 20 people were reported for not obeying the law relating to child restraints. That compares very favourably to the 576 people who were reported for not obeying the laws relating to seat belts.

However, there is not room for complacency on this matter and the member for Mawson is quite right to raise the issue again. Advice from my colleague the Minister of

Transport indicates that, if child restraints were used for all children travelling in motor vehicles, 80 per cent of the deaths involving young children could be avoided. This equates to 38 lives being saved every five years, and 33 per cent of the injuries suffered by young children in road accidents could also be avoided if child restraints were used uniformly. My colleague further advises me that his Department is now conducting a study on the use of child restraints. The results should allow the Government to pursue further policies which will enable it to reduce the deaths and injuries of our young children in road accidents.

FRIENDLY TRANSPORT COMPANY

The Hon. B.C. EASTICK: Will the Minister for Environment and Planning say when the Government will introduce special legislation to deal with the relocation of the Friendly Transport Company from Black Forest? Following the Government's unprecedented move last Thursday to take away certain powers of the West Torrens council, the member for Unley has circulated a letter to residents of Black Forest which says that, if this move does not provide 'the easy remedy to the problem of the legal situation, the Government has indicated it is prepared to pass special legislation in order to provide the relocation of Friendly Transport to the Richmond site'. The member's letter also says (and again I quote):

I hope that we can say in the next few weeks that we have resolved this problem once and for all.

However, the Opposition has been informed that, because of legal action initiated as a result of the Government's move, it is likely to be some months, rather than weeks, before this matter can be resolved. In view of the statements in the member's letter, I ask the Minister if it is the Government's intention to bring in legislation within the next few weeks to completely override any legal action which has been initiated.

The Hon. D.J. HOPGOOD: The answer, of course, is 'if and when necessary'. In the theoretical situation that it would be necessary, we would of course expect full support from the Opposition in furtherance of the challenge thrown down by the member for Davenport in an interesting telex that I have before me. It might be of some interest to honourable members if I shared a little of the contents of this telex with the House, because—

Mr Whitten: Read the lot.

The Hon. D.J. HOPGOOD: I think that would be useful, if in fact I did so in response to the challenge of the member for Davenport. The telex states:

The opening of the Emerson overpass tomorrow will bring new problems for Black Forest residents who surround the property of Friendly Transport Pty Ltd, Dean Brown, Shadow Minister of Transport said today—

and there is no doubt that that is the case—

Mr Brown said: 'Due to a bureaucratic bungle by the South Australian Government, the new overpass at the intersection of South Road and Cross Road will open without the Government having first relocated Friendly Transport. This means that access to Friendly Transport by the large interstate semitrailers will be through residential streets or by blocking South Road and driving across the newly constructed median strip.

I pause parenthetically. The world knows why the relocation had not taken place: because the matter was before the courts. It would seem to me that that is to extend the definition of bureaucracy beyond what is normally regarded as tolerable by reasonable people. The whole matter was held up in the courts because the West Torrens council was not prepared on two occasions to accept the decision of the Planning Appeals Tribunal, which made perfectly clear that proper arrangements could be made at the new site for this to occur. How on earth the honourable member can say that there is bureaucratic bungling when the matter is in the courts, I am blowed if I know. His colleague—

The Hon. D.C. Brown interjecting:

The Hon. D.J. HOPGOOD: The honourable member is wrong on the second count, because the principals of Friendly Transport made their application for planning approval in 1983, and the matter has been going through the tortuous process of the Planning Act and the courts since then. The only way in which the Government should have acted once that process had been initiated was along the lines in which it has in fact acted. The telex goes on to challenge the Government to act immediately. It did so, and it did so properly.

It is not the first time that local government has had planning powers taken away from it. In the case of Victor Harbor, under the Tonkin Government the Minister of Local Government (Hon. C.M. Hill) not only took away the planning powers but also sacked the whole council. What could be more Draconian in terms of the sort of verbiage of the member for Light than that? I will not delay the House any more. The honourable member challenges us to act—we acted, but we did not act in such a way as to take away all due process. The matter is now in the hands of the Planning Commission, the body which is appointed properly under the Planning Act and the membership of which was determined by the previous Government. That body, as far as the Government is concerned, now has proper standing to deal with the matter. The Government wants to see this matter resolved as quickly as possible, and it has made a commitment that, as soon as a proper resolution has taken place, the powers will be restored.

TOURIST COMMENTARIES

Mr TRAINER: Will the Minister of Tourism consider, in conjunction with service clubs, the installation of coin-operated tape recorded commentaries in appropriate tourist attractions along the lines of the one installed by the Edwardstown Lions Club, a service club in my district, at the Ross and Keith Smith Memorial at Adelaide Airport? I have been approached by Mr Ron Miles, of the Edwardstown Lions Club, who outlined to me the details of the installation that his club had arranged at Adelaide Airport to relate the story of Ross and Keith Smith's historic flight. He suggested that similar installations could be made at sites such as the Old Gum Tree, the Buffalo, the South Australian Brewery gardens at Hindmarsh, Captain Sturt's cottage at Henley Beach, and Fort Glanville. It also occurred to me that it would be advantageous if in some localities such commentaries could be provided in English and Japanese or perhaps another Asian language for the benefit of tourists.

The Hon. G.F. KENEALLY: I thank the honourable member for his question. It certainly does present some very good opportunities for service clubs in South Australia to become involved in the promotion of the many admirable tourist attractions that we have in our State. I would like to compliment the Edwardstown Lions Club for the work that it has done on the Ross and Keith Smith Memorial at Adelaide Airport and the provision of suitable tape recordings. The suggestion that there ought to be multi lingual tapes is a good one. I will certainly ask the Department o Tourism to investigate the suggestion and I take it that the Department will contact the Edwardstown Lions Club about the matter. If the Edwardstown Lions Club or the Lions Clubs of South Australia are anxious to be involved in a project such as this, I am certain that they would have the absolute support of the Government and of the Department

of Tourism. I will take up the matter for the honourable member.

5AA RELOCATION

Mr INGERSON: Will the Minister of Recreation and Sport confirm that the cost of relocating radio station 5AA to TAB headquarters was almost three times the amount budgeted for and, if it was, will he say how this will affect financial support for the three racing codes? I have been reliably informed that the original budget for the move of radio station 5AA from Kent Town to TAB headquarters in the city was $500 000. However, the relocation cost up to the present is $1.4 million, which raises the possibility that TAB funds earmarked for channelling to the racing codes may have to be diverted to support the operations of 5AA.

The Hon. J.W. SLATER: I have not got the information required by the honourable member, but I will obtain it. Internal decisions that are made by station 5AA, including the relocation of its premises from Fullarton Road to TAB headquarters in Flinders Street, are made by Festival Broadcasters Limited, on the board of which the TAB has a representative.

Members interjecting:

The Hon. J.W. SLATER: Under the Racing Act, I am Minister in charge of the TAB but, as I said last week, decisions on the day to day operations of radio station 5AA are made by Festival Broadcasters Limited. Nevertheless, I will get the information required by the honourable member and advise him.

LOCAL COURT RULES

Mr FERGUSON: Will the Minister of Community Welfare ask the Attorney-General to consider altering the Local Court rules to provide the same treatment for a plaintiff as for a defendant? It has been put to me by solicitors in my district that if, at a trial, a defendant fails to turn up, judgment is given against him, and the plaintiff gets costs. Unless the defendant can prove that, because of medical reasons, he did not attend, the case is closed. On the other hand, if the plaintiff fails to turn up, the case can be revived at any time by the plaintiff. It has been put to me that both the plaintiff and the defendant should be treated equally when either party fails to attend court. It has been suggested that at least a time limit should be imposed on the plaintiff.

The Hon. G.J. CRAFTER: I thank the honourable member for his question, although I am not sure whether the facts as recited by him are the reality: I think that some remedies flow to a defendant where a plaintiff does not appear in civil proceedings. I will have the matter looked at carefully by my colleague in another place and obtain a reply for the honourable member.

TOBACCO ADVERTISING

Mr BECKER: I think this is question No. 4 976—but I do not count them. In view of a Federal Court decision yesterday, will the Minister of Recreation and Sport urge the Federal Government to change legislation permitting advertising by cigarette companies at sporting events, or does the Minister support his Party's policy which seeks the ultimate prohibition of this form of advertising? Yesterday's Federal Court decision upholding bans on cigarette company advertising at sporting events has raised considerable doubts about the future of this form of sponsorship. I have also been told that a number of South Australian sporting organisations, including the South Australian National Football League, which derives benefits from the Escort Cup and WD & HO Wills sponsorship, the Soccer Federation, which is supported by Rothmans, and the South Australian Cricket Association, which benefits from the Benson and Hedges Cup, have indicated that this matter will have a serious effect on their finances.

Also, I believe that the organisers of the Australian Grand Prix are very worried about this court decision because some $1 million worth of sponsorship could be at stake, particularly in relation to the Marlboro organisation. I understand that Marlboro sponsors a racing car and also that John Player Special will sponsor a car in the Grand Prix. Those entries may have to be banned if the court's decision is upheld.

I also believe that in late 1983, when legislation was before this Parliament to ban all forms of tobacco and tobacco product advertising, the present Government indicated that it supported the thrust of the legislation. Further, the ALP health policy called for vigorous action to be taken to stop people smoking—although the policy is a little hazy in relation to marihuana. I therefore ask the Minister whether he supports his Party's policy on this matter or whether, in the interests of sport, he is prepared to ask the Federal Government, and vigorously pursue it, to review the legislation so that future sponsorship of sport by cigarette companies is not jeopardised.

The Hon. J.W. SLATER: I support the policy of my Party, but, at the same time, I believe that we ought to be looking at retaining as much as possible sponsorship of sport by companies producing a product, whether that be an alcoholic product, tobacco, or any other product that is legally produced. If a product is legally produced it ought to be able to be advertised. It is a very sensitive issue. Of course, Party policy, from a health point of view (and I might also say that I am speaking as a reformed smoker, although that has not changed my views) is that people ought to stop smoking. However, I do not believe that the banning of sport sponsorship by tobacco companies or companies producing alcoholic beverages, or anything else, would have a great impact on consumption of the product concerned. The decision is to be taken more or less on a Federal basis, and this matter concerns not only South Australia: it is for the whole of Australia to consider whether there should be a general ban on sponsorship of sport by tobacco companies. I support the policy of my Party, while at the same time I have reservations about how effective a complete ban on tobacco company sponsorship would be.

GET RICH NUMBER SCHEMES

Mr HAMILTON: Will the Minister of Community Welfare request the Attorney-General in another place to obtain a report from the Department of Public and Consumer Affairs and the Western Australian Government in relation to the increasing number of advertisements appearing in South Australian newspapers urging South Australians to invest their money in Western Australian get rich number schemes? Members will recall that I asked a question in the Parliament last year about a similar type of advertisement from Western Australia which appeared in the *Sunday Mail*. My attention has been drawn to an advertisement that appeared on page 59 of the *Sunday Mail* on 17 March headed 'Lotto uni-systems. Guaranteed to win every week'. I will not read it all out, but it states, in part:

> You can share our good fortune . . . Lotto Uni-system . . . Unlike other systems. . . This is not a syndicate . . . Here is our offer . . . Join the many winners . . .

After receiving that I contacted the appropriate people in Western Australia who expressed to me their concern about the increasing number of advertisements coming out of Western Australia and it does reflect upon the Western Australian people and, indeed, upon the Western Australia Government. As I believe that many people are being conned by these advertisements in South Australian newspapers, will the Minister seek the appropriate report from both the aforementioned Attorney-General?

The Hon. G.J. CRAFTER: I will be pleased to refer the honourable member's question to the Attorney-General for a considered reply. However, I point out to the honourable member that, as one of the fundamental tenets of the Australian Constitution is that trade and intercourse between the States shall be free, presumably it is not an area where there is a great deal of opportunity for the State to regulate such activities.

E&WS REPORT

The Hon. P.B. ARNOLD: If the Minister of Water Resources has nothing to hide, will he table the E&WS report on asset replacement as it relates to the metropolitan water and sewer systems to which I referred in my question on 28 February? On that occasion, by way of explanation I stated:

> I am told that the report claims that the combined cost of replacing these assets, together with water filtration projects, will necessitate a doubling of the existing water and sewer rates.

The Minister replied:

> I will consider making it available: we do not want to hide anything.

In a letter I received from the Minister today, he states:

> This report was prepared to outline the Engineering and Water Supply Department's current perspective on the need for asset replacement and management and it is currently with me for consideration and submission to the Resources and Physical Development Committee of Cabinet.

It has been suggested to me by those who have seen the letter that, regardless of the attitude of the Resources and Physical Development Committee of Cabinet, the report prepared by the Department is a professional report compiled by engineers and that, regardless of the committee's view on it, it will not change the contents of that report. However, the Minister goes on to say in conclusion:

> I am not prepared to release this as a public report.

It has been put to me that the public has a right to know the impact that replacement will have on them as ratepayers in the future. If the Government has nothing to hide, I ask the Minister to table the report so that we may see its exact contents.

The Hon. J.W. SLATER: My letter to the member for Chaffey explains it all. The report is still before me and, indeed, before a subcommittee of Cabinet. It is an internal Government document and, once it is considered by Government, Government will then decide whether or not to make it a public document. Currently, it is an internal report to the Government, and it is not my intention to make it public until it is considered by the Government.

ANTIQUARIAN BOOKS

Mr FERGUSON: Will you, Mr Speaker, advise whether an estimated value has ever been given to the collection of antiquarian books contained in the Parliamentary Library? I have been informed by the Parliamentary Librarian that many valuable and rare books are contained in the Parliamentary Library, including the original volumes of works by Captain Sturt and Matthew Flinders. I have been informed that the Library Committee intends to establish a rare book collection which will reflect the history and heritage of the Library.

The SPEAKER: I thank the honourable member for his question and would like to praise the excellent work being done by the Parliamentary Librarian, Mr Howard Coxon, and his very professional staff. This Parliament has the benefit of probably one of the best balanced collections in Australia of general works when one takes into account value for price. Some of the antiquarian works are beyond price; for instance, there is a complete set of the *Advertiser* newspaper and the *Register* newspaper, and I could cite many other examples. A couple of the rare books were mentioned by the honourable member. There are many others. I would not like to create a security risk by mentioning some of these books, but the honourable member, in considering the general range, could possibly think in terms of seven figures.

PENALTY REMISSION

The Hon. TED CHAPMAN: Will the Premier now remit the court penalties imposed on all South Australians who have contravened the Potato Marketing Act, consistent with his Government's recent action in remitting the aggregated penalty of $11 964 that was imposed on a Victorian merchant, James Hugh McCarthy and, if not, will he explain why not? McCarthy is cited in a judgment handed down by His Honour C.A. Johansen, SM, on 20 August last year as having deliberately committed six consecutive infringements of the South Australian Act. It involved the collective delivery in South Australia of approximately 80 tonnes of Victorian grown potatoes packaged in a manner contravening our State Act. His Honour said:

> He [McCarthy] knew what he was doing in each case and he knew what he was doing was wrong.

The recorded facts clearly indicate that McCarthy gambled with this State's law and lost. An appeal was lodged in the South Australian Supreme Court. McCarthy lost that, too. In fact, Mr Justice Bollen, in his judgment handed down on 23 November last year, upheld in full the findings of His Honour C.A. Johansen, SM.

In a press release dated 14 March 1985 discrediting the Potato Board, the Minister of Agriculture (Hon. Frank Blevins, MLC) confirmed the Government's remission of the $11 964 penalty imposed on McCarthy from general State revenue, setting an incredible precedent that may reasonably be sought by others. The formula adopted in fixing McCarthy's aggregate penalty is consistent with that applied by the courts when fixing the penalty in more than 30 cases since 1980 and many more dated back to 1973, when the ALP Government introduced this penalty amendment to the Potato Marketing Act. These case examples bear penalties ranging up to $6 198.50 on a South Australian merchant in 1983, and I am informed that there have been even higher penalties in at least one other case over that period.

The Hon. J.C. BANNON: I will refer the substance of the question to my colleague the Minister of Agriculture in another place. As I recall the particular instance, an act of clemency was involved in view of the circumstances of the individual. But, my colleague also referred to this whole area of regulation. If we are looking seriously at deregulation, this Potato Marketing Board area might be a good area to commence with. As to the other details, I will refer the question to my colleague.

TOW TRUCKS

Mr MAYES: Will the Minister of Transport advise the House what the situation is with regard to towing fees in the South Australian towing industry? A report in today *News* headed, 'Tow fee may jump to $160' states:

SA motorists may have to pay $160 to have a crashed car towed from an accident scene. At present the minimum cost is $42.20. Towing industry representatives are planning an application to the S.A. Prices Branch following a survey of tow truck operators.

The survey revealed operators have lost thousands of dollars since the introduction in October of the S.A. Government's tow truck roster system. Losses ranged from $37 000 to $7 000 in the first 18 weeks.

Obviously, a great number of people in the community will be concerned about this issue.

The Hon. R.K. ABBOTT: I can say quite honestly that in the last few months I have not had one single complaint about the tow-truck roster scheme. I have not had one complaint from either the tow-truck operators themselves or from the public, for that matter.

Members interjecting:

The SPEAKER: Order!

The Hon. R.K. ABBOTT: I can say that I have had many letters indicating that the scheme is working very well. Once again, I must remind Opposition members that it was their Government's legislation that introduced the tow-truck roster scheme. Our responsibility was the regulations, and they are operating quite well. This involves the usual scare tactics that are adopted by the Tow-Truck Operators Association and the member for Davenport, who is well known for adopting those scare tactics. He should be nicknamed 'The boy who cried wolf'. The report referred to a survey. Perhaps the member for Davenport might like to tell me which survey. I do not know to which survey he is referring. He might like to let me know.

The Hon. D.C. Brown interjecting:

The SPEAKER: Order!

The Hon. R.K. ABBOTT: The Prices Commissioner is quite capable of making a very fair and reasonable charge for crash towing. The statistics that are taken are made available to the towing operators within the zones; there is no secret about that. There is no requirement for them to keep that to themselves. We do not mind whom they tell. I believe that the scheme is working very well and that, the sooner the member for Davenport stops inciting the industry, the better off everybody will be.

WATER RATES

Mr MEIER: What action will the Minister of Water Resources take to prevent the E & WS Department charging for water this is not used by the occupiers of farming and grazing properties? A rural producer has brought to my attention a matter which has infuriated him and which is a cause for alarm to all South Australians. This constituent has provided me with details of several irregularities relating to the reading of his water meters. I refer to examples to back up his belief that 'the E & WS Department meter reading procedure is in total disarray and that farmers all over South Australia should be made aware of what is taking place'. The problem has primarily occurred when graziers have moved stock from one property to another. Following the transfer of stock one would expect water consumption on the destocked property to be minimal, but that has not been the case.

In the first instance the rural producer had a water meter reading on 15 January 1985 for an amount of 400 kl. The farmer disputed that reading since he had had sheep in that paddock only since 28 December 1984, a total of 18 days, and, based on his records over the previous seven years, these sheep could never have used a quantity of 400 kl. On informing the local E & WS Department branch that the reading was incorrect, that person was advised that averaging water usage is a recognised policy of the E & WS Department but they would have another look at the matter as a result of the farmer's request.

Following a second contact with the E & WS Department, the farmer was advised that the reading had been adjusted to 200 kilolitres. The farmer said that his own reading had indicated a water usage of between 140 and 150 kl and he would not accept the figure of 200 kl as being accurate. The E & WS Department in turn issued a third water consumption notice which indicated that 149 kl had been used; thus a drop from 400 kl to 200 kl and finally to 149 kl had occurred.

The second example cited by the rural producer concerned a meter reading which went against the E & WS Department rather than against the consumer. In this case the meter is shared with a neighbouring farmer—

An honourable member: No wonder they only give you 10 questions!

Mr MEIER: If we are getting down to lengthy questions, I can refer to a few Government members who go on and on, and certainly some Ministers—

Members interjecting:

Mr MEIER: As has been pointed out, it is the quality of the question that counts. In this case a meter is shared with a neighbouring farmer and both landholders measure their own quantity of water consumed on a spur line from the one meter. The first half year's consumption was 86 kl, the second half was zero kl. In March 1984 a new meter was installed by the E & WS because the old meter was considered incorrect. The new meter showed no consumption from the day it was installed. The district E & WS office tested the new meter and claimed it was all right. The irony of the situation is that, according to the landholder, water had been used on a regular basis from this meter since its installation in March 1984. As the farmer concerned has said:

These findings make a mockery of the Department's testing of meters which they claim to be correct. I believe the E & WS Department meter reading procedure is in total disarray and believe farmers all over South Australia should be made aware of what is taking place and read their meters at least once a month and they should keep actual records to compare with that of the Department, plus check water used against what they believe can be used.

In answer to an interjection, not 'they' (the E & WS), but 'they' (the farmers) should check the meters at least once a month because they do not trust the E & WS meter reading. Could the Minister please move urgently to have these gross anomalies corrected, so that people pay for the water they use and do not have to spend hours and possibly days arguing as to the actual amount used.

The Hon. J.W. SLATER: I am not prepared to accept that the meter reading system of the E & WS is in disarray, although I could say that as far as Question Time is concerned the Opposition is in disarray. I believe it is an important question, and indeed there are continuing disputes between not only rural clients of the E & WS Department but also metropolitan area clients in regard to water usage and the reading of meters. It is not an unfamiliar complaint. The meter readers, of course, do the best they can and there have been occasions when in certain areas they have had grave difficulty in reading a meter at all, simply because the owner of the property has stood guard over the meter with a shotgun. It is not the easiest job in the world to satisfy everyone in that regard. If the honourable member will give me specific details of the two examples he gave I

will find out exactly what it is all about and we will determine whether the meter reading system is in disarray or otherwise.

