HOUSE OF ASSEMBLY

Tuesday 17 March 1987

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

ROAD TRAFFIC ACT AMENDMENT BILL (No. 6)

His Excellency the Governor, by message, intimated his assent to the Bill.

PETITION: PROSTITUTION

A petition signed by 83 residents of South Australia praying that the House reject any measures to legalise prostitution in South Australia was presented by Mr Lewis.

Petition received.

PETITION: ELECTRONIC GAMING DEVICES

A petition signed by 68 residents of South Australia praying that the House legislate to permit the use of electronic gaming devices was presented by Mr Lewis.

Petition received.

PETITION: ELECTRICITY TRANSMISSION PROJECT

A petition signed by 48 residents of South Australia praying that the House urge the Government to reject the Electricity Trust of South Australia's preferred direct route option for the Tungkillo to Cherry Gardens 275 kv transmission project was presented by the Hon. D.C. Wotton.

Petition received.

QUESTIONS

The SPEAKER: I direct that written answers to the following questions on the Notice Paper, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 251, 252, 255, 258, 263, 265, 273, 299, 304, 307, 309, 313, and 315.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for the Arts (Hon. J.C. Bannon):
- Eyre Peninsula Cultural Trust—Report, 1985-86
- Northern Cultural Trust—Report, 1985-86
- Riverland Cultural Trust—Report, 1985-86
- South East Cultural Trust—Report, 1985-86

By the Minister of State Development and Technology (Hon. Lynn Arnold):
- Data Processing Board—Report, 1985-86.

By the Minister of Labour (Hon. Frank Blevins):
- Industrial Safety, Health and Welfare Act 1972—Regulations—
  - Commercial Safety Code.
  - Construction Safety Code.
  - Industrial Safety Code.

QUESTION TIME

ETSA FINANCING ARRANGEMENTS

Mr OLSEN: Will the Premier confirm that a $5 straw company registered in the Australian Capital Territory is the new operator of the Torrens Island power station under lease arrangements requiring that company to pay the Electricity Trust more than $1.7 billion over the next 25 years and why has he consistently tried to cover up this extraordinary deal?

After refusing to answer specific Opposition questions last Thursday about who are parties to ETSA's leasing arrangements, the Premier, in the *Advertiser* of last Friday, stated:

> The arrangement over Torrens Island was that four turbines in Power Station B had been leased for 10 years for $125 million.

In a letter dated 3 March—only two weeks ago—replying to specific questions about these leasing arrangements by the Upper House Select Committee on Energy Needs, the Premier made no reference to what I now reveal: the fact that on 5 June last year, the Electricity Trust signed an agreement under which Lashkar Limited—a company registered in the Australian Capital Territory—will pay $70.6 million a year for the next 25 years to lease the whole of the Torrens Island power station. This bears no relation to the Premier's statement last week that the lease covered only the turbines and was for a period of only 10 years.

A company search reveals that Lashkar was incorporated in Canberra on 28 January 1986; that at the date of incorporation it had paid-up share capital of $5; and that the original three directors of the company resigned on 23 May last year and were replaced by four new directors, all resident in New South Wales, who share common directorships in a range of other companies all apparently unconnected with the business of power generation. I understand this has been called an 'operating lease' to get around Loan Council guidelines.

While the Premier has said that ETSA's new leasing arrangements will result in savings of millions of dollars to power consumers, these benefits are not evident from this lease document nor are the reasons why an apparently insignificant and recently formed Australian Capital Territory company should now be the operator of—

The SPEAKER: Order!

Mr OLSEN: —South Australia's largest power station.

The SPEAKER: Order! The Leader of the Opposition was clearly debating the matter and he should know better than that. The honourable Premier.

The Hon. J.C. BANNON: Heaven help this State if the Leader of the Opposition is ever in charge of its finances. He is demonstrating a most culpable lack of knowledge of business dealings, of financial transactions and of the way in which one can get the best deal for the State. I admit that these things are complicated. I admit that it really requires a bit of study and research. Quite frankly—

Mr Olsen interjecting:

The SPEAKER: Order! Will the Premier resume his seat. The Leader of the Opposition has had his opportunity to ask his question. The Chair, probably unwarrantedly, indulged his explanation, which was clearly debate. I warn him against repeated interjection and also caution him about making remarks which are only partly under his breath in regard to the Chair. The honourable Premier.

