HOUSE OF ASSEMBLY

Wednesday 3 December 1986

The SPEAKER (Hon. J.P. Trainer) took the Chair at 2 p.m. and read prayers.

PETITION: CENTRAL STANDARD TIME

A petition signed by 203 residents of South Australia praying that the House support the retention of Central Standard Time was presented by Mr Blacker.

Petition received.

PETITION: STREAKY BAY SCHOOL

A petition signed by 81 residents of Streaky Bay praying that the House urge the Government to retain present staffing levels at the Streaky Bay Area School was presented by Mr Blacker.

Petition received.

PETITION: DARKE PEAK ROAD

A petition signed by 351 residents of Darke Peak praying that the house urge the Government to upgrade and seal the main road between Darke Peak and Rudall was presented by Mr Blacker.

Petition received.

PETITION: BANKSIA PARK FAMILY CENTRE

A petition signed by 92 residents of South Australia praying that the House urge the Government not to reduce hours of teacher aides at the Banksia Park Family Centre was presented by Ms Gayler.

Petition received.

QUESTION

The SPEAKER: I direct that the following answer to a question without notice be distributed and printed in *Hansard.*

ARMTECH LTD

In reply to the **Hon. E.R. GOLDSWORTHY** (25 September).

The Hon. LYNN ARNOLD: In reply to a question raised by the Hon E.R. Goldsworthy, MP, regarding the activities of Armtech Limited, in accordance with the Companies (South Australia) Code the Minister of Corporate Affairs has provided the following information. A prospectus issued by Armtech Limited was registered by the South Australian Corporate Affairs Commission on 13 March 1986 pursuant to section 103 of the Companies (South Australia) Code. There is no power vested in the Corporate Affairs Commission to review the registration of a prospectus. In exceptional circumstances the commission can vary or amend a prospectus that it has previously registered. However, the commission is not aware of anything in relation to Armtech Limited that would warrant taking that course.

As in the case of all prospectuses registered by this commission, each of the preconditions to registration set out in section 103 (2) of the Companies Code was complied with to the satisfaction of the commission. Under paragraphs *(d)* and *(e)* of section 103 of the Companies Code the commission shall not register a copy of a prospectus unless:

(d) there are also lodged with the commission copies, verified by statements in writing, of any consents required by section 106 to the issue of the prospectuses and of all material contracts referred to in the prospectus or, in the case of such a contract not reduced in writing, a memorandum giving full particulars of the contract, verified by a statement in writing; and

(e) the commission is of the opinion that the prospectus does not contain any statement or matter that is false in a material particular or is materially misleading in the form or context in which it appears.

As to paragraph *(d)* of section 103 (2), there were no material contracts relating to the sale of rifles referred to in the prospectus and, accordingly, copies could not be lodged with the commission. The commission is aware that several months after the prospectus was registered a statement was issued by Armtech Limited to the effect that a contract had been signed with a company based in Hong Kong for the supply of rifles. The commission has satisfied itself that that fact was brought to the attention of the Stock Exchange of Adelaide and that, on the basis of information conveyed to the Stock Exchange, share trading in Armtech Limited was re-instated after a short suspension. During the suspension there were substantial communications between the Stock Exchange and Armtech Limited. For reasons of commercial confidentiality, Armtech Limited, with the acquiescence of the Stock Exchange of Adelaide, refrained from identifying 'the major European armaments manufacturer' which was referred to in those communications.

As to paragraph *(e)* of section 103 (2) of the Companies (South Australia) Code, the commission was satisfied, at the time that it registered the prospectus, that the prospectus did not contain any statement or matter that was false in a material particular or was materially misleading in the form or context in which it appeared. The commission went to considerable lengths to satisfy itself as to the technical contents of the prospectus relating to the rifles that were to be manufactured and the commission was satisfied with the explanations provided by Armtech Limited in response to the technical queries that were raised. Because of the unique nature of the items to be manufactured and sold by this company, the commission went to considerable lengths to ensure that members of the public were made aware that investments in shares offered by the Armtech prospectus had to be considered to be of a speculative nature and the commission satisfied itself that there were an adequate number of sufficiently highlighted disclaimers contained in the prospectus which would put potential investors on notice as to possible problems that might ensue.

At all times since the prospectus was registered the commission has monitored and is continuing to monitor the affairs of the company. In so doing, the commission has regard to all information presented to it from whatever source. In pursuance of that monitoring process, the commission on 26 September, 1986 required the company to provide it with certain information including copies of any contracts or agreements relating to the manufacture and sale of the C30R rifle. The purpose of requiring that information was to enable the commission to determine if the company was complying with section 267 of the Companies Code:

that is, to ensure that the company was maintaining its accounting records in conformity with the requirements of the Code.

On 16 October 1986 the company sought a number of declarations from the court regarding the right of the commission to obtain this information. As the matter is currently before the court it would not be proper for any further comment to be made. At the request of the South Australian Corporate Affairs Commission pursuant to the provisions of section 40 of the Securities Industry (South Australia) Code the shares in the abovementioned company were suspended from trading on Australian Stock Exchanges for a period of 21 days on and from 24 November, 1986.

QUESTION TIME

MEDIA OWNERSHIP

Mr OLSEN: In view of the Labor Party's policy on media ownership, will the Deputy Premier, in the absence of the Premier, say whether the Government intends to seek any information or take any action over News Corporation's takeover bid for the Herald and Weekly Times group? News Corporation has today launched a takeover bid for the Herald and Weekly Times group which, if successful, would give News Corporation a controlling interest in Advertiser Newspapers Limited. There is already speculation in media circles that one result of this move could be an amalgamation of the *Advertiser* and the *News* to give Adelaide only one daily newspaper. The policy of the South Australian branch of the Labor Party on media ownership, which I understand the Government is obliged to follow, spells out a significant Government role in regulating ownership. I refer, for example, to the following commitment from the policy:

> A State Labor Government will establish an inquiry into media ownership in South Australia with terms of reference including such questions as compulsory declaration of commercial interests, the possibility of a media ownership review board, public and/or trust ownership of media.

The policy also provides for moves 'to establish a State newspaper independent of commercial and Government control'. In asking this question, I do not advocate any interference in this takeover bid but merely seek information from the Government in view of its policy on media ownership.

The Hon. D.J. HOPGOOD: The Government and the Labor Party view with some alarm the general trend towards a reduction in the number of print media outlets in this country over many years. At one time South Australia had three morning newpapers but, since 1931, it has had only the one. That is both unfortunate and undesirable. Maybe it is a fact of life and something with which we have to live. Regarding the specific matter raised by the Leader, there have been no discussions at Government level of which I am aware about the matter or the ramifications of the matter. I should have thought that the normal laws of this country regarding cartels and monopolies would probably be sufficient to ensure that at the Commonwealth level there is some degree of surveillance over these matters. I shall ask the Attorney-General for a report on this matter, but I would not expect at this stage—

Mr Olsen: What is your Party's policy?

The Hon. D.J. HOPGOOD: I do not know enough about what is happening with the *Advertiser* and the *News* at this stage to know whether the policy would be applicable in this case or whether we are simply dealing with normal commercial maneouvring which can be handled within the context of Commonwealth laws. The Attorney will tell me and I will make that information available to the honourable member, the House and the general public.

The SPEAKER: I advise that the Deputy Premier will handle questions otherwise directed to the Premier and the Minister of Lands; the Minister of Education will handle questions otherwise directed to the Minister of Employment and Technology; and the Minister of Mines and Energy will handle questions otherwise directed to the Minister of Transport.

NUMBER PLATES

Mr DUIGAN: Will the Minister of Mines and Energy, representing the Minister of Transport, advise whether there are any standards or guidelines governing the type of graphics or controls on the type of numerals and letters that can be used on motor vehicle registration plates? If so, what are they, how long have they been in effect and how are they policed? There has in recent years been an increasing variety of registration plates on cars. No longer is a South Australian car readily identifiable as a car with a white on black or black on white number plate. There are now personalised number plates, Festival City plates, Jubilee plates, Grand Prix plates and a variety of numeral and letter combinations. However, a constituent has brought to my attention a number of plates that are different yet again and appear to have been individually designed and crafted. One example used was of a heavy vertical line and thin horizontal lines which made it ambiguous to read, particularly at distances and at right angles. Others used a recurring shape based perhaps on the old Gothic style but certainly modified considerably. In both cases identification was well nigh impossible, which defeated one of the principal purposes of the plates.

The Hon. R.G. PAYNE: I must confess that I was somewhat sent off at a tangent when I heard the honourable member refer to Gothic symbols, because I have rather a taste for Gothic type number plates, having owned a number of Gothic aged cars. The short answer to the honourable member's question is 'Yes'; standards do apply in this area and they are such that, since last year in May, when the Motor Vehicles Act was amended to provide that number plates on motor vehicles must conform to specifications and designs as set out in a notice issued in the *Government Gazette*, they will not be so easily manufactured and follow individual desires in these matters. As a responsible Minister it ill behoves me to suggest that I am a little sad about the fact that one is not able to follow individual desires.

As I hinted earlier, I presently have a vehicle for which I have great affection and I imagine that I could have a very enjoyable time designing a number plate that would go very well with it. However, I indicate to the honourable member that there are a number of classes of number plates—at least eight. They are such as have been published in the *Gazette* and currently motorists are required to obtain number plates either from the Registrar or from a person approved by the Minister to sell or supply number plates. I trust that that information is helpful both to the House and to the honourable member in answer to his question.

AMDEL

The Hon. E.R. GOLDSWORTHY: I would like to ask a question, but there are not many Ministers to choose from. I will ask the Minister of Mines and Energy: in view of the

Government's recent discovery of the values of deregulation in some selected areas, will he say why the Government is taking so long to privatise Amdel? Last financial year Amdel sustained a loss of $115 000 after making a profit of $1 million in the previous year. The Amdel directors explained that one of the reasons that their profit situation was turned into a loss was the failure to restructure Amdel and float it as a public company. They make reference to this in their annual report, which states, in part:

Financial performance was also significantly affected by inability to implement the planned restructuring of the organisation because of objections raised with the South Australian Government by the South Australian Public Service Association. The budget had been prepared on the assumption that this would occur in September.

That refers to September 1985. Here we are in December 1986 and Amdel still has not been floated as a public company. In view of those facts, I ask the Minister why it has taken so long for this to be achieved?

The Hon. R.G. PAYNE: I can easily understand why the Deputy Leader, faced with a choice of Ministers on the front bench, asked me this question, because I understand that only yesterday he referred to me as an inoffensive chap with whom he gets on very well and who gets the job done in a quiet way without running into any bother. He also pointed out that I had a very strong power base in the ALP, which is news to me.

Members interjecting:

The SPEAKER: Order!

The Hon. R.G. PAYNE: I thought the honourable member would appreciate that, because on another occasion he said that I do my homework and that I do a lot of reading. I thought I would let him know that I am living up to what he said was my bent in this matter. Let us begin at the beginning and put the honourable member straight once again. First, he asked me why it has taken so long to privatise Amdel. Well, it could take a very long time to privatise Amdel because nobody, including the Government, is setting out to do it. I would just like to put the honourable member straight in that area. Secondly, in referring to profits, he might have mentioned also that in the time he was referring to, there was a doubling of the overdraft amount, so perhaps the profit figure he was referring to should have been taken into account in relation to that figure.

The very thing that the Government has been examining in this area is something that the Deputy Leader read out in trying to bolster his question with a rather weak explanation. He referred to 'the planned restructuring'—the very words which appear in the annual report tabled in the House not so long ago. I want to get quite clearly over to the House that what is proposed in this matter has been a consultative process. The present Government does not act in a way that affects the welfare of workers, a way that the Deputy Leader has acted in the past and would advocate as a course of action in this matter. All that leads to is confrontation and problems for the future. Consultation has been proceeding and an agreed position was that a review would take place. The persons to do the review were agreed and that report is now being considered.

STANDING ORDERS

Mr HAMILTON: Mr Speaker, will you consider the Standing Orders of this Parliament and confer with the Speaker of the House of Representatives in Canberra with a view to implementing some of the recommendations and procedures of the House of Representatives Standing Orders? An article in a newspaper entitled '60 Minutes in "Sin-Bin" for Disorderly MPs' states:

Federal MPs could be 'sin-binned' for 60-minute periods without a right of challenge under recommendations for new rules to govern Parliament. A report of the House of Representatives standing committee on procedure recommends that the Speaker be able to expel 'disorderly' MPs for an hour without having the direction subject to a resolution or motion of dissent.

MPs currently cannot be expelled for less than 24 hours and expulsions must follow a resolution of the House. The 60-minute ban provision is made in a 102-page report proposing significant changes to Question Time.

I will not go into that. However, I ask that you, Mr Speaker, consider this, given the unruly behaviour of members opposite.

The SPEAKER: Order! The last part of the member's explanation was quite out of order. What the member for Albert Park has just outlined sounds like a variation on the procedures that apply in the House of Commons, where the Speaker operates in a much more independent manner than is the case in the Australian Parliaments. My first reaction, not having seen the press report to which the honourable member alluded, is that the proposal outlined by the member for Albert Park would not, on current experience, be justified. However, after investigating the press report I may refer this proposal to the Standing Orders Committee after consultations, including consultation with the Speaker of the House of Representatives, where this idea has apparently originated. Perhaps I could also, in view of his familiarity of the pros and cons of the send-off rule, consult with Ken Cunningham.

SCHOOL BUS SERVICES

The Hon. JENNIFER CASHMORE: In view of its recent discovery of the benefits of deregulation in some selected areas, will the Government implement recommendations to deregulate the provision of school bus services? A report to the Government in April 1985 showed that the Education Department could save $1.5 million annually by privatising some school bus services. Sixteen months after receiving this report the Government decided (in July this year) to refer it to a working group, when savings of the nature outlined in the report could have helped offset some of the funding cuts now being implemented.

The Hon. G.J. CRAFTER: This matter should appropriately be a consideration of that working party. As I understand it, the deregulation policies practised by the Opposition are to sell off or hand over to the non-government sector the profitable areas of operation, and leave in the public sector those areas that are non-profitable. Obviously, with such a huge fleet of buses one needs to look at the provision of services in totality before making such decisions.

Many private contractors provide transport for children attending schools in many parts of the State. It is a hybrid system already and works very well. Indeed, I think we have a most difficult task in providing transportation services for students in isolated areas to attend schools, and that will increase in the future rather than decrease as there are wider curriculum and further education opportunities for students in our schools. Although I will ask the working party whether it will look at this matter, I suggest it is not as simplistic as the honourable member may suggest.

HOUSING POLICY

Mr TYLER: Will the Minister of Housing and Construction advise on policies pursued by the Thatcher Govern-

ment in the United Kingdom, the Liberal Opposition in South Australia and the South Australian Government, and advise this House which policies would do more to ensure that all South Australians would be adequately housed? Today's *Advertiser* contains an article from London which shows that by the end of this year 250 000 people will be homeless. This figure is a third of Adelaide's population.

Many of my constituents who have come from the United Kingdom have told me that this situation has not become better there over the past decade under the deliberate policies of the Thatcher Government. My question is to gain some clarity about why privatisation policies for public housing are being pursued by conservative Governments and Parties, what their impact is and whether they are successful.

The Hon. T.H. HEMMINGS: I thank the member for Fisher for his question, especially as today is the 50th birthday of the South Australian Housing Trust. As I said yesterday, we must pay tribute to the work done by and dedication of the thousands of people who have done so much to build our public housing into the success that it is today. Therefore, it is fitting, in the light of the report in the *Advertiser* that we look back on public housing in South Australia and at the so-called new solutions that are being put forward by others.

Let me say that until a few years ago there was a bipartisan public housing policy in this State. Both Parties supported the South Australian Housing Trust, the need to build homes, to provide low cost housing, to maintain an economically viable trust, to ensure that those low paid and disadvantaged people in this State could get the benefits of public housing through the provision of rent rebates, the need for them to be able to buy and sell houses at their real value—market value—and to supply supportive services to others who do not yet have a trust home.

I believe that that bipartisan policy was correct and was a credit to both Parties in this State. As I said, that bipartisan policy stopped at the last election. Having seen public housing in major countries—the United States of America, Canada, the United Kingdom, Germany, Hungary and Czechoslovakia—I believe that South Australia has some of the best programs in the world and a proud record which members should not take lightly. However, current members of the Liberal Party and their friends in Canberra want to pull this apart.

I think the attitude to trust tenants by members of the Liberal Party has been well documented not only in this House but in the media within their own electorates. We have the member for Heysen saying that we are continually sending unemployed or disadvantaged trust tenants into the Mount Barker area, despite evidence that proves otherwise. We had the member for Murray-Mallee going on public record and saying to the trust, 'Don't build any more houses in Murray Bridge, because we don't want the unemployed.' Again, the evidence shows that in Murray Bridge we are housing people who come from Murray Bridge and who want to remain there.

We then had the ultimate insult of the Leader of the Opposition claiming that single mothers that we housed in country areas were being forced into part-time prostitution. That has all been documented but, in the whole area of public housing, we see exactly what the current Liberal Party in Canberra and this State want. They want privatisation; they want the sale of all public sector housing at fire sale prices; they want to give it away at a discount; they want to sell off the best of the stock; and they want to leave the double units for those people who, in their words, are eligible for welfare housing. That is the error of the Liberal Party here and in Canberra, and it is the error of Margaret Thatcher in the United Kingdom.

I would like to remind members opposite exactly what their public housing program is for the next Federal election. They are calling for the withdrawal by the Federal Government from its pre-eminent role in housing policy involving a shift in responsibility to the States, and a greater role for the private sector. That means that, if the Federal Government took away the responsibility and gave it to the States, and if a Liberal Government was in power in South Australia, it would do nothing at all for public housing. The Liberal Party wants the First Home Ownership Scheme to be completely axed and to have no more to do with that. The Liberal Party should tell that to the private sector, the people who are continually telling Mr Hawke and Mr Keating that they want that scheme widened to include a greater proportion of people.

Last but not least, they seek the sale of public housing along the lines of those of the Thatcher Government. We in this Party do not want to see the figures that were apparent in the United Kingdom, where literally 250 000 families were homeless and living a hand to mouth existence in a bed and breakfast situation. That will not come about while there is a Hawke Labor Government in Canberra and a Labor Government in this State.

LABOUR MINISTER'S LOAN

Mr S.J. BAKER: Will the Minister of Labour reveal what rate of interest he currently pays on the concessional loan he received from the Housing Trust in 1976 and say whether, compared with the average weekly wage earner, he believes he is obtaining an unfair advantage? When the Minister of Housing and Construction answered a question about this matter yesterday, he said that the loan to the Minister was well within the realms of anyone earning a similar salary at that time. In 1976, as a backbench member of another place, the Minister was receiving a salary approximately twice the average weekly wage in this State.

The loan was made available at a rate of 9¼ per cent and the Opposition has confirmed with the Reserve Bank today that, at that time, the Saving Bank of South Australia's best recognised rate for the amount lent to the Minister was in fact 10½ per cent. Currently, a South Australian family on the average wage taking out a new home loan faces repayments which take up 28.3 per cent of the gross pay-packet, more than in any other State. If the Minister was paying the same proportion of his current monthly salary to fund his loan from the Housing Trust, his repayment would be about $1 571 a month and it is clearly much lower.

When the Minister took out this loan, it was repayable at the monthly rate of $220.90 and, while it is assumed that the rate might have increased since then, I ask the Minister to provide the present rate so that average weekly wage earners currently looking for a home loan may consider their position compared with the position of the Minister who collects an annual $66 542 in salaries, not counting his additional $20 000 in allowances.

Members interjecting:

The SPEAKER: Order! Will the Minister resume his seat for just a moment. This is not a question which, strictly speaking, is the responsibility of the Minister of Labour: it is a question that should be directed to the Minister of Housing and Construction, who has the responsibility to this House for matters of that nature. However, Ministers, may answer collectively or individually questions that are directed to them. On that basis, the honourable Minister of Labour may wish to reply.

The Hon. FRANK BLEVINS: I thank you very much, Mr Speaker. I thank my colleague the Minister of Housing and Construction for allowing me to respond on both his behalf and my behalf.

An honourable member interjecting:

The Hon. FRANK BLEVINS: The member for Victoria interjected. I did not catch the interjection, but, if it is sufficient for me to use in a moment, I will come back to the member for Victoria. The position is very simple: there is no secret. A few months after I entered Parliament, as I was living in a rented trust house, and as all Whyalla lads do when they make good, I went to the trust and said, 'Can I buy a trust house?' They said. 'Certainly. There is one. Where is your deposit? This is the rate. Away you go.' There was no concessional loan at all.

At that time the concessional rate was 8 per cent, but my interest rate was 9¼ per cent. That was the rate that the Housing Trust charged everyone in Whyalla who wanted to buy a Housing Trust house. To some extent, I believe that the Housing Trust had very good salesmen: I was assured that I had better get in quickly, because those houses were selling like hot cakes. So I got in quickly, and I was stuck on an estate for months on my own because the trust could not sell the other houses. In fact, a number of them still have not been sold to date: the trust is still trying.

Members interjecting:

The Hon. FRANK BLEVINS: Yes, it was because of the downturn in the shipyard that the Housing Trust was caught with these houses.

The Hon. T.H. Hemmings: Good homes, though.

The Hon. FRANK BLEVINS: Yes, excellent homes. So, I did what I believe from the figures 1 600 other people did who bought houses at the same time. They bought their house from the Housing Trust and paid the going rate. There was nothing unusual about that. I have been a tenant and a purchaser of Housing Trust homes ever since I first came to Australia, straight from a council estate in Manchester. I have something of an affection for public housing and I will continue to have it.

The loan is a 30-year loan to be repaid in the year 2 007 if I am still around; if not, Mrs Blevins will be paying it if she is still around. If there is anything disturbing in this, I suppose it is the fact that someone buys a house from the Housing Trust and immediately, according to the Opposition, the Housing Trust is doing a favour or giving that person special consideration, when the overwhelming majority of people in Whyalla who buy a house buy it from the Housing Trust. It is a Housing Trust city, and a good one, too. We are talking about 1976, when I had been in Parliament for less than a year and had four children at high school, no second income, and certainly no means, even if I chose, to move to the city and, like the Leader of the Opposition, buy a house in the Hills or, like another member, buy a house in Mitcham.

Members interjecting:

The Hon. FRANK BLEVINS: Yes, so do I. The rate of interest has increased along with that of every other person who has bought a house from the Housing Trust.

Members interjecting:

The SPEAKER: Order! I call the House to order. Will the Minister resume his seat. This is Question Time, and a question has been directed by a member of the Opposition to a Minister of the Government, who is trying to reply. It is not a time for members to start swapping notes about their respective addresses. The honourable Minister of Labour.

The Hon. FRANK BLEVINS: I thank you for your protection, Mr Speaker. I am now told by the Minister of Housing and Construction that the interest rate on my loan is the same as that of everyone else who buys a house from the Housing Trust. It is 12½ per cent and it will rise to 13½ per cent on 1 April 1987. I say to everyone else in Whyalla, including my neighbours who are paying the same rate of interest, that that is still a good deal from the Housing Trust and that they should continue to support public housing as I do. The interesting implication of the question is that I did something wrong 10 years ago in buying a house from the Housing Trust at the same interest rate as that of everyone else. That is the clear implication of the question. If the honourable member who asked the question implied that, what does he say about the member for Victoria, who interjected earlier? The member for Victoria has done what every other farmer in this State has done. I impute no improper motives to him at all, but, seeing that the Opposition has chosen to have this public exposé of people's dealings with Government authorities, I think that the House may be interested to know (and I am sure that the member for Victoria will be happy for the House to know) of his dealings with the Government. Dale and Margaret Anne Baker got a $70 000 bushfire loan in 1983. The interest rate—

Members interjecting:

The SPEAKER: Order! I call the Minister of Housing and Construction to order.

The Hon. FRANK BLEVINS: The interest rate on the honourable member's loan is a fixed 4 per cent for 10 years, unlike mine. The honourable member has also received another loan of $21 354 and, although I cannot read what it is for, I am sure that is perfectly legal. I cannot see the interest rate here; it is a grant. I think it is a grant. So, we are talking about $91 354, $21 354 of which does not have to be paid back and $70 000 has to be paid back at an interest rate of 4 per cent, as is perfectly proper. The member for Victoria, in his dealings with the Government, is being perfectly proper. He is entitled to the $21 000 grant. He is entitled to the 4 per cent interest rate, and he has that in common with all other families, just as I have my housing loan at the same rate and in common with all other purchasers of Housing Trust homes in this community.

DRUGS

Ms LENEHAN: Has the Minister of Emergency Services now received a report from the Commissioner of Police concerning an article in the *News* of 27 September by Geoff de Luca and, specifically, are there any grounds for initiating prosecutions or further investigations? I ask the question as one of the members for the southern community, because the article stated:

> A teenage student claims a drugs network is operating in a chain of southern suburbs high schools and the danger drug, crack, is already on the Adelaide streets.

I have been approached by several constituents who have expressed their anger and concern that such an article has cast a slur over all the secondary schools within the southern community. My constituents have also suggested that it strikes fear in the heart of every parent of a secondary student within the southern community. The article does not provide any further information about which school is involved or how widespread is this issue. I ask the question on behalf of concerned constituents in the southern area.

The Hon. D.J. HOPGOOD: Yes, I do have a report from the Commissioner on this matter and would like to read it word for word to the House as obviously the allegations made are very serious indeed and people need to know what

is the truth. The letter, signed by the Commissioner of Police on 3 December, states:

I refer to the attached copy of a press clipping from the *News* on 27 November 1986. Enquiries into the allegations made in this article have proven fruitless. The article was written by Geoff de Luca. When questioned, de Luca stated that he did not know the identity of the schoolgirl or anything which would identify her or the school she attends. The interview was arranged by Mr Martin Cameron and took place at Parliament House. Mr Martin Cameron would not reveal the identity of the schoolgirl when interviewed, and he was unable to add anything further to the newspaper article or give any specific information that would assist in investigating this matter.

Similar allegations were made in the Messenger press by Alderman Villani several months ago. When checked, they also appeared to be 'sensational reporting'. Enquiries by the Drug Squad do not reveal any serious problems with drugs in any of the southern suburbs high schools.

The newspaper article made mention that students 'could readily obtain marijuana, and sometimes cocaine, from them.' Drug Squad members believe cocaine to be in very short supply and selling for in excess of $150 a street gram, which would make it too expensive for the majority of students. This appears to be another 'sensational drug story' printed in the daily press, based on the unsupported allegations of an anonymous student. It is concerning when an elected member gives credit to the article and then refuses to name his sources.

It is signed by the Commissioner of Police. I am disgusted by this whole business.

It seems to me to be quite irresponsible journalism, though one can hardly blame Mr Luca for following through the policy of his home newspaper, I suppose, in relation to these sorts of things that are or are not reported in this manner. I believe that Mr Cameron has a responsibility to cooperate with the police and not to sensationalise in any particular way. This is what he has done in this case. He has cheapened the level of debate in relation to the whole drug debate, and we should expect better from him in the future.

VEGETATION CLEARANCE

Mr BLACKER: In the absence of other Ministers, can the Minister for Environment and Planning advise the House when it could be expected that the 12 month review on the operation of the Native Vegetation Management Authority will be tabled? Secondly, what is the policy of the Government in relation to Government departments applying for native vegetation clearance? How many applications have Government departments made and how many have been approved? What is the purpose of those applications? I have had brought to my attention that the Department of Lands has in at least one instance applied for the clearance of broad acre land. I have been endeavouring to ascertain the purpose of that application, because I find it hard to believe that the Lands Department itself would get into the business of land clearing. However, it was in the name of the Lands Department and I would be grateful if the Minister, if he is not aware of what is going on, could have it checked out and explain to the House the Government's philosophy and role in relation to clearance applications.

The Hon. D.J. HOPGOOD: I am prepared to make it available as soon as it has been made available to me. I understand that consultative meetings held with representatives of the UF&S in this matter have now been concluded and the report is being written or may have already been written, and is being rounded off—it is awaiting a cover or is still being typed, or something of that sort—for me to present to my colleagues in Cabinet when we will almost certainly adopt it as policy, because I understand that it is an agreed position. As soon as the report is available to me, I will make it publicly available as was the commitment when we went into the review in the first place.

As to the second matter of applications by instrumentalities for clearance, first of all the Government's policy would be to discourage such applications. I am not aware of the matter to which the honourable member refers, but I can tell him of one other matter, to give an indication of how sometimes these things arise and the way in which we deal with them. It was brought to my notice some time ago that there was an application current from the Woods and Forests Department for the clearance of a regrowth area for the planting of pines. Probably, if one looked at the ecological merits of the application, one could say that an approval could be sustained. However, in view of the very strong policy position that the Government has taken on this matter, I felt that that was not appropriate and I told my colleague that the application should be withdrawn. I have heard nothing further about it, so I assume that that is what has happened. In relation to the application (or prospective application) to which the honourable member refers, I will have to take advice and let him know.

TIME ZONES

Mr RANN: Can the Minister of Mines and Energy say whether there is any validity in last week's claim by Democrat MLC Mr Elliott that a the switch to Eastern Standard Time in South Australia would cost consumers millions of dollars more for electricity because of a loss of benefits expected from interconnection? In an article in last Thursday's *News*, Mr Elliott claimed that existing time differentials between South Australia and the Eastern States were an important factor in the benefits to be gained from interconnection because they meant our peak demand periods did not coincide with peak demands in Victoria and New South Wales. He went on to say that coinciding peaks would make it harder for South Australia to buy cheaper interstate electricity.

The Hon. R.G. PAYNE: I do not know who has been providing the Hon. Mr Elliott with his advice on energy matters. I suggest that if he is paying anyone for it he is being seen off; if he is getting it for free he could do without it, because it is totally wrong. I will explain why. The facts are that a shift of half an hour in South Australian time to bring us into line with Victoria and New South Wales would have no identifiable effect on interconnection benefits. I am advised by ETSA that it has never been suggested that the difference in times of peaks was a factor in the economics of interconnection. No such claim has ever been put forward in the economic justification for the project.

So much for the important factor of the honourable member in another place. Studies over the years have shown that a half hour difference is too small—and this would be obvious to most members—to provide a significant opportunity for savings, and that speaks for itself. The fact that South Australia experiences its highest demands in summer while the three States in combination will peak in winter is much more significant, and that also stands on its own and would speak for itself. The diversity of weather conditions which causes peaks would also be more important.

In relation to the availability of cheaper generation in the other States (which is the basis of savings from transfers of electricity on an opportunity basis), again the time difference will have no identifiable significance. In summary, the Hon. Mr Elliott's claims are a furphy. For the purposes of interconnection and its benefits the debate over time zones is irrelevant.

PRISONERS SEEKING INFORMATION

The Hon. D.C. WOTTON: Will the Minister of Correctional Services explain under what arrangements prisoners are allowed, while in gaol, to seek information from outside sources on matters like anti-terrorist measures? The Opposition has been made aware that at a commissioned officers Crime Command Conference in May the police discussed an application by a particular prisoner for information relating to anti-terrorism.

I have in my possession the minutes of this conference, which reveal that it discussed the fact that while in gaol this prisoner wrote to the Australian Institute of Criminology requesting police articles relating to anti-terrorism. The minutes also note that, when such material is found in the possession of members of the public police officers should seek to find the source of the material.

There is obviously concern at senior levels of the Police Force about the availability of this type of information, and I have no doubt that this concern has now been heightened by the fact that the person who apparently was allowed, while in gaol, to apply to the Australian Institute of Criminology for such information, was charged on Friday with having threatened the life of the Pope.

The Hon. FRANK BLEVINS: I am in something of a quandary here, as the person concerned has been charged and is before the courts. It is very unfortunate that a person who has been a Government Minister and ought to know better raises an issue in relation to a case that is presently before the courts. It may well be that the actual incident that the honourable member is talking about has nothing to do with the present case, but—

Members interjecting:

The Hon. FRANK BLEVINS: Well, I am restricted in what I can say, because it may well prejudice the rights of a person who at present has a case before the courts.

An honourable member: You're struggling.

The Hon. FRANK BLEVINS: I am not struggling at all. I am quite willing to give members opposite a private briefing on this individual and this incident. I would have thought that the member for Heysen and the Leader of the Opposition, when they saw this person's name in the paper, would have realised something of the circumstances. Evidently they are not well informed. Suffice to say that I will talk to the Leader of the Opposition and the member for Heysen as soon as I sit down. If they want to continue with it, that is fine. They can ask me a question again in two minutes time.

GRAND PRIX

Mr ROBERTSON: Is the Minister of Mines and Energy, representing the Minister of Tourism in another place, aware that a Victorian travel agency in promoting the Grand Prix earlier this year was promoting accommodation as far away as Nuriootpa as being 'close to the track'? Is the Minister further aware of the practice which obtained during the Grand Prix, whereby interstate visitors who booked well ahead of time for this year's Grand Prix were forced to take rooms for up to one week at a time? Does the Minister have any information which would indicate to the House how widespread that practice was? Also, can the Minister indicate whether any check can be made to ensure that these rooms were not rented again during that week after they were vacated by Grand Prix visitors?

The Hon. R.G. PAYNE: The practices suggested by the honourable member seem pretty crummy, to say the least, and it is a great shame if this sort of misrepresentation takes place in relation to the Grand Prix. I do not have any direct knowledge in respect of the matters that the honourable member has raised with me, so I think he will understand if I suggest to him and the House that it would be better for me to ensure that the matter is addressed by the Minister and that a report is prepared and provided to him as soon as possible.

ETSA TREE CUTTING

The Hon. B.C. EASTICK: Has the Minister of Mines and Energy received an internal auditor's report from the Electricity Trust following information that I originally supplied relating to payments by ETSA to a particular company for tree cutting work, and does this report reveal any further irregularities in this matter and, if not, does the Minister regard it as closed? In a ministerial statement on 29 October, following information that I had provided to the trust and to the police, the Minister revealed that the trust had overpaid a company more than $100 000 for tree cutting work. The Minister also said in his statement that he soon expected to receive an internal auditor's report from the trust on the matters that had been raised.

The Hon. R.G. PAYNE: From my recollection, I did receive the report which was referred to and which suggested that the practices, subject to upgrading, would be such that there would be less likelihood (let us be sensible, because people are human) of an error such as that which occurred previously. The honourable member also asked me whether the matter was closed. I do not really believe that it is closed, but I suggest that I have great confidence in the Auditor-General, for example, whom I also involved in this matter at the time and to this date, anyway, he has made no further representation to me on that matter. However, I have been advised by the General Manager of the trust that at least one further telephone call has been made to the trust by a person who, I understand, suggested some dissatisfaction with the published results, which would have been the report I had given—such as was put into the press—with an indication that further information would be forthcoming.