PERSONAL EXPLANATIONS: MEDIA MONITORING

Mr OLSEN (Leader of the Opposition): I seek leave to make a personal explanation.

Leave granted.

Mr OLSEN: Earlier today in Question Time the member for Unley referred to the Warburton Media Monitoring Unit and made a few allegations on which I wish to put straight the record of this House. First, the member's scurrilous attack on small business this afternoon is fair indication of his attitude and is typical of the member for Unley's approach to small business.

The Liberal Party at its own expense, not at taxpayers' expense, hired the services of that unit which has been recently established in Adelaide as a small business enterprise. The purpose of the service is to draw attention to matters raised on radio and television that directly affect us. The service is not similar to that established by the Dunstan Government which allowed the Government to spy on every word said on radio and television, and it does not give a star rating service, as Mr Dunstan did. Perhaps that is because there are no longer Government Ministers capable of star ratings.

The Liberal Party is paying personally as an organisation for this service in an attempt to match the 14 Government press secretaries that are on the taxpayers' pay-roll and, as one would recognise, the Opposition has very limited resources. The service has nothing to do with organising people to ring up talk back programmes or any other political matters mentioned by the member. That is totally erroneous and totally misleading. It is quite clear that the arrangement the Liberal Party made with the service of Mr Warburton was on a confidential basis, and I am sure that Mr Warburton discussed confidentially with the Premier's press secretary the same arrangements. The fact that the member for Unley has been prepared to debate that in the Parliament today is an indication that I believe he is prepared to break business confidence.

Mr MAYES (Unley): I seek leave to make a personal explanation.

Leave granted.

Members interjecting:

The SPEAKER: Order! There is irresponsibility on both sides of the House, and I ask both sides of the House to come to order and to show some respect for Standing Orders. The honourable member for Unley.

Mr MAYES: Obviously the Leader has some difficulty in understanding questions. It was not an attack on the small business involved. My question was quite clear and anyone who can understand English would have no difficulty understanding it. It was not an attack on small business.

The SPEAKER: Call on the business of the day.

ART GALLERY ACT AMENDMENT BILL

The Hon. J.C. BANNON (Minister for the Arts) obtained leave and introduced a Bill for an Act to amend the Art Gallery Act, 1939. Read a first time.

The Hon. J.C. BANNON: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The principal object of this Bill is to change the term of office for members of the Art Gallery Board from a fixed four year term to one not exceeding three years. This amendment will allow some appointments to be limited to one or two years, thus permitting smooth continual change-overs of office, and the resultant increased turnover of Board members should increase active commitment from members and wider community participation from the public. The greater flexibility in the range of possible terms of office will also enable shorter terms to be offered to candidates who might otherwise be deterred by such a long term commitment as four years.

Clauses 1 and 2 are formal. Clause 3 re-enacts, in modern drafting style, the provisions relating to the conditions of membership of the Board. A member may be appointed for any term that does not exceed three years.

The Hon. D.C. WOTTON secured the adjournment of the debate.

SOUTH AUSTRALIAN MUSEUM ACT AMENDMENT BILL

The Hon. J.C. BANNON (Minister for the Arts) obtained leave and introduced a Bill for an Act to amend the South Australian Museum Act, 1976. Read a first time.

The Hon. J.C. BANNON: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The principal object of this Bill is to enable the Board of the SA Museum to increase its coverage of expertise. The means to achieve this are to increase the number of members from six to eight and to provide for variable terms of office. The need for expansion of the Board without altering the size of the quorum is based on two reasons. Firstly, there is difficulty at times in obtaining a quorum. On occasions, various members have been interstate or overseas in connection with their own professions, or have been required at short notice to attend to urgent matters. A Board of eight members, rather than six, would permit members to meet their own commitments without the Board's function being curtailed.

Secondly, a larger pool of expertise is required by the Board to meet its responsibilities at the present time, and in the future. A Board of eight members would provide this more readily than one of six members. The change from a fixed four year term to one not exceeding three years will provide for staggered retirements, and will also enable more attractive terms of office to be offered to persons who might otherwise be deterred from joining the Board.

Clauses 1 and 2 are formal. Clause 3 increases Board membership from six persons to eight. Clause 4 provides for terms of office not exceedig three years, and brings the provision relating to removal from office into line with current similar Acts. Clause 5 is a consequential amendment.

The Hon. D.C. WOTTON secured the adjournment of the debate.

ADELAIDE FESTIVAL CENTRE TRUST ACT AMENDMENT BILL

The Hon. J.C. BANNON (Minister for the Arts) obtained leave and introduced a Bill for an Act to amend the Adelaide Festival Centre Trust Act, 1971. Read a first time.

The Hon. J.C. BANNON: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The principal object of this Bill is to enable the Board of the Adelaide Festival Centre Trust to increase its coverage of expertise. The means to achieve this are to increase the number of members from six to eight and to provide for variable terms of office. The need for expansion of the Board without altering the size of the quorum is requested for two reasons. First, there is difficulty at times in obtaining a quorum. On occasions, various members have been interstate or overseas in connection with their own professions, or have been required at short notice to attend to urgent matters. A Board of eight members, rather than six, would permit members to meet their own commitments without the Board's function being curtailed.

Secondly, a larger pool of expertise is required by the Board to meet its responsibilities at the present time, and in the future. A Board of eight members would provide this more readily than one of six members. The Adelaide Festival of Arts (a separate organisation) is to nominate one member, thus giving it formal representation on the Board. It is also felt that provision should be made for a deputy to be appointed to facilitate continuity of, in particular, the Festival's representation in the absence of its principal nominee for any reason.

Clauses 1 and 2 are formal. Clause 3 provides for the increase of the Trust's membership from six to eight persons. One trustee is to be appointed upon the nomination of the Adelaide Festival of Arts Incorporated. Various consequential amendments are made to the provision dealing with nominations and failures to nominate persons for appointment. New subsection (6) provides for the appointment of suitable deputies to the trustees.

The Hon. D.C. WOTTON secured the adjournment of the debate.

BOILERS AND PRESSURE VESSELS ACT AMENDMENT BILL

The Hon. J.D. WRIGHT (Minister of Labour) obtained leave and introduced a Bill for an Act to amend the Boilers and Pressure Vessels Act, 1968. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill amends the Boilers and Pressure Vessels Act by providing two new concepts in respect of the design and operation of boilers and pressure vessels. First, it requires manufacturers or installers of new boilers or pressure vessels of a prescribed class to have their design drawings and calculations independently checked by an expert for adequacy of design before submitting it to the Department of Labour for approval.

Currently, before a boiler or pressure vessel can be constructed or manufactured the Act requires plans and specifications to be approved by the Chief Inspector of Boilers who must be satisfied that the design, materials and method of construction are suitable for safe operation. All such plans and specifications submitted for approval are checked by staff of the Department's Engineering Services Branch for compliance with the relevant regulations and codes of practice which, in the main, are standards published by the Standards Association of Australia.

The examination of highly complex submissions such as those involving large boiler installations for powerhouses place a heavy demand on the Department's resources. It is considered that, because of the high level of technology associated with this type of plant, the responsibility for the safety of the design and construction should rest with the applicant organisation. This will require a proposal to construct or install a new boiler or pressure vessel to be accompanied by a report (prepared by an independent person who, in the opinion of the Chief Inspector is an expert on the subject of the report) certifying that the proposal meets the necessary criteria for safe operation. A person who undertakes the preparation of an expert report must have no pecuniary interest in the design, construction, manufacture or installation of the boiler or pressure vessel. This will enable the Department's staff to carry out spot checks to monitor the quality of these complex proposals before approval is granted and continue to comprehensively check the smaller boiler or pressure vessel designs.

The second new concept introduced in this Bill is to enable organisations operating large boiler or pressure vessel installations to be exempted, under certain conditions, from the need to have a Government Inspector carry out an inspection and issue a certificate of inspection to permit continuity of operation. The Boilers and Pressure Vessels Act presently requires every registered boiler to be inspected as far as is practicable at least once in every year. Where an inspector considers that a boiler is safe to operate for the ensuing year he issues a certificate of inspection to that effect.

In the majority of organisations operating large boiler plant, staff are employed who have the necessary expertise to carry out periodic inspections required by the Act. The Bill permits such organisations to carry out their own inspections provided the Chief Inspector is satisfied, by means of an expert report furnished by the organisation, that the boiler is in a safe and proper condition to be operated for the period under consideration—a maximum of 12 months for boilers and 24 months for pressure vessels.

The advantages of this arrangement to industry will be that shut-down and maintenance schedules will not need to take into consideration the availability of Government Inspectors for that period. All boilers and pressure vessels operated by an organisation which takes advantage of this option would be included in the exemption provision on the basis that if the in-house expertise was considered sufficient for the largest or most sophisticated plant then it would be more than adequate for the smaller items. A separate report would of course be required for each boiler or pressure vessel.

This arrangement will also permit boilers and pressure vessels located in remote areas of the State, such as plant in country hospitals, to be assessed for safe operation by competent maintenance contractors on the submission of a satisfactory report. While the role of Inspectors would then

be of an auditing nature involving spot checks and similar methods to ensure full compliance, there would be no diminution in safety standards and requirements as the responsibility for these matters would rest with competent persons who are fully familiar with their respective plant.

One other major alteration to the Act is in respect of the penalties which may be imposed. All penalties have been increased with the maximum penalty now $20 000. This maximum applies in two important areas. One is section 28 of the Act, which requires an owner of a boiler or pressure vessel to comply with the written directions of an Inspector where, in his opinion, the boiler or pressure vessel is likely to be or become dangerous to life or property if used in its present condition. The other is new section 48a which makes it an offence for a person preparing an expert report to be negligent in that task or to make a false or deliberately misleading statement in the report.

It is essential that where penalties are provided as a deterrent they are in keeping with the present economic conditions. While these amendments will allow industry more flexibility in respect of the safety inspections of boilers and pressure vessels, suitable checks and safeguards are provided to ensure continuation of the high standard of safety presently applying to the operation of boilers and pressure vessels in South Australia.

Clauses 1 and 2 are formal. Clause 3 makes an amendment to section 4 of the principal Act, the section which deals with interpretation. A new definition is inserted, namely that of 'expert report'. That expression means a report by a person with qualifications and experience such that in the opinion of the Chief Inspector he is an expert on the subject matter of the report. Clause 4 provides for the repeal of section 16 of the principal Act and the substitution of new section 16 which deals with approvals for the design and construction of boilers and pressure vessels. Under new subsection (1), a person shall not construct or manufacture a boiler or pressure vessel or install a boiler or pressure vessel manufactured outside the State otherwise than in accordance with a notice of approval of the Chief Inspector. Under subsection (2) the Chief Inspector may approve construction, manufacture or installation conditionally or unconditionally, and add to, vary or revoke any condition of approval. Under subsection (3) the Chief Inspector shall not issue a notice of approval unless he has received two copies of the plans, specifications, drawings and design calculations relating to the boiler or pressure vessel, and in the case of a boiler or pressure vessel of a prescribed class, an expert report on the adequacy of its design. Under subsection (4) the Chief Inspector in considering an application for approval may have regard to a relevant standard of the Standards Association of Australia or any other standard he considers relevant. Under subsection (5), the Chief Inspector shall not issue a notice of approval in relation to a boiler or pressure vessel referred to in subsection (3) *(b)* unless he is satisfied that the person who prepared the expert report had no pecuniary interest in the design construction, manufacture or installation of the boiler or pressure vessel.

Clause 5 amends section 17 of the principal Act by increasing the penalty for an offence under subsection (2) from $500 to $5 000. Clause 6 amends section 18 of the principal Act by increasing the penalty for an offence under subsection (1) from $500 to $5 000. Clause 7 amends section 25 of the principal Act by increasing the penalty for an offence under that section from $1 000 to $5 000. Clause 8 amends section 26 of the principal Act by increasing the penalty for an offence against subsection (3) from $1 000 to $5 000. Clause 9 repeals section 27 of the principal Act and substitutes new section 27 which deals with certificates of inspection. Under subsection (1), a person shall not operate, or cause or permit to be operated, a registered boiler or a registered pressure vessel unless a certificate of inspection is in force in relation to it. Subsection (2) qualifies subsection (1) by allowing a 28 day period of grace after the expiration of a certificate. Under subsection (3), an inspector shall not issue a certificate of inspection unless satisfied that the boiler or pressure vessel concerned is in good repair and is safe to operate. Under subsection (4), a certificate of inspection expires at the end of 12 months in the case of a boiler and 24 months in the case of a pressure vessel. Under subsection (5) the Chief Inspector may exempt a boiler or pressure vessel from the requirement to have a certificate of inspection for a period of 24 months, if he is satisfied on the basis of an expert report that it is in good repair and is safe to operate. Under subsection (6), such an expert report must be in writing, contain the prescribed particulars and any other information required by the Chief Inspector, and be signed by the person making the report and the owner of the boiler or pressure vessel.

Clause 10 amends section 28 of the principal Act by increasing the penalty for an offence against subsection (2) from $1 000 to $20 000. Clause 11 amends section 29 of the principal Act by increasing the penalties for offences under subsections (2) and (3) from $1 000 to $5 000. Clause 12 amends section 33 of the principal Act. That section specifies that Part IV of the principal Act (dealing with certificates of competency for operations of boilers and pressure vessels) does not apply in relation to certain machinery. The effect of the amendment is to provide that the Part does not apply to an internal combustion engine of no more than 1 megawatt or an internal combination engine with fully automatic controls approved by the Chief Inspector.

Clause 13 amends section 34 of the principal Act by increasing the penalty for offences under subsection (1) from $500 to $1 000, and the penalty for offences under subsection (2) from $500 to $5 000. Clause 14 amends section 40 of the principal Act by increasing the penalty for offences under subsection (1) from $500 to $1 000. Clause 15 amends section 41 of the principal Act by increasing the penalty for offences under that section from $500 to $5 000.

Clause 16 amends section 45 of the principal Act by increasing the penalty for offences under that section from $500 to $5 000. Clause 17 amends section 46 of the principal Act by increasing the penalty for offences under that section from $500 to $5 000. Clause 18 inserts new section 48a into the principal Act. New section 48a deals with expert reports. Under subsection (1), where a person who prepares an expert report does so negligently, or the inspection or other work on which the report is based is done negligently, or the person makes a false or deliberately misleading statement in the report, he is guilty of an offence. Under subsection (2), if the Chief Inspector is not satisfied as to the accuracy or sufficiency of a report, he may require further reports to be provided, or have an inspector report upon the matter.

Clause 19 amends section 49 of the principal Act by increasing the penalty provided under subsection (2) from $500 to $5 000, and increasing the penalty provided under subsection (3) from $200 to $500. Clause 20 amends section 51 of the principal Act. Provision is made enabling the making of regulations prescribing fees in respect of matters the subject of amendment in this measure. Provision is made to increase the penalty which may be imposed for breaches of the regulations from $500 to $5 000. Provision is also made for the regulations to incorporate standards or codes of practice of the Standards Association of Australia or any other prescribed body.

The Hon. E.R. GOLDSWORTHY secured the adjournment of the debate.

URBAN LAND TRUST ACT AMENDMENT BILL

The Hon. D.J. HOPGOOD (Minister for Environment and Planning) obtained leave and introduced a Bill for an Act to amend the Urban Land Trust Act, 1981. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The South Australian Urban Land Trust was reconstituted in 1981 from the former South Australian Land Commission which was originally established in 1973. The principal effect of that reconstituting legislation of the previous Government was to substantially reduce the role of the Urban Land Trust. Its powers to develop land in its own right, and to compulsorily acquire land for a future urban land bank, were repealed. The revised role was described as that of an urban land banker.

In 1984, the Urban Land Trust Act was amended to enable the Trust, with the approval of the Minister, to undertake development on a joint venture basis. The principal purpose of that amendment was to enable development to proceed in the Golden Grove area and thus to assist in ensuring a continuing adequate supply of developed allotments for home building purposes. The present Bill seeks a number of further amendments to the Act of which the principal change is to provide the Trust with limited powers of compulsory acquisition of land.

Since coming to office the present Government has undertaken a number of actions designed to facilitate land development and ensure continuity of supply of broadacre land and developed allotments for home purchasers. In addition to initiating the development of Golden Grove in the North East area, the Government has rezoned land at Morphett Vale East to supplement the supply of broadacre land available to the development industry and thus ensure that sufficient new allotments are available to house buyers in the southern metropolitan area. In addition, in line with the Government's deregulation policy, a number of amendments have been introduced to the Planning Act, 1982, to eliminate unnecessary delays and costs to developers undertaking new land subdivision. Cognisant of the need to plan for the next decades, the Government has also initiated a study of longer term development strategies for metropolitan Adelaide.

Public sector land banking represents a key element in this process of planning for the future of the urban area. Land banking enables development to take place in an orderly manner. It avoids fragmented development on the urban fringe which would mean parcels of land being locked up in non-residential uses and housing development leapfrogging to outer areas. Land banking facilitates the programming and provision of costly Government services to new urban areas, reduces speculation in land and keeps prices down. Public sector land banking also provides considerably more certainty for the private sector. Indeed, it is principally due to the far sighted actions of a previous Labor Government in acquiring broadacre land at Morphett Vale East and Golden Grove, that the present Government has been able to respond so quickly to the recent, much welcomed revival of the housing industry.

However, with the progressive release of this and other land, the land bank assembled by the former Labor Government in the mid 1970s, through the agency of the Urban Land Trust, is quickly being depleted. If we are to maintain the same important capability for the future, it is clearly imperative that this metropolitan land bank be progressively replaced. The power to compulsorily acquire land is an important component in facilitating this land bank replacement programme.

In the past, public sector land purchase generated considerable controversy, mainly because the former South Australian Land Commission was seen as a direct competitor with the private development industry and as able to secure land at an unfair advantage. However, the present Government has reached a relationship of partnership with private industry in meeting the demands of the market place and the community in general. There is common agreement that through land banking, Government resources will be able to combine with the skills and investment of private industry to meet the demand for new residential land.

Reinstatement of compulsory acquisition powers will enable the Trust to play an effective role in the market place, particularly where owners are reluctant to sell. It will, at the same time, provide owners subject to acquisition with the protections contained in the Land Acquisition Act. In particular, the Bill provides that the Trust shall not acquire land containing a person's principal place of residence, except at the request of the owner. Moreover, developers are safeguarded in that the acquisition power would not apply where the developers can demonstrate a firm intention to proceed with commercial or residential development.

The Bill provides safeguards both for existing owners and developers, whilst at the same time providing the Government with the tools necessary to carry out its important role in ensuring the ongoing health and prosperity of the urban land market. In addition to these provisions, the Bill also seeks three further amendments to the Act. These are as follows:

First, the deletion of Commonwealth Government representation on the Trust. This amendment arises from the fact that all moneys owing to the Commonwealth have now been repaid and the Commonwealth has no continuing role in the Trust's operations. Accordingly, the Bill proposes that this category of membership should be replaced by 'a person who in the opinion of the Minister has appropriate knowledge and experience relating to the development and provision of community services'.

The second amendment proposed reflects the concern of this Government to ensure that future development is managed in a way that will ensure that metropolitan Adelaide continues to develop in a manner which has regard to both physical and social objectives in the planning of new urban areas. Accordingly, the Bill makes specific provision for Ministerial directions relating to the goals of creating a sound physical and social environment and of ensuring proper co-ordination with various public authorities.

Thirdly, the Bill seeks to extend the disclosure of interest provisions of the Act which currently apply to members of the Trust to apply also to officers of the Trust, together with the introduction of a provision for penalty where appropriate. Those measures will ensure that the Trust's operations are seen to be conducted with complete propriety.

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. The clause provides for different provisions to be brought into operation at different times. Clause 3 amends section 8 which provides for the membership of the Urban Land Trust. Paragraph *(c)* of subsection (1) provides that one of the members is to be a person nominated by the Minister after consultation with the appropriate Minister of the Commonwealth Government. This paragraph is replaced by a new paragraph providing for the appointment of a person who in the opinion of the Minister has appropriate knowledge

and experience relating to the development and provision of community services.

Clause 4 substitutes a new provision for section 13 which provides for the disclosure of interests by members of the Trust. Under the new provision a maximum penalty of $2 000 is fixed for failure by a member to disclose to the Trust any direct or indirect interest that the member has in a contract, or proposed contract, made by or in the contemplation of, the Trust and for contravention of the requirement that a member not take part in any deliberations or decision of the Trust with respect to a contract in which he has a direct or indirect interest. Any such disclosure is to be recorded in the minutes of the Trust. The clause provides that where disclosure is made in relation to a contract, the contract is not to be void, or liable to be avoided, and the member is not to be liable to account to the Trust for any profits derived from the contract.

Clause 5 amends section 14 of the principal Act which provides for the powers and functions of the Trust. The section presently provides that the Trust may only acquire land with the prior specific approval of the Minister and that the provisions of the Land Acquisition Act, 1969, do not apply in relation to acquisition of land by the Trust. The clause replaces these provisions with a new provision providing that the Trust may, with the prior specific approval of the Minister, acquire land in accordance with the provisions of the Land Acquisition Act, 1969. The clause inserts a new provision designed to make it quite clear that the power of the Trust to engage in the division and development of land is limited to broadacres development or joint ventures with private developers. The section presently provides, at subsection (6), that the Trust is, in the performance of functions subject to the general control and direction of the Minister. The clause amends this provision so that it is clear that the Trust will be bound to comply with any directions given with a view to the proper co-ordination of the Trust's activities with those of other public authorities or with a view to the creation of a sound physical and social environment in any new urban areas developed with the Trust's assistance.