The Hon. J.C. BANNON: Quite frankly, I would have thought that even the Leader of the Opposition, with a little bit of coaching, could have understood the significance of these transactions. In that context, I would have thought

that he could even call back on his experience under the previous Tonkin Government when, in 1979-80, certain transactions were undertaken by the Electricity Trust of South Australia in order to minimise its costs to borrowings. I would have thought also that he might recall the period of June to October 1981, when a large transaction on the sale and lease-back basis was undertaken by the then Liberal Government.

This is part of the extraordinary ignorance that is being displayed by the Leader of the Opposition of financial transactions that are not unusual, that are certainly being done far more effectively than has ever been done before, and that are quite consistent with Loan Council guidelines and with all the other financing transactions. Indeed, Mr Speaker, the Northern Territory Power Authority, which requires specific approvals from the Commonwealth Government, has in fact undertaken some of these.

I notice that the Deputy Leader is very silent indeed. He knows something about this. He was Minister of Mines and Energy when the Tonkin Government took over and continued the transaction of the Corcoran Government. He was Minister of Mines and Energy when the second transaction by ETSA was undertaken. I suggest that, as they are sitting very close to each other, perhaps they might talk a little about this because, if the Leader of the Opposition continues his attacks on these transactions in this way, he may score or think he will score the odd political point or two about it, but what he is doing—

The Hon. B.C. Eastick interjecting:

The Hon. J.C. BANNON: Interjections from the former Speaker are completely out of order and irrelevant. I excuse the honourable member for not knowing about it as he was excluded from the Tonkin Ministry and shoved up in the Speaker's Chair, which he occupied with distinction.

The SPEAKER: Order! I caution the Premier about remarks on that particular aspect of parliamentary life. The honourable Premier.

The Hon. J.C. BANNON: The House expressed its confidence in the member for Light as Speaker. I excuse him for not knowing about these transactions. What he is doing also is in fact restricting the ability of any of our authorities to undertake their proper financial and commercial tasks. He is putting in jeopardy those who deal with us because their commercial confidentiality could well be at risk, and I suspect that that is what he has in mind, because the end result will be less money available to the Electricity Trust to lower tariffs. The higher the tariffs, the more the Opposition will bray and complain and attack us about it. He has no interest in South Australia and its power costs—he just has an interest in his own narrow political advantage.

There is nothing extraordinary about the deal. The only extraordinary thing is the financial benefit of many millions of dollars that we are able to get. There is no cover-up. All these transactions are fully reported. Indeed, Mr Speaker, last week the Leader of the Opposition stood up with this allegation of secrecy and cover-ups and deals. He had obviously been on holiday during January, because the very matters he was talking about were on the front page of the Adelaide *Advertiser* on 10 January 1987. All the detail was there, but apparently he had not looked at his clipping book, and he missed it. The other transactions are fully detailed in the Auditor-General's Report and the ETSA reports and, when they are tabled for the 1986-87 financial year, again, all those transaction details will appear.

The fact that companies involved in financial transactions are unconnected with power generation is quite irrelevant because, as I have made clear, they are not delivering power; they are not operating the stations; they do not own them. They are involved in a financial transaction which is saving this State and the power consumers, the ordinary householder and business operators in this State, millions of dollars.

RABBITS

Mr De LAINE: Can the Minister of Agriculture inform the House why the rabbit is still Australia's No. 1 pest?

Members interjecting:

The SPEAKER: Order! We would like to hear the honourable member explain his question.

Mr De LAINE: According to a recent media report, the CSIRO states that the rabbit is still the country's No. 1 feral pest problem. This statement is surprising because ever since myxomatosis was introduced about 30 years ago, it has been rare to see rabbits along country roads.

The Hon. M.K. MAYES: The dispersion of the rabbit population in agricultural areas is quite different from that in pastoral areas. Rabbit numbers in the agricultural areas generally are low, due in large part to the efforts of landholders in the agricultural regions and also to the activities of the Vertebrate Pests Control Authority in this State and other States in Australia. We face a major problem with rabbits causing serious damage in the pastoral lands of Australia. It is evident from what CSIRO has said, from research within the Department of Agriculture and from what other vertebrate pest authorities have found, that myxomatosis is an unreliable ally in rabbit control.

We are now looking at new forms of biological control, and all pest authorities are reviewing schemes that would offer us an opportunity to control what is a major pest and a destructive element in our agricultural and pastoral industries in this country. With myxomatosis effective control in the pastoral areas has not been successful. In summary, the control in the agricultural area has been largely due to the well managed approach of most farmers and the support of the Vertebrate Pests Control Authority in this State.