In fairness to the member for Light, I would say that his name was also mentioned as being likely to be further approached. I do not know whether he has been further approached, but he undoubtedly would be aware of that. In answer to whether the matter is closed I can say 'No'. I am sure that the information I gave the House was accurate. I am satisfied with the requirements that I placed on the trust for all future accounting in this area. I understand that the trust is still trying to find out whether this person will come forward with the promised information in a way that can be further investigated. That is where we are at present.

TEACHERS OF HEARING IMPAIRED

Mr KLUNDER: Will the Minister of Education indicate whether there has been an outcome to the negotiations between the South Australian Education Department, the South Australian College of Advanced Education and the Tertiary Education Authority of South Australia regarding the provision of a course for teachers of the hearing impaired? In 1985 at the Sturt campus of the Adelaide College of Advanced Education a course was conducted for teachers in the education of the hearing impaired, but this year that course has not been offered and it has been necessary to

send teachers interstate for postgraduate training in this important area. A great deal of concern has been expressed during this year that the course is no longer available in South Australia, and I am aware that negotiations have been continuing between these three education bodies. Can the Minister report on the outcome?

The Hon. G.J. CRAFTER: I thank the honourable member for his question. The smaller States find great difficulty in training professional persons in extremely specialist areas. I am pleased to advise the House that children with hearing impairments, their parents and teachers will benefit from a new course for teachers in South Australia next year. The new South Australian College of Advanced Education course which has been established is aimed at teachers seeking post-graduate qualifications in the education of children with hearing impairments. The outcome of the course will also enable parents, school assistants and teachers to take part in special 'in-service courses' to improve their skills in supporting children with hearing impairments. The new course follows negotiations between the Education Department, the South Australian College of Advanced Education and the former Tertiary Education Authority of South Australia.

A joint Education Department and SACAE funding arrangement will enable inservice courses for teachers, school assistants and parents in addition to the teacher training course, which the college would provide as a strand of the Bachelor of Education course. The course will be available on a part-time basis over two years to experienced teachers from centres for hearing impaired students and from schools in which hearing impaired children are integrated with other children or to teachers who work with children with multiple disabilities.

Up to 10 teachers would undertake the internal course over the two years on a two day a week release arrangement. Applications have been invited from interested teachers, while the position of senior lecturer was being advertised nationally. Planning of the program will be carried out jointly by the Education Department and SACAE. The new course was the culmination of efforts by educators, parents and the State Government to ensure educational services to children with hearing impairments were maintained and improved. I want publicly to thank and congratulate all those who have been involved in a difficult exercise in establishing this course in South Australia.

ETSA GYMNASIUM

Mr OSWALD: Did the Minister of Recreation and Sport order the closure of the staff gymnasium at the Electricity Trust headquarters earlier this year, and does he intend to initiate further closures of gymnasiums housed in Government institutions? I understand that in May this year the Minister sought to emulate the jogging skills of the Premier and did so in the company of an officer from the Electricity Trust. Having completed his exercise, the Minister took his weary body to the gymnasium and shower area of the headquarters of the Electricity Trust.

I am informed that he expressed concern that the Government could be liable for workers compensation or public liability claims from staff using the gymnasium, and he proceeded to pressure the trust's General Manager into shutting down the gym. Despite the fact that the Electricity Trust is generally considered to be the responsibility of the Minister of Mines and Energy, the command of the Minister of Recreation and Sport was obeyed and the gym has lain idle for the past nine months.

On behalf of hundreds of public servants, I therefore ask the Minister to advise the House whether he intends to embark upon a campaign to close down other gymnasiums throughout State Government institutions, including that used by members of the Fire Brigade or the two gymnasiums recently constructed at great cost in the new Adelaide Remand Centre, to say nothing of the Parliament House gym which, some would say, would be more likely than any others to run the risk of compensation claims by its users?

The Hon. M.K. MAYES: That was the most pathetic question that has ever been directed to me. Absolutely! And the embellishment that the member for Morphett gave it was almost disgraceful. It reaches the level that he revealed when he asked a question about the public servant whom he attacked the other day in a speech in this place. I suggest that, if he is going to continue that standard, he should think of another career. In my opinion the statement was outrageous, to say the least.

I visited the old ETSA gymnasium in the Mile End building and did so on the invitation of the workers there. An officer of my department who is expert in the area attended with me and the Electricity Trust and the department subsequently discussed the safety aspects of the gymnasium. The Minister of Mines and Energy and I have also discussed that gymnasium and there has been an exchange of correspondence with the General Manager of the trust. No order was given, nor was there any suggestion of an order. It was a conversation with the officer concerned, who was fairly enthusiastic about improving the facilities in the gymnasium for the benefit of the workers there. The situation as outlined by the honourable member is totally misleading, and his statement was disgraceful.

BEACH SAND

Mr De LAINE: Can the Minister for Environment and Planning say why it is necessary to continually replace the sand on the Brighton and North Glenelg beaches? There has recently been considerable controversy regarding the removal of sand from the Semaphore beach. Apparently, about 50 000 cubic metres of sand is taken from that beach each year to replenish sand that has disappeared from beaches farther south along St Vincent Gulf.

The Hon. D.J. HOPGOOD: I do not want to give a long physics or engineering lecture on this matter, but I am certainly aware of the honourable member's genuine concern about this whole problem. There is a phenomenon known as long shore drift on the Adelaide foreshore, which means that sand is gradually moved from the southern to the northern beaches. This process has been going on for as long as there have been beaches on the eastern side of the Gulf, although it was moderated in former years by the existence of sand dunes that provided for some natural replenishment of the sand as it was carried north along the beaches. For the most part, we as a community have immobilised that sand under bitumen and concrete, so it is no longer available for replenishment of the southern beaches. Nevertheless, the accretion of sand on the northern beaches has continued.

To complicate the matter there are at least two barriers to the free flow of sand along the beaches. The first is the breakwater at the entrance to the Patawolonga which therefore acts as a sort of groyne and tends to build up sand on its southern side but to starve immediate northern beaches of that replenishment. The River Torrens, too, acts as a dynamic groyne, as the same sort of process operates at its outlet. Without some replenishment of sand on the southern

beaches they would long since have disappeared: the sea walls would have collapsed under high tides, storm stress, and that sort of thing. Also, we would have had a substantial change of beach profiles to the north (Semaphore and Largs), which would have been regarded as undesirable by most people as well. Some beaches would have had too little sand and the rest too much. So, for some years successive Governments have been redressing that imbalance by taking sand from the northern beaches, carting it and depositing it on the southern beaches. This practice has proved so successful at Brighton, which was in danger of losing its whole beach, that a mini dune system has formed along part of the beach. It has also meant that the quantity of sand that has to be carted has been reduced.

I assure the honourable member that we are sensitive about the way in which the sand is removed from the northern beaches, and we try the best we can, given the limitations of heavy machinery and that sort of thing. Where specific problems exist, they have been drawn to my attention in the past by the honourable member's predecessor and by the member for Semaphore, and we try to address those problems as best we can.

The Kinhill Stearns report, which was produced at some cost to the Government several years ago to consider all alternatives, concluded that sand carting was the most cost effective operation and also the most environmentally sensitive. It further concluded that an extensive dune field, for example, or the building of offshore breakwaters (which would have somewhat the same effect), would drastically modify the present shape of the beaches and probably would be aesthetically and environmentally unacceptable. So, I believe that we will continue the sand carting operation for some years and I again give the pledge that we will try to be as sensitive as we can. I invite the honourable member to draw any shortcomings to my attention.

PERSONAL EXPLANATION: BUSHFIRE LOAN

Mr D.S. BAKER (Victoria): I seek leave to make a personal explanation.

Leave granted.

Mr D.S. BAKER: I just want to record my disdain at the unprovoked, unjustified and contemptible attack upon me by the Minister of Labour—

Members interjecting:

The SPEAKER: Order! The honourable member for Albert Park's interjection was especially out of order, as he was out of his seat when he interjected. The honourable member for Victoria wants to make a personal explanation. That personal explanation should merely point out on which matters of fact he has been misrepresented. The honourable member for Victoria.

Mr D.S. BAKER: I especially draw attention to the way in which the matter of a loan that was secured by my family trust was referred to by the Minister of Labour in Question Time earlier today. Members may recall Ash Wednesday on 16 February 1983, the day on which much of the South-East was devastated by bushfires. The property on which I live was completely burnt out and we saved only our home and very few stock. Not only were other people burnt out, but many of my friends and neighbours perished on that day. Officers of the Department of Agriculture, after that horrific event, came into our district and set up a temporary office. They went around to each property and helped ascertain the losses suffered by the people on that day. Many of those people have never recovered and will never recover, from the effects of that bushfire.

After those losses had been ascertained, each person who was eligible was offered a loan at the rate applicable at the time, and no-one got favoured treatment. In fact, those who had suffered the greatest losses could receive only a certain sum because a ceiling of $70 000 was fixed. Our family trust was one of the trusts involved in that procedure and we accepted that loan in the spirit in which it was made. The money went towards starting up again and restocking the property. I was not in Parliament at that time. Indeed, I had not even been preselected then, unlike the Minister regarding the loan that came under question.

Members interjecting:

The SPEAKER: Order! If the House will come to order, the Chair will have the opportunity to remind the honourable member for Victoria that he is only supposed to be making a personal explanation and not indulging in a free ranging debate. The honourable member for Victoria.

Mr. D.S. BAKER: They are the facts concerning my loan. Like every other person's loan, that loan is being paid off in the normal course of events. No doubt, I will inform the Minister of Agriculture of each of my repayments so that he cannot slip a note across to the Minister of Labour with the details in the future.

Members interjecting:

The SPEAKER: Order! The honourable member is again diverging from the path he is supposed to follow in the course of a personal explanation. The honourable member for Victoria.

Mr D.S. BAKER: For as long as I remain in this place I can assure members on both sides of the House that I will not stoop to gutter politics like I have heard today.

Members interjecting:

The SPEAKER: Order!

SITTINGS AND BUSINESS

The Hon. D.J. HOPGOOD (Deputy Premier): I move:

That Standing Orders be and remain so far suspended as to enable all Notices of Motion (Other Business) and Orders of the Day (Other Business) set down for tomorrow to be taken into consideration between 7.30 p.m. and 9.30 p.m. in lieu of tomorrow; and that Government business take precedence over all other business, including questions, between 11 a.m. and 1 p.m. tomorrow.

The SPEAKER: I have counted the House and, there being present an absolute majority of the whole number of members of the House, I accept the motion. Is it seconded?

Honourable members: Yes, Sir.

Mr S.G. EVANS: On a point of order, Sir—

The SPEAKER: Does the member for Davenport wish to oppose the resolution?

Mr S.G. EVANS: I do so if I am allowed to speak.

The SPEAKER: The honourable member has 10 minutes in which to do so.

Mr S.G. EVANS (Davenport): Approximately a fortnight ago the Government took control of private members' business without conferring with private members. I do not why the Government wants to do that on this occasion. It has not told me or the House why it wants to take control of private members' time. We were given certain assurances when Standing Orders were changed (and I did not agree to it at the time, as I said there would be problems). Now, within a short period, the Government states that it wants to change the time for private members' business from Thursday to Wednesday.

Some people may have material in their electorate office that they want to use in private members' time and they are being told after Parliament starts today that it has been brought back from tomorrow to today. That is what has happened, and I object to that quite strongly. A principle is involved: private members' time is private members' time, regardless of whether one is on the back bench or in a ministerial position. The House created the Standing Orders. I know that the Government has the numbers and can change them, but if somebody must raise the point that, now the Executive has total control in this place, private members' time is not considered important. That is the position. Why cannot Government business go on tonight? The Minister has not told us but stands up and says that the Government is going to change the time. No reason or explanation is given.

Surely we are justified in asking for an explanation. The Minister had an opportunity to speak in moving the motion. It is a ruthless cut of the axe; we will accept it, like it or lump it. That is the attitude, and it is wrong. If we believe in a democracy and a system of Parliament where individuals are elected and have a right to express a view, then the Government should tell us why it wants to bring back the time from tomorrow to today. On the Notice Paper are Bills that we have not got yet, and the Government expects them to be debated today or on motion.

Members interjecting:

Mr S.G. EVANS: The honourable member can say that it is remarkable. Every time we come to the end of the session we have this stupid crazy period.

Mr Klunder interjecting:

Mr S.G. EVANS: I agree, and I opposed it then. It is recorded in *Hansard* that I said that no Bills should be brought in in the last fortnight of a parliamentary sitting. I have said that on many occasions and say it again. It is an abuse of the system. We have coming before the House today Bills that are not even on file, yet the Government says that it will bring private members' time forward. When you were Whip for the ALP, Sir, you were one of the organisers in getting Standing Orders changed and one of the promoters of it. Now you sit in judgment on those Standing Orders. Within a short time the same Party that used its numbers to get Standing Orders changed now wants to change the rules without telling us why. It is no bother for the Whip to advise or the Minister to explain in his speech what is the reason.

Mr Tyler: Doesn't the Opposition Whip talk to you?

Mr S.G. EVANS: The Opposition Whip talks to me. Where would one read of a Minister standing up to change the whole structure of Parliament in the last couple of days without telling the House about it? Other people view the House and listen to the proceedings from their rooms. They would like to know why it has been changed. I have no clue, and I do not believe there is a reason to justify the change. So, I object to it quite strongly.

If we are talking about a conference between both Houses, I remind members that we have suspended joint Standing Orders before to allow a conference to go on. I will support that, with no objection at all. I oppose the motion in the strongest terms as I believe that gradually, although perhaps more rapidly than in the past, this place is being taken over by Executive power instead of being under the parliamentary system.

The SPEAKER: The Chair cannot call on the Deputy Leader of the Opposition at this stage. The honourable Deputy Premier.

The Hon. D.J. HOPGOOD: I suppose I must apologise to the member for Davenport for forgetting that he is an Independent member of this place. These days it is sometimes easy to forget the member for Davenport—period.

Members interjecting:

The Hon. D.J. HOPGOOD: Let me explain what is going on here and what we have been doing this week. First, I place on record my appreciation of the extremely cooperative attitude that all members of this place have displayed to me as Leader of the House this week and indeed in recent weeks in the ordering of the business of the Parliament. There is every possibility that, despite the fact that we are in the last week of the sitting before Christmas, we may well be able to adjourn early enough this evening to have an adjournment debate and there is some chance that we may not have to sit tomorrow evening. So much for the honourable member suggesting that the last week of sitting is the usual shambles. There is every indication that it will not be, because of the cooperative attitude that all members have shown.

Indeed, the position that we find ourselves in is that we have run ahead of the productivity of another place. We could well be in a situation where we have wiped our Notice Paper of what it was agreed that we should do at the beginning of the week, but indeed we are waiting for material to come down from another place. That is partly because of the extremely cooperative way in which we were able to dispatch yesterday's business.

To give credit where credit is due, I place on record from where the idea came. The member for Newland said, 'Why don't we consider changing private members' time to today, which would then give us more elbow room tomorrow if those people in another place are rather tardy in sending stuff back, specifically, the Wrongs Act, which is the remaining matter that could bring some considerable debate in this place.' I therefore rang the Deputy Leader of the Opposition and almost my exact words were, 'This is a suggestion, I will not require this, and I will certainly not use the numbers I have in the House for it to happen, but would you consider transferring private members' time from tomorrow morning into this evening?' It still gives private members some hours in which to get their act together for private members' time. It means that we will not have perhaps an embarrassing gap in our debates today and it probably leaves all of tomorrow for the necessary cleaning up operations for Government business; an eminently sensible sort of suggestion.

Fortuitously, the Deputy Leader was at a joint Party meeting and was able to report to his colleagues immediately, and within a few minutes was back to me saying that he felt it was a sensible procedure and that the Opposition would cooperate. In those circumstances, I felt that I should place the matter before the House. One other Independent member has come to me, and has indicated that there will need to be a couple of procedural matters to allow him to put on the Notice Paper this evening certain matters that would not otherwise be possible. I understand that he has already spoken to the Opposition Whip, and that is agreed. It is purely a procedural matter. So, there is another sensible piece of cooperation which can proceed. In the circumstances, I can do none other than again urge this motion on members.

The SPEAKER: And the lion shall lay down with the lamb. The question before the Chair is that the motion be agreed to. For the question say 'Aye', those against say 'No'. There being a dissentient voice, there must be a division. Ring the bells.

While the division was being held:

The SPEAKER: Order! There being only one member on the side of the Noes, I declare that the Ayes have it.

Motion thus carried.

COUNTRY FIRES ACT AMENDMENT BILL (No. 3)

Returned from the Legislative Council without amendment.

Members interjecting:

The SPEAKER: Order! I call the honourable member for Mawson to order.

Members interjecting:

The SPEAKER: Order!

VOLUNTEER FIRE FIGHTERS FUND ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

CORRECTIONAL SERVICES ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

MOTOR VEHICLES ACT AMENDMENT BILL (No. 3)

Returned from the Legislative Council without amendment.

SUMMARY OFFENCES ACT AMENDMENT BILL (No. 2)

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

OMBUDSMAN ACT AMENDMENT BILL

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

OCCUPATIONAL HEALTH, SAFETY AND WELFARE BILL

The Legislative Council intimated that it insisted on its amendments to which the House of Assembly had disagreed.

Consideration in Committee.

The Hon. FRANK BLEVINS: I move:

That the House of Assembly insist on its disagreement to the Legislative Council's amendments.

Motion carried.

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be represented by Messrs D.S. Baker, S.J. Baker, De Laine, Gregory, and Blevins.

The SPEAKER: Call on the business of the day.

STATE EMERGENCY SERVICE BILL

The Hon. D.J. HOPGOOD (Deputy Premier) obtained leave and introduced a Bill for an Act to establish the State Emergency Service; to make provision for the handling of certain emergency situations; and to provide for other related matters. Read a first time.

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

That this Bill be now read a second time.

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

The SPEAKER: Is leave granted?

Mr S.G. EVANS: No.

The SPEAKER: Leave is not granted.

The Hon. D.J. HOPGOOD: The South Australian State Emergency Service has its origins in the Civil Defence Organisation reformed in 1961 on the initiative of the Commonwealth Government. The original aim was to protect the civil population from military action by hostile forces. As the threat of war diminished over the years, the civil defence emphasis gradually shifted towards counteracting natural disasters. In 1974, following the creation of the Commonwealth Natural Disasters Organisation, the State arms of the former Civil Defence Organisation became known as State Emergency Services. The service in this State was formally established by the Government approximately 25 years ago and is located within the Commissioner's Command, South Australian Police Department. Administratively, the Director of the service is responsible to the Commissioner of Police.

The South Australian State Emergency Service is organised around local units. In June 1986, there were 65 such units with a total active membership of approximately 2 800 volunteers. Each unit is sponsored by local government, or in the case of outback units such as Leigh Creek and Yunta, by the Outback Areas Development Trust. Funding of the organisation is from three sources: the Commonwealth Government; the State Government; and local government.

The Commonwealth Government, through the Natural Disasters Organisation, Department of Defence, provides specialised equipment, accommodation subsidies for the provision of local headquarters and the reimbursement of the salaries of regional SES officers. The total Commonwealth commitment for 1986-87 is in the vicinity of $340 000 for South Australia.

The Commonwealth conducts a public information program, comprising the production of training handbooks, disaster information pamphlets and films. This program is administered by the SES. In addition, the Natural Disasters Organisation has established the Australian Counter Disaster College at Mount Macedon, in Victoria. At that college specialised counter disaster training courses are conducted for members of counter disaster organisations and Government departments from all States and Territories. The State Emergency Service is the nominating authority, in South Australia, for that college and as such provides the administrative support for potential South Australian students.

The State Government provides funding to operate the permanent officer structure of the service and to provide a dollar for dollar subsidy to sponsoring local government organisations. The subsidy during 1985-86 (with a maximum payout of $5 000 to a local council) totalled $152 000.

Each sponsoring council provides funding, some of which is subject to subsidy, for its unit. In some cases more than one council sponsors a single unit; for example, Brighton, Unley and Mitcham support the one metropolitan SES unit—Mitcham.

The structure of the service consists of a small headquarters, staffed by seven personnel, at Police Barracks, Thebarton. In the field, 10 regional officers have been appointed and are located within the country police divisional areas, including Stirling and Christies Beach Subdivisions. Regional officers are supported by nine part-time clerical assistants—a total strength of 26 personnel.

Prior to February 1985, there were only three regional SES officers. As a direct result of a recommendation of the Lewis Scriven Report, following Ash Wednesday II in 1983, which recognised the serious lack of counter disaster planning throughout the State, an additional seven regional officers were appointed.

Each regional officer has the appointment, under the regulations to the State Disaster Act, of executive officer to, and member of, his respective Divisional Counter Disaster Committee. The Director of the service has the same responsibility to the State Disaster Committee. In this role, each regional officer is responsible to the police divisional commander for assisting in the preparation of counter disaster plans. Operationally, the service has two roles: first, State disaster role and, secondly, day-to-day emergency role.

Under the State Disaster Plan, the SES has been identified as one of the 13 functional services. Its role in a declared disaster is to provide reconnaissance, search and rescue, and immediate sustenance within the disaster area and to provide a mitigation response to storm damage and floods. The four areas of responsibility are:

(1) *Reconnaissance*

To carry out reconnaissance in conjunction with police immediately after the disaster, to establish the nature and extent of the disaster and to report to the State coordinator on matters which require attention.

(2) *Search and Rescue*

To provide search and rescue parties whose tasks are: the rescue of casualties (the trapped and injured); to render first-aid; assemble the injured and shocked; to direct persons who are independently capable and mobile to assembly areas; to liaise through the field coordinator with other functional services, in particular fire, engineering, health, medical and ambulance, police, and welfare; and to continue reconnaissance as required.

(3) *Welfare*

To provide interim warmth and sustenance to disaster victims before their arrival at welfare assembly centres.

(4) *Storm and Flood*

To provide a response for the purpose of the mitigation of the effects of storm and flooding.

In a day-to-day situation, the service responds to any call for emergency assistance. This can be as a primary response call or to support other statutory emergency services.

Plans have been developed for the SES to provide emergency food supplies to personnel from National Parks and Wildlife Service or Country Fire Service volunteers who are fighting a bushfire. Such a need occurred in the recent past on Kangaroo Island in December 1985 and also in the Danggali National Park. In addition, the service responds to numerous calls from the public and from other emergency services in alleviating storm damage. In country areas, where no other service has the capability to respond, the SES attends at vehicle accidents.

During the year 1985-86, the South Australian State Emergency Service responded to 900 calls, including 265 vehicle accidents and 257 which were storm oriented. The service is often called in to assist police in land search operations where there are missing persons. It has emergency rescue boats at principal towns along the Murray River and operates a sea-going craft at Port Lincoln.

This Bill has been introduced to put the South Australian State Emergency Service upon a statutory footing. The Bill will assist the service by clearly defining its responsibilities and duties and, most importantly, by clarifying its powers and legal obligations. The Bill gives public recognition to the importance of the service to the community and will assist the service in setting its objectives. I seek leave to have the detailed explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal.

Clause 3 provides some necessary definitions, the most important being the definition of 'emergency'. The definition covers much the same area as the corresponding definition in the State Disaster Act, but without the qualification that 'extraordinary measures are required' to deal with the situation. Once an emergency has been declared to be a disaster under the State Disaster Act, this Act will cease to apply, except to the extent that the SES has an obligation to play a vital role in counter-disaster or post-disaster operations.

Clause 4 establishes the State Emergency Service, but not as a body corporate. The SES is, and will continue to be, a section of the Police Department with the Director and other officers being public servants.

Clause 5 requires that there be a Director of the SES and provides that the position of Director is a public service position.

Clause 6 gives the Director a power of delegation, subject to the Minister's approval.

Clause 7 provides that the Commissioner of Police is responsible to the Minister for the administration of the Act and, in that role, is subject to the Minister's control and direction. The Commissioner is required to furnish the Minister with an annual report which must be tabled in Parliament as soon as practicable.

Clause 8 sets out the functions of the SES. The service is to assist the police in dealing with any emergency, and to assist the various other statutory authorities in dealing with emergencies in accordance with their relevant Acts. The Service has the function of dealing with emergencies where no other body has authority to do so, and also where some other body does have authority, but has not yet assumed command. Other functions may be assigned to the service.

Clause 9 provides for the registration of SES units by the Director. An SES unit is, once registered, a body corporate. The functions of a unit will be largely provided for in its constitution, but regulations could also be made for this purpose if necessary. Provision is made for the dissolution of an SES unit and for the vesting of its assets in the Minister upon any such dissolution. An SES unit is given the same exemption from rates and taxes as the Country Fires Act gives to CFS units.

Clause 10 provides for the appointment by the Director of emergency officers for the purposes of the Act. The Director is himself an emergency officer.

Clause 11 empowers the Director to assume command of all operations to deal with an emergency that has arisen or is imminent, where no other body has authority to assume command, or where some other body does have that authority, but has not assumed command. The Director assumes command by written order (a method of publication may be prescribed by the regulations). An order only exists for 48 hours, but may, with the Minister's approval, be extended by a further 24 hours. If any other body lawfully assumes

command of operations the Director's order under this Act ceases to have effect.

Clause 12 sets out the powers that an emergency officer has while an emergency order is in force. An emergency officer is given a general power to do all things that, in the officer's opinion, are necessary or desirable for the protection of life and property. More specific powers are given for such things as the taking over of land, vehicles or other property, directing or prohibiting the movement of people, vehicles or stock, demolishing structures, etc., or destroying seriously injured animals and directing people to assist the officer in the exercise of his powers. The powers set out in this clause are virtually identical to the powers given to authorised officers under the State Disaster Act.

Clause 13 makes it clear that if an emergency organisation from interstate 'crosses the border' to assist at an emergency in this State (that is, forest fires in the South-East) the members of that organisation have all the powers, rights, immunities, etc., that an emergency officer has.

Clause 14 empowers an emergency officer to assist upon request, the police, State Disaster authorised officers, commanding officers under the South Australian Metropolitan Fire Service Act and fire control officers or fire party leaders under the Country Fires Act. An emergency officer may also assist in dealing with an interstate emergency, if requested.

Clause 15 makes it an offence to fail to comply with a direction given by an emergency officer or by a person acting at the officer's direction, or to obstruct an emergency officer or a person at the officer's direction.

Clause 16 gives an emergency officer, and a person assisting at the officer's direction, the usual immunity from liability for anything done in good faith in exercising, or purporting to exercise, powers under this Act.

Clause 17 provides for volunteer emergency officers and persons assisting at the direction of emergency officers to be covered by the Workers Compensation Act while acting in that capacity. The method of determining average weekly earnings is the same as provided in the proposed amendment to the Country Fires Act.

Clause 18 is an evidentiary provision relating to emergency orders and emergency officers.

Clause 19 provides that offences under the Act are summary offences and prohibits prosecution except upon the authority of the Attorney-General.

Clause 20 makes it clear that this Act does not derogate from any other Act.

Clause 21 provides for the making of regulations.

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

MEAT INSPECTION (COMMONWEALTH POWERS) BILL

The Hon. M.K. MAYES (Minister of Agriculture) obtained leave and introduced a Bill for an Act to refer to the Parliament of the Commonwealth certain matters relating to the inspection of meat. Read a first time.

The Hon. M.K. MAYES: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

Since 1965 meat inspection at local abattoirs has been carried out on behalf of the State by the Commonwealth, under the terms of the Meat Inspection Arrangements Act 1964 (Commonwealth). This arrangement continued after the enactment of the Meat Hygiene Act 1980 (South Australia). The Commonwealth charges the State for the services provided and carries out inspection according to State legislation.

Set up after the meat substitution scandal in 1981, the Woodward Royal Commission recommended the amalgamation of State and Commonwealth meat inspection services to form a National Inspection Service.

Subsequently, a joint Commonwealth/State Working Party was set up to examine and advise on the legal, functional and financial aspects involved if South Australia were to refer its legislative powers with respect to domestic meat inspection to the Commonwealth.

The report of the joint working party has been received and it recommended that:

1. The State refers its legislative power with respect to meat inspection at domestic abattoirs to the Commonwealth.

2. The transferred legislative power is only exercised by the Commonwealth after consultation with, and approval by, the State.

3. The State, through the Meat Hygiene Authority, retains responsibility for licensing all abattoirs, slaughterhouses and pet food works.

4. The transferred legislative power may be rescinded by the State.

These recommendations may be achieved by a referral of legislative power from the State to the Commonwealth by Parliament.

Although the Commonwealth will have power to legislate with respect to domestic abattoirs, it has promised that this power will be exercised only after consultation with the Meat Hygiene Authority and will continue to be directed towards the Australian Common Codes of Construction and Inspection.

The State, through the Meat Hygiene Authority, will continue to be responsible for licensing abattoirs (both export and local), slaughterhouses and pet food works.

The State, through the Meat Hygiene Authority, will also continue to be responsible for construction and hygiene standards at slaughterhouses and pet food works, as well as the regulatory aspects of the Meat Hygiene Act.

The State may revoke the powers transferred at any time. The success or otherwise of the transfer will be reviewed annually.

After the transfer of legislative powers the Commonwealth will collect inspection fees directly from the abattoir operators, rather than from the State, as at present.

When the Commonwealth assumes responsibility for collection of inspection fees, the State will benefit by:

(a) simplification of the charging system; and

(b) reduction in man hours spent processing the fees, and elimination of the debt risk.

The Commonwealth's proposed fees for meat inspection are likely to be about 5 per cent less overall than those presently charged.

The provisions of this Bill are as follows:

Clause 1 is formal.

Clause 2 provides for commencement on a proclaimed day.

Clause 3 is an interpretation provision. 'Abattoir' is defined to mean a licensed abattoir under the Meat Hygiene Act,

1981; that is, premises at which meat for human consumption is produced and at which meat for animal food may be produced from meat unfit for human consumption. The definition does not include licensed pet food works or slaughterhouses under that Act. 'Meat' is defined as being any part of the body of an animal, or any product resulting from the processing of any part of the body of an animal, being a part or product intended for human consumption or for use as animal food.

Clause 4 provides for the reference to the Commonwealth Parliament of legislative powers relating to the inspection of meat at abattoirs in South Australia. (Pursuant to section 51 (xxxviii) of the Commonwealth Constitution, the Commonwealth Parliament may legislate on matters referred to it by a State Parliament. The Commonwealth Meat Inspection Act 1983, No. 71 of 1983, already applies to New South Wales by virtue of a reference of power from the Parliament of that State, and section 4 of that Act provides for proclamations to be made by the Governor-General to apply the Act to other States pursuant to such references.) The reference is of power 'not otherwise included' in the legislative powers of the Commonwealth Parliament, since that Parliament already has some power to legislate; e.g. with respect to meat produced for export from Australia. The reference will commence upon the coming into operation of the proposed Act and cease upon the expiry of the proposed Act.

Clause 5 provides for the Governor to fix, by proclamation, a day on which the proposed Act will expire. This power may be exercised at any time.

Mr GUNN secured the adjournment of the debate.

MEAT HYGIENE ACT AMENDMENT BILL

The Hon. M.K. MAYES (Minister of Agriculture) obtained leave and introduced a Bill for an Act to amend the Meat Hygiene Act 1980. Read a first time.

The Hon. M.K. MAYES: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

In recognition of the increased role of the Commonwealth in the provision of meat inspection services envisaged by the Meat Inspection (Commonwealth Powers) Bill 1986, it is appropriate to grant it a seat on the Meat Hygiene Authority, presently made up of:

(a) the Chief Inspector of Meat Hygiene (who is automatically the Chairman);

(b) a nominee from the Minister of Health; and

(c) a nominee from the Local Government Association.

The Commonwealth has had observer status on the authority for some time, and the new member of the authority will be a nominee of the relevant Commonwealth Minister. It is also appropriate to amend sections 50, 51 and 52 of the Meat Hygiene Act which relate to the role of State Inspectors.

Section 55 of the Meat Hygiene Act presently prohibits the sale of pet food unless it was produced at a licensed pet food works. This creates an anomaly in that it also prohibits the sale of pet food from an abattoir, which the Act was never intended to do. The fact that abattoirs have full-time meat inspection means that meat that is not passed as fit for human consumption may, at the discretion of an inspector, be passed as fit for consumption by pets. This has always been the case and the amendment will correct this legal anomaly. A consequential amendment to section 60 is also required.

The provisions of this Bill are as follows:

Clause 1 is formal.

Clause 2 provides for commencement on a proclaimed day.

Clause 3 amends section 6 of the Meat Hygiene Act 1980, which provides for the constitution of the Meat Hygiene Authority. Under section 6, the authority currently consists of three persons—the Chief Inspector of Meat Hygiene, the nominee of the Minister of Health and the nominee of the Local Government Association. This clause amends the section by increasing the number of members to four and providing that the additional member is to be the nominee of the Commonwealth Minister responsible for the Commonwealth Meat Inspection Act 1983.

Clause 4 makes a consequential amendment to section 9 of the principal Act to increase the quorum of the authority from two to three members.

Clause 5 amends section 50 of the principal Act in relation to slaughtering at licensed abattoirs taking place in the presence of a State Inspector. The effect of the amendment will be that slaughtering may take place in the presence of a Commonwealth inspector. This amendment and the amendments contained in clauses 6 and 7 are required for the purposes of the reference of legislative powers to the Commonwealth proposed by the Meat Inspection (Commonwealth Powers) Bill 1986.

Clause 6 amends section 51 of the principal Act in relation to the branding of meat. The amendment will mean that branding may be done by or at the direction of a State or Commonwealth inspector.

Clause 7 amends section 52 of the principal Act and its effect will be that meat produced at a licensed abattoir may not be sold unless it is passed, as fit for human consumption, by a State or Commonwealth inspector.

Clause 8 amends section 55 of the principal Act which presently prohibits the sale of pet food produced at premises other than licensed pet food works. The amendment will mean that pet food produced at licensed abattoirs may also be sold.

Clause 9 amends section 60 of the principal Act which contains evidentiary provisions. The effect of the amendment will be that an allegation (in a complaint in proceedings for an offence) that any pet food was not produced at a licensed abattoir or pet food works will be taken as proof unless the contrary is shown. This amendment is consequential to the amendment proposed to be made to section 55 of the principal Act.

Mr GUNN secured the adjournment of the debate.

COMPANIES AND SECURITIES (INTERPRETATION AND MISCELLANEOUS PROVISIONS) (APPLICATION OF LAWS) ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The purpose of this Bill is to amend the application of the Commonwealth Companies and Securities (Interpretation and Miscellaneous Provisions) Act 1980 in South Australia. The Companies and Securities (Interpretation and Miscellaneous Provisions) Act 1980 is applied in South Australia by virtue of the Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act 1981 as the Companies and Securities (Interpretation and Miscellaneous Provisions) (South Australia) Code. The code encompasses the general interpretation provisions for use in interpreting cooperative scheme legislation applied in South Australia, that is, the Companies (South Australia) Code, the Securities Industry (South Australia) Code and the Companies (Acquisition of Shares) (South Australia) Code. It will shortly apply to the Futures Industry (South Australia) Code.