Clause 6 inserts a new section 14a dealing with the acquisition of land by the Trust. Proposed new section 14a (1) provides that where the Trust acquires land and proposes to lease the land before it is made available for the establishment and development of new urban areas, it shall offer the person from whom the land was acquired the opportunity to lease the land on fair terms. Proposed new section 14a (2) provides that the Trust may not acquire by compulsory process any dwellinghouse occupied by the owner as his principal place of residence; any factory, workshop, warehouse, shop or other premises used for industrial or commercial purposes; any premises used as an office or rooms for the conduct of a business or profession; or any land in respect of which subdivision development is being or has been carried out. 'Subdivision development' is defined for the purposes of the proposed new section as development of land by the carrying out of works for the provision of roads and services to individual allotments of a size not more than 2 000 square metres, being allotments that are to be used for residential purposes.

Proposed new section 14a (3) empowers the Trust to acquire premises of the kind referred to in subsection (2) where it is acquiring adjoining land owned by the same person and that person does not wish to retain the premises. This provision is intended to make it clear that acquisition under the Land Acquisition Act may proceed in those circumstances even though the Trust and the owner are unable to agree on a price but wish to use the compulsory acquisition provisions of the Land Acquisition Act to fix the appropriate compensation. Proposed new subsection (4) provides that where the Trust has served a notice of intention to acquire land that the proprietor proposes to use for subdivision development or commercial building development (development by the construction of premises to be used for industrial or commercial purposes), the proprietor may within three months serve notice on the Trust advising the Trust that he wishes to proceed with the development and setting out particulars of the proposed development as required by the regulations, and, in that event, but subject to proposed new subsection (5), the Trust will be prevented from acquiring the land by compulsory process for the period of two years from the date of service of the proprietor's notice.

Proposed new subsection (5) provides that the Trust will not be prevented from acquiring land proposed to be used for subdivision development unless the proprietor had already obtained planning authorisation under the Planning Act for the development, or had made due application for such authorisation and within the three month period obtains the authorisation or satisfies the Minister that the granting of the authorisation is imminent. Proposed new subsection (6) provides that, if within the two year moratorium period, a substantial commencement is made in the development, then the land may not be acquired by the Trust by compulsory process after that period. Proposed new subsection (7) provides that where the Trust acquires land within three years after the first notice of intention to acquire and had been prevented for any period from acquiring the land as a result of the operation of subsection (4), the compensation to which the proprietor is entitled is to be assessed as if the acquisition had been effected as soon as practicable after service of the first notice of intention to acquire.

Clause 7 inserts a new section 16a requiring an officer or employer appointed for the purposes of the administration of the Act to disclose to the Trust any direct or indirect interest that he has in a matter in relation to which he is required or authorised to act in the course of his duties and prohibiting him from acting in relation to the matter except with the approval of the Trust. The proposed new section fixes a maximum penalty of $2 000 for contravention of the section. Clause 8 inserts a new section 21a providing for a person authorised in writing by the Trust to enter upon any land and conduct any survey, valuation, test or examination that the Trust considers necessary or expedient for the purposes of the Act. Reasonable notice must be given to the occupier of the land before entry is made. The section provides for an offence of hindering an authorised person in the exercise of his powers under the section and confers upon the owner of land a right to compensation (to be assessed by the Land and Valuation Court) for any damage or disturbance caused by an authorised person. The clause also inserts a new section 21b providing for the summary disposal of proceedings for offences against the Act.

The Hon. D.C. WOTTON secured the adjournment of the debate.

STATUTES REPEAL (LANDS) BILL

The Hon. D.J. HOPGOOD (Minister of Lands) obtained leave and introduced a Bill for an Act to repeal certain Acts relating to lands. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The purpose of this short Bill is to repeal four Acts which have satisfied their original intent and no longer serve any useful purpose.

The Acts to be repealed are:

Camels Destruction Act, 1925-1973,
Eyre Peninsula Land Purchase Act, 1946,
Nomenclature Act, 1935,
The Poonindie Exchange Act, 1895.

Brief comments on the original purpose of each Act and the reasons why they can be repealed are as follows:

Camels Destruction Act: Camels lost favour as a means of commercial transport in the more remote areas of the State as the railway system was extended and motor transport increased after World War I. They bred rapidly to pest proportions after being abandoned by their owners. The Act permitted occupiers to destroy camels found trespassing on their land and gave similar authority to the Minister of Lands in regard to Crown lands.

Camel populations are now under control through commercial harvesting for pet food and the increasing demand from zoos and circuses particularly from overseas. Those remaining are generally isolated in desert areas. Thus the Act, having served its purpose, is no longer required.

Eyre Peninsula Land Purchase Act: This legislation enabled the Minister of Lands to implement an agreement for the purchase by the Government of approximately 18 000 hectares of land on southern Eyre Peninsula. Special legislation was necessary as the purchase included the township of Tumby Bay and powers of acquisition at the time did not authorise purchase of town lands.

The majority of the land was developed for primary production and allotted under the War Service Land Settlement Scheme. The Act also provided for disposal of land not suitable for primary production and the majority of the town land was sold to existing tenants. Any areas which may remain would not be significant and as their disposal could be adequately dealt with under the War Service Land Settlement Agreement Act or Crown Lands Act, the Act should be repealed.

Nomenclature Act: During World War I three old German place names, namely Klemzig, Hahndorf and Lobethal were changed to Gaza, Ambleside and Tweedvale. This Act provided for the restoration of the original names to commemorate the efforts of early German settlers in the light that the following year, 1936, was this State's centenary year. All necessary action in terms of the Act has been completed and it is now superfluous.

The Poonindie Exchange Act: This Act was introduced to implement an agreement between the Government and the trustees of the Poonindie Native Institution for the exchange of land and was necessary to overcome a conveyance problem. Poonindie is in the hundred of Louth north of Port Lincoln. The exchange was finalised in 1896 and as the purpose of the Act has long since been fulfilled it is now redundant.

This Bill forms part of the Statutes Repeal Project which was instituted by the previous Liberal Government in August, 1980, in accordance with its deregulation programme. It is acknowledged that their various purposes have been well and truly satisfied and their provisions have no further application. Therefore, they should be removed from the Statutes.

Finally, it is notied that the original Bill included for repeal the Sandalwood Act, 1930-1975. Sandalwood is to be a protected species and, because of inadequacies of other legislation at this time, it is considered advisable to retain the Sandalwood Act, 1930-1975, the administration of which will be committed to the Minister for Environment and Planning.

Clause 1 is formal. Clause 2 provides for the repeal of the Acts set out in the schedule.

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

FOOD BILL

Received from the Legislative Council and read a first time.

The Hon. G.F. KENEALLY (Minister of Tourism): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The purpose of this Bill is to rewrite South Australia's food laws in a form suitable for the 1980s and beyond. South Australia's existing food legislation had its origins in nineteenth century English law. The first Act for the Prevention of the Adulteration of Food and Drink was passed in the United Kingdom in 1860, following disclosure of widespread adulteration. In 1873, South Australia's Health Act included a provision for the seizure of unwholesome food. Later, in 1878, its provisions were expanded, to include a food division dealing with water, meat and milk. The year 1882 saw the enactment of South Australia's first Food and Drugs Act, an Act very similar to its English counterpart. That Act, however, apparently lacked strength in terms of enforcement and was superseded by the 1908 Food and Drugs Act. Few would argue with the then Chief Secretary who, when moving the second reading, said that 'the Bill was one of the most important measures to be discussed by the Council that session because, next to the protection of the lives of the people, the health of the people was a close second'.

It is in fact that Act, with minor amendments, which remains in force today. As section 8 puts it, it is an Act to '. . . provide proper securities for the sale of food in a pure and genuine condition . . .' Its purpose is as relevant today as it was in 1908. Its provisions, however, have become somewhat anachronistic. It was framed at a time when the range of foods was limited, when production was local and distribution was by horse and cart. Advances in food technology have revolutionised our system of food processing and distribution. No longer is the majority of our food industry catering just for a localised domestic market, but is increasingly catering on an Australia-wide or international scale. Perishable foods are traded long distances as a result of refrigeration. Much packaged food is of complex formulation, involving numbers of ingredients and food additives. Contaminants have become more complex involving metals, pesticide residues, micro-organisms and their metabolites. There is a far greater range of media avenues available for marketing and promotional strategies. Consumer awareness demands improved labelling of packaged foods to enable informed choice.

It was against this changed background that Health Ministers in 1975 mooted the development of model food legislation as a basis for adoption in each jurisdiction. A model Bill was developed and endorsed by the 1980 Conference of Ministers for adoption by the States and Territories. By October 1981, Model Food Standards regulations had been

prepared to support the model Bill, and drafting of model food hygiene regulations is currently proceeding.

The Bill before honourable members today is based on the model Bill. It is essentially enabling legislation. Following its passage, regulations will be necessary to spell out detailed requirements. It will provide the vehicle for the adoption of model food regulations. It is through such regulations that uniformity between the States can be achieved.

Turning to some of the main features of the Bill, clause 6 vests in the South Australian Health Commission responsibility for the administration of the Act throughout the State. The Commission will be able to draw on the expert advice of a Food Quality Committee to assist it, particularly in the making of regulations. Clause 10 provides for the establishment of the Food Quality Committee, whose 14 members will bring together a wide range of expertise—the Health Commission's responsibility for the legislation is recognised by the appointment of two members, one of whom will chair the Committee; the important role of local government is recognised by the appointment of two members; the perspective of the Consumer Affairs and Agriculture portfolios will be brought to the Committee by members from each area; scientific and technological expertise will be available on the Committee; the particular interests of manufacturers, retailers and employees will be represented; and importantly, the consumer will have a voice through a position set aside specifically for 'a suitable person to represent the interests of consumers'.

Honourable members will be aware that a Food and Drugs Advisory Committee has existed for many years under the Food and Drugs Act. With the splitting up of food and drugs controls into two separate pieces of legislation, the Controlled Substances Act and this Bill, and the creation of an Advisory Committee under each, the Food and Drugs Advisory Committee will be phased out. I take this opportunity to pay tribute to the work of the Committee over many years.

To consider the administration of the Act in more detail, the attention of honourable members is drawn to the overall scheme of the Bill whereby offences are created in three broad areas—

1. Food quality, as set out in clauses 17 and 18, covering—
   - unfit for human consumption
   - non-compliance with a prescribed standard
   - misrepresentation of the nature or quality.
2. Food labelling, as set out in clause 19.
3. Food hygiene, as set out in clauses 20 and 21, covering—
   - premises, equipment and vehicles
   - food handlers.

The South Australian Health Commission has overall responsibility for the administration and enforcement of the Act throughout the State. The Health Commission will be the central body responsible for the enforcement of standards of food composition, wholesomeness, packaging and labelling and advertising.

Local councils, under clause 26, have responsibility for ensuring proper standards of hygiene within their area, and for ensuring that food sold within their areas is fit for human consumption. Where a council does not properly carry out its duty, the Health Commission is empowered to take the necessary action on those matters. The manner in which councils administer these provisions will be a matter for them to decide. Some councils may wish to do so individually. Others may find it more efficient to join together to establish a controlling authority and share officers between them. The Bill provides the flexibility to accommodate either arrangement.

Returning to the central administration of the legislation, honourable members will note that provision is made for the Metropolitan County Board to be disbanded. The Metropolitan County Board had its origins in the early 1900s. It has been the body responsible for policing standards, composition, labelling, sampling, supervising premises preparing food for human consumption, investigating complaints and taking legal action in relation to the 20 member councils coming within its area.

At the time of the formation of the Metropolitan County Board, the bulk of the State's population lived within its area. However, the growth of population outside its area now means that it no longer directly services the bulk of the population. In addition, some current member councils are anxious to withdraw. Various options for the future of the County Board were considered at length and discussed with the Local Government Association, member councils and the staff of the County Board and the Municipal Officers' Association. The resulting request to the Government was that the Metropolitan County Board be disbanded. Accordingly, the Bill makes the necessary provision. Persons employed by the Board are able to transfer to the Health Commission with their rights preserved. I pay tribute to the Board and its staff for the manner in which it has carried out its role. It is intended to build on to the expertise already existing in the South Australian Health Commission and the specialised knowledge which transferring County Board officers will bring, by developing an expanded food surveillance unit within the Health Commission to meet the administrative requirements of the new legislation. The rationalisation of central administration will also be welcomed by industry, particularly in relation to the development and marketing of new products.

Returning to the offences provisions of the legislation, honourable members will note that the Bill provides for substantially increased penalties over the existing legislation. Under existing legislation, penalties are of the order of $200, and up to $1 000 for continuing offences. This Bill upgrades penalties to $2 500 for various offences. The Health Commission and councils may appoint authorised officers to carry out functions under the Act. Authorised officers have powers of entry and inspection. They may stop and detain vehicles, inspect food in premises or vehicles, ask questions of people in the premises or vehicle, take food samples, take photographs and copies of documents and remove any object which may constitute evidence. Anyone hindering an authorised officer or refusing to answer a question to the best of their knowledge is guilty of an offence carrying a penalty of $5 000.

Clause 23 provides the Health Commission with substantial powers with respect to food unfit for human consumption. Where the Commission believes that food is not fit for human consumption, or that food derived from a particular source may not be fit for human consumption, it may prohibit the sale of the food, prohibit or restrict its movement or disposal or require its destruction. If a person does not, within a specified time, comply with a destruction order, the Commission may remove and destroy the food and recover the cost.

Where the Commission believes that a particular area is affected by dangerous contaminants and should not be used for food production, it may prohibit the use of that area for food production. Contravention or non-compliance with an order under clause 23 attracts a penalty, for a first offence, of $5 000 and for a second or subsequent offence, of $10 000.

Under clause 24, where the Commission has reasonable grounds to suspect that premises or a vehicle contains food unfit for human consumption, and that destruction of the food is necessary or desirable in the public interest, it may

specifically authorise an authorised officer to take the necessary action to remove and destroy the food. Provision has been made to give a person affected by such an authority an opportunity to show cause why the food should not be destroyed.

Another important provision is clause 25 which empowers the Commission, where it believes there is substantial risk that food sold to the public is unfit for human consumption, to require a manufacturer, importer or wholesale or retail vendor of the food to publish advertisements in a form acceptable to the Commission, warning against that risk. The Commission itself may publish such warnings and recover the cost from the body to which the advertisements relate.

Turning to clause 26 and the duties of councils in relation to hygiene, honourable members will note that councils may prohibit the use of insanitary premises, vehicles or equipment until they have been cleaned or repaired to the satisfaction of an authorised officer.

I now draw honourable members' attention to the regulation-making powers of clause 32. As I have already indicated, the legislation is essentially enabling legislation and will require extensive supporting regulations. The legislation will be the vehicle for adoption of model food regulations. I would mention that, as far as our existing legislation permits, South Australia has already, and is in the process of adopting various standards of the Model Food Standards Regulations. There is, however, still some way to go.

One area to which particular attention will be given is labelling. Today's consumer has a vast range of processed foods from which to choose. He has a legitimate claim to know what is in that food in order that he may make an informed choice. He may, for instance, seek nutritional information in order to formulate, or comply with, a particular dietary plan. He may seek information as to additives in order to avoid a particular adverse reaction. It is not good enough for a consumer to have to work on a 'hit or miss' basis—he has a right to be informed. Various organisations, such as the Consumers' Association and health professional bodies and organisations support the call for comprehensive food labelling. It is a call which the Government will heed and accord a high priority.

In summary, the Bill before honourable members today provides a modern legislative framework of controls over food production and distribution. The existing legislation and administrative structure have served us well in the past. However, if the protection of the health of the public is to be maintained, legislation and administrative structures must keep pace with technological developments and changing patterns in the industry the legislation seeks to cover.

If the general spirit of co-operation and consensus between health professionals, local government and industry which has prevailed in the drafting and consultative process which this Bill has followed is any guide, I have every confidence that the proposed legislation will serve us well in the future.

Clauses 1 and 2 are formal. Clause 3 provides for the definition of expressions used in the measure. Of the definitions, the following are significant:

'area' means the area in relation to which a council is constituted:

'the Commission' means the South Australian Health Commission:

'corresponding law' means a law of another State or of a Territory of the Commonwealth declared by proclamation to be a law that corresponds with the measure:

'food' means any substance (liquid or solid) for or represented to be for human consumption including a gaseous food additive and a substance intended to be introduced into the mouth but not ingested:

'manufacture' in relation to food means process, treat, cook, prepare, pack:

'owner' in relation to any property includes a person entitled to possession of the property:

'prohibited substance or organism' means a substance or organism declared by regulation to be a prohibited substance or organism:

'to sell' includes to offer or expose or possess for sale, to deliver in pursuance of sale, to supply for the purpose of a contract for the performance of a service, to give or offer as a prize in a competition or game of chance or to give away in the course of promotional activities.

Clause 4 provides that the Acts referred to in the first schedule are repealed; the Acts referred to in the second and third schedules are amended as shown in those schedules and transitional provisions consequent upon the amendment of the Food and Drugs Act, 1908, are set out in the fourth schedule.

Clause 5 provides that the measure binds the Crown. Clause 6 provides that the Commission is responsible, subject to the Act, for the administration and enforcement of the measure throughout the State. The Commission is for that purpose subject to the control and direction of the Minister. Clause 7 provides that the Commission may, by instrument in writing, delegate any of its powers or functions under the measure. The delegation may be absolute or conditional, is revocable at will, and does not derogate from the Commission's power to act. No delegation may be made to a council except with its concurrence.

Clause 8 provides for the appointment by the Commission and councils of authorised officers. A person is not eligible for such appointment unless he holds qualifications approved by the Commission, or was a health surveyor under the Food and Drugs Act, 1908, immediately before the commencement of this Act, and he is an officer of the Commission or of a council (subclause (3)). The Commission shall not appoint an officer of a council unless the council consents (subclause (4)). Authorised officers must carry certificates to be produced on demand (subclause (5)). Clause 9 provides that the Commission may appoint suitable persons to be analysts. Clause 10 provides for annual reports to Parliament.

Clause 11 provides for the Food Quality Committee. The Committee consists of 14 members including two who are officers or members of the Commission, two members, officers or employees of a council or councils selected by the Minister from a panel of five nominated by the Local Government Association, one nominated by the Minister of Consumer Affairs, one nominated by the Minister of Agriculture, one nutritionist, one toxicologist, one microbiologist, one who has a wide knowledge of and experience in food technology, one to represent the interests of food manufacturers, one to represent the interests of employees of food manufacturers and retailers, one who must represent the interests of consumers and one analyst (subclause (2)). One of the members of the Committee who is an officer or member of the Commission shall be appointed to be Chairman. Subclause (4) provides for the appointment by the Governor of deputies of members of the Committee.

Clause 12 provides that the first members of the Committee are appointed for a term not exceeding three years (subclause (1)). Subsequent appointments will be for terms of three years. A member is eligible for reappointment at the expiration of his term of office. Subclause (2) provides for the removal from office by the Governor of members of the Committee on the ground of mental or physical incapacity to carry out satisfactorily the duties of office, dishonourable conduct and neglect of duty. Under subclause (3) a member's office becomes vacant if he dies, his term

of office expires, he resigns or he is removed from office by the Governor.

Clause 13 provides that a member of the Committee is entitled to such allowances and expenses as the Governor may determine. Clause 14 provides that the Chairman or his deputy presides at any meeting of the Committee (subclause (1)). Under subclause (2), in the absence of both the Chairman and his deputy, the members present shall elect one of their number to preside. Seven members constitute a quorum (subclause (3). A decision carried by a majority of votes is a decision of the Committee and, in the event of an equality of votes, the Chairman has a second or casting vote. Clause 15 provides that an act or proceeding of the Committee is not invalid by reason of a vacancy in the membership, or a defect in an appointment.

Clause 16 provides that the functions of the Committee are to advise the Committee on any matter relating to the administration or enforcement of the measure, to consider and report to the Commission on proposals for the making of regulations under the measure, and to investigate and report to the Commission on any matters referred to the Committee for advice. Clause 17 provides that a person shall not divulge information acquired by reason of his being employed or engaged in the administration of the measure except with the consent of the person from whom the information was obtained; in connection with the administration of the measure; to a person employed in the administration of a corresponding law (with the consent of the Commission); or for the purpose of legal proceedings.

Clause 18 provides that a person who manufactures food for sale that is unfit for human consumption or that does not comply with a prescribed standard in relation to that food is guilty of an offence. The penalty is $2 500 (subclause (1)). Under subclause (2) a person who sells such food is also guilty of an offence—penalty $2 500.

Clause 19 provides that a person who misrepresents the nature or quality of food offered by him for sale is guilty of an offence punishable by a fine of $2 500. Under subclause (2) a person is taken to misrepresent the quality of food if he represents expressly or by implication that the food is food of a particular description and the regulations provide that food offered for sale under that description must comply with prescribed standards and the food offered for sale does not comply with the prescribed standards.

Clause 20 applies by virtue of subclause (1) to food of a kind required by the regulations to be labelled in accordance with requirements laid down by the regulations. Under subclause (2), a person who sells food to which the clause applies that is not labelled in accordance with the regulations is guilty of an offence punishable by a fine of $2 500.

Clause 21 provides that all premises, equipment and vehicles used for the manufacture, transport or storage of food for sale or the sale of food, must be kept clean and sanitary at all times. Under subclause (2), where any premises, equipment or vehicle is not kept clean and sanitary as required by subclause (1), the person in charge of the premises, equipment or vehicle is guilty of an offence punishable by a fine of $2 500.