ETSA FINANCING ARRANGEMENTS

The Hon. E.R. GOLDSWORTHY: Will the Premier advise why the Electricity Trust did not make reference in its 1985-86 annual report to its lease arrangement with Lashkar Limited? Despite what the Premier said in answer to the Leader today, and despite his assertion last Thursday in the House that these arrangements had been 'fully reported and disclosed in ETSA's annual reports', the fact is that these lease arrangements were not even mentioned. However, while the trust's annual report for 1985-86 gives scant detail of the northern power station lease-back arrangements, it contains absolutely no reference whatsoever about the much bigger Torrens Island deal, even though it was completed within the reporting session covered by that annual report.

The Hon. J.C. BANNON: The reason that it would not have been reported was that it was not in operation, and it was not concluded.

Mr Olsen: It was signed in June.

The Hon. J.C. BANNON: That is the only conclusion I can make. I can assure the House that any transaction undertaken by ETSA appears in its books and is reported upon.

Mr Olsen: That is wrong. The contract was signed before June.

The SPEAKER: Order! The honourable member for Mawson has the call, not the Leader of the Opposition.

FEDERAL LIBERAL HOUSING POLICY

Ms LENEHAN: Will the Minister of Housing and Construction outline to the House the likely effects of the recent Federal Liberal policy on housing, the effects it will have on South Australia, and in particular the Liberal Party's intention, as stated in that policy, to abolish the Commonwealth-State Housing Agreement? Last Thursday the Federal Liberal Party launched what appeared to be mark 2 or mark 3 of its housing policy. A major component of this latest policy is the specific promise to abolish the Commonwealth-State Housing Agreement, the instrument by which the Federal Government provides funds to the States for housing programs aimed at those needing assistance to find affordable accommodation. The agreement consequently is of great importance to the building industry which derives a significant portion of its work from public housing. It was on this matter that a concerned constituent approached me on the weekend. He is a builder living—

Members interjecting:

The SPEAKER: Order!

Ms LENEHAN: —in the southern area and does a great deal of work for the South Australian Housing Trust. He was naturally concerned and anxious about the effect of the Liberal Party's intention with respect to the home building industry.

The Hon. T.H. HEMMINGS: I congratulate the honourable member for asking this question which is important not only to her concerned constituent but also to the building industry and the many thousands of South Australians who are seeking public housing accommodation in this State. The reaction of members opposite to the question is indicative of their scant regard for those people who are desperate for housing in the public sector. When one looks at Liberal policies, one sees that in 1987 they hark back to the Menzies era. Liberal Party policy is to assist only the wealthy, those people who want to acquire additional homes, and so on: it has nothing to do with the disadvantaged.

It is ironic that the day on which the Liberal Party released its policy I was on my way to Canberra to lobby the Federal Minister not only to resume funds at the same level as nominated (that is, 100 per cent for this State) but also to maintain funds, despite the news that is coming from Canberra that housing funds, in particular Commonwealth-State Housing Agreement funds, should be exempt from any major cuts. The Australian Housing Council, which incorporates a broad spectrum of the industry—the building industry and the finance organisations (the banks, the building societies and the credit unions)—on Friday stated publicly that the policy of the Federal Liberal Party was a complete farce. When I explained privately at a luncheon the attitude of the State Liberals in that they are split from their Federal colleagues, one person (who, for obvious reasons, shall remain nameless) said, 'Hemmings, you must have a dream over there if they are the sort of people who are against you.' That is a reflection.

The Liberal Party in South Australia and federally has not had a housing policy that can stand up to community scrutiny. It could not stand up to scrutiny at the December 1985 State election or at the Federal election of the same year. We saw a mish-mash. The Liberal Party made decisions and put forward proposals to the community in the hope that it could grab a few votes, but then there were reversals. I do not want to embarrass the Leader in relation to deregulation: he fled to Ayers Rock to get away from the media. One minute he wanted deregulation, and the next minute, because little Johnny Howard said something different, he changed his mind.

There has been a change of attitude by the Federal Liberal Party in just over a couple of months. A couple of months ago members opposite were espousing the New Right line, which is deregulation at any cost. Their policy is, 'Get out; we don't want anything to do with public housing.' Then they were lobbied hard by the industry and they decided that they would retain the 13.5 per cent ceiling and the First Home Owners Scheme. So the conservative Opposition is putting forward three policies: the New Right 'get out of it'; the amended version where the wets have frightened the drys and are appeasing the building industry; and, thirdly, the South Australian version, which I will go into a little later. But they all have one thing in common: they all agree that we should abolish the Commonwealth-State Housing Agreement. In a nutshell, that would mean the poor, the disadvantaged and the sick—all those people who are desperate for help—would be put on the scrap heap. They would be forgotten. According to the Liberal Party and the New Right, the poor do not vote for the Liberal Party so why should they not ditch the lot of them? There are no votes in it.

