HOUSE OF ASSEMBLY

Tuesday 26 March 1985

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

PETITION: PRESCHOOL EDUCATION

A petition signed by 20 residents of South Australia praying that the House urge the Government to provide increased funding for preschool education in rural areas was presented by Mr Lewis.

Petition received.

PETITIONS: HOTEL TRADING

Petitions signed by 38 residents of South Australia praying that the House reconsider legislation allowing hotels to trade on Sundays were presented by Messrs Mathwin and Trainer.

Petitions received.

QUESTIONS

The SPEAKER: I direct that written answers to the following questions on the Notice Paper, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 382, 409, 410, 456, 458, 468, 469, 473, 478, 485 to 487, 507, and 508.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Environment and Planning (Hon. D.J. Hopgood):

Pursuant to Statute—

Planning Act, 1982—Crown Development, Reports by the South Australian Planning Commission on proposed—

Landscape Depot, Sturt Road, Bedford Park.
Erection of Classrooms, Evanston Gardens Primary School.
Erection of Classrooms, Craigmore South Primary School.
Erection of Classrooms at Modbury, The Heights Primary and High School.
Erection of Classrooms at Gilles Plains Community College.
Erection of Classroom, Ardtornish Primary School.
Construction of Hall, Dernancourt Primary School.
Construction of Community Centre, Woodville South.
Erection of Classroom, Angle Vale Primary School.
Division of Land, Part Block 5 of Part Section 97, Hundred of Yatala.
Erection of Classrooms at Craigmore High School.
Erection of Classrooms at Gepps Cross Girls High School.
Land Division at Ottoway.
Construction of Offices at Netley Public Buildings Depot.
Construction of Child Care Centre at Salisbury TAFE College.
Activity Hall at Urrbrae Agricultural High School.
Construction of Stormwater Drainage, Fencing and Ramp, Gawler College TAFE

By the Minister of Tourism (Hon. G.F. Keneally):

Pursuant to Statute—

Food and Drugs Act, 1908—Regulations—

Batteries and Electronic Components.
Warning Statements.

By the Minister of Local Government (Hon. G.F. Keneally):

Pursuant to Statute—

District Council of Snowtown—By-law No. 24—Cemeteries.

By the Acting Chief Secretary (Hon. G.F. Keneally):

Pursuant to Statute—

Friendly Societies Act, 1919—Amendment to General Laws—

Friendly Societies Medical Association Incorporated.
Mutual Health-National Health Services Association of South Australia.
Independent Order of Rechabites Albert District No. 83.

MINISTERIAL STATEMENT: ELECTRICITY INTERCONNECTION

The Hon. R.G. PAYNE (Minister of Mines and Energy): I seek leave to make a statement.

Leave granted.

The Hon. R.G. PAYNE: It is extremely difficult to confine oneself to moderate and Parliamentary language when one is confronted with statements attributed to the Deputy Opposition Leader that appeared on page 7 of the most recent edition of the *Sunday Mail*. However, I am obliged, as calmly as possible, to expose the inaccuracies and distortions in the Deputy Leader's comments about the three state electricity interconnection agreement signed a month ago in Melbourne.

Whether this information represented a deliberate and pathetic attempt to knock the project or was a result of the Deputy Leader's not having read or understood the Stewart Report, which recommended the interconnection or the heads of agreement between the three State electricity generating authorities, it demonstrates that the Liberal Party does not have a coherent energy policy. The Deputy Leader's attack emphasises the Liberals lack of a coherent energy policy because it is at odds with his Leader's having welcomed the announcement of the interconnection and in fact attempting to take some credit for it by suggesting that the previous Liberal Government had 'initiated discussions' on the link. Apparently the Deputy Leader, who was then the responsible Minister, does not remember that he played this role.

I will deal with the various aspects of the Deputy Leader's statement in the order in which he put them. His first proposition was that the interconnection would make South Australia in some way vulnerable, that we would lose our independence. He made this comment despite it having been made absolutely clear that the interconnection would be operated on an opportunity basis, that is, when economies are possible because of the relative costs of fuels in available plant at different times of the day and that each State would continue to be able to meet its own generating requirements. This comment is made even more curious and his understanding of the State's generating capacity less credible by his comparison of the interconnection with South Australia's disastrous Second World War experience of being dependent on New South Wales black coal. As we are not going to be dependent on the interconnection, there can be no such analogy.

I do agree with the Deputy Leader that Sir Thomas Playford's excellent decision to develop the Leigh Creek coalfields to supply South Australia's generation needs extricated the State from a very difficult situation that existed then and put us on the path to what has become the remarkable degree of energy self-sufficiency which this Government intends to maintain. Yet, in this regard I must draw to the attention of the House a statement by the Leader

of the Opposition in a country newspaper early in 1983 in which he said, 'I believe that only the option of importing black coal should be pursued,' thus rejecting development of any of the State's local resources for very many years. In fact, such a stance would consign South Australia to the same insecurity associated with dependence on the interstate fuel sources that his Deputy, if any sense can be ascribed to his statements, must believe we should avoid. Their disconnected comments leave one in little doubt that they do not have a policy on or a clear understanding of the State's power generation needs.

This disjointed approach contrasts with the Government's having commissioned Doug Stewart to lead a high-powered committee to prepare a comprehensive strategy for power generation development into the mid 1990s: a strategy which has been publicly released and of which interconnection is only the first in a series of foreshadowed initiatives. The Deputy Leader's second proposition seemed to be that, because Victoria will obtain some significant benefits from interconnection, South Australia must, by definition, be a loser. He also claimed that South Australia would be paying too much of the cost of the interconnection. That conclusion is demonstrably wrong, whether it is a result of the Deputy Leader not understanding the basis of the agreement or because he seeks to deliberately misrepresent it. The interconnection has real benefits for each of the three States. The distribution of the costs of the interconnection are in accordance with a quantifiable evaluation of the benefits each will receive. South Australia is paying more because South Australia will receive proportionately more of the benefits.

The Deputy Leader's suggestion that Victoria will receive half the benefits of annual fuel cost savings of $14 million is a basic error of fact. South Australia will receive $10 million annually of that total $14 million benefit. We also have the potential to achieve $25 million in reserve savings over the first five years of the interconnection's operation. If the Deputy Leader does not understand the agreement I would be pleased to arrange a briefing for him or anyone else with an interest in the matter. If he continues to misrepresent it, I will challenge him to present his calculations for scrutiny and analysis. The Deputy Leader must realise, after many years in Parliament, that if he wants to maintain any credibility in this place he needs to get his facts straight.

His third proposition was that power from the Eastern States would always be cheaper than developing new generating capacity in South Australia and that the Federal Government will eventually put financial pressure on South Australia to take power through the interconnection rather than commit to new power stations, with a resulting loss of employment and construction activity. That collection of hypothetical rubbish is either a deliberate piece of mischief or a failure to have read or understood the Stewart Report and the Government's policies. What evidence does he have to support the completely fabricated claim about possible Federal Government action, for which the Commonwealth would have neither motivation nor jurisdiction?

I repeat: it is the Government's policy only to operate the interconnection on an opportunity basis. The Government is proceeding with detailed studies leading to a decision on selection of a new local coalfield for commissioning in the mid 1990s, reviewing the economics of further expansion at Leigh Creek with a view to committing to a third 250 Mw unit at Port Augusta's northern power station by the end of the year, and pursuing the questions of price and supply security for natural gas to keep power costs down and Torrens Island operating at a high level of capacity for the rest of its economic life. On the basis of his comments, I would hope we could expect that when these initiatives are put in place we will receive the Opposition's support and not a repeat of the knocking that has now emerged from them on interconnection.

The Deputy Leader's fourth proposition is that the interconnection could result in employees at ETSA's Osborne power station being left with nothing to do. That is a convenient piece of fabrication by juxtaposition. Osborne is an old station, most of it oil-fired and heavily manned. Interconnection will have no bearing on its ultimate and inevitable decommissioning, which can be expected to be effected well before the interconnection is constructed, with the exception of gas-fired boilers providing steam to ICI. ETSA will not retrench any of the people working there, and I have had discussions with unions and employees who are concerned about the effects of these changes.

The Deputy Leader's fifth proposition was that the interconnection would make South Australia vulnerable to industrial disputation interstate. While South Australia has a much better industrial record in its power generation industry than the Eastern States, I have already made it clear that we will not be dependent on supplies from interstate, as the interconnection is to be operated on an opportunity basis. If disputation interstate resulted in opportunity power not being available, South Australia would have sufficient of its own capacity on which to rely.

PORT ADELAIDE COMMUNITY HEALTH CENTRE

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

Port Adelaide Community Health Centre—Development.

Ordered that report be printed.

QUESTION TIME

The SPEAKER: Before calling on questions, as a matter of courtesy, I am advised that questions that would have been directed to the Deputy Premier in relation to his portfolio as Chief Secretary should be directed to the Minister of Tourism. Questions that would have been directed to the Deputy Premier in regard to his Labour portfolio should be directed to the Minister of Public Works.

FRIENDLY TRANSPORT COMPANY

The Hon. E.R. GOLDSWORTHY: Will the Minister of Local Government urge Cabinet to withdraw its threat to introduce special legislation to deal with the relocation of Friendly Transport Company until all legal challenges to the move have been completed? The Minister for Environment and Planning refused to give a commitment on this question last Thursday. However, the member for Unley has attempted to give his constituents the impression that this whole matter will be resolved within a few weeks, no matter what action the West Torrens council may decide to take to challenge the Government's actions in the courts.

A letter the member has circulated in his electorate clearly implies that the Government is preparing to bring in special legislation, possibly before Easter. However, in the Supreme Court today the West Torrens council has been granted an injunction restraining the Planning Commission from taking the action the Government has proposed to relocate Friendly Transport, and I understand all the legal challenges may continue for some months. As this matter now involves fundamental questions of principle affecting the powers and functions of local government, I ask the Minister whether he is prepared to have this unprecedented threat of special

legislation removed until all legal challenges have been completed.

The Hon. G.F. KENEALLY: I am surprised that the Opposition is maintaining its desire to keep Friendly Transport in Black Forest. Of course, that is a matter that it will have to conclude itself.

Members interjecting:

The SPEAKER: Order!

The Hon. E.R. Goldsworthy: That, of course, you know is completely untrue, so answer the question.

The SPEAKER: Order! The honourable Minister.

The Hon. E.R. Goldsworthy: Just answer the question.

The Hon. G.F. KENEALLY: I intend to, given the opportunity. If the Government is required to take special steps to resolve the matter at Black Forest, it will do so. That has been made clear. If there is no need to take further action, no further action will be taken. That position is understood quite clearly by the West Torrens council and by the Opposition.

CONTRACT TEACHERS

Ms LENEHAN: Will the Minister of Education outline the current situation with respect to the conversion of contract teaching positions to permanent positions in Government schools? Also, what proposals or plans are in motion to alleviate the situation in 1986? I ask this question because my district contains a large number of primary and secondary schools, and I have been contacted by parents and teachers seeking clarification about the Government's position with respect to contract teaching positions.

The Hon. LYNN ARNOLD: Yes, I can advise the House of progress in this matter. Over the past 2½ years considerable progress has been made by the Government and will continue to be made during the life of this Parliament. We are committed to reducing the number of contract appointees within the education system by a concomitant increase in the number of permanent positions that exist, namely, the conversion of contract positions to permanency. Our record, which is the conversion of approximately 600 positions in both the Education Department and Department of Technical and Further Education from contract to permanency, is very creditable and, indeed, matches with the almost nil record of conversions during the life of the former Government from 1979 to 1982.

I say 'almost nil' because I understand that there were one or two conversions for compassionate reasons during that time. However, the basic trend was quite the opposite: a dramatic increase in contract employment that occurred during the life of the previous Government. I can detail the number of conversions that have taken place. I am sure that honourable members will know how significant they have been in the areas concerned. In February 1983 we converted to permanency within the Education Department nearly 69 full-time equivalents who taught English as a second language. In March 1983 we created an additional 65 permanent positions in the secondary sector as a result of the increase in secondary enrolments or those that came from conversions. In May 1983 there was the reduction to 7 per cent of the permanent force in TAFE of those who were on contract positions from the previous record of 12 per cent. An industrial agreement was reached between SAIT and TAFE some years ago that said the level of contract employment in that Department should not be above 7 per cent. The previous Government abrogated that agreement and allowed it to rise to 12 per cent. We brought it down to 7 per cent for the first part of 1983.

Then there were other conversions in the area of adult migrant education within TAFE—28 positions. In Aboriginal education within TAFE 50 per cent of positions in November 1983 were converted to permanency, with a further 15 per cent being converted to three year contracts. In February 1984 another 25 permanent relieving teaching positions were created in the Education Department, bringing the total number to 31, whereas under the previous Government there had been only six permanent relieving teacher positions.

Additionally, we converted a further 25 positions to permanent relieving teachers as of term 3 in 1984. In October 1984 there was the approved conversion of another 300 full-time equivalent positions to take place from the start of 1985. That is significant progress. I have already advised the Department that it is to contact the Institute of Teachers to set in train discussions during the next few months to determine a realistic figure for conversion in 1986. I gave an assurance long ago that this programme would continue. I have now advised the Department that those discussions will take place in the near future, so there will be an announcement later in the year about further significant conversions in this area.

The outcome of this will be that by the beginning of 1986 there will be fewer people employed on contract in the Education Department than were so employed at the beginning of 1983. This will be so because there will be an increase in the number of permanent positions in the Education Department to pick up that fall in contract positions. This will happen against a backdrop of a significant increase in the rate of long service leave or other leave taken within the Department leaving positions that require filling. Traditionally such positions have been filled by contract appointments.

Between 1981 and 1984 there was a significant increase in long service leave taken: 23 per cent in 1981; 4.8 per cent in 1982; 8.9 per cent in 1983; and 8.8 per cent in 1984. The level of contract appointment increase under the former Government matched the increase in the level of long service leave: 23 per cent in 1981, and double in 1982 with 10.4 per cent. In 1983 and 1984, under this Government, the rate of change of contract positions was only half of the rate of change of long service leave taken up, so our policies have already started taking effect—we have turned the corner with respect to contract positions, and in 1985-86 we will see a significant quantifiable reduction in the total level of contract employment in the Education Department and the Department of Technical and Further Education. That, I think, proves that the Government has lived up to its pre-election commitment, is continuing to do so, and will continue to do so throughout the rest of this year. There have been 600 positions created to date with a significant number to come to be announced by me later in the year.

LINDAL HOMES

The Hon. B.C. EASTICK: Since a company stands to lose $250 000 worth of business following allegations made in this House last week by the member for Unley, will the Minister of Community Welfare ask the Minister of Consumer Affairs to ensure that an investigation of those allegations is completed as a matter of urgency? Last week the member for Unley made a number of serious allegations relating to the company, Lindal Homes, of Malvern. Those allegations referred in the main to non-fulfilment of contractual obligations to build a packaged home at Bridgewater, and the difficulties and inconvenience the honourable member said this was causing to a family.

I am advised that the member did not make any attempt to check his information first with the company he has named. He said, for example, that the couple involved had been living in a caravan since last July because of delays in

completing the home; in fact, they have been in a caravan for the past month, not the past nine months. In making a number of allegations about the need to hire contract labour to erect the house the honourable member did not mention that the contract signed with the company specifically provided for the purchase of the home package from Lindal Homes for $39 000, and for a further $30 000 for construction costs, such as site excavation, carpentry, plumbing, electrical work, and so on. The Opposition has been shown documents relating to this matter which raised serious doubts about all of the allegations made by the member. As a result of those allegations the company already stands to lose business worth $250 000 from contracts cancelled in the last week.

Members interjecting:

The Hon. B.C. EASTICK: This is the friend of small business. This company is a small business located in Malvern. Indeed, its location will be in the new seat of Unley after the next election.

Members interjecting:

The SPEAKER: Order!

The Hon. B.C. EASTICK: Because the member has raised serious allegations which he did not seek to substantiate, I ask the Minister to take immediate action to ensure that this matter is resolved as soon as possible to limit any further unnecessary losses to the company caused by the member's irresponsible actions.

The Hon. G.J. CRAFTER: I thank the honourable member for his question. I note that he did not tell the House whether he had contacted the alleged victim in these circumstances to obtain that side of the story. He has made a series of allegations, and I would be pleased if he would provide me with verification of them. Most certainly I will see that they are given to the Minister for proper investigation.

WEST LAKES BY-LAWS

Mr HAMILTON: Will the Minister of Local Government tell the House whether the West Lakes by-law regulations have been received in his office from the Corporation of the City of Woodville and, if so, when can my constituents expect approval of those updated by-laws? Members would be aware that, as far back as May 1981, I called a public meeting at the West Lakes Football Club to press for formulation and implementation of the aforementioned by-law regulations, because of the difficulties—

Mr LEWIS: On a point of order, Mr Speaker, in what context is that comment from the member for Albert Park in any sense an explanation of his question?

The SPEAKER: Order! There is no point of order. The honourable member for Albert Park.

Mr LEWIS: I ask you, Sir, to rule whether or not it is legitimate for members to state what they have done, as part of an explanation to a question.

The SPEAKER: Order! I ask the honourable member to resume his seat. There is no point of order. The honourable member for Albert Park.

Mr HAMILTON: Thank you, Mr Speaker. I was leading up to that.

The SPEAKER: Order! I do not want comments from the member for Albert Park.

Mr HAMILTON: Members would be aware that I have pressed for the formulation and implementation of the aforementioned by-laws and regulations because of the difficulties that residents in the area had experienced due to vandalism and crime. In an article in the *Sunday Mail* of 24 March, on page 5, I mentioned the difficulties that my constituents had experienced for some six years in relation to problems associated with hooliganism and crime in the area. Also, a heading on the same page of the *Sunday Mail* states, 'Council acts on by-laws'.

The SPEAKER: Order! Order! Now the honourable member has launched into debate, and I rule accordingly: I ask him to get back to the explanation of the question.

Mr HAMILTON: The article stated that the Woodville council had sent these proposed by-law regulations to the Minister. I ask the Minister when it is likely that those by-law regulations will be implemented to assist my constituents to overcome the difficulties that they are experiencing in relation to crime and vandalism. I am concerned that members opposite are not really concerned about crime in that area.

The SPEAKER: Order! The honourable member's remarks are out of order.

Members interjecting:

The SPEAKER: Order!

Mr Lewis: That is the last explanation you will get.

The SPEAKER: Order! First, I indicate that the honourable member's remarks were out of order. There is an increasing tendency on the part of members on both sides of the House to make remarks, particularly towards the end of a question, which are out of order in that they constitute debate or comment. The honourable Minister.

The Hon. G.F. KENEALLY: I thank the honourable member for his question. Members of the House would be aware of the continued efforts of the honourable member over many years to reduce the incidence of vandalism and crime in his electorate. I suggest that that is an aim common to all honourable members. The member for Albert Park has been very prominent in his desire to ensure—

Mr Lewis: But he did not set a very good example.

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

The Hon. G.F. KENEALLY: —that his constituents are protected. The by-laws to which the honourable member referred were mailed to my office under a covering letter dated 20 March 1985. These involve by-law No. 25, which refers to streets, roads, footways, bridges, jetties, piers and public places. That by-law repeals existing by-law No. 25 and imposes wide ranging controls. The other by-law involved is by-law No. 52, which refers to recreation reserves, repeals existing by-law No. 52, and imposes wide ranging controls, including authority for members of the Police Force to assist in enforcement of the provisions. I think that that is the point the honourable member wished to bring to the attention of Parliament. Those by-laws, which were made on 14 January 1985 and on 10 September 1984 respectively, reached my office only on 22 March 1985.

So, a significant delay occurred in the time it took for at least one of those by-laws to reach me (from September 1984 to 22 March 1985). I can assure the honourable member that the by-laws will be processed through Executive Council as soon as possible. Of course, the honourable member knows that they will then have to run the rigours of the Joint Committee on Subordinate Legislation. I hope that these by-laws can be enforced as soon as possible.

DISCIPLINE IN SCHOOLS

The SPEAKER: The honourable member for Torrens.

Mr Mathwin interjecting:

The SPEAKER: The Chair does not need the assistance of the honourable member for Glenelg. He has been here long enough to know that.

The Hon. MICHAEL WILSON: Will the Minister of Education give a commitment to support teachers and principals in maintaining discipline in schools, including the

retention of corporal punishment as an option? I have been informed that this matter came to a head yesterday at the Salisbury North-West Upper Primary School, which is in the Minister's own district.

Various versions of what happened have been put to me. One was that the teachers had a very long staff meeting to discuss discipline, during which time the children were not being supervised or taught. Another version was that there was a strike of teachers because of unruly and rebellious behaviour by some students, including the abuse of teachers and foul language and the fact that teachers have not been supported in their efforts to apply discipline. It has been reported to me that the situation at this school has now got out of hand to the extent that parents and students had to be inconvenienced to bring home the necessity for the maintenance of discipline in schools, including the use of corporal punishment where necessary.

The Hon. LYNN ARNOLD: I want to make a number of comments about this matter, and the first relates to my being the local member for the district. I take great offence at any suggestion that the situation at the Salisbury North-West Upper Primary School has got out of hand. I have had a lot of contact with parents and teachers of that school over a number of years and I can attest to the great degree of personal pride that is expressed in that school by teachers and parents of that area. Over the years, a lot of work has been done by the parents, teachers and Principals of the two schools (the junior primary and the primary) and a lot of human investment has been made; and that has been returned in terms of benefit of the education to those children.

Quite clearly, the situation has not got out of hand at Salisbury North-West. As to the particular situation that might have applied yesterday—and the honourable member was casting a lot of aspersions and allegations about what had happened, although he was not able to pin down for himself what actually happened—I will certainly have it investigated and ascertain what was the exact situation with respect to a staff meeting that might or might not have taken place yesterday afternoon.

In relation to sustaining or supporting teachers in terms of discipline in the classroom, it has for a long time been the practice of the Education Department to offer support to teachers in classrooms so that they can maintain effective learning in the classroom. Area officers today, no less than officers in the past, have sought to provide whatever support may have been available to teachers in the classroom situation. We do at this stage have a discussion paper 'The Ordered Learning Environment Discussion Paper', which I tabled in this House a considerable time ago. We have been receiving responses to that paper, but it is the first time that I have heard the shadow Minister refer to it. Doubtless, he has made a statement about the matter and I will, I suppose, be advised of that in due course.

One of the points that must be taken into account in regard to 'The Ordered Learning Environment Discussion Paper' is that, when the matter of corporal punishment was first raised and referred to me as a subject for discussion, I said that it seemed to me critical that the real issue at hand was the effectiveness of the learning process that is taking place within the classroom and that we should be endeavouring to enable all our teachers to teach as effectively as possible in the classroom and to ensure that all students have the opportunity to learn as effectively as possible. That requires management strategies in the classroom. In the past one of those management strategies was, and still is, corporal punishment administered by certain delegated officers in the schools of South Australia.

I wanted to make the point that it was not simply a matter of debating whether or not there should be corporal punishment in our schools: it was a matter of debating that whole package of issues and of everyone wanting to guarantee that what was happening in our classrooms was as effective as possible. Therefore, I said that a paper that came up just saying 'Yes' or 'No' in relation to corporal punishment was not addressing that issue. Consequently, this paper looks at the wider issue of the ordered learning environment.

Frankly, I believe that it would be presumptuous at this stage for me to say that we will alter the policy which has been in place (and which except for one important difference is no different from that which applied under the former Government or Governments before that) until we have had the opportunity to consider the feedback that we have had from the school communities to that discussion paper. If that process is not accepted by the Opposition, Opposition members should stand up and say so every time that I issue such a discussion paper.

With respect to the one important difference that has taken place, however, I refer to the rights of parents to say that corporal punishment may or may not be administered to their children. I have instituted a policy which says that parents can advise their schools that their children will not be subject to corporal punishment within the school. I believe firmly that it is an inalienable right of parents to express that wish to schools, and I suggest that anyone who tries to take that right away from parents needs to ask clearly what the rights and responsibilities of parents are. Regarding that issue, I made sure that the gazette notice did not simply advise parents of their rights in this matter, but also had them understand that there was a concomitant responsibility; that is, they must realise that the school, if it was not able to exercise corporal punishment on the student, would have to use other management strategies with respect to discipline problems that a child might cause.

That is entirely reasonable and, although there has been some concern from some schools, by and large it has been accepted within the education community of South Australia. We seek to develop, support and enhance what is happening in our classrooms and to examine effective ways of maintaining an ordered learning environment. The present discussion paper tries to do just that and, after we have had responses (and I have extended the time to enable more people to make responses), we will make policy decisions on the matter. However, the policy decisions will be made to ensure the efficiency and effectiveness of learning in the classroom. This Government and the Education Department believe strongly in what is happening in our system and support teachers in South Australian schools. The education programme that is consequently being offered is very exciting and, although problems in various places inevitably arise from time to time, the general situation is one of very good news indeed. It certainly is with regard to Salisbury North-West Community School.

SCHOOL FUNDING

Mr M.J. EVANS: Does the Minister of Education agree that funding for schools within the South Australian education system should be allocated to a greater extent than is presently the case on needs based criteria? The Minister will no doubt have seen a submission prepared by the staff of the Elizabeth High School outlining the problems they are having in providing the high standard of education to which all the children of this State are entitled.

As the report illustrates, those parts of the State which suffer a disadvantage, whether this is caused by social or economic factors or even distance from Adelaide, often require special assistance to enable them to offer the children of the area the same opportunities for success in life as

those schools in more affluent areas. The report highlights the additional staff members that the school needs in order to offer a comprehensive education at the required standard which is relevant to the needs and aspirations of all the children who attend the school.

The staff of the school have indicated to me that, although they appreciate the additional funds which are made available by the Commonwealth Government in the form of special grants to priority schools, these one off grants do not address the long term ongoing needs of the school, only the short term special initiatives which happen to be in vogue in Canberra at the time. Accordingly, I ask the Minister whether he will consider fundamental changes to the present state funding system which will take better account of the varying circumstances and needs of South Australian schools and young people in this context.

The Hon. LYNN ARNOLD: The short answer to the honourable member's question is 'Yes'. We are already examining ways in which needs based resource allocations to schools can be extended. Indeed, I gave that commitment before the last election. This matter is presently being dealt with by the Ministerial Consultative Committee on Education. I referred this matter to that committee last year and asked it to report on the most appropriate way in which we could examine further extensions of needs based resource allocations to our schools.

In addition, whilst it is true that the bulk of needs based resourcing of schools is Commonwealth funded through the Schools Commission and priority projects programmes, there are also significant State commitments that can be regarded as part of the needs based process. Indeed, the negotiable staffing allocation to schools in South Australia is entirely State funded. About 400 full-time equivalent positions exist for the negotiable staffing of secondary schools in South Australia. I may be out by 10 or so, but I believe that that is the correct figure, and that is all State funded.

In addition, the year before last we introduced in our funding of school grants a small element of needs based funding from State funds. I acknowledge that it is a very small element, but at least it was getting things rolling and starting to come to terms with how we could do more in this area. That started in the 1983-84 Budget. Further, discussions have taken place between, again, the Institute of Teachers and the Department as to the best way of picking up needs, because it is one thing to argue strongly to extend needs based resource allocation, but it is another to know how to do that and how to survey the needs in the school.

We issued to all schools in late 1983 a survey form asking them to tell us what they perceive their needs to be. It was a tabular form that they had to fill out showing for how many students English was not the first language, how many were Aborigines and how many were in the other various categories. That was then used by the Department in order to prioritise the various needs of schools. Quite frankly, the needs exceeded the ability to meet those needs, and I suspect that that will apply for a considerable period, but at least it gave us a better base on which to allocate the resources available. That is one model that we are hoping to further develop.

I have seen the interesting submission of the Elizabeth High School Staff Association. I spoke informally with members of the staff from the school last year, and they were talking to me about the issues they were thinking of raising in this regard. I am not able to say that we will be able to meet all their needs at the school, because every school can argue certain categories of need. However, it raises the important point that needs within the system vary from one area to another, as do therefore our resource allocations, but that we must try to reflect that within all possible limits. We cannot simply have a system based upon a needy school as opposed to a not needy school, because within a supposedly not needy school there will be students with special needs. Therefore, any system must take account of the general nature of both the school itself and its circumstances and also the particular needs of individual students.

So, any extension of needs based resource allocation is always constrained by that second issue, namely, the needs of individual students—wherever they may happen to be—in the education system in South Australia. Clearly, we can do more. I have asked the Ministerial consultant on education how we can do it, and I expect that we will be discussing that matter a lot further later this year.

BROMPTON REZONING

The Hon. D.C. WOTTON: Will the Minister for Environment and Planning advise whether section 43 of the Planning Act is being used to facilitate the immediate rezoning of an area in Brompton, known as Brompton Square, for residential development and, if so, why has not the promised consultation between the Department and industry taken place? Further, what is the Minister doing to ensure that the impact of such development on long established existing industries will not put at risk their investment and the jobs they provide? I have received representations from two large industries which are directly affected by this matter. One, established almost 40 years ago, has indicated that the use of section 43 by the Minister was completely unexpected and in conflict with the co-operative approach adopted by the company relating to this development.

As a result, this development now poses a real threat to the company's continuing operations and the future of 60 jobs. Another industry established over 30 years ago also faces significant difficulties and if this rezoning proceeds would be immediately in breach of the law, according to a letter received from the Noise Abatement Branch of the Department of Environment and Planning (the Minister's own Department). While the company has sought an exemption from the noise regulations, or asked for the costs of noise buffer suppression to be met by the developers or the Government, it has not yet received any reply to its representations from the Minister.

The Hon. D.J. HOPGOOD: Two supplementary development plans have been approved by Cabinet in respect of the Bowden-Brompton-Ridleyton area generally. The first is for the area on which the then Government (of which the honourable member was a part) intended to build a remand centre, and the second is for the balance of that area. However, the second is not subject to section 43 and has to work its way through the normal consultative process. The first is subject to section 43.

I do not know whether what the honourable member calls Brompton Square is the area about which I am talking, but I am talking about the remand centre site. However, the honourable member has to bear in mind that industry in that area has been aware now for at least five years that what we still continue to call the remand centre site was slated for other than industry uses, because it would be very difficult to argue that a remand centre was an industrial use, be it general or light industry. So, the industries in that area have been aware that they would be next door neighbours to a non-industrial use for that period.

There has been a good deal of discussion with industry in that area, and that discussion will continue. However, the Government is concerned that residential development should be proceeding. The steps that have had to be taken in relation to consultation thus far have, I guess, taken longer than the Government considers reasonable. We think

that the use of section 43 is not unreasonable in this case, in view of the expectation that I have already indicated—an expectation created by the honourable member and his colleagues.

The Hon. D.C. Wotton interjecting:

The Hon. D.J. HOPGOOD: I know that the honourable member does not like section 43 because he did not want it in the Bill at all. He originally introduced it and then he did not go on with it. So, members will recall that the Labor Opposition was able substantially to return the honourable member to his first love and to get section 43 written into the legislation originally as a sunset provision and eventually as a normal part of that legislation.

The Government is concerned that we should proceed immediately with residential redevelopment in that area. We believe that there has been a reasonable level of consultation, and that will continue. The honourable member already indicated that there has been an application for exemption from the normal provisions of the Noise Control Act or that there has been an application for assistance in relation to buffering. That seems to me to be perfectly proper, and that that is one way in which it will be possible—

The Hon. D.C. Wotton interjecting:

The Hon. D.J. HOPGOOD: I am not in a position to answer that question, but obviously it is being looked at and eventually those people will get an answer. Obviously, one of the things about which we will be further talking to industry in that area is generally in relation to buffering between residential and industrial areas.

The Hon. D.C. Wotton interjecting:

The Hon. D.J. HOPGOOD: If the honourable member is saying that Bowden and Brompton should not have some residential redevelopment, let him come out and state that.

The Hon. D.C. Wotton interjecting:

The Hon. D.J. HOPGOOD: Of course, he is staying in the bunker and just throwing a few shots; he is not prepared to put his head up. The Government committed itself before the last election to the comprehensive redevelopment of the inner western suburbs. We are maintaining that course with the instruments that are available to us.

CRUISE LINERS

Mr FERGUSON: Will the Minister of Tourism say whether plans have been devised by the local tourist industry in co-operation with the State Government to ensure that the reception of all future cruise liners calling at Outer Harbor is, in all respects, appropriate to the occasion? Members are probably aware of the recent and most successful reception offered to the liner *QE2*. The *Oriana* and the *Canberra* have also visited Outer Harbor. As it is clear that the recently revived cruise calls to Adelaide will be continuing, will the Minister say what is being done to make certain that the welcome provided to people on these vessels is adequate and likely to encourage them to return to Adelaide? I understand that a meeting has been held to co-ordinate action relating to this matter.

The Hon. G.F. KENEALLY: A meeting held last Wednesday was attended by representatives of the Department of Transport, Department of Marine and Harbors, Department of Tourism and 12 representatives from the tourist industry including one from the South Australian Tourism Industry Council. I had that meeting convened because of the widespread publicity and high prominence that cruise ships have received in South Australia. That is to be welcomed and is certainly desired. There has been both praise and criticism directed at the tourism industry in South Australia in relation to this matter, not only at the Department but also at the industry generally.

We felt that it was essential to have some structures determined to ensure that (as the honourable member put it) 'the welcome was appropriate to the occasion'. I take it that that means that it is not anticipated that the welcome given to the *QE2* should necessarily be the standard welcome given to cruise ships, as that was a very costly exercise which was directed at all international tourists to South Australia.

The meeting to which I have referred was chaired by Department of Tourism Deputy Director, Mr Andrew Noblett. It was agreed at that meeting between representatives of Government departments and the industry that arrangements for ships visiting Outer Harbor in recent times had been good and, in the case of the *QE2*, outstanding. It also was agreed at that meeting that there was no need for a permanent committee to be established to handle these visits because my colleague, the Minister in charge of the Department of Marine and Harbors, for operational reasons, has meetings held some 12 months before each visit to put in train any necessary arrangements. However, the Department of Tourism will convene a meeting of organisations interested in wharfside hospitality some weeks before each visit to determine requirements in that area so that satisfactory arrangements can be made.

Mr Ferguson: Including crafts people?

The Hon. G.F. KENEALLY: The crafts people will be involved in these meetings. Several of the decisions were reached some of which that I can report to the House. It was decided that it is not always necessary to have special trains laid on during the visits of cruise ships and that this matter would be determined by discussions with the cruise ship agents and by studying the amount of interest generated on the ships when they come into Outer Harbor. It was agreed that the telephones in the Outer Harbor terminal need to be soundproofed, and that there is a real need for banking facilities in the terminal.

Although this committee will not be a permanent one meeting frequently, I believe that through the co-operation of the industry and the Government departments involved future criticisms and praise of the organisations involved will be more consistent because of the level of service provided. I regret any criticism that might have been generated in relation to this matter although I do not believe that over-enthusiasm should be a criterion on which to establish the level of service. I believe that this committee will establish a level of service that will meet the needs of the industry and that it will in turn meet the needs not only in relation to promoting our State as a desired destination but also in relation to people visiting South Australia on cruise ships.

RACE BROADCASTING

Mr INGERSON: Will the Minister of Recreation and Sport say whether the changeover of race broadcasting from 5DN to 5AA has resulted in a significant decline in the turnover of TAB agencies in country areas? I understand that concern about this matter is growing in country areas that cannot receive 5AA race broadcasts. I illustrate this point by referring to the downturn in a TAB agency business at the Streaky Bay Hotel. In February, the hotel had a TAB turnover of $38 900, although this month the turnover was down to more than half of that amount, namely, $17 900. For the week ended 3 March, the turnover was $9 270. On the following day, radio station 5AA took over from 5DN responsibility for the race broadcasts, and in the three weeks since a rapid decline in TAB turnover at the agency to which I referred has occurred.

There were downturns of $3 000 for the first week, $4 000 for the second week, and $1 000 this week. For the week ended last Saturday, turnover was down to $825. If this decline is occurring in many country areas, it will have a significant implication for TAB trading results, for the amount of TAB funds available for distribution to racing codes and for the agencies that receive a commission on turnover.

The Hon. J.W. SLATER: In answer to a question that the member for Bragg asked last week and a question asked in the previous week by my colleague the member for Peake about radio station 5AA, I made clear, and I do so again, that the major purpose of the TAB acquisition of 5AA was to ensure that the racing industry was provided with a continuing service for all race broadcasts. Of course, 5AA is also a commercial radio station.

Mr Ashenden interjecting:

The Hon. J.W. SLATER: From comments made by the member for Todd, I know that he does not agree with the racing industry having its own radio station. In relation to ensuring that racing broadcasts were continuous, of course there was no guarantee that the contract with 5DN would be renewed, or indeed of the cost of renewal to the TAB if it was renewed.

Mr Becker interjecting:

The Hon. J.W. SLATER: That might be the case, but it will not prove to be so in the long term. I also point out that it was considered desirable that 5AA remain in South Australian hands. We can all remember what transpired in relation to the shares. It transpired that Festival City Broadcasters Ltd was acquired by the TAB. I again make the point very clearly that it is a commercial station. A meeting of the Federal Broadcasting Tribunal was held in South Australia, and I gave evidence to it. I also wrote a letter to the Tribunal to which I shall refer and which I am sure will be of interest to the member for Bragg and other members. The letter is addressed to the Chairman of the Australian Broadcasting Tribunal.

Members interjecting:

The SPEAKER: Order! The Minister is entitled to approach the question in his own fashion.

The Hon. J.W. SLATER: I certainly intend to do that.

Members interjecting:

The Hon. J.W. SLATER: I know that the Opposition does not like this very much. Members opposite try to knock everything. They see 5AA and the TAB in a similar light: they see something bad and sinister in everything.

Mr Ingerson interjecting:

The Hon. J.W. SLATER: I will answer the question in my own way and in my own time. TAB turnover has increased by 12.4 per cent. In a letter I wrote to the Chairman of the Australian Broadcasting Tribunal in relation to an application by the South Australian Totalizator Agency Board for approval to acquire the issued capital of Festival City Broadcasters Limited, I stated:

I am the South Australian Government Minister committed with the powers and responsibilities under the Racing Act (S.A.), 1976, as amended. In particular, I am the Minister with the powers and responsibilities established under section 52 of that Act with respect to the South Australian Totalizator Agency Board (TAB).

I am aware of and familiar with the application made by the TAB and its submission in support of that application. I fully approve of both documents.

I am also fully aware of the obligations of licensee companies and the necessity for compliance with the Broadcasting and Television Act, the Australian Broadcasting Tribunal, conditions of licence and codes of behaviour. I am conscious that licensee companies must strive at all times to provide responsible, relevant and balanced transmission to its audience and must preclude any interference with or intervention in the broadcast of news or current affairs.

I wish to assure the Tribunal that, in the exercise of any powers held by me, I will not cause there to be any interference or intervention in matters of news or current affairs dealt with by radio station 5AA. I understand that the TAB intends to operate that station through a separate board and management structure to that of the TAB itself with whom all operational and policy decisions concerning the station will lie, and I fully endorse such an arrangement.

I want you to get that through your thick head.

The SPEAKER: Order! The honourable Minister should not use words like that to honourable members. I ask him to withdraw them.

The Hon. J.W. SLATER: I want the member for Bragg to fully understand—

The SPEAKER: Order! I ask the Minister to withdraw those words: they are inflammatory and unnecessary.

The Hon. J.W. SLATER: I withdraw them. I want members opposite to fully understand that they would complain seriously if I did interfere with the content of that radio station. It is a commercial operation and I explained the situation last week when it was raised by the member for Peake. Radio 5AA is experiencing some difficulty in transmitting to certain areas. I would not knock it, if I were members opposite, because the problems are not insurmountable. I am sure most members opposite would be aware that most metropolitan radio stations have some transmission difficulties in South Australia. The only way to overcome the difficulties is to obtain a relay station which will cover the Riverland, the South-East and the West Coast. Radio 5AA is able to transmit to 95 per cent of the people of South Australia. However, they are experiencing some difficulties because of a Federal broadcasting set-up in providing a better transmission. I made a point last week that it might be possible for people who are experiencing difficulties to receive a better reception if they purchased a reasonably effective radio. There are some places—

Mr Ingerson: Are you saying—

The Hon. J.W. SLATER: I am not saying that at all. It seems fairly clear that the member for Bragg does not know much about the TAB and he knows even less about 5AA. He mentioned Streaky Bay and quoted some figures. I know that there has been some decrease in the turnover of the Streaky Bay subagency but there are certain local factors causing that.