Section 35 of the interpretation code deals with bringing proceedings for indictable and summary offences. The section defines all cooperative scheme offences punishable by imprisonment for a period exceeding six months as indictable offences. In South Australia indictable offences prosecution must be commenced by information. It is then questionable as to whether at present the commission may prosecute offences punishable by imprisonment for a period exceeding six months, summarily.

It is inappropriate that the commission should not be able to prosecute some of these offences by complaint and it was clearly not the intention of section 35 that this should be the case.

The purpose of these amendments is to ensure that the Corporate Affairs Commission can follow the practice previously followed under the Companies Act 1962 and continued under the code to lay a complaint where it wishes the matter to be heard in the summary court. If this amendment is not made and the commission is successfully challenged on its present procedure it would be required to proceed in most cases on indictment with attendant cost increases and a decrease in the number of cases it could prosecute. It is therefore of some urgency that amendments be made.

Not amending the legislation could involve the commission in considerable administrative costs by being required to proceed on indictment by information rather than summarily by complaint. Staffing costs could also increase if the commission is required to proceed by way of information. Involvement in committal proceedings then trial in the district court would limit the commission's prosecuting role with its present staff. This is not warranted as most cases are not of sufficient gravity to proceed by way of indictment.

The formal agreement for cooperative companies and securities regulations requires that amendments such as those currently before the House be approved by the Ministerial Council for Companies and Securities. Such approval has been obtained.

Clause 1 is formal.

Clause 2 inserts clause 11a into the first schedule to the principal Act. Clause 11a makes the amendments discussed above.

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

COMMERCIAL TRIBUNAL ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill amends the Commercial Tribunal Act 1982. Since the beginning of 1986, the Commercial Tribunal has acquired jurisdiction under the Landlord and Tenant Act 1936, the Second-hand Motor Vehicles Act 1983, the Second-hand Goods Act 1985, and on 10 November 1986 under the Land Agents, Brokers and Valuers Act 1973.

It has developed essentially two functions. The first is the licensing function, envisaged when the Commercial Tribunal Act 1982, was first passed. The second, which has become more extensive is a dispute resolution function. The second function, when the tribunal is often required to act as though it were a court, has revealed some inadequacies in the principal Act, essentially in relation to the enforcement of non pecuniary orders.

The Bill provides for the appointment of a number of deputy commercial registrars in addition to the Commercial Registrar. However it enables delegation of tribunal functions only to those registrars who are legal practitioners, and the requirement that the Commercial Registrar be a legal practitioner is maintained.

It provides for the review by the tribunal of decisions formerly made by a registrar, as an alternative to, and not in substitution for, an affected party's rights of appeal.

It overcomes the anomaly in the principal Act which provides for a means of enforcement of orders of the tribunal for the payment of pecuniary sums, but not for orders of any other kind. It makes a failure to comply with non-pecuniary orders a contempt of the tribunal. A contempt is made punishable by fine, either by prosecution for a summary offence, or by the tribunal. The provisions for enforcement of orders for payment of money are unchanged.

The Bill makes a number of other amendments in the nature of statute law revision, as set out in its schedule.

Clauses 1 and 2 are formal.

Clause 3 amends sections 4 of the principal Act which deals with interpretation.

Clause 4 provides for the repeal of section 10 of the principal Act and the substitution of a new provision. The new provision is substantially similar to section 10 of the principal Act except that in addition to the Commercial Registrar there shall be one or more deputy commercial registrars. A registrar (being either the Commercial Registrar or a deputy commercial registrar) who is a legal practitioner may, with the approval of the tribunal, exercise the jurisdiction of the tribunal in relation to matters of a prescribed class.

Clause 5 amends section 13 of the principal Act to provide that the tribunal is bound by the rules of evidence in proceedings related to a contempt of the tribunal.

Clause 6 amends section 15 of the principal Act by substituting 'a registrar' for 'the Registrar' and by striking out the contempt provisions which are provided for in clause 11 of the Bill.

Clause 7 amends the heading to Division IV consequential on the amendment contained in clause 7.

Clause 8 amends section 20 of the principal Act so that an appeal lies as of right if it involves a question of law or arises from proceedings related to a contempt of the tribunal otherwise an appeal lies only by leave of the tribunal or the Supreme Court.

Clause 9 inserts a new section 21a providing that a party to proceedings in which the jurisdiction of the tribunal is exercised by a registrar may, within one month of the decision or order of the registrar, apply to the tribunal for a review of the decision or order.

Clauses 10, 11 and 12 amend sections 22, 24 and 25, respectively, of the principal Act consequential on the amendment proposed in clause 4 of the Bill.

Clause 13 provides for the insertion of two new sections in the principal Act. The proposed section 25a sets out the actions which constitute a contempt of the tribunal. The proposed section 25b provides that a contempt of the tribunal may be prosecuted as a summary offence or dealt with by the tribunal and, in each case, be punishable by a fine not exceeding $10 000.

Clause 14 is an amendment consequential on the amendment proposed in clause 4 of the Bill.

Clause 15 provides for the making of various other amendments to the principal Act which are being made in conjunction with the proposed reprinting of the Act.

Mr D.S. BAKER secured the adjournment of the debate.

PRIVATE PARKING AREAS BILL

Second reading.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill repeals the Private Parking Areas Act 1965, and enacts new legislation to regulate, restrict or prohibit the use by the public of private access roads, private walkways and private parking areas and to make special provision for enforcement of provisions relating to private parking areas.

The Private Parking Areas Act 1965 was enacted for the purpose of controlling land used by the public, with the consent of the owners thereof, as private access roads, parking areas, or pedestrian walkways to premises.

The owners of private parking areas and interest groups representing disabled persons have become concerned that the Act in its present form is ineffective.

The principal areas of concern are the need for proper enforcement of the Act, the adequacy of signs indicating the nature of controls, method of dealing with offences, and abuse of the right to use a private parking area.

The Bill addresses these concerns by—

(1) Providing that the owner of a private parking area may enter into an agreement with a council to enforce the Act.

(2) Not including a requirement contained in certain provisions of the Private Parking Areas Act 1965, that a driver of a vehicle must be requested to remove the vehicle before an offence is committed.

(3) Providing that offences under the Act shall be committed by leaving a vehicle parked or standing contrary to instructions or directions appearing on or indicated by any sign, road marking or notice with respect to the parking or standing of vehicles.

(4) Providing that only vehicles displaying a Disabled Persons Permit issued by the Registrar of Motor Vehicles pursuant to section 98r of the Motor Vehicles Act or a similar permit issued by a State, or a Territory, of the Commonwealth, may stand in areas set aside for disabled persons.

(5) Providing for the prescribing by regulation of a code of practice for signs and/or road markings.

(6) Providing that both the owner and driver of a vehicle shall be guilty of offences under the Act.

(7) Providing that where an agreement referred to in (1) is entered into offences reported by authorised officers under the Local Government Act 1934, may be expiated upon payment of a prescribed expiation fee.

The proposed amendments are not intended to introduce parking controls of the complexity of those currently operating in relation to on street parking but to put in place such controls as will ensure the orderly and safe use of private parking areas.

Clauses 1 and 2 are formal.

Clause 3 repeals the Private Parking Areas Act 1965.

Clause 4 provides for the definition of expressions contained in the measure. The following definitions are noted:

'Authorised officer' is defined as a person who is an authorised officer for the purposes of the Local Government Act 1934, and includes a member of the police force:

'Exempt vehicle' and 'owner' in relation to land are defined.

The clause also contains definitions of 'disabled persons parking area', 'disabled persons parking permit', 'loading area', 'no standing area', 'permit parking area' and 'restricted parking area'.

The areas in which the use by the public is regulated, restricted or prohibited pursuant to the Bill are also defined. They are 'private access road', 'private parking area' and 'private walkway'.

Clause 5 provides in subsection (1) that the owner of a private walkway or private access road may impose any one or more of the following conditions in relation to the private walkway. A condition regulating or restricting access to or egress from the private walkway. A condition prohibiting use of the private walkway or a private access road for any purpose except access to or egress from premises of the owner and a condition limiting the times within which vehicles or pedestrians may enter or remain in the private walkway. Subsection (2) provides that the owner of the private access road may impose any one or more of the following conditions. A condition regulating or restricting access to or egress from the private access road. A condition prohibiting use of the private access road for any purpose except access to or egress from premises of the owner. A condition regulating, restricting or prohibiting the parking of vehicles on the private access road or any part of the private access road and a condition limiting the times within which vehicles or pedestrians may enter or remain in the private access road. Under subsection (3) any conditions imposed under the proposed section in relation to a private walkway or private access road must be clearly shown on a notice at each entrance to the private walkway or private access road.

Clause 6 provides that a pedestrian who uses a private walkway or private access road in breach of a condition

imposed under Part II of the proposed Act is guilty of an offence. A penalty of $200 is imposed for this offence. Under subsection (2) if a vehicle is parked or driven in breach of a condition imposed under Part II of the proposed Act or is parked or driven on a private pedestrian walkway, the owner of that vehicle is guilty of an offence and if the owner is not the driver of the vehicle the owner and the driver are each guilty of an offence. A penalty of $200 is imposed for a breach of the subsection.

Clause 7 provides in subsection (1) that the owner of a private parking area may by notice fixed at or near each entrance to the private parking area impose time limits on the parking of vehicles in the private parking area. Under subsection (2) the owner of a private parking area may set aside any part of the private parking area as a disabled persons parking area, a loading area, a no parking area, a restricted parking area or a permit parking area.

Clause 8 provides in subsection (1) that a motor vehicle must not be parked in a no parking area. Under subsection (2) a motor vehicle must not be parked in a disabled persons parking area unless a disabled persons parking permit is exhibited on the vehicle and subsection (3) provides that a motor vehicle must not be parked in a permit parking area unless a permit issued by the owner authorising the parking of the vehicle in the permit parking area is exhibited on the vehicle. Under subsection (4) a motor vehicle must not be parked in a loading area unless the vehicle is a commercial vehicle that is being used for the delivery of goods to premises of the owner. Subsection (5) provides that a motor vehicle must not be parked in a restricted parking area unless the vehicle is of the class for which the restricted area is established. Under subsection (6) where a time limit is in force under the proposed Act in relation to the parking of vehicles in a private parking area, a motor vehicle must not be parked in the private parking area for a period in excess of the time limit (unless a permit issued by the owner authorising the parking of the vehicle beyond the time limit is exhibited in the vehicle). An additional period of 90 minutes in excess of a time period is provided for motor vehicles in which a disabled persons parking permit is exhibited. Subsection (7) provides that a permit is exhibited in a vehicle if, and only if, the permit is exhibited on the inside of the windscreen of that vehicle in a position adjacent to the registration label so that it is easily visible by a person outside the vehicle. Under subsection (8) if a motor vehicle is parked in contravention of this section the owner is guilty of an offence and if the owner is not the driver, the owner and the driver are each guilty of an offence. The penalty for an offence is $200.

Clause 9 provides in subsection (1) that the owner of a private parking area and the council for the area in which the private parking area is situated may make an agreement for the enforcement by the council of the provisions of Part III of the proposed Act in relation to that private parking area. Under subsection (2) where an agreement is in force under subsection (1) the following provisions apply. Firstly, no person except an authorised officer shall commence a prosecution for an offence alleged to have been committed in the private parking area against Part III of the Act without the prior approval of the Commissioner of Police or the chief executive officer of the council. Secondly, an authorised officer is empowered to exercise in relation to the private parking area any of the powers of the authorised officer in relation to the enforcement of the Local Government Act 1934. Thirdly, any fine or penalty imposed in respect of offences relating to the private parking area shall be paid to the council. Fourthly, where it is alleged that a person has committed an offence relating to the private parking area, the council may cause to be served personally or by post on that person a notice to the effect that the offence may be expiated by payment to the council of the prescribed expiation fee within 21 days of the date of service, and, if the offence is so expiated, no proceedings shall be commenced in any court with respect to the alleged offence or the proceedings shall be discontinued. Subsection (2) *(a)* is an aid to service of an expiation notice. Subsection (2) *(b)* provides for late payment of an expiation fee. Subsection (3) provides that an agreement under subsection (1) may be revoked by either party to that agreement on giving 3 months notice in writing to the other party of the revocation.

Clause 10 is an aid to proof and provides that in proceedings for an offence against this Act an allegation in a complaint that certain land referred to in the complaint constitutes a private walkway, private access road or private parking area shall be accepted as proved in the absence of proof to the contrary.

Clause 11 provides an exemption for fire, ambulance and other vehicles. Under this clause it is provided that notwithstanding any other provisions of this Act, no offence arises from the driving or parking of an exempt vehicle on a private access road, private parking area or private pedestrian walkway.

Clause 12 provides that the use of a private access road, private parking area or private pedestrian walkway does not create any right by prescription or adverse possession in or over the private access road, private parking area, or private pedestrian walkway and does not constitute, or provide ground for constituting, the private access road, private parking area or private pedestrian walkway, a highway, street or road.

Clause 12a provides for an exemption from liability for a council and council officers acting in good faith while acting under the Act.

Clause 13 provides in subsection (1) that offences constituted by the Act are summary offences. Subsections (2), (3) and (5) provide for various evidentiary aids and for defences for owners and drivers in proceedings for offences against the Act. Subsection (4) also provides that before proceedings are commenced against the owner of a motor vehicle for an offence against the Act a notice must be sent to the owner. The notice must both set out particulars of the alleged offence and invite the owner, if the owner was not the driver at the time of the offence, to send a statutory declaration setting out the name and address of the driver within 21 days of the date of the notice. Under subsection (5) *(b)* the owner has a defence in proceedings for an offence against the Act if he or she proves that he or she provided the statutory declaration under subsection (4) *(b)*. The owner also has a defence under subsection (5) *(a)* if in proceedings against the owner, the owner proves that he or she was not in possession of the vehicle at the time of the alleged offence in consequence of some unlawful act.

Clause 14 provides in subsection (1) that the Governor may make such regulations as are contemplated by this Act or as are necessary or expedient for the purposes of this Act. Subsection (2) provides that, the Governor may make the following regulations providing for the establishment of a code of notices, signs, road markings and other devices to denote areas, parking spaces, conditions, limitations, restrictions or prohibitions relating to private parking areas, private access roads, or private walkways and prescribing penalties, not exceeding $200, for contravention of, or noncompliance with, a regulation.

Mr LEWIS secured the adjournment of the debate.

MENTAL HEALTH ACT AMENDMENT BILL

Second reading.

The Hon. R.G. PAYNE (Minister of Mines and Energy): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The main purpose of this Bill is to make several changes designed to assist the Guardianship Board in carrying out its functions. The opportunity has also been taken to make some administrative changes to the principal Act.

As members will recall, the Guardianship Board was established under the Mental Health Act to assist persons suffering from mental illness or mental handicap by acting as their guardian and ensuring the proper management of their affairs.

Since the establishment of the board in late 1979, its workload has steadily increased, to the point where there are now approximately 3 000 clients under board orders and new applications at the rate of approximately 550 per annum.

The board anticipates a further significant increase in its workload when the Mental Health Act Amendment Act 1985 is proclaimed. As members will recall, that Act deals with the matter of consent to treatment. The legislation will give the Guardianship Board power to consent to treatment of mentally ill and mentally handicapped adults unable to consent for themselves. It also provides for the board to delegate the power to consent to most procedures for mentally ill and mentally handicapped adults. In order to delegate this power, the board will need to hear numerous applications from persons seeking to have the right to consent on behalf of those not capable of consenting themselves. The board itself will also hear and determine applications for consent to treatment. In particular, the board will hear applications for sterilisation procedures and for terminations of pregnancy. Consent to such procedures cannot be delegated under the Act.

This Bill is designed to assist the board in handling both its current workload and the increase which it is anticipated will occur with the proclamation of the consent legislation. The Bill doubles the size of the current Guardianship Board from five to 10 members and enables it to sit concurrently in two divisions. The increased board will be made up of persons with experience in the same fields as the current board, namely two each from the legal, psychiatry and psychology professions. The Bill also continues to provide for the appointment of other members with appropriate qualifications.

Another change designed to assist the board is the provision enabling delegation of the board's powers to the Chairman. Currently, in order to determine matters, the board must sit as a full board. This causes unnecessary delays in routine matters and also occupies an increasing amount of the board's time. Under the proposed amendments. delegations by the board would be subject to the approval of the Minister. The types of powers which it is envisaged might be delegated in this way could, for example, include the transfer of custody by consent from one institution to another and the approval of sales of real estate under administration orders. It is not proposed that powers affecting a person's status and civil liberty would be delegated.

Miscellaneous matters of a non-contentious nature occupy an increasing amount of the board's time. The power of delegation of such matters to the Chairman will alleviate the drain this causes on the board's resources.

The Bill also provides for an increase in the powers of the Guardianship Board in order for it to be fully cognisant with all the relevant facts before making an order. The Mental Health Review Tribunal, which reviews decisions of the Guardianship Board, has the power to order the production of documents and to require persons to answer questions. The Guardianship Board has no such power. In the past, the board has usually been able to overcome this dilemma with the cooperation of all parties. However, this has not always been the case. The amendment enables the board to require the production of documents, etc., thus assisting it to make fully informed decisions in the interests of patients.

Third parties have complained at times that even though they have a valid interest in the detention or freedom of a person they are not given the opportunity to make submissions on the discharge of the patient nor have they been notified of the discharge of a patient. The Bill will require the board and the Mental Health Review Tribunal to give notice to third parties of hearings and to afford those with a proper interest the opportunity to be heard. Such persons will also be advised of orders or variations to orders made by the board and tribunal.

In making orders the Guardianship Board currently treats the welfare of the mentally ill or handicapped person as paramount. The Bright Committee on Rights of Persons with Handicaps considered that the board should also be statutorily obliged to have regard to the least restrictive alternative when making an order interfering with rights and independence of a person. This Bill imposes such an obligation on the board.

The Guardianship Board is given power under section 28 of the Act to impose such conditions as the board thinks fit when appointing an administrator of an estate. The board at times receives applications from persons for their affairs to be taken away from the Public Trustee. At times also, circumstances of a person change and the administration of their affairs needs to be reviewed. This Bill makes it clear that the board has the power to make such variations.

Under the Aged and Infirm Persons Property Act, the Supreme Court has the power to direct that a will of a protected person shall be made only after such precautions as the court thinks fit. Any will not made in accordance with this direction is held to be ineffectual. The Guardianship Board is now responsible for many cases which previously went to the Supreme Court. However, the board has no power to direct that precautions be taken before a protected person makes a will.

This Bill gives the Guardianship Board the necessary power. The Bill also seeks to further protect persons residing in psychiatric rehabilitation centres. The Act requires that such centres be licensed by the Minister. Where the holder of such a licence contravenes or fails to comply with a condition of that licence, the Minister may under the Act, give one month's notice of intention to revoke the licence.

During that month the holder of the licence may appeal to the Mental Health Review Tribunal. At the end of that month unless the appeal to the tribunal is successful, the Minister may revoke the licence.

Circumstances may arise where the safety, health and welfare of patients is at such risk that the immediate suspension of the licence is more appropriate than giving one month's notice of an intention to revoke the licence. The Bill will give the power to the Minister to immediately

suspend a licence where patients are at risk and to make necessary alternative arrangements for the accommodation of patients.

In summary, this Bill aims to further protect the interests of the mentally ill and mentally handicapped and to ensure the continued smooth running of the Guardianship Board. I commend the Bill to the House.

Clauses 1 and 2 are formal.

Clause 3 effects some consequential amendments that make it clear that the expressions 'Chairman' and 'Assistant Chairman' include a reference to the deputies of those persons.

Clause 4 doubles the size of the Guardianship Board from five to 10.

Clause 5 makes several consequential amendments.

Clause 6 gives the Chairman the power to direct that the board may sit in two separate divisions for the purpose of expediting the business of the board. Each division will be headed by either the Chairman or the Assistant Chairman. A quorum for the full board is six and for a division is three. The person presiding at any meeting (whether of the full board or a division) has a casting vote as well as a deliberative vote. New section 25 gives the board the power to delegate any of its functions to the Chairman, but only with the approval of the Minister. New section 25a gives the board the power to require the attendance of persons before the board and the production of documents to the board. The usual offences of failing to comply with such a requirement are provided, and the usual protection against self-incrimination is given. New section 25b requires the board to afford a person who is to be the subject of an order, direction or requirement of the board to be given an opportunity to appear before the board, unless it is impractical to do so. The board must also give a similar opportunity to persons who have a proper interest in proceedings whereby a person may be placed under, or removed from, the guardianship of the board or the care and custody of another person, or whereby a person's affairs may be placed in, or removed from, the hands of an administrator. If a person has made representations to the board in any matter, the board must give notice to that person of any order subsequently made by the board. New section 25c requires the board to give due consideration to the wishes of the person the subject of the proceedings, and to the object of taking the least intrusive action in relation to a mentally ill or mentally handicapped person.

Clause 7 first limits the board's obligation under this section to review the circumstances of protected persons to those who are under the guardianship of the board. (The obligation to review the appointment of an administrator is to be inserted in a later section.) A consequential amendment is also made.

Clause 8 provides for the periodic review of the appointment of an administrator. Provision is also made for the revocation or variation of such an appointment. It is made clear that an administrator is a trustee of the protected person's estate.

Clause 9 inserts several new provisions. New section 28aa provides that an order of the board appointing an administrator is registrable under the Real Property Act if it affects land. New section 28aab provides that the board may direct that a protected person can only make a will after certain precautions specified by the board have been complied with. A will made without complying with those precautions has no effect.

Clause 10 provides that the tribunal must afford the same opportunities for appearance before the tribunal and give the same notice of orders as is provided in relation to the Guardianship Board in new section 25b inserted by clause 6 of this Bill.

Clause 11 provides the Minister with the power to suspend the licence of a psychiatric rehabilitation centre upon which notice of proposed revocation has been served. The Minister may only exercise this power if the Minister believes the safety, health or welfare of a patient would be at risk if the centre continued to operate pending decision as to revocation of its licence. If a licensee is suspended, the Minister is empowered to take steps to secure the proper care of patients in the centre.

Mr OSWALD secured the adjournment of the debate.

MEDICAL PRACTITIONERS ACT AMENDMENT BILL

Second reading.

The Hon. R.G. PAYNE (Minister of Mines and Energy): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The purpose of this short Bill is to create a new structure for the chairing of the Medical Practitioners Professional Conduct Tribunal.

The Medical Practitioners Act currently provides for the Chairman of the tribunal to be:

- a person holding judicial office under the Local and District Criminal Courts Act;
- a special magistrate; or
- a legal practitioner of not less than 10 years' standing.

The tribunal hears complaints alleging unprofessional conduct and may impose sanctions ranging from reprimanding the medical practitioner to cancellation of registration.

It is intended in the future that the tribunal be presided over by a District Court judge or a magistrate. While the Act currently allows for the Chairman to be a person of either of those categories, it does not provide adequate flexibility to enable a number of judges or magistrates to act as presiding officer. Taking account of the nature of the work and the substantial time commitment which may be involved in hearings, the Government believes such flexibility is desirable to assist the work of the tribunal. The Bill seeks to achieve that objective.

Clauses 1 and 2 are formal.

Clause 3 provides two definitions that are required by the later amendments.

Clause 4 replaces section 24 of the principal Act with three new sections. The new sections create a new structure for the tribunal which will allow the Senior Judge to nominate a District Court judge or a magistrate to act as the presiding officer of the tribunal in relation to a complaint or application before the tribunal. A number of judges or magistrates may be nominated at the one time in respect of different matters. Once nominated the nominee will hear the matter to its conclusion. The Senior Judge must have the approval of the Chief Magistrate before nominating a magistrate.

Clauses 5 and 6 make consequential changes.

Mr OSWALD secured the adjournment of the debate.

STATUTES AMENDMENT (EXECUTOR COMPANIES) BILL

Adjourned debate on second reading.
(Continued from 26 November. Page 2361.)

Mr MEIER (Goyder): The Opposition supports this Bill. Members will be aware that basically there are four amendments in the Bill, two of which cause no concern at all, but perhaps more time and thought should have been given to the other two amendments. The first amendment permits companies to charge an administration fee for their common funds. Remembering that these amendments are at the request of the trustee companies, it is understandable that such an administration fee would be sought.

Unfortunately, because of the lack of time, although the Law Society of South Australia was contacted, it has been unable to provide a formal response. Nevertheless, I have a response from a solicitor, and some concerns have been expressed about this first amendment. Certainly, I hope that the Minister will be able to comment on these concerns. As to the first amendment, namely, permitting the charging of an administration fee on common funds, at first glance it seems reasonable. However, the companies are already entitled to charge commission at the rate of 7.5 per cent on the income of the fund when it is distributed to the various trusts. Really, this is a proposal for double dipping, if one considers the implications of the amendment, which would permit the companies to conceal from their clients the real amounts that they are earning from the trusts that they are administering.

Furthermore, it could be considered that the justification for the charges is specious. Electronic data processing systems are supposed to lead to greater efficiency and reduced costs and advertising, as well as to increased business and efficiencies of scale. If companies are not achieving these results, the beneficiaries of the trusts that they are administering should not be expected to meet that cost. Members will recall from the second reading explanation that it was believed these extra costs needed to be introduced partly because of the introduction of electronic data processing systems. That argument needs to be weighed up further. Usually, EDP systems are brought in to increase efficiency, yet it seems that they have to have increased charges to overcome some inefficiencies.

The other cause for concern is the third amendment, which is designed to deregulate the fee structure with respect to living clients: rates will be negotiated directly with clients outside the Act. Again, I express concerns, and I hope that the Minister will address them. The provision to allow the beneficiaries to authorise the companies to charge a higher rate is open to abuse and to allegations that grieving spouses and relatives could be asked to sign, and possibly pressured into signing, such authorities at times when they were distressed and not able to consider properly the matter or even to realise what they were signing.

At such times the parties involved are far from being in an equal bargaining position. If it is considered that increased fees may be justifiable occasionally, they should be permitted only with the consent of all beneficiaries and if confirmed by the court. Furthermore, the proposal would appear to be somewhat unacceptable, because it makes it possible for a trustee company to tell testators or settlers what their rates of commission are; that they are controlled by statute; and after the death of the testator or the establishment of the trust, to negotiate with the beneficiaries for an increase in the rates.

I am sorry that we have reached the end of the session, because the concerns that I have raised about the first and third amendments should have been given more thought. The Opposition is well aware that the Bill has been passed by another place, but I believe that it was introduced there with a minimum of discussion. The Opposition merely asks the Minister to address these two points so that the trustee companies do not gain an unfair advantage. As I said earlier, though, in general terms the Opposition supports this Bill.

Mr S.G. EVANS (Davenport): One of the difficulties that we have in this place concerns Bills like this that are complicated. If I think of the financial field, I realise that the member who had the greatest capacity in this place during my time here was Bill Nankivell. That even includes the lawyers who have been in this place, especially those who had been in the commercial field.

The Bill has been put before us, and I, too, contacted a trustee company, which indicated that it was preparing something for someone else. I spoke to two lawyers and obtained two different views, which has taught me a lesson: perhaps I should only contact one in the future, or contact three and accept the majority view, unless one remains neutral, in which case I would be left in the same position. One lawyer advised me that I should have no fears, but the other had a more conservative view.

Members interjecting:

Mr S.G. EVANS: Members may laugh and claim that I am being irrational, unfair, pedantic, petty or whatever.

Mr Klunder: Unusual.

Mr S.G. EVANS: The member for Todd interjects—sometimes you have to be unusual to understand the unusual. It is a rather poor system of Parliament when a Bill which contains such complicated provisions as this one is introduced into Parliament on 25 November and is expected to be passed on 3 December, which is when the Bill reached this House.

Mr Klunder: It's been passed by another place.

Mr S.G. EVANS: The member for Todd makes the point that the Bill has been through another place. True, but when it gets here we do not know what form it will be in. It is no good worrying about that beforehand: indeed, we have enough on our own plate at the end of a session, bearing in mind the rapidity with which the Government brings in legislation at the end of a session, while we have nothing to do at the beginning of the session.

We sit only a few days a year, and there is no reason why such Bills cannot be introduced earlier. If it cannot be brought on earlier in the year, there is no real concern about its coming before the House next year. I make the point that we are supposed to review the legislation. Indeed, if I asked the 47 members in this House to write a report on what this Bill did, there would not be 10 who would know all the details. Not even all members of Cabinet would know the details. That is how ludicrous the situation is. Why cannot we have more time or perhaps sit next week?

I have two legal opinions on the proposal before us, and I should not have to rely on them: I should have the opportunity to go to the people in the finance world, particularly trustee groups, and ascertain their views, but that opportunity is denied us even though we have these responsibilities. I will not debate this issue further, but I will make the point on every Bill thrust before us during the remainder of this session on which the Government expects a decision from us.

Some of the Bills are not even explained to us in totality. I asked that the Minister read one of the second reading explanations, but others have been inserted in *Hansard* without being read. We have to read the second reading explanations, research the existing Acts, look at the Bills

put before us and pass them today or, at the latest, tomorrow. There is no way anyone in the community would support that as being a sane operation. I am not saying that this is the only Government that operates in that way: it has happened in every session of Parliament since I have been here.

All I have ever asked (and I asked it of my own Party when I was Whip and Secretary) is that, instead of Bills coming forward in this way, no new Bills, except emergency measures, should be introduced in the last few days of a session. We must provide for emergencies, but this is not an emergency measure: we know that the Bill does not relate to an urgent situation. If it is urgent, it involves no more than a week, and we could sit next week. We could have sat on other nights and discussed this Bill instead of going home early. Why not? Private members' time could have been left until the usual time tomorrow, and later tonight we could handle other matters. There is still not enough time. We really need to sit next week to get a decision.

The SPEAKER: Order! The Chair has been fairly tolerant of the way in which the honourable member for Davenport has deviated from the contents of the Bill, but I now ask him to return to that matter.

Mr S.G. EVANS: Thank you, Sir. I have two opinions, one indicating that there are no problems, and the other expressing reservations, albeit not great. I will support the Bill, but I wanted to lodge that protest.

The Hon. G.J. CRAFTER (Minister of Education): I thank members who have indicated their support for this measure on behalf of the Opposition. The Bill seeks to bring about improvements in the management and provision of services by executor companies in South Australia. The member for Davenport raised a number of matters that do not really relate to the Bill. He is asking the House to wait until he is ready to debate it. He said that it is no use worrying about the Bill before it is introduced here, but, if we took that attitude in relation to every measure, it would take many years to pass legislation.

This legislation has an economic impact and an impact on the adequate and proper provision of services by executor companies, which are the subject of private Bills and Acts of Parliament. I believe that we have a duty to expedite those matters efficiently. The member for Goyder raised a number of issues. I noted that he said that he had not managed to speak to the Law Society about this matter but that he had spoken to a solicitor. I suggest that, to obtain a balanced view, the honourable member also speak to executor companies that have been asking for this legislation, because the solicitors are, in fact, in competition with the executor companies.

I will explain the two concerns that I believe the honourable member has and try to throw some light on this issue, which I note did not cause concern in the other place where the matter was considered fully. First, this legislation allows companies to charge against their common funds an administration fee. The companies have argued that the necessity to charge a fee has arisen from the deregulation of the financial industry and the increased competitiveness in the market. Trustee companies have been forced to increase salaries to attract the correct investment staff and have introduced sophisticated EDP systems. They have been forced to outlay more funds for advertising and improved investor reporting and have been open to increased audit costs, both external and internal.

The fee provided for in the Bill is equivalent to 1 per cent of the value of the fund per annum and also to the fee charged in Queensland, New South Wales, Victoria and Tasmania. The Western Australian system provides for a fee that is .5 per cent, but that was established in 1974. There is no radical move involved here. In fact, this measure brings South Australia into line with the majority of the other States in Australia, allowing companies to provide those additional services and to keep up with the times.

The third set of amendments, to which the honourable member referred, relates to the ability of the companies to charge a fee or commission in relation to services for clients who are *sui juris* without having to seek approval of the court. The Bill allows the statutory trustee companies to negotiate fees with *sui juris* clients where they have been unable to do this in the past, but retains the necessity for the companies to seek approval of the court for the setting of fees in relation to services provided to beneficiaries who are minors or disabled persons. There is a safeguard which, of course, is entirely proper. Providing companies with the ability to negotiate a fee brings their powers into line with those of statutory trustee companies in the other States. Once again, this Bill simply brings those companies into line with their counterparts in the other Australian States.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Amendment of ANZ Executors & Trustee Company (South Australia) Limited Act 1985.'

Mr MEIER: I appreciate that the Minister has covered the main points that could have been made in Committee, and I referred to them in the second reading stage. However, I still see problems where trustee companies are able to negotiate their fees. It is recognised that court authority must be obtained in relation to minors or the disabled. To me, that almost seems to be saying, 'We realise that they might try to get too much in certain cases and, therefore, for the people who might not know better, we will provide a court procedure as a safety measure.' It comes back to the point that, surely, people who are very distressed (and that will invariably be the case) could perhaps be charged at a much higher rate than would normally be the case because they are in an emotional and traumatic situation and they are just not in a position to negotiate or shop around. Clause 2 is the appropriate clause in regard to which this matter should be debated. What safeguards are provided so that people are not charged at an excessive rate?

The Hon. G.J. CRAFTER: The honourable member's concerns are of a general nature and I am sure that they would be strongly denied by the long established trustee companies. Safeguards are provided by way of competition between those companies as to the fees that they will charge for work done for their clients. As a result of that competition, one can assume that the consumers of those services will in fact be better served and that accountability will be increased by the comparison of the rates charged by the various companies. People who can carry out all sorts of other transactions of an important nature, albeit sometimes in emotional circumstances, should be able to conduct this type of transaction without there having to be strict statutory intervention by the establishment of appropriate fee structures.

Mr MEIER: The Minister's statement that competition will stop overcharging is unsatisfactory. Finance companies say that, as a result of competition, they will not charge excessive rates for loans, but at present I am handling the case of a farmer who may be sold up because a finance company has done things which I believe are not in the legitimate interests of the legislation under which it works, yet legally it is entitled to charge the exorbitant rate that it

did charge and to modify the terms of the loan. Will the Minister give a more solid undertaking so that people can rest easy with these amendments?