Mr Becker interjecting:

The Hon. T.H. HEMMINGS: I refer now to the flexible and very fluid South Australian position as espoused by the member for Hanson. The housing policy of the Liberal Party in this State depends very much on how the member for Hanson feels on a particular day. If he has had a bad time over the weekend, if he has tried to ping Government cars and cannot find any, he gets liverish and tends to go in. He has made some very good public statements on housing. To get those people who live in public sector housing who are abusing their homes, he would create an army of brown shirts to knock at their doors in the early hours of the morning, and Golden Grove is just another small subdivision in the north-east suburbs. The honourable member's answer to the 40 000 people on the waiting list is to build multi-storey flats of the kind built in Hong Kong. These are the public statements that he is making in relation to the housing industry.

Mr Becker interjecting:

The Hon. T.H. HEMMINGS: While the honourable member says he never said that, my spies tell me that he did. When the building industry heard those statements it was aghast and incredulous that the Leader of the Opposition should give the responsibility of such a vital industry in this State to a man like the member for Hanson.

The concerned constituent of the member for Mawson (that small builder that the Liberal Party always claims it represents) has every reason to be worried because, if the Commonwealth-State Housing Agreement goes out the window as a result of the Liberal Party winning Government in Canberra, it will result in over 10 000 jobs being lost in this State. As the Minister of Housing, I would have to shut the door as far as building houses is concerned. All those other crises accommodation programs that this Government has set in train (rent and mortgage relief, the cooperative program and the Emergency Housing Office) will go out the window. I think the member for Mawson's concerned constituent should write to the Leader of the Opposition and the member for Hanson asking them whether they support the Federal Liberal Party's policy of abolishing the CSHA. He needs to know that, as does everyone else in this State.

ETSA FINANCING ARRANGEMENTS

Mr S.J. BAKER: Will the Premier immediately arrange to have tabled in this House the power station management

agreement, the fuel supply agreement and the power supply agreement referred to in the lease that Lashkar Ltd has signed to operate the Torrens Island power station? While the Premier has claimed that these arrangements will be worth millions of dollars in savings to power consumers, it will only be possible for the public to assess the benefits by the disclosure of all relevant agreements relating to this lease.

As the Opposition understands the arrangements, as its part of the deal, the Electricity Trust buys from Lashkar power generated at Torrens Island, so we have a situation where the majority of South Australians are buying their power from a $5 straw company registered in the ACT. The agreements I have sought, referred to in clause 7.2 on page 13 of the lease, will indicate how much the trust is paying Lashkar for power, what arrangements there are for price adjustments over the period of the lease and other information relevant to determining the benefits to power consumers from this deal.

The Hon. J.C. BANNON: The honourable member obviously has just ignored everything I have said about the nature of these arrangements. The way in which he has framed his question indicates that he has not understood a word of what I have said about the nature of the financial transactions. The public will have a very good opportunity to assess the benefits—first, when the trust reports on them in its annual report; secondly, when the Auditor-General audits them and sees that the accounts of the trust are in order; and, thirdly, when their power bills are kept in check as a result.

TROTTING CONTROL BOARD

Mr GREGORY: Can the Minister of Mines and Energy advise the House whether or not he has asked the committee of inquiry into the racing industry, chaired by Ms Frances Nelson QC, to investigate an allegation raised in this House by members opposite about the Trotting Control Board's decision not to proceed on a positive swab returned on Batik Print, winner of the South Australian Breeders Plate in May last year? Can the Minister also indicate whether any conflict of interest exists with Ms Nelson chairing this committee of inquiry? Last Friday evening the Leader of the Opposition claimed that Frances Nelson QC had been placed in a position of conflict of interest because the Minister had allegedly said that her inquiry could deal with the Batik Print case. The Leader claimed that Ms Nelson had been retained as counsel by a Mr Lew Ward to challenge the TCB's decision, and so could not properly conduct the inquiry.

The Hon. M.K. MAYES: At the outset I think it should be stated that the Leader of the Opposition has made some serious allegations about Ms Nelson and I think that he owes her a public apology. From the information given by Ms Nelson to my officers it is quite evident that, in relation to the informal discussions that were held between her and Mr Ward, she does not think that she should be disqualified as the Chairperson of the inquiry. The Leader of the Opposition knows full well the terms of reference, which were published. The first term of references states:

> The committee shall examine the function and effectiveness of the following bodies which control the administration of racing within South Australia . . .