Clause 22 provides that a person who handles food in the course of manufacture transportation or storage for sale, or for the purposes of its sale, and who contravenes a regulation relating to hygiene or otherwise fails to observe reasonable standards of personal hygiene, is guilty of an offence punishable by a fine of five hundred dollars (subclause (1)). Under subclause (2), an employer whose employee commits an offence against subclause (1) in the course of his employment is guilty of an offence punishable by a fine of two thousand five hundred dollars.

Clause 23 provides that a person who, knowing that he has a prescribed disease, handles food in certain circumstances is guilty of an offence. Where the offence occurs in the course of his employment and the employer knew of his affliction, the employer is guilty of an offence.

Clause 24 provides that an authorised officer may, at any reasonable time, enter and inspect premises to which this clause applies (subclause (1)). Under subclause (2), an authorised officer may stop, detain and inspect a vehicle to which this clause applies. Under subclause (3), an authorised officer may, in the course of carrying out an inspection, ask questions of any person in the premises or vehicle, inspect any food found in the premises or vehicle, take any food that he finds in the premises or vehicle, inspect equipment found in the premises or vehicle, remove any object that may constitute evidence of the commission of an offence, and take such photographs or films as he thinks fit. Under subclause (6), the person in charge of the premises or vehicle the subject of the inspection must provide such labour and equipment and take such steps as are necessary to facilitate the inspection.

Under subclause (7), where an authorised officer takes a sample of food, for the purpose of analysis he shall, if the sample has not been obtained by purchase, tender an amount representing the retail value of the sample and he shall, subject to the regulations, divide the sample into three approximately equal parts and give one part to the person from whom it was taken, retain one part for examination and analysis, and retain one part for future comparison. Under subclause (8), an object removed by an authorised officer shall, when no longer required for investigation or proceedings in respect of an offence, be returned to the owner. Subclause (9) provides that a person who hinders an authorised person in the exercise of his powers under the clause or who, having been asked a question by an authorised officer, does not answer the question to the best of his knowledge, information and belief, or who fails to provide assistance as required under this clause, shall be guilty of an offence punishable by a fine of five thousand dollars. Subclause (10) provides that for the purposes of the clause, 'premises to which this section applies' means premises used for the manufacture or storage of food for sale or the sale of food, and 'vehicle to which this section applies' means a vehicle used for the transportation of food for sale.

Clause 25 provides that where the Commission is of the opinion that food is not fit for human consumption—it may, by order, prohibit the sale of the food, prohibit or restrict the movement or disposal of the food, or require the destruction of the food (subclause (1)). Under subclause (2) where the Commission is of the opinion that food derived from a particular source may not be fit for human consumption it may, by order, prohibit the sale of food derived from that source, prohibit or restrict the movement or disposal of food derived from that source, or require the destruction of food derived from that source. Under subclause (3) where the Commission is of the opinion that a particular area is affected by dangerous contaminants so that it should not be used for the production of food, the Commission may, by order, prohibit the use of that area for the production of food. Under subclause (4), an order under the clause may be absolute or conditional. Under subclause (5), a person who contravenes an order under the clause is guilty of an offence punishable by a fine of five thousand dollars. Under subclause (6), where a person fails to comply with an order under subclause (1) *(c)* or (2) *(c)* within the time specified in the order the Commission may remove and destroy the food the subject of the order, and recover the cost of the removal and destruction from that person.

Clause 26 provides that where the Commission suspects on reasonable grounds that there is in any premises or vehicle food that is unfit for human consumption and the

Commission considers that the destruction of food is necessary or desirable in the public interest, the Commission may require the owner of the food to show cause why it should not be destroyed. Under subclause (2), if the Commission considers that cause has not been shown or if it has been unable to contact the owner, the Commission may authorise an authorised officer to destroy the food. Under subclause (3), an authorised officer, acting in pursuance of such an authorisation, may break into the premises or vehicle to which the authorisation relates, using such force as is necessary, and remove and destroy any food in the premises or vehicle that appears to be unfit for human consumption. Under subclause (4) the Commission must give reasons if so required.

Clause 27 provides that where the Commission is of the opinion that there is a substantial risk that food sold to the public is unfit for human consumption, it may require a manufacturer, importer or wholesale or retail vendor of the food to publish advertisements in a manner and form determined by the Commission warning against the risk that the food is unfit for human consumption, or it may itself publish such advertisements. A person who fails to comply with a requirement to publish an advertisement is liable to a penalty not exceeding $2 500 (subclause (2)). Under subclause (3) the Commission may recover all or part of the cost incurred in publishing an advertisement itself as a debt from the party to whom the advertisement relates.

Clause 28 recognises the division of responsibility for the enforcement of the provisions relating to hygiene as between the Commission and councils. Under subclause (1), it is the duty of each council to take adequate measures to ensure the observance within its area of proper standards of hygiene in relation to the sale of food and the manufacture, transportation, storage and handling of food intended for sale and to ensure that food sold within its area is fit for human consumption. Under subclause (2) it is the duty of the Commission to take adequate measures in relation to those matters within the area of a council that is not properly carrying out its duty under subclause (1), and within that part of the State that is not within a council area. Subclause (3) provides that before exercising its duty under subclause (2) *(a)*, the Commission must consult the council concerned with a view to establishing the reason for the council's failure to properly carry out its duty.

Under subclause (4), a breach of duty under the clause does not give rise to any civil liability. Under subclause (5), in carrying out its duty under the clause a council (or a controlling authority) or the Commission may give such directions as are reasonably necessary to ensure the observance of proper standards of hygiene in relation to the sale of food or the manufacture, transportation, storage or handling of food intended for sale and that food intended for sale is fit for human consumption. Under subclause (6), such a direction may prohibit the use of an unclean or insanitary premises, vehicle or equipment for the manufacture, transportation, storage or handling of food for sale until the premises, vehicle or equipment has been cleared to the satisfaction of an unauthorised officer nominated in the direction. Under subclause (7) a person who contravenes such a direction is liable to a penalty of $2 500. Under subclause (8), a person against whom a direction is made by a council or a controlling authority may appeal against it to the Commission. On hearing an appeal, the Commission may confirm, vary or revoke the direction (subclause (9)).

Clause 29 provides in subclause (1) that the offences constituted by the measure are summary offences. Under subclause (2), where a body corporate commits an offence, each director is guilty of an offence and liable to the penalty prescribed for the principal offence unless he could not by the exercise of reasonable diligence have prevented its commission.

Clause 30 provides a defence to prosecutions under the measure where—

(1) the defendant proves that the circumstances alleged to constitute the offence arose in consequence of the act or commission of another (not being an agent or employee of the defendant) and that he could not by the exercise of reasonable diligence have prevented the occurrence of those circumstances;

or

(2) the defendant proves that the circumstances alleged to constitute the offence arose in consequence of the act or omission of his agent or employee and that he could not, by taking all possible precautions, have prevented the occurrence of those circumstances.

Clause 31 provides in subclause (1) that in proceedings for an offence, a document apparently signed by an analyst stating that he carried out, or caused to be carried out, an analysis of specified food and stating the results of the analysis, shall be accepted as evidence of the facts stated in the certificate. Under subclause (2), an allegation in proceedings for an offence that food is or was unfit for human consumption shall be deemed to have been conclusively proved if it is established that the food is or was contaminated by a prohibited substance or organism or contained the flesh of a warm-blooded animal that died otherwise than by slaughter.

Clause 32 provides that the court may order a person convicted of an offence against the measure to pay any costs incurred in relation to the analysis of food to which the proceedings relate. Clause 33 provides that service of a notice, order or other document under the measure may be effected personally or by post.

Clause 34 provides for the making of regulations. Regulations may—

(a) impose requirements relating to premises used for manufacture or storage for sale or for the sale of food and with regard to the maintenance and cleansing of such premises;

(b) impose requirements relating to equipment used for the manufacture for storage for sale or for the sale of food and with regard to the maintenance and cleansing of such equipment;

(c) impose requirements relating to vehicles used for manufacture or storage for sale or for the sale of food and with regard to the maintenance and cleansing of such vehicles;

(d) impose requirements relating to people who handle food intended for sale;

(e) prescribe standards with which food must comply;

(f) impose requirements relating to packaging and labelling of food;

(g) require persons selling specified food to provide specified information to purchasers;

(h) regulate, restrict or prohibit the use of specified preservatives, colouring materials and other additives;

(i) provide for the regular analysis, examination or testing of food by manufacturers;

(j) provide for the keeping of records by importers or manufacturers of food and for inspection of such records;

(k) regulate the use of specified methods of treating food;

(l) regulate the form and content of advertisements for food;

(m) regulate automatic food vending machines;

(n) prescribe and provide for payment of fees under the measure;

(o) require any specified class of persons, premises, equipment or vehicles to be licensed for specified purposes;

(p) exempt persons of a specified class, or food of a specified class from the operation of specified provisions of the measure;

(q) impose penalties not exceeding $1 000 for breach of a regulation.

Under subclause (3), a regulation may be general or limited in application and may incorporate or operate by reference to a standard or code of practice of any authority or body as in force at a particular time or as in force from time to time and with or without modification to the standard or code.

The first schedule provides for the repeal of the Bakehouses Registration Act, 1945, and the Bread Act, 1954. The second schedule contains consequential amendments to the Food and Drugs Act, 1908. The third schedule contains consequential amendments to the Health Act, 1935. The fourth schedule contains transitional provisions consequent upon the amendments to the Food and Drugs Act, 1908.

Mr OLSEN secured the adjournment of the debate.

EXECUTORS COMPANY'S ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 March. Page 3328.)

Mr OLSEN (Leader of the Opposition): The Minister's second reading explanation of this Bill was brief and he did not deal with the full history of the matter. I intend, however, to do so because an important principle is involved. I dealt with that principle in my second reading speech on the State Bank Merger Bill on 29 November 1983. I then emphasised my Party's view that the merger of the two banks should be based on the fundamental principle that the new State Bank should be liable to a range of imposts such as State and Federal taxation and other charges levied at normal rates, and that it should have no other Government created advantages over its private sector counterparts. Until the matter that is now the subject of the Bill before us arose, the merger legislation allowed the new State Bank to participate on equal terms with other banks in the future development of South Australia, and the Opposition welcomed that type of private sector competition.

Dealing with the full history of events that led to this Government's giving a direction to the Directors of the State Bank to compulsorily acquire the Executor Trustee and Agency Company, I have been informed that the Australian and New Zealand Banking Group Limited first wrote to the Minister of Corporate Affairs in December 1983 advising that it was interested in taking over the ETA. It is important to recognise that that was 15 or 16 months ago, and 12 months prior to the bid by the State Bank. Following the first contact in December 1983, preliminary discussions were held to examine ways in which to overcome the disputation surrounding the confiscated Industrial Equity shareholding in the Trustee Company.

In these discussions, the ANZ gave an undertaking to retain a board of directors and management with strong South Australian connections. An assurance was also given that if the take-over was successful all the ETA employees would be retained. Assuming that it had the support of Government to resolve the legislative impasse relating to Industrial Equity shareholding, the ANZ lodged formal take-over documents with the Corporate Affairs Commission and entered the market with an offer of $7 cash for each ETA share. I might add that it entered the market with the full knowledge and the understanding of the Government and the Corporate Affairs Commission.

That offer reflected the strategy of the ANZ Banking Group to extend its interstate trustee activities following its absorption in Victoria of the business of the failed Executor Trustee and Agency Company Limited. In addition, both companies, that is, ETA and TEA, had enjoyed an extensive working relationship over the years, with the Victorian company being one of ETA's major shareholders. ETA shares before the ANZ bid traded at $3.90. The ANZ offer valued ETA at some $5.6 million.

On 17 December last year the State Bank entered the market with a counter offer of $8 a share, valuing ETA at $6.4 million. ANZ responded with an offer of $8.75 a share. At that point, the Minister of Corporate Affairs stepped in and indicated that the Government would only amend the Executors Company's Act (the Bill for which is before the House today) to allow the State Bank offer of $8 a share to proceed. This action thereby excluded the ANZ Banking Group from the market place. The Government also advised the State Bank not to increase its offer of $8—not to match the market place offer—and that the Government would ensure by legislation that 'the ANZ and other potential suitors would be excluded'.

That is a gross invasion of the free market forces. The State Bank, therefore, received an unfair commercial advantage, an advantage not in the true spirit of the constitution and administration of the bank, and not in the spirit of the Act that was passed last year establishing the new State Bank. The State Government's action of interfering in a take-over battle through actions of this nature was untenable and in complete contradiction of free market principles. In effect, the Government intended to acquire compulsorily at that time the ETA shares for less than true market value, thereby denying shareholders the higher price offered by the ANZ Banking Group.

I point out yet again that the interference occurred 12 months after the ANZ Bank first sought to hold discussions with the Corporate Affairs Commission in South Australia. If the Government and the Corporate Affairs Commission were fair dinkum (and, I believe in this instance, honourable), they would have indicated their proposed course of action at some time during the intervening period and would not have interfered in the market place at the last minute. In condemning the move by the State Government, the Chairman of the Stock Exchange of Adelaide, Mr McLachlan, said:

> We believe that the Government's intended legislation represents a contravention of the free market principles espoused by the Stock Exchange on behalf of the investing public. It is quite apparent that an individual could be financially disadvantaged by the Government's proposed action.

Ian Porter, Finance Editor of the *Advertiser*, on writing of the Government's market intervention, said:

> It is simply not tenable that a State Government be able to jump into the middle of a take-over battle and decide who will win and who will lose. Not only has the State Government taken upon itself to deny ETA shareholders the higher price that is now available, it also cuts short the normal bid and counterbid process which might have seen the price go higher.

In the light of the controversy over the State Government's share market intervention, the State Bank took the honourable course of action open to it (and I commend the board of the State Bank in this instance) of lifting its offer to $8.75 a share, thereby consumating the take-over. That course of action taken by the State Bank was honourable. If the State Bank has indicated that it has acceptances or undertakings in respect of more than 50 per cent of ETA shares, the Liberal Party will not oppose this legislation, for the take-over is but a *fait accompli*, because the Government

has seen fit to interfere in the market place and to not act honourably with the ANZ Bank, with whom it had been negotiating for 12 months before it asked the State Bank to interfere in the market place at which time it attempted to control the share market by advising the State Bank to not lift its offer above $8, and stated that it would introduce legislation so that the bank would not have to do so.

As I have said, it is to the State Bank's credit that it was not prepared to accept that dishonourable course of action and that it took the right and proper course of action. I commend the State Bank for that. If that is an indication of the way in which the State Bank wants to operate in the market place, it reaffirms my faith in it as a South Australian institution and indicates that it wants to operate in South Australia on free market private sector principles, and that is to be commended.

However, I want to place on public record that the next Liberal Government will not become involved in influencing share market transactions of this nature and that under the next Liberal Government the State Bank will be required to stand on its own in the market place on the same terms and conditions as its private sector counterparts. I believe that that is what the State Bank wants to do, namely, act in terms of the free market private sector principles in the market place. I repeat that the Opposition will not oppose the legislation, but the Opposition condemns the Government's action.

It should be clearly noted throughout the free market forces in South Australia the extent to which the Government is prepared to go to interfere with the private sector in South Australia.

Mr BECKER (Hanson): I support the Leader's sentiments. From the outset, I must say that my wife and I have our wills lodged with the Executor Trustee and Agency Company of South Australia Limited, although, once this legislation is enacted, we will withdraw from that organisation. I am disgusted to think that the Government is following through the nationalisation policy and using as a lever the State Bank of South Australia to take over the Executor Trustee and Agency Company. The Government has used its powers and the power of this Parliament to overrule the Stock Exchange. This is the second time that we have seen this type of operation. The first occasion was in relation to radio station 5AA. There is no excuse for that take-over, and there is certainly no excuse for this one. If the Government wants to extend the operations of the State Bank—

Mr Mayes interjecting:

Mr BECKER: Shut up! We know your attitude. You are just a dictator.

The ACTING SPEAKER (Mr Ferguson): Order!

Mr BECKER: If the State Bank wants to extend its operations—

Members interjecting:

The ACTING SPEAKER: Order! I ask members to come to order, please, and to show respect to the Speaker. I expect a fair go from honourable members of both sides.

Mr BECKER: Thank you, Sir. My point is the difference in the simple philosophy between the two major Parties in this House. I believe in free enterprise and I will support the free enterprise system, even though on occasions I do not like what I see. I do not support monopolies. At the same time, I do not support a State Government's using funds given to it by taxpayers and allocated by the Federal Government to carry out its role. The State Bank's role is to provide finance at reasonable cost for welfare housing and to assist in rural industry, and in my opinion it is not the charter of the State Bank to get involved in the type of issue that we are now discussing.

The State has the Public Trustee, who has a real role again to protect the interests of the people and the welfare of its citizens. If it is necessary for the State Bank to have a trustee organisation or to extend the powers of the Public Trustee, let us look at that. However, I do not believe in using any money or funds whatsoever that are available to the State Bank for this type of acquisition. Whether or not it borrows the money from the South Australian Financing Authority is also of concern to me, because the Government is using that as a way of obtaining finance. The whole principle is wrong, and I feel for those who founded the Executor Trustee and Agency Company and for its staff who have worked so loyally for it over a period of almost 100 years. The traditions that have been built up by the Executor Trustee and Agency Company in service to and the establishment of the State as well as to the institutions that we have come to respect in South Australia are now to be lost.

A few years ago I had to stand up in this place and head off a private enterprise operator who wished to take over the control of the company through the machinery of the Stock Exchange. It was a Mr Brierley. We were advised by one of our colleagues to do all that we could to prevent him from obtaining such control. That was wrong then. In the spirit of free enterprise, Mr Brierley had the opportunity through the Stock Exchange to acquire that company if he so desired. This Parliament decided to protect the Executor Trustee and Agency Company. I stood up here to defend and support it, as I believe that it should have been retained as it was. We are now selling it because it suits this Government to step in and head off somebody else or another organisation trying to take over that company.

So, South Australians have not saved the company or the institution at all. It is part of the South Australian scenery, but they have lost it. It will be left to the whim of people, to the credibility of the State Bank, people's faith in that organisation and their faith in the performance of the Government to continue to support the Executor Trustee and Agency Company. As a taxpayer and one who believes in a free enterprise system, I cannot do that, and I will withdraw my family's wills from that company.

Mr BAKER (Mitcham): I wish to express my reservations on this legislation. Over a period of time we have seen the transfer into interstate hands of the control of many companies in South Australia. It is no secret why that has occurred. It has occurred for a number of reasons. Some that come to mind are that South Australia has become less competitive and was certainly less competitive during the Dunstan era, when we saw the greatest outflow of boardrooms and companies from South Australia in the history of this State. Coupled with that a number of other things happened at the same time. There were takeovers and amalgamations. It is a sad thing today that we have not got more than a handful of companies in this State controlling their own destinies.

In the Premier's second reading explanation, he made the point that the Executor Trustee and Agency Company should remain in the hands of the State. I believe very much in competition. I know, for example, that in the case of Elders (and we all remember that case) the purchase by IXL made it one of the strongest companies in South Australia. It still has much of its decision-making taken in South Australia. That company has many expanded links with the South-East Asian region and it is now expanding its operations into New Zealand. That is the type of enterprise for which we should be aiming through the competitive element and not through the heavy hand of Government.

In this case, the Government did not particularly assist. I know some of the history, but sometimes for all the wrong

reasons we attempt to control the waves of destiny. The Premier stated:

> Therefore, I advise the ANZ and Executor Trustee that, in the Government's view, the company should remain in South Australian hands as regards both equity and board control. Acquisition of the company's shares by the State Bank of South Australia will ensure that these objectives will be achieved.

That will not achieve anything. If one looks at the State Bank's finances today, one sees that there has been a significant drop in deposits. The Premier may be able to explain that this is due to the competitiveness of the market or a range of other reasons. However, the fact remains that, together with the Savings Bank and the previous State Bank, the amalgamation of those two banks has been less than successful if we look at it in market terms.

An honourable member interjecting:

Mr BAKER: It has. One can look at the market share of the State Bank. We are talking about placing under control an old South Australian company. The Premier shakes his head. Perhaps he should have had some discussions, as I had, with certain personnel associated with the State Bank. Perhaps he should go back and check the competitive market situation as regards the State Bank. Perhaps, too, he should then judge how that bank will perform in the finance market of Australia, which will have to become far more competitive because of the introduction of foreign banks.

It concerns me that we have not a nationalisation but certainly a Draconian measure for retaining the Executor Trustee and Agency Company in this State. Companies will evolve and will die. If the Executor Trustee is a viable company (and I have no reason to suggest that it is anything but that), it can in any form play a viable part in South Australia's future. I know that some of my relatives have wills with Executor Trustee. I also have some friends working for that company. It is my fond wish that we do not domesticise Executor Trustee by limiting it to its State boundaries and placing it under Government control. It becomes more competitive because it must face the market, but it cannot do so if it is controlled through the auspices of the State Government.

No State Government enterprise (and we can go through a number of them) has succeeded. The Premier can look at the Frozen Food Factory, the clothing factory and a number of other enterprises that have failed miserably. I am diabolically opposed to this, as many mistakes have been made in the past, including some by members on this side of the House. This is the age of competition and survival. It is the age where we must be able to stand up and produce. These are no longer the days of protection because we know that protection of itself will not guarantee the future of an industry.

I will not wax long on the history of Australian industry and what tariffs have done to it. However, it is relevant today in considering this Act to note the impact of Government interference in the market, in the purchase of enterprises and in setting up its own enterprises in competition with those of the private sector. In principle, I have great difficulty supporting a Bill which places a private enterprise organisation in the hands of the Government. I have great difficulty supporting a piece of legislation that I believe will not be in the best interests of South Australia in the long term. I would like to think that the Executor Trustee can go in a similar direction to that in which Elders has gone. That company has become part of a strong and viable conglomerate which is making our presence felt overseas, and is not a little company that will get absorbed into the State Government machinery and suffer from the many inefficiencies which always beset Governments.