Mr Ingerson: They can't get the broadcasts.

The Hon. J.W. SLATER: Race meetings were held at various places on the West Coast during that time and local factors are involved. I believe that the Riverland is one of the areas experiencing problems in reception, yet two agencies in that area have increased their turnover since the change in broadcasting. Overall, the TAB turnover is 12.4 per cent up on that of last year.

Mr Ingerson: That was until 5AA took over.

The Hon. J.W. SLATER: If members want to knock 5AA, that is all right with me. As I have said, and I repeat for the information of the member for Bragg particularly, it is a commercial radio station. The decisions made by that radio station will not be my decisions, nor will I interfere in its day-to-day operations. It is run by a board, and TAB has a representative on that board. I have made a commitment to the Australian Broadcasting Tribunal—so much for my integrity and the integrity of this Government. I wonder whether the same thing would apply in the case of honourable members opposite. I doubt very much whether it would from the way they are going on now.

Mr Ingerson: All we want is the truth.

The Hon. J.W. SLATER: You have the truth. Are you saying that I am telling lies? Is that what you mean? You would not know. You are a learner. I think the Premier described the honourable member as a messenger boy. He

probably ran a message to Streaky Bay over the weekend on behalf of John Olsen.

An honourable member interjecting:

The Hon. J.W. SLATER: I had other things to do. I will obtain further information, if necessary, on the situation at the Streaky Bay TAB subagency. The situation will be monitored closely but I doubt very much whether it will have an overall effect on the turnover of the TAB.

BOGUS HOUSE PAINTERS

Mr MAYES: Will the Minister of Community Welfare direct the attention of the Commissioner for the Ageing to the need to advise elderly people through all possible means against bogus house painters?

Members interjecting:

The SPEAKER: Order!

Mr MAYES: I have raised this question previously with the Minister because of the number of elderly constituents I have in my district. For the information of members opposite, 18.5 per cent of people in my electorate are aged over 65 years. Many of them have complained about the situation with regard to house painters. An article in the March issue of *Consumer's Voice*, headed 'Elderly people, a target for bogus house painters', states:

> Elderly people are still falling prey to the rip-off tactics of bogus house (mostly roof) painters who thoroughly check areas first to locate single elderly householders likely to respond to their so-called services. The 'painters' most often used line is they have just finished some work in the area and there is enough paint left over to do a job at a special price. This is usually around $300 (for a roof) but the amount is flexible depending on the cash to which the householder has ready access. Some 'painters' even offer to escort people to their nearest bank to withdraw the agreed amount. The paint work if finished at all usually falls far short of satisfactory . . .
>
> Unfortunately, little can be done after the event by way of redress unless a car number or similar identifying information is obtained, in which case both the Department of Consumer Affairs and the police should be advised immediately. However, potentially vulnerable groups such as the elderly can be alerted so they can hopefully avoid losing out on several hundred dollars in this way.

The Hon. G.J. CRAFTER: I will refer the question and the reference that was made in the consumer forum to the Commissioner for the Ageing for his consideration. I will ask him also to consult with those other authorities to whom the honourable member has referred to obtain further information on the extent of these practices that are occurring in the community, and particularly with respect to their being targeted at aged and infirm persons.

BLOOD ALCOHOL LEVELS

The Hon. D.C. BROWN: My question follows one I asked last week on blood alcohol levels for L and P plate drivers. Has the Minister of Transport yet asked the Chairman of the Select Committee into random breath tests whether that Select Committee would have any objection to ensuring that, before Easter, Parliament makes it an offence for L and P plate drivers to have a positive blood alcohol level and, if not, why is the Minister taking such a negligent approach to our road toll?

Yesterday, the New South Wales Cabinet agreed to take action before Easter to ensure that L and P plate drivers have a legal blood alcohol level of 0.02 per cent or less. Last week, when I asked the Minister to take action before Easter, in a rather laid-back manner he said he would not take action until after the Select Committee had reported to the Upper House. I then publicly challenged the Minister to obtain an interim report from the Select Committee so that this significant road safety step could be implemented before Easter. Due to overwhelming public support for this action, it is appropriate to know whether the Minister has bothered to take action and consult with the Chairman of the Select Committee. I assure the Minister that Liberal members of Parliament would support such a measure.

The Hon. R.K. ABBOTT: The answer to the honourable member's question is, 'No'. I have not taken this up specifically with the Hon. Mr Cameron in another place, but I have certainly spoken to the three Labor members on the Select Committee about the Government's making that move, and they made clear that they would frown on the Government's moving in that area before the presentation of the Select Committee's report. I thought that I would have made myself perfectly clear when the honourable member asked a similar question on this issue last week and when I said that the Government had decided not to move on this matter until it had received the Select Committee's report, which is due to be tabled on 2 April. How far away is that? It is one week from today.

An honourable member: The time may be extended.

The Hon. R.K. ABBOTT: So it might be, but we have made that decision and we will act on it when we get that report.

SHACK TENURE

Mr MAX BROWN: Will the Minister for Environment and Planning say whether his Department intends to alter the current leaseholding by owners of seaside shacks at Lucky Bay? The Minister may be aware that the existing shacks at Lucky Bay have had a unique tenure lease, as I understand that the tenure covers the area and no more of the land on which the shacks currently stand. The owners of these shacks become concerned from time to time that the Government of the day might decide to alter the legal situation and have the shacks removed. I would appreciate any advice that the Minister can provide on this matter.

The Hon. D.J. HOPGOOD: There has been considerable discussion on tenure changes at Lucky Bay and also at Port Gibbon, on the West Coast. The shacks in this area are identified in the Shack Site Revision Committee's report as being in that category which is suitable for tenure conversion following the presentation of a management plan. There has been detailed discussion with local people and with local government about the possible preparation of a management plan. So far as I am aware, the preparation of the plan will be funded on a 50-50 basis, and I expect that I will soon see correspondence from the council indicating its agreement to the engagement of consultants for the preparation of such a plan. I will try to keep the honourable member informed. Tenure conversion in that area will be subject to the presentation of an appropriate management plan.

PERSONAL EXPLANATION: LINDAL HOMES

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

Leave granted.

Mr MAYES: I wish to respond to the allegations made by the member for Light on the Lindal Homes issue. The honourable member alleged that I misled the House with a statement about the period during which the constituents who complained to me had occupied a caravan. I refer the honourable member to *Hansard.* Clearly, he has misunderstood and misinterpreted the sentence involved. I did not at any stage infer that they had been living in that caravan since 13 July and I would not infer that. Regarding the

inquiries, I refer the honourable member to the channel 7 *State Affair* programme and the response that the owner of the business gave channel 7. I was advised by the media that an approach had been made prior to my raising the matter in the House, that the media was threatened, and also that there was a lack of response from the owners of the business.

Members interjecting:

The Hon. MICHAEL WILSON: On a point of order, Mr Speaker, it seems to me that the honourable member has not stated where he has claimed to be misrepresented. He is not giving a personal explanation: he is debating the issue.

Members interjecting:

The SPEAKER: Order! As I understand it, the honourable member wishes to make two points. He made the first point, and he is now replying to a matter on which he considers himself to have been misrepresented in relation to television. Perhaps he should make that clear, so that there is no doubt.

Mr MAYES: It is clear that I am replying to the two points that have been raised, one of which refers to the lack of response by me to the complaint. I wish to outline my position in regard to that point. I received complaints in writing and verbally and I carefully checked to verify them. I consulted a barrister and a solicitor in regard to the contracts. The member for Light referred to the contracts and the agreement. I referred both of those documents to a barrister and a solicitor and received their comments. After that thorough investigation, that thorough inquiry, those complaints, and further complaints, I raised this matter, as I considered that I had a responsibility to do so, in this House.

Members interjecting:

The SPEAKER: Order! The honourable member for Mitcham.

Members interjecting:

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

Members interjecting:

The SPEAKER: Order! The behaviour in the House is deplorable. The honourable member for Mitcham.

PERSONAL EXPLANATION: QUORUM

Mr BAKER (Mitcham): I seek leave to make a personal explanation.

Leave granted.

Mr BAKER: Last Tuesday, the member for Albert Park, in a grievance debate at the end of the night, made a number of allegations which he repeated over the radio.

Mr Mathwin: He is sorry now.

Mr BAKER: He may be. I found his behaviour disgusting and I bring to your attention the fact—

The SPEAKER: Order! Will the honourable gentleman please resume his seat. The matter that I raised with the honourable member for Unley applies also to the honourable member for Mitcham. It is not a question of whether he agrees or disagrees with certain things said by another member: it is a question of reflections that may have been made on him. That is the matter with which he is dealing.

Members interjecting:

The SPEAKER: Order! The honourable member for Mitcham would make things a lot easier if he would explain the reflection to which he takes exception and then give his explanation.

Mr BAKER: Thank you, Mr Speaker. I was getting around to that when I was so rudely interrupted by the other side. As *Hansard* shows, if the honourable member bothers to read it, he made a number of allegations against me and against two of my colleagues that no-one was present in the House, and he repeated those allegations over the radio. The record will show that by way of interjection about one minute from the end of the debate—

Members interjecting:

The SPEAKER: Order! The behaviour of honourable members has become deplorable. I ask that some degree of responsibility be shown. The honourable member for Mitcham.

Mr BAKER: The record shows that I did interject, and I can remember interjecting on that point. If members were present, they would recognise that.

Members interjecting:

The SPEAKER: Order! I have asked for some responsibility to be shown. I ask that honourable members co-operate.

Mr BAKER: I do not know whether the honourable member acted as a stooge for the back bench or for the Premier—

The SPEAKER: Order! That is out of order.

Mr BAKER: It horrifies me that, when members are in the House, listening to the verbiage put forward by the member for Albert Park—

Members interjecting:

The SPEAKER: Order! The bar of the House has nothing to do with the matter. The honourable member should set out in what way he has been reflected upon, then defend himself and come to the point. I ask him to do so forthwith, or I will withdraw leave.

Mr BAKER: By his actions, the honourable member reflected on me and a number of my colleagues in this place. I believe that it was deliberately done, and I should have thought that the least the member could do was apologise to the House for his behaviour. I hope that in future he will not misrepresent or tell untruths to the House and the media at large.

PERSONAL EXPLANATION: MEMBER'S REMARKS

Mr HAMILTON (Albert Park): I seek leave to make a personal explanation.

Leave granted.

Mr HAMILTON: I claim to have been misrepresented. The facts of the matter are that the statement attributed to Mr Baker, as recorded in *Hansard*—

The SPEAKER: Order! The honourable member should refer to the member by his district.

Mr HAMILTON: The statement attributed to the member for Mitcham was made by my colleague, the member for Ascot Park, who was in the Chamber, and that will be verified by 17 members on this side of the Chamber. Neither the member for Mitcham nor any Opposition member was in the Chamber. The day after receiving the *Hansard* pull I amended that in the *Hansard* record in order to show that it was the member for Ascot Park who made that statement as to the quality and quantity, if my memory serves me correctly, of what was being said on that issue. The member for Mitcham quite categorically and emphatically was not in this Chamber at the time.

Mr BAKER: On a point of order—

Members interjecting:

The SPEAKER: Order! I do not think that I should have to ask continually for the House to show some respect. I would ask the Deputy Leader and the Minister for Environment and Planning, as present Leaders of the major Parties, to try to get some discipline into this House. What is the member's point of order?

Mr BAKER: I seek clarification on whether it is the right of a member to remove from *Hansard* something which I said and which I did not wish to have removed.

Members interjecting:

The SPEAKER: Order! Members will come to order. The answer is that it is nobody's prerogative to remove what some other member has said from the *Hansard* record. That is a matter between the honourable member and the Leader of *Hansard* and, if need be, between the Leader of *Hansard* and myself.

Mr MATHWIN: On a point of order, Sir, the member for Albert Park previously said that he had had *Hansard* amended—

Mr Hamilton: No, I didn't say that.

Mr MATHWIN: Yes, the honourable member did.

The SPEAKER: Order! What is the point of order?

Mr MATHWIN: *Hansard* will prove it. The member for Albert Park said that he had had *Hansard* amended.

The SPEAKER: What is the point of order?

Mr MATHWIN: The point of order is that you, Mr Speaker, have stated that that does not happen without your authority and I take it by insinuation that it would have been your authority, as the Speaker of this House. Did you give that authority or did the member for Albert Park amend it of his own accord?

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

PLANNING ACT AMENDMENT BILL (No. 2) (1985)

Returned from the Legislative Council with amendments.

LIQUOR LICENSING BILL

In Committee.

(Continued from 21 March. Page 3480.)

Clauses 28 to 32 passed.

Clause 33—'Conditions governing grant, etc., of entertainment venue licence.'

The Hon. G.J. CRAFTER: I do not wish to proceed with the amendment to this clause standing in my name.

The Hon. JENNIFER ADAMSON: I express appreciation on behalf of my colleagues of the Government's willingness to accept the amendment moved by the Hon. John Burdett in another place to insert the words 'that the grant or removal of the licence is unlikely to result in undue offence, annoyance, disturbance, noise or inconvenience'. The reasons for justifying the inclusion of these words were well canvassed during the Committee stages on Thursday afternoon. I believe they occur in one more place further on in the Bill. The Opposition simply expresses its satisfaction that the Government has agreed to allow those words to remain in the Bill.

Clause passed.

Clause 34—'Club licence.'

Mr ASHENDEN: I move:

Paragraph 16, lines 42 to 44—Leave out subclause (1) and insert subclause as follows:

(1) A club licence authorises the sale of liquor, during periods specified in the licence—

(a) to a member of the club, or a visitor in the company of a member, for consumption on the licensed premises;

(b) to a member of the club for consumption off the licensed premises.

I spoke on this matter in the second reading debate and said that in my electorate I have 11 licensed clubs and only two major hotels. A third hotel, situated at Inglewood, is a delightful hotel of very real historic significance. I have been contacted by many of my constituents who have pointed out that they do the majority of their socialising in the clubs to which they belong. Of those clubs, nine are licensed sporting clubs and two are licensed non-sporting clubs. Constituents have indicated to me that, because they are members of that club, and because they are well known and know many members of that club, they prefer to socialise at the club of which they are a member.

In those 11 licensed clubs within my district there are many thousands of financial members, not just a few. A large number of those people have indicated to me that they would find it much more convenient if they could purchase their take off supplies at their clubs rather than having to make special trips—in some instances long trips—to the nearest hotel.

For example, many residents living in Fairview Park, Banksia Park, Yatala Vale or Golden Grove are members of either the Tea Tree Gully Golf Club, the Tea Tree Gully Cricket Club, the Tea Tree Gully Football Club or the Tea Tree Gully Sporting Club, all of which are situated either in Fairview Park or Banksia Park. Should those persons wish to obtain take away bottles, they are required to travel either to the Tea Tree Gully Hotel on the North East Road or to the Blue Gums Hotel on Hancock Road, neither of which is anywhere near as directly accessible.

I appreciate that members of the hotel industry are concerned about this amendment, because they see it as a threat to potential sales. I can understand that concern. However, I have been told by clubs in my district that most of them purchase supplies from hotels, anyway. Therefore, the hotels are still making the sales, basically. Neither I nor members of the clubs who have approached me see that this provision will affect very markedly the sales in hotels.

I lived for two years in New South Wales where licensed clubs have far more attractive facilities than do the licensed clubs that we have here in South Australia. They are much more competitive with the hotel industry than are our licensed clubs in South Australia. Additionally, most supermarkets in New South Wales are licensed to sell bottled and canned alcoholic beverages. In other words, the competition that exists in New South Wales is certainly far greater than it is here.

I can remember attending a number of very delightful hotels on the North Shore where I lived. It certainly appeared that competition of clubs and supermarkets did not adversely affect either the standard or service in hotels. If anything, the hotels that I attended either for my own social reasons or to entertain business colleagues and so on had a standard of presentation that was at least as good as those which I attend here in South Australia.

I am speaking here this afternoon as the member for my district. I have always professed that my first and prime responsibility, as a member of this Parliament, is to represent the interests and welfare of my constituents. I have been left in no doubt at all by approaches made to me that thousands of constituents in my district who are members of licensed clubs would very much like to be able to purchase their take away, take off, or take home alcoholic beverages from clubs. They have told me that at the moment they must either make a special trip to a hotel to purchase their supplies or move away from their clubs and go via the hotel to their homes.

I have no hesitation in moving this amendment, because, if it is successful, it will have very real benefits for my constituents. Also, it is important because it was a recommendation of the report prepared for the Government's consideration that this facility be made available in licensed clubs.

Mr M.J. Evans: That's not the case.

The CHAIRMAN: Order!

Mr ASHENDEN: If that is the case, I will get my report and read it. I stand to be corrected on that point, if I am incorrect. However, I have no hesitation in standing here this afternoon and moving this amendment, because it will benefit my constituents. Licensed club officials within my district have also approached me and put their case strongly. I have spoken to one hotelier, but no hotelier within my district has approached me suggesting that the amendment moved by the Liberal Party in another place should be withdrawn. I also place this fact firmly on the record: the only approaches that have been made to me have been supportive of my amendment.

The CHAIRMAN: Order! Before calling on the member for Alexandra, on a matter of procedure I take it that the member for Coles has relinquished her right to move her amendment.

The Hon. JENNIFER ADAMSON: Yes, Mr Chairman.

The Hon. TED CHAPMAN: I listened with interest to the debate on the amendment moved by the member for Todd. I acknowledge from what he has told the House this afternoon that in his case the honourable member probably has little alternative but to proceed in the fashion that he has. However, I do not support the amendment circulated on file and now moved by the honourable member for one or two relevant reasons. Before I canvass those reasons I will add to his remarks.

Until today I have had no communication on this subject officially, by circular or by telephone from the hotel industry in South Australia. I place that point on record because it is rather unusual that during the passage of a Licensing Act Amendment Bill in this place there has not been an approach from those who are traditionally associated with and of long standing in the industry. I am informed, however, that there has been an official approach to the Party. But, I repeat that the traditional practice during the passage of licensing matters in this and the other place has not been upheld in my case this time.

Parochialism invariably takes over in cases like this, and I recognise the hotel industry's position and that the requirements under the hotel licensing system which demand that proprietors provide certain facilities do not apply to club premises in South Australia. To be fair, their position must be recognised in that respect. I refer more particularly to accommodation facilities that are required as a condition of hotel licensing, whereas such facilities are not required of the general run of the mill clubs which are apparently seeking (via the member for Todd) this extension to the licensing provisions.

I have no quarrel with paragraph *(a)* of the amendment which refers to the requirement that a visitor must have a club member in his or her company for the purposes of consuming liquor on the premises. However, I do object to paragraph *(b)* of the amendment, which seeks to enable a club member to purchase containers of liquor and consume that liquor off the premises. During the passage of the Bill the reasons for and against this clause have been widely canvassed, more particularly in the other place, where it was thrown in, tested and lost. As a result, the Bill has come to this place. I refer to licensed clubs, be they sporting clubs or otherwise (other than those listed within the Act), which are precluded from selling liquor to be taken off the premises; they should remain excluded from having the opportunity to make such sales.

I do not see any point in expanding upon this subject. However, I am delighted to have an opportunity to speak, particularly within earshot of some of my concerned constituents who have taken the trouble to be present today (albeit somewhat belatedly) to listen to this debate. Their position was well known before they came along today and has been reinforced by their arrival. I hope that, if nothing else, they will draw to the attention of their organisation its responsibility to report to a member or a Party not only in a single instance but also on matters of importance to industry and to the livelihood of proprietors, their employees and their families. Indeed, they should draw to the attention of each member of this House, albeit by circular, the position that they hold on such issues. This has been done before and is a practice with which there can be no foul-up, lack of understanding or lack of communication with the individuals concerned. This will then eliminate any backlash or excuses made after the event, so I hope that the practice will resume. I support clause 34, but without any amendment.

Mr ASHENDEN: When speaking previously, I said that I believe the report recommended that licensed clubs should have the take-off facility. I withdrew that remark and apologised, because I was advised that that was not the case. However, my understanding of the recommendation supports my original contention. The recommendation states:

> That we recommend that all clubs, except those 41 clubs that may now do so, not be allowed to sell liquor for consumption off the premises unless they can satisfy the licensing authority that members cannot without great inconvenience purchase such liquor elsewhere.

My constituents had indicated to me that they believed that they are presently subjected to inconvenience, and that is why I believe that the report, certainly in relation to my electorate, supports my contention. I appreciate the fact that my colleagues have allowed me to clarify the situation. My understanding, until certain matters were pointed out to me, was correct, and I place on record that my interpretation of the amendment I am moving will allow clubs in my district the facility in question because of that recommendation.

Mr PETERSON: I respect the remarks made by the member for Todd concerning the position in his electorate. He referred recently to the clause that allows clubs the ability to apply, and that position should continue in all cases. I am sure that if the need exists the court will permit such clubs to sell bottles. I am absolutely against the provision of bottle outlets at every club in this State because that would result in something like 1 100 new bottle outlets becoming available. I do not believe that that is warranted or desired. My inquiries of people regarding this matter lead me to believe that no member of the public has made such an approach. However, I have received approaches on this matter from every group interested in selling liquor. I see no purpose in allowing clubs to sell bottled beer. I believe that the facility exists generally for people to obtain bottles. The farce of tourist outlets being needed to sell alcohol on Sundays has now been exploded. Any club can now open on a Sunday. I can see no need for this amendment, as I am opposed to clubs being able to sell packaged liquor generally.

Mr GUNN: I am strongly opposed to this amendment. My understanding of the need for clubs throughout South Australia was so that they could provide limited facilities at sporting events and other locations. There was never any intention to allow clubs to enter into the general business of hotel trading. If this amendment passes they will be able to enter the hotel trade which I believe is unnecessary, undesirable and not in the best interests of the hotel or tourist industry. I repeat what I said previously, that if anyone has to travel around the State and stay somewhere overnight they cannot get a bed or a meal at a club. If the clientele of these commercial entities is reduced, the facilities that they will be able to provide the travelling public will also be reduced.

I will not be party to allowing voluntary organisations to trade on a commercial basis. I believe that this is unnecessary and unwise, and in my judgment it seeks to provide some-

thing for which there is no demand. There may be one or two people associated with the club industry who wish to race around the country saying what a great job they are doing, but I have been in this House for 15 years and have not received any general representations that have convinced me that it is necessary to grant clubs this facility. I am a member of a number of clubs that made life far easier and more pleasant for people at sporting events, allowing people to have a convivial ale in reasonable surroundings with friends or colleagues, but to allow clubs a general purpose licence, which is what this amendment would do, is in my judgment unwarranted and unnecessary.

Hotels in my electorate have invested hundreds of thousand of dollars in upgrading their facilities. A large part of their business is selling bottles to the touring public. If the clubs in the towns where those hotels are situated can sell bottles (clubs operating on volunteer labour which do not have to pay salaries) people employed at those hotels will lose their jobs or have their hours greatly reduced, and the facilities that those hotels provide will also be reduced. Also, the large investment involved will not show the return budgeted for when the hoteliers made their investments.

I sincerely hope that this is the last time we have to deal with this matter and that this House can put it to rest once and for all. I re-emphasise what the member for Alexandra had to say, that up until today I had not been contacted by the Hotels Association. I think it is unwise for any organisation just to negotiate with the Government. They ought to have learnt a lesson from this exercise.

The Hon. Jennifer Adamson interjecting:

Mr GUNN: Through the member for Coles and Mr Burdett in another place. I think they ought to make representations to all members and should not put all their eggs in the one basket. My judgment has not been affected by what I believe has been a lack of proper representation on their behalf. I have supported the hotel industry ever since I became a member of Parliament because I spend a fair bit of time staying overnight, having meals and speaking with my constituents in hotels. I appreciate that this is an important industry that should be given all the protections currently afforded it under the Licensing Act. I believe it is unnecessary to say more, because the case now ought to be watertight.

Mr M.J. EVANS: There is a very substantial number of licensed clubs in my electorate. I have not checked the figures, but I would suggest that there are probably as many licensed clubs in my electorate as there are in any other electorate. The licensed clubs have been particularly successful in my area, and have enjoyed considerably extended trading hours and benefits. I believe that the majority of recreation and sporting clubs in my area are trading quite successfully at the moment. Considering the licence share, as determined by licence fee changes over the years, it appears that the clubs and hotels have more or less held their own over a substantial period. At the commencement of this debate I took the opportunity to forward a copy of the Bill and second reading speech to every licensed club of substance in my electorate. Many of them have thanked me for having the courtesy to do that, but have not asked me to support further changes beyond those already contemplated in the Bill. Like my colleague the member for Semaphore, I have received representations in very strong terms from the Licensed Clubs Association, which strongly recommends an amendment, as proposed by the member for Todd.

I think the amendment represents a far too massive change to the present situation and should not be adopted without further thought. We must consider this at greater length. The member for Todd's amendment has been moved this afternoon without much notice and, further, I do not think it covers the whole range of pertinent aspects. For example, a substantial point raised by the honourable member differed from what was recommended in the Young/Secker Report. Clause 34 (5) *(c)* provides:

> . . . where the licensing authority is satisfied that the members of a club cannot, without great inconvenience, obtain supplies of packaged liquor from a source other than the club and makes an endorsement on the licence to that effect the licence shall authorise the sale of liquor to members of the club for consumption off the premises of the club.

Therefore, the recommendation in the report to which the honourable member referred has been implemented in precise detail. In fact, no part of the recommendations of the report in respect to the take-away licence of clubs has not been implemented. The recommendations of the report have been adopted in precise terms in the Bill. It might well be that in the case of the member for Todd's electorate the clubs are able to demonstrate the need for supplying packaged liquor from their premises due to a shortage of bottle shops or inadequate facilities in the area, in which case the licensing authority can grant a licence extension to include the sale of packaged liquor where it can be shown that that is a reasonable thing to do in the circumstances.

I certainly have no objection to packaged liquor being sold from clubs where there is no reasonable alternative. I am sure that, if clubs in the member for Todd's electorate can put forward a case for the sale of packaged liquor, they will be granted the authority to do so. Therefore, to some extent this provision is already met by the Bill. If clubs in my electorate wanted this kind of dramatic change to the circumstances that presently prevail, I would have received far more representations on this matter than I have received to date. Subject to further consideration in this debate and further argument that might be put forward this afternoon, I indicate that at this stage I consider that the honourable member's amendment is going too far in establishing what would amount to an additional 200 bottle shops. The matter can be further considered later, if necessary, but that is certainly my view at this time.

Mr OSWALD: I respect the member for Todd's sentiments in moving his amendment, although I cannot support it. I believe that, if this change were thrust upon the hotel industry, sections of it would be thrown into chaos, particularly in relation to country areas, although city areas would suffer also. It must be understood that hotel bottle departments operate on an extremely minimal profit margin. It has been put to me that on many occasions hotels can make more out of pulling a glass of beer than from selling a dozen bottles of beer. Yet, from the profits that are made hotels are expected to provide accommodation and dining rooms, to employ staff, and to set aside capital for recurrent expenditure, which is hard to forecast. Money is required for wear and tear and replacement of plant and equipment, as well as for upgrading premises to make them more attractive to the public.

The percentage of net profit from bottle departments as compared with the total gross turnover is very small indeed. However, that small amount of profit is essential for many hotels to complement their total operation. Publicans and the owners of licensed premises have large amounts of capital tied up, and they do not make very much money from what can amount to a massive turnover. If clubs were to take from bottle departments even a small margin of profit that would seriously erode the margin of profit of the hotels. The amount of money available for hotels to inject into their total cost structure would be reduced to the point where the viability of many hotels would become untenable. Although I appreciate the member for Todd's reasons for proposing the amendment, I think that such amendment would adversely affect hotel bottle department sales. I think members would be wise to vote against this amendment.

The Hon. P.B. ARNOLD: I appreciate the member for Todd's stance on this matter, but on balance I oppose the amendment. The member for Todd referred to the situation in his electorate. We are all very conscious of what is currently occurring in our electorates. In my own case, there are five major hotels, situated at Waikerie, Berri, Barmera, Loxton and Renmark. Further, there are numerous licensed clubs throughout the district—far more than there are in most metropolitan electorates.

An important factor to be considered is the major contribution that hotels in my area make to the wellbeing of the whole community; they are an important part of the tourism industry. One can consider the major contribution that hotels made to the community as a whole in the early days. Certainly, in years gone by all the profits generated by hotels were ploughed back into community facilities. The development of clubs in more recent times has meant that hotels have been unable to continue the role that they had played previously. We must ensure that hotels remain viable. While I appreciate the member for Todd's position, on balance I cannot support his amendment.

The Hon. E.R. GOLDSWORTHY: I oppose the amendment. A great virtue of the Liberal Party is that members are free to follow their own course of action in representing their constituents.

Mr Mayes interjecting:

The Hon. E.R. GOLDSWORTHY: In my 15 years in this place, I have never observed that. If one did not toe the Party line in the Labor Party, one left the place with a broken arm and was lucky if they did not finish up with a broken neck: however, we will not go into that. The fact is that I answer to the people who put me here, and I point out that my constituents value the services offered by hotels throughout my electorate.

There are also numerous sporting clubs, and I know that they cater for the needs of a considerable number of people in my district. However, I do not believe they will suffer if the amendment is defeated, but I am sure the hotels will suffer. On balance, I understand perfectly well why the member for Todd has done this: he is representing the majority, as he sees it, of his constituents, which is his right as a Liberal member of Parliament. However, I believe that the hotel proprietors in my district would suffer, although the clubs would not suffer, as a result of this being defeated, and the *status quo* would prevail. I intend to vote against the amendment.

Mr LEWIS: I guess my position was made clear enough by my remarks in my second reading speech. However, I would like to reiterate them. I support what the member for Todd is doing but he is doing it for the wrong reasons. Regrettably, in my judgment, licensing any liquor outlet no longer in any sense ameliorates the adverse consequences of the consumption of liquor. There is no point in retaining the enormous amount of red tape that exists in relation to the right to consume or not consume, to sell or not sell, liquor on premises anywhere in the community at any time between midnight Sunday and midnight Sunday throughout any week. What we should be doing is simply ensuring that the adverse consequences of its consumption, where it affects behaviour that is unacceptable, are punished and punished severely, whether it is driving under the influence or behaving in undesirable ways in other fashions by, say, committing an assault whilst under the influence or engaging in acts of vandalism, and the like. There is no excuse for that and it ought not to be permitted.

Whereas licensing had its origins in the belief that by so licensing premises it would be possible to ameliorate or indeed influence consumption patterns, that is no longer so. It is just so much nonsense to suggest that it is. We find ourselves defending the defenceless and indefensible. I have never referred to the AHA as being defenceless—they presently enjoy a feather-bed position. I have heard the arguments that have been put by my colleagues about this matter: that they need the volume turnover and contribution from the sale of liquor in containers to members of the general public as a privileged position to maintain the services they otherwise provide. That is just nonsense. One has only to look at Pinnaroo, Tailem Bend, Meningie or Keith to see that the best accommodation in those four towns is provided by motels, some of which do not even have a licensed dining-room. The cheapest accommodation is provided in motels in towns where those motels do not have a licensed dining-room. It is better than in the pubs, which are dearer. The publicans have never reinvested that money in the improvement of their accommodation or dining-room facilities.

Having made that point, I go on to say what honourable members have referred to as the enormous amount of capital that has been invested in hotels is not really invested in the bricks and mortar and real estate of the location at all, it is invested in the licence and it is a nebulous thing: it is a feather bed situation that has been created by the stupid Acts of Parliament which presently exist and which we intend to perpetuate. It is about time the industry took an honest look at itself and decided whether it can stand on its own two feet and, in doing so, accepted that in any reasonable society for which I am a legislator it will always be my endeavour to maximise the opportunity for competition and thereby, at least through that mechanism, to achieve that end, to maximise the number of people competing. The fewer people competing, the greater the opportunity for corners of the market to become the possession of cartels; we already see that with the breweries and certain large hotel-owning companies. I do not think that that is in any sense in the interests of the drinking public or the touring public. I have never yet seen that those large organisations provide any better standard of service or accommodation, yet they certainly enjoy the lion's share of the profits to be derived from the market wherein they are selling liquor.

In those situations the argument that the consumer (and therefore the club member) may argue in support of the position taken by the club that it needs a take-off licence for liquor in containers because it is inconvenient to go the additional distance to the closest hotel leads to the subjective opinion of what is convenient and what is inconvenient by the people in the Licensing Court who are charged with the responsibility of making a decision about it. I think that is a pretty crook position, too, because how does one determine what is convenient and what is inconvenient? Does one count the number of intersections between the location of the club and the pub, and measure the distance, the traffic volume, and therefore the likely length of journey time taken to get from one to the other? Or does one take the mean centres of the population that would be served by the two outlets as being the point from which to measure the distance and calculate the number of intersections, traffic densities, volumes, and so on? It is all so much ruddy poppycock and nonsense, red tape and bureaucratically unnecessary interference in what should otherwise be a free market. The sooner we get to a free market position the better. I believe Parliament, and therefore the legislation, is slowly moving in that direction. I leave it to the members of my Party at least to make up their minds in all conscience as to what they really believe in. I have never heard any of them advocating that, in relation to bootmakers, some should be allowed to sell boots and some should be allowed to sell only tacks and others to sell either leather or tacks and others a combination of tacks and leather.

The CHAIRMAN: Order! I hope the honourable member somewhere along the line will link up his remarks with the amendment before the Chair.

Mr LEWIS: In that context, we are saying that some premises, called clubs, can only sell liquor to people while they are there, for immediate consumption; some premises, called pubs, can sell liquor to people for immediate consumption and they can also take it away in packages; other premises can only sell packages (and they are the bottle shops around the towns). They cannot sell liquor in glasses to people for immediate consumption on the premises; they must sell it in containers to take away. I am mightily amused that it is possible to advocate any position or course of action, other than free trade, to get out of that mess.

The Hon. B.C. EASTICK: I do not intend to support the amendment. I can appreciate the reason for it and the thrust of the argument. However, I represent 41 hotels in the following towns: Gawler/Willaston, 10; Roseworthy, one; Wasleys, one; Freeling, two; Greenock, one; Clare, three; Seven Hill, one; Farrell Flat, one; Kapunda and Allandale North, six; Marrabel, one; Waterloo, one; Saddleworth, two; Mintaro, one; Spalding, one; Booborowie, one; Eudunda, two; Robertstown, one; Point Pass, one; Sutherlands, one; Mount Mary, one, and Morgan, two.

The Hon. E.R. Goldsworthy interjecting:

The Hon. B.C. EASTICK: They know me well, but not for what I put through the till in their bars, as honourable members would appreciate. I believe those hotels provide a service for the community. I am not suggesting that clubs in some areas are not doing so, but I believe the important part of the economy of many of those towns that I have mentioned is based around the hotel and the service it provides for its community. I believe that it is necessary that the legislation support those organisations and not extend it to the clubs, at least at present.

The CHAIRMAN: There is a clerical error on page 17, subclause (5) (vi), the 'South Australian Commercial Travellers Association' should read 'The South Australian Club'. I ask honourable members to take note of that.

Mr S.G. EVANS: I am disappointed to hear some of the argument and I am not sure that some members have considered the history of the matter. I can understand why there is some reservation, and I realise that the member for Light sees a responsibility to represent the views of the 40 hotel owners in his district. I do not know how many clubs are in his district but, considering the number of hotels, the number of constituents involved in his district is 8 000 fewer than the number of constituents in my district who are involved in this matter. There are no more than six hotels in my district (or seven if we count a tavern). Those hotels should be very profitable, but I do not say that they are. One could say that they are profitable on the statistics and taking into account the number of people.

Unless the people in the District of Light drink more than the average person in my district, or unless there are more tourists in that district, when we come down to the truth of the matter we see that the hotels in my district are bigger than those in the District of Light but they have more overheads and they employ more staff, so the profit margin may not be as great as that of the hotels in the District of Light. We must also take into account competition in the city and the things that attract people to the city. There are more licensed restaurants in and close to my district than in the District of Light. I understand the balance. Therefore, considering the number of hotels in a certain district can be deceiving: we must consider the history of the matter.

Parliament gave some people the privilege of obtaining a licence, which could be sold. At the same time groups of people with common interest were given the privilege of forming clubs. Some of these clubs are old. In the boom period for clubs, hotels could not open after 6 p.m. or on Sundays, whereas clubs could obtain permits or licences for that sort of activity. Political Parties had major interests in some clubs, as did business people, and the Adelaide Club was one club with such involvement. However, the law was changed. It has been argued that people make large investments in hotel operations. Anyone would be a fool to argue that that was not the case, but clubs also involve large investments. When Parliament changed the law the end result was that some clubs became insolvent, although that was not Parliament's intention. We must consider that when we are changing the law. The law that applies to one group should apply to another group, but I will refer to that later.

The law was changed to allow hotels to open after 6 p.m., and that destroyed the incentive for people to join clubs. I do not deny hotels that right. A closing time of 10.30 p.m. was considered appropriate, but that was extended to all hours of the morning, so that hotels competed with picture theatres, dance halls, and local community halls. No longer could a community run a local dance or a disco: it would not work, so the community was adversely affected. To counter that situation, clubs were formed, alcohol being the attraction. Society works around alcohol: if there is no grog, there is no party or function. That was the only way in which local communities could get a response.

I acknowledge that hotels make a contribution to the community. We are talking about giving clubs the opportunity to sell packaged liquor. I know, from discussions in relation to random breath testing, that the hotel industry faces difficulties and that, coupled with the attitude of society, has started to decrease the bar trade, not only in hotels but also in clubs and taverns. However, the packaged liquor industry has increased, and I can understand that. I know that there is competition with bottle shops, and I understand that bottle shops fear clubs undertaking this activity, but I do not believe that hotels or clubs have thought through this matter. Clubs could provide a service to their members without disadvantaging hotels.

Even though the amendment will be defeated, and recognising that it cannot be supported because the lobbying power of the clubs is not strong enough, I support the member for Todd. The power of the clubs never has been and never will be strong: it will never increase, because our law prevents it. A fully licensed club that pays its employees award rates with no voluntary help, if it wants to offer customers packaged or bottled liquor to take away, may face difficulties. A club may buy liquor from the local hotel, which does not have to give discount. It handles the costs and sells at the retail price.

Mr Hamilton: What about accommodation?

Mr S.G. EVANS: I will come to that. We as a Parliament could have decided the issue. It would not have affected the sale of bottled liquor and it would not have given the clubs a chance to undercut the hotels, but it would have given the clubs the opportuniy to provide that facility to their members if people wanted to take away liquor. I am a key figure in my club, and if my club was given the choice of selling bottled liquor for members to take away, and if it decided to do that, I would resign from the committee.

The Hon. Ted Chapman interjecting:

The CHAIRMAN: Order! The member for Alexandra is out of order.

Mr S.G. EVANS: If clubs provide this facility they will have to build larger storage areas and there will be a greater risk of break and enter. The club to which I belong has been burgled, and if it held more liquor there would be a greater risk of that. The local hotel provides liquor to the door when it is required, but if liquor was purchased from

a wholesaler in the city we would wonder when it would be delivered, and someone would have to be on site all the time. That would not be satisfactory. Regarding investment, one club in the city has an investment of more than $800 000. That is a very old club, and it is public knowledge that it is losing more than $30 000 a year. Sunday trading destroyed that club. It will go downhill: it will go broke. I mentioned that to two hoteliers in my district and they said, 'Good. The more clubs that go broke, the better for us.' I have had three hoteliers in this place listening to the debate, and they do not hold that view.