There is then a list of all the authorities that come under the control of the Racing Act within South Australia. So, it is very clear that the intention of this inquiry is not to look at issues such as the Batik Print case about which the Leader of the Opposition and the member for Bragg have made constant insinuations.

As part of her normal professional practice Ms Nelson was approached by Mr Ward, who is the owner of a horse involved in the Batik Print matter. As I understand it, he approached her as an acquaintance, and she appropriately informed him that she could not take a brief from him as an individual but that she could do so through a solicitor. That was the last that Ms Nelson heard of the matter. As I understand it, no brief has been given to Ms Nelson on the matter, so the inference and the derogatory remarks by the Leader of the Opposition are totally inappropriate, and I think that he should apologise to Ms Nelson.

The Leader of the Opposition is endeavouring to take the pressure off the member for Bragg by insinuating that I should have known, but Crown Law advice has clearly indicated that it is not for me to read the mind of Ms Nelson. Of course, a reflection has been cast upon Ms Nelson, because it has been suggested that she should disqualify herself. As the Leader of the Opposition said last week, she is a very eminent member of the legal fraternity in this State but, two days later, he said that she is not able to determine whether or not she should disqualify herself.

It is evident that if Ms Nelson determined that the inquiry touched upon the administrative implications of the Batik Print case, she would make a decision whether or not she should stand aside. Crown Law advice makes it very clear that this course of action is adopted in an inquiry of a quasi or semi-judicial nature such as this, and it would be totally appropriate that, if this matter came before the inquiry, if she wished to stand aside she could then allow the inquiry to proceed without her actually sitting or taking a part in it.

I think that the insinuation by the Leader of the Opposition that Ms Nelson acted improperly is totally inappropriate and that he owes her a public apology. I know that he was contacted by Ms Nelson on Saturday, and I believe—

Mr Becker interjecting:

The Hon. M.K. MAYES: In the newspaper. Perhaps the member for Hanson should read the paper. I understand that she asked for a public apology, but at this stage that has not been forthcoming. I understand also that he asked her whether or not these allegations were correct. The Leader is a little late in checking his facts. Again, he has shown his lack of research skills and, as is usual, he has attempted, by pursuing a serious issue, to score political points. It reflects very poorly on him as Leader of the Opposition. I believe it is very appropriate that the Leader of the Opposition make a public apology and that not too many minutes should pass before he does so.

Mr INGERSON: In view of the serious conflict between the reported statements by Ms Frances Nelson QC and Mr Lew Ward over Ms Nelson's involvement in giving advice to Mr Ward on the Batik Print affair, will the Minister of Recreation and Sport suspend the Racing Commission inquiry while this conflict is resolved?

In statements reported in the *Advertiser* yesterday, Ms Nelson said she did not know Mr Ward and had never been briefed on the Batik Print affair. These statements are directly contradicted by a statutory declaration I have by Mr Ward. As I believe I am not permitted to table the declaration, I will read it to the House. It states:

> Statutory declaration of Lewis Alfred Ward 655 South Road, Black Forest, Managing Director
>
> 1. I am the Manager of the LA Ward Racing Syndicate, the owner of I'm Happy, the third placegetter in the SA Breeders Plate, 24 March 1986.
>
> 2. On or about 11 July 1986, I was advised that the Trotting Control Board had resolved that the steward's inquiry into the

positive swab of Batik Print was not to proceed and that there would be no further inquiry.

3. Following a telephone discussion with my veterinary surgeon, I contacted Francis Nelson QC by telephone. I arranged to see her, I believe, almost immediately. This was on or about 14 July 1986.

4. I went to her rooms at Fullarton Road, Rose Park.

5. I introduced myself and told her of the Batik Print positive swab case. I advised here that the board had stopped the stewards' inquiry, that there was a positive swab to dexamethasone and that I thought the horse should be disqualified. I asked what she would suggest I do, could she advise me? She advised that she thought I had a case, but that she doesn't handle the general public and I would have to be referred through a solicitor. During the discussion Ms Nelson QC left the room and returned with a copy of the Rules of Trotting. Her advice was I had a case and that I had to get a solicitor. I asked who she would suggest. She suggested a particular solicitor, who acted for me on business matters. She tried to ring that solicitor in my presence, but he was unavailable. I was with her for about three-quarters of an hour. I have not yet received an account for the consultation.