I am disappointed that the Government has seen fit to take this step. I know he says that it is in the best interests of South Australia that we retain the company, but that matter could be accommodated in a far more efficient fashion if he kept his hands off the company concerned. If the ANZ Bank purchased Executor Trustee and operated it from the base that already exists, perhaps the company could extend itself beyond South Australian borders into the interstate market in the areas where it competes very well. However, I do not believe that as a branch of the State Bank it will do any of these things. I remind the House that every time Government gets involved in such an enterprise it fails miserably. We have many examples of where this has happened in the past.

Mr Gregory: Can you name them?

Mr BAKER: I have already named two. If the honourable member had any sense he would have listened—

Members interjecting:

Mr BAKER: We have given two examples: the Frozen Food Company—

Mr Trainer interjecting:

The ACTING SPEAKER: Order! I remind members that interjections are out of order, and I ask the honourable member to address the Chair and not worry about the interjections.

Mr BAKER: Thank you, Sir. I will ignore all interjections. This is not the way to bring South Australia to the fore. This is not the way that South Australian companies can place their stamp on Australia. This is not the way that we will benefit South Australians.

The Hon. J.C. BANNON (Premier and Treasurer): I am staggered by the comments that have come from the three members opposite who have spoken, two of whom were members of this House in 1980 when a Bill, sponsored by the Government of which they were members, was passed to strengthen the controls over Executor Trustee in order to further protect it against market inroads that were then taking place. Those same two members are now talking about the free market.

I am particularly staggered that the member for Hanson, who was a party to that legislation sponsored by the previous Government, now says that he will not be able to deal with that company any more because it is owned by a South Australian instrumentality. That is a very sad comment from a member of this House, who should have been standing up for South Australia and South Australian enterprise.

The member for Mitcham was not a member of the House in 1980 when this measure to which I am referring was introduced strengthening the protections for ETA. The honourable member said that he was diabolically opposed to it, that is, opposed in the manner of a devil to this thing. That is equally extraordinary. That sort of philosophy saw from the period 1979 to 1982 the dismemberment of South Australian industry, an acceleration of controls and our economic destiny leaving the State. It is outrageous!

The process has been going on over some time: it did not all happen then, but it accelerated from the time that we lost the Bank of Adelaide in 1979 and has been arrested only recently. I would have thought that members opposite would have some commitment to South Australian industry in its control and particularly to our financial institutions. Denigrating remarks about the State Bank, which is competing vigorously and commercially, are extraordinary and are totally against South Australia's interests.

It is, as I say, very sad that one of the members goes so far as to say that he cannot do business with this protected instrumentality because it is being taken over by the State Bank. That is his decision, but it is an extraordinary one. He will have an opportunity to go to other executor trustee companies. In fact, the Government has agreed to sponsor legislation to allow the ANZ to operate its own trustee

company in this State. The member for Hanson could put his business into that, but I hope that in doing so he looks at the commercial aspects of that matter and not just take some extraordinary ideological approach, particularly as he was a member of the House, as was the Leader of the Opposition, who spoke, when this legislation was hardened up.

Dealing briefly with the points that have been made: first, there was no directive to the State Bank. On the contrary, on 4 December 1984 the Managing Director of the State Bank wrote to me as Treasurer, informing me that the bank had some weeks before, it having come to its notice that the ANZ Bank was interested in acquiring Executor Trustee, discussed the matter and agreed that it would be interested in adding the services offered by Executor Trustee to its range of services.

The Chairman and he met with the manager of Executor Trustee, indicating that they were interested in this, unprompted, by their own initiative. I was simply written to and informed of that action being taken by the State Bank. I fully supported that action: I will support the State Bank in becoming aggressive and entrepreneurial, and I hope that all members will do so because it is in South Australia's interest to do so.

On 21 December the board of the bank wrote to me saying that the State Bank board had resolved (I am dealing with this question of direction) that it would like to make a takeover offer for the shares in the company. This decision was reached after consideration over many weeks by the board of the bank of the desirability of adding trustee and related services to its existing range of products. In particular, the bank had a desire to expand into the area of investment management, with particular emphasis on retirement advice and trustee services. In other words, it wanted to improve its competitive position.

Yet, the member for Mitcham says that it is a competitive market, that the State Bank will not do very well there and that we will be left at the barrier. By this action, the State Bank is ensuring that it remains competitive. The State Bank, by seeking to join the take-over battle for this company, indicated its need to have that range of services. So, as far as a directive is concerned, I refute that utterly.

I make no apology for the statement that in terms of the legislation passed in 1978 by the Dunstan Government, reinforced in 1980 by the Tonkin Government, we would not tolerate a position where control passed outside the State. That was the clear wish of Parliament and of two Governments, which included two of the members who have spoken in this debate. I said that the integrity of the legislation must be preserved. If someone wants to take the ETA, let them make their bids, but if they are outside bodies controlled from outside the State the Government will not amend the legislation. That was made clear. As to the market rate, for a start there was no free market in this instance. This is not the case of a company freely listed on the Stock Exchange.

An honourable member interjecting:

The Hon. J.C. BANNON: No. In 1980 the Tonkin Government specifically strengthened legislation to ensure that it could not be free.

An honourable member interjecting:

The Hon. J.C. BANNON: The share value was not affected. This was controlled legislation. Anyone seeking to take over this company would have to get legislation that had been passed by this Parliament repealed: that is the simple fact. That is not a free market, and the State Bank made an offer that matched an offer that had been made previously by the ANZ. It was interesting that the ANZ increased the offer after the statement had been made that the legislation would not be changed in favour of an outside institution. One of the chief beneficiaries of that increase to the new offer of $8.75 was the ANZ Bank.

Members interjecting:

The Hon. J.C. BANNON: Members opposite do not like this.

Mr Olsen interjecting:

The ACTING SPEAKER: Order! I asked the House to hear Opposition speakers without interference, and I would expect them to extend the same courtesy to the Government speakers. The honourable Premier.

The Hon. J.C. BANNON: The ANZ Bank raised its offer to $8.75, I suggest in a non free market situation. However, it is significant—and I notice none of the three speakers opposite have referred to it—that in fact in the end the State Bank matched that offer.

An honourable member: I did. You didn't listen to the speech.

The Hon. J.C. BANNON: It must have been such a *sotto voce* and passing reference that we could be excused for not hearing it. One of the chief beneficiaries of that is the ANZ Bank itself. If no action had been taken, they would have simply been locked into their shareholding. We had no intention of changing the legislation, and they would have been stuck with shares that they could not get rid of in the controlled situation. The State Bank did match that offer, and the ANZ Bank was a beneficiary of it, a substantial beneficiary, so I want no more nonsense spoken about free markets and interference with those markets.

The position we arrive at today is that Executor Trustee's future in this State has been secured, the State Bank's services and its competitive position have been advanced; and that has been done by the State Bank paying to shareholders, the value of whose shares was much lower than the amount they are getting a fair market price set in an artificial market. As a personal opinion, I believe it was an artificially high price. Nonetheless, it was a price that the State Bank was prepared to make, and all this legislation does is enable that to take place.

I conclude by saying that I am staggered that we have heard remarks made by members opposite who have sponsored legislation to preserve the position of ETA. What the Government has done is preserve that situation. I should have thought that we would have the wholehearted support of members opposite. Let me add that no-one is disadvantaged. The ANZ's purpose in seeking to take over ETA was in order to have a trustee office to operate here in South Australia.

I have said to the ANZ, and the undertaking has been given in writing, that we will ensure that legislation is presented in order to allow ANZ to do that. So, ANZ is not disadvantaged. The State Bank's interests are vitally enhanced, and so, I suggest, are all those who deal with ETA. I particularly resent and reject the implication by the member for Hanson that ETA will not remain competitive and active, as it has been before. I very much regret what I regard as an un-South Australian attitude on his part for that company.

Bill read a second time.

In Committee.

Clause 1—'Short title.'

Mr OLSEN: I would like to ask a number of questions about this legislation, but there is a somewhat limited scope. I hope that under clause 2 some scope will be given for questions.

The ACTING CHAIRMAN (Mr Ferguson): I am prepared to allow the Leader some scope as long as it relates to the principle of the Bill.

Clause passed.

Clause 2—'Limitation of the size of shareholdings that may be held by individual shareholders or groups of associated shareholders.'

Mr OLSEN: It is interesting that the Premier in closing the second reading debate chose not to refer to the fact that the ANZ has been negotiating with the Corporate Affairs Commission for some 12 months. He chose to ignore that point altogether in his response. Despite the fact that in my second reading speech I indicated on no fewer than two occasions that I can recall that I believed that the Board of the State Bank ought to be commended because, despite interference in the market place by the State Government, it was prepared to match the offer, that is the $8.75. I take some exception to the Premier's indicating that no speaker on this side gave any credit to the State Bank for its course of action.

I believe that in the circumstances the State Bank and its Board of Directors acted honourably, as I believe they wish to act in all their negotiations and actions. I believe it is the State Bank and the administration as well as the Board of the State Bank that want to operate in this marketplace as a free enterprise instrumentality on free enterprise, private sector principles, and in their actions to this day it is my belief that they have done so. That is to their credit.

The Premier referred several times to the fact that this legislation precludes the ANZ Bank proceeding in the market place and bidding for those shares, despite the fact that it had had negotiations for some time with the Corporate Affairs Commission and been given no indication during that period that finally the Premier would say 'No, we will not alter the legislation.' If that was the case, I believe that it was incumbent on the Corporate Affairs Commission and the Minister to tell the ANZ Bank from day 1, not string it along for some 12 months before slamming the door in the face of the ANZ Bank bid.

It seems to me that the ANZ Bank was used as a barometer for the market price. Once the market price had been established, through a sequence of events the State Bank became involved. The ANZ Bank, in a press release dated 22 January 1985, advised that the Bank had received advice from the State Government that legislation would be introduced in the February session of Parliament to authorise the South Australian subsiduary of ANZ executors as a corporate executor and trustee in this State. Has drafting of that legislation been completed? If so, when can we expect that legislation to be introduced?

The Hon. J.C. BANNON: While there have been discussions with the Corporate Affairs Commission, and initial feelers have been put out, the matter of whether or not as a matter of policy the Government would be prepared to amend the legislation was not decided or agreed. I suggest to the Leader of the Opposition that the ANZ understands the position. I have had some very cordial dealings and correspondence with the Managing Director of the ANZ Bank, and the position has been fully clarified. There are other aspects of it in relation to what agreements the ANZ Bank may well have done with ETA that the Leader of the Opposition would not want to bring up or comment on, either. The matter has been satisfactorily resolved and the understandings are clear on all sides. In answer to the Leader's specific question, drafting of that matter has been authorised and I hope to introduce the Bill shortly.

The ACTING CHAIRMAN: I have been fairly lenient the first time around, so I would ask the Leader if he would return to the clause.

Mr OLSEN: I wish to challenge the Premier on his statement that I would not want to raise such negotiations or other matters between the ANZ and ETA. I do not know what he is talking about and, since he has cast aspersions on the ANZ Bank, I suggest that he clarify the matter now.

The Hon. J.C. BANNON: It relates to the question of a free market agreement and the fact that the State Bank had approached ETA and was given to understand that no matters were being discussed and no possibilities of take-over were under way. That was a wrong impression conveyed to it.

Mr OLSEN: What assurances has the State Bank given to the existing employees of ETA about continuity of employment? Will they be employed under the same terms and conditions as the State Bank employees? For example, will they be able to join the the South Australian Superannuation Fund?

The Hon. J.C. BANNON: I do not know the detailed answer to that, but ETA will be operating as a separate entity, obviously under the aegis of the State Bank, and it will be operating commercially. I do not know to what extent the State Bank intends to change its method of operation or employment therein. Probably the same conditions would apply as would have applied under a take-over by the ANZ Bank, if that had been successful.

Mr BECKER: I support my State. I was born in South Australia and I am loyal to South Australia. I hate to see the loss of South Australian companies. In 1978 legislation was brought into this Parliament to prevent the take-over of the Executor Trustee and Agency Company, and we did exactly that. We believed that no-one would be able to take it over. It is interesting to note the history of this legislation. On 14 November 1978 legislation was brought in by the then Attorney-General (the Hon. Peter Duncan) and, on the same day, the Speaker advised the Parliament that the Bill was a hybrid Bill within the meaning of Joint Standing Order No. 2, Private Bills. I refer honourable members to page 1959 of *Hansard* of 14 November 1978 which states:

> **The Hon. PETER DUNCAN (Attorney-General)** moved:
>
> That Standing Orders and Joint Standing Orders be so far suspended as to enable the Bill to pass through its remaining stages without delay and without the necessity for reference to a Select Committee.

Mr Millhouse objected to what was going on. On behalf of the Opposition, I said:

> I assure the House that I have had the opportunity to study the Bill and the Minister's second reading explanation thoroughly. As a result of my investigations, discussions and consideration of the legislation, I can say that we support the Bill.

The Bill was then read a second time and taken through its remaining stages. The then member for Mitcham, Mr Millhouse, called for a division, but he was the only member who voted against the Bill and the division lapsed.

In November 1978 all members were under the impression that the ETA would be safe from any take-over bid, even though I believe most of us who believe in private enterprise support trading on the stock market. On page 3033 of *Hansard* of 23 February 1982, the Companies (Consequential Amendment) Bill was introduced by the then Minister of Education (the Hon. H. Allison). That Bill was to amend the National Companies and Securities Commission (State Provisions) Act, 1981; the Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act, 1981; the Companies (Acquisition of Shares) (Application of Laws) Act, 1981; and the Securities Industry (Application of Laws) Act, 1981. On the same day that legislation passed through the House. The then member for Playford (now the Speaker) supported the Bill on behalf of the then Opposition. The Bill was read a second time and taken through the Committee stage without amendment. The then Minister of Education (the Hon. H. Allison) said:

> I place on record my appreciation of the co-operation given by members of the Opposition in ensuring that the Bill before the House on this very complex companies legislation has had a speedy passage.

That was the end of the saga until this piece of legislation, introduced yesterday, is being debated today. I am disappointed to see the ownership of a company change hands with little consideration and debate in the Parliament. I think that is wrong. I still believe in the role of the State Bank. I do not believe it is its role to acquire companies. I am disappointed that we will lose the Executor Trustee and Agency Company, as we know it at the present.

I believe it is also my right and probably my obligation under the pecuniary interests legislation to inform the House that my wife and I have our wills lodged with ETA. No other member has made that declaration, but I believe it is fair that I should do so because I feel strongly about the loss of ownership of ETA.

In view of what the Premier has said and in view of the philosophy of his Government and his Party (which I respect as a philosophy), I am disappointed that all the steps were taken in the past to protect this company from take-over and now that is all being undone. That is why I make my protest. I think that is the right of any individual.

The Hon. J.C. BANNON: Legislation was not passed in order to protect the company from take-over as such: it was to protect the company from being taken over by companies controlled outside the State. That was why it was introduced in 1978 and amended in 1980 and, as the honourable member has pointed out, it got that support. The ETA will still exist under its new owner but it was clear to the Directors of ETA that unless they were able to get some infusion of capital or some other assistance in terms of expansion, ETA would not be able to perform as effectively as it might in the market place. That is presumably why it was interested in entertaining a take-over offer from the ANZ Bank.

I think that, rather than bemoan what has occurred, particularly as the business has been with ETA, the member for Hanson should be doubly pleased—pleased, first, that the takeover will strengthen and enable greater development of ETA to occur and, secondly, that that will be done with it remaining in the control of South Australia, and effectively I believe that fulfils the purpose of the legislation and the whole rationale behind it.

Mr BECKER: Did the Government or ETA try to pursue the situation of agency arrangements with ETA, if they needed that type of trustee arrangement? The following advertisement appears on page 26 of the *Advertiser* today:

This announcement appears as a matter of record only.

NEW ISSUE ***JAN 1985***

South Australian Government Financing Authority

A$115 000 000

BILL DISCOUNT FACILITY

unconditionallly guaranteed by

THE TREASURER OF SOUTH AUSTRALIA

Fully discounted by

COMMERCIAL CONTINENTAL LTD

Rediscounted in part by

BARCLAYS AUSTRALIA LTD

THE CO-OPERATIVE BUILDING SOCIETY OF SOUTH AUSTRALIA

Paying Agent: *National Australia Bank Ltd*

Issue Agent: *Commercial Continental Ltd* *Perpetual Trustees W.A. Ltd*

Adviser And Manager To The Issue:

Commercial Continental Ltd

As Perpetual Trustees W.A. Ltd is involved, I wonder whether this will be the new role of the State Bank through ETA to become a trustee and an underwriter with the South Australian Government Financing Authority.

The Hon. J.C. BANNON: I do not see why not, but that will be up to the directors.

Mr M.J. EVANS: I support this clause and the general thrust of the Bill. I believe that agencies such as the State Bank should expand their range of activities and the range of services that they are able to offer to customers who use those facilities. I also believe it is important that a company established as this is as a South Australian institution should remain firmly in South Australian hands. However, I would like to ask the Premier a question concerning the scope of new subsection (4) which states:

> This section does not apply to the Crown, or an agency or instrumentality of the Crown.

That covers far more than the State Bank, and it is very broad in its application and could even extend to the Treasurer, acting as the Crown.

Was it ever intended that the holdings of the State Bank should be transferred from that bank to a Minister of the Crown or any other agency of the Crown? Alternatively, is the clause drafted so widely in an excess of caution? I fully support the principle and I fully support the State Bank exercising its rights and expanding facilities in this way, but I would like that information.

The Hon. J.C. BANNON: I appreciate the honourable member's support. He is correct in saying that any financial institution, especially the State Bank, if it is to be truly competitive, must offer a range of financial services and facilities. That is what the State Bank is doing, and it is a positive approach. In reply to the honourable member's question, I suppose that it is an excess of caution. Because the Government stands behind the State Bank and is its chief shareholder, the legislation could contemplate the possibility of the assets of the State Bank being wound up and, this being one of those assets, there would be no legislative bar in that instance. However, that is most unlikely to eventuate and the legislation merely puts the position beyond doubt. Drawing the provision so widely does not affect the principle of the Bill: that, whoever owns it, ETA is South Australian based. If it is an instrumentality of the Crown that would apply. Certainly, it is intended that it be the State Bank which, having behind it a history of 130 years, will go on for another 130.

Mr BAKER: As Elders Trustee Company and Executor Trustee Company have received their charter under State legislation, they must exist as South Australian entities, whoever takes them over, unless their assets are wound up. I assume ETA will exist in its present form but with a different infusion of capital, whether the State Bank or the ANZ Bank is involved.

The Hon. J.C. BANNON: The owner is the State Bank. As the owner of the business, the State Bank will source its capital or it will be sourced by arrangement with the State Bank. The resources of the State Bank will be used to help the company. It is good news for those involved with ETA. If the ANZ Bank was running it, it would be an aspect of the bank's trustee business, which is Australia wide, and this would effectively be a branch operation. We are looking as much as possible for financial decisions to be made by headquarters in South Australia, or at least with that option provided. That is why we have encouraged the expansion of the State Bank, its acquisition of Beneficial Finance and now ETA. It is also why we strongly supported the establishment of the Standard Charter Bank headquarters here. That is a principle that we should pursue vigorously. That is the difference between what the ANZ Bank proposed and what the State Bank will do.

Mr BAKER: We must grow both from without and from within. Having the resources of the ANZ Bank alongside Executor Trustee would seem to give a marvellous opportunity for that element of our trustee business to expand beyond the State's borders, whether or not ANZ is the ultimate owner. This is not a free market. It is a monopolistic oligopoly set up by Act of Parliament and we must be careful that we do not become incestuous in our relationships in this regard.

The Premier may say that this is good for South Australia and an element of finance absent from State Bank enterprise today. He may say that this will expand the range of services provided by the State Bank, but deep down we must question the morality of any move that says that an organisation privileged by legislation, such as Executor Trustee, will become part of the State instrumentality. Although we should be trying as much as possible to make all South Australian enterprises as viable as possible, I should have thought that there could be an agency arrangement with the State Bank and with the ANZ Bank and that a whole range of other options could have been used.

It is no secret that Executor Trustee has failed to meet market needs over the past 10 years. It is an old company that needs restructuring and new ideas. The fact that it occupies a privileged position in the market because of its legislation means that it should be treated carefully. That could be done much better than we are doing it today. The principle that we are using is to have a Government instrumentality as a means of putting further resources into the Government arena, whereas every member on this side is opposed to that in principle. The Premier has answered the questions he has been asked, but I ask him when will the legislation be changed to allow another trustee company to operate in South Australia and will such legislation open the competitive door, or will it be just for the ANZ Bank.

The Hon. J.C. BANNON: It will just apply to the ANZ Bank. The legislation will be introduced shortly.

Mr MATHWIN: Who are the top 20 shareholders of ETA, and who will benefit from this take-over at $9.50 a share? Will it be South Australian companies or interstate companies? No explanation of this was given by the Premier when he introduced the Bill. Indeed, his second reading explanation contained little information.

The Hon. J.C. BANNON: The largest single shareholder is Industrial Equity Limited (the Brierley company). Some of the shares taken by that company has been subject to court determination because of the way in which they were acquired. That matter will be settled during the course of this take-over. The second largest shareholder would be ANZ, and the third largest Dalgety.

Clause passed.

Title passed.

Bill read a third time and passed.

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

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

Motion carried.

LIQUOR LICENSING BILL

Adjourned debate on second reading.

(Continued from 20 March. Page 3424.)