The Hon. G.J. CRAFTER: I do not think that I can add anything more. The thrust of the Bill is to enhance competitiveness between the companies and, in order to help the client, certain safeguards have been built into the legislation. A client must authorise the trustee company to enter into those negotiations by a written instrument. If the client wishes to remain within the statutory provisions and the fees established there, that client is within his rights to do that. The honourable member may be facing fears where he need not do so. This is a matter in which the trustee companies would establish ethical practices and codes of conduct to ensure that the matters referred to by the honourable member do not arise.

Clause passed.

Remaining clauses (3 to 6) and title passed.

Bill read a third time and passed.

SUMMARY OFFENCES ACT AMENDMENT BILL (No. 4)

Adjourned debate on second reading.

(Continued from 26 November. Page 2365.)

Mr D.S. BAKER (Victoria): The Opposition supports this Bill. In the last session of Parliament a Bill was passed in the Legislative Council dealing with the rights of children on arrest. That amendment provided for the mandatory presence of the person's solicitor, relative, friend, or a nominee of the Director-General of the Department of Community Welfare at any interrogation or investigation of a minor in custody. Since consideration of that measure in the Legislative Council, the Attorney-General suggests that there are potential and practical problems in requiring the attendance of such an adult witness every time a child is arrested. The police have indicated that, under a general order requiring them to interview a child in the presence of the child's parent or guardian where practicable, the attendance rate of adults at such interviews is only one in 10. That should concern all members.

In those circumstances, however, the Government has identified, correctly, that the primary burden of providing an adult witness will fall on the Department for Community Welfare and there is also a perceived problem of providing witnesses after hours, as well as a further problem of providing an adequate service for people who live in the far northern areas of the State. In view of this potential problem, the Bill makes it a mandatory requirement that an adult be present at an interrogation where a minor has been arrested on suspicion of having committed a serious offence.

However, where a child is arrested for an offence that is not a serious offence there is an onus on the member of the Police Force who is conducting the investigation to take reasonable steps to secure the attendance of an adult at the interrogation. A serious offence is punishable by imprisonment for two years or more. Secondly, the category of adult persons who can be called on to be present with the child has been widened to include any other suitable adult who is not a member of the Police Force or who is not an employee of the Police Department.

The Attorney-General notes that this will ease the burden on the Department of Community Welfare in being called on in last resort, as is happening now. The Bill also makes another significant change. Under section 78 of the Summary Offences Act, an adult person may be held for four hours after arrest and for a further four hours if a magistrate so allows. That period, by virtue of an amendment in this Bill, is not to include any period of delay in arranging for a solicitor or another person to be present. The Government was subject to some criticism in respect of the previous Bill, but the problems which gave rise to that criticism appear to be addressed by the Bill, so the Opposition supports the measure.

Mr S.G. EVANS (Davenport): I support the Bill, which helps not only the Department of Community Welfare but the Police Department as well. It provides that the police officer, in a case where the maximum penalty for the offence with which the person may be charged does not exceed two years imprisonment, need not seek to have someone present and it gives police officers the opportunity to interview the child if they are forced into that situation, and to interrogate the child as much as is reasonably necessary.

They can have someone other than a member of the family or Community Welfare officer present as long as the police believe that that person is entitled to be present and have the child's interest at heart. I support that as a sensible move. I agree that Community Welfare has plenty on its plate and that, particularly for less serious offences, it gives the police and Community Welfare a letout and overall gives Community Welfare officers a letout if the police can find other people who will foot the bill in cooperation with Community Welfare. Community Welfare has to be informed, as is quite fair, in the case of a more serious type of offence so that it can do some liaising with either a member of the family or somebody else. I support the Bill.

The Hon. G.J. CRAFTER (Minister of Education): I simply rise to thank members of the Opposition for their indication of support for this measure.

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

LAND AGENTS, BROKERS AND VALUERS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 November. Page 2363.)

Mr OSWALD (Morphett): The Opposition supports this Bill, which is a far more complex measure than meets the eye, and it would have been appreciated if we had had more time to discuss it. It has 15 clauses and a heavy list of schedules. Nevertheless, time is constrained and we support the second reading.

The industry generally joins with the Liberal Party in supporting those changes. However, there are both minor and major changes that are of concern in this Bill. The most serious and pressing are the omission of reference to educational purposes for which the funds from the Agents Indemnity Fund are to be applied; the proposed introduction of a maximum deposit for the sale of a small business fixed at 10 per cent of the total consideration; the timing at which term deposits are to be transferred to an authorised trust account; and the removal of the ability of an agent to have an interest in the sale of land or business only by the agent. They are some of the areas of concern to both the Opposition and the industry.

I will not today go through the 15 clauses of the Bill, as they have been canvassed at length in the Upper House. However, a couple of clauses should be put on record in

regard to the position of the Opposition. I refer to clause 6 of the Bill, dealing with new trust accounting procedures and requirements. The proposed section 64, dealing with the withdrawal of money from trust accounts, is claimed by the Real Estate Institute to be deficient in that it does not provide a mechanism for an agent to divest himself or herself of moneys which may be in dispute. The Hon. K.T. Griffin in another place attempted to insert an amendment in this legislation. It is only a short amendment, and I draw it to the attention of the House. The amendment provided:

After line 23—Insert new subsection as follows:

(1a) Where the vendor and purchaser under a contract for the sale of land or a business jointly give directions to an agent as to the manner in which the agent sould deal with a deposit paid under the contract or with any income arising from investment of the deposit, the agent shall comply with the directions.

That is a very right and proper amendment and should have been in the Bill as it emerged from the Upper House.

I ask members why that arrangement should not be permitted. There are many occasions where vendors and purchasers agree that a deposit may be invested and the income applied either to the vendor or the purchaser or in some proportion between them. It seems that this Bill prevents that and means that the deposit is left in a trust account and earns interest for the Agents Indemnity Fund. I have been advised of a number of cases where large deposits are paid. In one instance the deposit was $60 000 and the settlement was not to take place for several months, because planning consent was required. The parties agreed that the deposit should be invested on a term deposit with one of the banks and the interest applied to the benefit of the vendor if settlement proceeded and to the purchaser if it did not proceed, in the event of consent not having been granted. In those circumstances it seems to be perfectly reasonable that the parties can agree that the deposit should not sit idly in a trust account but should be working for their benefit.

The Government in another place totally opposed this amendment on several grounds that I believe are false. If indeed the two parties concerned wish to enter into an arrangement (after all, it is their money and we are in a free world) and wish to invest in a certain manner and secure that money, there is no logical reason to oppose it, other than for an ulterior motive by the Government, namely, to ensure that the money is retained in a fund for some other purpose.

Parallels were drawn in another place by the Attorney-General, who argued against the case of a purchaser and vendor being able to direct where the interest would be placed. He drew comparisons with the legal and other professions and a way in which the Legal Practitioners Act controls the trust funds of legal practitioners. He said that two clients could not make a decision, that it had to be invested as per the instructions under the Legal Practitioners Act, and that therefore under this Act it should be the same.

In respect of the legal practitioners combined trust account, it is quite a different mechanism. I do not believe that comparisons should be drawn. It is based on a proportion of the minimum balance in a solicitor's trust account in any one period of six months. It is now required to be paid to the credit of the combined trust account and it is the interest on that combined trust account that is then paid to the guarantee fund. The mechanism being set up in this proposal is quite different and, without dwelling too long on clause 6, I believe that the Upper House and the Government should have allowed the vendor and purchaser to come to an arrangement whereby moneys could be invested as an arrangement which could be legalised and formalised.

Clause 12 is the other clause to which I would like to refer briefly. It provides that, with respect to the sale of a small business, the vendor cannot require the payment of a deposit greater than 10 per cent of the total consideration. The 1985 amendment Bill introduced a provision that the amount of the deposit could not exceed 25 per cent of the total consideration of the sale. The second reading explanation gives no indication as to why the proportion is reduced from 25 per cent down to 10 per cent.

The Real Estate Institute submits that experience shows that the purchasers of very small businesses where legal formalities and appropriate notices have been delivered, frequently attempt to avoid their obligations under the cooling off period until it has elapsed. It submits that this causes considerable problems to respective vendors, who may take weeks or even months to be extricated from the contracts before that person can again offer the business for sale. The Real Estate Institute proposes that the deposit should not exceed 10 per cent of the total consideration of the sale or $2 000, whichever is the larger. There is some equity and logic in the proposal, and the Opposition supports that move. As I said earlier, the amendment was put to the Government in the Legislative Council and defeated, and of course it would be defeated here. So, in the interests of all members, I will not put them through that exercise.

Those are the two areas that I believe are of concern to the institute, the industry and the Opposition. We would have preferred that those amendments moved in the other place had been agreed to. They have not, and perhaps at another time they could be reconsidered by the Government. I have some other matters to raise in Committee, but I will conclude my remarks by saying that we support the second reading to allow the Bill to go to Committee.

Mr S.G. EVANS (Davenport): I have a deep concern in the area covered by the Bill, in particular concerning the failure of a significant number of people in the land broking profession who have carried out practices that are totally unjustified and illegal. Some I cannot talk about because they are *sub judice*. However, I wish to speak about one matter, which is still current, and show the inadequacies under the previous provisions of the Bill. I hope that the Minister of Education, representing the Attorney-General, can convince me that the new provisions are likely at least to eliminate the opportunity for very honest people being taken for a ride by dishonest people and losing a lot of their life savings.

I want to read out a letter (I will omit the names) regarding a constituent of the member for Heysen and a constituent of mine. I will, however, mention the name of the broker, who is presently having a holiday at Her Majesty's pleasure. I wrote to the Minister of Consumer Affairs on 22 January this year (I had communicated with him earlier) pointing out my concern that people who had lost a lot of money were receiving only a little more than a third of their loss from the indemnity fund. The Minister wrote back to me on 9 September 1986—approximately eight months later. We push through Parliament very quickly Bills to change the law—some in 24 hours—but the Minister took eight months to reply. He had some justification in this case for a longer period than normal in which to reply, but I think eight months is a bit steep. I had some acknowledgments and minor details from him earlier, but the substantive reply took eight months. His letter stated:

Dear Mr Evans,

I refer to your letter of 22 January 1986 concerning the Consolidated Interest Fund under the Land and Business Agents Act and claims against a land broker, Mr L. A. Field. In particular, you were concerned with a claim by Mr [name] of Hahn-

dorf . . . Please accept my apology for the delay in replying, but there have been a number of important developments in this matter which have clarified your constituent's likely position.

Another lady from Belair was involved in this. The letter continues:

Mr Field has been prosecuted and is at the present time serving a gaol sentence. Payments have been made from the consolidated interest fund to persons with claims against Mr Field at the rate of 35.37 cents in the dollar. Under section 72 (3) of the Land and Business Agents Act, the total amount which may be applied by the Land Brokers Licensing Board towards the satisfaction of all claims against a broker shall not exceed 10 per cent, or such other proportion as may be prescribed, of the balance of the consolidated interest fund.

My interpretation of that is that only 10 per cent of the fund can be used. The letter continued:

You raised the possibility of the board making further payments from the consolidated interest fund to persons with claims against Mr Field. This would be possible under section 72 (6) of the Land and Business Agents Act which states:

(6) The board may, with the approval of the Minister, make further subsequent payments to any person whose claim is not satisfied in full, or may make a payment to a person whose claim is barred, but any payment so made does not revive or reinstate a claim.

I wrote to the Minister asking him to exercise his powers to increase the payment to these people. The letter continues:

At its meeting on 6 February 1986, the Land Brokers Licensing Board passed the following resolution:

That it was satisfied that there were no special circumstances in the case of L.A. Field claims to exercise its discretion to increase the payout pursuant to the provisions of the Act. On the basis of information presented by the Registrar, the board noted that claims against the fund in total exceed the value of the fund at this point of time.

In other words, the fund did not hold enough money to pay out all of the people. The resolution, as quoted in the letter, continued:

The board further resolved that it would consider the matter again at the expiration of 12 months from this date to ascertain whether, in the light of claims experience and amount then in the fund, consideration could be given for further payments out of the fund in respect of the Field matter.

Since then, others have entered the field. In other words, other brokers have gone bad for quite substantial amounts. One was reported in the *Advertiser* on 2 May this year, when an article headed 'Investors' money used to sustain empire, court told' stated:

A man charged with having misappropriated more than $1.4 m had used investors' funds to expand and sustain his property empire, the Adelaide Magistrates Court was told yesterday. It was alleged the public had been induced by press advertisements and brochures to invest in two mortgage schemes, and the money had been used as working capital.

The article then mentions the person's name. I am not sure that the case has been finalised, so I will not refer to the individual or what has happened since then. At about that time (and I do not have the article here) the press commented that $3 million was in the fund. That may be an inaccurate statement.

In the case of Field, I think the total claims were about $868 000; in other words, a third of that was paid out. If $3 million was in the fund at that time I cannot understand why the total amount in relation to Field could not be paid out. The Minister had the discretionary power to do it, and the board could have done it. Surely, that is what it was there for—as a hedge against shonks in the field, and in that respect I do not refer to Mr Field. That is a coincidence. The letter continues:

I have delayed replying to you in the hope that the board would have been able to make some final decision regarding further payment, but this has not yet occurred.

That statement is reasonable, that it took a long time—but I think too long. The Attorney-General is really saying that the board was unable to make a decision. In the circumstances, I suppose I must be reasonable and say that at least the Minister tried to give the board that time. The letter continues:

A report on the state of the fund and outstanding claims is currently being finalised and should be considered by the board in the near future. While it is possible that further payments may be made, I have to advise you that I consider it extremely unlikely as the total of current claims against the fund still exceeds the amount standing to the credit of the fund.

I suppose that I should have replied and asked for more details about the claims. I knew that a claim in relation to May was coming in, but there has been a more recent one since then and, if I recall correctly, the figure was something like $5 million or $6 million, which makes one wonder how much should be in the fund. The Attorney-General went on to say:

A Bill to amend the Land and Business Agents Act is presently being drafted. These amendments will strengthen the provisions of the Act relating to the fund and should ensure that the amount in the fund increases to the extent that it is able to satisfy future claims in full.

That is highly unlikely unless an amendment is made to the Bill, and it is not there now. I have tried to research this matter, and I will attempt to move an amendment next year to cover the point. I believe that we should make auditors of trust accounts liable if they claim to have audited the books and do not pick up that someone has manipulated the system for their benefit and to the detriment of those who have had trust in them; this should occur if a person has left his money with a broker who has manipulated the system, played around with the money and lost it or has used it for his own benefit. If auditors do not pick that up they, too, should be liable. I do not think we are providing for that in this Bill (and the Minister may correct me if I am wrong).

I know of a solicitor, acting on behalf of the lady from Belair, who put to the Minister or the department that that provision should be catered for in the Bill. I have not filed an amendment at this stage because I need to conduct more research and ask people in the field what they think. I also thought that the Minister might like to explain why it was not included if he had knowledge of the representations being made. This lady in question received a letter on 23 January 1986 from the Commercial Division of the Department of Public and Consumer Affairs. It stated:

I refer to your application pursuant to section 69 of the Land and Business Agents Act 1973-1982 in respect of the fiduciary default of Leslie Alan Field. The board acknowledges your claim for the sum of $113 000. The board, pursuant to section 70 (4) of the Act, advises that it has disallowed a portion of your claim for $5 000 in respect to the mortgagor because, on the evidence presently before it, the board is not satisfied that in the circumstances there was fiduciary default by the agent. If you have any further evidence to the contrary, please forward it to the board for reconsideration.

The board admitted that $108 000 of this lady's money was lost. She is retired; her husband died a couple of years ago; and they both retired from business a few years before that. She had faith in a system where this Parliament had passed an Act to set up a fund to protect people from loss through shonky brokers and land agents (although in this case we are talking about brokers).

This broker who failed was playing with the system for a lot longer than 12 months, as I believe happened in the other cases. I believe that the books had been audited. If they had not been, then the people in charge of the consolidated fund were failing to exercise their proper role. They should have asked for the audited statements which are supposed to be submitted under the Act. If they did not ask for them or move quickly—and I cannot say they should

be liable because they are public servants, and one could not do that—it was a serious error, and I have never found out whether or not it occurred. If the audited documents were submitted to the authorities and the auditor had made an error or was too casual about it, then he should be liable. Unless the Minister can convince me otherwise, we need to amend the Act to ensure that auditors are also liable—and I will seek to do that next year.

I suppose dozens of letters have been written to the Minister, and telephone calls and representations have been received from lawyers on behalf of those who have lost money in the case of Field and others. Departmental officers have reported back to the Minister's office in relation to the serious deficiencies in the present Act. We now have these amendments before us. Although I do not fault them, I believe that they do not go far enough. I do not believe that the amount of money we are asking people to pay to the fund is high enough, considering what has happened in the past. It looks as though we are looking at something like $9 million or $10 million in brokers' deficiencies over the past three to four years. That was reported in the press, and the Minister can correct me if I am wrong. As far as I know, the fund had a total of only $3 million (although it may have had more). The Minister might indicate what is in the fund now, because it is important in relation to what occurs in this debate.

Although I support the Bill, I hope that the Minister can guarantee that we have enough control now to stop the baddies using the system. If, however, they happen to find a way to rig the system and take someone else for a ride, I hope that the indemnity fund will have enough in it to compensate those who are likely to lose. Parliament has tried to put an air of trust into the law, and people have trusted it. If others have found a way of abusing it, we should protect them.

I could read all the letters that I have received. I felt very sorry for the retired lady who virtually had everything taken from her but her home. She got only $42 000 out of $108 000, and that is not much money to look to the future with if one has nothing else. One cannot always have that money tied to inflation. One does not have a superannuation fund or anything tied to the inflationary trend and suddenly one's security for life is ripped away. The other gentleman is not so badly off because he is still working and is able to recoup and battle his way through life. His total loss was about $20 000. I support the proposition, and I give the Government the credit for taking up the challenge to try to correct some of the problems in this area. I trust that in practice we will at least have solved most of the problems once this Bill passes Parliament.

The Hon. G.J. CRAFTER (Minister of Education): I thank the Opposition for its indication of support. I intend to comment briefly on some of the issues raised, albeit in a general way. First, the member for Morphett raised a number of issues, as I understand it, that were raised and debated at some length in another place with respect to the ability to contract out of legislation, that is, to place moneys by mutual agreement in other than statutory accounts. I suggest to members that that would defeat the entire purpose of the legislation and put at risk the very matters that have raised the concern of the member for Davenport.

Over 12 months of preparation and discussion on this question with the industry would be frustrated if the Government proceeded along that track. One could ask why the Bill was prepared in the first place if the current system was maintained. We have seen that the current system has many severe deficiencies. The second reading explanation of the Bill was perfectly clear on the reasoning behind this proposed change to the current Act, and I quote it, as follows:

> This proposal is aimed at climinating the weaknesses in the current scheme and has the potential to stimulate the size and growth of the fund. While this approach will deprive some principals of income when they direct their agents to hold moneys in separate trust accounts, it is not unreasonable for principals to forgo this source of income, if they are to share in the benefit of being able to be adequately compensated if they find themselves in the unfortunate position of having their money misappropriated.

The amendment to which the member for Morphett refers would distort the entire function of the Bill, and that is something that the Government would not and could not contemplate.

With respect to the matters raised by the member for Davenport, I am sure that most members would have received similar representations and have had similar reactions to those of the honourable member involving concern for often quite vulnerable people who are left in such difficulties, and having a sense of outrage about those who have defrauded such persons, often of their life savings. However, as the honourable member said, partial compensation has been paid to his constituents and, in fact, under this measure, the rights that are still current to recover the remaining amounts of those moneys misappropriated are kept alive. It is hoped that over periods of time there can be further payments of compensation in accordance with the legislation to at least some of these persons.

The honourable member asked about the amount of money in the fund, and I understand that the figure he quoted of about $3 million is the approximate amount. I do not have the precise information, but that is about the mark. With regard to my giving the honourable member and the House a guarantee that there will be no further illegal activity involving land agents, brokers and valuers in this State, I cannot give that. I do not think any of us could write legislation which would eliminate that.

What we have tried to do sincerely is minimise that behaviour and those practices that lead to criminality within those professions and to provide a system where that does occur (because I do not think that we could ever totally eliminate it) so that there is a mechanism to compensate the victims of that behaviour. Further, two amendments have been circulated that I will move in Committee. They have resulted from undertakings that the Attorney gave to the Opposition in another place that further consideration would be given to quite minor matters in order to further clarify the law. That has been accepted by the Government, and I will give those explanations in Committee. I thank members for their support of the measure.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—'Repeal of Part VIII and substitution of new Part.'

Mr S.G. EVANS: I refer to new section 68, dealing with the audit of trust accounts. Following the second reading debate, I raise the point that I believe that a submission was made by a solicitor to the Government, through the department (it is the same thing to me), suggesting that auditors also should be made liable for their actions if they are found to be incompetent or in default in doing their job. Most professional people can be sued in common law if they do not carry out their professional duties in an accepted way and someone loses out later because of their deficiency.

Is the Minister aware whether this concept was considered, so that auditors should also be made liable directly through this Bill? I have not picked it up anywhere else in

the Bill or in the Act, but I believe there is some merit in saying to people who audit accounts such as trust accounts that they have a responsible duty to carry out and that trust and faith is placed in them. Is the Minister aware of any discussions that have taken place? If such a provision was considered, why was it rejected?

The Hon. G.J. CRAFTER: I do not have personal knowledge of discussions, nor do the officers present, but I think I know the solicitor to whom the honourable member refers. I could quite well imagine that during the deputations that solicitor, if that was the case, raised that matter with the authorities. If that was so, it would certainly have been considered by the Attorney-General. I suggest that the course of action that the member for Davenport is proposing is precarious indeed. He proposes that we bring down a criminal sanction for professional negligence, but I imagine that one could not apply that sanction simply to those who audit trust accounts of land brokers, land agents and valuers: it would apply right across the board.

Very stringent ethical and legal sanctions already exist in relation to people who, as part of their professional duties, carry out these functions. Safeguards are built into professional negligence insurance schemes, and the like, to provide for those who bring actions against professionals—to meet the damages that may be awarded and to remedy losses incurred as a result of professional negligence. On top of that, to impose another layer of sanction, albeit a criminal one, would not be desirable and would certainly require a very substantial change in current community attitudes in this area. I believe that we as a community in the past several decades have come to expect much higher standards from the professions, particularly those in this area, and that has become evident from the number of professional negligence suits that have been instituted in a wide range of areas of professional practice in this State, in this country and in other jurisdictions.

With a greater awareness within professions and with more attention to training before people enter those professions, and while people in professional life are directed to bringing about a much better understanding of the ethics, rights and responsibilities of practitioners, the action that the honourable member is proposing is very bold indeed. I suggest it requires considerably more thought before proceeding much further.

Mr S.G. EVANS: I thank the Minister for that reply and I wonder whether it would be possible for the Minister to have the Attorney, whom he is representing in this place, forward to me the reasons why the proposal was rejected, if it was considered—and I think it was. More particularly, will he say whether consideration could be given to providing that auditors at least show that they have an insurance policy against professional negligence. We could go that far, which is not too draconian (as I believe the Minister is suggesting). I would be happy to receive a letter explaining the position, because it would give me some guidance as to why the Minister rejected the other proposal, if it was considered. I would like to know what the benefits are. The Government might consider bringing in an amendment next year to ensure that people have an insurance policy to cover professional negligence so that there is some chance of recovery.

The Hon. G.J. CRAFTER: I will certainly put the honourable member's request to my colleague.

Mr S.G. EVANS: Why is a fine of $1 000 provided in relation to a bank which fails to inform the Commissioner that there is a deficiency in a trust account held by the bank? That sum would virtually be weekend entertainment money for a bank. Why is this considered to be such a minor offence that a penalty of $1 000 is provided, whereas penalties of $5 000 or $10 000 are provided in other cases?

The Hon. G.J. CRAFTER: First, any sanction of this type against a banking institution would be regarded most seriously by that institution, which has its good name to protect and certainly does not want to be charged and to appear before the courts on any matter. I believe that any penalty would be considered very seriously by a banking institution. The penalty is less than other penalties because the bank is really in the position of a bystander: it is a third party—an innocent victim, if you like, of a series of events. But placed upon organisations is a responsibility to report deficiencies in the accounts when they come before it, whether it be a bank or any other financial institution. In that sense, the penalty should not perhaps be as harsh as a penalty imposed on those who are, on occasions, more directly involved in these matters.

Clause passed.

Clauses 7 to 13 passed.

Clause 14—'Regulations.'

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

Page 12—
Line 38— Insert '—*(a)*' after 'amended.'
After line 39—Insert word and paragraph as follows:
and
(b) by inserting after subection (2) the following subsection—
(3) A regulation made under this Act may prescribe eductional standards, qualifications and requirements by reference to the determination or opinion of the tribunal.

As I said during the second reading debate, this amendment arose from the debate in another place and an undertaking that the Attorney gave to further consider the questions raised there. Under clause 14, the Legislative Council inserted a new subsection (3) in section 107 of the Act. New subsection (3) was designed to allow the Governor to make regulations, subdelegating legislative power. The Legislative Council struck out that new subsection, because it was drawn too widely. The new subsection inserted by the amendment enables the Governor to subdelegate legislative power but only in relation to qualifications, such as areas for licensing of agents and others. The purpose is to enable the tribunal to decide whether a person with qualifications obtained outside South Australia should be licensed in South Australia.

Amendments carried; clause as amended passed.

Clause 15 passed.

First schedule.

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

Page 13, clause 11—Leave out 'transfer the money to an account that does comply with that section' and insert the following paragraphs:
(a) transfer the money to an account that does comply with that section within six months after that commencement or within such longer period permitted by the Commissioner;
and
(b) pay the interest accruing during that period in respect of that money to the Commissioner for payment into the Agent's Indemnity Fund.

The amendment is a refinement of a transitional problem. Agents who have trust moneys invested in forms that do not comply with the new provisions must change those investments. The amendment provides six months for them to do so or such longer period as the Commissioner may allow. So, no reduction or loss of interest or capital will occur as a result of the early realisation of the investment. During this period of grace, income from the investment must be paid to the Agents' Indemnity Fund.

Mr OSWALD: The Opposition supports the amendment, which is in line with the commitment made by the Attorney-General when the Bill was before another place. I should

have preferred that paragraph *(b)* be left out and that the interest remain intact with the investment and that, when the investment was wound up and transferred to the new account, the whole lot would go and the interest would accrue in the indemnity fund. However, I do not intend to move against the Minister's amendment.

Amendment carried; first schedule as amended passed.

Second schedule and title passed.

Bill read a third time and passed.

CONSTITUTION ACT AMENDMENT BILL (No. 3)

Consideration in Committee of the Legislative Council's amendment.

Page 1, lines 31 to 34 (clause 3)—Leave out all words in these lines.

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

That disagreement to the Legislative Council's amendment be not insisted on.

Mr S.J. BAKER: The Opposition is delighted with this evidence of the Government's belated wisdom.

Motion carried.

LIQUOR LICENSING ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 2 December. Page 2609.)

Mr S.J. BAKER (Mitcham): The Opposition supports the Bill. Before discussing its contents, I place on record the fact that my parliamentary colleague the member for Davenport has each year since I have been a member, and I understand even before that, raised the issue of under age drinking in public places, which is the major issue tackled by the Bill. Unfortunately, however, it has taken a Glenelg riot and other events, where minors have abused alcohol and then abused the community, for this Bill to be introduced.

It is regrettable that some people must be controlled in this way, but the stage has been reached where the actions of certain people cannot be tolerated. We do not believe that everyone should be subject to the abuses that have occurred in recent years, mainly because some people cannot handle alcohol. More important, alcohol should not even be consumed by younger people who cannot cope with its harmful effects.

We should not be carried away by this Bill. It does, however, make a number of changes, and the Opposition supports all of them. First, the Bill increases penalties, and that seems to be the way in which Parliament is moving—across the board. It will be up to the Judiciary, the magistrates or the justices of the peace to judge people who offend against the legislation. In the past these authorities have shown a remarkable reluctance to exercise the full force of the law, especially in those cases that have deserved punishment. However, by the provisions of the Bill Parliament is indicating that it believes that supplying minors with alcohol is a serious offence.

Alcohol abuse by minors has increased considerably. Driving into the city today, I heard over the radio that in the United Kingdom persons apprehended because of underage alcohol abuse had 10 years ago constituted 1/12th of all alcohol cases, whereas today that figure stands at one quarter. If we kept such statistics in South Australia, I would assume that much the same picture would emerge. Indeed, such a picture has emerged quickly and it is a tribute to the member for Davenport for foreseeing the problems before they arose and taking them up in this place. His pleas have mostly fallen on deaf ears, but we have now reached the point where the problem cannot be ignored any longer, and so we have this Bill.

Secondly, the Bill prohibits minors from entering or remaining in any part of licensed premises subject to a late night permit or any premises subject to an entertainment venue licence. That is an important addition to the law. Not only can minors not be consuming alcohol: they cannot be placed at risk to consume alcohol. In Committee I will ask the Minister when those licences start and end and precisely what each licence covers.

Thirdly, the Bill provides that, when a licensee faces disciplinary action for a second conviction of supplying liquor to minors or allowing them to consume liquor on licensed premises, the licensee will be required to show cause why the licence should not be revoked or suspended. The most serious penalty that a licensee can suffer is loss of the licence, because that means the loss of livelihood. That is a particularly harsh penalty and one that I am sure licensees will be very much aware of when they have to grapple with the problem of identification and supplying of liquor to people who may well be under age.

The fourth provision prohibits minors from consuming, possessing or being supplied with liquor in any unlicensed public place. This will not apply when the minor is in the company of an adult parent, legal guardian or spouse. This is the most far reaching of all amendments in the Bill and says quite clearly that minors, unless with their natural parents or guardians, should not be consuming liquor in a public place. We cannot prevent them consuming liquor in a private place, as members would appreciate, but certainly by this law we are signalling to the public at large that we do not believe that the consumption of alcohol in conjunction with others as it relates to minors is being condoned.

The fifth issue is that it gives the Liquor Licensing Commission the power to impose conditions at short notice on licensees of licensed premises near to a special event when large numbers of people gather, consume too much liquor and create a disturbance.

Mr Hamilton: Hear, hear!

Mr S.J. BAKER: I know that the member for Albert Park would agree with that provision. The most infamous example of this would be the situation that occurred at Glenelg. In a similar situation I would expect instant action to prevent the sale of bottles and cans to people in case such containers will be used as missiles. The sixth matter is that the Bill gives licensees power to refuse entry to their premises to any intoxicated person or anyone acting in an offensive or disorderly manner. I understand that they have this power already, and use it. The member for Newland mentioned a case when someone was ejected with some vigour from one of the premises in her area.

An honourable member: A broken jaw.

Mr S.J. BAKER: I imagine that this legislation provides that one can use whatever force is necessary to control such a person and to eject him from the premises. I will not detain the House overly long. The Bill will not produce a changed attitude to drinking and will not suddenly bring about orderly behaviour in the community, but at least it is a step in the right direction.

It must be of great concern to this House that so many young people are regular users of alcohol. When I was a young lad, if my parents had something to drink we also had something to drink. Not one member of our household was drunk as a result. It is important to remember that

alcohol, if consumed in moderate quantities, is not the evil that it can be. However, that is not the case today. We have far too much alcohol abuse in the community, particularly by young people. In fact, alcohol abuse by young people is far surpassing alcohol abuse by adults and is of serious concern in the community.

The provisions have been made necessary by circumstances that face not only Australia but the United Kingdom and America, although it is not so difficult in other countries where controls are far greater. Howeve., other areas are causing difficulty with minors. It may well be the product of a variety of complaints, of reaction to controls, but the point should be made that, as the legislators for the State, we should be attempting to protect the interests of the populace. Every time a person gets drunk, whether a minor or an adult, in a public place or if someone abuses alcohol in a public place, then someone else's rights are being detracted from. The provisions in the Bill address the question of a public place, and it is important that we take the issue head on, as is done here.

The question that always arises is the extent to which a minor is responsible. We now know that minors can perform as witnesses at a very early age, so we presume that they have sufficient wit or intelligence to be able to provide evidence at, I think, eight years of age. We can surely expect that minors of 12 to 17 years would know exactly what they are doing. One of the complaints about this Bill is that the onus goes back too often on the adult. It goes back to the licensee or the adult supplying liquor to the minor, but this is only part of the story.

We have many young adults in the juvenile category (only because of age) who are quite capable of exercising judgment. However, this Bill does not recognise that or recognise that, once a person has been caught for alcohol abuse below the age of 18, a need exists for treatment and guidance.

I would like to think that in legislation not too far down the track we can address the question far more adequately than we have in the penalties that apply here. It is a step in the right direction and has the wholehearted support of everyone on both sides of the House. Importantly, when a person between 14 and 17 years of age is caught in a drunken state, they require more than being told they have committed an offence. It probably needs some power within the juvenile aid panels or the juvenile courts, if they are continual abusers, to be able to refer them to some specialised clinic or service that can at least make some attempt to redress the problem that has arisen.

I conclude with those few words, remembering that we have enormous problems with alcohol abuse as we do with other forms of drug abuse. I recall that only a few days ago three young people who had just finished matriculation wiped themselves out on the road: they will not be going on to any other form of activity—and that was as a result of alcohol abuse. We are not addressing the private home in this legislation, and neither we should. Certainly, by instituting this measure we are putting a flag up the flagpole to say to people that abuse of alcohol is to be condemned in all cases and, importantly, abuse of alcohol by minors is something that we must address very seriously. The Opposition supports the Bill.

Mr S.G. EVANS (Davenport): I want to thank the member for Mitcham for his remarks and recognition that I have been fighting this cause for a long time—

An honourable member: So was Max Brown.

Mr S.G. EVANS: —and I believe that Max Brown, the former member for Whyalla, also had great sympathy for this cause. He came into it a bit later than I did, but I give him credit for having a lot of sympathy for this cause. He raised this issue many times in relation to his home town, and I put his interest on the record. I may be assuming something, as he might want to speak later, but I believe that the member for Gilles also expressed sympathy for this cause and perhaps, as Minister for Recreation and Sport, showed that he saw problems in this area. With his background of being involved in a licensed club, as I am, we saw some of the dangers and difficulties that exist in policing the law where young people obtain liquor from other sources and then cause trouble for a community.

I want to go back a little in history when talking of the Licensing Act, because I believe that one of my forecasts, made in 1969, will eventually come home to roost within this Parliament. When the Government to which I belonged at the time introduced a Bill to increase the licence fee for liquor retail outlets (hotels and clubs, etc.) and at the same time introduced an amendment to reduce from 21 years to 18 years the age for drinking alcohol, I was told by the then Attorney-General, now Justice Millhouse, that if a member voted against a monetary Bill, the Government would fall. I was new to the Parliament. The numbers were 19 all, with one Independent supporting the Liberal Party.