6. I saw my solicitor, on 15 July at about 1 p.m. My solicitor informed me that he had spoken with Ms Nelson QC.

7. AND I MAKE this declaration by virtue of the Oaths Act . . .

The declaration shows that, although Ms Nelson claims that she does not know Mr Ward, has only spoken to him on the telephone and has not been briefed on this matter, Mr Ward says that he had a lengthy meeting with Ms Nelson in her chambers, that she gave him advice on the matter, and, specifically, that she told him that he had a case. The declaration also indicates that Ms Nelson had a further discussion with Mr Ward's solicitor. I have been further advised that the circumstances described by Mr Ward do raise serious ethical questions about Ms Nelson now proceeding to consider the Batik Print affair, as referred to by the Minister in the *Advertiser* last week, part of the Racing Commission inquiry.

Members interjecting:

The SPEAKER: Order! The honourable Minister.

The Hon. M.K. MAYES: Nothing that the member for Bragg has said adds anything to what we already know.

Members interjecting:

The Hon. M.K. MAYES: You are pathetic—absolutely pathetic. You are now digging and trying to denigrate an individual in the community.

Members interjecting:

The SPEAKER: Order! I call the House to order. The honourable Minister.

The Hon. M.K. MAYES: Thank you, Mr Speaker. Ms Nelson has advised my office that she was approached by Mr Ward and, as I understand it, she advised him that she could not take the brief because it had to come through a solicitor. Indeed, she did not take the brief. The Crown Law advice to me is that, if Ms Nelson feels that, at any stage during the hearing of the inquiry, she has to disqualify herself, then it is upon her—

Mr Ingerson interjecting:

The Hon. M.K. MAYES: I am not tabling anything for you. Crown Law advice to me makes it quite clear that Ms Nelson can conduct herself appropriately and properly as chair of this inquiry. I have no doubt that she will. I am told that the member for Bragg ran up to see his Leader last Wednesday to say that he was not running a leadership challenge. This is obviously his attempt to commit himself to the fact that he is not running for leadership.

Crown Law advice is clear about what Ms Nelson can do if she feels there is a conflict of interest. She is an eminent person and far more capable than the member for Bragg at making a judgment about whether or not she should disqualify herself. The statement from Mr Ward adds nothing to what I have been told because it is evident that he went to see her and made these requests, which she refused, and in the conversation some statements were made and he was referred to a solicitor.

Member interjecting:

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

ALDINGA REEF

Mr ROBERTSON: I direct my question to the Minister for Environment and Planning.

Members interjecting;

The SPEAKER: Order!

Mr ROBERTSON: What steps have been taken to safeguard the marine habitat of the Aldinga reef area and to protect it from further deterioration? The House would be aware of concern expressed last year by various skindiving organisations.

Members interjecting:

The SPEAKER: Order! The House has moved on from the last question and is now hearing the explanation of the honourable member for Bright.

Mr Ingerson interjecting:

The SPEAKER: Order! I warn the honourable member for Bragg for continuing to interject after the Chair has obviously called the House to order. The honourable member for Bright.

Mr ROBERTSON: Members of the House would be aware that in the latter stages of last year various skindiving organisations expressed some concern about the fact that storm drains in the Aldinga Beach area had contributed sediment to the reef, causing some damage to soft corals and similar species. Members would also, I dare say, be aware of an alternative theory that in fact sediment from the Willunga basin carried into the area of the reef has been carried northwards by longshore drift and is contributing to the sediment load that now occurs on the reef. I ask the Minister to clarify those various theories and outline what steps have been taken to remedy them.

The Hon. D.J. HOPGOOD: By midway through this year I think it will be true to say that the Aldinga reef area will have been the most intensively studied section of our marine environment. My own department, the Department of Fisheries, and the Scuba Divers Association are all involved in a cooperative effort to determine the extent of deterioration in this area and, if possible, the cause of that deterioration.

Without unduly taking up the time of the House, let me say that it is conceded that the amount of sediment load in the subtidal zone has increased in recent times. However, that is in common with most of the general gulf area. It is further alleged that there has been some degradation of the marine life of the area, but that is still a matter of controversy. It has been further alleged, as the honourable member has said, that there is some causal nexus either between the discharge of stormwater into that environment, which of course is an artificial thing which has been induced by subdivision in the local area or, alternatively, discharge from the Silver Sands creek and the Willunga creek which is a process that has been going on for some considerable time. It is also suggested by some that faster than usual erosion from the cliffs at the southern end of Sellicks Beach may indeed be leading to this load.