The Hon. G.J. CRAFTER (Minister of Community Welfare): Last evening I was commenting on contributions to the second reading debate. The report, which has been the basis of this legislation and which has provided guidance to honourable members and community interest groups in these matters, has resulted from an incredibly complex set of consultations and discussions being undertaken. I join with the member for Coles in expressing my appreciation to the authors of the report, Mr Young and Mr Secker, of their efforts and also the effort that was put in by those in the industry affected by this legislation in relation to their consultations with members of Parliament and the Government to arrive at what I believe is close to consensus in a very complex area involving competing industry interests.

Thirdly, I refer to the effort put in by the various interest groups of the community. Sections of the community will always oppose the extension of liquor licensing laws. Indeed, that is part of the history of this State. However, those groups are able to present their views to members of Parliament, the Government, the Opposition, and the political Parties to which they belong. On this occasion they have done so. Such representations help guide members in their deliberations on this important measure.

This rewrite of the legislation involves the first major attention that has been given to it since the Sangster Royal Commission of 1967. That brought about a new approach to the liquor licensing laws in this State and provided an updated approach to that industry and the way in which it relates to the community. It is interesting to note that the recommendation for Sunday trading was part of the 1967 Royal Commission report. That recommendation was not acted on at that time or subsequently until amendments were made in 1982 to allow for Sunday trading as part of tourist facilities.

Obviously, substantial changes have occurred in the 18 years that have elapsed since the Sangster Royal Commission. A change in community attitudes to the consumption of liquor has occurred; the needs of the community have changed in a variety of ways, as have the ways in which services are delivered in both the catering and beverage components of the liquor industry. All those changes are now encompassed in this legislation. A number of important community concerns expressed to the Government over a period of time have been attended to in this legislation. First, I refer to this vexed question—

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

A quorum having been formed:

The Hon. G.J. CRAFTER: Matters involving the consumption by minors of alcohol in licensed premises and in the community are given considerable attention by the review, and these aspects are embodied in the legislation. This matter was referred to by many members in their second reading speeches. Secondly, in relation to the consumption of alcohol in public places, that matter has also received considerable attention in the review and is now dealt with in this Bill.

Thirdly, there is the matter of the rights of people who are affected by activities arising from the operation of licensed premises—and I refer to noise or other disturbances. A number of members referred to concerns that they had about such matters, and these are dealt with in the legislation. While there are no easy solutions to matters relating to human behaviour, whether by adults or minors in or in the vicinity of licensed premises, it is hoped that this legislation will go a long way down the track to alleviate some of the problems that have not been satisfactorily resolved under existing law.

Members raised a number of matters, on which I should like briefly to comment. The member for Coles referred to the proposed appointment of a Liquor Licensing Commissioner and to the qualifications that that person will need to have. I assure the honourable member that the Government accepts fully that that person must be of the highest

calibre and, of course, this was referred to in the review. The same can be said of the Licensing Court Judge. We in this State have been well served by the appointments to the Licensing Court jurisdiction.

The honourable member also commented to some extent on those people who are probably better known as producers in the liquor industry; of course, that is particularly relevant to South Australia. She also referred to the profitability of those producers so that standards could be maintained in the industry. One way that the Bill facilitates this within the bounds of general competition is by the minimising of the regulations in respect of licences and of streamlining procedures. Of course, it is left to each licensee to compete with similar outlets in the community on an equal basis.

The member for Whyalla, who has long had an interest in licensing laws and who has spoken often in this House about them, raised a number of points. He referred to a matter of concern to all honourable members, namely, whether the extension of Sunday trading might not be of benefit to families in this State.

The review gave considerable attention to this and so, of course, did the Government. By giving licensed premises—hotels in particular—a wider span of trading hours on Sundays, the swill effect that we all remember from the 6 o'clock closing days, along with the undesirable practice that has developed of patrons travelling from hotel to hotel to continue their drinking on Sundays, hopefully will be reduced.

The review considered that there is already liquor freely available on Sundays and that the overall average consumption will not rise. Therefore, the pattern of drinking is important. In order to stabilise those patterns of drinking and open up new opportunities for a more responsible approach to the consumption of alcohol, that spread of hours should enhance, rather than detract from, those habits. In that way, hopefully, it will not detract from family life in our community and will not increase the problem involved with road safety that has been raised.

The honourable member also spoke of the problems of social clubs within hotels not being addressed by the review. The review did consider that, and I refer members to page 621 of the report. It considered that it was not a problem to be addressed within the liquor licensing laws of the State, but that it might more appropriately be addressed in relation to the Lottery and Gaming Act, under which licences for beer tickets, fundraising and the like, could be issued.

The honourable member also referred to the right of unrestricted clubs to purchase all liquor from wholesale sources and said that that would be of little or no benefit to those clubs. It is true that many such clubs may wish to continue relationships with hotels. If they do, they will not now be penalised as they are currently by having to pay a licence fee based on the value of such purchases.

The member for Todd raised several points on which I should comment. First, he said that police should be required to remove disorderly persons from licensed premises if requested to do so by the licensee. Clause 126 (2) provides that that should follow, and that is as a result of a Government amendment in the other place. The honourable member may not have been aware of that amendment.

The honourable member also raised the question of clubs being allowed to sell liquor on their grounds but off their premises. Nothing prevents this. Licensed premises can be redefined as long as the club has tenure over the land concerned. They are two matters regarding which the honourable member may like to review his concerns.

The member for Mallee raised a series of philosophical questions about the need for licensing laws at all, and I can only suggest that, if the honourable member's viewpoint was put into effect, we would be in a most undesirable situation not only in respect of the liquor industry but also with the problems that would flow from the community as a whole for employment, delivery of services and matters relating to crime, and the like. We must have some degree of regulation in this area. It would be irresponsible not to do so. I suppose that we can reflect on the gin houses in England a century or so ago and the social habit that they caused in that period.

The member for Mallee also spoke for some time about minors and said that they should not be allowed to drink liquor in any public place unless accompanied by a parent or guardian. One wonders how far we should take the regulation of human behaviour in licensing laws such as this, which relate to the industry. I point out, however, that the Bill includes a power to prescribe a place where minors cannot consume liquor and, if trouble spots do arise, this power can be used. In that way hopefully some of the problems that honourable members have raised can be dealt with appropriately.

The member for Glenelg asked how a licensee can know how old is a person if he claims to be an adult. It is a vexed question which every licensee has to face every time he opens the doors of his premises. The thrust of the Bill is to place such responsibility on a licensee that he serves a person at his peril. If he is not at all sure, he should refuse service. The question of identification cards is being examined by the Government in a more general context, but that would still raise problems where, for example, persons could claim to have come from interstate, overseas or outside the jurisdiction generally. So, that problem remains.

Mr S.G. Evans: Usually in that case they would be able to produce a driver's licence.

The Hon. G.J. CRAFTER: Young people may not have a driver's licence. However, the responsibility rests with the licensee and, ultimately, with the person stating such information. That is a grave responsibility. Widespread concern exists on drinking by minors in our community and the liquor industry is acutely aware of that responsibility. I hope that this legislation will entrench that responsibility.

The Government has foreshadowed a number of amendments that it wishes to move. A number of members have also indicated amendments to the House. Rather than debate them at this stage, I suggest we proceed to the Committee stage of the Bill during which time they can be discussed. I thank all honourable members for their contributions to the debate thus far.

Bill read a second time.

In Committee.

Clauses 1 to 25 passed.

Mr ASHENDEN: Mr Chairman, I draw your attention to the state of the Committee.

A quorum having been formed:

Clause 26—'Hotel licence.'

Mr S.G. EVANS: I move:

Page 13—

Lines 1 and 2—Leave out subparagraph (ii) and insert subparagraph as follows:

(ii) on Sunday (not being Christmas Day)—for a continuous period of not more than four hours, or for two separate periods aggregating not more than four hours (which period or periods must commence not earlier than 11 a.m. and end not later than 8 p.m.);

Lines 4 and 5—Leave out subparagraph (iv).

The purpose of moving this is to leave the law as near as possible to what it is at the moment: in other words, that hotels can open only for four hours instead of extending those hours. Regardless of the views of others who belonged to the Liberal Party at the time that we introduced the legislation to set the present circumstances, I was a fool to accept the proposition that the licences would be extended only to genuine tourist hotels. I do not wish to reflect on

the Licensing Court: it has the opportunity to interpret the wording of the law however it likes.

The genuine feeling within the Party at the time, especially on the back bench, was that where we were extending the law on Sundays to give an opportunity for those hotels that were situated in areas where there was tourism or the opportunity to promote a greater number of tourists and cater mainly for tourists, hotel licences should be extended on Sundays for four hours in two lots of two-hour periods.

It turned out when it came to the courts putting it into practice that it was a farce. It meant that anyone could argue that as they had a hotel licence they should get a licence to open. Whether those who led my Party at the time had a better understanding of how the courts would interpret it than I did and did not disclose that to persons like me, I do not know. I was disgusted at the number of hotels that ended up getting licences to operate on Sunday, and it made a joke of the whole procedure.

That aside, I am prepared to accept that that has been in pratice, and once one has something in practice it is rather difficult to take it away: one affects those who are in the work force and those in the community who have started to use it, although we know that some members of the community have used and abused it and caused concern to people in the neighbourhoods of the hotels.

We all know families who have members who have used the trading periods, particularly on Sunday evenings, and who have contacted us. I have had contacts and I hope that other members have also, at least to make them aware of it. I hope that there have not been any more in their electorates than in mine, because quite a few families have told me that it has been detrimental to their family life with one member of the family, in particular, heading off on a Sunday evening and becoming inebriated, to the embarrassment of the family.

I move the amendment, hoping to keep the law somewhere near where it is at the moment, without any further extension of Sunday trading. It is a firm view that I hold. If at the time we changed the law we wanted to make the law that we extend the licensing provisions for hotels to cater for tourists, we should have made it only for the lounge bar, lounge and dining-room. If we had done that we might have avoided a number of problems that we created by opening the front bar. I ask honourable members to accept my proposition.

The Hon. G.J. CRAFTER: The Government opposes this measure. One thing that has come up very clearly from the debate is that most honourable members believe that the current law is inadequate and simply not working. I refer to a speech by the member for Coles when she was the Minister responsible for that amendment in this House in April 1982. There was a good deal of cynicism that the Government's proposal for there to be a tourist component to the supply of liquor on Sundays was really the first step in the provision of full Sunday trading in South Australia. When the member for Playford raised that question, the then Minister said in reply:

> The member for Playford claimed some kind of omniscience for the Parliament in stating that we all knew that this clause would lead to full Sunday trading. We know no such thing, and there is not one member who can claim that this clause will necessarily lead to full Sunday trading.

Time has shown that the member for Playford was right, in that there is now a proposal that the majority of honourable members believe has support within the community for a more appropriate form of Sunday trading. The member for Fisher wishes to retreat from that position. As I understand it, the clause now before us would prove very difficult to police. The amendments attempt to confine hotels to the same span of Sunday trading hours as currently exist except that it would apply to all 610 hotels in the State instead of to the 240-odd with endorsements now.

As it stands, it would be very difficult to enforce. For example, how could police keep track of when hotels were open in determining whether they were open for more than four hours? It is a very difficult exercise indeed. Two separate periods would cause the problems that I referred to a moment ago of people moving from one hotel to another and all the negative effects that flow from that.

Mr S.G. EVANS: I was not going to take it any further, but I am amazed that the Minister suggests that all the hotels would be obliged to open if this goes through. It was the simplest way of moving it at the time, but that does not matter. I am arguing a principle. I know that I will not win it, but it amazes me that the Minister suggests that the law enforcement agencies do not have to keep an eye on the hotels that do not have a licence to open and still trade. Policing them is just as important as policing those that are licensed to trade in particular hours.

I know that the Government will not accept it. I know that some members on my side will not accept that Sunday trading should not be extended, but I hold that view and have expressed it. I know that I will lose the vote, but I still hold the view strongly that any extension of Sunday trading will not benefit the tourists in any great degree because tourists in the main are not worried about the front bar.

There are plenty of places with restaurants and bars around the city—motels, and so on. It is a serious joke that is played on society when we know that alcohol is one of the biggest causes of family difficulties and health problems in our community. We should not extend the hours. Other people have said that in previous debate. I will not do it. I ask the Committee to accept my genuine belief that there is no benefit in what we are doing in extending the hours.

Amendments negatived.

The Hon. G.J. CRAFTER: I move:

Page 13, lines 38 and 39—Leave out 'offence, annoyance, disturbance'.

For the benefit of the Committee, let me say that the Licensing Court has found that the definition prior to it being amended in another place of undue noise and inconvenience was quite an adequate definition to cover the types of behaviour which are objectionable to people occupying premises for work and other reasons near licensed premises.

The Hon. JENNIFER ADAMSON: The Opposition opposes most strongly the Government's proposal to remove these words from the Bill. The clause applies under Division II which deals with hotel licences. The clause provides:

> (4) If the licensing authority is satisfied on the application of a licensee who holds a hotel licence—
>
> *(a)* that the premises to which the licence relates are of an exceptionally high standard;
>
> and
>
> *(b)* that the grant of a late night permit in respect of the licensed premises is unlikely to result in undue offence, annoyance, disturbance, noise or inconvenience,
>
> it may, by endorsement on the licence, grant a late night permit in respect of the licensed premises.

Anyone who listened to the second reading debate last night and who in particular heard the contributions of the member for Torrens, the member for Mitcham, the member for Glenelg, the member for Morphett and the member for Todd, would know that it is imperative that those words 'undue offence, annoyance and disturbance' are left in the Bill. Far from the present definition being adequate, the existing situations demonstrate that the existing definition is inadequate to deal with the situation. It may well be that noise or convenience are key factors in the whole range of factors that upset residents when a late night permit is granted. The words 'offence, annoyance and disturbance'

are quite clearly necessary if problems that arise as a result of late night permits are to be dealt with effectively.

In law I have no doubt that one could probably argue that it is not strictly inconvenient to have someone fornicating or urinating on your front lawn, but there is no doubt that it is offensive. That is why the word 'offence' must stay in. We are not only talking about damage to property and person, we are talking about damage to feelings. We are talking, if you like, about, one might almost say, mental cruelty that is inflicted on residents by drinkers from premises which have late night permits. I would think that it is not only in the interests of residents, but also in the interests of hoteliers and of the State as a whole that those words should stay in. I do not propose to speak at length because my colleagues whose constituents are affected as a result of late night permits can far more adequately than I put the case for the retention in this Bill of the clause as it stands as a result of amendments moved by our colleagues in another place.

Mr BAKER: I am amazed that the Government has seen fit to take out this amendment that was put in place in the Upper House. No reasonable person could insist that the deletion of these words will enhance the quality of life of the people. It amazes me that the Minister in charge of the Bill in this place has the gall to stand up and say that the Licensing Court thinks it is all right. I can tell you that, having been before the Licensing Court, the residents do not think it is all right and never will.

If the Minister would sit in the Licensing Court and hear chapter and verse about the sort of behaviour they have to endure, perhaps he will be more informed before he makes those comments. I do not want to go over the sort of things that some of my constituents have been subjected to. Obviously the Minister really did not listen. I do not know whether he would like the sort of things that are going on in my area and other areas about which he has been informed in this debate. Perhaps the Minister could move residence next to a hotel or even within a few hundred metres of a hotel to understand what is going on there. He ought to come down from his ivory tower and get the feel of it. I have not heard comments from the members opposite. I heard the member for Albert Park (who blotted his copybook earlier this week). He is back in the Chamber. I recall the member for Albert Park talking about two little girls in a boat that was overturned at West Lakes. I know that there is a hotel in his area that causes—

Mr Hamilton: Are you saying that's a direct result of what's taking place in hotels?

The ACTING CHAIRMAN: Order!

Mr BAKER: I thought the member for Albert Park was saying that he is concerned about offensive behaviour, irrespective of how it is caused. I congratulate him for that. I was delighted that he had taken that stand, and I was going to pat him on the back. All I am saying to you, Sir, is that if there is offensive behaviour of the sort that happens—and it must happen in West Lakes as in a number of other areas and I am sure the members on the other side have experienced it—there are grave problems around hotels. They are far worse than occurred 10 years ago, far worse than the 6 o'clock swill or the 10 o'clock closing, because they intrude into the sleeping hours that people treasure. More than that, because people are so mobile their influence extends well beyond the mere premises of the hotel.

The Hon. Jennifer Adamson: It happens in Semaphore and Elizabeth, too.

Mr BAKER: It happens in Semaphore and Elizabeth, and I have not heard a great deal from those members. I am stunned that in fact we did not hear from the other side on this issue. I would hope they are going to support me, because we will divide on this issue.

Members interjecting:

Mr BAKER: I would hope that if they do not come across to our side of the Chamber they will be able to explain to their constituents, who live within a reasonable distance of the hotels that cause problems, why they do not offer certain protection. I have respect for many members on the other side, because they believe in their constituents, but if they cannot, on an issue like this, come on board and take a bipartisan attitude, then I believe they are not representing their areas adequately.

I welcome the member for Semaphore. I cannot stress enough that those provisions as they stand, which the Minister leading the debate in this place wants us to have in the Bill, are not adequate. Inconvenience does not take into account all the things. Does a bottle through a window constitute inconvenience? Does copulation on the front lawn constitute inconvenience?

The Hon. G.J. Crafter: It is also an offence.

Mr BAKER: I am sure that your Government will supply plenty of policemen to go around and guard the front lawns of all my constituents. Does the extending of two inches of tyre on the road constitute inconvenience? We know that the definition is inadequate. We are talking about human behaviour. If honourable members are really interested in the people of South Australia it is about time they stopped saying, 'This is adequate, the Licensing Court thinks it is adequate.' I know a number of other people who have been before the Licensing Court on a similar issue. They can tell honourable members how interested they are in the current provisions. One would not believe the battles we have had in regard to one of our hotels to get some change. It was not as adequate as the residents would want, but at least it was some compromise. I know that other members have failed miserably to achieve change because the Licensing Court says, 'We are not too sure what the Act means in this situation, so we will fall down on the side of the licensee.'

I cannot honestly see how the Government can reject the amendments that were passed in the Upper House—they are sensible, reasonable and provide equity. They provide a safeguard for these incidents, which are not isolated. There will be occasions when people will not behave themselves. This disruption by people, most of whom will come from outside the area because they really do not care about the area anyway, will continue. People will continue to use the facilities and then abuse the residents in the surrounding areas.

I do not want to go through all the little things that happen around hotels, because I am sure all members are aware of the problem. The definition the Minister wants is not adequate. We have the mechanism in the Bill as it is before us to do something substantial for the residents of South Australia. It is about time the Government had the guts to stand up and say that it will do something, because it knows that there are some adverse affects resulting from Sunday trading, instead of saying that it will leave the problem for the Licensing Court to sort out. The Licensing Court has not sorted it out yet. I cannot stress strongly enough the fact that I bitterly oppose the rejection of the amendments that were passed in the Upper House.

I was willing to trade off Sunday trading and I made that comment in my second reading speech. I do not believe that Sunday trading will be a marvellous thing for the populace of South Australia, but if there are some problems they can be sorted out because we will have some safeguards provided in the legislation. I also mentioned that I thought that Sunday trading would bring us into the developed world, but I do not want to bring us into the developed world if the behaviour that goes on in my district as a result of Sunday trading proliferates. I saw this as a new beginning

in our responsibility to the people of South Australia. I admonish the Minister. I cannot understand why he has taken this stance. I believe the additional words that were placed in the Bill in the Upper House are necessary.

The Hon. G.J. CRAFTER: The Government will accept the definition as proposed. I will withdraw that amendment. I reiterate the words I used previously that there are precedents that flow from the Licensing Court and the decisions that have been taken by that court which in fact are included within section 86d of the existing Licensing Act, relating to the behaviour to which the honourable member has just referred.

The Hon. Michael Wilson: Are you saying that 'inconvenience' includes those other things?

The Hon. G.J. CRAFTER: Yes.

The Hon. Jennifer Adamson: Does it put it beyond doubt?

The Hon. G.J. CRAFTER: I understand there are decisions of the Licensing Court that make that beyond doubt. To make it clearer, it may be pedantic, but the Government wants to include that legitimate ground of complaint by residents. I have received many such complaints in my electorate. I can assure honourable members that I do not live in an ivory tower. I have 16 hotels in my district and numerous licensed clubs and restaurants, and many of them are hot beds of controversy with respect to this very question. I have been involved in a number of matters before the Licensing Court dealing with constituents, and with licensees, and they are equally worried about a number of these matters as well but the law has often turned on points other than definition, and that should be recognised by the Committee. To make the matter abundantly clear, I withdraw my amendment.

The CHAIRMAN: Order! I take it that the Minister is withdrawing his amendment. If that is so, he needs to seek leave.

The Hon. G.J. CRAFTER: I seek leave to withdraw my amendment.

Leave granted; amendment withdrawn.

The Hon. MICHAEL WILSON: Mr Chairman, I am now in a position to talk about an amendment that does not exist.

The CHAIRMAN: I hope that the honourable member will not talk about an amendment that does not exist.

The Hon. MICHAEL WILSON: I was about to have much to say on this matter when I was pre-empted by the Minister. I would not want it to be thought that my constituents were not being represented in this place. I commend the Minister for taking this action. Whatever the courts may decide about definitions, members are here to make legislation clear to the general public. The law is not just for lawyers: it is primarily for the protection of people. It is our job, as legislators, to make legislation crystal clear if we can do so. The amendments inserted in another place make it crystal clear and it is not pedantic, as I think the Minister insinuated, to make legislation crystal clear.

On another occasion, I took a like attitude when the former member for Elizabeth was Attorney-General. He accepted an amendment to make legislation clear to the people. That is what this amendment does, and it is no use saying that the words 'noise and inconvenience' mean 'offence, annoyance and disturbance' as far as the public are concerned, however much they may mean to officers of the Licensing Court. I assume that the Minister will take the same enlightened attitude when we get to the consequential amendment in clause 33 and other amendments. Having said that, it is not necessary for me to canvass the matter with as much heat as I was going to. In fact, the member for Mitcham did it very well.