I was new and concerned, so I was grateful to officers of the House at the time who told me that such Bills previously had been split. I decided to fight that cause and force the Government to split the Bill. It was not an easy thing to do with threats of the Government falling on your shoulder. My determination prevailed with the support of the Hon. Cyril Hutchens, from the ALP, who mustered forces on his side, and we fought that until the Bill was split and then we fought the attempt to reduce the age for drinking from 21 to 18, and we succeeded. We won the vote in this House 18 to 17, with 11 of my colleagues supporting me on the Liberal side and five ALP members joining in the fight.

Many people have forgotten that the age for drinking in this State was 20 years. We went for the compromise, when a person was no longer a teenager. We were successful in that conscience vote by one vote. I was grateful for the support that I received, and in particular I thank Cyril Hutchens, even though he has passed on (although I thanked him previously) for the way he worked to achieve that goal.

Subsequently, the Government lost power on 30 May in the following year and with the Government's change of numbers, it was decided, since the Federal authorities had moved for 18 years as the age of majority and for voting, that it would bring in the age of majority for all things, including drinking, to 18. I predicted that that would give us trouble. People are no more mature today at 18 than they were 50 years ago. Some are mature and some are immature; that will always be the case. Better education does not guarantee maturity. I use the example of identical twins, one leaving school at 15 and going to work as a wharfie, a builder's labourer or learning a trade as a fitter and turner, and the other going on to higher education. At age 18, who would be the more mature in every-day worldly life? I am not saying either one would be, but the one who went out into the practical world would not be less mature than the one who had been nurtured through an education system.

So, I drew that comparison and said that we would have troubles one day. Traditionally, a young man goes out with a young lady two years younger than himself. Right through society's structure that will be found to be the case on average. An 18 year old man going into a licensed place quite often would take with him a person who is 16. If the young man got in one year under age—a 17 year old male—the female was likely to be 15, and we were thereby creating

a problem. At the time it was debated, the Vietnam issue was current, and we were sending people away at age 20. They were conscripted at 18 but sent away at age 20. If we had made the age limit 20, I believe that would have been the age that would have best suited.

However, America and other countries decided to come back to 18. Over recent times, the Federal Government of America has said to the States of America: if you want your Federal road grants, increase your drinking age to 21 or you will not get them. In other words, that country directly relates the death rate on the roads, particularly of young people, to alcohol. It said pointblank to the States: increase your age to 21 and you will get your road grants; if you do not increase your age to 21, no road grants. I believe that by the end of this year, virtually all the States of America will have taken the drinking age back to 21.

I predict that we will return to 20 before the turn of the century. I will not be here nor will many members who are here now, but that will occur. If there was any disease in a society killing as many young people as drink driving is today, we would attack it with all the vigour that we could. We have not attacked it in the past because it is a self-inflicted disease. An individual decides to start drinking, to start drinking heavily, or to take drugs, so Parliament can say to that individual, 'You cannot start drinking so young' but political Parties and individuals are frightened that they will lose votes.

The member for Hayward can think that I am wrong but, when we were talking about lowering the age of majority right throughout the country, every political Party and individual was saying that if they did not support the lowering of the age of majority, they would lose the young voter. The way to win the young vote was to lower the age, but as I said at the time to those around me, that is stupid because in three or four years time those who have the right to vote or the right to sign contracts or the right to do anything else would not give a damn who gave them that right. They cannot even remember who did it, but that was why political Parties and individuals did it. I was involved in it: we were frightened that we would lose the young vote.

This year I started to point out to the Parliament that there was a problem with under-age drinking in licensed places as well as public places. I want to talk briefly about drinking in licensed places because of what I heard the Minister of Labour say recently when he was talking on a subject related to bread baking. I cannot refer to any speech that he made in this place, but members heard him make comments in relation to bread baking when he said that although people were breaking the law in that area, it was impossible to police the law because too many people were breaking it. We have virtually reached that stage with under-age drinking in licensed premises. So many are doing it that there will be difficulty in policing it.

I suppose the comparison is a bit unfair because, if you can see somebody baking bread, you know it is bread and you know it is a person; but when it comes to licensing laws, you know it is a person and you know it is grog being consumed, but how do you tell the person's age? The police, the licensing squad, have a difficulty, without causing too much embarrassment to the clientele of a hotel or a club, in saying, 'I don't think you are 18: where is some identification?'

If they say that they do not drive a motor vehicle or have a driver's licence, how does one prove their age? I acknowledge the difficulty in policing the Act, and that is perhaps one of the reasons why I was the first in the country to move to have identity cards. Recently I have received phone calls condemning me for that, but I accept these calls. However, I believe that identity cards will help in relation to offering privileges to adults, disadvantaged or handicapped, and that they will prove who those persons are. Presently, we have no such system.

I remind the Minister who is handling this Bill for his colleague in another place that earlier this year I tried to bring in most of what is contained in this Bill. I was disappointed when the Minister said that what I was trying to achieve was impossible and that to do it with legislation was not a sensible move. What was impossible earlier this year is now suddenly possible. The staff has not changed; the members have not changed; the law has not changed; and the community has not changed. In fairness to the Minister, that was not the first time I had been told that; this had been going on for 10 years.

A few years ago when I raised this matter with a shadow Attorney-General I was told that this problem was already covered and that it was illegal for a junior to drink in a public place. I informed that shadow Attorney-General that I thought he was wrong; otherwise, I had misread the Act. That shadow Attorney-General came back to me, after looking at the Act, and told me I was right. From that point on I started to ask members of the media and others how they interpreted the law, and all of them believed that it was illegal for a junior to drink in a public place; that applied to all but a small minority who knew that the law did not prohibit it.

The riot at Glenelg brought the matter into more prominence, and people started to think that perhaps Max Brown and Stan Evans were not that foolish after all. I then tried more desperately to have it accepted by Parliament, but it refused. I thank the Government, on behalf of the community, for bringing this proposition forward. I hope it will be supported by both Houses. If there needs to be amendments, so be it.

I give credit to the Attorney-General and the Minister because the Bill goes further than I had originally proposed. It has brought in the permit system for late night operations and, if young people are on the premises while the permit is operating after a certain time, they will be breaking this new law. That is a good move and is something that I had not thought of. The community, particularly parents, will be thrilled with that proposition.

In relation to special events, the proposed changes are good. I think my definition of a guardian was similar to the one in the Bill, but I give the Government credit because it has made it more specific: a guardian in relation to a minor means a parent, including a step-parent or legal guardian. The Bill also provides that a 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, and that is a good move.

Our Lord Mayor has suggested that Parliament should prohibit drinking altogether in public places. I would like the Minister to indicate whether the Government is going to take the next step, that is, to ban drinking by all persons in the Rundle Mall, Rundle Street, Hindley Street, the area around the Festival Centre, the Casino complex, and the railway station.

The Hon. J.W. Slater: And on the steps of Parliament House.

Mr S.G. EVANS: And on the steps of Parliament House, as the member for Gilles has said. I am quite happy with that, but that is not what the Lord Mayor was suggesting. The Parliament should think about that. The Government has the power to do it without coming back to Parliament with a Bill. I hope that the Government sees the merit in what the Lord Mayor is suggesting. There is nothing more

fearful to a visitor from another land (where there may be a better controlled society) than to be threatened by a mob of louts who are affected by alcohol and who are interfering and annoying tourists. If we wish these tourists to go home with a good report about Adelaide, we need to take notice of what the Lord Mayor is suggesting. It is not pleasant for visitors from another place to go to the Hilton Hotel and be hindered, hampered or molested, even if only verbally, by drunken louts. I give the Lord Mayor credit for his suggestion. I finish by thanking the Government. I am pleased that this matter has been taken up. I am sure that Max Brown also would be pleased. I hope that the Bill has a speedy passage through the Parliament and that it is implemented in the near future.

Mr HAMILTON (Albert Park): As members have indicated, they expect me to speak to this Bill. My reason for doing so is obvious: it is because of the large number of sporting events that are held in the electorate of Albert Park, particularly at Football Park; this includes not only football, but also rock concerts and the like. Coupled with that, members in this place would know, from my numerous utterances in this Parliament and outside, of my concern about yobbos and louts who go to the West Lakes waterway and terrorise the local residents at their leisure. Over the past seven years, with the support of the Port Adelaide police (C1 Division) and the local council, and indeed with a fair amount of input from the previous Minister of Local Government (Hon. Terry Hemmings), many of these matters have been addressed with Bylaws Nos 25 and 52, governing the area that is controlled by the Woodville council.

I refer to 1980 and subsequent years when we started having trouble in and around Semaphore Park which resulted in at least three public meetings at the West Lakes Football Club on the same issue, that is, the control of vandalism, louts and people who decided that they were going to visit the area from other parts of the metropolitan area and the country. They thought that West Lakes was ripe to visit and an area in which to do what they liked.

In the past I have raised matters abour urinating, defecating and similar activities in and around the waterway where they think they can get away with it. This Bill, which I strongly support, provides the opportunity for local councils to decide which dry areas they wish to create. This is a major reason why I have spoken in the debate, because the Bill allows the Corporation of the City of Woodville—the council covering my district—the opportunity to provide dry areas in and around Football Park and the West Lakes waterway. I would actively support the council if it decided to undertake such action.

Many residents in and around the waterway and Football Park constantly ring my office at all hours of the day and night (as members know, my office telephone is always switched through to my home and my private number is also available) to complain about the activities of people after hours and particularly in the early hours of the morning who disrupt their peace, and especially their sleep.

This is a long overdue but welcome measure. It has a very positive side to it, and I will be monitoring this closely. I hope that it will reduce the number of road accidents in South Australia. There is no question (and all members in this place know this) that in terms of the law minors can get hold of alcohol and do drink and drive. Therefore, I hope that this measure will reduce the possession and consumption of liquor in unlicensed public places which, as the Bill suggests, includes a motor vehicle.

I have a great deal of sympathy for publicans and restaurateurs, because it is very difficult to determine whether or not a person is of the legal drinking age. We can all relate many instances in which we have seen under-aged drinking in the front bars of hotels. I frequent a hotel regularly every Friday night. At my local pub they run a raffle, and I often see under-aged drinking. Certainly, it is difficult for the publican to determine whether a person is or is not of the legal age, particularly if they come from another area. The situation is difficult if people live locally, because one can usually determine whether someone is 18 years or over. I noted recently when the Bill was introduced in another place an *Advertiser* article in which, I think, a Hindley Street licensee required people to sign a statutory declaration that they were 18 years of age or over if they wanted to be admitted to that place of entertainment.

Mr S.G. Evans: Great!

Mr HAMILTON: The honourable member says, 'Great'. That is up to the individual licensee or owner. No doubt the effectiveness of this matter will be reviewed after it has been in operation for some time. Last but not least is the question of regular checks on picnic spots and family groups to see whether alcohol is being consumed.

I understand that this will not necessarily be required if minors are in the presence of their parents or legal guardians. However, it could well be that there is under-age drinking in a number of picnic areas, and this readily brings to mind certain areas in my electorate, especially during the spring and summer months, where people congregate in and around the West Lakes waterway.

I welcome this measure and believe that it will satisfy many of my constituents. I hope that it will also provide them with a lot more rest and much less disruption. Equally, I believe that it will provide additional assistance to the very hard working constabulary in the western suburbs of Adelaide. I support the Bill.

Mr BLACKER (Flinders): I add my support to the Bill. The issue has been well canvassed by at least three members, and I believe other members will also participate in the debate. The under-age drinking problem that has emanated and grown in various areas is of great concern to me, and to that end the Government is to be commended on taking this stance. I share the views of the member for Davenport that perhaps such action should have been implemented years ago and that we are now suffering from the problem caused by Governments of the day thinking that they were on to a politically and socially acceptable practice in lowering the age of drinking. We are now paying the penalty for that. This Bill certainly goes part of the way towards remedying that situation, and I support it.

The Hon. J.W. SLATER (Gilles): I have spoken on the Licensing Act and various amendments that have come before the House previously on several occasions. Certainly, I support the measure, although I do not believe it is the answer to our problems; it is a palliative rather than a cure. People will find a way of circumventing what we are doing to resolve this difficulty. It is unfortunate that society has a double standard concerning alcohol. It seems to condone and in some ways encourage consumption by advertising the social acceptability and so forth, of the consumption of alcohol within our community, be it by persons 18 years or otherwise. This causes many problems for all of us in one way or another. I have always been, and indeed still am, strongly opposed to Sunday trading for hotels.

I have never believed that that was necessary. We painted ourselves into a corner, and it started with that silly little thing called a tourist licence for certain hotels. Subsequently, after pressure from some community groups, Sunday trad-

ing was introduced, and that was not a step in the right direction. I listened with interest to the comments of the member for Davenport particularly in relation to what the former member for Whyalla, Max Brown (who was very vocal on this issue over the years, as I have been), said about under-age drinking. Our interest was based not only on the fact that we were involved with clubs: we were aware, from our experiences in life and our membership of this Parliament, of the problems that evolved not only from a club point of view but also from a hotel and social point of view.

I agree with the member for Davenport. I do not believe that any Government can stop people over 18 years of age from drinking in public. Governments can only designate certain areas. There are often occasions when people take liquor to, say, a picnic. They might pull up in a public park and want to have a drink, and I do not see anything wrong with that. But I do believe it is wrong for people to drink publicly in certain areas of the city or the State, and we must consider that situation in due course.

I referred previously to double standards. Many hotels and public venues attract younger people, but alcohol is usually involved. It is not the consumption of alcohol that is the problem but the resulting behaviour, and I am sure that we have all observed such incidents. The behaviour that results from alcohol consumption is the issue here, and we must ensure that other members of the community set an example so that alcohol consumption, which is one of the great problems in our modern society, can at least be contained.

I do not want to preach about the evils of drink: I have done that previously in this House. And I do not want to appear to be opposed to the consumption of alcohol, because I am not. However, I am opposed to people over-indulging and creating a problem for the community at large. I think all of us could relate personal circumstances where people we know have gone bad through over-indulging in drink. No-one should know that better than I through personal circumstances. All members would know of instances where alcohol consumption not only by under-age people but also by adults has caused problems, and those problems must be addressed seriously. This legislation goes part of the way towards that, and I support it.

Mr DUIGAN (Adelaide): I, too, support the package of proposals brought forward in this Bill. Last week, when addressing a private member's Bill in relation to the Liquor Licensing Act, I said I thought that the package that would be brought before the House would be comprehensive in the way it tackled the problem of alcohol abuse, which results in serious community problems, particularly at major public functions. I believe that this Bill does that. It should be noted that the Bill has that effect at the expense of a number of people. Our attempt to try to tackle alcohol abuse and the problems that flow from that will impose on various groups in the community a burden that will have to be accepted. On the one hand, an increased burden of responsibility will have to be accepted by parents or guardians when young people consume alcohol in public places. There will be an added burden of responsibility on those who are aged just over 18 years: the age of those people might be in doubt, and they might have to produce some form of identification. There will be some burden of responsibility on licensees to ensure that they supply liquor only to those who are entitled to consume it. There will also be a general responsibility on the community to be sensible about the way in which people apply for bans to be imposed on certain areas and in certain circumstances. Councils will have to exercise responsibility in their applications to the Licensing Commissioner, and a very fine sense of balance and judgment will have to be exercised by the Commissioner as to which of those applications he accedes to.

Overall, it is important for the Government and the Parliament to show that public drinking is a concern, as are the problems that flow from it. This package of proposals indicates the seriousness with which alcohol abuse, particularly in public places, is viewed. There are a number of parts of the metropolitan area, particularly in the city, as well as in nominated regional areas of the State, where problems have occurred in the past. It will be easier to approve applications for limited bans to be imposed on the consumption of alcohol in those areas, because the history of alcohol abuse is well documented. However, in other parts of the city and metropolitan area, where there has not been a long history of alcohol abuse, and the associated problems of disorder, and where those problems occur occasionally, it will be harder to have bans imposed. It will be necessary to exercise serious and sensible judgment about whether or not it is appropriate to take the fairly drastic step of seeking to ban the consumption of alcohol in public areas. However, I will pursue those matters in Committee.

At this stage, I support the package of proposals, which attempts to further control the use and abuse of alcohol in public places. There is one other matter that is causing quite a degree of concern in the inner suburban areas, where there is often a conflict between the use of an area for residential purposes and the operation of hotels. The problem arises where hotels were established late last century. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

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

STA TAXI SERVICE

Mr ROBERTSON (Bright): I move:

That, in the opinion of this House, the lack of scheduled State Transport Authority bus services to certain areas at particular times warrants the investigation of a scheme which would allow the multiple hire of taxis as an adjunct to STA services and, further, this House urges the Minister to investigate the use of a voucher system by which STA patrons would engage taxis at times when no scheduled STA service is available.

I regard this as an idea that has certainly been around from time to time in different guises. It appears to be an idea whose time has now come. The motion simply calls for an investigation of the scheme, and I make it absolutely and abundantly clear at the outset that this is not to be an alternative to regular STA services, but an extension of or an adjunct to STA services.

It is intended to cover places and times that have proved to be uneconomic for STA buses which cannot, for good economic reasons, service the population on the outer ends of the runs and towards the end of the commuting day. I do not try in any shape or form to be prescriptive about this or to suggest that it should be done in any specific way. However, I draw to the attention of the House a number of possible models which I see as viable options and all of which should be investigated. At most, I see the STA being involved in selling tokens and vouchers and acting as some sort of broker for the taxi service. With the existing network of taxis and radios, it should be reasonably easy for consumers to arrange to book transport in advance, so that taxis could operate under an advance booking system and maintain at all times a fair level of capacity in multiple hiring. That would allow much cutting of costs, because the

great differential between ordinary buses and taxis is that taxis are more expensive as they do not normally operate under multiple hire. So, if a system of multiple hire taxis can be arranged, that would give a service at a cost comparable to the cost of running buses, particularly late in the evening.

There are various possible models that might be made to work. It seems to me that there are two extreme cases. At the least, it should be possible to run taxis on existing STA routes. I understand that a trial was conducted around Noarlunga Centre in 1980 or 1981, which postulated that the cost of keeping a bus on the road was about $44 an hour, whereas the comparative cost of keeping two taxis (or six seats) available at that time was about $16 an hour. If one wants to fill 60 seats it is a great idea to have a 60 seat bus but, if only six seats are to be filled, it is probably much cheaper to run two taxis operating on the same route. The comparative cost is a ratio of about three to one, and it is considerably cheaper at low patronage rates to run taxis than it is to run buses.

Probably, this would operate on a system whereby taxis ran along established STA routes at, say, 30-minute intervals, using existing bus shelters, routes and STA information on the various networks and places where people could be expected to congregate. With the advantage of radio it would not be difficult for a taxi driver, when his taxi was full, to radio for another taxi. So, when the first three seats were filled, the taxi driver could simply radio for another taxi to do the remainder of that route. At its simplest that scheme could and should work. It requires no special facilities. It does not require advance computer booking or anything more than a radio call from one taxi to another. The scheme does not even require prospective patrons to ring and book a taxi in advance: they simply have to get to the bus stop on the half hour and wait for the service to go past.

The only thing that would need to be done by the STA in that instance would be possibly to advertise on the buses that taxis were available after the buses had stopped running. It might also be useful to advertise in the press when taxis were available. At the other end of the range of options (if you like, the Rolls Royce end) would be a system that could employ a computer booking scheme whereby a computer with, say, 200 K's storage capacity could be established so that commuters could ring and notify the operator that they wanted to go from a particular spot to a certain destination at a given time or within a range of times. With the aid of cross matching, which could be arranged by the computer facility, it should be possible to maintain reasonably high loading ratios within those cars simply because there would be a market of upwards of 1 000 000 people who might be potential users, and it should not be hard in those circumstances to maintain reasonably high loading rates in the taxis.

The problem, if any, with that system, would probably be that an operator would be required to make a confirming telephone call to the patron to advise when the taxi could be expected. However, that is not a major problem. Similar computer booking schemes have been tried from time to time by taxi companies in this country, but they have often run aground on the rather predictable rock of computerisation.

Mr Lewis: Are you arguing for an investigation?

Mr ROBERTSON: Yes. If the honourable member listens a little longer, all will be revealed. My motion has been on the Notice Paper for about 10 days and, if the honourable member reads it, he will see that it calls for an investigation. I am advocating various options that should be investigated. It seems that, in the case of the option that I am now suggesting, the computer linked booking system should work reasonably well. Certain systems that have been tried have failed because people could not acclimatise themselves to the use of computers. They could not get used to ringing up and having a computer answer the phone at the other end. That proved a little disorientating for some patrons, and some schemes seem to have failed solely because of that human factor. However, with a little education it should be possible to overcome that.

I have heard that such a service could be run from suburbs, such as Brighton and Norwood, to the city for about $4 a head, which is considerably less than the current taxi fare for that distance. Drivers who are in the taxi business have told me that, if they could maintain multiple bookings for a similar distance, they could offer the service at about $4 a head. So, it would seem that the system of a multiple hire computer linked booking scheme would come somewhere between the cost of the existing taxi service and the cost of the STA bus service currently operating. The only thing that people would need to be prepared to do would be simply to wait for the taxi after telephoning and telling the company that they wanted one. They would not get door-to-door service within five minutes as they would with an ordinary taxi booking: they would need to do a little thinking in advance and book at least half an hour ahead.

They would probably be prepared to compromise in the sense that they would not be able to go directly from their point of departure to their point of destination, but may have to pick up somebody else along the way or drop off somebody else. That would be a good deal faster than the existing STA service but slower than a taxi service, and they may have to put up with what may be for some the trying experience of sharing a taxi with two or three other people. It would be at a considerably higher comfort level than some people currently experience on buses and it ought not to be a sacrifice that most people are not prepared to make. If we can do that and ensure reasonably high loading ratios we could ensure that the costs were brought down into the region of $4 per head for middle ranking distances.

The question that needs to be asked is whether we have in Adelaide sufficient taxis for that scheme to be made to work. The answer quite clearly is 'Yes'. I am informed that there are in Adelaide of the order of 850 registered taxis, only 32 of which are so called 'independents' who do not have the advantage of radio and could not be expected to participate in a scheme of this kind. In fact, 816 taxis operate under the flags of the four major taxi companies. I am told that 48 of those are owned by companies and the remaining 768 are privately owned vehicles. The people who own those vehicles are effectively owner operators.

The other thing that needs to be said is that the taxi industry as it stands provides employment for something of the order of 3 000 drivers in either full or part-time capacity and providing for those people a guaranteed cash flow after the STA service has ceased to run obviously would produce a reasonably significant fillip to the taxi industry, particularly to the drivers who drive late at night. Many of those 3 000 drivers work part time and drive taxis late at night for additional income. Many are students and people on limited incomes anyway, so that would be a considerable help to them.

The existing network of taxis carries between 3 000 000 and 4 000 000 passengers per year, and quite clearly would be able to handle the additional load. It also seems that the other question that has to be asked is 'What is the role of the STA in this operation?' Again, I envisage that it would cover a number of different roles or a variety of possibilities.

At the very least, STA could be completely removed from this scheme and it may be quite possible to organise the scheme without any STA participation whatsoever, with the taxi companies computerising and organising it themselves. It is a surprise to me that they have not done so. However, with a little bit of cooperation between the two, clearly the STA could advertise the scheme for the taxi company and simply pick up the tab for advertising.

At a slightly higher level of involvement it may be that the STA, in return for gathering the information for the taxi companies, could arrange for the companies to provide discounts for the fares carried: in other words, the *quid pro quo* would be that the STA would do some of the organisational work, give information to companies on routes, loading numbers, origin and destination studies etc. In return for that the company that took up the option would offer discounted fares and would be able to bring the fares down below the $4 per head that I mentioned earlier.

At the other end of the spectrum, STA could operate the whole booking scheme and computer network and sublet the fares to a taxi company, so that the STA in that instance would take and process the information, work out who was to be picked up and delivered where, and would feed out the information to the taxi companies. In that situation the STA could be in the role of an honest broker and could pre-sell vouchers or tokens that people could then use. That could be done at normal STA outlets—railway stations, bus stations, and so on. A whole range of options are available that the STA could take up—anything from doing nothing to almost doing the whole thing, except driving the cars. The proposal I put before the House deserves further study.

Certainly a number of options exist in a whole range of areas: in the level of participation of the STA and the way in which the scheme could work, ranging from running up and down the bus routes to door-to-door service. I simply raise the proposal before the House as an option which I believe in 1986 deserves investigation. I have no intention whatever of cutting into the market covered by the State Transport Authority, which I firmly believe does a wonderful job. It cannot, however, be expected to economically service routes at either end of the commuting day, nor can it be expected to service patrons in the most outlying areas. For that reason I put to the House the proposal that the Minister investigate the matter and I look forward to a report on the subject.

Mr INGERSON (Bragg): I note with interest and some excitement that one Government member has noted the privilege, the great attitude and the benefit that we will gain from a possible privatisation scheme as it relates to the STA. It is an excellent scheme, and at this stage I seek leave to continue my remarks later.

Members interjecting:

The SPEAKER: Order! The honourable member for Bragg is seeking leave.

Leave granted; debate adjourned.

SOUTH AUSTRALIAN HOUSING TRUST

Mr S.G. EVANS (Davenport): I move:

That, in the opinion of this House:

(a) the South Australian Housing Trust's charter in the residential sector is to supply taxpayer subsidised homes to those who are unfortunately unable to provide their own;

(b) taxpayers should not be required to continue to subsidise trust homes for the 'well-off';

(c) many taxpayers buying their own homes are helping to provide shelter for people on higher incomes than themselves who are paying the trust's highest rental of $74 per week for three bedroom homes, which includes excess water;

(d) the Government should take immediate action to stop taxpayers money being used to pay excess water for trust tenants which totalled $2.67 million in 1984-85 and $2.67 million in 1985-86;

(e) Trust tenants who seek to purchase the home they rent should be encouraged and, where they have improved that property to enhance its value, should be credited with the full value of that enhancement;

(f) the capital value placed on trust homes being lower than similar sized private housing in neighbouring areas forces the private home buyers to pay higher council, water and sewer rates than that which the trust pays on behalf of all its tenants;

(g) once the household of a trust tenant is in receipt of an income which exceeds $20 000 per year, they should begin buying that home or pay the trust a proper market rental for the home or obtain their shelter by rental or purchase in the private sector;

(h) the trust should take the strongest possible action to prevent the 'well-off' using subsidised resources to the disadvantage of the large number of deserving cases on the trust's waiting list;

(i) where trust tenants fail to give full details of income received in that household, or of persons regularly using that home, a penalty should be added to the rental; and

(j) that subclause *(b)* of clause 27 of the South Australian Housing Trust Act 1936 should be amended to also apply after a family becomes a tenant of the trust so that taxpayers do not have to subsidise a family's home through the trust whilst that family has ownership or lease of any other home.

It is a substantial resolution, and I wish to refer to it only briefly tonight because other members have private members' business that they would like to have discussed and decided this evening.

In speaking to it, I am conscious that since I have had notice of this motion on the Notice Paper for about two months, the Minister of Housing and Construction, by Dorothy Dix questions from his backbenchers, has been continually bringing up all sorts of statements in the House and through the press trying to justify all the areas of activity in which the Housing Trust is involved. I have found that an interesting exercise. Until this notice of motion was placed on the Notice Paper, we did not have this regular weekly serial from the Minister for Housing and Construction, the Minister responsible for the South Australian Housing Trust. So, Sir, that immediately made me think that there is more wrong than I thought: there is a reason why a Minister becomes jumpy, so I thought I would do a lot more research than I had in the past to find out the areas of difficulty.

For example, something like $42 million a year is lost in the rental section on repairs and maintenance carried out on Housing Trust homes. There appears to be no benefit offered to responsible tenants, but the irresponsible keep on getting their places done up, regardless. Some time next year I will give the Minister the opportunity to hear all I have to say about the Housing Trust, but at least I have now moved the motion, knowing that next year I will have more time to expand on it when not so much private members' business is waiting. I will then be able to really give the Minister something to answer.

In the Estimates Committee the Minister admitted that he had all the answers ready for my resolution, and since that day he has been trying to feed a little bit more from the answers to the media by way of ministerial and press statements. I have been conscious of that, and I would hate to ruin his game, since he is having a lot of fun with it. Next year I will be able to give him a lot more on which to comment, because out in the community, even the very genuine people in Housing Trust homes are tired of those

around them on high incomes using and manipulating the system. The genuine people in Housing Trust homes know that I am right, and they have written to me letters that I might read to the House for the Minister's sake. I will not give their names and addresses, because the Minister is a bit vindictive and would make sure that they paid the penalty down the line.

It is worth noting that those comments are coming from people in the community, some of the 39 000 on the waiting list, and we have only 56 000 rental accommodation homes. The Minister speaks today about 250 000 in a population of about 51 million in England, and he has 39 000 on the waiting list with a population of 1.5 million. If he does his sums, he might find out that we are talking about 39 000 families and in England they were talking about 250 000 people, so our position is no better than in the UK system.

Mr Gregory interjecting:

Mr S.G. EVANS: It is nice to know that the member for Florey is back, and I am pleased to see him.

Members interjecting:

Mr S.G. EVANS: It is interesting that people say that those who have a Housing Trust home should be jumpy about the resolution, and those who do not have them in their electorate should not be jumpy—that really proves the point. Self comes first; the people outside come second. There are 39 000 families on the waiting list, we have 56 000 rental homes, and we say, 'She's right, mate; there's no problem.' I seek leave to continue my remarks later.

Leave granted; debate adjourned.

ROAD TRAFFIC ACT AMENDMENT BILL (No. 7)

Mr BLACKER (Flinders) obtained leave and introduced a Bill for an Act to amend the Road Traffic Act 1961. Read a first time.

Mr BLACKER: I move:

That this Bill be now read a second time.

In so moving, I thank the House for the courtesy and cooperation extended to me to enable this Bill to be brought before the House. I am indeed conscious that there has been a change of arrangements and the Bill would have come up tomorrow, during the normal debating session. However, following the arrangements with the majority of (if not all) members of the House this has been made possible.

This simple Bill is designed to make mandatory the obligation of the medical authorities to test all samples of blood taken from accident victims not only for alcohol (as now required in the law) but also for various drugs. This problem came to my attention during a recent debate on the Controlled Substances Bill. When endeavouring to ascertain some statistical information about whether or not drugs may have been involved in accidents, I was amazed to find that there was practically none. This House has debated the matter of alcohol, and we have all consented on previous occasions to introduce legislation to make it mandatory for victims of road accidents to be tested for blood alcohol content.

This Bill simply extends that provision to require medical authorities to test not only for alcohol but also for THC, cannabinoids, benzodiazapans and barbiturates. I believe this Bill has the support of all members. The purpose of this Bill is to try to establish a data base so that statisticians may be able to establish the problems of drugs in relation to road accidents. It is as simple as that. When this matter first came up some years ago I made inquiries and was told that it was expensive to test for drugs. From inquiries I have made since I find that that is not the case. I believe that to conduct an alcohol test and take a blood sample costs $29.95, and that a THC test costs $10. Therefore, the cost cannot be considered to be of any great significance. I believe that that is outweighed by the advantage of the statistics that will become available if the Bill passes.

I have further discussed this issue with contacts I have in the medical field, and I understand that the problem of drugs in motor vehicle accidents is of grave concern to them. However, they have no way of knowing to what extent drugs contribute to road accidents. It is believed that they contribute to a large degree. Furthermore, in earlier debates in this House it was stated that the combination of alcohol and drugs had a compounding effect, and that that needed to be identified. This Bill does no more than create a statistical data base from which, hopefully, some solid decisions can be made by this and future Governments.

I trust that members will give me full support. The Bill sets out the specific forms of drugs in relation to which an offence involving alcohol is to be notified to the Minister, and four other drugs are referred to. Therefore, if a person has used a synthetic or other form of drug that the Coroner wishes to investigate, the powers to enable that to happen are still there, as they presently exist under the Act. I trust that the House will support this measure.

The Hon. T.H. HEMMINGS secured the adjournment of the debate.

BUILDERS LICENSING ACT

Mr M.J. EVANS (Elizabeth): I move:

That this House calls on the Attorney-General to ensure that the Builders Licensing Act 1986 is brought into operation as a matter of urgency so that home builders and home owners in this State may benefit from the significant improvements over the present inadequate legislation which the 1986 Act embodies without further delay.

I move this motion with some regret because I had envisaged—I think along with many members of this House and certainly many concerned members of the community—that by this time of the parliamentary sitting the Government would have brought into operation the Builders Licensing Act 1986 because of the significant benefits that that Act contains for consumers. I remind the House of some of the important measures contained in that Bill which, of course, was introduced and sponsored by the Government. It includes the rationalisation of licensing administration and procedures to ensure that building work is performed by a licensee in a proper and competent manner; to provide a speedy and effective method of resolution of building work disputes; to extend the degree and measure of disciplinary control over persons engaged in the building industry; and to protect home buyers and building owners from inequitable and unfair contractual terms of building contracts.

The Act also, and perhaps most importantly, establishes an effective insurance scheme for those unfortunate increasingly common cases where builders go into liquidation and home owners are left stranded with partly completed buildings which they can neither move into nor obtain further work on for many months and sometimes years. Only by the establishment of a proper and effective insurance scheme as embodied in the Bill can consumers be protected from that sort of situation. Enough people in this State suffered from the Challenge Homes experience to know just what hardship that can bring to young families who have invested their life savings in a new home. There is also the substantial protection which the statutory warranty provisions of the

Act embody, and these are also of significant benefit to consumers.

When the Government introduced this measure in March 1986, having earlier introduced it into the Legislative Council the previous year, the House fully expected, as did the community, that the Bill would be enacted into law by September of this year at the latest. Of course, the Bill was approved by both Houses, but it has yet to be proclaimed and, until it is proclaimed, consumers cannot benefit from the provisions of the Act.

The Government has indeed served the people of this State well in promoting that Bill, which is now enacted into law by Parliament. I believe that the Parliament undertook its duties in making that measure a law of this State, but it is now a matter for Executive Government to take a final step in that process and recommend to His Excellency the Governor that the Act should be proclaimed to come into operation as a matter of urgency.

Unless the Government does that before the expiration of the 1986 calendar year it will certainly lose the credibility that it gained by introducing the Bill and by reforming the law in this way. I know that the people even now who run the risk of the collapse or liquidation of another builder before the Act comes into operation will not thank the Government if that takes place before the Act is proclaimed. With that recommendation and advice, I thank the House for its courtesy in allowing me to move this motion without notice because o the rearrangement of business. I hope that the Government will see fit to take this matter into consideration and complete the process that it started nearly 12 months ago.

Mr S.G. EVANS secured the adjournment of the debate.