I will write to the honourable member and give him specific details of the fairly sophisticated monitoring techniques which are being taken out by both my department and the Department of Fisheries. We will be in a position, I believe, to determine midway through this year whether that causal nexus that some have alleged is there and what

remedial treatment should take place. I make the point, in conclusion, that it would be folly for us to go to the considerable expense of terrestrial discharge of the stormwater drains if it was later proven that these were not the cause of whatever problem is occurring at this point.

AUDITOR-GENERAL

The Hon. B.C. EASTICK: Will you, Mr Speaker, investigate statements in a public speech by a senior public servant that are a serious reflection on the capacity and independence of the Auditor-General? I put this question to you Sir, since the Auditor-General is an officer who reports to this Parliament and whose independence and capacity must be beyond question. However, they have been called into serious question by a speech made to the Society of Accountants National Convention for Government Accountants in Perth by the Deputy Under Treasurer, Mr Peter Emery. I refer to the following report of his speech in the latest issue of *Business Review Weekly*:

Emery criticised the South Australian Auditor-General, Tom Sheridan, for what he called the 'partial and highly misleading' data published on the State's indebtedness—one reason why the South Australian Treasury felt obliged to publish its own research. It is pleasing to note that the South Australian Auditor-General is now following what we refer to as the Treasury approach.

Not only do these statements amount to a serious reflection on the capacity of the Auditor-General to report to this Parliament on the vital question of the State's indebtedness, but they also imply that he is no longer independent in that he is simply toeing the Treasury line.

The SPEAKER: The Chair is in a difficult position with respect to the last couple of sentences of the honourable member's explanation, which were clearly out of order and constituted debate. However, I will not touch upon that point. I am not familiar with the report to which the honourable member has referred. I have not received any complaint from the honourable officer referred to. However, I will take the question on notice and report back to the House at a later date.

CFS SIREN

Mr KLUNDER: Can the Minister of Mines and Energy outline the events which culminated in the CFS siren at Hermitage being rendered inoperable for a short time at 8 o'clock this morning?

The Hon. R.G. PAYNE: Yes, Mr Speaker, I believe that I can. Perhaps if I begin at 7.55 and work backwards a little and then come forwards, I might be able to provide information which may be of help to the House. I think it was about 7.55 when the member for Todd very commendably rang me at home to point out that, as far as he was aware, a possible hazardous situation was to occur in the Hermitage area where ETSA was carrying out some routine work which would involve disconnection to make safe some lines connected with work to be done, I understand, at Newman's nursery. In the event, it had been brought to the attention of the member for Todd that this could also mean the disconnection of the CFS warning siren in the area. I do not think I need elaborate any further as to how that could have been quite important in the circumstances. I immediately said to the member for Todd that I would get in touch with the General Manager of the trust and put to him the circumstances that had been given to me, as it seemed to me also that, taking into account that today had been listed and advised by way of forecast to be a day of very high fire risk, that this situation was unacceptable and might put an area at risk.

Since that time, I have been able to check out the circumstances, and I can report to the House that, because of the approach I made to the General Manager of ETSA, he followed up, intervened and ensured that power was restored to the area by the ETSA workers concerned by about 8.50 a.m. I think some commendation is in order not only for the General Manager of the trust (Mr Leon Sykes), but also for the workers concerned and those people who brought the matter to the attention of the member for Todd. In fairness to all concerned, I think it is also necessary to point out that I have since made inquiries that show there is a backup siren in the area, as I understand it, that would not have been disconnected at that time.

However, it is said that that siren is not as audible when the wind is blowing in certain directions. In addition, I am instructed that the deputy fire chief in the area has the telephone numbers of all CFS personnel and therefore had an alternative means of getting in touch if those people were needed. Nevertheless, ETSA acted sensibly because the action that it took through the intervention of the member for Todd and the General Manager means that the three ways of raising the alarm and getting the CFS on the job, if needed, were still in effect.

MARIJUANA

The Hon. JENNIFER CASHMORE: Will the Premier advise whether, in view of his attitude to legalisation of prostitution, the Government will now also drop on-the-spot fines for personal possession of marijuana? I understand that the Government has decided today not to support moves to legalise prostitution. When asked in the House on 4 November last year what his attitude was to legalised prostitution, the Premier said, 'Er, I don't know.'

In this morning's *Advertiser*, however, the Premier is reported as saying that he personally opposes the Prostitution Bill because 'it does not have community support'. It has been clearly demonstrated that the introduction of on-the-spot fines for personal possession of marijuana—

The SPEAKER: Order! This is clearly debate, and I sure the honourable member is aware of that.