The Hon. G.J. CRAFTER: As I understand the situation, the Minister responsible for this measure in another place (the Attorney-General) accepted those amendments in that House at the time of the debate. Because of some administrative error, however, that was not translated to me in this House, so I apologise to members for that confusion. I assure honourable members that the Government certainly wants this matter put beyond doubt.

The Hon. JENNIFER ADAMSON: I rise briefly to express my relief that the Government will leave the clause as it stands in respect of undue offence, annoyance and disturbance as grounds on which residents may object. My colleagues, in moving this amendment in another place and supporting it here, are concerned to reinforce as responsibly and as frequently as they can any aspect of this Bill that supports public order and decency.

The inclusion of those words was designed to achieve that goal; the majority of residents in 47 electorates in South Australia certainly support this, as does the hotel industry, and I am certain that the Police Force supports it. Because the Government has made its position clear, undoubtedly that will save the Committee considerable time since I understand that no less than four clauses were to be affected by the amendment that has now been withdrawn.

Mr PETERSON: The member for Torrens spoke well and I take the point that he made about representing his electorate. However, I take offence at someone telling me that I am not representing my electorate. Problems in relation to outsiders coming to hotels in other districts have been referred to. Of course that occurs everywhere, and not only in the electorates represented by Opposition members. All members are aware of these problems in their electorates. I am well aware of them and have received representations from people concerning noise problems on many occasions. Had Opposition members taken the opportunity to speak with the officers present in this place about the matter before debating it, I think they might have had a clearer understanding of it. I took the opportunity to do so, and I thank the officers for their assistance. The position adopted is in line with the advice that I received, and that is why I did not raise the matter earlier.

Mr HAMILTON: I did not intend to enter this debate, although I want to thank the Minister for clearing up this matter. Over the past six years I have expressed in this place my concerns in relation to problems that have occurred in my electorate, and I have approached Ministers of the present Government and of the previous Government who would be well aware of my attitudes. I did not appreciate the member for Mitcham's snide remarks. I know only too well what is occurring in my electorate. I take particular exception to the inference in relation to the Leg Trap Hotel. I know only too well from talking to the management of the Leg Trap Hotel and other hotels the difficulty that they have after hotels close. Often those hoteliers do everything possible to try to weed out the unruly element. We know how many people hoteliers employ in an attempt to get rid of the rough element from some of these hotels, although problems still occur.

I have referred to these matters on many occasions and I have indicated that I have gone out with police officers and done an eight hour shift in and around my electorate trying to find out what the problems are in relation not only to hotels but also to other activities. I will not canvass them in this debate. However, I point out that I did take exception to the honourable member's remarks and the reflection on a hotel and a matter that had nothing to do with the upturning of a canoe on the West Lakes waterway. I want it clearly on the public record that this was no reflection on the hotelier of the West Lakes Leg Trap Hotel.

Mr M.J. EVANS: I also congratulate the Minister for leaving the legislation as it is. I think that that is an appropriate course of action. I want to clear up a matter for my

own benefit and, I am sure, for the benefit of members of the public as well. A problem of which I am aware in this area relates to a hotel which is in the adjoining electorate of Napier. Because of its close proximity to my electorate of Elizabeth, a number of people have complained to me about problems associated with the premises which at the moment has a late night trading permit. Will it be necessary for those hotels which presently have late night permits or extended trading permits to reapply under the new conditions, or will their existing permits continue? If they have to reapply under these new and what I consider to be more stringent conditions, the residents will have an opportunity to object and raise the matter with the Licensing Court, or will the existing permit simply carry forward?

The Hon. G.J. CRAFTER: I understand that the existing permit will continue, in effect, automatically, but under the new provisions there will be an opportunity for objections to be lodged at any time on the grounds that we are talking about.

Mr ASHENDEN: I commend the Minister for accepting that the clause should remain as it is at present. I have been approached by many people within my electorate who have expressed concern about the difficulties that have been experienced in trying to secure the protection that they believe they rightly deserve—and I certainly think that they have a right to be protected from the worst elements that unfortunately patronise late night trading hotels. My constituents have pointed out to me that the main difficulty is that when they make complaints it is pointed out to them that unfortunately the wording of the Act is such that it tends to make it very difficult for action to be taken that can lead either to a reduction in hours or some other form of constraint on the licence involved that would provide the protection that those residents are seeking.

I agree with the member for Coles and my other colleagues who have referred to this matter that the wording of this provision will now make it quite clear, not only to lawyers, as the member for Torrens pointed out, but also to anyone else who may not be so well versed in the law. As the legislation is now framed, not only is justice being done but it can be seen to be done. Wording will now be included in the legislation which provides that people can take up a complaint on grounds other than noise or inconvenience, and I refer to other offensive activities. The present provision means that a hotelier, if he wishes to retain a late trading licence or to extend his licence, will have to take steps to ensure that activities of hotel patrons do not cause offence: I refer to activities to which my colleagues have already referred, such as urinating, defecating and undertaking various sexual activities which can occur not only adjacent to a public place but also sometimes on the private property of residents living in close proximity to a hotel. I commend the Minister on the retention of this provision.

Mr GUNN: Residents in my electorate have suffered for a long time because of the anti-social behaviour of certain members of the community. It is unfortunate that the Government has been so weak for such a long time. It is no good our beating around the bush. Reason has gone out of the window as far as some of my constituents are concerned. They have to put up with hooligans and other people harassing law abiding members of the public going about their business. In relation to this clause as it now stands, can the Minister give a guarantee that action will be taken by the law enforcement authorities to ensure that undesirable behaviour involved in this matter is brought to an end once and for all? I know of cases where licensees are concerned about these matters, and I am aware that they have had enough. Offensive behaviour has involved bottles being tossed around the street and types of activity taking place regularly that are similar to events referred to by the member for Todd and other members. These provisions will assist the situation, but also there is an urgent need for the strengthening of provisions that will enable local government to declare certain areas off limits for drinking.

Unless the Minister gives undertakings that action will be taken to enforce these provisions, we are wasting our time. The Minister must know, as surely as we sit in this Chamber, of the sort of matters about which I have been talking for a long time and which will eventually come into force. It is all very well to extend the drinking laws in this State and open the hotels more often, but the ordinary people who do not want to be affected by these decisions are entitled to be protected.

I seek from the Minister an assurance that, when these provisions are enacted, law enforcement bodies will take action to support and assist local people who have suffered long enough from this anti-social behaviour. I refer to places such as Ceduna, Coober Pedy, Port Augusta and the like. I will not waste the time of the Committee going into the gory details, but I want a clear undertaking from the Minister that a bit of courage will be shown.

The Hon. G.J. CRAFTER: What we are discussing now has moved away from this clause to clause 112 of the Bill. Rather than debate it then, I will refer to it now. I do not know whether the honourable member is aware of the nature of that clause, but it relates to noise and complaints about noise emanating from licensed premises.

The Hon. Michael Wilson: He is asking about policing.

The Hon. G.J. CRAFTER: If the honourable member is interested in getting a reply, I will try to give it to him. Clause 112 relates to a new procedure that now applies and the rights, particularly with respect to *locus standi,* in this matter. It provides:

> Where—
> *(a)* any activity on, or the noise emanating from, licensed premises;
> or
> *(b)* the behaviour of persons making their way to or from licensed premises

One should bear in mind that this is one of the questions that was inadequate in the previous law, that is, the responsibility of the licensee ended at the door of the licensed premises and went no further. That matter is now dealt with. It goes on to state that where that activity or behaviour is unduly offensive, annoying, disturbing or inconvenient to any person who resides, works or worships in the vicinity of the licensed premises, a complaint may be lodged with the Commissioner under this section. Subclause (2) provides:

> A complaint under this section may be lodged by—
> *(a)* a member of the Police Force;
> *(b)* the council for the area in which the licensed premises are situated;
> *(c)* any person claiming to be adversely affected by the subject matter of the complaint.

It goes on to explain that provision. I believe that this Bill now comes to grips with the problem, and one could expect that, by the process first of conciliation and then before the Tribunal, these matters can be dealt with. Hopefully by conciliation and parties getting together to sort out their problems, undesirable behaviour, trading practices and trading hours will be resolved. If it is not able to be resolved in that way, the court will decide it and bring down the appropriate trading practices and law.

As I have said, the opportunity for this matter to come before the appropriate Tribunal can now be brought by those various bodies. As we all know, it is quite difficult for persons to make a complaint and then have to live with the inconvenience, harassment or threat of legal costs against them, and the like. Often, for elderly people or others not confident of appearing before a tribunal, or for people with little means, this can be done by the Police Force. The

police are heavily involved in policing a number of well known trouble spots now. This Bill will give them greater powers. Similarly, councils will take action, and this has happened with respect to a number of licensed premises recently. So, although I cannot give an absolute guarantee that this will solve every problem, I can assure the honourable member that the Bill now comes to grips in a realistic way with the very real problem in our community.

The Hon. MICHAEL WILSON: As we have slipped into a discussion of clause 112—

The CHAIRMAN: I hope that we do not take it too far. I have allowed it because a question was asked.

The Hon. MICHAEL WILSON: I point out to the Minister that the member for Eyre was asking him whether the police would use those new provisions and police the Act in a more concentrated fashion with more emphasis. Will the Minister, the Attorney-General or whoever has the carriage of the legislation request the police to step up their activities in these areas and use the new powers that they have under this legislation? The Minister said that it is now possible for groups of citizens to go to the Commissioner, use conciliation and all the other things. That is great and fine, but we want to know whether the law enforcement agencies, now that they have these new powers, will use them.

The Hon. G.J. CRAFTER: I cannot speak on behalf of the Commissioner of Police, but they have been placed in this legislation as a result of, in part, consultation with the Police Department. This matter has been looked at by the review team. One would assume that, in the appropriate circumstances, the police would take such action. It has been my experience in my electorate that the police have been very active but have to some extent been inhibited by the inadequacies of the current law. I hope that this will now resolve the situation and, in the appropriate circumstances, the police will be the initiators of such action.

Clause passed.

Clause 27—'Conditions of hotel licence.'

The Hon. G.J. CRAFTER: I move:

Page 14, after line 5—Insert paragraph as follows:

(ab) if the licensee elects to open the licensed premises to the public for the sale of liquor on a Sunday, the licensee must keep the licensed premises open to the public for that purpose for a continuous period of at least four hours;.

This matter has been debated at some length in another place. The purpose of this amendment is to reinsert in the Bill the requirement for hotels, if they elect to open on a Sunday at all, to open for at least four hours continuously. The Government believes that this will ensure that a proper service is given to the public and that persons employed in hotels will be called in for a reasonable period of time, thus giving some stability to the work force. The Government believes that most hotels will open for at least four hours, anyway. The representations to the Government and the review team on this matter have been for an extension of trading hours on Sundays.

If hotels want to open for a lesser period of time, of course they will be open as they are now for meals and lodgers in those circumstances. It is considered that this amendment will not affect many hotels. It is doubtful whether such limited periods of opening will be profitable in those hotels. This will give some benefits to employees who are required to work on Sundays.

The Hon. JENNIFER ADAMSON: The Opposition opposes the Government's amendment with all the force at its command. We will be dividing on the amendment; we will go to the barriers on it and we oppose the Government for a whole variety of reasons—economic, social and industrial—on this amendment. As my colleague the member for Todd so aptly states, it is a classic demonstration of Big Brother clodhopping in with his customary heavy tread. The whole basis of this legislation is deregulation. In the main, and over a broad framework, the Government has achieved the goal of deregulation, and the Opposition supports it in this goal. The Minister touched on this and came close to saying that basically it is industrial—

An honourable member: The unions.

The Hon. JENNIFER ADAMSON: It is the unions. But he more or less rested his case on standards of service, which are what the hospitality industry is supposed to be all about. Standards of service will not be able to be maintained: in fact, hoteliers who otherwise would open briefly as required will simply not be able or willing to do so if they have this coercion or forcing to be open for at least four hours continuously. The Government amendment is really based on the fact that the minimum period for employment on a Sunday under the industrial award is four hours.

Mr Ferguson: You are wrong.

The Hon. JENNIFER ADAMSON: I do not think so. I do not think that the member for Henley Beach is up with the facts. The Government is effectively writing an industrial provision into a Licensing Act. On a matter of principle, that in itself is wrong. In practice, what will happen will be that country hotels, which might, say, want to open one Sunday in response to a visiting touring party of sports people or anglers, or for whatever reason, will have to open for four hours. It may be a family run pub. Why should the licensee and his wife and family have to maintain that pub open for four hours when for the convenience of their patrons they need stay open for only 20 or 30 minutes or maybe an hour at the most? Why should trading, which is supposed to be optional on Sundays, according to the Government's own contention, be optional but constrained by a four hour minimum? It does not make sense; it is not logical; it is not just; it is not reasonable; and the Opposition opposes it.

Mr ASHENDEN: I heartily endorse the comments just made by the member for Coles. The amendment that is proposed by the Government is a typical piece of socialist dogma. It is obvious once again that we have the union tail wagging the Government dog completely. What people over there just cannot understand is that these businesses are there to try to provide a service to the community. The Minister said that one of the reasons why he wants to introduce—

An honourable member: And to make a profit.

Mr ASHENDEN: And to make a profit, of course, and that is a dirty word to the members opposite: one thing that they do not like is profits, particularly in small business. If they did, why did they introduce FID and increase land tax by hundreds of per cent, and so on? They have the nerve to say that they support small business. What a joke!

Coming back to the clause that is presently before the Committee, the Minister uses as one of his excuses for requiring such premises to be open for four hours that they will provide a service. For goodness sake! If they do not provide a satisfactory service the customers will not come back.

Mr Ferguson: Nonsense!

Mr ASHENDEN: The member for Henley Beach says that is nonsense. How many establishments does the honourable member go back to if he is not provided with a good service? The people who operate these premises are, in the main, small businessmen or women.

Mr Ferguson: What has that got to do with it?

Mr ASHENDEN: They surely can determine for themselves what is the best and optimum time to trade, both to service their customers and to ensure that they operate at

a profit. I am certainly aware of situations where a hotelier may like to open for a couple of hours but would not want to be required to remain open for four hours. Surely, it is the prerogative of the person who is operating this business to determine when he or she will trade.

The Government has taken one step in the right direction in saying that it will provide licensed premises with the option of trading on Sunday. It has not said, 'You must trade' or 'You must not trade'. It has given the licensees an option. For goodness sake, why is it so opposed to providing these same people with the option of determining just how long they will trade? I am well aware of hotels, not in my electorate but in smaller country towns, where there is often a demand by local persons for trading for a short period, but certainly not for four hours.

I will give a specific example. The small town from which my wife comes has one hotel. A group meets of a Sunday morning. At the moment, they normally bring along a few bottles and biscuits and cheese to have a convivial bite and drink after the meeting. But, many times when I have been fortunate to be there and attend this meeting with my brother-in-law the comment has been made, 'Wouldn't it be good if we could go over to the pub?' That is how country people normally put it. Those people want to go over to that hotel for an hour or so to have a few drinks after the meeting and go home.

If the publican is to open to meet that need he will then be required to trade for another three hours, probably when he has not got one customer coming through the door. In a situation like that, the publican has to make up his mind: 'Will I meet the needs of my potential customers or not?' He will have to say, 'Is it worth my opening my doors to have customers for an hour and then be open for another three hours with no-one in my hotel?' Why should he have to be forced into that situation?

Mr Oswald: No reason at all.

Mr ASHENDEN: I agree with the member for Morphett: why should he not say, 'I will open at 12 noon when the meeting finishes and as soon as the last customer goes I will close the door'? The member for Coles hit the nail on the head when she said that the only reason for this move by the Government is the behest of the unions that completely control it, saying, 'Right, if they are going to open, make sure that there is a quid in it for us and let us compel them to be open for four hours.' But this completely overlooks the family hotels, of which there are so many in the country. I cannot comprehend it. I would appreciate it if the Minister could indicate to me why he believes that publicans and another licensees should be provided with the option of trading but not be able to determine the hours during which they wish to trade. That is quite incomprehensible to me and I look forward to the Minister's response to see whether he can put forward any reason for the apparent divergence that exists in the Government's thinking.

Mr FERGUSON: I did not want to enter this debate, but I must in view of the comments made on the other side. I refer specifically to my electorate. One is in the House to look after one's electorate. I supported the Government's decision on this and insisted on it all along the way. No matter where we finish on this proposition I want it clearly recorded in *Hansard*, which I will use in my electorate in due course, the stand that the Labor Party took in relation to that. Why I am taking such a strong stand on this has nothing to do with the industrial matters. If the members of the Opposition had any knowledge of the liquor trades award and the agreements that have been reached they would realise that they were talking nonsense. One of the reasons why I supported this so strongly is the very stupidity of the laws that are now in place that came into operation when the Opposition was in Government.

I endorse the comments made by the member for Hanson earlier this week and I support what he said about larrikinism on the beaches. In the case of a seaside suburb, the present trading hours mean that people come from all directions, utilise the hotels for two hours as the present licensing laws permit, and they then load up with packaged alcohol, as much as they can carry, and go down on the beach and make a nuisance of themselves, returning to the hotel when the hour permits. With a two hour minimum and somebody trying to maximise their profits, there is no reason why that situation could not prevail under the propositions being tendered by the Opposition.

Members interjecting:

Mr FERGUSON: The Liberal candidate for Henley Beach will rue the day if the Opposition pursues this argument and I will make sure that all the people in my electorate know about it. On the Opposition side for most of today we have heard about law and order, but when we have the opportunity to do something about controlling the situation they want to turn in the very opposite direction. What I am asking the Opposition to do is consider the beachside suburbs. The member for Glenelg told us a lot about what had happened at Glenelg, and I sheet home the blame for that to the liquor trading hours we now have. I do not want to see a return, as could happen under this legislation, to the situation that existed previously. I ask members opposite to give deep consideration to what they are doing here. It has nothing to do with industrial laws whatsoever: it is a social matter, relating entirely to the larrikinism occuring in the western suburbs.

The Hon. JENNIFER ADAMSON: The member for Henley Beach has just demonstrated his complete lack of understanding of both the Bill and this amendment. I hope for his sake that his colleagues, particularly the Ministers, can set him right and convince him that the arguments he has just put before the Committee are irrelevant. They are simply based on the existing law, which is about to be repealed, and have no application whatsoever to what we are debating.

There will be no set minimum—at least, if the Opposition has its way—and a hotel in Henley Beach can stay open all day if the hotelier wishes: his patrons can drink in his hotel all day if he wishes. If he wants to stay open for half an hour, an hour or two hours, under our proposal he can do so, and the patrons can enjoy that—

Members interjecting:

The Hon. JENNIFER ADAMSON: He will not close if there are people there.

Members interjecting:

The CHAIRMAN: Order!

The Hon. JENNIFER ADAMSON: The interjections simply reinforce the lack of understanding of the member for Henley Beach of both the Bill and this amendment. But let us leave the member for Henley Beach to one side, as his constituents will no doubt do at the next election, and deal with the issue at hand. The question of coercing people to open for at least four hours is based on industrial dogma and not on the common sense that is supposed to prevail in this review of the Licensing Act. Let us consider the reality of hotels in South Australia. Of the 610 hotel licences in this State 176, a significant number—almost one-third—

Members interjecting:

The Hon. JENNIFER ADAMSON: Mr Chairman, the interjections from the other side of the Chambers are becoming quite abusive.

The CHAIRMAN: Order!

The Hon. JENNIFER ADAMSON: Of the 610 hotels in this State, 176 are single town hotels—almost one-third. That is to say there is one hotel in the town, and that hotel is invariably run by the licensee and his wife or the licensee

and her husband. I will give four examples of the towns where such hotels exist: Tungkillo, Balhannah, Bridgewater and Kalangadoo.

Members interjecting:

The CHAIRMAN: Order! I think the Chair has been very patient with honourable members in Committee. Interjections do not do the cause of either the Government or the Opposition any good in debate. I am sure that the member for Coles is quite capable of putting the question as far as the Opposition is concerned without any interjections at all.

Members interjecting:

The CHAIRMAN: Order! If there is another interjection while I am speaking from the Chair I will act. The honourable member for Coles.

The Hon. JENNIFER ADAMSON: Thank you, Sir; I certainly need no assistance whatever from the member for Ascot Park. The single town hotels, which invariably are operated by a husband and wife team, are entitled to be allowed to exercise the flexibility that is necessary and desirable in remote parts of the State and in small settlements. They are certainly entitled, as we all are, to have reasonable rest on a Sunday, just as they are entitled to exercise their right to respond to consumer demand when it occurs. On a Sunday in those country areas it rarely occurs for a sustained period of four hours. In most country towns there might be a period of one hour on a Sunday when the locals would want to patronise the pub. For the licensee and his wife to be required to keep that hotel open for four hours simply destroys any chance they have of a reasonable period of rest on a Sunday.

It also means that they are less likely to exercise the option to open, which means that it is more likely that both locals and visitors will be deprived of access to hospitality and service in country towns. From a tourism point of view, I suggest that the Government is virtually cutting its own throat. I know that the Government wants to enhance the services available to visitors, not just in the metropolitan area but throughout the whole State, and I also know that a husband and wife team, for example, who have worked very hard and for very long hours six days a week are most unlikly to want to stay open for four hours, although they are likely to want to open for an hour that will be profitable. That may make the difference between receiving an income that is barely at subsistence level and one that is perhaps more rewarding. That is probably at the heart of the provision that the Government wants to restore to the Bill. It is what we consider to be an obnoxious provision.