We as a Parliament have encouraged people to join clubs to obtain services, but we have changed the law so that the clubs that had a capital investment were not in a position to save that investment. They cannot sell their licence. There is a way of doing it if we want to do it. The member for Alexandra raised the matter of accommodation. We are licensing taverns, which do not have to compete on the same basis as hotels. They do not have to provide accommodation. They have bottle shops. The latest tavern built in my district will put the pinch on hotels, and there is talk of a second one. The hotels need to be more worried about the taverns which are being built and which do not have to provide accommodation.

I was amazed that many of my members did not realise that these huge operations were going in and that massive numbers of people were going to them. They are the in thing. They will have a greater effect on the traditional hotels than many of us realise. I am fighting for the principle: there are 40 clubs in Adelaide with a take-away right and, if others want it and pay union rates, I will support it strongly. I do not support this as strongly because I believe that there is a concern where there is much volunteer labour. However. I support the principle that, we should take it away from that 40, or we should give it to all.

I ask the Minister to talk to his Party about the principle of a club that pays full wages to anyone employed in the operation buying from the hotel that does not give them a discount. That becomes the arrangement if it wants to do it. If we do that, we give the clubs the opportunity to service their clients. More modern premises are being built by big operators, and some of the small ones will go. Many people with interests in the hotel industry are the bigger combines and they do no care whether the smaller ones go, so long as they can benefit and be profitable.

An organisation with which I was connected tried to buy a hotel to help out the situation in which it found itself, but we could not buy readily a hotel in the price bracket at which we were looking. Few hotels are available for sale. We should not be misled into believing that hotels are totally unprofitable. They are profitable if the people taking them on know how to manage them. This amendment may not win, but we have set the ground rules for the future to try to find a compromise between the two interest groups.

Mr ASHENDEN: I thank my colleagues for the contribution that they have made to the debate.

The Hon. E.R. Goldsworthy: The other Party hasn't had much to say.

Mr ASHENDEN: No-one on the other side has spoken as yet. My colleagues are doing what I am doing: putting forward in this Parliament the representations of our districts. I believe that a member in this House has a prime responsibility to his district. Today I have placed before the Committee the representations that I have received on behalf of thousands of residents in my district.

The member for Elizabeth said that he could not support my amendment, one reason being that I had given either no notice or inadequate notice of the amendment. However, I point out that the amendment was placed on members' files on 20 March, the day on which the debate on this Bill commenced. Therefore, there is no way in the world that more notice of the amendment could have been given, and it was most unfair for the member for Elizabeth to say that inadequate notice was given.

Mr M.J. EVANS: I accept what the member for Todd has said and that what I said was incorrect. This Bill was introduced on 14 March and an amendment, moved originally by the member for Coles, was placed on members' files on 20 March—

The CHAIRMAN: Order! That line of argument must not be allowed to continue. This is developing into either a personal debate or a second reading debate, whereas we are dealing with an amendment. The honourable Minister.

The Hon. G.J. CRAFTER: The amendment that has been moved by the member for Todd was formerly in the name of the member for Coles, the Opposition spokeman on this issue in this place. The debate has obviously indicated much division in the Opposition on its approach to this matter. This amendment was moved and defeated in the Upper House. It seeks to insert a right for all clubs to sell take-away liquor to members. No club licence or permit granted after 1967 authorises take-away sales unless it can be shown that such liquor cannot be bought by members from other sources without inconvenience. Since 1967, only two such authorisations have been granted. All the 42 licensed clubs existing in 1967 were allowed to keep this right when the new Act operated in that year. Since then, three of those clubs have lost that right. The net result is that 41 clubs may now sell take-away liquor to members. At present, there are 300 licensed clubs and 885 permit clubs, a total of 1 185 clubs authorised to sell liquor. Of those clubs, 41 have take-away rights and 1 144 may sell liquor only for consumption on club premises.

The amendment of the member for Todd would allow all those clubs to sell take-away liquor to members. The honourable member referred to the review, which recommended against such a move. There is provision in the Act for a take-away endorsement to be granted to a club and, if serious difficulties are being experienced by a club, it should take advantage of the provisions that already exist and will exist in the legislation before members.

Amendment negatived; clause passed.

Clauses 35 and 36 passed.

Clause 37—'Retail liquor merchant's licence.'

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

Page 19—
Line 26—Leave out paragraph *(b)*.
Line 29—Leave out '(1) *(a)*' and insert '(1)'.

This amendment deletes the right inserted in the Upper House for retail liquor merchants to trade on Sunday. This matter has been debated at great length in another place. I point out that, although in this Chamber the Government opposes this measure, it is hoped that discussions will ensue when this matter returns to the other place so that it may be satisfactorily resolved. The Government opposes the clause in its present form because it believes that the public demand for liquor can be adequately met by the existing outlets (that is, hotels), which also provide a range of public services, food, accommodation and employment.

It is no longer true, as it was in the past perhaps, that hotels are places not frequented by women. The arguments advanced in this respect no longer hold: for example, that women are afraid on Sundays to visit hotels to purchase liquor from bottle departments and bottle shops. These are usually separate areas of the hotel and very rarely does one have to enter a public bar to make such a bottle purchase.

The Hon. JENNIFER ADAMSON: The Opposition opposes the Government's amendment. The Minister, in putting forward the arguments in favour of it, was very careful to omit any reference whatsoever to the reason

which I for one consider to be absolutely central to this whole argument, namely, the question of opening up trading conditions so that retailers can respond to consumer demand. That is a general principle which has been hotly debated in this State for well over a decade now and which has been more seriously addressed recently by various sections of the community. In other words, the question of extended trading hours is more a debate not about if but about when. If the Government were to accept this provision in the Bill now, namely, the provision which enables retail liquor merchants to trade on Sunday, it would demonstrate some good faith in response to the consumer demand which is seeking that facility over a whole range of goods and services.

The Minister referred particularly to the question of women feeling more at ease and at home in a retail liquor store than in a hotel, but I do not think that the arguments advanced in favour of this proposition can be dismissed as lightly as he dismissed them. Were that the case, members on both sides of the House would not have had such vigorous representations. There would not have been the very well considered letters to the editors that there have been. All in all, it is simply not valid to dismiss those arguments as having no substance whatsoever.

The Minister also makes little or no reference to the recommendations of the review in respect of Sunday trading for liquor stores. The whole question of Sunday trading is covered in very fine historical detail in the review, and I commend to anyone interested in that issue pages 232 to 242. However, on page 241, the review, under recommendation 11.5.58, states:

> We recommend that the holders of retail liquor merchants licences be allowed at their option to open on Sundays at any time between 11 a.m. and 8 p.m.

That, of course, would make the trading conditions equitable between retail liquor merchants and hotels and, indeed, the number of other retailers who can presently under the law supply liquor on Sunday. I refer to producers, restaurants, and those with residential licences, club licences and limited licences, as set by the authority, entertainment venues providing liquor all day with meals (which is unchanged), and hotels. All those people can at present trade on a Sunday.

Hotels are about to be given the extended liberalised option; in other words, a tourist licence will not be required under the device (and I recognise it as a device) that was introduced in 1982 to enable consumers to have more free access to alcohol on Sunday if they so choose. Why, in a legislative measure which the Government claims to be a measure of deregulation, is it opposing the recommendation of its own review committee and maintaining a regulatory provision on retail liquor stores? It is simply not equitable, and it is certainly not in accordance with consumer demand or consistent with the whole notion of deregulation. For those reasons, the Opposition opposes the amendment, which would have the effect of prohibiting retail liquor merchants selling alcohol on Sundays.

Mr ASHENDEN: I heartily endorse the remarks of the member for Coles. I cannot accept the Minister's thin and specious argument that he put forward in moving his amendment. He stated that he does not see any demand from persons wanting to purchase take home liquor supplies from retail liquor stores. He said that he does not accept the argument that persons cannot purchase such supplies from a hotel bottle shop, that it does not require any person to go into the bar or anything like that. I cannot accept that. Obviously, the electorate that I represent must have quite different types of persons living in it to those living in the Minister's electorate.

I have been contacted, mainly by women, who have stated that they much prefer to purchase their take home liquor supplies from a retail liquor merchant, because they do not like some of the unsavoury activities that occur in hotels at some times. I stress those words to ensure that they are understood. I am not suggesting that all hotels all the time have incidents that are unsavoury. Unfortunately, however, there are times when at any hotel incidents occur that are repulsive not only to members of the public but also frequently to the publicans themselves.

In my electorate hoteliers are extremely conscientious in the way that they control persons utilising their premises. However, although that is the case, some persons, predominantly women, do not like going to hotels to purchase their liquor supplies. They have pointed out to me that the retail liquor merchants are usually in shopping centres and they do not sell alcohol directly for consumption at the point of sale and do not have the problems that are occasionally associated with hotels. They believe that if hotels are to be given the right to sell packaged alcoholic beverages to be taken away from the premises, the retail liquor merchants should have that same ability.

It is interesting for me to note from discussions with people who have rung me at my office that, of those who have suggested that the retail liquor merchants should have the right if hotels have it, most indicated, ironically, that they would prefer to see neither premises having take away facilities on a Sunday. They have said, in all fairness, that they believe that if one has the right so should the other. Others have said that, if the men folk of the area will be able to go to their favourite hotel and purchase their supplies, they should be able to go to their favourite liquor merchant and do the same.

The argument that I now use against the Minister is the same as that which he used against me a moment ago, namely, that the report on which this Bill is based clearly makes this recommendation. There can be no mistaking the interpretation. I interpreted the previous recommendation in a way different from that of the Minister. However, in this case there can be no difference in our interpretations. The report is quite clear in recommending that retail liquor merchants should also have the right to sell take home packaged alcoholic beverages.

The report is quite explicit. I look forward with considerable interest to hearing why in this instance the Minister is going against the recommendation of the report. The member for Coles has already raised many other arguments relating to equity in trading and deregulation. I support those principles wholeheartedly. I see that the retail liquor merchants meet exactly the same need as hotels in relation to sale of packaged alcoholic beverages. Why is this Government discriminating against one sector in the retail market but not another?

Mr M.J. EVANS: I have had a number of approaches from representatives of hotels and from retail liquor merchants whose percentage of the market share over the past 10 years has risen quite substantially at the expense of the publicans. However, despite that, many publicans have not chosen to extend the range of liquors, wines and the like, that they display at their bottle departments to the extent that the public obviously desires.

Clearly, the reason for the substantial increase in the market share that the retail bottle shops have enjoyed is the great diversity of products that they display, the attractiveness with which they display them and the reasonableness of the circumstances in which the public is able to buy them. However, I seek some assurances from the Minister in relation to bottle shops, because a number of my constituents have expressed concern that, although they would see the equity of having a bottle shop open on a Sunday if a hotel can open then, they are also concerned about the question of noise and disturbance associated with some bottle shops that are located in the middle of residential areas. In my

district there are very few bottle shops, but one is right in the middle of a very reasonable and quiet residential area. If that were opened on a Sunday it could possibly cause inconvenience due to noise and the like on a day when people generally have a right to expect peace and quiet in their area.

I do two things in this debate. First, I seek an assurance from the Minister that residents will retain the right to object on the grounds of noise under the subsequent provisions of the Bill (proposed clause 112) on the basis that these are normal licensed premises and that therefore objections can be taken. Secondly, although I intend to support the Government's move at this stage, as I believe does my colleague (the member for Semaphore) to enable this matter to be discussed again in another place (which we believe is appropriate at this time), I would appreciate the Government's giving it substantial consideration before the Bill returns to the other place so that the many arguments put forward on an equity basis in favour of allowing bottle shops to open on a Sunday can be considered. Certainly, public demand would appear to be there on the basis of evidence I have seen for bottle shops, and one can assume that it would be there on a Sunday as much as on any other day.

Although I intend to support the Government at this time, I ask that it gives further consideration to the matter so that it can be finally resolved in another place. At the same time, I seek information and an assurance from the Minister that the provisions relating to objections on the grounds of noise, annoyance, disturbance and inconvenience would apply as much to a bottle shop as to licensed premises.

The Hon. G.J. CRAFTER: I am pleased to give the member for Elizabeth those assurances: first, that the Government will give this matter further consideration before it is considered in another place; and, secondly, that retail liquor merchants are subject to the same provisions as all other licence holders with respect to the provisions of clause 112.

Amendment carried.

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

Line 29—Leave out '(1) *(a)*' and insert '(1)'.

This amendment is consequential upon the amendment that has just been carried.

Amendment carried; clause as amended passed.

Clauses 38 and 39 passed.

Clause 40—'Conditions of wholesale liquor merchant's licence.'

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

A quorum having been formed:

The CHAIRMAN: In order to safeguard the Minister's amendment, I intend to put the question in relation to the member for Coles' amendment that on page 20, line 43, the words 'at least' be left out. That is up to the point at which the Minister's amendment seeks to have effect. If that question passes, the balance of the member for Coles' amendment will be put and the Minister's amendment will be lost. If the first question is negated, the member for Coles' amendment will not be proceeded with, and the Minister's amendment will then be put. I hope that is clear to the Committee so that we know what the position is. I am sorry that I cannot do it any better than that. It means that the member for Coles will move her amendment up to page 20, line 43. It will be necessary for the member for Coles to move that far but that is all so that the Minister's amendment is safeguarded. I hope that that is understandable.

The Hon. JENNIFER ADAMSON: I move:

Page 20, lines 43 to 45—Leave out paragraph *(b)* and insert paragraph as follows:

(b) (i) in the case of a licence converted from a wholesale storekeeper's licence that came into force under the repealed Act before the 6th day of November, 1969—a predominant proportion of the licensee's gross turnover from the sale of liquor in each assessment period must be derived from the sale of liquor to liquor merchants;

(ii) in the case of a licence converted from a wholesale storekeeper's licence that came into force under the repealed Act on or after the 6th day of November, 1969, or a licence granted under this Act—at least 90 per cent of the licensee's gross turnover from the sale of liquor in each assessment period must be derived from the sale of liquor to liquor merchants;.

The reasons that the Opposition moves this amendment are twofold. The first is to protect the wholesale licences which presently exist—namely, four in number—and which enable the licensee under that licence to have the predominant proportion of his gross turnover from the sale of liquor derived from the sale of liquor to liquor merchants.

In other words, 49 per cent, technically and precisely speaking, can be sold directly to consumers as long as 51 per cent is sold to retailers or liquor merchants. That is the first reason: to protect the *status quo*. The Government has been consistent thus far in relation to the take-off facilities for licensed clubs, for example, in protecting the *status quo*. The second reason is in order to avoid reinforcing the effects of a monopoly situation which has developed since the review was conducted and written and which, therefore, was not taken account of in the review (and therefore its recommendations and this Bill) but which I believe should be very carefully considered by this Parliament.

I will outline to the Committee the background to this matter. It is probably best done by quoting from the *Beverage Review* of March 1985, a publication that reports on development and attitudes in the beverage industry. On page 15, under the heading 'News', and the subheading 'Major Wines and Spirits Merger', the following appears:

Elders and Davids will each have a 50 per cent share in the planned joint venture company, which will acquire the wholesale wines and spirits businesses of Carlton and United Breweries and Davids in Victoria, New South Wales, Queensland and the Northern Territory.

Consolidated Liquor will include the liquor wholesaling activities of Max Cohn, Austral Wines and Spirits and R.G. Withers in Victoria, Davids liquor division in New South Wales and the CUB wines and spirits division in Queensland.

The effect of that merger gives Davids Holdings a virtual monopoly of the market in the Eastern States. I am advised that it is inevitable that that situation will have its effect in South Australia; in other words, very soon in South Australia we can expect takeovers and mergers that will reflect Davids' deals (Davids being virtually the only current liquor wholesaler in New South Wales apart from one other company).

I believe that most members abhor the existence of a monopoly in any industry, but the existence of a monopoly in the liquor industry is, in my opinion, a potentially dangerous situation and one that should be avoided (if it can be avoided) by legislation. It is not only a question of the monopoly of Davids Wholesalers, it is also the squeeze that is being put on wholesale liquor merchants by the requirements of co-operative buying groups, and there have been several strong ones develop in recent years in South Australia. The requirements of co-operative buying groups can include a requirement for co-operative advertising money to be payable by producers and wholesalers, warehouse allowances to be paid for stock products, advertising and promotional moneys to be paid for the promotion of products in the retail outlets serviced by those co-operatives, and general pressure in forcing their policies in matters such as pricing, marketing methods and product ranges.

When talking about pricing, marketing methods and product ranges, we are coming right up against the interests of the consumer. Anyone who has followed with any interest developments in the food industry in relation to monopolies

will know that producers and retailers, both ends of the market, are being squeezed by conglomerates to conform with the demands of the monopoly, and the sufferer at the end of the line is, in my opinion, the consumer (and I say this with some feeling as a housewife and buyer of domestic goods for my family). I also know the tremendous pressure that can be placed upon wholesalers and the limits on their profitability which result from the standover tactics (and I do not think that that is too strong a word) used by monopolies such as Davids Holdings. Of course, a monopoly can demand a certain price from the retailer and indeed the wholesaler and can 'rationalise' product ranges. In other words, it can dictate what will be sold and what will not be sold. I believe that that is never in the interests of a free market or of the consumer and that consumer exploitation due to lack of competition could result.

I now turn to the amendment. Unless liquor wholesalers can preserve their right to sell direct to the public for the lesser proportion of their turnover, as things will stand if this amendment is not accepted by the Government existing wholesalers in South Australia are likely to simply lose their market at both ends. It will be taken from them by retail co-operatives where they formerly sold to individual hotels, so that slice of the market is being removed from them by the development of a retail co-operative. It will be taken from them by a monopoly such as Davids Holdings and will be taken from them by virtue of this legislation if they are deprived of the right to sell retail.

I will elaborate on these arguments, because they are so important in principle and in practice. With the brand and product lines of which we have had a very broad range in South Australia (and who is to say it is too broad—some people would say it is and that it may need some rationalisation?), there is no doubt that a monopoly will trim that range down and that the consumer will suffer. Therein lies the argument that I put during the second reading debate, that the whole purpose of liquor licensing legislation should be to ensure that standards are maintained in every area—standards in terms of service and control of consumption and in terms of plant and capital facilities and those standards should apply not just in the retail industry—the hotels, the production end—but also at the wholesaler level, because the wholesalers have a perfectly legitimate part in this whole series of buying links and should be entitled to the same reasonable protection and equity under the law that other people in that chain enjoy.

It is worth while noting that in South Australia there has been a close link between the production and wholesale sections of the industry. One of my further amendments is designed to recognise that close link between producers and wholesalers. Companies such as Seppelts and Angoves have been producers and wholesalers virtually since their activities began. Some of those firms that have been wholesalers only are really household names in South Australia, and not just for their activities in liquor merchandising. Most of them have extended quite considerable service and leadership to the community in other areas outside their immediate occupational area. Some of those firms are: R.W. Clampett and Company, P.F. Caon and Company, B.H. McLachlan and Company, Waterman Management, Moloney's Brewing Company, and T. Chapman. The list goes on, and every member of this House will recognise those names as having contributed to South Australia way beyond simply making a profit and supplying employment in their own industry.

The Opposition and I believe that these people are entitled not necessarily to sympathetic consideration but to fair consideration by this Parliament in the enactment of legislation. I would be interested to have the Minister's response (and I hope it is sympathetic) to this amendment. I recognise that the Government has gone some way—I suggest not very far—in reducing to 90 per cent the 95 per cent requirement originally in the Bill. With respect, that will not help those wholesalers whose licence presently enables them to sell simply the predominant amount to merchants and the remainder directly to the public.

I ask the Minister if he will give sympathetic consideration to the amendment and also acknowledge that the changed market situation, under which a monopoly has developed in the Eastern States which will quickly swallow up the South Australian industry, will be detrimental to producers, wholesalers, retailers and the consumer, and therefore to the whole liquor marketing scene in South Australia and that we in this Parliament have an obligation to see that that does not occur and in order to do so we should preserve the *status quo* and support the amendment.

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

Page 20, line 43—Leave out '95' and insert '90'.

The Government's amendment increases from 5 per cent to 10 per cent the value of the annual liquor sales of a holder of a wholesale liquor merchant's licence to be made to the general public. We took the stand that the principal wholesalers should be allowed no retail sales at all because that is an intrusion into an area where other retail licensees (hotels, bottle shops, and so on) operate and those retail licences have had to satisfy much stricter criteria to obtain the licence (for example, the needs of the general public, something that has dominated the debate on this measure in this House) and have more restrictive trading hours. By allowing wholesalers to sell to the general public, a person can by the back door more easily obtain a licence to operate in the retail area. However, as a practical concession to wholesalers to enable them to remove from their stocks liquor lines that other licensees will not buy, the review recommended that they be able to make up to 5 per cent of their sales to the general public. Following consultation with sections of the industry, the Government has agreed to raise this to 10 per cent, the level that currently exists in some other States and also the level that has applied to wholesale licences granted in this State since 1969. This concession should still ensure the wholesalers' retail sales are not unduly high.

At present about 30 of the 60-odd holders of the wholesale storekeeper's licence, namely, those granted before 1969, must make the predominant proportion of their sales to other licensees. This means that up to just under half of their sales may be to the general public. The member for Coles by her amendment wishes to retain this right for these licensees. The review saw this two tier requirement as anomalous and gave these predominant proportion licensees until 1 July 1987 to bring back their retail sales back to 10 per cent. At present, as the honourable member said, only four have retail sales that are greater than the proportion of 10 per cent. There are already problems arising from some of these licensees entering unduly into the retail sales area and a proper balance should be restored by requiring all wholesale licences to be limited to 10 per cent retail sales.

The member for Coles raised this matter as a fundamental principle and I was interested to try to grapple with the logic that she presented to the Committee, because she is asking for protection for a section of this industry and intervention by the Legislature to provide that protection. The Government takes a contrary view and says that this is a matter for the market place, and not for legislation. The interstate wholesalers referred to are limited to 10 per cent of retail sales, and South Australian wholesalers should have to compete on the same basis and not be artificially protected. I was interested to hear the honourable member portray Elders IXL as the bogies who, it is feared, will take the monopoly—

The Hon. Jennifer Adamson: No, they have been taken over by Davids—it is a conglomerate deal. Even giants can be monopolised.

The Hon. G.J. CRAFTER: Yes. This amendment will give wholesalers only half, that is, the pre-1969 position, the protection sought, and that is inconsistent in itself. The Government says that all wholesalers must be wholesalers limiting their retail sales to the proportion of 10 per cent.

The Hon. JENNIFER ADAMSON: It is interesting that the Minister in his reply did not acknowledge the validity of my argument that the market situation has changed quite dramatically since the review, and he quoted the review's recommendations without recognising that those recommendations were made in a quite significantly different climate. The Minister is accepting that a wholesaler shall have some rights to retail in acknowledging that the 10 per cent is all right from the Government's point of view, but what is the point of a Government, if you like, handing out a pittance, albeit one that already exists in some circumstances, when it is not going to do any good in the light of a changed market situation?

The Minister can say that the Government wants the market place to operate but the truth of this whole legislation is that there is Government intervention at every step of the way and judgments have to be made where the Government intervenes and why Parliament intervenes. If the line is taken that there should be no intervention, that is virtually taking the line that Government itself is superfluous and we should all go our own merry way without it (and I know the Minister does not subscribe to that theory, and neither does the Liberal Party). One very strong principle of the Liberal Party is that the purpose of the law is to try to create equity as between groups and within groups, and the very reason the Liberal Party opposes monopolies is that we believe that they are not in the interests of anyone in the buying chain (the producer, the wholesaler, the retailer or the consumer) and ultimately not in the interests therefore of the individual or of the strong society which gives each person as nearly as possible equal right to compete in the market place.

There are times when the law must intervene to ensure that equity, and I believe that this is one of them. With great reluctance I forecast that, if my amendment is not carried, there will be an inevitable enforcement by interstate monopolies of what they describe as national terms: in other words, they will dictate that what occurs in Queensland, New South Wales and Victoria will also occur in South Australia, with the result that prices here will come into line with the prices and general wholesaling policies that are being dictated in those States. I for one cannot accept that South Australia must fall into line with the terms dictated by monopolies in other States.

Our market conditions are different and our general economic and social traditions are different. The effect of this will be to deal a blow to the liquor wholesaling industry in South Australia. That industry will thus be denuded of all its decision making powers and it will be a hostage to interstate cartels. Since 1967, when the most recent substantial changes were made to the liquor law, the predominant amount privilege was not required by wholesalers because market forces determined natural levels of wholesale-retail activity engaged in by wholesalers. In those days, there was much direct dealing between wholesalers and hotels. In fact, the wholesalers dealt with the hotels as individual customers, but that has changed as retail co-operative chains have been formed by the hotels.

If a traditional wholesaler cannot fall in either with the conglomerate wholesaler or the co-operative retailer's policies his products will find no place in the market place. This emphasises the need for an alternative avenue for that person to stay in business. Of all States, South Australia, the wine State, must give encouragement, as a matter of policy, to those engaged in the liquor industry to offer the broadest ranges, the finest quality products, and the most competitive prices. We should not devise legislation that ultimately will lead to a concentration on price alone and ignore completely the importance of range and quality of products.

The Minister did not acknowledge in his reply the changes that have occurred in the market place. I and my colleagues feel strongly that, if the industry in this State is to remain strong, and if we are to have some kind of a trading force that can put a brake on the interstate monopolies and cartels, we must give some kind of reasonable legislative protection basically to enable wholesalers to stay in business if we believe that their place in the market is important. For the reasons that I have given, I believe that their place in the market is important, although it is obviously diminishing because of the creation of retail co-operatives. However, there is a place in South Australia for many wholesale liquor merchants with their finely developed traditions and their enormous depths of skill and knowledge of markets, products and consumer needs: in other words, that kind of wholesaler who can help maintain the standards for retailers to which I referred in my second reading speech.

We want an informed and appreciative market in South Australia, and consumers who are responsible and knowledgeable about wines and spirits. The way in which we will get that is not by knocking out an important section which has served the industry extraordinarily well and in which reside great depths of expertise, but by enabling that section of the industry to stay in the market place in order to provide a service both for retailers and the general buying public and to avoid a monopoly situation which, in the liquor industry of all industries, is potentially extraordinarily dangerous. I need not refer to the Royal Commissions that have dealt with the crime that has occurred in certain sections of Australian industry: vice, liquor, and gambling. I do not want to create the conditions under which that could occur in South Australia; therefore, I urge the Government to accept the amendment.

The Hon. G.J. CRAFTER: I can add little to what I have already said. The picture painted by the member for Coles leads to the use of the maxim that hard cases make bad law. Here we are trying, in the thrust of the honourable member's amendment, to reach contortions in our legislation that simply cannot be achieved. We are trying to regulate an industry where the honourable member has admitted there are pressures and thrusts coming from outside our jurisdiction. Perhaps those sectors of the industry to which the honourable member has referred and which are suffering in this way or could suffer in future (and that is acknowledged by the Government) could be relieved perhaps by action through the Companies Code or the Trade Practices Act.

The honourable member's amendment is inconsistent. It gives only half the wholesalers the protection that is sought. The Government considers that all wholesalers must be dealt with consistently and that they must limit their retail sales to 10 per cent.

The Committee divided on Hon. Jennifer Adamson's amendment:

Ayes (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, Oswald, Rodda, and Wotton.

Noes (21)—Mr Abbott, Mrs Appleby, Messrs Bannon, Crafter (teller), M.J. Evans, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Plunkett, Slater, Trainer, and Whitten.

Pairs—(Ayes)—Messrs Olsen and Wilson. Noes—Messrs L.M.F. Arnold and Wright.

Majority of 2 for the Noes.

Amendment thus negatived.

The Hon. G.J. Crafter's amendment carried; clause as amended passed.

Clause 41—'Producer's licence.'

The Hon. JENNIFER ADAMSON: I move:

Page 21—

Line 8—Leave at 'by the licensee' and insert 'in Australia'.

Line 11—Leave out 'by the licensee' and insert 'in Australia'.

Line 15—Leave out 'by the licensee' and insert 'in Australia'.

This clause deals with the conditions required for a producer's licence. The basis of most of the business of co-operative wineries, which is an important section of the producers in South Australia, has been the sale of wine and brandy by producers to other winemakers. The interchange of these products has been common practice for many years. Of course this applies not only in South Australia but also throughout Australia—for example, many a grape grown in the Hunter Valley finds its way into a bottle produced by a South Australian winemaker, and vice versa.

As part of the overall production pipeline, it is important that the producer be recognised as being a person who can be selling a product which, technically, he has produced, but which may have been grown by other people in other parts of the State or country. At present clause 41 (1) provides:

Subject to subsection (2), a producer's licence authorises the licensee—

(a) to sell liquor produced by the licensee, at any time, on the licensed premises for consumption off the licensed premises;

(b) if the conditions of the licence expressly so permit—to sell liquor produced by the licensee, at any time, to a diner for consumption in a designated dining area with or ancillary to a meal; and

(c) subject to any condition of the licence to the contrary, to supply liquor produced by the licensee, at any time, by way of sample, for consumption on a part of the licensed premises approved for the purpose by the licensing authority.

That provision unduly constrains the licensee, since, if one wishes to be precise about this, he does not necessarily produce, in the strict sense of the term, the liquor that he is selling. The purpose of my amendment is to ensure that a licence is not jeopardised due to a reference only to liquor 'produced by the licensee'. The amendment would ensure that this clause would instead refer to liquor 'produced in Australia'. This would ensure that liquor purchased for resale by the holders of a producer's licence would be liquor brewed, distilled or fermented in Australia. All honourable members could support that, I believe, as being a reasonable proposition, and I hope that the Government accepts the amendment.

The Hon. G.J. CRAFTER: Again, the honourable member is performing contortions with this legislation. If a producer wants to do what the honourable member has suggested, that producer should obtain another type of licence. The effect of the honourable member's amendment would be to allow a producer to sell only Australian liquor. The review recommended, and the Bill now provides, that a holder of a producer's licence should be able to sell only his own product. That is the current situation and the Government intends that it continue.

This licence is to be obtained administratively, that is, relatively simply, and there are no trading hour restrictions except for sale on Good Friday. If somebody could produce a small amount of liquor and sell it, plus an unlimited amount of other Australian liquor in much the same way as can the retail licence holder, the honourable member would see that that is not desirable. The producer would simply not have this right, and it was never intended that he should, unless the producer wants to apply for a different type of licence and then comply with the same strict entry criteria for such licence holder, such as the needs of the public, as well as with trading hour restrictions.

The Hon. JENNIFER ADAMSON: In speaking of contortions, as the Minister just did, he is rather agile himself in performing the mental gymnastics to which he referred. He said that it was easy enough to obtain another type of licence. That may be the case, but surely the goal of this legislation is to simplify the licensing system and to ensure that where possible a producer does not have to hold a whole swag of licences but that the proof of a producer's licence should in itself cover a producer's needs. The Minister says that he is sure that I would see that it is not desirable to have people selling a small quantity of liquor that they have produced and a big quantity of liquor that somebody else has produced. The reality—and the Minister knows it, as does the member for Chaffey, who probably knows better than anyone—is that co-operatives will sell large quantities of wine or brandy produced by someone other than the licensee. Surely common sense dictates—and I do not want to be unduly chauvinistic—that the more wine and brandy grown in Australia that is sold in Australia, rather than imported alcohol, the better.

One of the many goals of this legislation should be to ensure that encouragement and support of a practical kind is given to the South Australian wine industry as distinct from the wine industries of California, Spain, Portugal, Brazil or any other country that one cares to name, such countries having been given a solid advantage by the Federal Government's reducing the import duty by 10 per cent. That was a retrograde step and it is having a very bad effect already on the industry in Australia and South Australia. I do not see why we should not be giving some kind of practical support to Australian producers by means of this amendment.

Amendment negatived.

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

Page 21, after line 19—Insert subclause as follows:

(2a) Subject to any authorisation to the contrary given by the licensing authority in relation to a specific occasion or occasions, liquor supplied under subsection (1) *(c)* must be supplied by way of free sample.

This amendment allows producers to apply for approval to make a charge for liquor supplied as samples for tasting on the premises. This would enable some vignerons to make available for tasting premium wines to be sampled which would otherwise be withheld simply because of their cost. We have all experienced this situation in attending wine tastings at wineries, particularly with friends, where premium wines are not available. As the licensing authority must first approve such proposals, conditions can be imposed to ensure that tourists and the public are not disadvantaged and that abuses do not occur.

Amendment carried.

The Hon. JENNIFER ADAMSON: I move:

Lines 20 to 36—Leave out subclauses (3) and (4) and insert subclause as follows:

(3) A bottle or other container in which liquor is sold in pursuance of a producer's licence must be labelled with a label stating the name and address of the person by whom the liquor was produced.

This is a simpler and more effective way of achieving what the existing clause goes some way towards achieving. For the select few who read *Hansard*, the clause provides:

(3) Liquor shall be regarded as having been produced by a particular person—

(a) in the case of beer—if it was brewed by that person;

(b) in the case of spirits—if it was distilled by that person;

(c) in the case of wine—

(i) if it was fermented by that person;

or

(ii) if it was produced by blending and—

(A) a substantial proportion of the wine used for the purpose of the blending was fermented by that person;

and

(B) all the wine used for the purpose of the blending was fermented from produce grown or produced in Australia.

It is a fairly prescriptive set of requirements. Subclause (4) then provides:

In determining whether wine was fermented by a particular person, fermentation of the wine after bottling shall be disregarded.

The word 'after' shall be inserted. For a whole range of good reasons that same goal would be achieved if this amendment were accepted by the Government and carried—in other words, if a bottle or other container in which liquor was sold in pursuance of a producer's licence were to be labelled with a label stating the name and address of the person by whom the liquor was produced.

In the second reading debate I dwelt at some length on the marketing power of wine itself in encouraging people to visit the locality where the wine was grown. This is well recognised in the international wine industry. An attractively bottled wine made in, say, California or France with its maker's name, along with the locality or address at which the wine was produced, clearly labelled on it, has a very evocative effect on the drinker. For anyone interested in wine, it is a most interesting experience to visit the place where a certain wine was produced, particularly if it is a wine of worthy quality, to drink it in that location, and desirably to meet the winemaker—in other words, have the whole experience of enjoying wine greatly enhanced by personal association between the drinker and producer.

One way in which our State could be put on the map more effectively in terms of home marketing, tourism marketing and general marketing, investment and trade of any kind is by using each bottle of wine as an ambassador or marketing tool, not only outside the borders of this State within the Commonwealth but also outside the Commonwealth and in our international markets. This is one means by which the Government could at not one cent of cost to the taxpayer market South Australia nationally and internationally in one of the most effective mediums we have, namely, the labels of bottles of wine.

If a producer's licence required the licensee to label containers in which liquor was sold with the name and address of the person by whom the liquor was produced, we would have used a very simple legislative means to achieve a highly desirable marketing goal which would be in the interests of all the producers in this State, the State as a whole and, therefore, the community. I venture to say that it will enhance the enjoyment of drinkers wherever they may be—South Australia, Australia or overseas. It is not a complicated amendment, nor is it a matter of high principle but one which the Government could and should consider. I hope that the Minister will be sympathetic to it.

The Hon. G.J. CRAFTER: What the honourable member is suggesting does occur to a large extent.

The Hon. Jennifer Adamson: Not really; you look at a few bottles.

The Hon. G.J. CRAFTER: If the honourable member wants to bring this measure down in a mandatory way, it should be done not in the Licensing Act but in the packaging legislation or the Trade Practices Act. I am not sure whether the industry itself wants that. We do have distinctive and excellent labelling of wine in the main. I have not heard of any complaints by persons as to the identification of wine. Given the amendment moved by the honourable member which was defeated by the Committee and which now leaves the position as it is, the producer must be the supplier of that wine, and it does not relate to the blending process, as the honourable member was seeking to have happen. This is not the appropriate measure by which to bring about that change—a fundamental requirement as it is. However, if it is required (and I am not sure whether it is) there are other measures whereby it is more appropriately dealt with.

The Hon. JENNIFER ADAMSON: I refute what the Minister said on a number of grounds. First, I suspect that he has not studied quite as many wine labels as I have, usually for aesthetic reasons, I assure the Minister, and for reasons of a sincere interest in the tourism industry, as well as a consumer who is appreciative without necessarily being knowledgeable. It is because I would like to be more knowledgeable, as would a great many other drinkers of wine in this State and nation, that I would like the information that I am moving to be put on the label.

The more information that we can have about the product we are consuming, the better it is for everyone, surely. I would have thought that the Labor Party of all people with its vital and energetic interest in consumerism should have been absolutely the first people to rush to support this amendment. I find it amazing that the Minister is not doing so. However, for the Minister to suggest that this requirement should be put in either packaging or trade practices legislation takes the cake, and the way in which he is struggling with his collar and tie indicates to me that he cannot help but agree. How ridiculous could one get in packaging legislation, for pity's sake! The Bill would be like the Encyclopaedia Brittanica if one attempted to prescribe in packaging legislation how each section of industry and commerce that uses packaging should define its labels.

An honourable member: He's embarrassed.

The Hon. JENNIFER ADAMSON: I think he is good humoured enough to admit that that was a pretty spurious argument. One only needs to look at his face to gain confirmation of that. In other words, the Minister's pettifogging arguments against this amendment do not hold water, or wine, as the case may be!

Mr Mathwin: He's upset that he didn't think about it himself.

The Hon. JENNIFER ADAMSON: I suspect that that may be the case. Wishing to be generous to the Minister and his colleagues, I would allow them as much time as is necessary. We can report progress to reconsider the position so that the Minister could consult with his colleagues in another place. I am most enthusiastic about this amendment. I would lay odds that if the Minister of Tourism were here—

Mr Whitten: Don't bet.

The Hon. JENNIFER ADAMSON: Indeed, I do not. I disapprove of it strongly. If the Minister of Tourism were here he would heartily endorse the arguments that I have put forward. We are offering a possibility for hundreds of thousands of dozens of products to go out from the borders of this State every year and sell South Australia. What an unparalleled opportunity we have before us now. Why is the Minister being so pettifogging as to deny this perfectly simple amendment which will not cost the Government a cracker and which the producers, incidently, want, although the Minister suggested that that was not the case? I assure the Minister and his colleagues that if it were not wanted by the producers, and it was not considered to be in their interests, I would not be moving this amendment. However, it so happens that I endorse it for a whole variety of other reasons which are very much wrapped up with my concern for tourism and selling South Australia. On the basis that I would like to allow the Minister to consider the matter, I move:

That progress be reported.

The Committee divided on the motion:

Ayes—(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, Oswald, Rodda, and Wotton.

Noes—(21) Mr Abbott, Mrs Appleby, Messrs Bannon, Crafter (teller), M.J. Evans, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Plunkett, Slater, Trainer, and Whitten.

Pairs—Ayes—Messrs Olsen and Wilson. Noes—Messrs L.M.F. Arnold and Wright.

Majority of 2 for the Noes.

Motion thus negatived.

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

Page 21, line 36—Before 'bottling' insert 'final'.

This amendment makes it clear that some practices used by vignerons are acceptable under a producer's licence. This licence allows a producer to sell only liquor that he has produced. It provides in subclause (4) that liquor bought in sealed bottles and labelled by the licensee is deemed not to be his product. This amendment makes it clear that where a licensee purchases bottled champagne part-way through its fermentation process and carries out the necessary disgorging and resealing this is then deemed to be part of his production, so the licensee may sell that liquor under his producer's licence.

A further comment in relation to the member for Coles' dramatic plea for the amendment she proposes to this clause is that the Government is well up on introducing deregulation. The Government is actively pursuing a deregulation programme across the board, in particular with the legislation before us which is intended to make the liquor licensing system that applies in this State a much simpler one, and the aim is to deregulate wherever possible without unduly harming the community. To make it mandatory for inspectors to police this measure and to bring down penalties for failure not to comply would seem to be a harsh way of going about this matter. There is merit in what the honourable member says, but it is my belief that almost every bottle of wine that one sees states on it the name and address or district of the producer. There is support in the industry for that practice. It should be done on a voluntary basis, and every encouragement should be given by the Government and the industry, particularly by the tourism industry, for this to be done. We certainly do not need to be heavy handed about this matter by bringing down a mandatory measure to achieve that desirable end.