LEADERSHIP OF LIBERAL MEMBERS

Adjourned debate on motion of Mr Lewis:

That this House highly commends all Liberal members of Parliaments in Australia for the oustanding leadership displayed by them in promoting equal opportunities for all people, regardless of sex, race, physical liability, appearance, economic means and family background.

(Continued from 23 October. Page 1433.)

Mr LEWIS: On a point of order, Mr Speaker, I am sure that it is really a typographical error, but I draw your attention to the misprint in the text of the motion, which should read 'physical ability', not 'physical liability'.

The SPEAKER: The member for Murray-Mallee has my assurance that that error will be corrected.

The House divided on the motion:

Ayes (16)—Messrs P.B. Arnold, D.S. Baker, S.J. Baker, Becker, and Blacker, Ms Cashmore, Messrs Eastick, S.G. Evans, Goldsworthy, Gunn, Ingerson, Lewis (teller), Meier, Olsen, Oswald, and Wotton.

Noes (20)—Mrs Appleby, Messrs Blevins, De Laine, Duigan, M.J. Evans, and Ferguson, Ms Gayler, Messrs Gregory, Groom, Hemmings (teller), Hopgood, and Klunder, Ms Lenehan, Messrs Payne, Peterson, Plunkett, Rann, Robertson, Slater, and Tyler.

Majority of 4 for the Noes.

Motion thus negatived.

COMMUNITY EMPLOYMENT PROGRAM

Adjourned debate on motion of Mr S.G. Evans:

That, in the opinion of this House, the conditions that apply regarding expenditure under the Community Employment Program make that program an inefficient use of public funds.

(Continued from 14 August. Page 375.)

Ms LENEHAN (Mawson): I wish to speak to the motion.

The SPEAKER: Order! The member for Mawson will resume her seat for one moment. The subsidiary conversation in the Chamber has reached an audible level that is quite distracting, and I ask members to please refrain from that.

Ms LENEHAN: I oppose the motion. I point out that the CEP program is primarily an employment program and, moreover, an employment program that is directed towards those people who are most disadvantaged in the workplace. To expect people in these groups to match fully employed and experienced workers is unrealistic. Obviously, the work that is actually done must be of significant community benefit (I will come to that in a moment), and the program must not simply be a make work exercise. This becomes apparent by the nature of CEP projects, many of which are carried out by local community organisations and local government and which are extremely visible in the local community. Indeed, their quality and public value are open to all.

To ensure that the target groups are put into employment through the CEP, a series of quotas has been set. For South Australia the quotas and the achievements against them are set out in a table. I seek leave to have inserted in *Hansard* without my reading it a table that is of a purely statistical nature.

Leave granted.

SOUTH AUSTRALIAN CEP QUOTAS

	Quota Per cent	Achievement Per cent	Number
Long Term Unemployed	70	81	1 635
Women	50	46	929
Persons with Disabilities	15	14	281
Aboriginals	4	6	111
Persons with English Speaking Difficulties	2	3	64

Ms LENEHAN: I will cite a couple of examples in this table. First, the quota of long-term unemployed in South Australia was 70 per cent, the achievement in this area was 81 per cent, and a total of 1 635 unemployed people gained employment through the CEP program. I am sure that that will be of interest to the Opposition, in the light of the last motion that was debated. The quota for women was 50 per cent, the achievement was 46 per cent, and 929 people were involved. The quota for disabled people was 15 per cent, and the achievement was 14 per cent. In relation to Aboriginal people (another target group for the CEP), 4 per cent was the quota and 6 per cent was achieved, with 111 Aboriginal people gaining employment.

From the statistical table showing the quotas set for South Australia and the achievements, it can be seen that we in South Australia have done very well in achieving our targets. Quite obviously, there is still more to be done in providing opportunities for women in those programs. Instead of criticising the Commonwealth Employment Program guidelines, I would have thought that the member for Davenport would want to see the guidelines extended so that those in our community who are most in need of employment are targeted. Obviously, the honourable member does not share the concern of members on this side. Many of the CEP projects could be carried out by traditional private sector organisations in what the member for Davenport would probably describe as a more efficient way, if efficiency is to be measured only in economic terms. I

suggest that the member for Davenport proposes that we measure efficiency only in economic terms.

What would be equally certain if this course was adopted is that there would be very little, if any, impact on the target groups with which the CEP is crucially involved. If we just want to create employment for those who are already most able to gain employment, of course the CEP would not be an initiative to be supported, and I guess that that is what the Liberal Party is saying. There is certainly the possibility for improvement in the administrative demands placed on sponsors of the projects and I am not—

Members interjecting:

Ms LENEHAN: The honourable member pretends that he is some sort of *de facto* member of the Liberal Party. The demands on sponsors of projects must be considered, and that is currently the subject of negotiations between the Commonwealth and State public servants involved in the programs. I would like to cite a letter that supports the view I am putting to the House. In fact it was sent to the Hon. Ralph Willis, the Federal Minister for Employment and Industrial Relations. The letter, from Masonic Memorial Homes Trust Incorporated, states:

Dear Sir,
My organisation has recently completed—

Members interjecting:

Ms LENEHAN: I suppose members will say that this is some sort of radical group that supports the Labor Party. The letter states:

My organisation has recently completed a small landscaping project at the Ridgehaven community aged care complex in suburban Adelaide utilising Commonwealth Employment Project funding.

Members interjecting:

Ms LENEHAN: Yes, it is in the District of Newland. It continues:

I have noticed in the past some adverse criticism, not only of projects, but of persons involved in same. It is with great pleasure that I advise you that from every aspect the operation was satisfactory and in particular the young people employed generally proved extremely competent and willing. As a result—

and I would like the member for Davenport to take note of this—

of the new skills these people obtained, I have been pleased to offer two of them casual full-time employment with the intent of eventually selecting one for permanent duties.
Yours sincerely,
[Signed] John Birkill, Administrator.

That letter probably typifies the enormous amount of satisfaction on the part of a large number of community groups and individuals, not the least being those people—

Mr Lewis interjecting:

Ms LENEHAN: It is interesting that the member for Murray-Mallee continues to rabbit on in this rather unintelligent fashion. The total number of people who have obtained work from the CEP projects and, more importantly, have been given the opportunity to develop work skills, which they have been able to take into permanent employment, is extremely significant. For all the reasons I have outlined, I reject, and I sincerely hope every thinking, sensitive and caring member of this Parliament rejects, the motion, because I believe that it does nothing but cast a negative slur on a very valuable program in our community.

Mr S.J. BAKER (Mitcham): It is obvious that the honourable member's Federal colleagues do not think the same way, because they have just slashed the funding in this area. I go further than the member for Davenport: I believe that the program is not worth the money being spent on it. I sincerely believe that we are wasting taxpayers' money for very little benefit and that there are much better ways of achieving the desired aims. I do not have to number off too many projects before we start to get the idea. We heard about the Coorong caravan park.

Members interjecting:

Mr S.J. BAKER: Just hold on a second. I will mention a few successes—or at least one success. Just wait. Let us talk about the Elizabeth swimming pool project (I think that the Port Lincoln pool was the one that leaked).

The SPEAKER: Order! The honourable member for Mitcham must address his remarks to the Chair and not conduct a dialogue with backbenchers.

Mr S.J. BAKER: A wall was erected in my district that was as crooked as a dog's hind leg, and thousands of dollars was spent for a bricklayer to do it properly.

Mr Becker interjecting:

Mr S.J. BAKER: They lost $700 000 at West Beach. It is an absolute farce. Before the last election many unemployed groups came to talk to us, and they told us about the tree planting program outside Murray Bridge at Monarto. There were 20 people on the site but two were working—so that the project could be stretched out. The other 18 went off and did whatever they felt like doing. Time and again we have seen these major projects, involving large sums of money, mismanaged, and sometimes it is not the fault of those involved, because they have not had the skills to supervise. The statistics reveal that there has been 80 per cent higher workers compensation, and 25 per cent of those who participate in the programs end up on workers compensation.

Mr Becker interjecting:

Mr S.J. BAKER: The first $2 million went into workers compensation. We asked unemployed groups what they thought of the CEP and they said, 'It's a lovely Christmas present.' I do not think we are about giving Christmas presents: we are about creating worthwhile employment. There have been some successes. In my district, for example—

Mr S.G. Evans interjecting:

Mr S.J. BAKER: We have spent more than $1 billion on this program: there must be a success story somewhere. A bowling green in my district was relaid and involved a female and an Aboriginal who had not worked for more than a year. People told me that that was an enormously successful venture, because everyone worked together and really appreciated the opportunity to work. But for every success story there is an enormous project which runs out of control and which costs double or triple the original estimate. There have been strikes on CEP projects. Those involved must be members of the union and when they start work on the project they are called off, so that the project can run for a little longer.

Members interjecting:

Mr S.J. BAKER: Taxpayers' money: the unions get another form of income. Let us not talk about the successes of CEP because they are too few. The scheme is a gross waste of money and the money should be redirected to those projects on which the money can be spent more usefully. I agree in this regard with the member for Davenport. Indeed, I believe that the motion should go further and ask the Commonwealth Government to stop wasting money on these schemes.

The Hon. E.R. GOLDSWORTHY (Kavel): I said from the day on which CEP began that there were more efficient ways of spending taxpayers' funds. There needs to be a turnaround in the economy of this country if we are to create permanent employment. What has the CEP done to

create permanent employment for the third of our young people who cannot find work?

An honourable member: Lots.

The Hon. E.R. GOLDSWORTHY: Then let the honourable member get up and tell us what has been done. We hear much about these programs training people for work but, if the work is not there, they cannot get it. There has been no improvement at all in this nation in finding jobs for the young. I recall the now retired former Deputy Premier standing in the place in which I stand at present and, in 1981-82, bemoaning the tragedy of the young unemployed. Day after day he stood in this place and talked about this tragedy, but since then the position has worsened and more young people are unemployed in Australia than there were when the Labor Party bemoaned their plight.

An honourable member: What is your policy?

The Hon. E.R. GOLDSWORTHY: We have not the time available tonight. The policies followed by the Labor Party during the 1970s and into the 1980s, supported by Gough Whitlam who is at present berating the Hawke Government, opened the floodgates and put the country in the fix in which it finds itself at present. Those Labor leaders gave the public great expectations and got people to believe that their living standards could be improved by the spending of someone else's money. However, economics gives the complete lie to those statements. We have an enormous bureaucracy, second only to that of Sweden, and that bureaucracy is supported by the money of the hard pressed taxpayer. The Labor Party asks what we need to do: we need to reverse those economic policies fundamentally. Of course, that fact has come to be recognised.

Members interjecting:

The SPEAKER: Order! The Deputy Leader needs protection here. It appears that the members for Henley Beach and Briggs have far exceeded their quota of interjections, for a while at least.

The Hon. E.R. GOLDSWORTHY: The philosophy behind the CEP scheme is to create temporary work inefficiently and hope that something turns up, because there is nothing inherent in the scheme that will lead to a turnaround of the Australian economy. At best, the CEP scheme has been a holding move to provide temporary work in the name of training. The measures that need to be taken have not been taken and the Labor Party has not the will to take them. The Labor Party is incapable of governing this country without the say-so of its union bosses. The ACTU is dictating the wages policy of this nation. After all, it was the ACTU, via Bill Kelty, that spelt out the tax package that was inflicted on this country with such devastating results on productivity as Treasurer Keating is seeing at present. That fundamental fact is tying the hands of the Labor Party, even though one or two economic rationalists in that Party would like to set this nation on the right track. However, they cannot do it because their hands are tied by the lunatic fringe within the Labor Party and the ACTU.

CEP was at best a short-term palliative to create temporary work (operating inefficiently), while the Government hoped that something would change in this country to create permanent jobs. The scheme has been a complete failure. Indeed, we have the highest youth unemployment that Australia has ever known and it is highest in South Australia, where the Labor Party year after year has supported this scheme. However, the scheme has been a failure.

Mr LEWIS (Murray-Mallee): When I heard the member for—the mouth from the south—Mawson—

The Hon. T.H. HEMMINGS: On a point of order, Mr Speaker. Although I do not wish to interrupt the free flow of debate, I ask that the honourable member withdraw that remark regarding the member for Mawson.

Members interjecting:

The SPEAKER: Order! I remind the honourable member for Morphett that it is for the Chair to determine whether certain words are unparliamentary. As the remarks referred to by the Minister are not in the category of being unparliamentary, I cannot ask the member for Murray-Mallee to withdraw them. However, those words may be considered offensive by the recipient of the epithets and only that person can take that course of action and request a withdrawal. Therefore, there is no point of order. The honourable member for Murray-Mallee.

Mr LEWIS: Thank you Mr Speaker. No offence was intended and the connotation that I used was in no sense meant to be derogatory. Indeed, it is the generally accepted description of the honourable member and was not meant to be derogatory in any sense. It is more humorous than anything else. I regret that I could not recall the district represented by the honourable member. If later, when she becomes aware of the fact that I referred to it in this Chamber, it causes some offence, I apologise now in advance and proceed to address the matter before the House.

Members interjecting:

Mr LEWIS: I am well aware of the Minister's lack of manners or understanding of what that means. What we are talking about, however, is far more serious. CEP, as other members on this side have pointed out, has not succeeded. Indeed, many of us would argue that it has been an abject failure. I have previously referred to the example of the caravan park of the Storemen and Packers Union on the Coorong, where more than $100 000 of taxpayers' money has been spent, even though that project belongs to vested interests in the community (if you like, privately owned) from which benefits would accrue to specific individuals.

Other private enterprise bodies which may have applied for these funds were ineligible but, because it was a trade union which applied for the money, that trade union was in some way or other argued to be a public utility. But that is nonsense and you, Mr Speaker, and other members of the Government know that it is. It was intended to create an asset that would be available to members of that trade union in particular and to members of other trade unions in general at sliding scale discount rates for occupancy, whether the visitor was in the caravan park in a privately owned caravan or occupied a cabin there. That was appalling, in my judgment, yet it was within the so-called conditions that apply regarding the expenditure of those funds.

I could refer to another example which has never been drawn to the attention of this House and which is an outstanding example of appalling waste. A group of feminists are walking across the Nullarbor Plain along the east-west transcontinental railway, at what can only be described as ridiculous rates of pay and employment conditions, looking for and pulling up skeleton weed. When asked whether they could identify skeleton weed one replied that she did not think it really mattered and that, if she saw something that she thought was skeleton weed, she would ask someone who might know.

What on earth is that project intended to achieve? It is quite incredible that that kind of project can be advanced, in the words of the member for Mawson, as improving employment prospects. For God's sake, do we want professional skeleton weed scalp hunters? Is that what this country is about? I would have thought that it would be more appropriate along the east-west railway to simply sterilise the track, to get out there with a long life residual weedicide, as is done everywhere else, and sterilise the ballast and soil

adjacent to the track. It would cost less than a tenth, probably less than one-hundredth, of the cost of this current stupid program in which the lives of these women at best have to be at risk.

Mr Meier: And it would also get rid of skeleton weed.

Mr LEWIS: Yes, whereas the present program is unlikely to do that because, as all members know if they have had to work with skeleton weed, you cannot control it by pulling it up or grubbing it—it thrives on that. That vegetatively encourages it to stool, which means that it sends out more shoots through the surface than were there previously. It sprouts out from the nodes along its underground stems and rhizomes.

The Hon. B.C. Eastick interjecting:

Mr LEWIS: Yes, as the member for Light points out, it has much the same effect as giving it a dose of fertiliser. It encourages it to propagate its abovegound growth. I understand the concern of the people of Western Australia that they should not have skeleton weed across the Nullarbor *via* train wheels and mud that may be thrown onto the undercarriage of rolling stock, dropping off along the way into the ballast and taking root. I share that concern, but the way to stop it getting there is not the way we are going about it at the present time with mickey mouse programs paying feminists to walk across the Nullarbor. They are from a women's collective, and it is a type of equal opportunities project.

Members interjecting:

Mr LEWIS: It is particularly sexist to have designated that the work be done by women with no specific qualifications.

Ms Lenehan interjecting:

Mr LEWIS: I regret that the range of the member for Mawson's voice falls into the middle of my most profound deafness. I am tone deaf, and do not pick up her interjections. One of the reasons these programs have failed, as illustrated by the instance given by the member for Mitcham, is the very high cost of workers compensation in premiums to the program because insufficient thought—one of the conditions that ought to be there is not there—has been given to the condition that ought to apply to this or any other employment scheme.

People who want to go on these schemes, who have been long term unemployed (not all of them, but many of them), have been spine bashing a fair bit. They are physically unfit for work. Yet most of the work is labour intensive, unskilled, and requires physical exertion. In my judgment, before they are given any job that requires physical exertion they should be required to be tested at a gym so that they can demonstrate that they are capable of the rigours of the job. It is useless to send someone out to get experience in performing a physical task when they will only injure themselves on the first day or so on the job and go off work, long-term. That means that we are turning the unemployed into pensioners with permanent physical disability.

I have enough compassion in me—probably more than a good many members sitting opposite—to recognise that that is heinous. It is quite unreasonable to raise the hopes of somebody who has been one of the long-term unemployed to believe that they will get experience relevant to employment prospects if they go out and do a job for which they are physically ill fitted and who on the first day are very likely to injure themselves. They could possibly spend the rest of their lives suffering the effects of that injury. Certainly, that is the medical evidence being provided.

Members interjecting:

Mr LEWIS: It is coming from the high cost of workers compensation premiums being paid as a consequence of the large number of claims being made for the long-term injuries that result for those people who have the misadventure to get involved in an employment program, involving them in physical exertion of which they are not capable because they are not fit.

Mr Robertson: What percentage or proportion?

Mr LEWIS: I do not know what is the proportion. The first $2 million this year went on workers compensation premiums. If that is not an indication of injury and misadventure suffered by the people who have been encouraged to do that work, then what is an indication?

Mr Robertson: There are hundreds of thousands on CEP. Give us the figures.

Mr LEWIS: What is the point? It is an indication of what is happening. It means that the conditions are relative to the determination of whether a program is appropriate and whether individuals ought to participate in it or not. I do not see any reason why it should not be used as an indication. The 'conditions' referred to imply all 'conditions'—those that include as well as those that exclude.

For the sake of members opposite, let me expand on something that the Deputy Leader said, apart from the question of physical fitness. The jobs that are created in this fashion could be more effectively created as real jobs. The dollar collected to create them—whether it is $1, $100, $100 000 or $100 million—has to be collected as tax first before it can be spent. I can go into what happens if we decide to spend money we have not collected as tax. Indeed, we are then simply cranking up the printing press. The moment we do that we imply a tax on everybody because we devalue the assets and savings which all citizens have. Any Government that cranks up the printing press and decides to spend money that it has not collected as tax is engaging in direct multiplier effect inflation. That destroys the value of the savings of the elderly and others on the benefits of a fixed lump sum pay-out invested or other form of fixed income. They are relying upon a nest egg that is fixed in quantity. We have explained that.

The other effect, however, of collecting tax (rather than cranking up the presses) is that we take the money from people who could otherwise have spent it either buying products or paying real wages in producing those products anyway for people who want to get the products. We get away from the real market where demand, spontaneously emerging in the economy, determines who shall do what through the supply/demand mechanism. We get away from that by having Governments decide who shall do what and get what. You take tax from the private sector (dollar by dollar) where it could have created real jobs. You take it away from the payrolls of companies and purses of people who could have spent it to buy the products of those companies. The Government says that it will have a mickey mouse program here to make concrete posts for sparrow pens, another one there to collect skeleton weed on the railway track from Port Augusta to Norseman, and yet another to count the boab trees in the area some hundreds of square kilometres around Derby, Kununurra and such places in the North West of Australia.

Mr Becker interjecting:

Mr LEWIS: Whatever. Those kinds of programs will not lead to permanent long-term jobs for the people participating. Who wants to employ a professional boab tree counter? Could you imagine anything as daft as that? If that is all the experience that you are gaining in the course of your three months work—

The Hon. E.R. Goldsworthy: You could get a job as a boab tree counter.

Mr LEWIS: Where would you get a job? That is what you are experienced in doing.

Members interjecting:

Mr LEWIS: No, it is a species peculiar to Australia.

The Hon. B.C. Eastick: It could be a numeracy skill.

Mr LEWIS: I thank the member for Light for making that point. It could be a numeracy skill. I could think of more cost effective ways in the economy to acquire those numeracy skills.

The Hon. B.C. Eastick interjecting:

Mr LEWIS: Indeed they could. They could do it without having to be provided with expensive four-wheel drives and other enormously expensive equipment and supplies, and so on, to get them out into the country where they finally get themselves lost anyway.

An honourable member interjecting:

Mr LEWIS: They are not skilled bushmen and they do not even know how to light a Weber, let alone a camp fire.

Members interjecting:

Mr LEWIS: We are not talking about counting snakes, but a tree peculiar to the North-West of Australia. I have tried to explain that these dollars could have created real jobs in the hands of the employers from whom they were taken in taxes. The employers are defined as those businesses that directly employ people or the public who buy the products from those businesses. They either take it out of the purse of the spender or out of the pay-roll of the employer. One way or another the creation of real jobs is prevented by collecting those tax dollars and create pretend jobs with those tax dollars in an inappropriate way in another part of the economy. Nothing has been done. The public has been conned into thinking that the Government has done something. Sure, that is its political point, but there is no enduring benefit of the kind could have been there if the tax dollars had been left with the private sector employer.

In passing, I would say that the optimistic belief, when this kind of program is introduced, is that it is done in the same way as Mr Micawber used to live his life. It is done in the hope that we expect something to turn up to solve the dilemma, and the dilemma is caused by our very intervention in the economy in the first place, so the solution will never turn up while we pursue this approach.

In the final analysis, I put the view that it would be better if we introduced a 'work for the dole' scheme, where everybody who wanted to work could work, and they would work on jobs defined within the communities in which they live, identified by those people. If they did not want to work, they would take a cut in the dole of 10 per cent on their last cheque until they decided that the amount of money they were getting was too little to live on. Then they would go to work for the dole, for the number of hours each week that was considered legitimate, at a basic wage rate, if you like, that is shortly to be determined under the new wages scheme and could otherwise be determined in any case.

They would then acquire something more than they would at the present time, because 'you takes from those who won't work and gives to those who will', thereby enabling them to not only do something useful from which they get self-esteem and benefit, but also something which the rest of the community agrees would be useful too. That enhances the sense of value, pride and self-esteem which the individual involved in the work derives from participation in the program in that fashion. I think that the member for Davenport made a good point when he put his proposition to us that in the opinion of this House, the conditions that apply regarding the expenditure of CEP funds make that program an inefficient use of public funds.

Mr S.G. EVANS (Davenport): I thank all members who have spoken on this side of the Chamber and the member for Mawson from the other side. I think she took my motion to heart as an attack on Aborigines or disabled people or women or those who are unemployed. It was not an attack on them. When I introduced the motion, I did say (and quite rightly) that some who were supposed to work on the program were about as useful as a wheel on a walking stick, and that is true, because some of them were just not cut out to work in the sort of jobs they ended up in.

I saw some women working on three projects in my electorate and I believe, if you want to be sexist about it, that they were doing a lot more work than any of the men or youths on the project (if you regard a youth as being between the ages of 18 and 21). So, it was not an attack in that way at all. What I said was that the conditions that apply were inefficient, and I will explain it again so that those in the Labor Party might reconsider their position, if the member for Mawson happened to express their collective view that they should oppose the motion.

I said that if the contracts had been let out through local government to contractors on the condition that they employ somebody who has been unemployed, the number employed depending on the size of the project, those who were unemployed and who worked on that project would be working alongside skilled, regularly employed personnel, and would get a better training while working that way than working alongside other people who had been unemployed and in the main were unskilled and quite often with forepersons who were themselves out of work because they were the worst of the forepersons available. In other words, if they were the best, they would be employed, but because they were not good at the job themselves, they were unemployed; so actually we have the unemployed who should be getting training taking guidance from people in the main who were not able to give the guidance because they were not efficient themselves.

If projects like some of the ones in my area cost 50 per cent more than they should have because of the high labour and waste contents, and we took those contracts over to direct contractors, we would use more materials and build 50 per cent more buildings, roads, footpaths, gardens or brick paving, and we would be using that much more material, so we would be creating jobs back down the line carting the material, producing it, preparing it—and that was my argument. The conditions that apply are inefficient. I was not saying that the program should be abolished, but I honestly think that, if the Prime Minister was in this House to vote, and we had a secret vote with only 18 on this side, there would be 19 votes in the hat, because he has realised that there is an inefficient use of public funds. That is why the Federal Government has cut the funds, and it has cut them since I moved the resolution way back in August—

Mr S.J. Baker interjecting:

Mr S.G. EVANS: The member for Mitcham gives me greater credit, but I doubt that the Prime Minister would ever look at a *Hansard* produced in this place; nor would he look at more than half a *Hansard* produced in his own place, so I will not accept that compliment from the member for Mitcham that it is because of my motion that the Prime Minister changed the rules. He knows from the report coming back to him from the grass roots, including his own ALP members who say it, back along the line: there is a problem. The people whose projects are going ahead are talking. Some local governments do not touch it any more and would not touch it with a barge pole because they do not like the comments coming back about inefficiency. We can make the project respectable. I am not saying that some

people did not get permanent work from it, but I am saying that if we change the rules, more people would get permanent work and acquire the necessary skills. The amount of $1 000 million is a heck of a lot of money.

It does not sound much for Governments, especially the Federal Government, but to the taxpayer it is a lot of money, and it should be used effectively. I know that this motion will fail, but I thank those who have supported it, because they have aired some points of view that I have not heard before, which I appreciate. Even though a yabbie farm was built and failed, I do not blame the Aboriginal people who worked on the project and who had to try to run it. It was placed in their lap by some people who claimed that they had good intentions, but they were theorists. The unfortunate Aboriginal people had to carry part of the can, and it is not their fault but the fault of the idealists, who suggested running the yabbie farm.

It is unlikely that the Labor Party will backtrack on what it said through the member for Mawson. However, I wish that it would. I do not want the program scrubbed; I am not saying that it has not done some good or has no benefits for the future: I am saying that the conditions should be changed. The member for Mawson made the point that we need to change the administration of the system. I am merely asking members to vote where their hearts and minds are, and do not vote against this motion just because the person involved means nothing in the House. It would not matter if they were not here, according to the Deputy Premier. I ask members to support the motion.

The House divided on the motion:

Ayes (15)—Messrs P.B. Arnold, D.S. Baker, S.J. Baker, Becker, Blacker, Eastick, S.G. Evans (teller), Goldsworthy, Gunn, Ingerson, Lewis, Meier, Olsen, Oswald, and Wotton.

Noes (20)—Mrs Appleby, Messrs Blevins, De Laine, Duigan, M.J. Evans, and Ferguson, Ms Gayler, Messrs Gregory, Hemmings, Hopgood, and Klunder, Ms Lenehan (teller), Messrs Mayes, Payne, Peterson, Plunkett, Rann, Robertson, Slater, and Tyler.

Majority of 5 for the Noes.

Motion thus negatived.

CAMDEN SCHOOL NOISE

Adjourned debate on motion of Mr Becker:

That this House requires the Government and the Minister for Environment and Planning to take immediate and positive action to encourage Hy-Stress Concrete Pty Ltd to reduce industrial noise levels affecting Camden Primary School to legally acceptable levels and not to allow under any circumstances further noise exemptions to be granted to the company after 31 January 1987.

(Continued from 27 November. Page 2470.)

Ms GAYLER (Newland): I move:

Leave out all words after 'House' first occurring and insert the following words:

views with considerable concern the industrial noise levels affecting Camden Primary School, notes the timetable imposed on the firm Hy-Stress Concrete to reduce noise levels affecting the school and, further, urges the Minister for Environment and Planning to ensure noise levels at Camden Primary School are within acceptable limits by the beginning of the 1987 school year.

The problem of noise in the—

Mr LEWIS: I rise on a point of order. Is the proposed amendment, which I could not hear, to be seconded before the mover continues?

The SPEAKER: Order! The member for Newland can make a contribution concerning her amendment and a seconder will then be called for at the conclusion of her remarks.

Ms GAYLER: The problem of noise in the urban area is clearly increasing and affecting Adelaide residents and schools to a greater extent as our city becomes larger, as traffic levels increase and as the difficulties with industrial development adjoining residential and other land uses such as schools also increases. It is clear that urban noise causes enormous distress, as well as stress and tension.

When this is the case in an industrial site directly adjoining a primary school and, in particular, the music room of that school, it is understandable that the school is very distressed and wishes to see firm action taken to overcome these problems. For that reason it is pleasing that the Noise Abatement Branch of the Department of Environment and Planning took action beginning in July 1985 when it first measured the noise levels at the Hy-Stress Concrete plant.

Since that time the school and the company have been kept fully informed. Discussions have been held about how the noise levels can be reduced and, in spite of some efforts, it was clear that the noise from the plant and its effect on the school remained excessive. Therefore, the department served notice under the Noise Control Act requiring the company to comply with the noise levels appropriate under that Act. Unfortunately, the notice was served on an associate company so that it was not legally binding on the relevant company.

A subsequent notice was therefore served, and at that stage, in May this year, the company applied for an exemption from the Noise Control Act. Under the Act the department and the Minister were bound to consider the particular circumstances. The Principal of the primary school agreed to advise the Noise Abatement Branch when noisy equipment was operating so that the branch officers could quickly arrange for measurements to be taken. Unfortunately, the Principal called the branch on only one occasion and, by the time the officer/inspector arrived, the noise had ceased.

The department then devised another means of determining the noise levels emanating from the plant, and it left monitoring equipment at the school. Discussions were also held with Hy-Stress in an attempt to determine what measures could be taken to avoid the problem. Despite efforts by the Government and the department over 12 months, the noise remains excessive. Therefore, the Minister agreed with the department's recommendation that the company be required to comply with the Noise Control Act before the commencement of the 1987 school year.

I would like to conclude by commenting briefly on two points. The first point was raised by the member for Heysen, who claimed that Hy-Stress had not been kept informed during the processes.

The Hon. D.C. WOTTON: I rise on a point of order, Mr Speaker. The member for Newland has referred to the member for Heysen when she should have referred to the member for Hanson.

Ms GAYLER: I am sorry; I apologise to the member for Heysen. Hy-Stress was involved in the level of noise, so action is now being taken. The claim by the member for Hanson in that regard is not supported by the facts. Secondly, it has been claimed that the department has been unhelpful. In fact, the department has bent over backwards to discuss the problems and ways of reducing the noise emanating from the plant. The fact is that the company is breaking the law and compliance must be achieved.

The company is causing serious disturbance to the primary school, the students in the school and to teachers, particularly in the nearest area, which is the music suite, and the company must abide by the noise control limits.

The Government should be congratulated on the efforts that it has taken in this matter.

The SPEAKER: Is the amendment seconded?

An honourable member: Yes, Sir.

Mr LEWIS (Murray-Mallee): I do not see that the amendment does anything to the motion at all. It merely enables the Government to be seen to have taken the initiative from the member for Hanson. I do not see that it is legitimate under Standing Orders, but for the purpose of the discussions about it, let us assume that it is in some fashion different and not waste time on the mechanics of the matter. The member for Hanson, in reflecting the concern that is caused by the noise, is to be commended. As a person who has been adversely affected by industrial noise in the past, I sympathise with those people who suffer its consequences now.

Indeed, I urge anyone who is located in places where there are high levels of sound (measured in decibels) to ensure that they eliminate the intensity of that sound reaching their own sensory organs—there ears—by wearing ear muffs, ear plugs or whatever is necessary. That goes especially for people who attend rock concerts, where noise levels are very high and dangerous. Indeed, people are doing considerable damage to themselves. Such noise wipes out the middle and higher middle tones in one's hearing and one cannot hear things like the bells of telephones and the female voice.

Most of the time I find myself lip reading women and, when I concentrate on their lips, it is not for any other purpose than to try to comprehend what they are saying. I know at times that they might feel embarrassed at the extent to which I focus attention there, imagining that it is for other reasons, but they are quite mistaken, I assure you, Mr Speaker.

I am not meaning to be frivolous in the least. However, I now want to make a point on behalf of Hy-Stress Concrete. It was foolish—and, indeed, I would go further than that and say that it was just plain damn stupid—to have ever put the music room on the side of the school block near the factory. Indeed, the school should never have been located in an area that was originally intended for industrial development, right next door to a substantial area of land that was already being used by this heavy industry.

The House needs to remember that the Robertson family, which owns and operates Hy-Stress Concrete, has done a great deal for the development and advancement of engineering in South Australia. A large number of bridges of unique design built throughout the State have been made by that company. The company has undertaken other pioneering work in steel and concrete form work—

The Hon. P.B. Arnold interjecting:

Mr LEWIS: Yes, prestressed and poststressed steel and concrete work; they are experts in it. They ought not to have been exposed to the kind of problem that the school presence and protests now produce. It would have been commonsense for the Government years ago not to have put the school there or, in any event, not to have continued to develop the school site in that locality. Rather, it should have been relocated. The ultimate consequence of the action being taken at the present time in the interests of the staff and students of the school is that Robertsons will no longer be the technology leaders that they are in this kind of construction—they will have to forgo the kind of industrial production which they are undertaking there (I have already described what that is)—and that the company will be severely disadvantaged and have to find substantial capital funds to relocate itself in order to continue to produce those innovative and products at such competitive prices for the benefit of the South Australian community at large.

It makes a lot of difference when, instead of building a bridge for $5.5 million, one can do it for $3.5 million—we have saved $2 million. That is the order of the benefit about which we are talking. I believe it should not be the responsibility of Hy-Stress Concrete to meet the cost out of its own pocket to relocate its enterprise if that is what is decided. I believe the Government should forthwith set about deciding which of the two incompatible facilities would be cheaper to relocate at public expense, because that is the only long-term solution to this problem. It would be stupid to suggest that schoolchildren wear ear muffs and ear plugs, especially in a music room, which the industrial workers have to wear next door where the work is going on.

It is not the fault of Hy-Stress Concrete that the school is situated on that site and that the music room is in a stupid place. It is unreasonable of members to load the private interests involved with the burden of responsibility for the ridiculous decisions taken by previous Governments. Therefore, I do not support the proposition that Hy-Stress Concrete should either phase out industrial production of the kind that produces this noise or meet the cost of relocating elsewhere, which would dislocate its business. That should occur at public expense. A cost benefit analysis should be undertaken to determine whether the business or the school should be relocated because, most certainly, one will have to go sooner or later.

An honourable member: Which one was there first?