Another point that must be taken account of, and this is something that very few members would appreciate, is the balance that often exists in a small country town between clubs and pubs. People in small country towns tend to have to live together and therefore work together. It is not unusual for there to be an agreement in a country town between a club and a pub that they will not stay open for the same hours; they agree to adjust things to provide the best possible service and a reasonable return. The Government's amendment will make it very difficult for that to occur. A four hour period is unreasonable. It cannot be coincidental that it coincides exactly for the provisions of the industrial awards; it simply means that in a country town where business might be reasonable from, say, 12 o'clock to 1 o'clock the proprietor will have to stay open from 12 o'clock to 4 o'clock, pay the costs that are associated with opening while getting none of the rewards, and have the best part of a Sunday ruined, waiting around for patrons who never come. For those industrial, economic and social reasons, the Opposition strongly opposes the amendment.

Mr MEIER: Clause 27 (1) *(d)* provides that 'a licensee must provide a meal at the request of a member of the public on any day (except Sunday) between noon and 2 p.m. or between 6 p.m. and 8 p.m.' Does that provision currently apply in the Licensing Act? I ask this question because on occasions I have asked for a meal at a hotel but have been told that it was not serving meals on that day, and I have accepted that. I am interested in this provision, because it seems as though it will be almost compulsory for a hotelier to provide a meal.

A further provision in clause 27 (2) provides that 'a licensee may not be obliged by a condition under subsection (1) to provide a meal if . . . [a] proper reason exists.' That might provide some of the answer, although I will be interested to hear the Minister's comment on this matter.

As I indicated in my second reading speech, I certainly oppose the provision involving trading for a minimum of four hours on Sunday. As I have indicated previously, I oppose the concept of Sunday trading. It was interesting to note that the review committee recommended that Sunday trading be completely optional. I want to know why the Government has decided to go against that recommendation. As I also pointed out in my second reading speech, the review committee made many good recommendations, and this trading provision is a case where regulation is not required.

The member for Coles aptly highlighted matters pertaining to country hotels. I do not know to what extent country hotels will utilise Sunday trading. Some of the near metropolitan hotels are already trading, but the hotels farther away are not trading. If this provision is to exist, the hotels involved should at least be able to decide whether they will open for just an hour or so on Sunday. One must appreciate the lifestyle of those in small country towns, where, people are subject to outside pressures and, for example, might be required to attend a special function in the afternoon or some other ceremony at lunch time. Therefore, it is debatable whether hoteliers can open for any specified length of time. Usually a husband and wife team is involved in running a small country hotel, as the member for Coles pointed out.

A four hour minimum provision will cause hardship for those who want to take advantage of Sunday trading. I hope that the Government will reconsider this provision, especially as it was recommended in the review that the provision be such that publicans could open their doors at their own discretion. I think the rest of the arguments have been clearly outlined by the previous speaker.

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

That the time for moving the adjournment of the House be extended beyond 6 p.m.

Motion carried.

The Hon. G.J. CRAFTER: The honourable member referred to the obligations imposed upon hotel keepers under section 27 to provide meals. That is a responsibility that exists under the current legislation and continues under this legislation. There is a responsibility to provide meals in the circumstances described in the legislation. With respect to the more general questions he raised about the Government's amendments to the Bill as it came to this House from another place, I have stated the reasons that the Government has advanced for this measure to be included in the Bill. I point out to the Committee that, whilst the member for Coles made some comments about the Government's being dominated by its concern for industrial issues in this matter—and other honourable members have hinted or implied that there are industrial considerations—I do not deny that there is consideration, in addition to the other matters, I mentioned of industrial matters. I point out that—

The Hon. JENNIFER ADAMSON: Mr Chairman, I draw your attention to the state of the Committee.

A quorum having been formed:

The Hon. G.J. CRAFTER: I point out to the Committee that in another place as this Bill was amended and as it comes to us, in a form where the ability of licensee to be disciplined on the grounds that there has been a failure to comply with an industrial award or agreement that occurred in the course of a business conducted on licensed premises, that was indeed objected to and removed by the Opposition in the other place. Considerable grounds for concern exist. The Opposition is now saying that we can set aside opening with respect to Sunday trading hours, yet it objects most strenuously to that becoming the grounds for disciplinary measures against the licensee. So, I suggest that is a very relevant consideration to be taken into account in regard to this clause.

Mr BECKER: Will the Minister advise the Committee on industrial provisions and/or requirements? I understand that on Christmas Day a hotel can remain open for two hours. I am confused as to why the Minister is prepared to allow two hours trading on Christmas Day whereas on Sundays it must be four hours. I want a clarification as to what the industrial award really states. What employment provisions apply for calling in a casual person? What provisions apply to calling in a permanent employee? It may be best if we clarify that point.

The Hon. G.J. CRAFTER: Trading on Christmas Day is an exception in the calendar of trading hours, but the concern expressed in this instance relates to circumstances that arise where employees are asked to work for two hours, be off for two hours and back on for two hours. That matter requires attention. It destroys the enjoyment of a Sunday afternoon for those employees, and their ability to use the intervening two hours is very much limited by the trading hours pattern. That is one argument I am advancing for the Government's attitude in this matter.

Mr BECKER: I thank the Minister for that explanation. I wanted to confirm in my mind whether the minimum requirement under the award for two hours is time and a half. I believe the casual rate is about $8.90 per hour. If we bring in someone on a Sunday it would be about $13.35 per hour. If a licensee brought in permanent members of the staff he would pay them the daily rate. I want to know whether on Sundays the rate is time and a half. Will the Minister clarify that point? If I understand what the Minister is saying, if the legislation is allowed to go through as it is, a hotel could open for two hours, close for two hours, and reopen for two hours, thus creating staggered shifts. That is untenable for any industry. They are pathetic working conditions.

If we bring in a minimum of four hours, what is to stop a hotel opening from 11 a.m. to 3 p.m., having a couple of hours off and reopening again for four hours through to 8 p.m.? It is all untenable, and we have a difficult situation. I am prepared to change my mind to agree to Sunday trading, but it ought to be optional for the licensee of that hotel or liquor store. If it is a problem in regard to industrial awards, we must address that issue. If I am right that a permanent employee comes in and must be paid for that day, irrespective of for how long they are brought in, I am prepared to accept that. The industry probably is not prepared to accept it, but it is an award provision. I cannot see where we are going to be able to totally resolve the situation. Even with a minimum of four hours, we could get four hours on, two hours off and four hours on, which is crazy.

Mr S.G. EVANS: We are talking about licensed premises, in particular in hotels. They are competing with restaurants and many people working in restaurants work under the same awards.

The Hon. G.J. Crafter interjecting:

Mr S.G. EVANS: Yes, they do. That is the point I am making; it is possible to have people come in on a casual basis for two hours, be paid penalty rates and two hours is the minimum they can work.

Mr Ferguson interjecting:

Mr S.G. EVANS: Why set out to say that they can only open for a minimum of four hours when the award allows otherwise? The Minister was using the argument that it was for industrial purposes, but the award provisions are for a minimum of two hours. Why do we mess around trying to make the minimum four hours?

Mr Ferguson: Because of the social benefits.

Mr S.G. EVANS: If we are arguing about the social benefits, let the members go with their union affiliates to the court and argue for a minimum of four hours payment for a Sunday. The Minister has brought the industrial bit into it without thinking it through. He cannot tell us what the exact award is. He cannot tell what are the minimum hours.

Mr Ferguson: It has nothing to do with the award.

Mr S.G. EVANS: I am sure that if the Minister spoke about the industrial provisions the award has something to do with it. If we are talking about the employees having to work for two hours and that that affects their social life, four hours will affect their social lives more. A lot of employees may be happy to work for two hours: a permanent employee would be paid for the full day or a casual employee would work for the two hours, get the rates and go home to their families. That argument does not stand up. There is no basis for the Minister's argument at all, and we should oppose what he is trying to do.

The Hon. JENNIFER ADAMSON: I acknowledge that what I said earlier, namely, that four hours is the minimum under the award is not correct; neither was the Minister.

Mr Ferguson: At last! At last you have twigged to it.

The Hon. JENNIFER ADAMSON: Yes, everybody has been wrong on this matter.

Mr Ferguson: I never thought that I would see the day.

The Hon. JENNIFER ADAMSON: I am not unknown to admit when I am wrong, and I am happy at the request of the member for Hanson to also correct an unwitting error that he made. I have had the benefit of some advice and can say that the casual who is employed on a Sunday must work for a minimum of two hours at time and a half, which amounts to $8.90 an hour, not $13 odd: the member for Hanson gave them a bonus. The full-time employee gets paid for the full day, but the Opposition objects to this amendment because, when one looks at the whole span of the 610 hotels and acknowledges that, of those 610, 176 are single town hotels, which will not employ casual labour but which will use the husband and wife team, one realises that these people come right outside the ken of the Labor Party.

The Government and members opposite may be concerned for the employee in this circumstance, but in the reality of the situations of those 176 hotels the employee is self-employed. He or she is both employer and employee. The proprietor is the one who will be hit for six by this amendment, and we are talking about a third of South Australia's hotels.

Mr Ferguson: You were talking about service a few minutes ago.

The Hon. JENNIFER ADAMSON: Yes, I am talking about service. I am saying that the casual visitor to a country town would like to be able to have access to some kind of service, particularly in places, say, semi-remote like Kalangadoo. Someone driving through on a Sunday, having gone through a long stretch without refreshment, might want some refreshment and to stop off for a beer. He is unlikely to get it at Kalangadoo if this provision is enacted simply because the publican and his wife or, for all I know, the

publican and her husband—I do not know who operates the pub at Kalangadoo—will say, 'I cannot sustain four hours on a Sunday, so I won't open at all.'

Mr Ferguson: That is a very thin argument.

The Hon. JENNIFER ADAMSON: It is easy to see that the member for Henley Beach has not done much motoring around South Australia; nor has he very much comprehension of what it is like to live in a small country town, let alone the comprehension of what it is like to operate a pub six days a week, for long hours, and then possibly to want to open for a brief period—not four hours—on Sunday in response to specific patron demand. There are none so blind as those who will not see. The member for Henley Beach and his colleagues will not see this. In the case of the member for Henley Beach, it is because he cannot even comprehend the meaning of the amendment, as he has already made clear, because he thinks that it will lead to vandalism and hooliganism and strife in Henley Beach.

Mr Ferguson: At least I know the industrial provisions.

The Hon. JENNIFER ADAMSON: Which is more than the honourable member's Minister does. However, that is not the case. We are talking about the right and freedom of the proprietor of a hotel to open when he pleases in response to consumer demand and not to be burdened and oppressed by a four hour compulsory period imposed on him by a Government that is determined to make sure that deregulation does not apply when it comes to Sunday trading, and to make sure that the union movement maintains its grip on the hotel industry in this State.

Mr BAKER: Some very spurious arguments have been put by the Government in this matter. I was going to make a very uncomplimentary comment about it, but I will resist that temptation. The member for Henley Beach suggested that our beaches are clear of hooliganism, beer drinking and everything else between the hours of 12 and 2 p.m. and 4 and 6 p.m., or whenever the pubs are open. That is idiotic, to say the least: to suggest that suddenly, because the pubs are open, they will all rush into the hotels and drink until 2 p.m. and then suddenly rush out with all their bottles and wait for the next opening is crazy. If anyone has been on the beach at Glenelg at that time they will have found that the drinking does proceed over that period when the hotel is open. The argument does not hold water.

I hope that the member for Henley Beach does distribute his little effort across his electorate. It will help his cause no end, because the people will just find out what a fool he is. As regards hours, a lot of things cannot be tested, but there are aspects of the thing that we are debating here today from which we should learn. I quote, for example, the New South Wales trading situation. As members are well aware, in New South Wales they provided Saturday afternoon trading as an option. They already had Friday night trading. They suddenly found that there was no demand on Friday night. Whether by agreement or by sanity reigning, the major stores in Sydney closed on Friday night and traded on Saturday afternoon. I believe that there are some difficulties because of the enormous awards associated.

If one is really objective about it, the demand will really specify whether or not the premises should be open. I find that that argument is compelling: if there is a demand for five hours trading they can open for five hours; if the demand is for one hour they can open for one hour. We were assured in the first place that the matter was not industrial; then we were told that it was industrial. I am not sure where the Government stands on this matter. The Hon. Mr Bruce said that it was industrial; then he said later that there were other considerations such as tourism. The Government does not really understand why it has held on to its four hours, but, deep down, it is trying to justify the four hours for the industrial situation.

We on the Opposition side contend that the industrial situation has to be worked out with the industrial court and that those conditions should not be implanted in the hotel industry, which should react to the demand that is present. Opposition members have said time and time again that a large proportion of country hotels are not affected by industrial awards in the sense that they have been referred to here today. Yet, Government members cannot accept that they should have a right to open when such demand dictates. I cannot comprehend that: that they will be so dogmatic about this situation. Do they expect a small hotel with limited numbers of employees or perhaps no employees to open for four hours to satisfy the needs of a few travellers who are going through and may need their services for half an hour or an hour at the most? One does not have to be a free enterprise person to be sensible about the whole proposition.

An honourable member: I wonder what the Minister for Tourism thinks about it.

Mr BAKER: I wonder. He has not even said anything. It is economic insanity to open a hotel for four hours if one will not get trade for the four hours. If there are employees there they will be governed by the award. If the unions want to change the awards and say, 'Look, if you open for less than two hours we expect two hours pay,' I cannot argue with that. However, simply to encase in this legislation the proposition of optional Sunday trading and then force the hotels to open for four hours is crazy.

It defies economic logic. Regarding social logic, there must be some compelling reasons to suggest that licensees of hotels have a few rights in the process too, including a right to a bit of peace and relaxation when the time is available to them. In relation to the industrial situation, there is no argument in this proposition. I do not know why the Government holds on to it. If the Government wants to sort it out in the courts, that is fine. However, let us not sort it out in the Liquor Licensing Bill. I do not know why the Government is holding on to this provision so firmly. It does not stand up, it creaks around the edges, and has a gigantic hole in the middle. It is about time that the Government showed a little bit of sense and gave up the issue. It really is stupid.

The Hon. G.J. CRAFTER: I have stated a number of reasons why the Government adopts the attitude that it does: one was the industrial reason. The arguments advanced by the Opposition for optional trading (whether one or two hours, or whatever) would have much more credibility if it was not insisting on deleting from the disciplinary powers the ability of claims related to industrial matters and awards raised before such tribunals. Of all Opposition members who spoke none took up that point.

I have given some justification why, on the one hand, the working conditions should be set aside yet, on the other, the ability of workers and those who represent them to raise the abuse of working conditions and duly formulated awards should not be related to disciplinary proceedings. Numerous other grounds are available for this point, but that specific ground is objected to by the Opposition. The Government is not unmindful of the arguments raised on a number of grounds by the Opposition, but its arguments would have more credibility if the amendments that it moved to clause 122 in another place were deleted.

The Hon. JENNIFER ADAMSON: Any omission of responding to the Minister's contention that the Opposition has not taken up the question of removing the industrial clause from this Bill was an oversight, because he dealt with it in passing. The reality is that industrial matters are not the preserve of the Licensing Court: they are the preserve of the Industrial Commission. It is quite wrong to use

licensing legislation in order to impose industrial conditions on people.

The Hon. G.J. Crafter: It is not imposing them; it is a breach of them.

The Hon. JENNIFER ADAMSON: Whatever it is, it is not the business of the Licensing Court to deal with industrial matters. Surely that should be made quite clear and understood by every member of the House. I should have thought that the Minister, of all people, would have appreciated the distinction between jurisdictions and not tried to merge them in Bills that have nothing—

The Hon. S.G. Evans: With his background?

The Hon. JENNIFER ADAMSON: Especially with his background. He should not try to merge them in Bills that have nothing to do with that issue. I stress that there is no wish on the Opposition's part to deprive anyone working in the hospitality industry of their rights under their awards. We are opposing the inclusion of an industrial clause because of the principles that I have just outlined.

If the Minister thinks that somehow or other any omission of an industrial clause can be compensated for by the inclusion of this clause, it is twisted thinking. I was going to say that it was crooked thinking, but I do not mean in that sense criminal: I simply meant wandering and ludicrous thinking. If we are just talking about hours, we are taking a very narrow view of industrial matters. The whole issue of industrial matters cannot properly in any sense be dealt with by inserting this clause in the Bill. It is no compensation for the full industrial clause, which the Opposition opposes as a matter of principle for the reasons that I have outlined. So, it is twisted thinking and not accepted by the Opposition. I am certain that it is not accepted by the hotel industry, nor would it be accepted by any reasonable thinking person. It was also not accepted by the review. The Opposition opposes the amendment.

Mr BAKER: I thought the Minister was joking when he said something about the disciplinary situation. I find that he is not joking and is in fact saying that if we are kind to him he will allow this clause: if we let that get back in the Government will not feel too badly about the four hour clause. What an amazing statement.

A number of Acts govern industries in South Australia. How many of them say that, if one fails to comply with an award, one will be subject to special discipline over and above what will happen in the Industrial Commission?

The Executor Trustee and Agency Company Act did not provide that, if one did not comply with the award, one would be subject to discipline. A bakehouse borders my electorate and sells filthy goods. I cannot get them closed down. There is nothing in their award to say that, if one does not stick to the award, one will be subject to disciplinary activity. I could go through all the legislation that affects industry, and specific regulations governing that industry, and nowhere would I find reference to the fact that, if they do not pay the full award wages they will be subject to disciplinary action.

If the Minister wants to go on with this he should check with a few industrial lawyers before he gets himself into really hot water. The full force of the law should come into being if someone breaches an award. If an employer does not pay full tote odds, 47 members of this Chamber will say that that employer must be subject to some form of detriment such as a fine as well as having to pay the catch-up of wages that have been forgone. That has nothing to do with this Bill.

The Minister does like keeping us here a long time and keeps throwing all these little furphies into the argument. Discipline has nothing to do with this award. If the Minister wants to introduce discipline into the various segments of legislation that affect industry in South Australia, he will have great difficulties on his hands. Once one has handled discipline one must handle a whole lot of other things that are to date not covered by these Acts.

I find the Minister's statement amazing. If it was not so late I would find it amusing. To suddenly introduce the suggestion that, if there was disciplinary action in respect of non-compliable awards, it would make the Government's view of the legislation a little easier and that it would remove the four hour limit is absolutely disgraceful. It is about time that the Government stopped making excuses for the fact that the union said they want four hours.

The Government has not come clean and will not do so. It does not care about the small owners of hotels. It has just said, 'Well, our union friends said this.' There was nearly an urgency debate about what its union friends wanted. That is a bit different to what South Australia wants. If the Minister uses an argument, let him stick to the facts. When we come to disciplinary action, the Opposition will tell the Minister why we did not want it—not because we did not want employees protected, but because it is inappropriate to put it in this Act.

The Hon. G.J. CRAFTER: If the honourable member cares to read clause 122 he might like to apologise to me and the House at a future time. In that clause he will find that there are grounds for disciplinary action against a licensee where, for example, the safety, health or welfare of persons who resort to the licensed premises is endangered by an Act or neglect of the licensee. Clearly, that is under existing legislation subject to another tribunal and yet it is still grounds for disciplinary action.

A person convicted of unlawful gaming in respect of events that took place on licensed premises is subject to a different Act and a different tribunal, yet that is still grounds for disciplinary action. If a licensee has been convicted for an indictable offence or offences against the Act, once again, that constitutes grounds for disciplinary action. Also, in relation to licensed premises falling into disrepair or otherwise being in an unsatisfactory condition, that is subject to different legislation, and perhaps may involve even another tier of government, say, local government, although, again, it can constitute grounds for disciplinary action. The Government included in this legislation a clause that provided that another ground for disciplinary action was the contravention or failure to comply with an industrial award or agreement that occurred in the course of business conducted on licensed premises, but the Opposition objected to that. It did not object to illegal gaming, safety, health and welfare, or other indictable offences, or offences against this Act, as constituting grounds for disciplinary action.

The Opposition simply singled out industrial awards and deleted that aspect from the provision. So, it is on that ground that I point out to the Committee the Government's suspicions about the arguments that have been advanced in this debate about industrial matters. I do not consider, and I have not said so in the debate, that that dominates the consideration of this measure. I have advanced other arguments, but I think that the honourable member has defied logic in advancing the arguments that he did for the deletion of the clause in these circumstances.

Mr BAKER: I point out—

The CHAIRMAN: Order! The honourable member has spoken to this clause three times.

Mr BAKER: I want to explain to the Minister that I was talking about award wages.

The CHAIRMAN: Order!

The Committee divided on the amendment:

Ayes (21)—Mr Abbott, Mrs Appleby, Messrs Bannon, Crafter (teller), Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally, Klunder, McRae, Mayes,

Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Noes (19)—Mrs Adamson (teller), Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, D.C. Brown, Chapman, Eastick, S.G. Evans, Goldsworthy, Gunn, Ingerson, Lewis, Mathwin, Meier, Rodda, Wilson, and Wotton.

Pairs—Ayes—Messrs L.M.F. Arnold and M.J. Evans and Ms Lenehan. Noes—Messrs Blacker, Olsen and Oswald.

Majority of 2 for the Ayes.

Amendment thus carried; clause as amended passed.

Progress reported; Committee to sit again.

ASSOCIATIONS INCORPORATION BILL

The Legislative Council intimated that it had agreed to the House of Assembly's amendments.

REAL PROPERTY ACT AMENDMENT BILL (No. 2)

Returned from the Legislative Council with an amendment.

ROADS (OPENING AND CLOSING) ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

ADJOURNMENT

At 6.33 p.m. the House adjourned until Tuesday 26 March at 2 p.m.