The Hon. Jennifer Adamson's amendment negatived; the Hon. G.J. Crafter's amendment carried; clause as amended passed.

Clauses 42 and 43 passed.

Clause 44—'Circumstances in which general facility licence may be granted.'

Mr M.J. EVANS: I am uncertain what the impact of the general facility licence is as it relates to institutions listed under paragraph *(f)*, which states:

(f) to enable the following sporting authorities to provide adequately for the needs of those attending sporting events and other functions at the following sporting grounds:

Instead of specifying sporting grounds it goes on to specify sporting clubs, including the South Australian National Football League in respect of Football Park. Is it envisaged by this clause that the licence will be granted to the SANFL or to anyone else to provide such a facility? What degree of control and authority does this clause grant sporting clubs named in it as distinct from the sporting facilities named? I can comprehend the nature of the clauses that might relate to a sporting facility. It is one thing to say that a general facility licence is granted in respect of Football Park (and obviously the consequences that flow from that are reasonable and understandable), but I am confused as to how this clause relates to the named sporting body in respect of the granting of a licence. Will they be granted the licence automatically under this Bill; will some other organisation be granted the licence with their approval; or will an organisation with or without the approval of the SANFL be granted a licence for Football Park? I use that as an example, but it relates to all of the other named organisations. Will the Minister explain what is intended by this paragraph?

The Hon. G.J. CRAFTER: If I understand the honourable member's question correctly the licence is not an automatic one and must be applied for, and it is applied for to meet the needs of those persons attending sporting events conducted by those various leagues, associations and clubs in respect of those particular premises.

Mr M.J. EVANS: To enable the sporting authorities to provide a facility at the sporting grounds referred to would seem to mean that if the licence is granted at all by the authority it must be granted to the sporting authority named. That seems to be the inference that comes from that. I am not certain of that, so will the Minister confirm that that is the situation, or is it possible for these bodies to delegate that implied authority to some other group or organisation?

The Hon. G.J. CRAFTER: The position at present is that the Football League, Cricket Association and Jockey Club are the applicants for the licences in their own names.

Mr M.J. EVANS: Clause 44 *(h)* states:

to enable tertiary educational institutions to provide adequately for the needs of students, staff and visitors.

At present the Students Union provides the basic liquor facility at the University of Adelaide and the Staff Association provides the liquor facility for staff members of that university. I use this example because it is one with which I am familiar. There we have the case of the Students Union and the Staff Association providing the licensed premises, so I would like an assurance from the Minister that the reference to 'tertiary educational institutions' does not mean that the Council of the University of Adelaide as the governing body, or the Council of the Flinders University as the governing body of that University, has to take out the licence but rather that any appropriate authority within the tertiary institution may take out the licence.

The Hon. G.J. CRAFTER: As I understand it, there are four colleges of advanced education and two universities that fall within the criteria of this legislation, and a duly authorised body within the ambit of the legislation which creates the rules that govern those institutions can so apply.

The Hon. JENNIFER ADAMSON: A specific scenario has been put to me by a caterer who is alarmed at the prospect inherent in clause 44 (1) *(f)*. It has been suggested that if a licence is granted to the club, rather than to a caterer operating to provide services on behalf of the club in that venue, one has a situation where a club manager, who would presumably be the nominated licensee, is subject to the instruction of the committee members. It has been put to me that in circumstances of that kind one can have one or two dozen self-styled Conrad Hiltons sitting around a table saying, 'We should do this' or 'We should do that', with little or no professional expertise of what should be done in respect of a licence, but with power under their constitution to instruct the club manager who may be the licence nominee of the club, to do as they require. If that is the case, there are potential dangers in this clause. Will the Minister establish whether it will be a caterer providing the liquor to patrons under the auspices of the named clubs or whether it will be the club itself and its manager as instructed by the club committee?

The Hon. G.J. CRAFTER: There is a limit to what extent legislation can interfere in the internal affairs of organisations that apply for permits. I suppose that organisations are often

well served by very competent members of the community on their boards of management and other responsible positions, although sometimes they are not. Legislation will not make much difference to that. The licence must be applied for by the nominated club or association so that the expertise of the club must still be taken into account, and the club, not the caterer, is in fact the holder of the licence.

Mr S.G. EVANS: Are we setting another precedent now whereby three organisations will get a benefit that other organisations might be denied? Will the Minister consider broadening that aspect? We are saying that three clubs will be able to use their premises virtually as reception centres. Paragraph *(f)* states:

To enable the following sporting authorities to provide adequately for the needs of those attending sporting events and other functions at the following sporting grounds:

'Other functions' can mean anything—a wedding reception, a birthday party or a trade fair. I do not oppose that but ask why other clubs are not given the same opportunity. For example, why is the Sportsmen's Association not given the same opportunity? It has the facilities to be used for weddings and such like. The Minister will reply that there is an opportunity for receptions to be included under paragraph *(b)*, where such a club can apply for a general facility licence. I then put to the Minister the possibility of a licence being available to club members with, at times, a general facility licence covering the same club. In other words, there is a licence for the club, and on certain days of the week or for certain functions a general facility licence is required for the whole or part of the club. In that general facility licence do we entitle the club to do nearly anything, or is it just for receptions? I do not know how one would describe a reception.

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

Clause passed.

Clause 45—'Limited licence.'

Mr OSWALD: Previously the Glenelg Football Club has conducted discos on a twice-weekly basis, operating with a booth licence, and liquor has been obtained from one of the local hotels. Can the Minister advise on public record whether the club will be able to continue to hold its two evening discos a week utilising what will now be called a limited licence and whether it will be able to continue to obtain liquor from one of the local hotels?

The Hon. G.J. CRAFTER: I understand that the club can continue to hold those functions as it has in the past.

Clause passed.

Clause 46—'Circumstances in which limited licence may be granted.'

The Hon. JENNIFER ADAMSON: I have been asked questions which I believe are relevant to clause 46 and which relate to the bottling of wine by incorporated associations, if you like, and branches of political Parties (if I may be quite precise) and community groups. Those people involved are uncertain whether this legislation will enable them to continue what has become a time honoured fund raising practice in South Australia, that is, the bottling and labelling of wine by groups who want to promote or market their cause, be that political, social or charitable. They are unsure whether the Bill will enable them to do this. I understand that previously in relation to the bottling of wine for fund raising purposes some abuse of the existing Licensing Act has occurred. Can I be assured that clause 46 will enable people who want to bottle wine for a legitimate fund raising purpose and to promote the activity of an organisation will be able to do so and not have unreasonable barriers placed in the way of that activity? I would appreciate the Minister's assurance that this activity can be undertaken. Clause 46 (1) provides:

Subject to this section, a limited licence may be granted . . .

(f) where, in the opinion of the licensing authority, the grant of such a licence is otherwise desirable in order to meet a temporary need for facilities for the sale of liquor;

Whether this relates to that provision or any other provision, I would appreciate the Minister's advice.

The Hon. G.J. CRAFTER: I thank the honourable member for her question. This often causes concern to clubs and societies. I am advised that often those clubs and societies technically break the law. This amendment provides a very speedy and simple process whereby such organisations apply for a licence under this section and carry on that bottling and fund raising activity within the law.

Clause passed

Clause 47 to 49 passed.

Clause 50—'Power of licensing authority to impose conditions.'

The Hon. G.J. CRAFTER: I will not proceed with the amendment standing in my name.

The Hon. JENNIFER ADAMSON: The Opposition is very happy to support clause 50 as it is printed and to commend the Government for agreeing to the amendment moved by the Upper House.

Clause passed.

Clauses 51 to 53 passed.

Clause 54—'Members of Police Force not to hold licence, etc.'

The Hon. D.C. WOTTON: I move:

Page 27—

Lines 26 and 27—Leave out paragraph *(c)*.

After line 29—Insert subclause as follows:

(2) Notwithstanding subsection (1), a member of the Police Force may, without the consent of the Commissioner of Police, be a member of the committee of management of, or hold any other office in, a club by or on behalf of which a club licence is held.

I have received representations from police officers (I cannot say that they have come from the Police Department: it is probably fairer to say that they have come from individual police officers) who have suggested that it is most inappropriate that if they want to serve in this way a licensed club on an executive, etc. they should seek permission of the Commissioner before they do so.

As I pointed out in my second reading speech, it has been made clear by the current Commissioner of Police that he sees no problem with this clause and that he would look favourably at providing the authority for officers to act in this way. The situation is, though, that that Commissioner will not always be there, and we may have a situation in the future where a Commissioner may feel differently about this. I support the point that has been put to me, because I certainly see that it is desirable for police officers to become involved in clubs such as these. I can quote examples in my electorate where police officers are involved in clubs. It provides them with the opportunity to mix with the public and to be involved at the local level. I can see no reason why the Commissioner should be involved in such a matter.

It would be a very different situation if the police officers were to take out a licence or to be a partner in a licence, or something like that, but I cannot support having to seek the permission of the Commissioner just to serve in the club on the executive or in a role associated with the administration of that club. I hope that the Committee will support this amendment.

Mr S.G. EVANS: I support the statements that have been made. I must admit, as a person who has sat on several of these committees, that I have found it encouraging when police officers have taken on positions within the club operations. But, in the past they have had to approach superiors more or less as a courtesy, not to be on the

committee that runs the licensed part of the club but to become president of a sporting club affiliated with the licensed club.

In one case we had a superintendent and sergeant involved. In the overall club operation, just having the presence of these people in the club had a great effect upon the younger people who might wish to enter the club and consume alcohol even though they are under age. It made our task a lot easier to have those officers around the place. Even though they were in civilian clothes, the young people knew who they were. I support the amendment as it is foolish to have to ask the Commissioner for permission. It would be a different thing if the person were to become the holder or the manager of a club and we may want to consider that in the future if we are discussing the carrying out of the overall management of a club. As to serving on the committee as secretary, treasurer, president or committee member, I support the move and see advantages in having such people around a licensed club, as sometimes younger people want to try to react against the law.

The Hon. JENNIFER ADAMSON: I support the amendment moved by the member for Murray. If I were a member of Parliament in some other States, notably New South Wales, I would have some reservations about it, but in South Australia (taking note of the high regard in which the Police Force is held and the extraordinary amount of community service given by police officers in their capacity as private citizens but which somehow or other often becomes inseparable from their occupation simply because people look to them for guidance and advice) the community can only benefit if the amendment is carried and members of the Police Force as private citizens are able to be members of committees of management or hold other office in a club by or on behalf of which a club licence is held.

The Hon. G.J. CRAFTER: I thank honourable members for their comments on this matter, but point out that the basic premise of clause 54 is to prohibit police officers from becoming involved in the management or being a licensee of licensed premises. However, the Government recognises that in some clubs, particularly those in country areas, police officers are involved and, indeed, are often the motivating force behind the management committee or other controlling body of clubs and play an important role in that way. Accordingly, the original premise is subject to the condition that a police officer may become involved but is required to obtain consent in writing of the Commissioner of Police.

The point made by the member for Coles is well taken. We do have a fine Police Force in this State, but not only must police officers be beyond reproach but must be seen to be beyond reproach. The thrust of this clause has been discussed, I understand, with the Police Association and it supports the measure as proposed by the Government. I understand that that is also the position of the Police Department itself. It is considered that the Bill as it stands is the preferable position and, if the Commissioner is required to give his consent, it could head off any potentially embarrassing police involvement.

The Hon. D.C. WOTTON: I do not believe that the Minister has given any justification or real reason why the provision is worded as it is. He said that it was to head off something; if we were going to do that, we would not allow anybody to do anything. We are talking about grown people acting in a position on a committee or an executive.

That same person could serve on dozens of other executives or committees. I see no other reason. As I said earlier, if it was a direct involvement with the licence, that would be a very different thing. As has been stated by my colleagues who have spoken, we on this side support the police becoming involved in these activities, particularly in country areas where the police have difficulty getting around and seeing the people they work with. We support police officers in these responsible positions. It seems a farce, unless there are examples of police officers going off the rails any more than anyone else in this regard. I am not satisfied with the Minister's response, because he has given no justification for this action being adopted in this provision.

The Committee divided on the amendment:

Ayes (17)—Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Baker, D.C. Brown, Chapman, Eastick, S.G. Evans, Gunn, Ingerson, Lewis, Meier, Oswald, Rodda, Wilson, and Wotton (teller).

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

Pair—Aye—Mr Olsen. No—Mr Wright.

Majority of 5 for the Noes.

Amendment thus negatived; clause passed.

Clauses 55 to 59 passed.

New clause 59a—'Creditworthiness to be taken into account when determining whether a person is fit and proper to hold licence.'

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

Page 29, after clause 59—Insert new clause as follows:

59a. Where the licensing authority is to determine whether a person is a fit and proper person to hold a licence, or to occupy a position of authority in a body corporate that holds a licence, the creditworthiness of that person shall be taken to be a relevant aspect of character to which consideration should be given.

Industry groups have raised concerns about some persons who have obtained liquor licences, purchased liquor from producers or wholesalers but who do not settle these debts. There is concern that some of those people sell the liquor and then transfer or surrender the licence leaving no assets, and then apply for a new licence under a different corporate guise in order to repeat the process.

The Bill already provides that any person applying for the grant or transfer of a licence must say that he is a fit and proper person, and his application may be objected to on the ground that he is not a fit and proper person. This amendment makes clear that, in considering whether a person is a fit and proper person, the licensing authority must take into account as one of the relevant factors the creditworthiness of the applicant.

The Hon. JENNIFER ADAMSON: The Opposition is very pleased to support this amendment. It results from a well argued and valid case being put by wholesale licensees and producers, and it demonstrates that the Government is open to valid argument, which I hope augurs well for further amendments that I have on file.

New clause inserted.

Clause 60 passed.

Clause 61—'Requirements as to premises.'

The Hon. G.J. CRAFTER: I do not wish to proceed with my amendment, Sir.

Clause passed.

Clauses 62 to 64 passed.

Clause 65—'Requirements as to premises.'

The Hon. G.J. CRAFTER: I intimate that I do not wish to proceed with my amendment, Sir.

Clause passed.

Clauses 66 to 85 passed.

Clause 86—'Licence fee.'

The Hon. JENNIFER ADAMSON: I move:

Page 39—

Line 37—Leave out '(not being a producer's licence)'.

Line 38—Leave out '11' and insert '88'.

Lines 41 to 44—Leave out paragraph *(c)*.

This is a circumstance in which I hope that the Government's willingness to be amenable to valid argument will be demonstrated by its acceptance of this amendment. The clause deals with the licence fee payable in respect of a wholesale or retail licence. The matter is extremely complicated, and I will endeavour to explain it simply. Probably that is best done in the first instance by reference to the review of the South Australian licensing laws the recommendation regarding which the Government did not adopt. I hope that that was a result of oversight rather than a premeditated determination to impose an additional cost on a section of the wine producing industry.

On page 497 of the review, the review committee recommend that the prescribed percentage rate, that is, the rate for the licensing fee, be the same for all classes of retail and wholesale licences. That recommendation in itself is quite clear and sufficient. In other words, the 8.8 per cent which prevails at the moment should, in the opinion of the liquor licensing review committee, continue to prevail. However, one sees that that is not what has happened when one reads clause 86, which states that subject to this section the amount of the fee is *(a)* in relation to a retail licence, 11 per cent of the gross amount paid or payable for liquor not being low alcohol liquor purchased during the relevant assessment period; or *(b)* in relation to a wholesale licence not being a producer's licence, 11 per cent of the gross amount paid or payable otherwise than by liquor merchants for the sale of liquor, not being low alcohol liquor during the relevant assessment period. That clause thus far requires a retail licence and a wholesale licence to have identical percentages.

Subclause *(c)*, relating to a producer's licence, provides for a figure of 8.8 per cent of the gross amount paid or payable otherwise than by liquor merchants for the sale of liquor, not being low alcohol liquor during the relevant assessment period. The clause in itself demonstrates that retailers and wholesalers rates will be bumped up from the present 8.8 per cent by an additional 2.2 per cent to 11 per cent. It also demonstrates that the Government has departed from a recommendation for consistency which was contained in the report.

I am prepared to accept at this stage, awaiting the Minister's response, that that was inadvertent. The result of it is that the Government has thereby rejected the proposition that when one is dealing with retail sales all fees should be on the same basis, bearing in mind that wholesalers, retailers and, of course, producers all make retail sales.

The clause as presently stands knocks out that equitable arrangement that presently applies under the Licensing Act. Under the present Act section 37 in Division III, provides that equity. I want to ensure that the Government does not depart from the recommendation of the review committee or from the *status quo.*

The Government has departed from the recommendation of the review committee so far as the producers go, but not so far as the wholesalers are concerned. In moving the amendment, we are ensuring the continuance of the *status quo,* which in all logic should be allowed to continue. The reason for that is that under the present Act the wholesaler pays only a licence fee at 8.8. per cent. Under this proposal the wholesaler would be paying the licence fee on his retail margin whereas currently he does not pay a licence fee except on sales to the public.

The Bill as it stands makes no allowance for the fact that sales under this provision are similar to those of a producer's licence, namely, directly to the public, where the wholesaler sells to cellar door or private trade, and there is plenty of that going on (believe me, a great deal of it). All the Opposition is arguing for is equity and justice in the way that licence fees are applied. The Government may say that it is only bumping the fee up by 2.2 per cent, but whatever the percentage is, it is wrong in principle. The percentage is also significant. When one looks at those who have wholesale licences in South Australia one is looking not only at wholesalers as such but also at producers who are wholesalers and who are the flagship labels of the great wine companies of this State. One is there looking at Seppelts, Yalumba, Hardy's, Wynns, and in more recent times Wolf Blass, and Krondorf and imposing on those companies an additional 2.2 per cent cost on their licence fee. That cost should not be imposed, and those companies can ill afford to bear it.

Previously during this debate, and during other debates, I have cited the case of wine companies investing considerable capital in wine tasting facilities which act as a focus for tourism in an area. I have on numerous occasions cited the investment made by Hardy's at Reynella. Every time a Government puts an additional impost on these wine companies it reduces their capacity to make that kind of investment and to provide the kinds of service to which I have referred on numerous occasions during this debate, namely, the kind of service that upgrades standards, increases knowledge and appreciation, and generally enhances the whole quality of liquor sales, consumption and licensing in this State.

As I have mentioned the name Krondorf I will make a brief reference to that company. During the recent tourism hotline that I conducted on the January holiday weekend the majority of calls were of a critical but constructive nature. However, there were a few precious gems amongst those calls which were of a purely praiseworthy nature. One related to Krondorf wines. The caller said 'My friends were "tickled pink" that, having bought sundry bottles at wineries throughout the Barossa Valley, when they called at Krondorf and wanted to buy additional bottles they asked if Krondorf would stand the cost of parcelling, packaging and consigning not just their own bottles but also the total purchases from other wineries and the answer was, "Yes, madam, gladly".' That was such a powerful selling tool; these people were absolutely overwhelmed by the service at Krondorf.

As a result, they have sung the praises of Krondorf to their friends. Certainly, it was a costly thing for a company to do, but one might say it was an enduring sales tool that will go on to benefit them probably for many years to come, because it will probably never be forgotton by the consumers and here, in an indirect sense, I am perpetuating it through the pages of *Hansard.*

The Hon. D.C. Brown: Do they bathe in Krondorf wine?

The Hon. JENNIFER ADAMSON: I doubt it, but I am sure that they are loyal to the brand. This is the type of attitude that embodies the kind of service that is highly desirable in a product such as wine, which has intangible qualities that go beyond the contents of the bottle. Companies such as Krondorf, and the others that I have named, Seppelt, Yalumba, Hardy's, Wolf Blass, Wynns, Seaview, which are the same, and numerous others, simply will not be able to afford to provide this kind of service—and, in the case of some of the wineries, to provide the capital facilities—if they are continually to be hit with sometimes small subtle but nevertheless burdensome imposts such as those being imposed by this clause.

The simple arithmetic is that if one is looking at formulae at a 10 per cent retail sale, without sales tax being included, a wholesaler might buy the product for $7 and sell it to the retailer for $8, when the licence fee of 11 per cent is paid. That increases the cost by 88 cents and the retailer might then sell the product for, say, $10 (working on a reasonably fine margin). If one transfers that sales chain to the wholesaler, under this clause one finds that the wholesaler pays $7. His normal selling price to the retailer is $8. The licence

fee is imposed at this point and the wholesaler wants to sell direct and applies a 20 per cent margin and sells it for $9.60. He should pay a licence fee of 8.8 per cent, namely, 85 cents—not 11 per cent or $9.50, which would bring the cost of the liquor, whatever it is, to $10.05, as distinct from $10 in the case of the retailer. That is a simple example but, if one multiplies that by the total turnover (and I am not privy to the total annual turnover of the wineries that I have mentioned—or any others), an intelligent guess would put the 2.2 per cent increase that the Government is imposing by way of the clause as it now stands to $22 000 a year (a conservative estimate).

That sum would represent at least the wages of two casual weekend workers and perhaps more at those wineries—workers who inform consumers at the cellar door of the quality of the wine that they are buying. I use this point to demonstrate that every time the Government takes tens of thousands of dollars out of the pockets of people who deal in liquor, the Government is denying by that amount the person, company, retailer, wholesaler or producer the capacity to use that money for investment or employment purposes. That is why the Opposition takes issue with the Government on this clause. I will be interested to hear the Minister's reply and, depending on it, we will pursue the matter further.

I believe that a case can be and has been made out for the inequity of the present arrangement. It departs from the *status quo* and the recommendations of the review committee, and it will add an additional cost to wholesalers who can ill afford to bear that cost in relation to the wine industry as it presently stands in South Australia.

The Hon. G.J. CRAFTER: I think that the honourable member may be slightly confused about what this clause intends to do. The licence fee is now, and will be under this Bill, levied only on sales to the general public, not to other licensees; that is in the case of wholesalers. Therefore, this clause does not affect producers. The honourable member is referring there to producers—

The Hon. Jennifer Adamson: Often they are one and the same.

The Hon. G.J. CRAFTER: But, it is only with respect to those sales to the general public that this change is put into effect. I will try to explain the history of this matter to the Committee in order to clarify why there is presently a lower licence fee rate for wholesalers and producers and why the review recommended that all licences have the same higher rate. To correct the honourable member, the review recommended that the higher rate be the uniform rate that should be adopted. That was because these sales were retail sales to the general public and should attract the retail fee, that is, 11 per cent. However, the Government decided to lower the rate to 8.8 per cent for producers only as an incentive to the wine industry, and thereby to tourism thereby giving the other benefits that would flow from a reduced fee.

I am not sure whether the honourable member was aware of that reduction for those reasons. The increase to 11 per cent for wholesalers would result in a minimal amount of additional revenue, and the honourable member has done some calculations on that. This is not meant to be a revenue raising measure but is one of principle. The theory behind having a lower percentage applying to wholesalers and others than to retailers is that in areas where the two types of licensee compete (that is, in sales to the public) the differential rate places the two on an equal competitive footing. Thus, where a retailer buys a bottle of wine for 80c from a wholesaler and sells it for $1 he pays 11 per cent of 80c, or 8.8 cents, where a wholesaler (for example, a vigneron)) sells the same bottle for $1 he pays 8.8 per cent of $1 or 8.8 cents, the same amount.

The review of the liquor licensing laws in this State recommend that a standard percentage apply in both cases on the grounds that the present arrangement is unsound from a constitutional viewpoint. The essence of the constitutional validity of these fees is that they are not a tax on goods, one reason being that they do not inevitably enter into the cost of the goods. However, the more blatantly that a fee is related to an individual sale of liquor, it is arguable that the probability increases that the fee is a duty on excise.

The review said that that was its objection to the different percentage applying when calculating fees for wholesale licences in an attempt to ensure that the same proportion of each unit of liquor sold by a wholesaler and a retailer represents a licence fee component; that is, it assumes that a retail price is the wholesale price marked up by 25 per cent. It is predicated on the assumption that the licence fee does enter into the price of every unit of liquor sold. For those reasons, the Government has taken the steps that it has. I trust that that will clarify the matter for the Committee.

The Hon. D.C. BROWN: I will comment briefly on what the Minister has just said in order to highlight the problem. I suppose that other members of the House are not fully aware of the situation. As I understand it the wholesaler has always paid a lower rate than the retailer. Of course, the wholesaler must pay the price at which the goods are sold to the public, whereas the retailer pays on the wholesale price, so the 8.8 per cent as agreed under the old Act in relation to the wholesaler has been passed on to the primary producer but not to the wholesaler. That is the nub of the criticism. The producer will benefit but the wholesaler who sells to the public will miss out. Under the old Act, the wholesaler had the advantage of the 8.8 per cent, but that will not apply under the Bill, so the wholesaler is disadvantaged compared to the producer. That is the point that my colleague made very effectively, and that is the point that the Minister must consider. A new disadvantage is being created for the wholesaler compared to the other sectors of the industry.

Under the existing Act the producer and the wholesaler stand on equal ground, but under the Bill the producer has a significant advantage over the wholesaler. The advantage that the wholesaler shared under the existing Act is not passed on to him under the Bill. That is the point made so clearly by the member for Coles. The Minister should consider the inequity that applies under this provision.

The Hon. JENNIFER ADAMSON: It is true that in one sense this issue is complex but in another way it is relatively simple. At present the wholesaler is getting a cheaper rate, namely, 8 per cent of the sales figure, but the retailer pays on the purchasing price, namely, 11 per cent. The wholesaler pays on the retail price to the consumer. Why should the wholesaler be required to pay on the purchasing price in the manner proposed under this clause, namely, 11 per cent? It is not logical, it is certainly not equitable and, despite what the Minister said in his reference to what I consider to be red herrings in a technical sense, namely, constitutional matters and the challenge in the High Court case—

The Hon. G.J. Crafter: That is hardly a red herring.

The Hon. JENNIFER ADAMSON: That is debatable. The real issue is that the retailer pays on the purchasing price of 11 per cent, and at present the wholesaler pays on the retail price to the consumer, so why should the wholesaler be made to pay the purchasing price of 11 per cent, which he is not required to do under the existing Act? I do not see how the Minister can on the one hand attack the recommendations of the review and the existing Act and on the other hand justify this amendment. The Minister cannot justify it if he supports the existing Act (and presumably in this regard there is no reason not to support it) and if he recognises the validity of the recommendations of the review.

It is just not fair to whack on 2.2 per cent to the wholesaler, as it is a completely artificial impost by comparison with the price paid by the retailer.

The Hon. G.J. CRAFTER: The thrust is, as I have explained, to redress the imbalance that presently exists in regard to retail sales or wholesale and retail licences. That is what this provision is about. In that sense it is not considered that there is a disadvantage to wholesalers. The important point that the Committee should realise is that the Government departed from the recommendations of the review in the case of producers as a direct incentive (as the member for Davenport noted) to that industry and indeed to tourism. As I said previously, other benefits flow from that. The Government acknowledged the importance of assisting the producer wherever possible, and it has done so.

The Hon. D.C. Brown: Why did you give it to wholesalers under the old Act?

The Hon. G.J. CRAFTER: Because the review recommended that that be done, for the reasons that I have explained to the Committee.

The Hon. D.C. Brown: Under the old Act?

The Hon. G.J. CRAFTER: The review recommended that there should be uniformity in regard to the impost of this fee where it is levied in a retail capacity, and the Government agrees with that. However, the Government departed from that recommendation with respect to producers.

The Hon. JENNIFER ADAMSON: As this is the third time I have spoken on this matter, I appreciate that this is my last chance to make the point: if what the Minister says is correct, why are producers seeking the amendment that I have moved? I am referring to producers who, incidentally, are also wholesalers, as so many of them are. The Minister's justification for the clause simply does not stand up in the light of the reality of the South Australian situation, where almost all producers are also wholesalers, and also sell direct to the public by means of cellar door sales.

The nub of the matter still rests on the fact that fees for retail sales should all be paid on the same basis. However, the Government is attempting to disturb that. The Minister has justified the Government's action by claiming that this measure will be an incentive to producers and, therefore, to those in the tourism industry. However, that just does not hold water, in the knowledge that the producers themselves, in their capacity as wholesalers, have sought and are supporting this amendment.

The Minister cannot simply put a spurious argument, as he has done, sounding very smooth and authoritative (if indeed he did sound smooth and authoritative, which perhaps is debatable) without being challenged on the grounds that the people whom he is claiming to support and defend are the very people who want the amendment, as moved by the Opposition. I suggest that that knocks the Minister's argument into a cocked hat.

I stick by the principle that fees should be paid on the same basis for all retail sales. The Government is seeking to disturb that principle. Despite the Minister's claiming that this is not a revenue raising measure, I have deep suspicions about such a claim in relation to anything that clearly will increase revenue. The Minister protests altogether too much when one thinks of the last two years and the series of revenue raising measures that have been introduced under the guise of all kinds of other reasons and justifications. I can only say that the Minister's arguments are not substantial. Fees should be paid on the same basis for all retail sales. The Government's insistence on this clause will lead to injustice and inequity in relation to licence fees.

The Hon. G.J. CRAFTER: I think that the honourable member is once again trying to achieve too much out of the machinations of the clause. The producers sell wholesale, but they do not necessarily hold wholesale licences; and that may well be the answer in relation to what the honourable member is trying to achieve. In my view these measures simply cannot be stretched to provide that relief in that way, because that would lead to a serious imbalance in the market place.

The Committee divided on the amendment:

Ayes (17)—Mrs Adamson (teller), Messrs Allison, P.B. Arnold, Ashenden, Baker, D.C. Brown, Chapman, Eastick, S.G. Evans, Gunn, Ingerson, Lewis, Meier, Oswald, Rodda, Wilson, and Wotton.

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

Pair—Aye—Mr Olsen. No—Mr Wright.

Majority of 5 for the Noes.

Amendment thus negatived.

Mr S.G. EVANS: Has consideration been given to varying the provisions in this clause in a way that would make it easier to collect revenue? The clause sets out the conditions under which licence fees are paid: they are paid on the previous year's sales. That is done because, if we tried to do it on any other system, we would get into the field of constitutional argument, where it might be argued that it was excise, as occurred in a tobacco case in another State, which was taken to the High Court. Having that in mind, I sought some advice, and I am told that there is no way that we can apply the tax or collect the fee at the point of wholesale.

I was considering that because we would then have fewer groups from which to collect the money; there would be less departmental work and it would save all hotels the job of sending in reports each year and having to worry about that provision. In trying to follow that through, I am advised that our wholesalers sell all over Australia, and if we try to apply it at that point we would find that in other States our products would be taxed at the wholesale level, then taxed to pay our State duties, and then taxed again at the retail point in other States so that they could get revenue.

I understand that we have a constitutional problem, but I ask the Minister whether, at any of the discussions that have taken place with his Federal and State counterparts, an approach or attempt has been made whereby we can bring about a method of collecting the tax at the wholesale level and cutting out the burden for hotels and others who have to send in returns, with some method of distributing the money back to the States to make the process simpler than it is currently. There are about 600 hotels sending in returns. People in Government departments must then handle them. A lot of extra work is being created. If this could be done at the wholesale point, there would be a substantial reduction in bookwork to be done in Government departments, Federal and State. Has that proposition been considered in the past? We should follow through that concept if we are genuine in our approach to help small businesses as many hotels, motels and restaraunts come under such category. Will the Minister advise whether that point has been considered?

The Hon. G.J. CRAFTER: I thank the honourable member for his question as it is a very interesting one indeed. He has obviously studied the review which looked into that question. When this legislation is passed—and it is important that it be brought into effect as quickly as possible—the Attorney-General will be raising the matter at the appropriate Ministerial forum. I suggest that the path to which the honourable member alluded, whilst obviously desirable in administration in providing a less expensive method of administration and, hopefully, leading to costs savings passed

on to consumers, is indeed a very rocky path in the experience of constitutional history since federation in this country. Perhaps the honourable member should not be talking to those on this side of the House but to some of his colleagues in other States who simply refused to participate in national programmes. There must be co-operation between all the States and Territories. It is eminently sensible and this State will be in the forefront in advancing such a proposal, but, unfortunately, some Governments in this country simply refuse to join in such co-operative arrangements.

Mr S.G. EVANS: I did not want to have a Party argument but, in putting that to the Minister, I hope that he and his colleagues will try to find a way around his problem. Maybe we could look at individual items in the transfer of power rather than at a total transfer of power.

Clause passed.

Clauses 87 to 108 passed.

Clause 109—'Restriction on taking liquor from licensed premises.'

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

Page 48, line 34—Leave out 'section' and insert 'Division'.

This amendment is consequential upon an amendment I propose to new clause 110a.

Amendment carried.

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

Pages 48 and 49—Leave out subclause (2).

This is another consequential amendment.

Mr S.G. EVANS: Why is this amendment necessary? Members of the Committee and those who read *Hansard* might like to know why the Minister wishes to remove subclause (2).

The Hon. G.J. CRAFTER: I will briefly explain the thrust of my proposed amendment to clause 110, which is related. Questions were asked in the other place about restaurant licences and particularly whether under a full restaurant licence (where liquor may be sold with meals) a person may also bring his or her own liquor. The intention was that this course should be allowed, if the proprietor consents. It was considered that clause 109 (2) implied this effect. The new clause that I intend to insert after clause 110 makes it absolutely clear that such practices are lawful in respect of any licence under which liquor may be sold with meals, for example, in hotels and motels.

Mr S.G. EVANS: What is the position in a club which provides meals for its members? I think we need to be clear on that, because some clubs provide meals for their members. I would like the situation clarified so that people can be advised accordingly. It would be foolish to let the clause pass and then find it applies only to restaurants (whether they be BYO or fully licensed restaurants), hotels or motels which have dining or tavern facilities (which are becoming more commonplace today).

The Hon. G.J. CRAFTER: I thank the honourable member for his question. As I understand it, the provision will apply to members of clubs and *bona fide* visitors to clubs.

Amendment carried; clause as amended passed.

Clause 110—'Restriction on consumption of liquor in, and taking liquor from, licensed premises.'

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

Page 49, line 4—Leave out 'section' and insert 'Division'.

This is also a consequential amendment, and it relates to the explanation that I have just given to the Committee.

The Hon. JENNIFER ADAMSON: I suppose I could have spoken to either this clause or the previous clause. I express pleasure that the Government has moved this amendment. It reflects support for a view that I put in the second reading debate that BYO, as it is colloquially known, namely, bring your own liquor, is a commendable concept. Rather than, as some people would have it, debasing the whole notion of dining and wining by encouraging the bringing along of cheap liquor to licensed premises, it in fact does the reverse, on balance, because it enables people who have a good cellar, an appreciation of fine wine and a wish to drink it in pleasant surroundings outside their own homes to take to those licensed establishments whatever bottles they choose to consume.

I can recall circumstances in our family where a family member who has an excellent cellar—and it is not I, I am sorry to say—wanted to drink a certain wine at a celebration, and we had to select a specific BYO restaurant in order to dine out on that occasion, whereas it would have given us more flexibility had this clause been in operation: and we could have selected more widely from the places in which we wanted to eat.

All in all, for a State like South Australia where appreciation of wine should be encouraged, this clause encourages flexibility, is common sense and is a deregulatory measure that will be applauded by the community as long as the community knows about it and knows what rights we all will have henceforth under this Bill. I hope that the Government will take the necessary measures to ensure that this facility is widely known both within the restaurant and hotel industry and within the community generally.

Amendment carried; clause as amended passed.

New clause 110a—'Liquor may be brought onto, and removed from, licensed premises in certain cases.'

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

Page 50, after clause 110—Insert new clause as follows:

110a. Where a licence authorises—

(a) the sale of liquor for consumption on the licensed premises with or ancillary to a meal provided by the licensee;

or

(b) the consumption of liquor on the licensed premises with or ancillary to a meal provided by the licensee,

then, notwithstanding any other provision of this Act, it is lawful for a person—

(c) to bring liquor onto the licensed premises, with the consent of the licensee, intending to consume it with or ancillary to a meal provided by the licensee on the licensed premises;

and

(d) subsequently to take the unconsumed portion of the liquor from the licensed premises.

As I have explained to the Committee, the purpose of inserting this new clause is to make absolutely clear that the practice of bringing to such licensed premises one's own liquor is absolutely legal. This is in response to the questions which were raised in the other place and which were the subject of representations from the member for Mawson on this matter as well. This will now clarify the matter, and I concur in what the member for Coles said, namely, that this will add a new dimension to the life of our community and to dining out.

Hopefully, it will bring the cost of dining out within the means of many more individuals and families. As we have all witnessed in cities such as Melbourne, the BYO practice is a way of enjoying liquor with the consumption of a meal, and it does mean that it is a less expensive practice. Indeed, it means that many more people can eat out more often.

Ms LENEHAN: I, too, would like to add my support for this clause, which is extremely important. Clause 30, in conjunction with clause 109 in the original Bill, did allow the current practice of fully licensed restaurants also acting as BYO restaurants. Clause 110 very clearly spells out to the community that BYO restaurants are able to operate currently within fully licensed premises.

In supporting this amendment, I would like also to point out that perhaps the best kept secret in South Australia has been that fully licensed restaurants do have the power under current legislation to act as BYO restaurants. As other mem-

bers of this House and I have found out when speaking to the owner of a fully licensed restaurant and asking whether I could bring a bottle of my own wine, I have been told in the past, 'No, I am afraid it is not legal.' That is not the correct position.

I therefore seek an assurance from the Minister, in line with the point raised by the member for Coles, that this very well kept secret is no longer a well kept secret, and that the Government does all in its power to fully advertise the fact that all fully licensed restaurants can act with the dual facility of being BYO restaurants. I do this because, having made a study of BYO restaurants in Adelaide, Melbourne, Sydney and Perth, it seems to me that restaurateurs have the opportunity of opening up a whole new market in the area of BYO restaurants. Perhaps they may wish to look at encouraging people to dine out in the low-peak early nights in the week by promoting their facility as a BYO facility. So instead of having a fully booked restaurant on a Friday or Saturday night and having the troughs on perhaps Monday, Tuesday and Wednesday night, they will be looking at having a full restaurant for the whole week.

As part of my research I have found that large numbers of South Australians would frequent restaurants if they were able to bring with them a bottle of wine from their own cellar, as indeed the member for Coles has said. It is also worth noting that South Australia is considered to be the home of fine wines in Australia, yet we probably have fewer BYO restaurants and they are less-publicised than any other city in Australia.

If we compare the situation to that in Perth, where we have similar populations therefore fairly similar economic situations in respect of restaurants, we find that in Perth the top restaurants are BYO restaurants and are doing very nicely in terms of the economic situation.

I therefore wish to say to those critics who suggest that, by availing ourselves of the already existing facility, we will destroy the restaurant industry, it is a very shortsighted and introspective view. The opposite situation will apply and a new market will be created and where the tourism industry will be amply served as it is in other States and in other capitals in Australia. I commend the Minister for his introduction of this clause 110a, which very clearly spells out that restaurants can now act as BYO restaurants under the facility of a full licence.

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

A quorum having been formed:

Mr S.G. EVANS: I support the new clause but offer one word of caution. The member for Mawson has made the point that until now people have had the opportunity to bring their own liquor to fully licensed restaurants if they so desired. A lot of people and restaurants have recognised that. Some restaurants have allowed people to bring their own liquor on Monday, Tuesday and Wednesday nights, their slack night, so that they do not have to employ extra staff at uneconomic times. The air of caution I express, despite the member for Mawson saying that top restaurants in Western Australia are mainly BYOs (and I question that statement), is that if we move into this area too quickly we will create more unemployment.

We will also find that some restaurants and hotels that presently give top service will lose some of their profitability and their service will be reduced to a lower common denominator because they will not be able to afford to employ enough staff to give the same service. If we get carried away with BYOs then there will be complaints about increasing costs of corkage to help keep up the service standard. I support the new clause, but let us not get too carried away with this idea or we might create further unemployment, which is something we do not want to do in the community at the moment.

New clause inserted.

Clause 111 passed.