Mr LEWIS: The honourable member should have done his homework. He should know as well as I do that that area was developed after it was drained for industrial purposes by the Playford Government in the late 1940s. The Robertson family was there long before the Camden Primary School. Admittedly, the Robertson family expanded to the block next door, but that was only one block removed in any case, and it was a natural consequence of the necessity for the business production facilities to expand on to a larger site. Surely, it should have been envisaged that the site would ultimately be taken up by heavy industry, which it was originally planned would use the land in that locality. It was a foolish decision in the extreme that the school was ever located on that site, and the person or people who were responsible for that decision deserve the highest level of condemnation.

Mr BECKER (Hanson): I was responsible for locating the school on that site, and I am bloody proud of the school. The Education Department bought the land in 1954.

An honourable member interjecting:

Mr BECKER: I did my homework, and the member for Hartley, who followed me in 1977, knew very well the battle we had to relocate the Camden Primary School, because we wanted a grassed area on which the children could play. We wanted them to have a modern school, and the then Minister of Education, the Hon. Hugh Hudson, said that, if I would accept a Demac school and if I could convince the school council and the staff to accept that, we could have the school almost instantly. I believe that the capital cost was about $700 000. The parents and everyone else accepted.

The block in question was for sale, but the Education Department was too mean, too miserable or just did not have the money to buy that block to provide for a staff car park. Had the department purchased the block for a staff car park and kept the school campus intact and as originally designed, we would not be facing this problem. Members can say what they like about the development of the area.

The land in question was purchased by the Education Department in 1954. Provision was made—

Mr Lewis: A stupid decision. Some fool must have made it.

Mr BECKER: I do not know who was in Government at the time: I do not know whether it was a socialist Government. This is a coward's amendment. I am still disappointed that we have not heard from the Minister for Environment and Planning, who has been asked on many occasions to meet a deputation from the school council and from me. He has been asked to meet with the Robertson family, in particular with Mr Leon Robertson, the Managing Director of Hy-Stress Concrete. But the Minister had a backbencher reply on his behalf and move what I consider to be the most cowardly amendment I have ever read. It is pure politics, and it proves that the Bannon Government just does not have the courage to admit that a member on this side is doing his job for his district. The Minister would not support my proposition.

Therefore, the parents, the staff and the students of Camden Primary School will be told in no uncertain fashion where the Government stands and how much it cares about them. They already know that in October last year the then Minister of Education did not have the courage to reply to my letter or the courtesy to do anything about it. He door-knocked in the area for a candidate that the Labor Party put up, but he did not even call on the school council to try to solve the problem. What a hopeless candidate, and what a hopeless performance. I did well in that area because the then Minister of Education door-knocked.

Mr Robertson interjecting:

Mr BECKER: The sneaky little member interjects now. Every time there is a redistribution, a few thousand votes are taken from me, but we bounce back—no worries! It was a landslide in comparison with 1970. The honourable member, on behalf of the Minister, reflected on Mr Leon Robertson, the Managing Director of Hy-Stress Concrete, on the matter of consultation with the Noise Abatement Branch. Mr Robertson must have the opportunity to refute those allegations, and I will certainly contact him in the next few days to ask for his reply. I will need further time to reply to the statements made by the junior member of the Government and to the proposed amendment which really is meaningless. It is my motion in another form of words, and it demonstrates the cowardliness of this Government. To provide the school council and Mr Robertson with an opportunity to consider what has been said tonight, I seek leave to continue my remarks later.

Leave granted; debate adjourned.

HISTORIC MONUMENTS

Adjourned debate on motion of Mr Robertson:

That this House request the Minister of Aboriginal Affairs to investigate the establishment of a series of historic reserves or monuments, similar to the network of national monuments in the United States, to mark the location of some of the more significant episodes in the history of European colonisation of the State and, further, this House determine that such monuments should only be erected after consultation with and subject to the approval of the relevant Aboriginal organisation.

(Continued from 27 November. Page 2472.)

The Hon. P.B. ARNOLD (Chaffey): I have not had an opportunity to discuss this proposal with various Aboriginal groups across South Australia and I believe that, until that has been done or there is some indication whether or not the Aborigines themselves desire this procedure, there is little point in the Minister's instigating an investigation. To provide the opportunity for those discussions, I seek leave to continue my remarks later.

Leave granted; debate adjourned.

The SPEAKER: The time for private members' business having expired, I call on the Orders of the Day.

LIQUOR LICENSING ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading (resumed on motion).

(Continued from page 2696.)

Mr DUIGAN (Adelaide): The problem to which I was alluding earlier is a problem that is also associated with the abuse of alcohol and in a sense unrelated to the licensing conditions that can be imposed on licensed premises especially when those premises operate in a residential area. Although patrons may be acting properly by being of the right age and of reasonable character and behaviour within the hotel, and although the licensee may be operating within the terms and conditions of his licence by not selling liquor to under-age people and maintaining a reasonable standard of noise and behaviour within the hotel, often, especially in the residential areas of the inner suburbs, the problem arises after the patrons leave the hotel, and the problem persists for the residents for up to about an hour after the licensed premises close.

The problem concerns the noise that is associated with the patrons leaving the hotel. More especially, it often involves bad behaviour, bad language and careless driving. The argument has often been advanced that residents near inner city hotels must put up with it because many of those hotels have been there longer than the residents themselves. Although that argument holds some validity, the contrary point needs to be made that, when those hotels were local suburban and community hotels, they previously closed at 6 p.m., so the problem never arose. Then there was the proposition to open the hotels until 10 p.m., but even then the problem did not start as a result of the 10 p.m., closing but as a result of the competition that is waged between a variety of hotels to attract patrons and the fact that they must stay open after 10 p.m. with a licence that operates until 12 midnight, with patrons not leaving until, say, 12.45 a.m. This is a problem of concern to the community, and it must be considered by assessing the extent of the difficulties that are experienced by people in a wide variety of inner suburban areas.

However, for the time being the community problems that are being addressed in the Bill concern the abuse of alcohol in public and the abuse of alcohol by minors. In this respect, the steps that are being taken in this Bill to give a lead to the community and to ask various sections of the community to exercise greater responsibility and restraint will leave us in a good position as we approach the festive season when, for one reason or another, alcohol abuse tends to get worse. Indeed, I hope that this year, unlike 1982, 1984 and 1985, there will be no drunken and riotous behaviour in Glenelg or in the central city area of Adelaide. I support the Bill.

Mr GUNN (Eyre): I am pleased to take part in this debate, because it gives me the opportunity to again bring to the attention of the House the problems that my constituents are facing. Unfortunately, the Government again has not had the courage to take the decisions that would solve those problems. Although this Bill contains features that we all support, especially the penalties for minors drink-

ing in public or in motor cars, it is only tinkering with the edges of the problem to which I wish to refer.

The Minister in charge of the Bill and the Minister in charge of the Liquor Licensing Act would both be aware that for some years certain members on this site, including me, have advocated the adoption of the 2 km rule, the law that applies in the Northern Territory. We will not solve the problems at Coober Pedy, Glenelg, Gladstone Square (Port Augusta) and Ceduna unless the proposals such as I advocate are put into the law.

The Hon. D.C. Wotton: And at Murray Bridge.

Mr GUNN: Yes. It is deplorable that this Government, because of a few legal aid hobo lawyers who live off the Aboriginal community and who have the ear of the Government, has not the damned courage to do what is in the best interests of the people of this State. I am absolutely sick and tired of having to complain continually on behalf of my constituents because of the lily-livered fashion in which this Government has dealt with those lawyers and social workers who live off the Aboriginal community. Let us face the facts. It is the unfortunate Aborigines who are causing the problem at Ceduna. They are congregating outside the hotels. It is the same at Coober Pedy and at Port Augusta, but what are we doing? We see that silly Licensing Commissioner, a fellow called Secker, who has gone over there and taken evidence. He has not been fair.

Mr DUIGAN: On a point of order, Mr Speaker, as I understood what the honourable member said, and if I heard him correctly, he referred to Mr Andrew Secker, the Licensing Commissioner, as 'that silly fellow'.

Mr Gunn: And I make no apology for it, either.

Mr DUIGAN: It is completely inappropriate.

Members interjecting:

The SPEAKER: Order! I ask the honourable member to resume his seat while I seek advice on this. I ask members to come to order. It is unfortunate that remarks made in this place about public servants are made in such a way that those public servants cannot defend themselves but, notwithstanding that, the remarks made are not unparliamentary and to this stage I rule that the honourable member for Eyre has not transgressed the Standing Orders of this House. However, I hope that all members will consider that, when they name someone, that person is in the unfortunate position of not being able to defend himself or herself.

Mr GUNN: Mr Speaker, let me make it clear: I am conscious of what I said, and I did it deliberately. If the member for Adelaide had the sort of problems that I have raised in this House over many years, he would feel the same as my constituents and I feel. Surely this is the place to which we are elected to bring these matters to the attention of Parliament, and if we cannot talk about them in Parliament there is nowhere else where we can talk about them. That is just the trouble. That is why we have the problems at Ceduna and other places.

This Government does not have the political guts to carry out the decisions that must be made, but I have been elected seven times to represent those people and I make no apology, because I know the facts. The lily-livered member for Adelaide will not be here after the next election, because he has not the courage. It is all right to stand up and defend people such as Commissioner Secker and others. They take on responsible positions and, if they cannot take the criticism, they should not hold their positions. Their decisions affect my constituents and this is my only chance until February to raise these matters. If the honourable member had read this evening's *News* he would have seen the following report on page 5:

> Proposals for the Licensing Court to restructure licences of the Nundroo Fencing and Nullarbor hotels would heighten problems in Ceduna. The proprietors of those hotels had said Aborigines were planning to buy alcohol in Ceduna if the restrictions were imposed. Officer in charge of Ceduna Police Station . . . who was bashed recently, warned action could be taken against parents of those who offended. He wanted parents to take more responsibility for their children.

That again highlights the problem. That Commissioner proposes to stop the sale of take-away liquor at those hotels, but all those people from Yalata will go to Ceduna and heighten the problem there. If the member for Adelaide knew other facts which I know but which I will not give to the House, he would realise why I am really concerned about the way in which Secker has investigated some of those proposals. I have every right to raise the matter in this House.

What other chance have those people got to have their rights defended? If the member for Adelaide in his marginal seat had the sort of problems that my constituents have at Ceduna he would have the Premier up there. The Premier went to Ceduna and did absolutely nothing. His staff requested that I not be there that day, even though I was invited to have lunch with the council at Smoky Bay. I was told that it was not proper because he was on a Jubilee 150 trip. I could have ensured that these matters were brought to his attention. He went there and did absolutely nothing. Now I have the lily-livered member for Adelaide trying to stop me raising these matters in the House.

Members interjecting:

Mr GUNN: I make no apology for what I have said, because the problems which the community is facing in Ceduna will not go away; they will get worse. One way to solve these problems is to bring in a sensible set of proposals that will restrict the consumption of alcohol in public places and give the police some support. A number of other things could take place. The district council only a fortnight ago again called to have these recommendations put into effect. Nothing has happened and nothing will happen, because the Government has not got the courage of its convictions and because Legal Aid lawyers have the ear of social workers and the Government.

They can talk and have conferences, but at the end of the day nothing happens. They have committees of inquiry, and what is the end result? What Paddy shot at! The member for Murray-Mallee has experienced the same thing in his electorate, with a spate of lawlessness, people's properties being damaged, people being physically assaulted, and so on. They are concerned for their safety—and we get amendments to the Licensing Act that only go part way.

I am pleased that the Bill is before the House this evening, as it gives me the opportunity to raise these matters. The council and majority of the community at Ceduna are out of their wits, and they have had enough. If this Government had put into effect months ago proposals which members on this side put up in another place but which this Government in this place rejected, it would have been one small step to resolve the problem. I say to the temporary member for Adelaide and his colleagues, who have been vocal—

Mr Klunder interjecting:

Mr GUNN: The honorable member has been in the wilderness once, and that is where he will go again. He is on his way. What solutions have they got to the alcohol problem in these areas? It has worked in the Northern Territory. One can walk down the mall in Alice Springs without any problems whatsoever, because the problem has been solved. Why not put into effect a proven course of action that will straighten out a real problem? The council at Glenelg would like to have them and the Port Augusta council has repeatedly requested these powers, but again the

Government will not take the necessary action because it does not want to take action against lawless groups of Aborigines. I do not care who plays up in the street, be they black, white or brindle: all should be dealt with and law abiding citizens should be protected.

We pass all sorts of silly laws and the Parliament can spend days of its time legalising marijuana smoking, but when a proposition is put to the Parliament to protect law abiding, hardworking people in isolated communities, because they are out of sight they do not receive any consideration by the Government. I call on the Minister responsible for the Licensing Act to bring in amendments to this proposal and take one course of action that I hope will solve some of the difficulties that my constituents face. Anybody who has been to those towns, as I have on many occasions, will see the problems at first hand. It is no good the Government saying that we will have another committee of inquiry or appoint another social worker to examine the situation and write a report. What good will that do when we need only give authority to the police to clean up the matter and it will be solved? It has been solved in the Northern Territory and, if these proposals that I put forward are adopted, it will solve the problems in Port Augusta, Coober Pedy, Ceduna, Murray Bridge and at Glenelg. I call on the Government to show a bit of courage.

The Hon. D.J. HOPGOOD (Deputy Premier): I move:

That the sittings of the House be extended beyond 10 p.m.

Motion carried.

Mr LEWIS (Murray-Mallee): I will not detain the House long but merely make the point in a fashion that ensures that what the member for Eyre has said about these problems is understood by the Government if it has not yet been understood. Too often the Government and its Ministers do not understand the mores of country people and the extent to which they are prepared to continue to suffer, forbear and carry the burden of responsibility personally and apparently with good humour.

Mr Tyler interjecting:

Mr LEWIS: You would not live on $60 a week for four years without saying anything about it, but that is what your Government has inflicted on the kinds of people I represent. They are long suffering. Members opposite seem to enjoy a jest at the expense of those people I represent whenever the opportunity—

Mr Tyler interjecting:

Mr LEWIS: It is not even three weeks ago—

Mr Klunder: Nonsense, utter nonsense!

The DEPUTY SPEAKER: Order!

Mr LEWIS: Then maybe the member for Todd will explain to me why a woman in my constituency committed suicide less than three weeks ago after struggling with Government indifference for 3½ years. It finally got too much, and the kind of indifference that the honourable member is demonstrating—

Mr Klunder interjecting:

Mr LEWIS: You said there was no evidence of what I am talking about, but I am now saying that there is evidence of the consequences of Government indifference.

The DEPUTY SPEAKER: Order! I ask the honourable member to resume his seat. The debate will not continue as a series of interjections from one side of the House to the other. The debate will be conducted in the normal way in which debates are conducted in this House. I ask that the usual courtesies be given to the honourable member and ask the honourable member to address the Chair. The member for Murray-Mallee.

Mr LEWIS: I have made the point, and I want the member for Todd to understand that evidence exists that people reach the point where they snap. The number of occasions on which I have talked people, who have got to that point, out of the action they are considering taking more than exceeds, in recent times, the number of digits I have on my limbs—that is, counting fingers and toes, if honourable members opposite do not understand what I am talking about. Hearing threats by people who are hardworking, frugal and diligent to either commit suicide or murder someone else, is not an uncommon experience for me these days. I could relate a number of instances to the House. It is caused by Government insensitivity in general.

It is relevant to the context of this legislation in particular. Unless we get a two kilometre rule introduced in this State and the option for local government to enforce it (if that is the way we go about it) there will be some death, shortly. That is the kind of thing I have heard proposed by some people (in all sincerity and earnestness) who are fed up to the back teeth with seeing their kids come home bashed. I refer to children—not just adults taking on adults, but drunks taking on children and breaking their limbs. That sort of behaviour, regardless of who commits it, is not acceptable, and I do not for a moment imply that any member of this Chamber, this side or the other, would condone it.

However, equally we must condemn anyone who would propose the solution that I am hearing proposed, simply because the Government has refused to act in a way that will address the problem. These people I am speaking about are proposing to simply lace a few bottles of grog with hit-run weedicides and leave them lying around the town. That will clean up the problem—and it will not be possible for a coroner to discover that they have been poisoned by drinking laced liquor, because the kinds of chemicals to which I am referring are not detectable in the human body only a matter of hours after consumption.

So, before the body gets to the morgue and gets the biopsy samples necessary, the chemical has already broken down, denaturised, and the cause of death is not known. It cannot be said to be murder, because the person who put it there had no intention of killing any one specific individual, but it most certainly is murder because it had the intention of killing anyone who would take it and drink it. You will never prove who put it there because you will never know how death was actually caused. I do not want it to happen. I am asking the Government to take action now to prevent it from happening.

I will not name the weedicides, but they can be bought in any hardware store. It is not arsenic—that can be traced. I am telling the House that that is the kind of action that will be taken; that is the measure of desperation of people in the communities about which the member for Eyre and I are talking. That is the kind of desperation that they have reached. As much as I tell them, 'No, you cannot take that course of action', they despair. They say, 'How can we get some action to stop what is happening to ourselves, our children, our property, our lives?' They are in misery. Why cannot the Government understand that? The deaths will be on its head.

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr OSWALD (Morphett): I support this Bill, and I am particularly pleased that the Government has brought it before the House. It addresses several problems which constituents in my electorate have had to wrestle with for some years. This whole question of under age drinking is probably

one of the most serious juvenile problems that we have in the State. All of us at some time or another have walked around a public park or public square, or along a public thoroughfare, and witnessed youngsters of 14 to 16 years of age consuming alcohol. I well recall one night coming up from the Festival Theatre, between Parliament House and the Casino, and seeing a youngster around the corner of the Constitutional Museum, obviously half drunk, drinking straight out of the bottle. That child would have been about 15. Had this legislation been in place, the police would have been able to do something about it.

In Glenelg, we have a hotel where under-age drinking is rife. There is no doubt that juveniles go there on a Thursday night and consume liquor. We know that, because those of us who live in a community get to know the children. They know each other because they go to school together, and the parents get to know the various children. We know that children do drink in one of these hotels. We also know that, when that hotel closes at night, the damage done around the streets in the immediate vicinity of that hotel is done by juvenile drunks, who have no hesitation in going up the streets and ripping up plants, pulling over letter boxes, urinating in doorways, and carrying out more obscene acts. They get to the stage where they think nothing of throwing bricks through people's windows, throwing stones on old people's roofs, and generally terrorising the community. They think nothing of defacing cars and smashing glass whenever they get the opportunity. We in Glenelg know that many of these offenders are juveniles who have come from the hotel and have been drinking under age.

On the strength of that, I totally support the Government in its move to increase the penalties on the licensees in an effort to stiffen up their resolve to try to come to grips with drinking in hotels, because I do not believe that many of the licensees are playing the game. Of course, we have many who make a genuine effort to try to cut down on juveniles drinking in their bars, but I know that there are hotels where the licensees are not doing the right thing, and in that case they have to be prepared to accept the penalty imposed.

Another area of the Bill which I would also like to comment on and support is that which prohibits minors from consuming or possessing liquor in unlicensed places. The police have been hampered, I believe, to some extent in being able to apprehend these youngsters, and the Government is to be applauded in this case for bringing in this piece of legislation. Another provision of the Bill concerns the powers that the Liquor Licensing Commissioner will have to impose conditions at short notice on certain hotels, so that a hotel can be informed of a certain activity taking place—in my case, say, at Colley Reserve—and the hotels immediately adjacent would be told that over that weekend, for instance, it will be an offence to sell liquor in glass stubbies.

If that is the case, I have no difficulty with that provision whatsoever. The local publicans perhaps may argue that only a small percentage of the stubbies that will be consumed in that area would come from the local hotel, and they will argue on many occasions that the larrikins will come down to Glenelg, in this case, with bootloads full of alcohol. Maybe they do, but a percentage of them, when they run out, will go around to the local hotels and buy up replacement stocks when they are half under the weather and proceed to put themselves fully under the weather. They then become belligerent, throw their missiles, and then we have problems on our hands which we know only too well in the City of Glenelg. This is good legislation to the extent that it allows the local Commissioner power to stop the sales.

The Bill does not go quite far enough in one area. Local councils, with their knowledge of the area and crowd patterns and behaviour that usually becomes a common pattern over the years, should be allowed to declare non drinking zones. It would be a simple matter, I would have thought, to extend this Bill to give local government authorities the power to declare non drinking zones in areas that they find sensitive. It has been put to me by many constituents who are fed up with people drinking in public places that we should declare 'no drinking in public places' as a total blanket piece of legislation. I do not support that. I believe that there are law abiding decent citizens and there is no problem with that type of person being allowed to pull up at a public place, quietly get out of the car, sit under a tree and consume a stubbie of beer, or whatever. We are not aiming at those people; therefore, we cannot go down the track of those who want total prohibition of drinking in public places.

There are occasions when local government, with its local knowledge, should have the authority to declare a park, a car park area or a particular zone, based on their knowledge of the area, a non drinking zone. I believe that type of legislation would have made this a very sound Bill and a very saleable commodity. It is saleable from the point of view that it will cover several of the problems experienced in my electorate. I am sorry that it has not gone quite that next step to say that councils have the power to declare non drinking zones.

The member for Eyre and other members have highlighted the problems that they experience in their country towns, and I assure those members that we experience the same problems in Adelaide. We have on our hands a community which, for some reason or another, presently wants to defy authority. It does not seem to have respect for other people's property, and it does not take much alcohol to make it far worse. We, as legislators, must protect those people who stay at home every day because they are frightened to come out. We must protect and support those people who have respect for other people's property. From that viewpoint, the Government has done the right thing in introducing this legislation before the summer months start. I support the Bill and hope that other members will also do so.

Mr ROBERTSON (Bright): I wish to make a couple of quick points in supporting the Bill. As the previous speaker made amply clear, unruly behaviour and under-age drinking are certainly not restricted to Aboriginal children; and they are definitely not restricted to Aboriginal children or young people in the country or, indeed, to communities in country towns.

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr ROBERTSON: The member for Morphett made it clear that in coastal council areas the problem of under-age drinking and the resultant unruly behaviour is a major problem and a cause of concern to local people. It is as much a problem to the residents of Brighton as it is to those of Glenelg. People who live in the streets surrounding the A.S. Neill Reserve in the southern part of Brighton are only too well aware of the consequences of the present laws. I am sure that they will warmly welcome the changes that the Government intends to bring down on this occasion. The A.S. Neill Reserve is, unfortunately, situated between two hotels on the foreshore, and one can almost predict a flood of calls to the electorate office on a Monday morning following a warm Saturday night in summer.

The local young people and, indeed, people from quite a considerable distance away buy stubbies at the hotels and drink them in the reserve. Unfortunately, as the night wears on a good deal of glass is broken and there is a good deal of unruly behaviour. The residents of the Esplanade, Young Street and Portland Street are only too well aware of that. They have been subjected to high levels of noise at all hours of the night; to rather bad and unpleasant language, and abusive behaviour and threats; and to bottles and other missiles being thrown onto their roofs. They are only too well aware of the sorts of problems to which the member for Morphett has referred.

Local residents surrounding the A.S. Neill Reserve have taken the issue into their own hands to the extent that on Sunday mornings a number of them make regular patrols during the summer to pick up the glass shards so that the children who later come to play on the reserve do not get their feet chopped to pieces by broken glass. Unfortunately, it appears that our deposit legislation has not been effective in curbing the habit of smashing stubbies that seems to obtain late on Saturday night and in the early hours of Sunday morning. The number of glass shards and the amount of broken glass to be found there on some Sunday mornings is quite horrendous.

I pay a tribute to some of those volunteers. A very gentle and kindly man by the name of Mr Merry, of Brighton, was recently deceased. Mr Merry had been an organiser of that volunteer group of glass collectors on Sunday mornings. It is a great shame that people of his calibre are not more common. I pay my debt of gratitude to him for the work that he did in organising his neighbours to conduct that activity. Having said that, I think it is a shame on the whole community that they should have to do that, and that young people behave in that manner.

I certainly support the Bill, because it will attempt to meet some of the problems that are raised by that sort of behaviour. I do not regard it as a reasonable expectation of people who live in and around reserves of that nature that they should have to spend their Sundays picking up glass for the rest of the community. However, they do it, and certainly they deserve our admiration. But, if they did not do it, quite often the reserve would be unuseable by the young children who come to play and the families who come for barbecues. My gratitude goes to those who have been civic minded enough to clean the area.

I support the Bill and wish it a speedy passage through the House. I look forward to the time when the police are able to exercise a little more constraint over some of the unruly behaviour that tends to occur along our suburban coastline. I welcome the change.

The Hon. T.H. HEMMINGS (Minister of Housing and Construction): I thank all members for their contributions to the debate. After listening to the contributions of the member for Eyre and the member for Murray-Mallee, it is obvious that they have strong views on this matter. No-one is saying that the Government is not going far enough, and I would not like to think that. In fact, some people are saying that the Government is imposing too many restrictions. We do not agree: we think that the measures we are taking are indeed being taken in response to some of the problems that occurred last year, especially at Glenelg.

The Government's attitude is responsible. Members who think that under-age drinking and the horrendous problems that it creates are the fault of the Government are kidding themselves. The responsibility for minors drinking excessively lies with parents. Too many people say, in relation to under-age drinking, that it is the responsibility of the licensee in places of entertainment or public houses, or of the Government. They will not accept that it is the responsibility of parents. This Bill makes it perfectly clear that, while it will control, responsibility is still placed on parents.

Bill read a second time.

Clauses 1 and 2 passed.

Clause 3—'Power of licensing authority to impose conditions.'

Mr S.J. BAKER: I have two questions, the first having been raised by my colleagues. There has been conjecture for some time as to when the dry areas legislation would come before the House. The Attorney-General in another place responded to this matter when it was raised by the shadow Attorney-General. The Attorney (Hon. C.J. Sumner) is thinking along those lines, yet we know that some of the problems are mounting in certain areas. The Opposition would like to think that action will be taken on this matter. The Attorney-General made the point that there had been some unsatisfactory behaviour such as urinating, defecating, vomiting, abusing passers-by, and that sort of thing, and that had occurred in public areas. I understand from his comments that the Attorney is very sympathetic to the idea. He also mentioned the sorts of areas that had already been indicated as a possibility, including Rundle Mall, Rundle Street and Hindley Street. I am sure that those are but a few of the areas. Certainly, country areas did not get a mention in the Attorney-General's contribution. Will the—

The Hon. B.C. Eastick: In some cases it is a simple suburban street.

Mr S.J. BAKER: Indeed, as the member for Light says, in some cases it is a simple suburban street. I know that the member for Adelaide would support that as well. Will the Minister tell the Committee when the Attorney will bring down some legislation?

The Hon. T.H. HEMMINGS: As the member for Mitcham is reading the *Hansard* report, he is well aware of the Attorney's views. The legislation will be brought down as soon as possible.

Mr S.J. BAKER: Will the Minister take the question on notice so that the Attorney can, at a time that is convenient after Parliament rises, advise members on this side when he intends to proceed with the legislation? I would be quite happy for the member to take that on notice, as I understand that he is in a difficult position now.

The Hon. T.H. HEMMINGS: I will certainly take that question on notice.

Mr S.J. BAKER: I am concerned how the provisions of new section 50 will work. The Minister may have to seek advice to explain how the system will work. If someone has an event coming up, will the Licensing Court visit the premises and say, 'One of the things we can impose is a restriction on your licence in these areas, we do expect you to comply and not sell bottles or cans after a certain hour or date'? Will the court have a further power, if the situation arises, to stop sales immediately there is a problem?

The Hon. T.H. HEMMINGS: The second reading explanation in relation to clause 3 is perfectly clear. Provision is made for the authority to impose conditions to ensure public order and safety at events expected to attract large crowds. That is the key aspect. If it is expected that large crowds will be attracted, the Commissioner is empowered to impose such conditions on his own initiative. That is the only way in which we can use this part of the Bill. The Commissioner is given this wide power to use his own initiative and to take certain actions, and this will obviously be done after advice is taken from the police, the organisers of such events or even local councils.

Mr S.G. EVANS: Does the Minister agree that where a function, say, a cricket match, a festival, a football or soccer carnival, continued over several days, and there was trouble on the first day, the Commissioner could impose conditions for the second and subsequent days of that function, or would it turn on the fact that the function could attract a large crowd? Could the Commissioner change the conditions once the event had begun? I refer, for instance, to the Gawler international equestrian event, although no trouble was experienced there.

The Hon. T.H. HEMMINGS: The Commissioner can at any time vary the conditions for a particular event. If he thinks fit, the Commissioner can impose conditions for an event from the first day. If he subsequently believes that the conditions are too harsh, he can vary them on the second day. On the other hand, if the Commissioner believed after the first day of an event that the conditions he imposed were too lax and were therefore causing problems, he could vary those conditions to make it harder for people to drink and create trouble.

Clause passed.

Clause 4 passed.

Clause 5—'Minors not to enter or remain in certain licensed premises.'

Mr S.J. BAKER: My question relates to late night permits and entertainment venue licences. From when do they operate? If a hotel has a show on at night, it could start at 8 p.m. and could prevent minors being in the venue or hotel at that time, which would seem a little strange. Certainly, they could not be drinking there.

The Hon. T.H. HEMMINGS: The honourable member will find that information in the second reading explanation, which relates to functions extending beyond normal licensing hours.

Mr S.G. EVANS: Will the Minister explain why no defence was allowed in the case of a proprietor or his employee to argue that, when Licensing Squad members entered their premises and found a minor on the premises, they had asked the minor to leave? It could involve a person aged 17 years, 6 ft 2 inches tall and 14 stone, who did not want to leave? If the licensee or employer had set out to telephone the police for help to get the person to leave the premises after he had refused to do so, it would not be his fault. Also, it would be unreasonable to expect a 9 stone female licensee to remove by force such an obstinate person who was a minor. We should have expressed the view that it would be a defence if a licensee had taken all the action that he could and was in the process of trying to get the law to shift the person. It would be impossible for the individual who had the responsibility of removing a person to do that, because of the size or aggressiveness of the underage person involved.

The Hon. T.H. HEMMINGS: I would have thought that the member for Davenport had read the Bill. It provides that, if a minor enters premises contrary to the prohibition, the licensee, an employee of the licensee or a member of the Police Force may remove that person. It also provides that, where a minor enters or remains in licensed premises in contravention of this provision, the minor and the licensee are guilty of an offence. The minor is guilty of an offence because he or she gained entry to the premises and insisted on staying there. If the minor was 6 feet 2 inches, 17 stone and a karate expert, and if the licensee was a dear old lady of 60 years, 4 feet 9 inches and 7 stone, so that because of her frailty and the sheer size of the minor she could not eject the minor from the premises, the court would take that into account.

The member for Davenport is well aware of that. If he wants to make the law look like an ass by inserting all these specific provisions, such as the weight and size of the minor, the age of the licensee, and so on, he is asking too much. As the Minister responsible for the carriage of this Bill, although not being an expert in this area, I regard—as I am sure other members also regard—the point made by the member for Davenport as plainly ridiculous.

Mr S.G. EVANS: If the Minister wants to continue and have me ask more questions so that I can ascertain how much he does or does not know, I am happy to do that. I do not like his vindictive nature. I asked the question in all sincerity. That may be a defence before the court, but it is not specified. It is not an exception under this clause. The Bill provides that both the minor and the publican are guilty of an offence. New section 119a (2) may provide that the licensee must use all reasonable force, but why does that person have to go before the court if it is quite clear to the officer that a defence is clearly stated. The defence implied is 'reasonable force' but new section 119a (3) provides that both the minor and the licensee are guilty of an offence.

Lawyers might argue that we do not have to worry and that, when people get to court, they will get off. If the Minister had said, 'I don't think it is necessary' in a sensible way, instead of being vindictive, I would accept that. But the Minister does not know much about this Bill—he admits that. People who have been charged have come to me; they have appeared in court and the magistrate has virtually said, 'Why did you end up here? You should never have been here.' I made a reasonable request that the Minister explain.

I believe that under this provision an officer could quite easily arrest both the minor and the licensee, even though there were several witnesses to say that the minor had been drinking, that the licensee had tried to remove that person but he or she would not go. The licensee might have done everything within his or her power, but the officer could still say, 'You have to test it in the court.' I understand that, but we should be more specific and say that it is a defence if the licensee has taken all possible action but was unable to move the minor because of his or her aggressive nature. It is not a simple process.

A member of the Labor Party in this place referred in recent days to bouncers who try to remove from licensed premises aggressive or hard to handle people. It was suggested that some bouncers are too aggressive and use too much force when removing the offending person. I support the Bill, but I would like to know why a specific defence is not provided.

The Hon. T.H. HEMMINGS: As to whether a person would have to go to court, involving a cost possibly of $1 000, to prove that the minor in question was 6 feet 2 inches and 17 stone and therefore the licensee was unable to eject him, may I remind the honourable member that the first thing the licensee would do would be to call the police. The police would eject the minor, and therefore the licensee would be covered by the legislation, because he or she had made an effort to remove that minor, notwithstanding the person's size. When this House amended the Licensing Act last year, the member for Davenport did not see fit to question these same provisions, as far as I recall.

Mr S.G. EVANS: The Minister is quite correct. I did not question the provisions, but two publicans at the same meeting told me that the legislation is not specific enough, and that is why I raise this matter now. I believe, as the Minister believes, that the people involved do not interpret the provision in that way: there is a fear. The matter was raised with me, and I raise it here.

Clause passed.
Remaining clauses (6 to 9) and title passed.
Bill read a third time and passed.

INDUSTRIAL CODE AMENDMENT BILL

Returned from the Legislative Council with the following amendment:

Page 1—After line 12 insert new clause 1a, as follows:
Commencement—
1a. This Act shall come into operation on a day (not before 1 July 1987) to be fixed by proclamation.

Consideration in Committee.

The Hon. FRANK BLEVINS: I move:

That the Legislative Council's amendment be disagreed to.

I do not want to go through the entire debate again, but this amendment in effect negates the entire intention of the Bill. It does so because the intent of the Bill is to deregulate the bread baking industry immediately.

The Hon. B.C. Eastick: Subject to parliamentary approval.

The Hon. FRANK BLEVINS: I said that that was the intention of the Government and of the Bill. The amendment seeks not to do that but rather to deregulate the industry somewhere down the track. It is important that the Committee know why it is absolutely necessary to deregulate the industry immediately. The reasons I shall give will be, because of the time, brief. I will not expand upon them and go through the entire previous debate. Suffice to say that the Government has two basic reasons for wanting to deregulate the industry immediately. First, the benefits of deregulation ought to start working in the community straight away. We want additional people engaged in the industry immediately. We want the boost to the bread baking industry that that can bring immediately.