Clause 112—'Complaint about noise, etc., emanating from licensed premises.'

The Hon. G.J. CRAFTER: I will not proceed with my amendment to this clause.

Clause passed.

Clauses 113 to 115 passed.

Clause 116—'Sale or supply of liquor to minors.'

The Hon. G.J. CRAFTER: I will not proceed with my amendment to this clause.

The Hon. JENNIFER ADAMSON: I express relief that the Government does not intend to proceed with this amendment, which I can only charitably hope was a typing error, although that seems to be going too far. Subclause (4) states:

> Where a person, acting at the request of a minor, purchases liquor on behalf of the minor on licensed premises, that person and the minor are each guilty of an offence.

Why the amendment to delete this subclause was ever put on file is a mystery because this subclause was one of several in this Bill that strengthen the Liquor Licensing Bill in respect of penalties associated with providing liquor to under age children.

One of the good things about this Bill that is endorsed by the whole community is the stronger provisions for the protection of children that we included in it. There is no doubt that some sections of the community have some reservations about some aspects of the Bill, such as Sunday trading and retail liquor stores being open on Sundays, and some of the deregulatory clauses have been criticised. However, there has been no criticism of the strengthened provisions for the protection of children and the penalties that should apply to anyone who in any way makes a child vulnerable by providing liquor. Therefore, I can only express amazement again that this amendment was ever placed on file and relief that it has been withdrawn.

Clause passed.

Clause 117—'Areas of licensed premises may be declared out of bounds to minors.'

Mr S.G. EVANS: In the second reading debate I referred to the question of minors in front bars and saloon bars. This clause allows a licensee to place any area other than the diningroom or bedrooms out of bounds to minors. I do not oppose that provision but it does not go as far as I would have liked. I did intend to move amendments. In New South Wales minors are not allowed in front bars or saloon bars, although I am not sure about the situation in relation to diningrooms, where I believe they can be with their parents or legal guardians. In Victoria the situation is similar, but reference is made there to the legal guardian.

My concern with this provision relates to the sincere publican or licensee who adopts a responsible approach and decides that he does not want children two or three years of age or five years of age running around in the front bar or saloon bar. This could apply especially in a country hotel more than in a city hotel. The publican could take a responsible approach on behalf of both the child and society, especially if parents do not have enough common sense to understand the difficulties encountered by children in such an environment.

However, that publican could lose clientele by putting up a sign 'No minors', while an unscrupulous publican down the road who does not give a damn and only wants more customers in his hotel could permit juniors. The situation would arise where the more responsible clients who cannot put up with youngsters around the place go to the better operated hotel, and the licensee operating semi-irresponsibly

could lose that better clientele. Sometimes in country areas that situation would not work because of the distances involved.

I do not care where it applies in South Australia, because I ask the Minister to negotiate with the AHA to see whether it will try to carry out a programme to encourage AHA members to use this provision and keep minors out of bars. That would be at least a step in the right direction. I make the same comment in regard to motels and clubs, although it is more difficult in clubs because of community involvment. In clubs there are often small bars, congestion and often an element that is not over savoury, so the same action could be taken by club managements.

In making this plea I acknowledge the magnificent response by the AHA to say that it supported identity cards being introduced to make policing age limits easier. The comment by the Police Force that it would make it too easy was unfortunate. I hope that that was just a slip of the tongue and was not suggesting that as Parliamentarians we should not make laws covering the operation of any practice that we believe is unsavoury too easy to police. Will the Minister make that approach to the AHA to start a drive to keep minors out of bars?

The Hon. G.J. CRAFTER: I have noted the comments of the honourable member and they will be transmitted to the Minister in another place. One of the moderating influences—and I hope it is the trend in the consumption of alcoholic beverages—is to allow for the family unit to be able to visit a hotel, to have a drink together, rather than segregation, for example, of men in the front bar where unsavoury drinking habits are often perpetuated.

I would not like to see perpetuated those unsavoury practices that occur in the male only type of bar. I believe that in the current design of hotels and taverns we are seeing a move away from the latrine type of front bar to much more civilised and family oriented facilities in licensed premises. The points that the honourable member made are taken on board, and we will no doubt continue with the investigations we have under way in Government with respect to photographic identification of persons in the community (this is being looked at in another context) which obviously would impact on the ability of young people to identify themselves as being of an adult age and, therefore, to legally consume liquor on licensed premises.

Mr S.G. EVANS: I am prepared to take the Minister, if he has not already been, to two of the most modern facilities just built which have front bars. If the Minister believes that just because it is felt that a good atmosphere is created one would want minors mixing with the clientele present, I am amazed. I will be happy to advise the Minister of the names afterwards. I do not want to go into it now because it isolates two communities, one in particular. Children in school uniform have been in to those premises immediately after school. I went there only because constituents had telephoned me about the problem. I am not saying that these minors are drinking alcohol. That is not for me to judge. However, do not let us get carried away, because someone builds a nice facility that looks grand, and think that the environment is appropriate for a family or young people to be involved. That does not always follow. Some facilities 100 years old are better operated than modern facilities when it comes to policing minors.

Clause passed.

Clauses 118 and 119 passed.

Clause 119a—'Consumption of liquor in public place by minor.'

Mr S.G. EVANS: I move:

Page 53, after clause 119—Insert new clause as follows:

119a. (1) A minor shall not consume liquor—

(a) in a public place;

or

(b) in a motor vehicle that is in a public place,

unless the minor is in the company of a parent or guardian.

(2) If a minor consumes liquor in contravention of subsection (1)—

(a) the minor is guilty of an offence;

and

(b) any person who supplied liquor to the minor knowing that the minor was likely to consume the liquor in contravention of subsection (1) is guilty of an offence.

Today in this House I had a visitor from another land and a fortnight ago a visitor from another country. Under the law in New Zealand, no person, adult or minor, can drink in a public place. I do not advocate that, but I ask the Committee to consider where difficulties are created in relation to juniors drinking alcohol. I am fully aware that we passed laws to provide that juniors of 15 or 16 years can consent to medical or dental treatment. The Parliament says that those juniors are mature enough to make such decisions. I ask members to cast aside those thoughts, because there is a serious problem in the community.

In the second reading stage many members made the point that one of the problems in the liquor industry is how to control or restrict the massive amount of alcohol that is being consumed by juniors. More particularly, however, we must consider the troubles they face. Young people and their friends are killed or maimed for life. I do not want to play on the sentimental aspect, but we all know that many young people have been mutilated or their lives destroyed. It happens every weekend. I do not say that those mutilated in this way would necessarily have been drinking in a public place, although I have no doubt that in some cases they gained admission to licensed premises, and those licensed premises were just as likely to be a club as a hotel or restaurant. But young people can obtain alcohol in private homes, going from party to party. Where is the logic when we say that in places where there is some supervision—hotels, clubs and restaurants—it is illegal for a person under 18 years to consume alcohol but that in places where there is no supervision it is not illegal for that person to consume alcohol?

I tested a class of Matriculation students today who were visiting Parliament House, and I was amazed. I asked them whether they would change the law in this regard, and I was surprised that nearly all of them believed that it was illegal to drink in a public place. They thought that that was the law. Four years ago I asked five Parliamentarians (I do not say from which Party they came, but they were not all from the one Party) what was the position in this regard, and they all told me that it was illegal for minors to drink in a public place—and they were members of this Parliament! A lot of people thought that that was the case and that there was no need for a law in this regard. People say that we will overgovern, but where is the logic in saying that, where there is some supervision, people under 18 years cannot drink alcohol, nor can anyone supply it to them but that, because others may be over 18 years of age, they can buy a crate of whisky, visit the local high school, invite the students there to go to the park and then pour that whisky into them? Under the Licensing Act nothing could happen to me or to the children who consume the alcohol.

Let us consider the 14 and 15 year olds. Unfortunately, many parents allow their children of that age to go out at night. Peer group pressures develop, and whether we like it or not alcohol becomes part of the scene. Our whole social structure revolves around the fact that, unless there is grog (and I drink the stuff in very moderate quantities), there is no party and no social life.

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

A quorum having been formed:

Mr S.G. EVANS: I have probably said enough in relation to this matter. I earnestly implore members to think this matter through. If the Government cannot accept that the consumption of alcohol by a minor be treated as an offence, could other aspects be considered, such as treating as an offence the supply of alcohol to a minor by an adult in certain circumstances? If we cannot go that far, we are not genuinely tackling this problem. I am referring here to the adult (who is not a parent or a guardian of the junior concerned) who supplies alcohol to a minor in a public place, and I am saying that that adult should be subject to a penalty—if the Minister cannot accept that a minor should pay a penalty for consumption of liquor.

The Minister is a family man, and he would be aware of the difficulties that occur at times in his electorate arising from the consumption of alcohol by minors. I am determined that we must think through this matter. If honourable members cannot accept the whole proposition, perhaps a variation of the proposition can be adopted. I am thinking in terms of an adult who is sitting in a Sandman vehicle somewhere or on the beach and who starts handing around liquor to juniors; that adult should pay a penalty for supplying liquor to juniors; that is, people we consider are too young to drink on licensed premises. I am sure that the hoteliers, restaurateurs and owners of clubs would not object to this, and most parents would not mind. A referendum on this question conducted right at this moment would be easily carried.

An amazing point to which I refer again concerns the response of a group of Matriculation students to a question that I asked them about whether the provision making this unlawful should be there. Most of those students believed that the provision should apply. As Parliamentarians we should not be blinded by a few people in the community claiming that this would be against human rights. Let us stop and think about what parents, teachers and members of the Police Force, in carrying out their duties, think about this matter.

The Hon. G.J. Crafter interjecting:

Mr S.G. EVANS: I am not denying that it is hard to police, but that is the case in relation to many other crimes; for example, of the total number of thefts that occur in the community only about 5 per cent are solved. At least people can think that we are attempting to solve some of the problems. I ask the Minister to consider seriously the proposition that I have outlined, because I think that the community would like us to be concerned about what is happening to the younger generation.

The Hon. JENNIFER ADAMSON: I warmly support, as do my colleagues, the member for Fisher's amendments. He has canvassed very effectively the reasons for them, and I do not propose to do other than to support them sincerely and hope that the Minister does the same.

The Hon. G.J. CRAFTER: I thank the member for Fisher for his consideration of this matter. The honourable member has also pointed out to the Committee a number of problems that can occur in relation to amendments of this nature. He correctly identified the question of how far we should go with such legislation. The thrust of the amendment is to prohibit the consumption of liquor by minors in all public places in the State, unless that minor is accompanied by a parent or guardian. The review looked in some detail at this question of minors drinking in public places and took the view that the best approach was to identify those public places that caused problems and to ban such consumption only in those places. This view is now reflected in the Bill.

Clause 119, accordingly, makes it an offence for any minor to obtain or consume liquor in prescribed premises. A person supplying liquor to a minor in such places is also guilty of an offence. Clause 4 (1) of the Bill defines 'prescribed premises' to mean licensed premises, regulated premises (that is, shops, cafes, amusement parlors and the like) and any other premises, including land, declared by regulation. The provision extends to areas appurtenant to such places. Thus, if any place is seen to be attractive to drinking minors it can thus be prescribed by regulation.

This is the first time in the State's history, as far as the review reported, that the consumption of liquor by minors off licensed premises has been restricted generally by liquor licensing laws. Such a restriction on the liberty of minors should not be taken lightly. The honourable member referred to community concerns in that regard. This is why it is considered best to impose the restriction only where problem areas are perceived and as they arise, not on all public areas in the State.

The wide approach taken in the honourable member's amendment would ban all public liquor consumption by minors without a parent or guardian, whether or not that consumption was causing any problems. Some members have said that it is absurd to prohibit minors drinking on licensed premises where there is an element of supervision but to allow it in other places where no supervision exists. However, the reason for prohibiting it on licensed premises is largely to provide a disincentive to licensees supplying minors. If a minor consumes liquor on licensed premises the licensee is also guilty of an offence and subject to disciplinary action. In other words, this prohibition is aimed principally at preventing the commercial supply of liquor to minors.

Mr S.G. EVANS: I was aware of all that the Minister stated, and I understand all of that. I also understand that some poor bar attendant, where someone in a hotel is supplied with alcohol (maybe not by the bar attendant—he would have a job proving that he did not if somebody else over 18 bought it and handed it to the child), might be on $240 a week less tax and can front up to a fine of at least $500. Some other rabbit in the community can go to a hotel, buy large stocks of alcohol, take it out and give it away, for whatever purpose, to a group of people without selling it. He may sell it, but then he commits an offence under the present law.

Why, if the Minister cannot accept the point that I make about juniors drinking in public places overall, does the Minister not accept the provision that I put to him that we change the amendment to include only those who supply alcohol to juniors in a public place? I hope that neither the Minister nor his Government, nor any other member of Parliament, would condone the practice of adults going out into the community and providing minors with the drug alcohol in whatever quantity without the permission of the parent or the guardian. If Parliament condones that sort of action, I am amazed.

That is what I am saying: for the Minister to say that the only reason that we prohibit juniors from drinking in a hotel is as a disincentive for the hotel attendants to supply the minor is not true. I am not saying that it is a lie by the Minister: I would not do that, and I do not think that he would have said it in a untruthful way, but I believe that it was done originally because people thought that alcohol did not do the body much good and that it was better for them to be mature—originally 21 years of age—before they started to consume alcohol. Parliament decided in 1969 to lower the age for consuming alcohol to 20. I led that campaign and I was proud of its success, but it did not last very long.

We have put the age back to 18, not because somebody might happen to supply it to the junior but because we know that it is not really beneficial to their health. We know that quite often they are not mature enough (some adults are not either and, in fact, some juniors may be more mature than some adults) to handle the situation, or to

know when to stop. These days we also have the motor vehicle which has added another dimension. When people rode pushbikes or horses the consequences were not so bad. We have to understand the reason that it was originally put there and it is not the reason the Minister gave to the Committee a moment ago. If the Minister will not accept the argument of stopping juniors drinking, will he accept the proposition that surely Parliament considers it improper for an adult to supply our young people with alcohol anywhere in the State at any time without breaking the law? I hope that I have said enough for people to understand that the vast majority of people in the community now believe wrongly that it is illegal for juniors to drink in a public place. A lot of parents do not realise until it hits home and affects them. I hope we will take up the challenge.

If we cannot accept the first part of the amendment, let us have the opportunity to resubmit the clause later, if the Minister agrees, and ban those adults who supply alcohol to juniors in a public place. It is not an unreasonable request. Surely we do not want to condone such action. I ask the Minister, as a family man, to accede to the request. It will not do anyone any harm and will stop a few rabbits supplying our young people until such time that they are old enough, in the opinion of the Parliament, to consume it.

The Hon. JENNIFER ADAMSON: I endorse the arguments put forward by the member for Fisher. I did not elaborate on this point when the member for Fisher moved his amendment because I wanted to see the Minister's reaction, which I hoped would be positive. I am extremely disappointed that that is not the case. The Minister and every member in this Committee knows that the law is educative. It is possible and often desirable to make statements in the law of what society expects to be minimum, reasonable and acceptable standards of behaviour. Throughout all manner of Acts and regulations the use of obscene, profane or bad language is prohibited in public places, and society through Parliament is making the statement that that kind of conduct is unacceptable and therefore has been made illegal.

In this area, of all areas, surely Parliament should be making a statement to society that drinking by minors as a matter of principle is unacceptable, unwise and unhealthy; indeed, for any adult to encourage it is immoral. It is specious for the Minister to say that it is too hard to police. The Minister has administered an Act of Parliament, (namely, the Community Welfare Act) which, in its historic origin since 1904, has made it illegal in South Australia to sell, give or lend (they are the words) tobacco to children. Can anyone tell me the difference between policing that and policing what the member for Fisher is proposing? There is no difference. Parliament is making a statement of principle and one that is designed for the protection of children. Through all those years—more than eight decades—in South Australia we have adhered to that principle on the question of children and tobacco. Surely it is equally if not more important to at least embrace that principle at this stage when we are contemplating what might be described as epoch making legislation in that it is the repeal of a Bill and constitutes great reform of a whole range of areas. Surely we should be embracing the principle of protection for children.

For the Minister to say that it is hard to police and it should only be done on licensed premises is an argument that is irrelevant to the principle at stake. When the Minister said that it is best to apply the restriction only when problems arise, I could hardly believe my ears. The Minister knows that problems arise throughout the whole State and in all areas. It is not restricted just to licensed premises that children consume and are given alcohol by irresponsible adults. Incidentally, some of those adults are just legally adults. There can be 18 or 19 year olds attempting to seduce (and I use that word in the broad and the narrow sense) younger people by the use of alcohol. That is not acceptable and the member for Fisher's amendment is reasonable, responsible and consistent with another law applying to an addictive legal drug, namely, tobacco (and the same description can be applied to alcohol). We have somehow or other managed for eight decades to live with that law and we still administer it. Surely the Minister can accept the member for Fisher's amendment with the consequent protection it gives the children of South Australia.

Mr BAKER: I support my colleague the member for Fisher. Without reiterating many of the arguments that have been put to the Committee I, too, have concern about the future of our children. I have concern that people of 14 years and 15 years are alcoholics; and I have a concern that there are young people taking drugs of all forms. It is about time that we showed some responsibility in this matter. The proposition is very simple: we are not going into people's homes; we are asking that the law be applied to those who are not under parental control but are drinking alcohol in public places, obviously supplied from other than within the family unit. I believe that those people supplying the alcohol are worthy of condemnation, and that the condemnation should be covered in the form of legislation.

As my colleague the member for Coles said so adequately, it is that principle we should be addressing in this legislation. If the Minister rejects the amendment, he rejects the principle that we should have some control over minors. We believe that we have placed a number of controls over minors in a number of situations. Here is an ideal opportunity to demonstrate that we care about their welfare. Many problems arise in public places: I do not need to remind the Minister of the problems at Glenelg and other places, not only with adults drinking but certainly with children drinking. It is a realistic amendment: it tells the people of South Australia that we will not condone this behaviour. I fully support the member for Fisher in this regard.

The Hon. G.J. CRAFTER: I am sorry that the member for Mitcham totally misunderstands the action taken by the Government in this measure. The situation to which he referred at Glenelg is covered by this legislation. As I said, when he was absent from the Chamber I believe, this is the first time in the State's history that the consumption of liquor by minors has been regulated in this way. I do not deny that the honourable member is trying to grapple with an important and complex issue—to regulate behaviour. However, I do not believe that his approach is the way to handle this matter. The honourable member is saying that at a picnic an uncle—a person who is not defined as a parent or guardian—should not be able to supply liquor to a minor in a family situation. The member for Fisher tried to equate the situation to the law of theft. He gave that analogy. All drinking is not all bad. It is not all to be compared with committing an act of theft.

That is the difficulty we have in trying to grapple with this problem. What has happened down the ages is quite interesting. Originally there was no maximum drinking age. At various stages throughout the history of the law of this State the ages have been 12, 14, 15 and 16, and in the 1900s it was raised to 21. The member for Fisher then talked about the difficulty between 18 and 19 or 18 and over. That adds to the complexity of this problem. Some people are mature and responsible at 17 and some are immature at an older age. We must try to grapple with that situation.

Comments have been made about my own Ministerial responsibilities. I assure members that if greater attention was paid by parents and the community, and greater priority was given to securing our community and family life and

giving support to young people, we would not need to be trying to bend laws as much as this to the extent that the honourable member proposes to try to deal with the effects.

I suggest that we should concentrate more on the causes of the problems that lead to alcohol abuse by young people. However, as I said in answer to the member for Mitcham, this matter has not been ignored. Considerable attention by the review was given to it and to the amendments that have now been embodied in the Bill.

Mr S.G. EVANS: I said earlier that I was aware of the provisions that give the Government the opportunity to make regulations to cover a situation at a particular time. I accept that, but it does not cover the point I am making because all over the State virtually every weekend people are pouring alcohol into our juniors. We have shown in the past that we disagree with that practice.

I know that over the years the law has changed and has raised the age until it reached 21 years. That was because society at that time saw the problem that was arising because young people were drinking alcohol. Had those people known the effects of those practices, as shown by medical science, they would have possibly been tougher. Had we had as much knowledge in the field of medical science in 1969 and 1970 (when we changed the law twice) as we have now, I do not believe we would have reduced the age to below 20 years.

I want the Minister to think about what we are doing: we are attempting through this Bill to give greater responsibility to people who operate licensed premises to make sure that juniors do not drink. I want the Minister to tell me if I am wrong. If we are trying to stop juniors from drinking in licensed premises and to make it more difficult for them, what will happen to them? Where will they drink? Will they go home and drink in front of their parents? Will they look around for the smart Alec who will supply them with grog? Will they go to the park or to the beach and drink on the edge of the road in a Sandman vehicle or somewhere else? Are we hunting them away from licensed premises and causing problems in public places? The Minister's answer should be 'Yes', because that is what will happen.

I know that it should be the parent's responsibility. We have all had children. I have had five children, three of whom do not touch alcohol at all, which is unfortunate for hotels, the liquor industry or their own club. That is because of the way in which they may have been directed. I do not say that it is necessarily the correct way: it is a matter of a family's decision. I understand that many families do not care what happens to their children on weekends or at any time when it comes to alcohol or drugs until the problem comes home in the form of effects on the person's health.

I put to the Minister that we are saying that we want to tighten up on the juniors in licensed places. We want to make it tough for them and we are putting greater responsibilities and bigger burdens on the hotels, motels, restaurants and club operators. We are making it tougher for them, so that juniors, if the law is going to work as we want it to, will not be allowed in licensed premises. Where will they be drinking? They will be drinking in the public places.

I plead with the Minister to think through this matter and, if he will not accept the point of the juniors committing an offence, he should at least let us make it an offence for anyone to supply alcohol in a public place. If we do not do so, we will hunt the juniors away from licensed premises where there is some supervision to a place where there is no supervision. It would be more logical for us to let them into the hotels under 15 years of age where there is supervision and where the parents might be able to find them. There would be more intelligence in that than the Minister's refusing to accept at least that part of my proposition.

If the intent of this Bill is to make people tougher on juniors in licensed places, or to get them out of licensed places, they can go to only one place: the public place. I plead with the Minister to think it through logically, because I do not believe the Government has done so until now. I know the matter has not been discussed in detail by Caucus. I know that Party of which the Minister is a member does everything by Caucus measure. However, at least he is a Minister responsible for a situation and he can accept the second part of my proposition or put the Bill aside for a day, discuss it with his colleagues, and come back tomorrow. This is an important part of the policing of this matter.

I would be quite happy if the news media carried out a survey in this State and asked the community what it thought of a proposition such as I have put forward tonight. Many 18 and 19 year olds are responsible enough to see what is happening to their mates; even those under 18 have seen what has happened to their mates. They have gone to their funerals or seen them in hospital or as derelicts walking around. Some have been brilliant but have begun drinking too early and do not know how to control it. I am saying this not for my own sake but for that of those whom we are supposed to represent. For the Minister to suggest that it is too hard to police is a joke.

To declare certain places out of bounds would be a good provision, but it would not cover the whole situation. I therefore plead with the Minister: if the intent of this Bill is to ensure that juniors are unlikely to be in licensed premises drinking alcohol, there is only one place to which they will go. The Minister's own logic should tell him that—to a public place. I ask the Minister to at least accept the second part. The Committee can recommit this clause later if the Minister is not prepared to accept the first part.

The Hon. G.J. CRAFTER: I appreciate the honourable member's comments. I point out to him that in addition to the other matters which I have described and which have been embodied in the legislation, there is now a new definition of licensed premises and the responsibility of the licensee over those. That includes the car park area around a hotel.

Mr S.G. Evans: What about the shopping car park down the street?

The Hon. G.J. CRAFTER: The legislation provides for the proclamation of other places. The member for Coles said that this was happening throughout the State and in all areas. I do not think that is entirely so, but obviously when this legislation is proclaimed there will be subsequent proclamations of various areas of the State where this is known to be a problem.

The Hon. Jennifer Adamson interjecting:

The Hon. G.J. CRAFTER: I suggest that perhaps the answer to the problem that members raise is not to try to solve it in legislation of this type but perhaps to look at the criminal law itself and see whether that should require some amendment to cover some of the situations to which the honourable member has referred.

Mr S.G. Evans: Tell me why you will not include those who supply the liquor—forget about the kids.

The Hon. G.J. CRAFTER: The honourable member is using a blanket method to overcome a complex problem. I cite the example of families I know in my own circle of friends who are of Greek or Italian origin and who drink liquor with their children—a glass of wine as a matter of course in their daily lives. If they are at a picnic in the park the father or mother does not pour the wine; it is often an extended family situation, and an uncle, aunt or friend pours that glass of wine. If they do that they will commit an offence. I think it is most undesirable to try to enter the law into that situation. I believe that if we try to articulate the root causes of the problems that members are referring

to then we might perhaps try to provide a provision in the criminal law that will meet those objections. To try to manipulate the liquor licensing legislation in this State in this way is asking the impossible.

Mr BAKER: Before I draw your attention to the state of the House, Mr Chairman, will the Minister give an undertaking to look into this proposition and report back to the Parliament? Is the Minister just giving us a sop or does he believe that we need to do something in relation to this matter? Will the Minister give an indication of where he stands with this submission: does he believe that there is a problem here and that there are other methods of fixing it? If so, then I do not think that anybody will argue, provided that happens in the foreseeable future. However, if he is saying that we can take another course, if we like, then I would like that situation clarified for the Committee.

The Hon. G.J. CRAFTER: I did not make that suggestion frivolously. I have taken into account, as has the responsible Minister, the work of the review and the debate that ensued in another place and here in relation to this matter. I am simply saying that I believe that matters that have been raised in this debate and in the other place should be referred to the responsible Minister. I can assure members of the committee that he will consider this matter and ascertain whether or not the problems to which the honourable member refers can be dealt with in other more appropriate legislation in other and more appropriate ways. The end result may be that that cannot be done. I believe evidence warrants that investigation taking place.

Mr S. G. EVANS: We are in the process of changing a law. We have passed laws in the past that people have argued would not work and they have worked. We have passed laws that people have said would work and they have not worked. I ask the Minister to at least accept the second part of the amendment and give it a try. This Parliament has control of its own destiny so far as legislation is concerned and, if it finds that a law has not worked, we can change it later. Nobody here has said that this matter is not a problem.

My main reason for speaking on this occasion is the Minister's comments about people of Italian or Greek descent allowing their children to drink alcohol in the family circle and being victimised because of this amendment. Is the Minister telling me that when people families go into a hotel or restaurant adults do not tip out half a glass of wine for the younger members of their family, which is in contravention of the law?

It would happen often. I have been to ethnic clubs and am a member of several such clubs: I see it happen. It still involves breaking the law, but one does not come down hard on people because it is like many other things that happen that do not cause problems, and it is not something that we are out to nail.

For the Minister to introduce that argument is really clutching at straws. I know his difficulty: it is not something that has been thought through by his Party. However, the Bill is now before the Committee and it is too late once it is passed. Indeed, it took long enough—it took years, including the review, to get it this far. It would not be much for the Minister to accept the second part to penalise those who supply alcohol to juniors. The Minister should give it a try and we will soon find out whether or not it works.

It would be a great step in the direction of ensuring that we do not hunt people out of pubs, clubs, restaurants and pizza bars and so forth into the streets. Soon pressure will be applied from the community to introduce regulations to cover, say, George Street, Norwood; Moseley Square, Glenelg; Maslins Beach, and so forth. We will have to keep passing regulations because groups will keep shifting around. Anyone who suggests that troublemakers are not mobile are wrong. We could have a mass of regulations introduced to try to keep up with this problem in society by such groups shifting from place to place. That will happen. If we stop them going to Moseley Square, they will go elsewhere and so forth. That will not help the hotel or club industries: it will not help the tourist industry, either.

I say to the Minister: do not bring in that sort of clutching at straws by suggesting that families giving children a drink could no longer do so at a picnic. The law would not approach people if it were a family picnic, but in the case of a few ratbags causing a disturbance at midnight and undertaking hooliganism then the law will have more to hang its hat on in asking them to straighten up their behaviour. The Minister knows it full well. I understand his difficulties, but he should acknowledge that we can take that step to at least penalise the adults if we are unwilling to penalise under age consumers.

The Committee divided on the new clause:

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

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

Pair—Aye—Mr Olsen. No—Mr Wright.

Majority of 3 for the Noes.

New clause thus negatived.

Clauses 120 and 121 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 10 p.m.

Motion carried.

Clause 122—'Grounds for disciplinary action'.

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

Page 55—

After line 18—Insert paragraph as follows:

(i) a contravention or failure to comply with an industrial award or agreement occurs in the course of the business conducted on the licensed premises.

Line 24—Leave out 'or'.

After line 27 insert—

or

(d) in the case of a complaint founded on subsection (3) (i)—by any person aggrieved by the subject matter of the complaint.

These amendments are related and substantially reinsert provisions deleted in the Upper House. Clause 122 specifies the grounds on which disciplinary action may be taken against licensees and also specifies those who may lodge complaints with the Licensing Court on those grounds. These include the ground that the licensee has been convicted of an indictable offence or an offence under this Act, that the premises are not properly managed, that the licence conditions have not been complied with, that the premises have become delapidated, and the like. A complaint may be lodged by the Commissioner or in some cases the police or relevant local councils. If the complaint is proven, the court may reprimand the licensee, impose conditions on the licence or suspend or revoke the licence depending on the seriousness of the matter. These amendments add as ground of complaint that the licensee has not observed or has failed to comply with a condition of an industrial award or agreement and provide that a complaint on that ground may be made by an aggrieved person.

The Government strongly believes that a ground of complaint such as this is compatible with those already provided

and is valid. As with some of the other grounds, it is an addition to other actions that may be taken. It is analogous to disciplinary action that may be taken by a professional association against a lawyer or a doctor who has already committed a serious offence or is guilty of misconduct. Serious prejudice has resulted to some employees in the past who have had long service or other entitlements taken from them by licensees' actions. The Opposition stated last Thursday that it did not disagree that licensees should comply with awards. This provision helps to ensure that these awards are complied with, which is most important in this large industry with several thousand employees.

The member for Fisher asked whether the effect will be to force volunteer labour in clubs to comply with awards. It is certainly not intended to have that effect, and the advice I sought from Parliamentary Counsel is that, depending on the facts in each case, volunteers are not employees, so they are therefore not brought under awards. If a complaint is lodged by an aggrieved worker, that worker could, pursuant to clause 21, appear personally or be represented by legal counsel or any relevant union of which that person is a member. It is important to note that, even if a person proves a complaint on this ground, the result is that disciplinary action may be taken by the court in the form of a reprimand, the imposition of conditions on the licence or suspension or revocation of the licence. It is not a duplication of proceedings in the industrial arena.

The Hon. JENNIFER ADAMSON: The Opposition opposes this clause. The arguments in support of our opposition were substantially put in the debate last week on clause 27. They are based on the fact that it is inappropriate to provide industrial conditions in a Licensing Act. I will not go over all the arguments again, because they stand on the record and they are relevant to this clause. Suffice to say that, if a licensee breaches a condition of an industrial award, the Industrial Court, not the Licensing Court, should deal with that breach. That, in a nutshell, summarises our objections to the amendment.

New paragraph *(d)* relates to the case of a complaint founded on section 3 (i) by any person aggrieved by the subject matter of the complaint. I want to make clear that, notwithstanding our objections to the inclusion of industrial matters as matters to be dealt with by a Licensing Court, as a matter of principle I personally have no complaint with new paragraph *(d)*, which provides that an individual who is aggrieved by the subject matter of a complaint has an avenue for that grievance.

I make clear that I believe that such an individual should have an avenue through the Industrial Court. I am certainly sympathetic towards people working in the hospitality industry who perhaps in some way or other are industrially abused by an employer. As most members would know, many young people, especially students, work as casuals in the hospitality industry. In my experience, an unscrupulous employer can take considerable advantage of a young person in that situation. Quite often those casual workers are not in touch with any industrial organisation and do not have effective representation. As I have said, I believe that matters arising out of such employment should be dealt with by the Industrial Court and not by the Licensing Court. However, I agree with the provision that enables an individual to make a complaint and have that complaint dealt with.

Mr BAKER: When discussing the principle involved here earlier the Minister deliberately misrepresented what I had said, so—

Mr Ferguson: You weren't here.

The CHAIRMAN: Order! I hope that the honourable member will speak to either clause 122 or the amendment to that clause.

Mr BAKER: I certainly will. Earlier we were debating conditions relating to the four hour provision and the Minister said words to the effect of, 'I am willing to trade off here if you are willing to trade off there.' Of course one of the relevant conditions was that in relation to industrial awards. When we were discussing industrial awards I made it clear at that time that I did not believe that it was appropriate that such matters be contained in this Bill. I pointed out that, as far as I was aware, in no other legislation governing any industry in this State was reference made to a person's not having complied with the terms of wages given under an award, or to the fact that such non-compliance could be used against the industry, the proprietor or the manager involved. The Minister then went on to say that there was a commonalty in many of these things, and he referred to clause 122.

The point I make is that we are setting a precedent by stipulating that, if aggrieved by loss of wages, a person can bring a complaint before the Licensing Court. In principle, I have sympathy for the thrust of the amendment, but I do not agree with those provisions being included in this clause. This would set a precedent, and as I have said, to my knowledge in no other legislation is there provision for a breach of an award to be considered by a body associated with the industry involved. Further there is something strange in relation to the amendment to clause 122 (4). Proposed paragraph *(d)* provides that a complaint may be lodged with the court:

> In the case of complaint found on subsection 3 (i) by any person aggrieved by the subject matter of the complaint.

At present clause 122 (4) provides that:

> A complaint under this section may be lodged with the Court—
> *(a)* by the Commissioner;
> *(b)* in the case of a complaint founded on subsection (3) *(a), (b), (d), (e), (f), (g)* or *(h)*—by the Commissioner of Police;
> or
> *(c)* in the case of a complaint founded on subsection (3) *(a), (b), (c), (e)* or *(h)*—by the council in whose area the licensed premises are situated.

In each case, an individual does not make such a complaint. In the case of illegal gaming, for example, the police must make the complaint. However, to be totally consistent, in such cases members of the public should be allowed to make complaints about someone, perhaps a spouse, undertaking some illegal gaming practice, and as such would be able to take the matter to the Licensing Court.

Mr Gregory: Bingo.

The CHAIRMAN: Order!

Mr BAKER: That is exactly the same. Until it has been through the process whereby a responsible authority has deemed that an offence has been committed, that is not in fact covered under this provision. By changing it to 'any person can make a complaint', we make it inconsistent with the rest of the clause, which means that any employee can now, if he believes that his wages have not been paid according to the award, go to the Licensing Court for disciplinary action. In every other case—and some of these are fairly significant and serious breaches—he has to go through the formal body, which must deal with them: for example, the Commissioner of Police is referred to in subclause (4) *(b)*. There is reference in subclause (3) *(a)* to the conduct of business being consistent with the licence, in subclause (3) *(b)* to the management of licensed premises, and under subclause (3) *(c)* the council can report on the fact that licensed premises have fallen into disrepair.

If the Minister is consistent, he can say, 'Any person can say that the licensed premises have fallen into disrepair.' By his new amendment he has said that in the case of wages any person, without any substantive evidence, on hearsay, can go to the Licensing Court. Yet, on all these other

matters, which can be equally or more serious, he says that a formal body must lay the complaint. If that is not inconsistent—

Mr Ferguson interjecting:

Mr BAKER: —the member for Henley Beach should check his industrial law about it.

Mr Ferguson: I know it better than you do.

Mr BAKER: The honourable member is obviously not showing a great deal of knowledge here tonight.

The CHAIRMAN: Order! It would be much better if the member for Mitcham stuck to clause 122 or the amendment.

Mr BAKER: Sir, I am dealing with the amendment.

The CHAIRMAN: Order! I hope that the member for Mitcham will not pursue that line.

Mr BAKER: No, Sir. In a somewhat convoluted form I have said that the new amendment—

Mr Mathwin: You're out of order, too.

The CHAIRMAN: Order! And so is the member for Glenelg.

Mr BAKER: —to paragraph *(d)* creates a new precedent in the Act itself, which says that any person can make a complaint, yet none of those other areas—paragraphs *(a)* to *(h)*—are subject to an individual making a complaint. I would have thought that, if a person is subject to safety, health or welfare considerations, he should have been able to make a complaint, too, if the Minister is totally consistent.

Mr Ferguson: That is a nonsense argument.

Mr BAKER: The member for Henley Beach may not really care about health and welfare—

The CHAIRMAN: Order! The member for Henley Beach might much better serve the Committee if he would just shut up.

Mr BAKER: Thank you, Sir. I am trying to point out to the Minister that that latest addition is really inconsistent with the other parts of subclause (4): I think that he will admit to that little problem. In principle, we do not believe that this is the right place for subclause (3) *(i)*. In an earlier debate we pointed out to the Minister that there are means of obtaining industrial justice in relation to award wages. There is a pre-specified path, which is well worn and undoubtedly successful.

As I pointed out to the Minister originally, 47 members of this House would support any action before the Industrial Court or tribunal that would recoup wages that were not paid. That is not the issue at stake in this debate, but the issue is whether we are creating a new precedent by including non-compliance with industrial awards as a factor that can be used for disciplinary action. I am opposed to the clause, but not to some retribution against the licensee. There are means whereby this can happen, but, as I said, this is inconsistent with all other industrial law of which I am aware. Paragraph *(d)* is totally inappropriate. When the Bill goes back to the Upper House perhaps the Minister can suggest that the Attorney-General should take a look at that clause and makes it consistent with the other, if he insists on the amendment being there in the first place. I am totally opposed to it.

The CHAIRMAN: Before proceeding, the Chair brings to the Committee's attention that half way down page 55, in clause 122 (4), the words 'Subject to subsection (5)' should be struck out: that is an error.

The Committee divided on the amendment:

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

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

Pair—Aye—Mr Wright. No—Mr Olsen.

Majority of 3 for the Ayes.

Amendment thus carried; clause as amended passed.

Clauses 123 to 129 passed.

Clause 130—'Prohibited areas.'

Mr GUNN: I support the clause. From reading through the list of amendments that the Minister has put on file, it appears that the Government is going to oppose the clause. It does not have one shred of evidence to oppose this commonsense and logical provision that has been inserted. The Government is weak and does not have the courage to face up to reality because it does not affect its electorates. If this amendment affected the members for Norwood or Unley and they were jumping up and down, the Government would bring back the Parliament. However, with isolated country electorates as well as those of the members for Glenelg or for Stuart (who could not lose anyway), the Government is not a bit concerned.

I challenge the Minister to face up to his responsibilities and do something to protect people who have had to put up with this irresponsible behaviour for far too long. It is no good the Minister hiding behind some academic screen and saying, 'We want to talk to these people.' The time for talking has ended. The people in these communities have had a gutful of the Government's weak attitude. It does not matter what the Government does or what those who sit behind the Minister or those who advise him do, this provision will come into law. If the Minister is not prepared to accept it now, it is only a matter of time, because the public have had it right up to the neck: and I refer to the sort of nonsense that is going on at the moment and the complaints that have been received.

I recognise quite clearly that this is only one of a number of things that must be done to solve the problems of disorderly conduct outside licensed premises or of people misbehaving in public places adjacent to hotels and other areas. This is one positive course of action that can allow ordinary people to be protected from some of the most disgraceful behaviour that one can imagine.

The Hon. Ted Chapman: Can you give us an example?

Mr GUNN: I do not think that is necessary; all members would be aware of the facts in relation to this matter.

The Hon. Ted Chapman: Give us an example.

Mr GUNN: No, I am not looking for cheap publicity. The member for Mitcham can give examples. I could give the Committee chapter and verse for the next 25 minutes if I wanted to, but I will not be sidetracked by the member for Alexandra or any other member.

The CHAIRMAN: Order! I point out to the member for Eyre that he will not be doing a burst of 25 minutes; he has 15 minutes.

Mr GUNN: If that is how it is to be, Mr Chairman, I have three lots of 15 minutes, which makes 45 minutes in total. There is no problem at all, I could easily take that time.

The Hon. Ted Chapman interjecting:

Mr GUNN: I do not need the assistance of my colleagues in this matter.

The CHAIRMAN: Order! If the Committee does not get back to some semblance of sanity, the Chair will act accordingly. I ask the honourable member for Alexandra to stop interjecting.

Mr GUNN: Mr Chairman, I greatly appreciate your guidance in this matter. The clause will allow a district council and the Outback Areas Community Trust to bring in provisions that will at least shift the problem away from the residential areas. That is the basic problem that we are discussing. There is a problem on the foreshore of Ceduna,

on the main street of Coober Pedy, at Glenelg (and I am sure the member for Glenelg knows what I am talking about), at Port Augusta, and there are a number of other places where there are minor problems. There are also problems on the foreshore at Port Lincoln. For the Government to oppose this clause and not put something in its place is an act of gross irresponsibility and dereliction of duty.

The Minister has done nothing in other areas to solve the problem. This matter has been discussed with the public at length over recent months. This clause is just one measure that could help to solve the problem. Of course, we want liaison officers in district council areas, and there should be an education process. The problem would be solved if we could find adequate employment for these people. They are a few of the problems. At least the district councils, representing local communities, should have the proper authority to police this legislation, using the Police Force. It is all right to say that councils can make by laws to solve the problems, but they do not have inspectors to administer these provisions. It is the South Australian Police Force that should have the responsibility for moving these people on and getting rid of the problem in the areas that I have mentioned. I await the Minister's response with a great deal of interest. I sincerely hope that the Minister does not give us an off-handed academic explanation. If it was in the District of Norwood or in the District of the members for Unley or Henley Beach—

The Hon. Jennifer Adamson: Or Albert Park.

Mr GUNN: No, he is pretty secure. They would not worry about him. If it was in any one of those districts, we would hear all about it. They could amend the planning laws to try to save the member for Unley. Fortunately it will not save him: we know what will happen to him.

Members interjecting:

The CHAIRMAN: Order!

Mr GUNN: The honourable member seems to be taking some interest in what I am saying. I could go on at length on this matter. It may be a laughing matter to some people, but to those people who live in the communities to which I have referred and who must put up with the problem it is not a laughing matter. It is all very well for members to treat it in a lighthearted fashion, but it is a very serious matter, and the Parliament has a responsibility to take action to allow the local communities to deal with the problem effectively in their own way. I sincerely hope that the Government will come to its senses and support this reasonable clause.

Clause 130.

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

To strike out clause 130 and to insert the following clause in lieu thereof:

130 (1) A person who, in a public place—

(a) consumes liquor;

or

(b) has possession of liquor,

in contravention of a prohibition imposed by regulation is guilty of an offence.

(2) A prohibition imposed for the purposes of subsection (1)—

(a) may relate to a specified public place or to public places of a specified kind;

(b) may be absolute or conditional;

(c) may operate continuously or at specified times.

(3) In this section—

'public place' means a place (not being licensed premises) to which the public has access (whether or not admission is obtained by payment of money).

The Hon. JENNIFER ADAMSON: I rise on a point of order. Unless I have not received something that I should have, as far as I can see no member on this side of the Chamber has been given any replacement for clause 130.

The CHAIRMAN: Order! The Chair points out to the member for Coles that the amendment that the Minister is moving has been on file since last week and should be on her file. The Chair was going to pull up the member for Eyre, but we got so excited and carried away that we thought we would let him go on.

Mr GUNN: I rise on a point of order. I take it, Sir, that you were reflecting on the comments that I made, which I think is offensive. I ask for a withdrawal.

The CHAIRMAN: Order! I was not reflecting on the remarks made by the honourable member. I am pointing out to the member for Eyre that this amendment has been on file for a week. I would have thought that the member for Eyre would know that.

Mr S.G. EVANS: I rise on a point of order. The Minister is attempting to move a new clause, and in that we are assuming that the removal of the old clause has been agreed to. I do not believe that to be the case. The member for Eyre objected to the deletion of clause 130. The new clause will come after we have handled the old clause.

The CHAIRMAN: I take it that the member for Fisher is seeking an explanation. I shall explain it this way: the Minister is now moving for the rejection of the old clause 130 and that a new clause 130 be inserted. In other words, it is one motion and the Chair is accepting that.

Mr S.G. EVANS: I ask for clarification. Are you, Sir, ruling that we will not have two votes—one to delete the old clause and one to insert the new clause? Are we doing it all in one action?

The CHAIRMAN: No. I am ruling that the Minister is moving literally for the disappearance of the old clause 130 and the appearance of a new clause as one motion, and that is how the Chair will deal with it.

The Hon. G.J. CRAFTER: I am sorry that the member for Eyre was not aware of the amendment that was on file on this matter.

Mr Gunn: It's a weak explanation.

The Hon. G.J. CRAFTER: The honourable member will have time, presumably, to explain it when he is in full knowledge of all the facts. Clause 130 of the Bill was inserted in the Upper House and gives local councils power to declare public areas within their boundaries to be places where consumption and possession of liquor are prohibited. The Government opposed this clause because it considered that the Bill as it then stood was adequate under clause 120a. The consumption of liquor on regulated premises was prohibited. 'Regulated premises' meant any land or buildings other than licensed premises and included restaurants, shops, amusement parlours and places of public entertainment used commercially, and any other places prescribed by regulation.

Clause 130 is undesirable in many respects. A place could be declared a dry area by simple resolution of a council. No submissions need be considered. No notice of the declaration by publicity need be given and there is no right of scrutiny or review of the council decision. The consumption and possession of liquor is automatically prohibited. A person innocently walking home, for example, through a prohibited area such as a park who possesses a bottle of beer for his own consumption when he returns home would be guilty of an offence. Police enforcement of such a law would be difficult, because there would be no means of discovering the extent of a prohibited area except by going to each local council.

Proposed clause 130, the subject of this amendment, remedies these faults. Areas could be declared as prohibited by regulations published in the *Gazette*. These could be promulgated at the instigation of councils, members of the public or the Government. The Parliament would have an opportunity of scrutinising the regulations and disallowing them if they were undesirable. The affected areas would be precisely defined in the regulations. The possession of liquor would be an offence only if it were specifically made so.

The power of prohibition is clearly wide enough to cover all these circumstances. As a result, this amendment would allow a consistent approach to be taken throughout the State and would mean that decisions were made objectively away from the heat of any debate which would lead to the prohibition being sought.

Mr S.G. EVANS: I am amazed that the Government has taken the approach that it has to this issue. I remember well at the recent Constitution Convention meetings that all Parties, including the ALP and the Democrats, championed the cause of local government, said how responsible it was, how it now has the expertise to handle situations in its own area and how important it was to give local government an opportunity to regulate matters that related to its own area. This was championed as one of the great moves: that we were to give more responsibility and more funding to local government. The clause that the Minister wants to strike out would enable local government to decide whether it should pass rules to define areas within which it would be an offence for one to drink alcohol. If we believe that a local community cannot decide its own destiny, we should take the path that the Government has suggested. Surely if a community believes that local government has done the wrong thing, the local councils will be voted out at the next election.

Nothing in the original clause should concern us to any great degree. I notice that it very adequately describes a public place. It covers outback areas as well as traditional local government areas. The Minister is saying that local people cannot take responsibility for having some say about how citizens shall operate in their area.

I ask whether we genuinely want local government to accept responsibility for local issues. The Minister says that he wants a uniform operation throughout the State by using regulations. Who are we kidding? Situations throughout the State are not identical. Each local government area has a different situation with relation to the alcohol problem, and some have no problem at all in this respect.

Where a local community has a problem, why should it not make a decision? Why should we in this ivory tower on North Terrace decide what should happen in that local community? The Minister should look at how weak the new clause is that he is asking us to accept. It leaves it up to the Government of the day to decide whether it wants to introduce a regulation. It could be a Government that did not give a darn about what happened to one or two small communities or even a larger community. In a traditionally safe seat it will believe such action will not matter and if it is an unwinnable seat it will claim that it does not matter because it does not want to get into any arguments with a small minority in that area and face demonstrations and so forth as we have seen in the past when Governments have interfered.

We should leave it to local people to decide. Why not give them that opportunity? The Minister should let us put into practice what we have mouthed off about at the last two or three Constitution Conventions: that we want to give more responsibility to local government. Let us give local government the responsibility promised, and the responsibility to look after local issues. This provision deals with local issues. Let us leave the clause as it is and forget about the provision the Minister seeks to have inserted.

The Hon. JENNIFER ADAMSON: As will be clear to the Committee, the Opposition supports the existing provision and opposes the Minister's amendment. The arguments used by the Minister against retention of existing clause 130, as inserted by my colleagues in another place, simply do not stand up. In opposing that provision the Minister suggested that it was unrealistic and outlined the situation where, say, innocent visitors could be caught unawares wandering through certain areas in the dark with a bottle under their arm.

The clause is designed in a way to prevent just that, namely, to ensure that anyone who is in a prohibited area knows that they are in a prohibited area. The real principle at the heart of this clause is that it gives a local council, as has been so aptly demonstrated by the members for Eyre and Fisher, and as will doubtless be reinforced by other members, the advantage that within 48 hours of deciding that it is necessary to pass a resolution they have the opportunity to pass that resolution making it illegal to drink in a specified public place.

The Minister's amendment, which would replace that clause—if the Government had its way—simply inserts a lukewarm and weak provision that a person who in a public place consumes liquor or has possession of liquor in contravention of a prohibition imposed by regulation is guilty of an offence. The arguments against that are many. The principal one is that regulation by the State Government is a cumbersome and slow means of achieving a desired goal, namely, the prohibition of drinking in a public place. By contrast, our clause is very speedy, efficient, and democratic in so far as it virtually has to be supported by the local community, and the councillors imposing the regulation well know it and know that they will get an instant reaction if they declare a place contrary to the wishes of the residents of the local community.

The local council is the best authority because in a situation like this it will be self regulating. The regulations that the Minister is talking about are always subject to disallowance by Parliament. It is a far too heavy handed means of attacking what is a very important social problem, especially in the outback and remote areas of South Australia and certain metropolitan areas, notably the beach/seaside areas of this State.

In summary, the Opposition believes that the councils are constitutionally and democratically the best organisations and sphere of government to deal with this question and, in dealing with it, they can act promptly and effectively in response to the wishes of local residents; the rights of casual passers-by and the general community are protected by clause 130 as we have outlined, in so far as due notice has to be given; and on the one hand, the Government's proposal is weak and, on the other hand, slow and cumbersome and subject to disallowance. In other words, it will not be effective and the Opposition opposes it.

Mr MATHWIN: I oppose this amendment, which is a weak proposal. The Minister is aware of the situation and he would not want me to relate again the cause of this provision, that is, the shocking riots at Glenelg some time ago. At that time I am sure that a number of spokesmen on the Government's side of the Chamber indicated that local government should have a say in what will happen when trying to counteract a situation such as the riots. There has been a report on that matter, and intellectuals have told us the answers, but none of them is correct. A meeting of ratepayers and others concerned about what happened at Glenelg decided that local government should be involved and, as the Minister is aware, local government is more aware of the problems of an area than any person in a centralised situation, such as we are in this ivory tower.

What does the Minister want to do? He is playing the game and saying that regulations will be brought in. Procrastination—that is what it is. This Government does not like local government. The present Minister of Local Government and his predecessor, Mr Geoff Virgo, have had their fingers burnt on issues relating to local government. Therefore, the Minister, no doubt on direction from his Caucus, has decided that local government should not get credit for this. He said that it should be done by regulation.

This means that the regulations will be brought into this place, put before the Subordinate Legislation Committee, and have to lay on the table of this House for 14 sitting days before they become law. We know that they can be acted on during that time, but nevertheless the regulations can always be appealed against and changed through the Subordinate Legislation Committee. Government by regulation is a very dangerous operation.

That is very dangerous indeed, because the Government can do what it wants by regulation without the matter being considered by Parliament. It can impose regulations and act on those regulations at any time during the period of 14 sitting days, or it can put the matter off continually, as occurs on many occasions. I am surprised at the Minister: surely he has enough common sense to know that local government is closest to the people and knows what goes on in its area. In relation to the Glenelg riots, it was stated by the council, by people living in the area (by people who know) that the council should be able to act in the case of a concert or some other event. The council knows where the dangers will lie, and it should be assisted in tackling the problem, but not after the event.

This clause is quite satisfactory and correct: surely the Government must agree with that. There is nothing wrong with the provision. The Minister stated in the second reading explanation that the police would have to approach the council. Does he suggest that in the case of the now notorious Glenelg riots the police did not know that the council had declared Colley Reserve a prohibited area? Does he suggest that the police at the local Glenelg station were not aware of that? Of course they knew it, and the whole situation would never have occurred if this provision had applied. The matter would have been resolved beforehand.

This provision would have solved the problem at Glenelg. If it had been in force at the time of the riots, they would not have occurred because the police, the public and children who were caught up in those shocking riots would have been protected. The council would have seen to that. Surely the Minister has time to rethink the situation; surely he must realise that he is off the beam. But all he is doing is procrastinating with the result that, instead of people with local knowledge being involved, the Minister is saying that the Government will solve the problem by regulation. As I have said, government by regulation is extremely dangerous.

Mr GUNN: The Minister and the Government are under no obligation to bring in this regulation. Is the Minister willing to give an unqualified assurance to the Committee that a regulation of this nature will be implemented if local communities request it?

The Hon. Jennifer Adamson interjecting:

Mr GUNN: I know that, but the Minister must come clean on this occasion. We know how regulations operate: it is up to the Minister to bring them forward. If the Government does not want to do that, the regulation will not be implemented. I find it difficult to accept what the Minister said in response to my earlier remarks and to those of the member for Coles. This is a weak amendment. It will not solve the problems. Members on this side are not interested in hitting people over the head with Draconian legislation. That is the last thing in which I want to be involved. But I really believe that the local community should not have to put up with the sort of completely unacceptable conduct which members on this side described to the Parliament and which has been brought to our attention on other occasions.

In my view, the Minister's proposal does not address the problem in sufficient detail. It says nothing about littering or other offensive behaviour. Will the regulations contain provisions that make it an offence to litter the foreshore, or to litter the streets with broken glass or other rubbish?

The Hon. G.J. Crafter interjecting:

Mr GUNN: Councils are finding it difficult to enforce these regulations, and that is why we want stronger legislation which will enable the police to take action.

Mr Mathwin: Take the Minister up to your area.

Mr GUNN: The Minister is aware of what is occurring. He knows what has happened at Glenelg, for example. He has been to Port Augusta, Coober Pedy and Ceduna, and he knows of the situation at those places as well as I do. I would be failing in my obligations to my constituents if I did not persist with this matter. This has been a lengthy debate, and I have no desire to extend it any further than is necessary, but if we on this side of the Chamber allowed this opportunity to pass without standing up for the people who have been so affected by these matters we would be failing in our obligations and responsibilities as members.

I point out to the Minister that if the appropriate provision is not included in the legislation, it will be only a matter of time before such a provision is included. I hope that I will have some influence with my colleagues upstairs, and I will do everything to ensure that the provisions in this clause are adequate. Common sense will eventually prevail. If a council brings in foolish regulations, that council gets the same treatment as some of the members sitting behind the Ministry will get after the next election—they will not be there. We all know what happens, but I shall not say any more about that. The Government will have to accept the responsibility for its weakness and inaction, and the next time there is trouble the Minister and the Government will certainly have that fact sheeted home to them. I sincerely hope that common sense will prevail in the other place and that the Government will be forced to back down.

The Hon. JENNIFER ADAMSON: I want to reinforce the member for Eyre's remarks. I reiterate that there is no obligation whatsoever on any State Government, whether it be a Labor or a Liberal Government, to develop regulations in accordance with the Minister's amendment. The Government here in Adelaide is very remote from the people living at Port Lincoln, Ceduna or Coober Pedy, for example. It is very hard for those people to get up petitions and march on the steps of Parliament House; they are away from the seat of Government, and local government bodies or, in the case of Coober Pedy, the Outback Areas Trust, are closer to those people and thereby must be responsive to them.

In my opinion, the Government's support of this measure is rooted in the philosophical attitude that a Labor Government always wants power centralised in the hands of that Government. However, a Liberal Government, wherever possible, wants power decentralised so that individuals will have the greatest opportunity to influence the events that control their lives and destinies. That is the way we want it to be. This proposed new clause is one of scores, indeed thousands, of efforts that we make in this place to try to give power to people where matters affect their lives. The Government's amendment is about as limp as a wet petunia. In relation to this amendment, I have never seen such a feeble attempt to deal with such a serious problem. The Opposition opposes it.

The Committee divided on the amendment:

Ayes (21)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Crafter (teller), M.J. Evans, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs Mayes, Payne, Plunkett, Slater, Trainer, and Whitten.

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

Pair—Aye—Mr Wright. No—Mr Olsen.

Majority of 2 for the Ayes.

Amendment thus carried; clause as amended passed.

Clause 131—'Penalties.'

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

Page 59, line 36—Leave out 'five hundred' and insert 'one thousand'.

This clause sets out a two-tiered general penalty. If a licensee, manager or director is convicted of an offence under the Act he is liable to a fine not exceeding $5 000. If some other person commits the offence the penalty is a fine not exceeding $500. In the Upper House, the Hon. Mr Griffin moved that the lower penalty be raised from $500 to $2 000 so that the two levels of fine were not so disproportionate. That amendment was defeated. This amendment would raise the lower maximum fine from $500 to $1 000, which, I am sure, honourable members would consider more reasonable.

The Hon. JENNIFER ADAMSON: The Opposition supports the amendment. Some of the offences in this legislation are certainly severe enough to warrant a penalty of $1 000 in cases where anyone other than the licensee commits an offence against the Act. We are very supportive of what the Government has decided to do.

Amendment carried; clause as amended passed.

Remaining clauses (132 to 139), schedule and title passed.

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

That this Bill be now read a third time.

The Hon. JENNIFER ADAMSON (Coles): As the Bill comes out of Committee I certainly support it although I believe it is deficient in some respects and I am disappointed that the Government chose not to accept some of the reasoned and reasonable amendments put by the Opposition. The Bill is certainly a landmark in licensing legislation in South Australia. As it comes out of Committee it has achieved most of the goals, if not all, that the review, the Government and the general community of South Australia set for it, namely, the inordinate number of classes of inflexible licences have been reduced by half and Sunday trading will now be a fact of life in South Australia. That situation is not supported by all of my colleagues, but I believe it was inevitable and that the overall benefits will outweigh any disadvantages that may occur.

The provisions for prohibiting and controlling drinking by minors have been strengthened, but not, unhappily, to the degree that we would have liked and that was sought by the member for Fisher. Legal expenses and delays involved in court hearings will certainly be reduced, principally as a result of the new Licensing Court with most of the powers of the existing court being placed in the hands of a single Commissioner. The paper work involved in obtaining occasional permits and renewing licenses certainly will be reduced and there is a general sigh of relief and support for that.

The archaic and anachronistic provisions in the existing Act will be virtually totally done away with, and that is good. On the other hand, the Government has had its way in requiring that, when hotels open on Sundays, they will have to remain open for a continuous period of four hours. We believe that that is unacceptable and unnecessary, and should not have been forced upon the hotel industry. We are pleased that the grant of late night and entertainment permits will be able to be challenged on the grounds that they give offence, or create annoyance or disturbance.

The sale of liquor by retail liquor merchants on Sunday is, unhappily, no longer in the Bill and will not be permitted. That is something about which the Opposition feels strongly as a deregulatory measure and as an equitable and reasonable response to mounting public demand that people should be able to trade as freely as possible and in response to consumer demand. The fact that creditworthiness is to be taken into account in deciding whether a person is a fit and proper person to hold a licence is an excellent addition to the Bill, one that was sought by sections of the industry and will benefit all.

I am pleased that rights are clarified in respect of taking one's own liquor to restaurants, and I hope that the industry as a whole uses the opportunity to ensure that that results in an uplifting of standards in the South Australian hospitality industry. The Government has given a little although not much (namely, 5 per cent) in relation to licensee or for wholesale liquor merchants to require 90 per cent instead of the originally specified 95 per cent of gross turnover to be derived from the sale of liquor to merchants. We would have preferred that existing rights, namely, the predominant portion, be retained so that half the merchants who currently enjoy those rights could continue to do so.

There have been minor technical amendments which have improved the Bill; there has also been what we would consider to be minor technical amendments which would have improved the Bill but which were not accepted by the Government. Unhappily, the labelling of liquor with the name and address of the producer is not in the Bill, despite the fact that the Minister's own colleagues imposed that requirement on every food producer in South Australia. For the Minister to say blithely that he is opposed to such regulatory measures makes one feel that a bolt from the blue should come down and strike him, because there is no consistency whatsoever in relation to that.

I suspect that a glass or two of some alcoholic liquid might be taken tonight by many people celebrating not quite the end—because it is not yet the end; there will certainly be a conference between both Houses in order to resolve deadlocked provisions—of a remarkable achievement in the passage of this legislation. I added up very roughly the number of hours that have been spent in this Chamber on debate on this Bill, and it comes to about 15 or 16 hours—divided about equally between the second reading debate and the Committee stage. It seemed a lot longer. Compared with other marathon efforts, notably the Casino Bill and other legislation, it is a mere bagatelle. Nevertheless, it is very important. I certainly hope that the standards that all sectors of the industry have striven so hard to achieve will be capable of even greater achievement in future and that the very fine leadership that has been provided in the administration of the liquor industry in South Australia by all sectors—producers, wholesalers, retailers, hotels, restaurants and clubs—will be maintained for the benefit of the State as a whole.

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): I do not intend to speak at any length at the third reading. However, there are a couple of things that I want to say. It was a Liberal Government which brought in amendments to enable tourist licences to be granted to the hotel industry, and that really opened the door for Sunday trading. That was not an unqualified success, and there is no doubt about that in my mind. This Bill comes out of Committee to the third reading with that situation very considerably improved. However, I am concerned at the remarks which were alluded to, I think by the member for Davenport, in that in increasing the facilities for the availability of liquor on Sundays we have an added responsibility to see that a programme is initiated throughout the community in relation to responsible drinking to minimise the road toll.

I heard the figures quoted by the member for Davenport in relation to the Western Australian experience, and that

concerned me greatly. In my view there needs to be further effort to educate the public in relation to responsible drinking and to see what we can do to reduce the road toll. However, having said that I am the first to admit that the Liberal Party's initiative left something to be desired and something had to be done in relation to what was happening with hotels on Sundays. I would be most disturbed if the trend which was indicated in relation to Western Australia was repeated here in South Australia. I believe that every effort must be made by all concerned to see that, particularly in relation to young people (where we sought to move some amendments), there is an education process in terms of responsible drinking and more particularly responsible driving, which is quite often accompanied by visits to licensed premises. The Bill has remedied the situation that was not working anywhere near as well as some people had initially envisaged that it would.

Mr S.G. EVANS (Fisher): I do not support the Bill, and I do not accept the argument that a greater number of trading hours on a Sunday will make for a more responsible operation. I do not accept the argument that it will eliminate any of the problems: it will create more problems, because more people will become affected by alcohol to a greater degree on Sundays. I do not believe, unless the Government of the day is determined, that under-age drinking on licensed premises will be reduced to any great extent.

However, if that is the effect of the Bill when it becomes an Act, I am disappointed in the other aspect—that minors will be driven to the streets to drink alcohol and that they will be encouraged by adults to consume it. Some honourable members might laugh and think that that is not a fact. However, I will remind them some time in the future if I am proved to be correct, as I believe I will be.

I remind the industry that I was the person who led the campaign after my own Party accepted the idea of a hotel commission to ensure that the hotel industry did not have that imposed on it. In future, if this Bill becomes law, someone may need to run a campaign amongst parents and responsible citizens of the State to attack the under-age drinking and driving problem. My colleague the shadow Minister said that it was now a fact of life that we have Sunday trading. We must also realise that it is a fact of life that every time we extend trading hours, as we have experienced so far, we take more life in motor accidents. All the statistics are there to prove it.

My colleague also said that we had been debating this measure for more than 15 hours. As this Bill comes out of the committee stage I would not care if it had taken 50 hours to get it to this point if we had achieved something that was likely to solve some of the problems. I would sooner spend 50 hours here trying to solve the matter than having someone on a life-support system at the Flinders Medical Centre or the Royal Adelaide Hospital for 20. 30 or 40 hours, through our making it easy for young people to put themselves in that situation.

We were not prepared to pick up the idea of some form of identification so that people in the hotel, liquor and club industries could more easily assess the age of an individual. It is disappointing that we, as a Parliament, missed that opportunity. I am also not thrilled that we were not prepared to give local government the responsibility for looking after their own areas if they had difficulties with people drinking in public places. I have never supported trading on Sundays and I do not believe that it has brought one more tourist to the State. That was the argument for its introduction.

I have admitted before that I was a fool to accept my own colleagues' argument at that time that it would help the tourist industry and that only genuine tourist hotels would get licences. This Bill takes Sunday trading further. I do not support it. No-one has proved to me that there has been any benefit to the State or the tourist industry. If members wanted to argue that there were provisions in the Bill for dining-rooms and lounge bars to be opened to provide dining facilities for tourists, that would have been a different argument.

I would not be keen to support such an argument, but they are the only other facilities that tourists want. I have no hesitation in saying that this Bill achieves nothing but makes matters more difficult for some small hotel operators because of the large number of taverns which have been built and which are often nothing more than swill taverns. I say that advisedly, and I am prepared to take members to look at them. I know that this Bill will destroy a lot of clubs, and, if that is our ambition, we will succeed if we pass this Bill as it now stands.

The Hon. G.J. CRAFTER (Minister of Community Welfare): I thank all members who have contributed to this long debate. As the member for Coles has indicated, there is still work to be done on this measure, either in another place or at a meeting of managers. Hopefully, these matters can be resolved in the other place. I indicated during the Committee stages of the Bill those areas where the Government is prepared to further discuss this measure before it becomes law. This is a major initiative and achievement of this Administration and the end result of much work by many people: first, the review team, and credit has already been given to Mr Young and Mr Secker for their work. Their report is a valuable document for future reference in this State and around Australia. Indeed, I understand that it has been sought by overseas interests as well.

The report has given the debate in this House a sense of realism, and we have debated this measure while in full possession of the facts. This is not a measure on which every member will agree. There is a wide divergence of opinion on the matter, and different backgrounds and experience have been brought to this House by honourable members in relation to it. We have different concerns about the Bill arising out of our experiences as local members. Together we have diligently tried to develop a set of laws that will best serve the people of this State. This is an area of lawmaking that often arouses a great deal of emotion in the community.

On this occasion responsible and rational representations have been made to political Parties and individual members on behalf of various interest groups in the community, and I appreciate the way in which those representations have been made. I think that a special tribute should be paid, as the member for Coles has said, to all sections of the liquor industry in this State for the way in which they have approached this measure on behalf of those for whom they have spoken. The arguments that they have advanced have always been tempered with a sense of reality and concern for their competitors—those other elements of the industry. Also, there has been a responsible approach to the existence of this industry and particularly to those groups in the community that are vulnerable to the consumption of liquor, particularly minors.

This Bill, as it comes out of Committee, tackles in some respects in very radical ways some of the problems that have arisen in our community, not just in recent times but over many years. We have now come to grips with many of those problems by taking new approaches in a realistic way. Obviously, all honourable members will watch with interest the implementation of these laws and the effect that they have on our community. The points that have been made throughout the debate, in particular those made by the Deputy Leader of the Opposition with respect to road safety and the very worrying problem of consumption of

alcohol while driving a motor vehicle, concern all honourable members. They certainly concern the Government very much.

It certainly concerns the Government very much, as well those who are responsible for administering these laws in this State. We can only hope that the thrust of these laws is to encourage and enhance a more responsible attitude towards the consumption of liquor in our community in a way that will not be a fulfilment of the fears of some sectors of our community but indeed a lessening of the harmful effects of the excessive consumption of alcohol.

I am pleased to have been the Minister responsible for the passage of this Bill in this place. True, it will not please every sector of the community, but this measure has wide community support, wide support in the industry and bipartisan support in this Parliament. In that sense I believe that it has every chance of achieving the aims that the Government has for it.

Bill read a third time and passed.

LICENSING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 March. Page 3293.)

The Hon. JENNIFER ADAMSON (Coles): The Opposition supports this Bill, which is consequential on the Bill that has just been passed.

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

ELECTRICITY TRUST OF SOUTH AUSTRALIA ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 March. Page 3293.)

The Hon. JENNIFER ADAMSON (Coles): The Opposition supports the Bill, which is consequential upon the Liquor Licensing Bill, which has just been passed.

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

STATUTES AMENDMENT AND REPEAL (CROWN LANDS) BILL

Returned from the Legislative Council with the following amendment:

Page 5, line 42 (clause 10)—After *Gazette* insert ', provided that the Minister has had prior consultation with the person (if any) who has the care, control and management of the land the subject of the proposed resumption'.

Consideration in Committee.

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

That the Legislative Council's amendment be agreed to.

This amendment concerns administrative procedure that presently applies, and the Government has no quarrel with writing such procedure for proper consultation in relation to these matters into the legislation. I urge the Committee to accept the amendment.

The Hon. P.B. ARNOLD: The Minister said that it is administrative procedure. However, concern was expressed by the United Farmers and Stock Owners in relation to this matter. If it is a procedural matter contained in other legislation, perhaps the Minister will indicate what requires this procedure to presently take place.

The Hon. D.J. HOPGOOD: In terms of the Statute there is no requirement. It is simply that it is always done at the officer level. In those circumstances I see no reason why I should cavil at a proposition that it be written into the legislation. I support the move from the other Chamber.

Motion carried.

POLICE OFFENCES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 12 March. Page 3106.)

The Hon. D.C. WOTTON (Murray): The Opposition supports this Bill. During the Committee stage we will seek to make several amendments to the legislation. It is interesting to look at the Bill and compare it to the draft legislation that was made available to interested groups earlier on. In fact, there have been a couple of draft Bills, which have varied considerably. The changes in the Bill now before us, in comparison with the earlier Bills, are quite significant. It is a similar situation to that which occurred with the police complaints legislation where the Government did an about face in relation to a number of its provisions.

I am pleased that the Bill has come in. It has adopted many of the previous Liberal Government's proposals for amending the legislation in respect of police powers. The Bill picks up many proposals from a private member's Bill I introduced in this House last year. Before the November 1982 election, the previous Liberal Government had prepared a Bill, with extensive amendments, to increase penalties under the Police Offences Act. The election intervened and the Bill was not continued with because there was a change of Government.

There were a number of inadequacies in the legislation at that time, and one that comes to mind is the penalty for assaulting a police officer; the monetary penalty was $200 and the period of imprisonment was 12 months. In that instance, that was not an unreasonable period of imprisonment but in the light of amendments to the Criminal Law Consolidation Act during the Liberal Government's term of office, under which we increased the period of imprisonment for common assault from one year to three years, that would seem to be completely inadequate. I am pleased to note that the Government has decided to increase the period of imprisonment in this case from 12 months to two years and the monetary penalty from $200 to $8 000. The Liberal Party finds the adjustments to the maximum fines and the maximum terms of imprisonment throughout the Bill acceptable; we are pleased to support that.

The Bill makes significant changes and deletes a number of outmoded offences. As members would recognise, the seriousness of offences is viewed in a different light from one generation to another. That becomes obvious. This Bill abolishes some offences and includes others. It is also pleasing to note that the Government is including the Liberal Government's proposals in relation to a person who is unlawfully on premises.

A number of police powers that were recommended by the Mitchell Committee in the early 1970s have been extended. Again, many of these were incorporated in the Liberal Government's Bill, which was not introduced because of the intervention of the election. The Government has been persuaded that these provisions should be adopted to ensure that police are given reasonable powers to maintain law and order and to ensure that offenders are detected, apprehended and brought to justice. There is a recognised need for the inclusion of certain provisions in the law so that the police are not frustrated in their reasonable and genuine attempts to detect crime and to bring offenders to

justice, and one of those relates to arrest without a warrant. Under the Bill, a police officer will be able to detain an arrested person for up to four hours or for a further period of four hours on the order of a magistrate. The Opposition believes that that is reasonable.

There is an extension of the powers of the police to take fingerprints, photographs, prints of the hands, feet or toes, or dental impressions, and I am pleased about that, because it will assist in identifying not only people who have committed offences but also those who have not committed offences, and that is important.

The loitering provisions of the Bill have been a matter of public comment. Clause 14 deletes section 18 (1) of the principal Act, and I am not really opposed to that. Subsections (2) and (3) are retained and, as far as I am concerned, that is appropriate because the loitering provisions are useful policing tools. Section 18 (2) provides:

> Where a person is loitering in a public place and a member of the police force believes or apprehends on reasonable grounds—
> *(a)* that an offence has been or is about to be committed by that person or by others in the vicinity:
> *(b)* that a breach of the peace has occurred, is occurring or is about to occur in the vicinity of that person:
> *(c)* that the movement of pedestrians or vehicular traffic is obstructed, or is about to be obstructed, by the presence of that person or of others in the vicinity;
> or
> *(d)* that the safety of that person or of others in the vicinity is in danger,
> the member of the Police Force may request that person to cease loitering.

The safety mechanism in that is that members of the Police Force requesting a person to move on must have reasonable grounds for doing that. I believe that that is a very reasonable safeguard. Members of the Police Force and other interested groups have drawn to my attention difficulties in relation to this matter. For example, the Hindley Street Traders Association has made considerable representation to members of all the Parties of the Parliament. In 1983, that Association forwarded a letter to the then Chief Secretary. That letter followed a series of consultative meetings of the signatories (and a considerable number of signatures are attached to this letter) who were called together to discuss the general concerns of traders and managers of retail premises in relation to what they saw as the increasing problem of mischievous loitering in streets and adjacent to shopping centres and public places.

In the Association's letter to the Chief Secretary the signatories pointed out that he should note the width of the representation of the signatories, all of whom were experiencing such behaviour. It was their view that the problem of loitering in relation to individuals or organised groups was of such magnitude as to require positive action by the Government and the police. They pointed out that offensive, abusive and indecent language, and offensive, disorderly and threatening behaviour were common place, and that the obstructions on the footpath, the harassment of pedestrians and vandalism required redress to enable the general population to go about their business without fear for their personal well-being or damage to property.

The signatories to the letter went on to say that generally the police had responded quickly to specific complaints but that short of a constant physical police presence the attendant problems of milling persons, principally youths, would remain. They pointed out that their specific purpose in writing to the Chief Secretary was to ask for his consideration in moving to strengthen existing laws on loitering. The signatories stated that, whilst they recognised that this involved consideration of individual rights, they were firmly of the view that such rights should not usurp the greater rights of the community to go about their lawful business.

In the letter to the Chief Secretary, the signatories indicated that they saw two deficiencies in the present legislation. They indicated that section 18 of the Police Offences Act provided no time limit to prevent a person who had been requested to cease loitering from returning, and that also the legislation did not provide for a defined exclusionary zone to be nominated by the police and explained to the loiterer, as defined in the legislation. They suggested that, as a result, any person requested to cease loitering tended to move a short distance away for a limited time only and then return.

The signatories went on to say that they saw it as being quite obvious that, although the police used the existing legislation, they were hamstrung by its limitations, and that the general community was suffering as a result. The signatories to the letter recommended, therefore, that section 18 of the Police Offences Act be amended, first, to provide the police with power to impose a time limit, whereby a person required to cease loitering should not return to the area within a specified time (not exceeding 24 hours); and, secondly, to provide that the police nominate the defined geographical area from which persons requested to cease loitering were to be excluded. The signatories indicated that urgent Government consideration of the suggested legislative reforms would be appreciated.

That goes back to June 1983. Since that time, the Association has made further representation to the Attorney-General in another place, Mr Sumner. Having received a copy of the Bill that is now before the House and the second reading explanation associated with that Bill, it states that it was pleased with the introduction of the amendments, which it feels go a long way towards the preservation of personal safety and public good order, and that on that basis it will publicly support the Bill.

However, as the Government was seeking public comments and further submissions with respect to the Bill, the Association states that it wishes to draw to the Attorney-General's attention the principal thrust of the submission, to which I have just referred, of June 1983, which was endorsed by 23 like minded associations. It goes on to say that it sees two deficiencies in the present legislation, and I have already referred to those. It then goes on to say:

> Since our submission of that date, the Association has been in contact with many other interested groups in the service industry who also share our concern about this defect. In addition, we have found that support is also forthcoming from the community at large, particularly where large facilities exist such as hotels, hospitals, schools and large recreational centres.

I would need to say that particularly those people who are in business in the Hindley Street area have made independent representation to me, including one of the hotels in that street, which has expressed very real concern and asked that the matter be examined. The Hindley Street Traders Association concludes by saying that the purpose of the letter is to ask that the Government reconsider the earlier submission in the light of this increased community support. It understands that the principal objection to such legislative provision is based on the potential for its misuse by police, particularly in respect to ethnic minorities.

It states that it believes this objection can be satisfied by including in the legislation a provision that the Commissioner of Police can declare a place or facility as one to which a police officer can direct a person not to return for any specified time. In other words, there would not be a blanket provision of a zonal or time nature. Only on 13 March, it again forwarded a letter to me indicating that it has made amendments to its original proposal. The proposal, to which I have referred, gave extra powers to the police on a strictly zonal basis rather than a blanket one as in the original submission. It goes on to say:

It is significant to note that in the days that transpired following the media coverage given to this matter our initiative has gained the support of two additional, new substantial groups.

One of those groups is the Royal Australian Nursing Federation (S.A. Branch), which writes that its members, especially those employed in major metropolitan hospitals, are experiencing escalating difficulties with unauthorised persons on hospital premises. It states that it is receiving increasing reports of persons lurking in hospital grounds and buildings at night. It states that it appears that the police are limited in their approach to this problem. Therefore, that organisation supports the extension of police powers to question the intent of a person apparently loitering.

There was also representation from the Housewives Association Incorporated, which supports the motion put forward by the Hindley Street Traders Association asking for the police to have more power and control over loitering offences. That body is concerned about the situation being such a nuisance to the general public, and indicates its belief that the police should be given power to direct persons to remove themselves and to not return to the area for a specified time. It indicates that, while it supports the move by the Hindley Street Traders Association, it believes that this is a major problem in other shopping centres also and that any improvement in the area will be to the advantage of the public. That representation from those two groups, along with the 23 groups that signed the original petition put forward by the Hindley Street Traders Association back in 1983, constitutes support by the vast majority of South Australians for a proposal to strengthen the loitering laws.

It is important that the Government consider that representation very seriously and support the amendments that will be forthcoming when it is appropriate to move such amendments in this very serious matter. We are seeking to propose that the police officer who makes the request to cease loitering may be able, within limits, to request a person to cease loitering in a defined area for a maximum period of four hours, the defined area being up to half a kilometre in radius from the point at which the original request has been made. That will provide a much more effective means of establishing a breach if a person so requested to cease loitering returns to the area identified within the prescribed period of time.

The Attorney-General in another place has previously stated publicly that he does not think that a problem exists with subsection (2) in the sense that if offences are committed the persons who commit them will be arrested. However, if one looks carefully at subsection (2), one will see that it is not just where offences are committed that section 18 (2) becomes operative, but where there are reasonable grounds for believing that certain offences are about to occur. That is very important: the Opposition believes it is important.

Having identified the areas that we will be looking to amend, I will now address my remarks to a number of other matters, although not with a view to moving amendments. Concern has been expressed—and I certainly have received representation personally from police officers—that the four hour period allowed for detention of an arrested person prior to delivery into custody at a police station includes reasonable travelling time. The suggestion was made that in some areas of the State the whole four hour period may be taken up with travelling and that in other parts of the State, under the terms of the Bill, the reasonable travelling time may be the subject of legal debate. That point has been put to me very strongly regarding courts determining whether or not evidence in regard to confession is sought to be admitted. The Opposition recognises the concern that police have expressed in that context, and I make the point that the provision in this Bill is identical to that in the Liberal Bill. For that reason, I see no justification in tampering with it.