We need to set in place a thriving hot bread industry immediately, because at some time in the future (and none of us can tell when—it may be next week, next month or next year—we do not know, because the bread manufacturers will not tell us) there will be rationalisation among the major bakeries or automation within those bakeries. I have specifically asked them to give the Government the time scale that they must have, but they have constantly refused. We could wake up tomorrow to find that the industry has been rationalised, that there are wholesale closures, amalgamations and subsequent automation. Unless we have in place another system of organising the hours that bread is allowed to be baked, the industry, and the employees in it, will be in a very serious position indeed. That is basically the first reason why we reject the amendment and why I urge the Committee to reject it.

The second reason is a practical one and not involved in speculation. It is a problem that we have here and now and want resolved today. I have stated time and again that we can no longer police the present regulations. Everybody in the industry now is aware of that. They were aware of it before this debate came about, but we made some attempt, however ineffectual, to police the legislation. The Government has clearly stated, in introducing this Bill, that it no longer believes that the regulations are appropriate. It does not want, and does not have the political will or desire to any longer attempt, to police the regulations.

We believe that the community does not want us to police the regulations but wants the industry to deregulate forthwith. This Government is no longer prepared to say to the community or the baking industry that we cannot police the legislation or that we would have any public support for so doing. So, the industry is *de facto* deregulated as of now. Whether it is in fact deregulated in law is, to a great extent, an irrelevancy. I do not believe that the law ought to be put in that position. I have too much respect for the law to see it held to ridicule in the way that it is and the way that it certainly would be over the next seven months.

For the industry to know (and there would be few people in South Australia who would not know) that the Government cannot police the legislation and that it does not wish to have the legislation will result in a wholesale flaunting of the law. If Parliament insists on this amendment it will be making criminals of people who only want to do what the community quite sensibly and properly demands. Everybody here would agree that the Parliament and the law are already way behind community opinion. It is very bad for the law and Parliamentarians that we have let public opinion get so far ahead of us in this area. We should not show the community that we are completely blind and ignoring the reality of the practices occurring in the community every Saturday and Sunday.

There will be an explosion in that activity as of now, and certainly the Government does not have the desire or the ability to do anything about that. For the Parliament's own self-respect, we should recognise that we have been too late in enacting this measure and any further delay, particularly a delay of seven months, will only hold the Parliament and Parliamentarians up to further ridicule. So, I urge the Committee to oppose the amendment moved by the other place.

Mr S.J. BAKER: What a pathetic performance by the Minister supporting an unsupportable position!

The Hon. Frank Blevins: Just disagree—don't abuse me!

Mr S.J. BAKER: The Minister says not to abuse him. If we could look back at some of the contributions of the Minister in this House we would find adequate examples of the abuse with which this Minister has treated the Parliament. However, we will leave that matter aside and address the Minister's remarks. First, he says that we want the benefits now and that we do not know about automation. The benefits can be seen within 6½ months—that is quite clear. Obviously the Minister is talking about four or five bakers who today are flaunting the law. We know that at least two of those bakers are easily controlled today because they are readily accessible. We do not have to break any windows or doors to get to them. The excuse that the Minister offers is untenable.

There is the question of whether there will be an explosion of activity. Many laws are made in this Parliament, but are never proclaimed the same day. When there is an absolutely urgent problem, indeed we proclaim them as soon as possible—maybe within a week—but many Bills that this Parliament has passed have not seen the light of day. Many Bills are not proclaimed for six months or a year because of regulations. Many forms of deregulation are not proclaimed for some time, yet we still administer them under the old rules. I do not believe that the Minister has addressed himself to the real questions: do people deserve a right to adjust their operations? He made some excuse that he did not know what was happening to automation. I am not sure what the Minister means by all of that.

Quite simply, automation will happen—the Minister admits that—and the bread manufacturers say that automation will occur. Whether it occurs tomorrow, in six months time or a year or two years, automation will occur. It is not a variable in the decision making of whether the baking hours should be changed today, tomorrow or in six months time. It is simply not a variable. We have already explained to the Minister that what is of the greatest concern to this Parliament is that, if the rules are changed now, the impact will be directly on prices. The awards are not adequately geared up to take the change in activity that will result.

Simply, every bit of weekend baking would react directly on prices because of the structures today. The Minister knows that the maximum price laid down is $1.09. He also knows that the average price is 89c. He also knows that the country bakers operate at the higher end of the scale, which is $1.09. If we did have weekend baking with the award rates, they would be operating at the upper end of the market, not the lower end.

I believe that the people who have invested in the industry deserve the opportunity to rescue what little they have to rescue from the industry in the time available. I believe it is important that the manufacturers have the time to reschedule their operations and organise themselves in an orderly fashion so that we do see any rash decisions made. They know that they will have six months. If the Minister says that, when he walks into a supermarket on a Saturday, if that shop is baking bread he cannot prosecute, then I would ask him: what does that mean to the law? The law specifically states that it is an offence. The reason we put six months in there is for orderly rationalisation of that industry, so that anybody who breaks the law can indeed bear the penalty. We are not asking him to break down doors, but, by the same token, if there is open abuse of the system, then it shall be treated in that fashion. I know that the industry is anxious to change. I know that parts of the industry, and only parts of it, want to take up the new opportunities. They can be taken up, but not to the detriment of prices, of consumers and the people in the industry. We are disappointed that the Minister does not accept the message.

Motion carried.

The following reason for disagreement was adopted:

Because the amendment negates the intention of the Bill.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 4)

Adjourned debate on second reading.

(Continued from 2 December. Page 2611.)

The Hon. B.C. EASTICK (Light): The Opposition supports the major part of the measure, but not in total. The Bill as presented by the Minister sought to put into place most of the recommendations which were forthcoming from the report of the Local Government Election Review Working Party of 1986, an organisation which had the support from the Local Government Department, the Local Government Association and the Electoral Office, and which was charged with the responsibility of looking at the 1985 local government elections on two broad bases. The first was that associated with the conduct of the polls under the new voting systems to see whether they were satisfactory, and to take into account the actual vote and the actual papers returned in a select number of electorates or councils across the State, to determine whether the result had been adequately considered by the returning officer and, if not, whether there was any need to question the ultimate election of persons so elected, but more specifically, to get some overview of the two methods which were applied by the local governing bodies, the optional preferential vote and the other form which had been provided.

I am pleased to see from the report that in actual fact none of the elections would have been overturned if the voting procedures had not been correctly carried out, albeit that some of them were carried out with a slight variation with the percentage carry-on which is provided under the proportional representation aspect of local government voting. There is some interesting reading which members of the working party provide for those who wish to read the report.

We also find that there is a commitment by the Minister, and I laud this because I believe we need to give local government the opportunity of the best possible monitoring of its activities where that is commensurate with their request—not to impose the will of Parliament upon local government so much as to work with local government and accept the monitoring process for which they have asked for the next subsequent election. That commitment has been given.

The second aspect of the report is the one which we are really addressing in this measure. The working party found a number of variations which they believe would refine the voting process, and in a number of cases would bring the voting process for local government into close proximity to that which applies to the State Government and, indeed, in some respects the Commonwealth Government. So, there was less chance of confusion in the public mind. We often hear, Mr Deputy Speaker, of the difficulties that the populace at large finds with the three tiers of government. We find that, where there is a variation in the provisions of the voting schemes associated with any of those three tiers—be it Commonwealth, State or local—it just adds to the confusion. Anything that we as a Parliament can do to seek to bring into parallel operation or virtual parallel operation as between the Commonwealth and the State with local government, so much the better.

I am not suggesting that we seek to alter the actual voting returns or the actual final method of determination of who shall be the successful candidate. In relation to the actual voting process, the procedures in the voting boxes or the polling booths ought to be as near as possible the same. I think a great number of changes that we are considering tonight give effect to those recommendations which the working party made. I note, without going to any length, that the Government sought not to introduce all of the measures which were in the recommendations, and that is a Government's prerogative. However, I note that the measure was introduced first in another place (naturally, as the Minister is there) and a great deal of the debate has taken place there. The Government sought to provide some benefits without, in the opinion of the Opposition both here and there, going as far as it should have gone to guarantee an effective working program and to eliminate one or two of the means whereby an executive government could interfere with the destiny of local government.

We will have more to say about that when we come to consider a number of the amendments proposed by the Opposition. I also note that the Minister has an amendment on file and that the member for Elizabeth has a number of propositions which, with one exception, I believe enhance the measure that is currently before the House. I hope that the member for Elizabeth's amendments, like those of the Opposition, will be given due consideration.

I note—and it is important—that the Government did not contain itself to matters relative to voting and took the opportunity to use this Bill as the vehicle for a number of other items directly associated with the Local Government Act which bear no relationship to voting.

Mr Lewis: Piggybacking.

The Hon. B.C. EASTICK: Piggybacking, if you like. I think it is plain commonsense. Already we have the unfortunate position of the Local Government Act in any session of Parliament being one of the Acts most frequently up for amendment. As recently as 1984 we hoped that the rewrite of the first 150 to 160 sections of the Act would have been

effective. Already there have been a number of amendments to the Act because of deficiencies or problems that have been identified. If one asks for a copy of the amendments to the Act since 1984 one gets a sheaf of papers because there have been a number of additions, not all holding to one particular theme, although that has been the case in some instances.

I make this point because I find the performance of the Minister in another place amusing (in relation to some of the amendments that were being considered) when she took to task members of the official Opposition and the Australian Democrats for having the temerity to talk of putting other features into the Bill that was before the Council, because that was not the purpose of the Bill. However, the Minister herself had been responsible for presenting to the Parliament a Bill containing those other heads of activity. I think that the Minister was trying to make a point that it was impossible to make on that basis and did her case no value at all.

The Bill contains a number of clauses, most of which are totally satisfactory for the purpose for which they have been put forward. I believe that it will be possible to contain our consideration in the Committee stage to the few matters still in contention. It is not my intention to go through all these provisions other than to laud two or three of them. I believe that the suggestion to provide a candidate with a copy of illegal practices is wise. This has been a deficiency from time to time in elections. It is certainly a proposition that would not go amiss for candidates for State Parliament. I think I am correct in saying that the last time that was entered into we all received some material from the State Electoral Office pointing out to members or aspirants what they should or should not do. People still run into difficulties and a great many of the pieces of advice that were given to us arose out of the unfortunate Norwood by-election of 1979, where practices were considered questionable without the integrity of the candidates being called into question. It was more a problem that could arise from the eagerness or activities of one's supporters rather than from the candidates themselves.

Providing this benefit for local government is valuable. I think the provisions for public pathways and walkways to be declared public roads for the purposes of the Roads (Opening and Closing) Act is a necessary addition. A number of closures have been questionable in a legal sense, and Crown Law and civil representations have been made about that. To have to reinvent the wheel would have been disastrous for local government and I am happy to be a party to the suggested changes which are beneficial.

To show the breadth of the other activities that the Minister has entered into, we find that we are also dealing with the allowances of members of local government being paid after rather than before the event. One day I will seek to find out why it was thought necessary to make that change. I suspect that there are some rather interesting anecdotes attached to the reasoning. Fortunately, I find that the Mayor (or Chairman) is not denied access to necessary funds to fully satisfy their commitment to the community. Certainly, we will support the second reading. Whether or not we feel that we are in a position to support the third reading, notwithstanding the great value that exists in a good many of the measures, depends entirely on the Government's attitude to amendments that we believe are worthy.

Mr S.G. EVANS (Davenport): Whenever we play around with the Local Government Act we never end up with anything that is perfect in the eyes of the people who operate under it. I hope we come nearer to their satisfaction this time. As much as it might suit city managers and district clerks, it appears that when new people are elected to councils they often find something wrong. In this country we have three tiers of government trying to carry similar responsibilities. For example, local government has jurisdiction over agricultural areas such as pest plants, as do the State and Federal Governments. The same applies in relation to health. In relation to education, local government is coming close to it in relation to child-care, and there is State and Federal involvement. We have a multiplicity of public servants all tending to operate in the same field. It is time that this country looked at this triple jurisdiction that I feel we can eliminate.

Our founding fathers, in forming the Commonwealth of Australia (the Central Government) created it to govern in areas where the States could not. The States ran away from their responsibilities and wanted to pass off to the Federal Government the collection of moneys that went into running departments. However, the States wanted to hang on to their jurisdiction; and local government wanted to gain more jurisdiction. At times when the State Government did not like some of the dicey areas, it passed it off to local government and gave it the responsibility. That is how we eventually came to the current system.

The various tiers of government hung on to the nice bits, and the nasty bits were given to someone else, until we had this vast number of people and huge amounts of equipment trying to service, in many cases, similar areas, with arguments about the responsibility of each body: 'That is Joe's problem. I am Bill. If you put too much pressure on me I will pass it on to Mac.'

That concerns me, and I believe that that is where much of the cost comes from in our country. The Bill deals mainly with voting procedures where people in council areas want to amalgamate parts of councils with other parts of councils or with complete council areas, or where Governments want to interfere. I am a strong supporter of letting the people decide issues by the polling of electors who are entitled to vote in local government areas. If two groups in different areas try to change council boundaries, there is nothing wrong in letting them have a vote, and the Bill provides for that. I hope no-one tries to change that, because it is sensible, fair and democratic.

True, it may not suit the political philosophy of people who want to make councils as big as possible so that they can eventually argue for regional government in order to do away with State Governments. Because of multiplicity of responsiblity, that argument is advanced, and I smell a rat when change is desired in that direction. The better way to attack such matters is to decide who should have education and give them the total responsibility. It does not matter who collects the taxes: we should share from the point of collection but give one group—the State Government—the responsibility for education. Agriculture should also be a State responsibility, except in regard to quarantine, which may have to be left a responsibility of the Federal Government.

I support the Bill because of the provisions relating to voting and to groups and councils wanting to amalgamate. Much will be said in Committee, and I hope that members will consider my comments about too many governments being involved in the same area. If we could remedy this we could use people more effectively in other areas to the benefit of the whole country. I support the Bill in order to see what happens to it in Committee. If it is amended to make it worse, I will oppose it.

The Hon. T.H. HEMMINGS (Minister of Housing and Construction): Tonight is like a trip down Memory Lane,

because I am in charge of this Local Government Act Amendment Bill. I congratulate the member for Light on his second reading contribution. He gave us a classic member for Light reason for amendments that will be coming through when he highlighted the Minister's reponse to amendments in another place. That Minister argued strongly that certain amendments, some of which were defeated and others carried elsewhere, were against the substance of the Bill. The member for Light took that opening to explain why he should move subsequent amendments here. He referred to street closures and the suspension of elections. The honorable member qualified the question of street closures and indicated that he believed that those provisions were necessary. I know that he will support that part of the Bill.

As to the suspension of council elections, I am sure that the member for Light knows that the Minister included this matter in the Bill because it came at the request of councils after the report of the working party was handed down. I congratulate the member for Light because he knows his subject. This matter has brought back memories of when, about three years ago, we used to discuss local government matters. As the member knows his subject well, I am sure that, when we deal with certain amendments and I explain the Government's attitude to them, the honourable member will agree with the Bill as it goes into the third reading.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Recommendations of the Advisory Commission for the amalgamation of councils may be submitted to electors.'

The Hon. B.C. EASTICK: I oppose this clause so that I can subsequently move to include a new clause 4. I acknowledge the position indicated by the Minister that a request from local government subsequent to the early stages of the preparation of the Bill sought some variation in relation to the holding of elections. Those representations made were legitimate. A number of amalgamations are contemplated, and some of them have the joint approval of the councils involved. However, some do not. In the present economic circumstances it is wise for a local governing body to do anything that it can to reduce its expenditure. Therefore, even where there is to be a mutually agreed amalgamation, as the Minister knows, it is not always possible to tie up all the loose ends. If one has three months, one would probably need three months plus one day or one week. It would not therefore be possible to quantify the time required for the suspension of elections, even where there was mutual agreement.

That being acknowledged, it then became necessary to consider ways and means whereby the general proposition that the Minister was putting forward could be a little better contained so that it did not allow for manipulation from any source. More specifically, local government, the Local Government Association and certainly members from both sides of this Parliament recognised that there should be containment compared with what was previously the case.

The first to indicate an interest was the Hon. Mr Hill in another place. After consultation, he made his views known and put forward a series of amendments. The action that he sought to take had the approbation of the President of the Local Government Association of South Australia, and members would recognise that that was referred to in the local newspaper earlier this week. Local government had expressed an opinion that the proposals put forward by the Hon. Mr Hill and the Hon. Mr Gilfillan in another place both improved the measure and that either was a benefit. No clear indication was given by the association which amendment it quantified as the better, and I would not have expected it to do so. It would have been more than happy to live with either of them.

The proposal put forward by the Hon. Mr Gilfillan, which does not go as far as or contain the situation as much as the Hon. Mr Hill's proposition, was carried. After consultation with local government and the Local Government Association, I still believe that the Hon. Mr Hill's proposition is a refinement of and an improvement on the Hon. Mr Gilfillan's amendment. I oppose this clause, and I will seek to insert a new clause to replace the Gilfillan amendment with the Hill amendment. That would be an advantage.

If we follow the course of action which I propose and which the Minister proposes for a different purpose without moving to replace it, we will finish up with a not so tight and a not so acceptable method of delaying elections. I will retrace my steps a little. It was the opinion of both Mr Hill and Mr Gilfillan, supported by local government, that where there was an element of disagreement as to whether an amalgamation should take place, for the benefit of electors there should be an opportunity to express a point of view by way of a poll. Previous amendments to the Local Government Act had written out the provision for a poll, but since then groups in the community have on a number of occasions indicated that they would have preferred the opportunity to express a point of view about the recommendation put forward.

Certainly, it was abroad in relation to the creation of the Wakefield Plains council and the severance of areas from the then Meadows council before it became the Happy Valley council. The same situation arose when an area of the Noarlunga council was made over to the Willunga council, and there was a cry from the electors, 'You have made the decision and put forward ideas, but we would still like the opportunity to have an input.' The Hon. Mr Gilfillan's amendment provides the opportunity to hold a poll, but I suggest that the form of poll as set out in the new clause that I will seek to insert is an improvement.

Clause negatived.

New clause 4—'Insertion of new s. 29a.'

The Hon. B.C. EASTICK: I move:

Page 1, after line 18—Insert new clause as follows:

4. The following section is inserted after section 29 of the principal Act:

29a. (1) If in a report to the Minister under Division X the commission recommends that two or more councils be amalgamated—

(a) the Minister must immedately notify the councils;

(b) the recommendation must not be referred to the Governor for the making of a proclamation under this Part for at least two months after the notification is given;

and

(c) during those two months a council to which the proposal relates may notify the Minister that it has resolved that the recommendation should be submitted to a poll of the electors for its area.

(2) If a council gives notice to the Minister under subsection (1) in relation to a recommendation of the commission—

(a) the council must hold the poll within six weeks of the giving of the notice;

and

(b) the recommendation may not be submitted to the Governor for the making of a proclamation, unless a majority of the electors voting at the poll vote in favour of the proposed amalgamation.

The general purport of what I seek to achieve has already been explained.

The Hon. T.H. HEMMINGS: I oppose the new clause, and that would come as no surprise to the member for Light. I oppose it for many reasons, which I believe were

canvassed adequately last night by the Minister in the other place. The member for Light referred to the Gilfillan amendment and the Hill amendment. If I had to give an opinion on which of those amendments, bad as they are, I would support, I would say that I would support the Gilfillan amendment, because it refers to a poll being taken where all areas are affected, whereas the Hill amendment, which the member for Light seeks to insert, provides that, even if one council objected, we would have to go to a poll. The member for Light would be well aware of the amalgamation which created the local government area of Wakefield Plains, encompassing part of his district.

The Hon. B.C. Eastick interjecting:

The Hon. T.H. HEMMINGS: No, it was very close. At that time two of the three councils opposed the amalgamation. If this provision had been in force at that time, the Wakefield Plains amalgamation would never have occurred, because there was hostility from two of the councils and the community in relation to that amalgamation. Yet, if one considered the current situation at Wakefield Plains and asked people in the community whether the amalgamation was working and whether it had benefited the people of Port Wakefield, Balaklava and Owen, one would find that those people would say, 'Yes, it is a success.' I am a man of history: tonight the Wakefield Plains council is considering a report from its executive officer on the benefits to the area as a result of amalgamation.

I know that you, Madam Chair, are a lady of history. The people of Wakefield Plains are now saying that, despite their opposition when amalgamation was being considered and despite all the meetings that Minister Hemmings attended to talk about the benefits of amalgamation, it is the best thing. The previous President, Mr Des Ross, spoke to me only about six months ago and said that he had been addressing a seminar in New South Wales on the problems in that area when amalgamation was being discussed. There was much trauma, and eventually they agreed on amaglamation. In considering the benefits that accrued through that amalgamation, the seminar came to the conclusion that what happened in Wakefield Plains was for the benefit of not only the community but also for local government.

That is a case where, if the House supports the amendment moved by the member for Light, amalgamations will be carried out under the previous poll conditions whereby the community could be so hyped up as to oppose the proposal. They could be fed information that is not relevant; it could become an emotional scare, and we would be taking away from the present system which permits calm and rational approach, with an independent body examining the benefits, public meetings being held, and talks taking place in the community, with advice coming back to the Government.

The amendment also proposes changes to the current system without that system being tested. Not one single amalgamation has taken-place under the current system, yet we have Mr Gilfillan and Mr Murray Hill in another place, and now the member for Light, saying that without testing it they want to change it. This Government is convinced that as the first major amendment that went through when we came into government in 1982 is standing the test of time, the provisions recommended by the working party set up by the previous Minister of Local Government are a necessary part of the amending legislation, and we therefore oppose the amendment.

The Hon. B.C. EASTICK: They say that if people are given enough rope they will hang themselves. The Minister has just done that. He lauded what took place in Wakefield Plains and mentioned the towns of Port Wakefield, Balaklava and Owen, but forgot all about the town of Hamley Bridge. It was Hamley Bridge that—then and still now, although perhaps not with such vigour as in the past but certainly with a degree of vigour—is opposed to the circumstances which left it tied to a council to the north with which it has no normal connection in relation to business or even, in many circumstances, in relation to sporting activities. The Minister will recall that the town of Hamley Bridge was cited as an area which ought to have been annexed to the District Council of Light because, in the event that that council lost an area close to Gawler (which was the growth and urban area), then it would lose a considerable amount of rate income which would seriously affect its viability. Those things have come to pass.

I am not suggesting that the District Council of Light is derelict in its duty, devoid of funds or anything of that nature. However, because of losing the area to Gawler, the District Council of Light is in serious circumstances compared to the situation had (as was the desire of the public) the area of Hamley Bridge been annexed to it.

The other matter to which the Minister did not refer, involves the town of Wallaroo. Wallaroo said 'No', and the Minister and his colleagues decided that they would not push Wallaroo. Wallaroo sits out like a sore toe, in relation to northern Yorke Peninsula, as an area of local government activity. The people of Wallaroo had the opportunity (along with some support, because of political circumstances—and I am quite prepared to say that) to retain their own integrity. Here we are seeking to allow individual areas to retain their integrity by expressing a viewpoint by way of a poll as is their democratic right. I seek leave to have inserted in *Hansard* material that has been checked with the officers and is purely statistical.

Leave granted.

COUNCILS WITH PROPOSAL CURRENTLY BEFORE COMMISSION

1. C.C. Mount Gambier / D.C. Mount Gambier—Severance and Annexation
2. D.C. Beachport / D.C. Robe—Severance and Annexation
3. C.C. Enfield / Port Adelaide / Salisbury
4. D.C. Kimba
5. D.C.s Crystal Brook, Redhill, Georgetown
6. D.C.s Blyth, Snowtown, Clare
7. D.C.s Blyth, Snowtown
8. D.C.s Burra Burra / Hallett
9. C.T. Jamestown, D.C. Gladstone, D.C. Jamestown, D.C. Laura, Portion D.C. Hallett, Portion D.C. Spalding
10. C.T. Naracoorte, D.C. Naracoorte
11. D.C. Central Yorke Peninsula / D.C. Clinton
12. D.C. Gladstone, D.C. Jamestown (Part), D.C. Georgetown, D.C. Laura, Part Hundred Howe

The Hon. B.C. EASTICK: The material has been prepared by the Local Government Department and indicates that currently 25 councils in South Australia are under threat of some form of amalgamation or annexation, as the case may be. In a number of circumstances there are amalgamations or annexations that have been mutually agreed or are proceeding, albeit slowly, towards finality. In a number of other cases, councils are under threat from larger neighbouring councils or councils with a higher debt.

I will not detail all of them, but the names are now on the record, indicating that 25 out of 126 local governemnt areas are currently under threat. A number of those councils are under threat not for what they did but because another council showed an interest in them. I genuinely believe that local government needs the sort of protection provided by this amendment. In Victoria recently a Government sought to do to local government what a former Minister of Local Government in this State, the Hon. G.T. Virgo, sought to do following a royal commission.

I take my hat off to the Hon. Mr. Virgo who some years later acknowledged that he went about it entirely the wrong way. If he had put the record of the royal commission on the table and said, 'Ladies and gentlemen of local government and the people of South Australia, we believe that this is the way you ought to go' rather than saying 'thou shalt go', a great many if not all of the recommendations or variations of these recommendations would have been in place years ago. As it is, a number of variations or amalgamations that have taken place as a result of discussions between councils followed the general thrust of the recommendations in that royal commisison report.

In Victoria quite recently, the Government thought that it knew best for local government and sought to impose its will upon them, but it found itself in a position of having to back off because local government told it in no uncertain terms that they recognised themselves as an important sphere of Government activity, and that the word 'local' in 'local government' was of some significance, in that it was the opportunity for a local community to express itself as it, the local community, believed was best for that community. I would not want to deny that a number of local governing bodies in South Australia are in diabolical trouble from a financial point of view, and that, as a result of those difficulties of maintaining a large enough rate base or being able to have access to road funds or other funds which are not as freely available as they were in the past, they will find themselves in the position of having to or moving to come together, but they ought to be the ones to make the decision, not the threat of being an amalgamated force because somebody bigger than themselves or somebody with envious eyes decided to undertake the action.

The Minister is correct in saying that we have not yet seen the results of what provision is made in the Act. The advisory commission has had very little result yet in the sense of this amalgamation process, and I do not criticise it for that. I take my hat off for the fact that the people on those commissions have taken the time to make sure that they are seeking the evidence which is available. I and many others will be most interested as to their ultimate decisions. A number of councils in those considerations before the commission at the present moment are not there by their own desires. They are fighting all the way to the barrier. It does not necessarily mean that they will win that argument in that forum, but, I tell you that they would win the argument in their own forum, given the opportunity to express themselves democratically by way of a poll. They have exhibited that by the way they have turned out at ratepayers' meetings or electors' meetings in their areas.

One only has to consider the attitude of Blyth and Snowtown to the moves undertaken by the District Council of Clare, and many other examples can be highlighted. We are in a stage of the unknown because the commission has not shown its hand by way of result. Therefore, I believe that we owe it to local government to give local government the opportunity to express itself by way of a poll if—and this is the other area where I would come into conflict with the Minister—the people said they wanted a poll. It is not 'there shall be a poll'. It provides the opportunity that, if the people want a poll to express a point of view, they may enter into it. I believe that that is the democratic right of the people who comprise a local government area, and that is the proposition which the Opposition puts forward by means of this amendment.

Mr M.J. EVANS: As the Minister has said, I think there is indeed some point to be made in the fact that he was the Minister of Local Government some years ago when a lot of these questions were being looked at. As he has said, he is a man of history in relating to us the events that have occurred in relation to amalgamations in the examples that he gave. I think he put the case forward very well in favour of those amalgamations. I will certainly take some pleasure in referring those remarks, which I heartily endorse, to councils which I think would benefit from that advice, and one of them is in an area which we both share. I consider that his remarks would indeed motivate the members of councils in the northern region to take a more progressive and indeed responsible attitude, as the Minister himself has done this evening, towards the question of amalgamations in the future.

I hope that the members of those councils will indeed look very seriously at the Minister's remarks and take heart from what he has said about the benefits which ultimately can be seen to flow in the future from amalgamations of this kind that he discussed, once the initial heat has died down. I believe that the Minister's position in this matter is quite correct. I rise tonight to support the remarks which he has made, and hope that they receive the wide circulation which they deserve, and that members of local government councils, who have historically resisted moves to broaden the base of local government in all regions of the State, but with particular reference to our own, will in fact see the merits of what the Minister is saying and look more towards the future than the past. So, I thank him for that contribution tonight and certainly I can endorse what he is saying in the sense that this system is yet to be tried in a major and significant way, and it is yet to be tried at all in the metropolitan area.

I think there is a big distinction to be drawn between the examples that the member for Light has given us in relation to some of the country areas and, at the same time, the impact of these questions in the metropolitan area. Those two are really quite dissimilar. In many ways I would not be surprised if it was not a better solution to have a composite proposal relating to rural and metropolitan areas. That is not a proposition before us and I would not seek to muddy the waters by suggesting that it should be. I think that the commission should have the opportunity to deliver the goods on amalgamations and on rationalisation of local government in the way in which the Minister has so correctly suggested this evening. Unfortunately, it has yet to do so, as both the Minister and the member for Light have pointed out. Like the member for Light, I do not therefore criticise the commission for that, but place on record my disappointment that we have yet to see substantive evidence of it tackling that problem in a way which produces results that benefit people on the ground in local government.

I would, though, draw the Committee's attention to some of the problems which I have with the question before us from the member for Light. They relate to the very language which he has used in support of it. He spoke of councils being under threat and of threats by other larger areas to take over those smaller areas. I think it is unfortunately that very language which creates the problem on the ground in local government with this very vexed question of amalgamation, because I do not see it in the context that the member for Light does. Councils are not under threat when a rationalisation and amalgamation proposal is suggested.

The Hon. B.C. Eastick: Why not?

Mr M.J. EVANS: Because there is no threat to a council. Councils only exist to serve their own constituents. It is unrealistic to speak of them being in any way threatened. They are merely a body corporate which manages an area and provides for the good government of an area. They are not themselves threatened by any changes or redistribution of boundaries, in the same way as members of this House

are not themselves threatened by electoral changes. Unfortunately, it may have consequences for individuals in relation to whether or not they will subsequently be elected to any combined or amalgamated council, but those people will receive the representation and safeguards which the Act itself lays down, and the processes of consultation by the commission which will hopefully produce a fair and balanced result. It is the consideration of the electors, the people, that we should always have in mind, not the threat to bodies corporate or individuals who may have career prospects on a council, and that is the logic that I would ask the Committee to consider.

If the commission under its present arrangement can produce results then I will continue to support what the Government puts forward. If it does not—and only time will tell—obviously we will have to make some changes. It is unfortunate that the Government has gone away from the very reasonable mechanism of select committees established by the former Minister (Hon. Murray Hill) because the use of those select committeees produced real and substantive results, and it was one of the former Minister's better moves. We have yet to see the fruits of this present Government's substitution for that system and it may be necessary, ultimately, to revert to the previous mechanism if this one does not deliver some modicum of change in the area where the real difficulties are, that is, the metropolitan area. That is where the change will be most difficult to undertake and where the commission has yet feared to tread.

Unfortunately, we speak of polls, but the amending Bill put through this House by the Minister of Housing and Construction, when he was the Minister of Local Government, blocked the amalgamation which was then in contemplation in the area we both represent of Elizabeth and Munno Para. Had he not put through the amending Act, which he did in order to protect interests that he obviously felt it necessary to protect at the time, then no doubt with those changes we would be seeing the sort of benefits that the Minister has referred to in relation to other councils.

I speak of the fact that the poll which had already been conducted and approved by the electors was then disallowed by the amending Act which removed all those provisions from the previous Act and set us back to square one in relation to that process. I am very pleased tonight to be able to support the Minister in his position. I am pleased to note that he has now seen the merit and benefits of this process. I look forward to his continuing support in this area.

The Hon. T.H. HEMMINGS: I remind the member for Elizabeth to beware of Greeks bearing gifts. If he canvasses my comments concerning amalgamation I sincerely hope he also tacks on my response. The member for Light made the point about councils being under threat and the fact that this amendment was being supported by local government. I remind the Committee that the debate at the Local Government Association annual general meeting was the result of one council which felt it was under threat. It was passed narrowly. One can argue that it was passed but, whether by one vote or 50 votes, it reflects the view of local government.

I am sure that the member for Light is aware that the motion which resulted in the Hon. Murray Hill moving the amendments in the Upper House and saying that that amendment was supported by local government (the vote being 49 to 40) reflected real divisions of opinion in local government. I think the member for Light knows that. That is why we are saying that the new system has yet to be tested, and for that reason the Government opposes the new clause.

The Hon. B.C. EASTICK: To the member for Elizabeth I say without equivocation that a number of councils in South Australia at present believe that they are under threat. Whether or not that is real is a matter for debate and, in some cases, may even be semantics. However, a number of councils in the South-East and Mid-North genuinely believe that they are under threat because they have suddenly found that they were in a map in a newspaper before the attacking council had even bothered to let them know that it had its greedy eyes on them (and I use 'greedy eyes' in the way in which the councils are expressing themselves). The Minister is correct in saying that there are real divisions in local government on this matter, and that has been reported in another place and is frequently in the newspapers circulating in various areas where these activities are currently abroad. A Government moves into creating unhappy marriages at its own peril.

The Committee divided on the new clause:

Ayes (10)—Messrs D.S.Baker, Becker, Blacker, Eastick (teller), S.G. Evans, Goldsworthy, Gunn, Lewis, Meier, and Oswald.

Noes (19)—Mrs Appleby, Messrs Blevins, De Laine, Duigan, and M.J. Evans, Ms Gayler, Messrs Gregory, Groom, Hemmings (teller), Hopgood, and Klunder, Ms Lenehan, Messrs Mayes, Payne, Rann, Robertson, Slater, Trainer, and Tyler.

Pairs—Ayes—Messrs Allison, P.B. Arnold, and S.J. Baker, Ms Cashmore, Messrs Chapman, Ingerson, Olsen, and Wotton.

Noes—Messrs Abbott, L.M.F. Arnold, Bannon, Crafter, Hamilton, Keneally, McRae, and Plunkett.

Majority of 9 for the Noes.

New clause thus negatived.

Progress reported; Committee to sit again.

TERTIARY EDUCATION BILL

Returned from the Legislative Council with amendments.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE BILL

A message was received from the Legislative Council agreeing to a conference, to be held in the Legislative Council committee room at 10 a.m. on Thursday 4 December.

The Hon. FRANK BLEVINS (Minister of Labour): I move:

That Standing Orders be so far suspended as to enable the conference with the Legislative Council to be held during the adjournment of the House and the managers to report the result thereof forthwith at the next sitting of the House.

Motion carried.

FISHERIES ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

CITY OF ADELAIDE DEVELOPMENT CONTROL ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

ADJOURNMENT

At 11.56 p.m. the House adjourned until Thursday 4 December at 11 a.m.