The other point that I make is that when this issue was discussed by the then Liberal Government we were anxious to ensure that there was a reasonable balance between giving more extensive powers to the police, on the one hand, which we believed to be necessary, and on the other hand endeavouring to recognise and protect as much as possible the rights of an accused person. We have stipulated that all along. One of Adelaide's leading QCs, a criminal lawyer, has referred to the four hour detention period and has pointed out that the clause refers to a telephone call being allowed to a friend or relative while no reference is made to the accused person's solicitor.

My colleague in another place, the Hon. Mr Griffin, directed questions about this issue. The Hon. Mr Griffin was of the view that there should be at least some central location where the whereabouts of an accused under the four hour detention or eight hour detention period, as the case may be, can be filed so that relatives, lawyers or friends seeking to ascertain the whereabouts of the accused can do so by telephoning a central location, such as the City Watchhouse. I will have more to say about that later.

Generally, I am pleased with the way in which the Bill has been presented to the House. I think it is a pity that it has taken so long, considering, as I said earlier, that the previous Government was ready to introduce legislation. It is a great shame that it has taken the Government well over two years to bring down the significant changes that occur in the Bill in line with the review that the then Liberal Government undertook prior to the 1982 State election.

In his second reading explanation the Attorney-General indicated that the Bill, when proclaimed, is to be renamed the Summary Offences Act. I support that and have no difficulty with it at all. There are other matters that I will canvass, and there are other questions that I will ask the Minister in Committee. I reiterate the point I made earlier about the question of loitering, which is of considerable concern to a number of people in South Australia and to the Opposition. I note that the Attorney-General in another place referred to this matter and said that the question of loitering seems to have arisen as the major point of contention between the Parties on this Bill. He makes the point that as far as he is concerned there is no parallel in other States, that it is quite a wide power which encompasses not only people who may be committing an offence or who the police may reasonably suspect of being about to commit an offence but also people in the vicinity. I am sure that we will get exactly the same answer in this place.

I hope, for the reason that I have already given that there is much more at stake than just that, that an opportunity will be provided in Committee for that matter to be taken further. As I said earlier, recognising the significant changes that have been made between the first draft and the Bill that is now before the House, and recognising the considerable number of matters that have been picked up by the Government which the then Liberal Government saw as being important in regard to extending police powers and giving the police of this State more support, the Opposition supports the Bill.

Mr GROOM (Hartley): I want to say a few words in support of the Bill. I congratulate the Attorney-General on the first major and wholesale change to the Act for some 30 years. It is an important measure: it produces very significant changes to the law. It clarifies police powers and there is expansion in some areas, but with safeguards to ensure that civil liberties are adequately protected. There is also the removal of certain outdated offences such as vagrancy and having insufficient lawful means of support.

It is true that the Opposition introduced a private member's Bill in 1983, but it is well to remember that that Bill was a mess: it contained serious violations of civil liberties and the legislation itself failed to provide the needed protection for police officers properly—

The Hon. D.C. Wotton: That's your opinion.

Mr GROOM: Yes, it is my opinion. That Bill was a mess. It failed to provide the needed protection for police officers properly investigating a crime. Take the differences in section 78 of the Police Offences Act. There is a significant difference in the wording of that section. The Opposition Bill had in its subsection (1a) investigations of a suspected offence for which that person has been apprehended. There is quite a significant change in stance.

Of course, that meant that the post arrest period was limited to the suspected offence for which that person had been apprehended, so one could not investigate other offences. There is a significant change of wording in relation to clause 32 dealing with section 78: it is on suspicion of having committed a serious offence. In addition, the Opposition Bill had a very serious violation of civil liberties when the detention period was effectively unlimited—the first four hours plus extensions *ad infinitum* so one could go on four plus four, four plus four and keep on going.

In addition, there was no protection, for example, to ensure that a solicitor was present during the detention period, that an interpreter was present if necessary, that people could refrain from answering questions and the requirement, of course, that the police must inform people of these rights—those things were all lacking from the Opposition Bill. There were other things I spoke on in 1983, but that piece of legislation should not be compared with this legislation. The Opposition private member's Bill was simply a mess, with respect to the honourable member. However, I want to address most of my remarks to the loitering section. The Hindley Street traders have simply misunderstood the law in this area. Section 18 (2)—

The Hon. D.C. Wotton interjecting:

Mr GROOM: They have misunderstood the law. If the honourable member bears me out, I will explain it. Section 18 (2), as the member for Murray said or quoted the Attorney-General as saying, which is accurate, really finds no parallel in other States: the power to move on extends not only to persons producing the potential trouble but to innocent bystanders as well. The origins of this section have much to do with the old section 63 of the Lottery and Gaming Act. In fact, this loitering provision combined with the old section 63 of the Lottery and Gaming Act was simply basically to control illegal gambling. The person out the front used to be called a cockatoo because they would be playing two up inside or some other gambling games and he would screech out so that the people inside would know that the police were coming.

The loitering laws were originally used in that context to control gambling. However, of course they gradually became used for other purposes and there was a significant shift in that section in about 1972 when it was considerably remodelled and became quite different from the old loitering sections.

The word 'loiter' is said to come from a middle Dutch word meaning to wag about like a loose tooth. Its use in England goes back to the 15th century. One typical dictionary definition (from the *New English Dictionary*) is to linger idly about a place. It was in this sense that the word was originally construed. It has been held that a man walking up and down the street and trying to open doors of parked unattended cars in effect was loitering. Indeed, the real meaning that it has come to have in law is to linger, hang about or remain in an area without any apparent reason or legitimate excuse.

The honourable member quoted from the letter written by the Hindley Street Traders Association. I will reiterate parts of that letter because I received it too. It is dated 22 February 1985 and the third paragraph states:

> We see two deficiencies in the present legislation . . . Firstly, it provides no time limit to prevent a person who has been requested to cease loitering from returning.

With the greatest respect to the Hindley Street Traders Association, they should be getting better advice because that is a complete misunderstanding of the law. The way in which section 18 (3) operates is this: it relates to a person to whom a request is made under subsection (2), which is very wide and which covers offences committed in the vicinity by that person or by others in the vicinity, a breach of the peace (which has very wide connotations in English law), the movement of pedestrians or vehicular traffic is obstructed or is about to become obstructed (and I have not read these fully), or the safety of that person or others in the vicinity is in danger. The Hindley Street Traders Association asserts that there is no time limit to prevent a person who has been requested to cease loitering from returning.

That is absolutely absurd, because the whole purpose of asking someone to move out of an area is that there is some danger or potential danger existing. That person simply cannot return to that area while the danger subsists, because if they do they commit an offence—they are 'lingering' or 'hanging about'. I will come back to this in a moment. The second mistake the Association has made in its letter is where it says:

> . . . the legislation does not provide—

this is the current legislation and not the Bill before the House—

> for a defined exclusionary zone to be nominated by police to a loiterer coming within the ambit of the section. As a result, any person requested to cease loitering tends to move a short distance away for a limited time only, and then returns.

That is absolutely absurd. If one examines the case law and some of the old sections dealing with the Lottery and Gaming Act, one finds that that is not the case. If a person moves a short distance away and comes back, they are lingering if the danger or potential danger still exists and they commit an offence. The old section in the Lottery and Gaming Act was very wide in its terms. Old section 63 reads:

> No person standing in any street shall refuse or neglect to move on when requested by a police constable so to do, or shall loiter (whether such loitering shall cause or tend to cause any obstruction to traffic or not) in any street or public place after a request having been made to him by any police constable not to so loiter.

There is case law that simply says the following:

> Thus, if a person has been requested to cease loitering in King William Street outside a certain hotel, he is clearly not guilty of an offence if he forthwith walks to another part of King William Street which is half a mile away from the hotel.

It continues later:

> If a person is requested to cease loitering in a defined portion of a street, and moves from the street to a public place which is no part of the street, my view is that he has obeyed the request.

The emphasis there is on 'defined portion of a street'. The example dealing with King William Street indicates that a person really has to leave an area where a potential danger exists. There was a further passage where a judge in a 1962 case said the following:

> I agree with the view expressed by *Richards J.* in *Rosey* v. *Reynolds*, that the request contemplated in the section is one which indicates the street or place or area in which loitering is forbidden and I have no doubt that a request may be so vague or general in its terms as to justify the person requested in ignoring it.'

That was in connection with a particular fact situation. The emphasis again was on a defined place or area where loitering is forbidden.

The sum total of those references adds up to this: a police officer can say that a danger or a potential danger exists in an area and he is asking a person to move out of the vicinity of the area in which the danger or potential danger exists. If the person asks, 'Where is that area?' the police officer can say, 'You have to go half a mile down the road or get out of Hindley Street entirely.' That is old section 63. One can argue by parallel. It is referred to by the then Chief Justice in *Stokes* v *Samuels*, a case that went to the High Court. Although it was not actually dealt with in the High Court, there is plenty of case law to indicate that loitering means 'lingering' or 'hanging about'.

So, one cannot agree to what the Hindley Street traders have suggested: that a person tends to move a short distance away for a limited time only and then returns. If a danger or potential danger exists, that person simply commits an offence. The Hindley Street traders have been peddling this for some time. I believe that they have made mistakes in the law and in understanding the current section 18 of the Police Offences Act. They have perpetuated that without doing their homework.

The fact is that current section 18 is adequate to control misbehaviour in Hindley Street provided that the section is used in the way envisaged, that is, that a police officer can define an area within the vicinity where the danger or potential danger exists, and a person who is requested to cease loitering cannot return until that danger or potential danger abates. They are the underlying principles that are referred to in some of the cases that I have mentioned.

Loutish behaviour occurs in Hindley Street—no-one disputes that—and there are a number of sections to deal with that. The disorderly conduct section is one, and the offensive behaviour section is another. There is much loutish behaviour by the occupants of cars passing through Hindley Street. It used to be the policy of the Hindley Street Traders Association, before the advent of Downtown, that Hindley Street should be converted into a pedestrian mall. Indeed, I have always supported that aim, which appears to have withered over the past few years in respect of that Association.

As I see it, one of the problems stemming from loutish behaviour in Hindley Street concerns the occupants of passing cars, and it is difficult for police to detect that if they are on the footpath trying to control behaviour there. Until Downtown came on the scene, the traders argued strongly for the pedestrian mall. Indeed, they wanted to convert Hindley Street to a pedestrian mall at the same time that Rundle Street was converted into a mall.

Numerous arguments were advanced. Reference was made to the continential atmosphere of Hindley and the type of traders there. I have travelled overseas and seen the Italian piazzas. One does not encounter loutish behaviour on piazzas—motor vehicles are prohibited. People just walk to and fro in the same sort of activities but in a continental atmosphere. In the continental cities that I visited I never saw any loutish behaviour. It is easier for the police to control behaviour in malls, especially when one does not have passing cars from which loutish behaviour emanates.

I guess the objection is that some of the new businesses in Hindley Street like to see passing cars, but they are silent on the loutish behaviour that stems from the car occupants. I am disappointed that the Association in the past couple of years has no longer pushed the concept of Hindley Street, or at least parts of it, becoming a mall. I recognise some difficulties, for example, with Miller Anderson. That was one of the difficulties that was raised in the 70s—because that company opens on to Hindley Street and has no rear access.

Another difficulty concerns the delivery of goods and services to Hindley Street businesses, the delivery of newspapers and the like. If Hindley Street was a mall it would be much easier for police to control loutish behaviour. Indeed, I understand that carbon monoxide levels in Hindley Street at the worst periods resulting from the passing parade of vehicles are double World Health Organisation standards. Many of the problems adverted to by Hindley Street traders are covered by existing law and could be eradicated if the traders continued to press for the conversion of Hindley Street into a pedestrian mall.

In relation to the loitering provision, the Hindley Street Traders Association has made very serious mistakes concerning its presentation of the law on the current section, which covers the sorts of objections that the Associaton raised in its letter of 22 February 1985. The member for Murray referred to the Royal Nurses Federation and read its letter, of which I have a copy and which said that its members were experiencing escalating difficulties, especially those employed in the major metropolitan hospitals with unauthorised persons on hospital premises.

Currently in the Police Offences Act a section deals with persons being unlawfully on premises. So, an adequate law is in place to solve the sorts of problems to which the Royal Australian Nursing Federation referred. Its problem bears no resemblance to the sorts of problems that are experienced in Hindley Street. To suggest that the police, for a specified period of time—I believe it is proposed by way of amendment to be up to four hours—and in a designated area can ask people who are lawfully going about their business to get out of the area for up to four hours, even if the danger has abated and there is no potential danger. That is a serious infringement of people's rights, because people have the right to use public places provided that they are not breaking the law.

Mr Gunn: I hope that you're going to carry this argument about people's rights a bit further.

The ACTING SPEAKER: Order!

Mr GROOM: I appreciate the honourable member's objection, but the fact is that the community has the right of access to public places, and it is only where breaches of the law are committed by those persons or a danger or potential danger exists in an area that that right should be disrupted. But, it is such a serious erosion to be able to say that one must get half a mile or a mile down the street, even if that is four times the distance where the danger or potential danger actually exists. So, the proposals of members opposite are going too far.

The member for Murray said that the Traders Association's complaints about Hindley Street concerned offensive behaviour, indecent behaviour, vandalism and obstruction of footpaths. There are already offences under the Police Offences Act to cater for those specific types of problems. It is a matter of police administration in Hindley Street, which, as I have said, should be converted to a mall to enable the police more properly to police the sorts of loutish behaviour that occurs there from time to time.

Mr BAKER (Mitcham): I am sad to see some of these marvellous offences disappearing from the Act. In the mid-1970s I spent an enormous amount of time putting all these offences on a computer. It was amusing to look at the legislation and some of the offences. It is a pity that we cannot put them in archival form. In the books behind me I suppose that we could find well documented offences that existed at the turn of the century. There are some classics in this Act such as palmistry, the extinguishing of street lights, street musicians who cause offence, and a whole lot of other things.

The Bill, which generally is a worthwhile contribution to the legislative effort of this Parliament, deletes those offences that have become outdated, replaced by better wording, or

more appropriately placed in the legislation. Generally, I agree with many of the changes that are presently being made.

There is also the vexed question of a person being apprehended without a warrant. I know that all members of the House have received a copy of a letter from the South Australian Council of Civil Liberties. The council makes certain points about the powers of apprehension and the rights of the individual. It suggests, for example, that it is rather strange that a person has the right to a solicitor but has no right to telephone him. The council believes that some of the evidence that may be gathered in that period could be ruled inadmissible, and I believe that there is indeed some danger of that. Therefore, while the Bill creates the right for the police to take this action and we can think of a number of occasions when such action would be appropriate, the rights of the individual are being taken away. Let us be quite sure about that.

I do not class myself as a civil libertarian in the same way as those who belong to that organisation class themselves as civil libertarians. I believe that we must always find a balance in this world. I am not certain whether I totally agree with the eight hour provision. I will have to wait and see how it operates. If it is abused or if further checks and balances are required, we all have a responsibility to amend the Act. There are some areas that could be abused, and ultimately the cause of justice will not be served if this power is used too widely and not used simply on those occasions when it is required. Such power might have been quite useful in the case of the Truro murders, the case of Colin Creed and other cases, but given the checks and balances provided in the Bill one wonders how useful it will be. We can but wait and see how it turns out.

The Council of Civil Liberties has the right to speak out against these provisions, which it sees as being against some of its fundamental beliefs. We should all be aware that this Parliament is responsible to everyone. Those who are innocent of charges and who are caught up in the system could well have the right of redress. It may be that that matter could be addressed later.

The Council of Civil Liberties also refers to loitering and believes that that offence should be abandoned altogether. I probably fall down on the side of the member for Hartley—that the remaining sections of the Act are sufficient. Section 18 (l) provides only a limited right to the police, and I am not persuaded that the deletion of this subsection detracts in any way from the general thrust of the loitering provision. As the member for Hartley said, most of the concerns relate to police involvement. If offences are laid down in Statute, it is a matter of how they are administered. I recall that when I was a lad vagrants were picked up by paddy wagons, taken to gaol and given a square meal, and people believed that they were doing their duty.

The Hon. D.C. Wotton: Back in the good old days.

Mr BAKER: Yes. The drunks got the same treatment. The original offence probably arose because some people were offended at seeing drunks or people begging for food on the streets. I do not know where the legislation originated, but I recall that on a number of occasions when I was a young lad I saw such people being escorted gently to spend a night in gaol. That was the only time when they got decent food or shelter.

I am not suggesting that that provision should remain in legislation, but, noting that this Bill will delete that provision, we can see that we have come a fair way, although we have probably gone backwards in some respects. Perhaps members do not really care about people who have insufficient means to support themselves or who are unable to control alcohol consumption, since the law does not now prescribe in any way that those people shall be assisted. Some of these people will not reach the age of 40 and will perhaps die in some hospital of broken down kidneys. This is just an interesting reflection on the law: a mechanism did exist under which these people could be arrested, rightly or wrongly. In those circumstances these people were able to have at least one night a week or more in some more healthy environment. However, today they are left on the streets. Occasionally, some emergency housing is provided, but many individuals of the type to whom I have referred never see those places, and we do not really care. I support the general thrust of the Bill.

Mr GUNN (Eyre): I want to comment on a number of aspects of the Bill. I understand the reasons for the Government's introducing the Bill, and I support reasonable and responsible measures that will help the Police Force to bring to justice those people who are involved in serious crimes. However, every member of Parliament has an obligation to ensure that when laws are changed the very fundamental rights of each member of the community are protected. I am surprised that it has fallen on me to have to stand in this Parliament at this early hour of the morning and question the need for some of the provisions in the Bill, and the lack of adequate protection for members of the public who might be apprehended under them.

I am absolutely amazed that members of the Government, who for such a long time have spoken in favour of civil liberties, are prepared to accept, without question, some of the very Draconian measures in the Bill. I am amazed that they can sit idly by in these circumstances. The member for Hartley did not address himself to any contentious matter in the Bill. I do not know what his colleagues in another place did in this regard, but, for example, the honourable member did not address himself to the matter of people being apprehended and held without being charged.

I have always believed that one of the fundamental principles in our British system of justice was that if people were arrested they were charged, and when they were charged they knew exactly what they were being held for, and they had rights. I have some very detailed questions to ask in relation to proposals in the Bill, and I hope that the Minister will respond to matters that I will raise. For example, has the Minister considered provisions in section 16 of the new Bail Act, recently passed by Parliament? The member for Hartley should also address himself to the provisions in section 16 of that Act, which provides that:

> Notwithstanding any other provision of this Act, where a bail authority decides to release a person on bail and a member of the Police Force or counsel appearing on behalf of the Crown at the hearing indicates that an application for a review of the decision will be made under this Part, the release shall be deferred until—
>
> *(a)* the review is completed; or
>
> *(b)* a period of seventy-two hours elapses, whichever first occurs.

That provision, along with the provisions contained in the Bill before the House, mean that people can be denied their freedom for up to 72 hours. People who are experienced in these matters have drawn these provisions to my attention. I have no counsel whatever for drug peddlers and pushers and other criminals, but I am concerned that innocent people will be held under these provisions. What will happen to a person who is held under these provisions but who is subsequently found to be innocent?

Where do they stand in relation to compensation for wrongful arrest or loss of respect in the community? If someone is held for up to eight hours and it becomes widely known, what redress do they have to clear their good name and be compensated for the inconvenience and various other losses that they may suffer? I want the Minister to clearly explain to this House tonight exactly how those

people fare. I would like to hear from the member for Hartley and the Attorney-General, because this matter should exercise their minds: it is not a matter that can be just brushed aside.

The Ministers on the front bench may think that I am engaged in some fantasy, but these matters that I am discussing are basic to the democratic principles and traditions of this State, and I am horrified that the Bill is being debated at this time of night and that other members will not take part in the debate. We cannot run away from these issues.

The Bill provides that any police officers can take people into custody and deny them their liberty. That is one of the most serious breaches of civil liberties that can be inflicted on any person. It is not good enough to say that we have covered this. I have put forward some very reasonable suggestions that will at least give those people some protection. I have received a letter, as most members have, from the South Australian Council for Civil Liberties, although I have certainly not been on its mailing list in the past.

The Hon. E.R. Goldsworthy: They are not going to sign you up?

Mr GUNN: No, they will not sign me up at all, but a bit of common sense should apply in relation to these matters. The point cannot be made too strongly that we may not have any trouble with this law being administered while the current members are in this Parliament, but once we put this on the Statute books what guarantees have we that other Governments will not misuse it? We know what Governments have done overseas with Acts of Parliament that have been passed by democratic Governments, but devious scoundrels have used them to do the most shocking things to citizens in those countries. I could go on to explain various other acts of these people. I will quote what the Council of Civil Liberties had to say:

> The most objectionable feature of the Bill is the dramatic and worrying extension of police powers, under clause 32, to detain a person without either arrest or charge. The proposed amendment to section 78 of the Act provides that a person apprehended without warrant on the ground of suspicion of having committed a serious offence may be held in police custody for a period of up to eight hours without a charge being laid. The proposed amendment further provides that within that period a person may be placed in custody of a police officer and taken to places connected with the suspected offence, not necessarily with the consent of that person.
>
> The Council considers that the Bill creates a new status, that of an apprehended person, and that the Bill provides an individual in this position with few of the rights we would expect to be available to a person suspected of an offence. Moreover the Council considers that ... the right of an individual ought to be protected.

I could go on to read the rest of this letter; I will not, but I have some queries in relation to this Bill, and I hope that the Minister will take note and reply to them. In relation to the amendment to section 75a of the Police Offences Act—that a person is guilty of an offence if he fails to comply with the requirement of a police officer to produce evidence of the correctness of his name and address—what happens if that person does not have a driver's licence and cannot provide it? I would like the Minister to reply, because that is a point that ought to be taken up. Concerning the amendment to section 70a, it would appear that this clause departs from the previous section in a number of important ways. 'Apprehension' is not confined to apprehension 'under any preceding sections of this Act'. This wording in the old Act necessarily meant that 'apprehension' was construed as an arrest. Does the new section give the police power to detain people by apprehension without arresting or informing them as to what they are suspected of having done by way of an offence?

I believe it is essential that when a person is taken into custody he is at least informed, and I want the Minister to advise the House on that matter. There is no mention in this section of the obligation to have the person 'secured until he can be brought before a justice to be dealt with according to law, or, if such member deems it prudent to take bail, until he has given bail for his appearance before a Justice'.

In other words, there is no obligation on the police to bring him before a justice, and I draw the Minister's attention to section 16 of the Bail Act. Criteria should be incorporated under section 78 (3) governing the issue of authorisation of a magistrate, and there should be a restriction preventing a police officer from turning from one magistrate to another if he is initially refused authorisation.

What happens if a police officer phones a magistrate who refuses to give him that authority? Is he then able to go to another magistrate on the list or will a duty magistrate be available? That matter is fundamental, because it is known throughout the system that some magistrates are very easy and will not argue at all. Will the Minister advise of the exact position of a person placed in that situation?

What was wrong with paragraphs (a), (b) and (c) of section 78 (1)? Why not require that the apprehended person be delivered into the City Watchhouse, the police station at Port Adelaide or the police station nearest to the place where the person was apprehended? I point out that 'the prescribed period' as defined would allow the detention of an apprehended person for eight hours before being admitted to custody in the watchhouse. If admitted at about 4 p.m. the total length of detention, including detention in custody at the watchhouse, could be as long as the six hours. Furthermore, if delays occasioned by the need to have a solicitor present are not to be taken into account in determining 'the prescribed period', no interrogation should take place until the solicitor attends.

Will the Minister assure the House that a person will be able to have a solicitor present whilst being interrogated? I hope that the Minister is paying attention to what I am saying, as I do not want to waste the time of the House. These points are fundamental to democracy, and I hope he will reply to them. Section 79 a (1) (a) circumscribes the right of the person to have a solicitor by the words 'while in custody'. Given that the reference to custody appearing elsewhere concerns custody of the member of the Police Force in charge of the nearest police station and 'custody at a police station, or from that custody' to the custody of a member of the Police Force pursuant to section 78 (3), does subsection (1) (a) not relate to 'the prescribed period' under the existing Act?

What does the Minister mean by that amendment? I could go on in this matter and ask the Minister to clarify what he intends in relation to a number of other sections. Where does the Government stand in relation to section 79a (1) or 79a (3)? Under section 79a (3), any requirement that the police inform the person apprehended of his rights is to be commended. Obviously, most citizens are unaware of the rights at common law or the provisions of section 78 of the Police Offences Act which currently set out the requirements in regard to holding an apprehended person so that he may be brought before a justice, etc. However, any such requirement may be of little benefit if the person is not informed in a proper informative way. Furthermore, the requirement should be extended to inform the apprehended person of other matters affecting his liberty.

Accordingly, the apprehended person should be given a notice or card setting out his rights. He should be informed of the offence he is suspected of. That is a reasonable requirement, and I hope the Minister will accept it. A person should be informed in layman's terms and should be informed of his rights to apply for bail under the Police Offences Act. I find it hard to comprehend that people can be charged with offences which could involve sentences of

up to two years gaol when they do not have the right to opt for trial by jury.

I thought that one of the hallmarks of the Labor Party's civil liberties policy was that people on these minor indictable offences were entitled to trial by jury. Members opposite seem to have departed from that on this occasion. We have not been given any reason for that. Are they running scared, or what is the reason for departing from what I believe to be a fundamental right? I could go on and take the rest of my time, but I will not do that because I think it is disgraceful that we are still debating this matter at 12.30 a.m. I will follow these matters through at length in Committee.

I have some worthwhile amendments which I think will redress some of the problems that I have mentioned. I refer to the move-on provision. I am not particularly concerned about this provision, although I understand the problems faced by the Hindley Street Traders. However, I have seen this provision abused. I know of a case where young people attending college were waiting to catch a bus but were told by the police to move on and could not catch the bus. They were boarders in the city and had to walk back to their college late at night. I think that approach to the provision is wrong. I think that, if we are to have a move-on provision, there should be an exemption when people are close to a bus stop. I could give further examples.

I think this area should be handled carefully. If a person is taken into custody and is held without being charged, it should be done only on the authority of a senior police officer; it should not be done on the authority of a relatively junior officer. I sincerely hope that it will not be necessary for members of Parliament to bring to the attention of the House cases where these rights are misused.

In conclusion, I repeat that I have no counsel whatsoever for criminals who are breaking the law, those people engaged in the drug trade and in various other areas of organised crime, or those who commit other serious breaches of the law. I believe that, when passing laws to deal severely with such people, we should be very careful to make sure that we do not deny law abiding citizens (who could be taken into custody by mistake) their basic freedom and rights that we have grown up to expect. I hope the Minister will reply in detail to the comments I have made, and I hope he does not proceed with the rest of the debate tonight.

Mr M.J. EVANS (Elizabeth): I rise to make a brief contribution. First, like other honourable members I have also been lobbied by the Hindley Street Traders Association, and I have had an opportunity to discuss the Bill at some length with the South Australian Council for Civil Liberties. I think the member for Hartley has adequately dealt with the law in relation to loitering. I think the facts on the case law and previous decisions which he placed before the House this evening have dealt adequately with the matters addressed by the Hindley Street Traders Association.

I concede that the point made by the group is valid, but I think that the law as it will stand, if the Bill is adopted in its present form, will adequately meet those needs without presenting any opportunity for abuse. It will be quite difficult and impractical in my view to have defined exclusion zones and defined periods under which people may be excluded by the police from particular areas on an almost arbitrary basis. I believe we will be much more sensible to rely on the case law and subsections (2) and (3) as the member for Hartley indicated, and which I fully support.

However, I think there are a number of matters in the Bill which must be seriously addressed by the House. Of course, the member for Eyre has adequately raised a number of those areas. I will canvass one or two issues raised with me by the Council for Civil Liberties, and I have had a chance to study them in the Bill subsequently.

The question of an apprehended person has to be clarified to some extent: is an apprehended person an arrested person? The Bill clearly contemplates that those people are and, if that is the case, it is desirable that the Minister clarifies the point so that there can be no doubt. Provided that an apprehended person is an arrested person all of the rights that we would normally expect to be the case come into play. Even the Bill itself speaks of the rights of a person apprehended by a member of the Police Force (and this is referred to in new section 79a) in being able to telephone a nominated person and being entitled to have a solicitor and interpreter present, and so on.

Again, it would be useful if the Minister placed on the record for the benefit of the public of this State and those who are concerned about civil liberties the fact that a person being taken on a grand tour of the State has the right to have his solicitor, interpreter or friend present. That is a reasonable interpretation of this Bill, but my interpretation is not the one that stands if this is called into question. Therefore, I would appreciate the Minister's confirming that the rights conferred on an apprehended person under proposed section 79a apply to a person who is detained under this new section 78. Once the initial four hour period has elapsed and the matter is brought before a court in some form or another, I am much less concerned.

After all, a magistrate or two justices of the peace obviously are required to confirm the continuation. This Parliament can be reasonably satisfied that the matter can be well looked after. However, some consideration needs to be given to the definition of serious offence. While I can see—as I think the member for Eyre also can see—that those provisions are requisite where a serious offence has been committed (and the obvious example of the Truro murders was brought to light), one must take into account what is a serious offence. The Bill before us defines a serious offence as meaning an indictable offence or one punishable by imprisonment for two years or more. As I understand it, that excludes any offence under the old Police Offences Act or the new Summary Offences Act, as it is to be known. Does it go far enough?

I have some doubts and I would appreciate further information as to why a period of two years imprisonment has been selected: given the way that terms of imprisonment are included in Acts these days, that does not constitute a particularly long period. After all, it is a maximum penalty and courts are unlikely to hand out maximum penalties to that extent. Therefore, a two year gaol term encompasses quite a wide range of offences.

While it is reasonable to suspect that those additional powers should come into play where a particularly serious offence has occurred, we need to give particular consideration to that definition of 'serious' to ensure that it is serious enough. I also draw the House's attention to the fact that we have recently passed another measure under which a Police Complaints Authority was established. This provides an additional check and balance in the system that is not included in this Bill.

When considering the extension to police powers that this Bill provides the House should also consider the recent passage of the Police Complaints Authority legislation which provides an additional check and balance in the system to protect those who are perhaps innocently caught up in the system and who may be the subject of an abuse of power should that occur at any time in the future.

Basically, I support the measure but I draw attention to those points I have raised to ensure that the Minister places on record the fact that, as I understand the Bill, we did not create a new class of apprehended person but rather a new class of an arrested person who is detained in a place other than a police station. That is not really such a major depar-

ture as might otherwise have been contemplated. If we can give some further consideration to the definition of serious offence I would much appreciate that. Those matters need to be given much more serious consideration by this Chamber.

Mr MEIER (Goyder): Most of the matters to which I wish to draw attention have been raised by the members for Murray, Mitcham and Eyre. It was interesting to hear the member for Murray draw attention to the concern of the Royal Australian Nursing Federation in relation to the need for greater protection for nurses working at city hospitals. It is disturbing to hear of the lack of protection that these nurses must often encounter during their night shifts. Members are probably aware that most of the car parking area and the area that they pass through is relatively open and may not be well lit at all times. Although they have their own security system, I believe those involved are not necessarily instructed to stop persons coming into the area, because many people may need medical attention. Who, therefore, are they to define who might need such attention or who is or is not a genuine visitor to the area?

I know of a recent case where a nurse had her car stolen from the area. It was felt that, if some people who were loitering in the area could have been moved on and told to get right away from the area, her car probably would not have been stolen. Since then the duties that police have not been able to carry out have been of some concern to this person. This ties in with the concern of the Hindley Street traders in relation to the power of police to arrest any person who lies or loiters in any public place and refuses to move on when a satisfactory reason for lying or loitering is not given.

It seems to me that there has been much mention in the press lately of the lack of law and order in certain areas of this State. I hope that this Parliament will do everything in its power (and it has an opportunity to do so here) to ensure that law and order is reinforced on the side of extra safety rather than the opposite.

I appreciate that the following story is not directly involved with this Bill, but I spoke recently to a person who makes security doors and who indicated to me that the demand for those doors was very high in this State. I realise that this law will not stop people going up to doors or breaking into houses, but it shows that there is concern amongst people in South Australia for their safety.

I believe that this is reflected right down to the street level, where police have a somewhat limited power to move people on. It is particularly in that area, as the Parliament is considering this Bill, that I hope the Government has given due consideration to this matter and that we can consider it a little further during this debate. As it is fast approaching 1 a.m. and other members have said so much, I merely say that I hope this Bill will be passed in a positive way rather than matters being left unattended.

The Hon. G.J. CRAFTER (Minister of Community Welfare): I thank members for their interest in this area and for the matters that they have raised. I will clarify some of the provisions of the Bill. The member for Hartley has clarified some of the misconceptions that exist in the community with respect to certain aspects of this legislation. Hopefully, that will clarify some of the questions that have been raised.

The member for Eyre has raised a series of questions—many of them hypothetical—about the potential effects of the Bill and his fears about how a magistrate would interpret the legislation one way or the other and as to how the police would interpret the it. It would be more appropriate to answer some of those questions in Committee.

The member for Elizabeth asked some specific questions and I will attempt to answer them now. He asked whether an apprehended person is regarded as an arrested person. I understand that that is the case and that the rights that thereby follow accrue to an apprehended person. The member for Elizabeth talked about the grand tour and the investigation that would follow for an apprehended person who could attend that, and the Bill at new section 79a refers to those persons who can be present during an investigation. Presumably that would include persons such as solicitors and interpreters.

The question that the honourable member raised with respect to prison sentences being no greater than two years is a requirement under the Justices Act concerning the maximum sentences that magistrates can impose. The honourable member will find that a similar provision applies in other States and throughout most of the common law world. It is established in our law in respect to the administration of justice, and that is why it is included as a bench mark in respect of offences that are included in this Bill.

I have placed on file an amendment that hopefully will clarify one aspect that has been raised in another place. The new provision is designed to minimise the inconvenience for a person arrested on the suspicion of having committed an offence and who is subsequently not charged. The thrust of the amendment will be to require, in regard to that person who was arrested but subsequently not charged, that a member of the Police Force in charge of the investigation of the suspected offence shall ensure that that person if he so desires is returned to the place of apprehension or such other place as is reasonably nominated by that person. I will attempt to tackle in Committee the questions raised by the member for Eyre.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Repeal of section 1 and substitution of new section.'

Mr GUNN: I oppose this clause. It is necessary for me to oppose it in order to proceed with the amendments standing in my name. It would be far more convenient if this clause was rejected by the Committee because the course of action that I intend to take later would result in far more acceptable legislation to those people who have experience in this area. If the Minister has any compassion or common sense in regard to such matters he will accept my opposition to the clause and accept my later amendments.

Clause passed.

Clause 4 passed.

Clause 5—'Assaulting and hindering police.'

Mr BAKER: This clause removes, as a form of obstruction, abusive language suffered by police. Will the Minister clarify where, in the principal Act, police can be protected from some of the more abusive elements of our community and whether they have any redress? The principal Act provides that offensive language in a public place can be subject to the ramifications of the law. However, not all abusive language occurs in a public place. What other provisions are there to cover this situation?

The Hon. G.J. CRAFTER: If the honourable member looks at section 7 of the Act he will find that it contains a sufficient range of offences to cover the behaviour to which he refers.

Mr BAKER: It does not really cover that situation. Section 7 provides that a person in a public place or a police station who behaves in a disorderly or offensive manner, who fights with any other person or who uses offensive language, is guilty of an offence. That section does not cover a private home to which a police officer may be called as a result of a domestic dispute and is there subjected to extensive abuse

from the people concerned. There are a number of other areas where police can be subject to some fairly foul abuse, and the removal of this section provides no protection to the police. I understand that in most situations police can be covered as other members of the community are covered, but there are situations in which these laws do not take into account the situation faced by police, one of whose worst duties is attending domestic disputes.

I am sure that police can give a wide range of cases where they have been subject to extensive physical and oral abuse by members of the public, particularly when the situation has been tense. What redress do police officers have when they walk into a domestic dispute in a private house in response to a call from the public and are subjected to extensive oral abuse from a member of the household? Previously the situation could be treated as a case of obstruction, although I am not in favour of that provision. However, if nothing is to be inserted it means that people could abuse the police with impunity. Will the Minister indicate the area of the law where that situation is covered?

The Hon. G.J. CRAFTER: The honourable member is perhaps posing in a very general way a situation in regard to which I find it difficult to respond. If behaviour can be seen as hindering the police officer in the course of his duty, there would be an offence that could remedy that situation. If the honourable member is referring to abusive language within a private place, that is unlikely in itself to constitute an offence. However, there is a grey area between that and the behaviour that accompanies that situation. It is in regard to that area that it is difficult to an answer the honourable member's question.

Mr BAKER: That is not satisfactory. I presumed that when the Police Offences Act was amended this matter would have been covered elsewhere. I know it is a bit late in the day to force an amendment, but I ask the Minister to ascertain from the Attorney-General whether there is some means of redress for those people and those police officers who are subjected to violent abuse on certain occasions. This matter does not necessarily come under the category of hindering or obstructing in terms of physically stopping a police officer from doing his duty, but, by the same token, the police officer or members of the public should not have to put up with such behaviour.

Clause passed.

Clauses 6 to 9 passed.

Clause 10—'Offensive weapon and drugs.'

Mr BAKER: Section 15 of the Act addresses possession of weapons and material that can be used in the commission of a crime, whether break and enter or knocking a poor old lady on the head. There will be no reference to drugs, which is fine, because the Controlled Substances Act addresses that matter. However, when we are talking about things that people carry, in this case offensive weapons, implements for house breaking or any deleterious drug or article of disguise, the impact of the law is very specific. It provides that these things will be used in the commission of an offence.

While the Controlled Substances Act clearly demonstrates that the possession of certain drugs is an offence, there is a different impact of law in this case, where deleterious drugs can be seen as aiding a person to carry out a crime. There have been many documented cases where drugs have been used (and I was thinking of ether, but other refined drugs have been used) to make a person unconscious, as in rape cases (as we are well aware), or to make the intended victim submit.

These substances are not necessarily covered under the Controlled Substances Act, although obviously those drugs can be used for purposes other than for flying model airplanes, in the case of ether, or perhaps putting the budgie to sleep at night. Why is the reference to a 'deleterious drug' to be struck out, as such a drug that can be instrumental in the commission of an offence? I can understand the other amendments proposed in this clause, as those matters will be dealt with elsewhere, but it seems to me that the reference to a 'deleterious drug' should remain, because it can be assumed that crimes may be involved and this matter is not necessarily covered under the Controlled Substances Act.

The Hon. G.J. CRAFTER: I think that the honourable member is under a misapprehension. If the member can indicate where he believes the Controlled Substances Act is inadequate, I may be able to further assist him.

Mr BAKER: The Controlled Substances Act provides that one may obtain certain drugs by prescription: whether or not such drugs are for one's own medication is another question. However, this Act clearly refers to a case where a person 'carries any deleterious drug or article of disguise'. The law seems to be very specific in relation to drugs that possibly could be used in the commission of a crime.

Mr Groom: What sort of drugs are you talking about?

Mr BAKER: I know that ether is used for knock out purposes, although there is something better in use these days. There is chloroform. The possession of those sorts of substances is not illegal, *per se*, and those substances would not fall under the Controlled Substances Act but their mere existence in one's pocket, together with some article of disguise, would suggest that a person was up to no good. Let's face it, that has happened. Ether, chloroform, and other substances of that type have been used to reduce people to senselessness. From memory, I do not think that those substances are covered under the Controlled Substances Act.

The Hon. G.J. CRAFTER: I can only repeat that I believe that those substances are sufficiently covered under the Controlled Substances Act. If the honourable member can point out where that is not so, I may be able to assist him.

Clause passed.

Clauses 11 to 13 passed.

Clause 14—'Loitering in a public place.'

The Hon. D.C. WOTTON: I move:

Page 3—

Line 23—After 'amended' insert—

'—

(a)'

After line 24—Insert new word and paragraph as follows:

and

(b) by inserting after subsection (3) the following subsections:

(4) A member of the Police Force who pursuant to subsection (2) requests a person to cease loitering may direct the person to keep away from the place in which he was loitering for a period, specified by the member of the Police Force of up to four hours.

(5) Where a person against whom a direction is made under subsection (4) returns, within the period specified in the direction, to the place in which he was loitering or the vicinity of that place, that person shall be guilty of an offence and liable to a penalty not exceeding one thousand dollars or imprisonment for three months.

(6) For the purposes of this section, a person is in the vicinity of a particular place if he is within five hundred metres of that place or such lesser distance as may be specified by a member of the Police Force who makes a request or gives a direction in relation to him pursuant to this section.

The purpose of the amendment is to provide some further clarity in the legislation with regard to the vicinity from which a person may be requested to cease loitering. As I have said earlier, I have received numerous complaints from police officers in this connection. This matter relates not only to Hindley Street but to other areas as well.

In fact, on a recent occasion the member for Glenelg brought up the matter as it relates to his electorate within

Glenelg. There is a policing difficulty with section 18 (2) and (3), because of which it has not been felt appropriate to test the law. It is not adequate merely to request a person to cease loitering in the vicinity of a particular place because of the lack of definition of 'vicinity'.

The Attorney-General in another place certainly was not able to clarify this situation. I will go on before I refer to what he said. The proposition that the Opposition is putting forward in this amendment is reasonable. It enables the police officer to make a request, having been satisfied that there are reasonable grounds for believing that one or more of the paragraphs (a), (b), (c), and (d) have been satisfied, and when making that request to direct that the person cease loitering and not return to a specified area not exceeding half a kilometre from the place where the direction was given within a period up to four hours of the giving of the direction.

As I say, I believe that to be reasonable. Nothing that the member for Hartley said—and he gabbled on over there for some time about this situation—would convince me that this amendment is not necessary. The Attorney-General said that the Government opposed the amendment. It had given consideration and considerable thought to it and received representations, which the Opposition had also received. After receiving those representations, the Government believed that it would not accept the full recommendation of the Mitchell Committee to abolish the full offence of loitering. We said that right from the start, but the Attorney-General gave no justification for opposing what we are suggesting, particularly as it has been requested on so many occasions by the police themselves.

Surely to goodness, they would know what the situation is. They are dealing with it on an ongoing basis in places such as Hindley Street and, as we have suggested, in Glenelg and other areas. There is no justification given whatsoever, either in what the member for Hartley said—and he seems to be almost taking the Bill—

An honourable member interjecting:

The Hon. D.C. WOTTON: I think that he is probably practising to be a Minister.

The Hon. Michael Wilson: Do you think that he will make it?

The Hon. D.C. WOTTON: He will have to jump over the member for Florey and a few others before he can get to the front bench, so we are told.

An honourable member: And the member for Peake?

The Hon. D.C. WOTTON: No, I do not think that the member for Peake was referred to.

The CHAIRMAN: Order! We are dealing with a particular amendment to a clause, not with the member for Hartley, who, incidentally, is out of his seat, anyway.

The Hon. D.C. WOTTON: I cannot say anything more other than to commend the amendment to the Committee. It is one in which the Opposition believes strongly. I have referred to numerous letters that have been received. The member for Hartley has received the same letters. He has said that all of these people—23 different organisations in 1983 that made representation, and a couple more this year—have misunderstood the situation.

The Hon. Michael Wilson: He didn't give a reason either, did he?

The Hon. D.C. WOTTON: Of course he did not: as I said earlier he just gabbled on over there. I urge the Committee to support this amendment and, in doing so, support the police in South Australia.

The Hon. G.J. CRAFTER: The Government opposes this amendment. The reasons that we do so have been alluded to by the honourable member and were canvassed in another place. The Attorney there did say that he would monitor the situation. He believed that the amendment as proposed by the Hon. Mr Griffin, which is the same as this amendment, was being sought by some members of the Police Force, but the Attorney doubted whether it would turn out that an amendment in this form would help the police in the execution of their duties.

The Hon. D.C. Wotton: Surely the police would know better than the Attorney-General.

The Hon. G.J. CRAFTER: If the honourable member wants to put the interpretation of the law on the side of the police rather than the Attorney-General and his officers, so be it, but the Attorney-General did refer to a case where some clarification was given to this in relation to the case of *Stoke versus Samuels*, but the honourable member is prepared to dismiss that precedent. I can only add that the undertaking was given by the Attorney in another place to monitor the effect of the law as it will be following the passing of the legislation in its present form.

Amendment negatived; clause passed.

Clauses 15 to 30 passed.

Clause 31—'Power to require statement of name and address.'

Mr GUNN: I seek information from the Minister in relation to this clause, which permits the police to request a person to supply them with his name and address. A person can be called upon to prove that he is giving the police a correct name and address. What happens if a person does not have his driver's licence or some other adequate form of identification on him at the time he is are called upon to produce it? Where does that place him? Has he committed a serious offence and therefore is he liable to prosecution? It has been put to me that this measure is somewhat Draconian and that one should be given some opportunity to prove the correctness of the information without having to do it forthwith.

The Hon. G.J. CRAFTER: The purport of clause 31 relates to the amendment concerning the power of the police to take names and addresses. Section 75 (2) and (3) enable a police officer to require a person found committing an offence, or whom he has reasonable cause to suspect is about to commit an offence, to state his name and address. Refusal to state a name and address or the giving of a false name and address is an offence. However, police may need to take names and addresses in other cases. For example, they may want to know the names of potential witnesses to the commission of a crime or may, suspecting that a person intends to commit a crime, want to know his name and address in order to warn him off.

The proposed new section 75a would enable the police to act in such situations. Under subsection (1) a police officer can ask a person to state his name and address if the police officer has reasonable cause to suspect that the person has committed, was committing or was about to commit an offence or that the person might be able to assist in the investigation of an offence or suspected offence. Where a police officer suspects that a false name or address has been given he could, under subsection (2), require the production of evidence to prove identity. The penalty of $1 000 or imprisonment for six months for non-compliance is therefore proposed. Furthermore, it is proposed that, where a person is required to give his name and address under this section, he is able to request the police officer involved to state his surname and rank.

Mr GUNN: I give the Minister full marks for that. He did not give me the information that I require. The hour is late. Let us not prolong the matter. I have plenty of material to keep the Government here for some time, if it wants to adopt this tactic. The Minister is trained in the law. I want some precise answers, or we will be here for some time. The Government has adopted a heavy handed, naive and in many cases disgraceful approach in some of the provisions

of the Bill. It is contrary to many of the things spouted by the Government for some time. If the Government wants to be foolish, it will pay the penalty. However, if the Government shows some common sense and gives some precise answers we will complete the matter in a few minutes. I do not want to keep the Committee sitting. I think it is disgraceful that we are debating this measure at 1.15 a.m. Can the Minister give me a precise answer to my simple question? If the Minister cannot answer this, heaven help us when we reach some of the other questions. The Minister is trained in the law. Those of us who are laymen are concerned about these matters. If the Minister cannot give the Committee an answer, he should report progress.

The Hon. G.J. CRAFTER: As I understand it, if the person whose name and address is being sought has reasonable cause not to be able to produce that information, that is provided for in the legislation. That would account for those circumstances, if that is the honourable member's concern.

Mr GUNN: Quite simply, my concern is that, if a person is stopped and asked to give his name and address and a police officer asks for proof of identity, where do they stand if they cannot produce that proof? That is a simple question. Perhaps the Minister should have the member for Hartley sitting alongside him. Most people carry their driver's licence or Bankcard. However, if they do not have that, where do they stand? This is the first serious query that I have raised, brought to my attention by people who practise in this area. If the Minister cannot answer this question, I do not think that they will be too impressed with some of his answers further down the track. This is a fairly serious matter. If a person cannot provide proof of identity, the penalty can be quite severe. Surely there should be some defence.

The Hon. G.J. CRAFTER: I have explained to the honourable member that there is a defence in the proposed section. It is there.

Mr BAKER: I ask the Minister to read out the defence and satisfy the query, and that would also satisfy the Committee. Obviously the member for Eyre will not be satisfied until he receives an answer. I hope that all involved will be aggreeable human beings and, if there is no way of proving either way that the information given is correct, the police officer will use his discretion very wisely. The member for Eyre has a legitimate query. The least the Minister can do is to answer the query.

I might join the member for Eyre and go on a 15 minute travel talk about changes to the legislation while trying to keep as close as possible to the clause. It is one of the simplest questions that could be asked. I think we would all be delighted if the Minister could supply an answer that will satisfy the member for Eyre.

The Hon. G.J. CRAFTER: Clause 31 (3) provides:

(3) If a person—

(a) refuses or fails without reasonable excuse to comply with a requirement under subsection (1) or (2);

or

(b) . . . he shall be guilty of an offence

The defence is that he has refused or failed without reasonable excuse and he then has that defence open to him in those circumstances.

Mr Baker: Why didn't you say that in the beginning?

The Hon. G.J. CRAFTER: I explained to honourable members three times that it was there in front of us.

Mr BAKER: The question remains as to what discretion police officers have in a situation where people cannot prove their identity. That is what is missing. A police officer has the right to ask anyone he or she suspects of an offence or who is about to commit an offence for their name and address.

Mr Groom: 'State your full name and address'—falsity is the offence.

Mr BAKER: Yes, that is right. The person then gives the officer his name and address, if he is wise. It may or may not be a false name. The police officer says, 'I want you to produce evidence that that name and address is correct.' He says, 'I haven't got anything on me to identify me.' An offence is created under the legislation if a person is known to unreasonably refuse or tell an untruth, but it does not spell out the rights of the individual who fails to produce that evidence. What happens when a person says, 'I can't help you'? What then happens to him'.

The Hon. G.J. CRAFTER: I am at a loss to understand the honourable member's point. I thought that my explanation and reading of that section explained the circumstances surrounding such a situation. I really cannot add any more to the circumstances. I am not quite sure of the point that the honourable member is trying to arrive at.

Mr BAKER: I think it was the point that the member for Eyre was trying to make when asking his previous questions. If a person becomes entangled with a police officer, gives a name and address, a police officer could say, 'Where is your proof; I do not believe you?' Admittedly if a person unreasonably refuses or gives the wrong address there are ramifications in law, but what is the discretion of the police officer to obtain such information? What rights has the individual got? I think that is what the member for Eyre was leading to. Does the police officer then cart that person away to the local lock-up and say, 'Until you can better identify yourself you will remain here.'

The Hon. G.J. CRAFTER: If the honourable member is asking me what a person can do to avoid the thrust of the law under those circumstances, I cannot tell him. I think that is where the honourable member is heading. If the person does not have a driver's licence with him but he has a credit card of some sort, that will identify him.

Mr Baker: He hasn't got anything.

The Hon. G.J. CRAFTER: If he has not got anything, he has a reasonable excuse. Every day of the week people are stopped in radar traps or other situations and are asked to produce their driver's licences. If they have not got their licence they are asked to produce it within 24 hours at the nearest police station or at headquarters. People do that, and that is common knowledge.

Mr BECKER: I do not know whether the Minister believes this or not, but I was recently approached by a constituent who claimed that he had been incorrectly served with a summons for a speeding violation. It was eventually dropped because the police were unable to prove identity. The constituent is a member of the Hell's Angels motor cycle group. Apparently most of them have similar hairstyles, beards and moustaches that make them look alike, so they claim they are not who they are. The police then have problems if they cannot come with clear proof of identity, and there is no doubt that this is causing them a problem. Unless we have a situation of identity cards, photographs on drivers licences, or insist that people carry an identity card, I cannot see this Bill being beneficial, and that is what worries me.

Clause passed.

Clause 32—'Person apprehended without warrant, how dealt with.'

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

Page 6, after line 44—Insert new subsection as follows:

(4a) Where it is decided not to charge a person who is apprehended on suspicion of having committed an offence, the member of the Police Force who is in charge of the investigation of the suspected offence shall ensure that the person is, if the person so requires—

(a) returned to the place of apprehension;

or

(b) delivered to another place that may be reasonably nominated by the person.

I explained this amendment during the second reading stage of the Bill. Its purpose is to minimise inconvenience to a person arrested and subsequently not charged so that that person can be returned to the place where he was arrested, or to some other place that is reasonably nominated by that person.

Mr GUNN: I support the amendment, which is an improvement on the clause. This clause really needs close examination. There are two matters that I will immediately bring to the Minister's attention. The first involves a person who has been apprehended, taken to a police station, and held for the prescribed period, but is not charged: what right has that person to redress the situation and to clear his name? That person has been held and greatly inconvenienced and his reputation has been tainted by being taken into custody by the police, so what redress does he have to sue police or those responsible for denying him his liberty? This is a very serious matter.

Secondly, can the Minister give a guarantee that, when a magistrate is phoned and fails to agree to extend the period, police will not just ring another magistrate? This, too, is very important because it is well known that certain magistrates are easier to get on with than others. I am pleased to see that the Minister is being well briefed by his colleague, because I want to know clearly what rights a person placed in that position will have. Will the police officer ringing the magistrate advise that magistrate that he has already phoned magistrates A, B and C? Will the police officer have to record who he phoned and at what time? I want an assurance that phone calls will not be made until the police officer gets a sympathetic magistrate, perhaps late at night, who does not want to be bothered and who says 'Yes'.

The Hon. G.J. CRAFTER: The situation at present with respect to the first question is that before an arrest is made there must be reasonable belief that an offence has been committed. If there is proof that that is not the case then civil remedies follow. That will occur in these circumstances as well. With respect to the ability to go from one judicial officer to another seeking an order in the circumstances that the honourable member referred to, the circumstances apply now for applications for bail where applications can be made to successive justices and are presented to them.

There are rules with respect to that procedure. There must be a disclosure, for example, that bail has been refused by the previous justice. There is precedent at law that must be followed in these circumstances. It is not a haphazard willy-nilly exercise, as the honourable member describes. These are judicial officers who have serious responsibilities to perform. If the honourable member's fears were taken to that conclusion, then the whole administration of our criminal justice system would collapse. I believe that the law adequately covers the fears of the honourable member.

Mr GUNN: I am rather concerned. The Minister has just advised the Committee that, if a person is taken into custody and subsequently not charged, he then has to engage a solicitor in a civil matter. That is not good enough. The Government has access to all the lawyers in the world through the Crown Law Office. My civil liberties were recently violated by the Director of the Country Fire Services and, to find out where my rights were, it cost me $100 for a legal opinion. That is what happens to the ordinary person in the community—they have to pay. That is what is so wrong about such matters: the average citizen is not equal before the law, because to engage a solicitor to seek damages could cost thousands of dollars and people often do not have such money. I know many such cases. The Minister can say that people can take civil action—that is not good enough. It is deplorable that, if a person is subsequently found to be innocent, he has to take civil action. That is disgraceful. The Minister should look at the position. It is a violation of all common sense, in my judgment.

It can be very difficult for a person to take civil action. I refer to the difficulty of an average citizen to take on the Crown in such a matter. As the Minister knows, it is virtually impossible. I refer to a constituent who was charged with a Commonwealth offence. The case was thrown out of court three times and in the finish he was not convicted, but it cost him many thousands of dollars to prove his innocence. Because the bureaucracy had access to the Commonwealth Crown Solicitor's Office it could keep delaying the case and going back to court. My constituent was forced to engage counsel and was paying all the time. The officers responsible in that case should have been sacked. That highlights the position that average citizens can be placed in. The Minister should think through this matter carefully.

Amendment carried; clause as amended passed.

Clause 33 passed.

Clause 34—'Insertion of new sections 79a and 79b.'

Mr GUNN: I move:

Page 7, line 45— After 'police force' insert—

—

(i) one telephone call to a solicitor;
and
(ii).

Page 8, lines 31 to 36—Leave out subsection (3) and insert new subsecton as follows:

(3) A member of the police force who apprehends a person—
(a) shall, as soon as is reasonably practicable after the apprehension of the person—
(i) inform the person of the grounds of his arrest;
(ii) inform him of his rights under subsection (1); and
(iii) warn him that anything that he may say may be taken down and used in evidence;
and
(b) shall, as soon as is reasonably practicable after delivering the person into custody at a police station, ensure that the person receives a written statement, in the prescribed form—
(i) reiterating the grounds of arrest, the person's rights under subsection (1) and the warning referred to in paragraph (a);
and
(ii) stating the surname, rank and identification number of the member of the police force.

The amendment deals with the rights of a person who has been taken into custody. Whatever way one looks at it, any reasonable person would understand and accept that these are proper and reasonable amendments. The rights set out should be accepted by all members of the House. If the Government rejects these amendments it is just being petty and taking a course of action that is not only improper but has not been thought through. It certainly has little regard for what are the basic rights of individuals in our community. This provision—

The Hon. Michael Wilson: They are rights enshrined in the American Constitution.

Mr GUNN: That is right. The Labor Party and its so-called friends in the civil liberties movement—

The Hon. Jennifer Adamson: Lots of lip service.

Mr GUNN: They have not even given lip service to these matters. I would like to have gone further with my amendments but I have tried to take a balanced and reasonable view in relation to this matter. I call on the Minister to accept my amendments that are put forward in good faith and are not designed to make life difficult for the police. There can be no misunderstanding or doubts: my amendments will assist the police. They are not there to protect criminals or people who have broken the law. For a person apprehended and taken into police custody for the first time it is a traumatic experience. Many people are not sure of what they should do next and are liable to make statements

that they later regret. The Minister should give the matter serious consideration.

The Hon. G.J. CRAFTER: Before the honourable member accuses me of not thinking through measures and before he accuses the Government of failing to support the basic rights of citizens of this State, I point out that his amendment will severely diminish the rights of persons in the circumstances for which clause 34 provides some fundamental civil rights. The honourable member proposes that a person apprehended is entitled to make one telephone call to a solicitor. The problem with this is that one telephone call may be insufficient to locate the solicitor or a solicitor who will attend and assist the person so apprehended.

The Government has looked at this matter and does not dismiss the fears that the honourable member raised, but believes that the provisions of the Bill provide an entitlement to a solicitor during any interrogation or investigation. I commented on the meaning of that following the queries that the member for Elizabeth raised. It is not considered necessary to spell out how contact is to be made with a solicitor. The right to have a solicitor implies a right to contact one, and contact may be made by the person or on his behalf. Therefore, in clause 34 there is the granting of that right and it is very broadly based. I believe that it is fully covered in that section and the fear that the honourable member has is unfounded.

Amendment negatived; clause passed.

Clause 35 passed.

New clause 35a—'Nature of offences.'

Mr GUNN: I move:

Page 10, after line 30—Insert new clause as follows:

35a. Section 84 of the principal Act is repealed and the following section is substituted:

84. (1) Subject to subsection (2), the offences constituted by this Act are summary offences.

(2) An offence against this Act for which the maximum penalty prescribed by this Act is or includes imprisonment of two years or more is a minor indictable offence.

We will put those who have supported trial by jury to the test once again to see where they stand on this fundamental right that I thought was enshrined in the laws of the State, that is, that people brought before the courts on serious matters at least have the opportunity of trial by jury. The amendment allows people to opt for that right. The Minister will have a great deal of difficulty explaining to his friends in the criminal jurisdiction why he opposes this measure. He will have to give better answers than he has given already, because I do not believe that people will be impressed with the comments that he has made so far.

There is no logical reason why a person who can be gaoled by a magistrate for up to two years does not have the right to opt for trial by jury. This is a most reasonable amendment. I heard the Young Labor Lawyers talk about this matter: they have always supported this principle, criticising anyone who tried to deny that right. However, they have been silent: we have not heard much from them on this measure. Whether the member for Hartley, the Minister in this place or the Attorney-General got to them, I do not know. The Attorney-General was always spruiking for the rights of the individual when he was at university. He espoused trial by jury and other such things, waving placards and banners. Well, we will certainly put him to the test on this measure tonight. We will see where he stands.

I do not know whether the Attorney-General, the Minister, or Caucus in general dug in the heels, but the reaction of members opposite is amazing. This is a reasonable amendment, and there is nothing unusual about it. It clearly sets out that people have the right to trial by jury. I will be interested to hear the Minister's response, because he, as a person who has practised the law, is well aware of the divisions. I thought that the member for Hartley or those other members who from time to time have spoken in relation to so-called Draconian measures brought forward by conservative Governments would at least come to my aid in this matter.

The Hon. Jennifer Adamson: It would be interesting to hear what the former member for Elizabeth thinks about this. He is the great civil libertarian.

Mr GUNN: Yes, but I understand that at present he is busy looking after his superannuation.

The Hon. D.C. Wotton: The ex-member for Elizabeth would not be pleased with this legislation at all.

Mr GUNN: No, he would not. The Government had to wait until he went to greener pastures before it introduced this Bill. Members opposite could not get it through Caucus while he was here. I await the Minister's response.

The Hon. G.J. CRAFTER: As I understand the situation, while there has been an increase in the penalties, the situation relating to those people who can presently elect for either trial before a magistrate, for the matter to be dealt with in a summary manner, or for trial by jury remains the same. There is no diminution of that right. As I understand it, the honourable member is saying that, with the change of penalties, those circumstances are changed. However, the Government considers that that is appropriate.

Mr GUNN: I have been advised otherwise in relation to this matter, and I point out to the Minister that I was advised that what I have proposed was necessary and essential. I am surprised at what the Minister has said. I believe that the amendment would clarify the matter beyond doubt. Therefore, I intend to proceed with the amendment, and I will be most disappointed if the Minister does not accept it.

The Hon. G.J. CRAFTER: I think that the honourable member should put this in some sort of perspective. The decision as to which matters were to be dealt with on complaint and which matters would go to trial by jury were taken not with respect to this legislation but related to decisions made decades ago and entrenched in our system. If every minor offence were to go to trial by jury, the cost to the State would be quite enormous. Therefore, this decision was made for the proper administration of justice and in the community interest so that we can avoid a system that is completely clogged up with expensive and long jury trials. Of course, jury trials are quite fitting and proper for the more serious offences, and that situation will continue.

Amendment negatived.

The CHAIRMAN: The Minister has an amendment, new clause 35a, relating to section 85.

The Hon. G.J. CRAFTER: I do not intend to proceed with that amendment.

Remaining clauses (36 and 37), schedule and title passed.

Bill read a third time and passed.

ADJOURNMENT

At 1.48 a.m. the House adjourned until Wednesday 27 March at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 26 March 1985

QUESTIONS ON NOTICE

DOMICILIARY NURSING BENEFIT

382. Mr Becker (on notice) asked the Minister of Tourism representing the Minister of Health:

1. Has the Minister received representations from the South Australian Rest Homes Association seeking Government backing for resident subsidies and a full investigation of rest home viability and, if so, what action is the Minister now taking?

2. What is the ratio of nursing home beds in South Australia to each of the other States?

3. What previous investigation was made into the viability of rest homes in South Australia and what were the major findings?

The Hon. G.F. KENEALLY: The replies are as follows:

1. Yes. The Minister of Health has written to the Commonwealth Minister in charge of community services concerning extension of the $4 domiciliary nursing care benefit to eligible residents of rest homes and payable to the proprietors. With regard to investigation of rest home viability the Chairman of the South Australian Health Commission has written to the proprietors of each rest home asking whether they would be prepared to provide audited records of their financial affairs or copies of taxation records. A significant indication of co-operation will be required before the Health Commission can look further at the matter of viability of rest homes and the cost structure of the industry.

2.

State	Population* Aged 65+	Nursing* Home Beds	Ratio Beds/100 people
N.S.W. (incl. ACT)	584 837	29 903	5.11
Vic.	417 001	16 161	3.83
Qld	248 908	12 024	4.83
S.A.	151 989	7 380	4.85
W.A.	121 264	6 613	5.45
Tas.	45 629	2 373	5.20

(*as at 30 June 1984)

3. In September 1984 the Chairman of the SA Health Commission and the President of the Rest Homes Association agreed to a review of private rest homes in South Australia. The review was conducted by a task force headed by the Chairman of the Health Commission. Among other things the task force was required to review the financial circumstances of private rest homes including:

(i) costs of providing services to meet assessed needs of residents;
(ii) cost of complying with standards and regulations under applicable legislation;
(iii) residents' capacity to pay level of fees adequate to meet costs of services provided; and
(iv) the financial structures of private rest homes including role of return and reasonable rate of return on invested funds.

The task force was not able to present a credible argument on the financial viability or otherwise of rest homes because the quality of data provided by the rest homes was poor. The Health Commission is investigating whether a further financial review is viable (see answer to part 1 of this question).

TRAFFIC CAMERA

409. Mr Becker (on notice) asked the Minister of Transport: What was the cost of purchase and installation of each red traffic light camera and how do the individual costs compare with those purchased by the Victorian Government?

The Hon. R.K. ABBOTT: The red light violation cameras used by the Police Department during the three month trial period were supplied by the agents at no cost. Total installation costs amounted to $13 704. Individual costs of purchase and installation of traffic light cameras in Victoria are not known.

PODIATRISTS

410. **Mr BECKER** (on notice) asked the Minister of Tourism representing the Minister of Health:

1. How many podiatrists are registered in South Australia?

2. At which Government hospitals and nursing homes are podiatrists employed on a full-time or part-time basis, and how many in each case?

3. How many vacancies will there be for podiatry graduates in Government hospitals and nursing homes during 1985 and, if none, why not?

4. What is the South Australian Health Commission policy on encouraging hospitals, nursing homes and community health centres to use the services of podiatry graduates?

The Hon. G.F. KENEALLY: The replies are as follows:

1. As at 13 December 1984, there were 146.

2. The number of podiatrists employed either full-time or part-time, and the number of full-time equivalents:

Hospitals	No.	FTE
Metropolitan		
recognised hospitals		
FMC	2	1.4
Lyell McEwin	3	1.3
Modbury	1	0.2
QEH	5	0.5
RAH	2	1.7
Psychiatric hospitals		
Glenside	1	0.6
Hillcrest	1	0.2
State nursing homes		
Julia Farr	1	0.1
Rest of State		
recognised hospitals		
Mannum	1	0.1
Modbury	1	0.2
Mount Gambier	1	0.2
Port Broughton	1	1 visit per 6 weeks
Port Pirie	1	0.2
Wallaroo	1	1 visit per month
Whyalla	1	1.0*

(* From 1 April 1985)

3. At present only two are positions available for new graduates, one for a full-time podiatrist at the Whyalla and District Hospital Inc., and one for a podiatrist on a half-time basis at Flinders Medical Centre.

4. Health units may apply for funds on demonstration of identified needs for any health professional to be employed. There is no South Australian Health Commission policy to encourage hospitals, nursing homes and community health centres to employ new graduates.

CONSTITUTIONAL MUSEUM

456. **Mr BECKER** (on notice) asked the Minister of Public Works: Have recent structural examinations been made of the Constitutional Museum and, if not, why not; and, if so, what were the findings, what is the estimated cost of repairs to correct any structural faults and when will the work be carried out?

The Hon. T. H. HEMMINGS: Structural inspections of the Constitutional Museum were made on 20.2.85 and 22.2.85. The cause of cracking evident in the building appears to be soil drying movements. A soil investigation programme is currently in hand to confirm this. While there is no present cause for concern resulting from the movement, remedial work has already been initiated as a precaution to ensure there is no safety risk should further movement occur. The extent and cost of long term remedial work cannot be determined until the results of the soil investigation programme are known. This will be in six to eight weeks' time as some of the tests are necessarily slow.

UNDERGROUND SPRINGS

458. **Mr BECKER** (on notice) the Minister of Public Works—

1. Have underground streams or springs been located under the State Fire Brigade Headquarters, Sir Samuel Way Building and Parliament House and, if so, what construction and maintenance problems have been attributed to their existence and have all such problems been resolved and, if not, why not?

2. What other Government owned buildings experience similar problems?

3. Have additional construction costs been incurred in relation to any of the buildings affected by underground streams and, if so, how much.

The Hon. T.H. HEMMINGS: The replies are as follows:

1. Groundwater problems were experienced under all three buildings mentioned. This is normal in the Adelaide City where shallow water-tables abound, and water can be expected in any basement excavation. The construction problems were in providing a dry enough working area and in ensuring safety of the excavations. All problems have been resolved.

2. A complete answer to this part of the question would take some weeks of searching through records, and, even then, could not be provided for the other buildings. As already mentioned, groundwater is normally expected in the Adelaide City area. Most of the buildings with basements would have experienced some construction problems, and the older buildings also some maintenance problems. Some of the examples that can be quoted are:

Police Headquarters, State Administration Centre, Education Building, Art Gallery, Public Library, Museum.

The problems were expected and resolved by methods well-known in civil engineering practice.

3. Occurrence of groundwater always results in some additional construction costs. This is expected and allowed for in project cost estimates and budgets. For the three buildings mentioned, the additional costs attributable to groundwater were in order of:

State Fire Brigade Headquarters ...	$50 000
Sir Samuel Way Building	$70 000
Parliament House	$80 000

REST HOMES

468. **Mr BAKER** (on notice) asked the Minister of Tourism representing the Minister of Health: What progress has been made in respect of the financial crisis being experienced by rest homes and what, if any, assistance will be forthcoming from the State or Federal Governments as a result of representation?

The Hon. G.F. KENEALLY: In September 1984 the Chairman of the South Australian Health Commission and the President of the Rest Homes Association agreed to a review of private rest homes in South Australia. The review was conducted by a task force headed by the Chairman of the Health Commission. Among other things the task force was required to review the financial circumstances of private rest homes including:

(i) costs of providing services to meet assessed needs of residents;
(ii) cost of complying with standards and regulations under applicable legislation;
(iii) residents, capacity to pay level of fees adequate to meet costs of services provided; and
(iv) the financial structures of private rest homes including role of return and reasonable rate of return on invested funds.

The task force was not able to present a credible argument on the financial viability or otherwise of rest homes because the quality of data provided by the rest homes was poor. The Chairman of the South Australian Health Commission has written to the proprietor of each rest home asking whether they would be prepared to provide audited records of their financial affairs or copies of taxation records. A significant indication of co-operation will be required before the Health Commission can look further at the matter of viability of rest homes and the cost structure of the industry.

The Minister of Health has written to the Commonwealth Minister in charge of community services concerning extension of the $4 domiciliary nursing care benefit to eligible residents of rest homes and payable to the proprietors.

LOCAL COUNCIL ELECTIONS

469. **Mr BAKER** (on notice) asked the Minister of Local Government: On what basis did the Minister derive the 'desirable' figure of 75 per cent voter turnout for local council elections and how does this compare with voting experience in overseas countries with voluntary systems?

The Hon. G.F. KENEALLY: The 75 per cent figure was mentioned by a journalist. He put to me the question of whether I would be satisfied with a 75 per cent turnout. Naturally I agreed, as any Minister of Local Government would. From that, the completely erroneous notion that this represented a benchmark derived.

CT SCANNERS

473. **Mr BAKER** (on notice) asked the Minister of Tourism representing the Minister of Health:

1. What are the average daily patient loads for CT scanners at Flinders Medical Centre and the Adelaide Children's Hospital?

2. When will the new CT scanner for Flinders Medical Centre be installed?

The Hon. G.F. KENEALLY: The replies are as follows:

1. The average daily patient load for CT scanners at Flinders Medical Centre for the months of July 1984 to February 1985 was 6.8. The average daily patient load at the Adelaide Children's Hospital for the months of July to November 1984 was 3.2.

2. Tenders have been called and have closed for the new CT scanner for Flinders Medical Centre. Present indication is that the new CT scanner will be completely installed by June 1985.

PUBLIC ACCOUNTS COMMITTEE REPORT

478. **Mr BAKER** (on notice) asked the Minister for Environment and Planning: What action has been taken in response to the report of the Public Accounts Committee which severely criticised the operations of the Supply and Tender Board and the State Supply Depot and what cost savings have been made to date in this area?

The Hon. D.J. HOPGOOD: The report of the Public Accounts Committee on the purchase and disposal of light motor vehicles has been examined by the Supply and Tender Board and a detailed response with comments and action taken in respect to each of the recommendations was endorsed by the Board on 4 March 1985. It is expected that this response will be forwarded to the Public Accounts Committee shortly.

The Supply and Tender Board commenced the auctioning of Government vehicles at the Seaton Salvage Depot with a Government Auctioneer in March 1984. From 1 March 1984 to 28 February 1985, 2 210 vehicles were auctioned resulting in a gross saving of $110 500 when compared with the previous method of disposal.

LYELL McEWIN HOSPITAL

485. **Mr M.J. EVANS** (on notice) asked the Minister of Tourism representing the Minister of Health:

1. What are the various stages proposed for the redevelopment of the Lyell McEwin Hospital, what is the estimated cost of each in current dollars and what is the time scale over which each will be completed?

2. What is the minimum time in which the total redevelopment could be completed assuming sufficient capital funds are available?

The Hon. G.F. KENEALLY: The replies are as follows:

Anticipated Cost (at March 1985 rates)

Stage 1—(under construction) ..... $13.09 m.
Facilities
- Main entrance
- Operating Theatre Suite
- Day Surgery Ward
- Casualty
- Outpatients
- Medical Records
- Pharmacy Dispensary
- Delivery
- Rehabilitation
- (Physiotherapy & Occupational Therapy Base)
- Community Health Services
- (Domiciliary Care, ALPHA, Speech Therapy)
- Child Minding
- Shopfronts
- Infrastructure and Siteworks

Stage 2 ..... $7.00 m.
Facilities
- High Dependency Beds
- Neo Natal Unit
- Maternity Ward (32 beds)
- Paediatric Ward (32 beds)
- General Medical and Surgical Ward (28 beds)
- Nurse Management Unit
- Ante Natal, Post Natal and Family Planning
- CAFHS/RDNS
- Infrastructure and Siteworks.

Stage 3 ..... $13.7 m.
Facilities
- Central Laboratory
- Blood Bank
- Nurse Management Unit
- General Medical and Surgical Ward (28 beds)
- General Medical and Surgical Ward (28 beds)
- General Medical and Surgical Ward (28 beds)
- General Medical and Surgical Ward (Gynaecology 28 beds)
- Radiology
- Midwifery Training
- Pharmacy
- Adolescent Drop in
- Womens Health Centre
- Social Work/Vocational
- Assessment
- Kiosk
- Infrastructure and Siteworks.

Stage 4 ..... $7.00 m.
Facilities
- Administration
- Shopfronts
- Vehicle Arrival Despatch
- Stores and Maintenance
- Kitchen
- Dining
- Conference Room
- Auditorium
- Nursing Training
- Mortuary
- On Call Duty Rooms
- Staff Amenities
- Chapel
- Library
- Medical Offices
- Infrastructure and Siteworks

The Government is committed to the redevelopment of the Lyell McEwin complex and has agreed in principle to the four stage strategy. A committee is currently reviewing the Government's capital works programme and therefore it is not possible at present to say when each stage will be completed. However, if each construction stage were to follow immediately after the one preceding, the overall construction period would be approximately 6½ years.

HOSPITAL SERVICES

486. **Mr M.J. EVANS** (on notice) asked the Minister of Tourism representing the Minister of Health: In respect of the Lyell McEwin and Modbury Hospitals, respectively—

(a) what is the total operating (revenue) budget for 1984-85;

(b) what was the total number of actual patient bed days for 1983-84;

(c) what is the number of beds currently available for patient use;

(d) what is the number and classification of medical practitioners employed on a full time basis; and

(e) what is the number of nursing staff employed?

The Hon. G.F. KENEALLY: The replies are as follows:

Lyell McEwin Health Service
- *(a)* $16.2 million
- *(b)* 46 294 occupied bed days
- *(c)* 175 available beds
- *(d)*
  - 3.0 FTE x Directors (MO-8D)
  - 2.5 FTE x Senior Specialists (MO-7)
  - 4.5 FTE x Medical Registrars (MOR-4)
  - 22.0 FTE x Resident Medical Officers (MOR-3R)
  - 3.0 FTE x Interns (MOR-2)
  - 6.7 FTE x Senior Visiting Specialists (MOV-3)
  - 3.6 FTE x Visiting Medical Specialists (MOV-2)
  - 1.1 FTE x Visiting Senior Medical Practitioners (MOV-2)
  - 0.4 FTE x Visiting Medical Practitioners (MOV-1)
  - 46.8
- *(e)* 294.0 FTE Nurses

Modbury Hospital
- *(a)* $21.1 million
- *(b)* 63 226 occupied bed days
- *(c)* 228 available beds
- *(d)*
  - 1.0 FTE x Medical Administrator (MO-8)
  - 1.0 FTE x Director, Anaesthesia and Intensive Care (MO-8)
  - 1.0 FTE x Director, Psychiatry (MO-8)
  - 1.0 FTE x Director, Accident and Emergency (MO-8)
  - 0.5 FTE x Supervisor, General Practice (MO-8)
  - 8.0 FTE x Staff Specialists/Senior Staff Specialists (MO-5/7)
  - 14.0 FTE x Registrars (MOR-4)
  - 13.0 FTE x Resident Medical Officers (MOR-3)
  - 15.0 FTE x Interns (MOR-2)
  - 10.5 FTE x Senior Visiting Specialists/Visiting Specialists (MOV-3)
  - 65.0
- *(e)* 335.0 FTE Nurses

RENT SUBSIDY

487. **Mr M.J. EVANS** (on notice) asked the Minister of Housing and Construction:

1. What are the criteria under which rent relief is granted to tenants of public and private housing?

2. Are these criteria contained in a formal document and, if so, where?

3. Have the criteria been approved by Cabinet and, if so, when and, if not, by whose authority are they implemented?

4. What is the maximum amount of rent relief available, when was this amount last increased and is it under review?

5. Is there any evidence to suggest that the amount of rent subsidy available has acted to increase the level of rents demanded in the private market?

6. How many families are in receipt of private rental subsidies as at the latest date for which figures are available?

The Hon. T.H. HEMMINGS: The replies are as follows:

1. Rent relief is a scheme to provide direct financial assistance to private tenants in difficulty with their rental payments. It is not available to tenants of public housing. The Trust has always administered the scheme flexibility, within broad eligibility guidelines. These state that assistance may be payable to households with incomes less than $300 per week who are having difficulty meeting their rent or finding accommodation they can afford, have no other property which could be occupied or sold and are occupying accommodation suitable to their needs. However, should a household's circumstances be outside these guidelines they are still encouraged to apply, setting out their reasons for requiring special assistance. Assistance would normally be granted where an applicant is paying 40 per cent or more of his/her income on rent, although consideration is given to coming below this rent-to-income ratio where other extenuating circumstances (for example, severe medical or social problems) are evident.

2. The broad eligibility guidelines mentioned above are published in an information sheet which is provided to every applicant. To date, however, the 40 per cent rent-to-income ratio has not been included in published material on the basis that it could tend to discourage households paying less than this level of their income on rent from applying, even though their circumstances could warrant assistance.

3. The criteria and amounts of assistance were approved in Cabinet on 1 February 1983.

4. The maximum amount available under the Scheme is $30 per week, although up to $50 per week can be granted in exceptional circumstances. These amounts were last increased in February 1983. The Rent and Mortgage Relief Scheme is currently under review and it was introduced as a three year programme, which will expire on 30 June 1985.

5. Continuous monitoring since the inception of the rent relief scheme has shown that there is no relationship between rent relief and the level of private rents.

6. At 1 March 1985, 6 612 households were in receipt of assistance under the Scheme.

WILMINGTON TO QUORN ROAD

507. **Mr GUNN** (on notice) asked the Minister of Transport:

1. Have there been any difficulties with the construction of the Wilmington to Quorn Road and, if so, what are they?

2. Will sufficient funds be provided to complete sealing of the road next financial year?

The Hon. R.K. ABBOTT: The replies are as follows:

1. District Council Kanyaka—Quorn section—none. District Council Mount Remarkable section—minor problems with roadmaking materials.

2. No.

STUART HIGHWAY

508. **Mr GUNN** (on notice) asked the Minister of Transport: Is work on the Stuart Highway progressing according to schedule and what is the completion date?

The Hon. R.K. ABBOTT: Work is progressing on schedule and is expected to be completed by the end of December 1986, subject to the availability of funds and the satisfactory performance of the contractors performing the work.