The Hon. JENNIFER CASHMORE: I believe that my explanation as it follows is factual, and I seek your permission, Mr Speaker, to proceed. The introduction of on-the-spot fines for the personal possession of marijuana is similarly opposed by the vast majority of South Australians who would like to see the Premier recognise their deep concern by not proceeding with the introduction—

The SPEAKER: Order! The honourable member should be aware that, even though an explanation may contain half a dozen facts, the whole is greater than the sum of its parts and can still constitute argument and debate, regardless of the nature of those facts.

The Hon. J.C. BANNON: The question was a complete *non sequitur*—two entirely unconnected matters. Within the explanation was a number of false statements: first, that the Prostitution Bill is a Government measure. It is not, it is a private members Bill, sponsored by a private member, and in the hands of that private member in another place. Secondly, the measure referred to was part of a comprehensive improvement to drug laws, including increased penalties and the definition of other drugs which were not caught up under the legislation and which were part of the overall Government strategy that this Government has pursued. This was introduced as a Government measure, and I certainly supported it as such.

TROUBRIDGE

Mr PETERSON: Will the Premier advise the House on the method and details of financing the *Troubridge* replacement vessel? I have received information that a lease-back arrangement has been entered into with a local bank to raise the necessary finance. Will the Premier please clarify the situation?

The Hon. J.C. BANNON: That is correct. The financing of the *Troubridge* is being done in order to ensure minimum impact on direct Government financial outlay and a sale and lease-back arrangement has been organised in accordance with well established accounting and financial principles. The exact final cost and nature of that transaction I am not in a position to advise the honourable member, but I will do so as soon as I am able.

WATER CATCHMENT AREA

Mr S.G. EVANS: Does the Premier expect all Government departments to honour Government policy in keeping to a minimum the number of allotments outside defined township areas in the Adelaide water catchment area? I ask him as Premier of the State.

The Hon. D.J. HOPGOOD: The honourable member will know that reviews are currently being carried on in regard to land use policies generally in the Adelaide Hills, with a view to upgrading—

Mr Lewis interjecting:

The SPEAKER: Order! The honourable Deputy Premier must not respond to interjections: he must continue his reply.

The Hon. D.J. HOPGOOD: I thank you for your protection in this case, Mr Speaker.

Mr S.G. EVANS: I rise on a point of order. I will repeat my question. It was quite simple. I asked the Premier (and the Deputy Premier may answer if he wishes) whether he expects all Government departments to honour Government policy of keeping to a minimum the number of allotments outside townships in water catchment areas.

The SPEAKER: Order! That is not a point of order. If the House wishes to institute a system of supplementary questions it will do so.

The Hon. D.J. HOPGOOD: The position is that the Government is very much opposed to the fragmentation of land holdings, particularly in water catchment areas. This matter should be well known to public authorities. Where an authority wishes to obtain permission, it must go through the section 7 arrangements under the Planning Act. In those circumstances it is not inconceivable that I may have to table certain facts and information in Parliament. However, I am not aware of a recent section 7 application being brought before me which would in any way fit in with the matter which seems to have been canvassed or hinted at by the honourable member.

Mr S.G. Evans interjecting:

The SPEAKER: Order! The honourable member has asked his question.

BELAIR TO MURRAY BRIDGE RAILWAY

Mr HAMILTON: Is the Minister of Transport aware of any proposal to upgrade the Hills railway line from Belair to Murray Bridge? A member of the Opposition was quoted in the Mount Barker *Courier* last week as saying that the Minister is withholding information about the upgrading of this railway line. He also said:

> We also should know if the closing of the passenger service is seen as an important part of AN's proposition. This would allow freight trains to operate at night, and upgrading could proceed without interruption during the day.
>
> The Minister might also like to inform us whether the STA intends to upgrade the century-old track from Belair to Mitcham.

The honourable member is also quoted as saying:

> . . . it appeared that any announcement was being held back until after the next Federal elections.

God knows what that has to do with us!

The Hon. G.F. KENEALLY: I thank the honourable member for his question. I certainly am aware of the statements that the honourable member has made, but I have not had an opportunity to read them in detail. I understand that the honourable member has asked that I come clean about the Federal Government's plans to upgrade the line from Belair to Murray Bridge. I took him at his word and thought that there might be something in it; otherwise he would not be making such a rash statement. Therefore, I had the matter checked out with the General Manager of Australian National and he is unaware, as I am, of the information which the honourable member has. So I suggest that the honourable member come clean and tell the Federal and State Governments what we have in mind for that section of track about which we know nothing at present. That would be useful information.

Secondly, the honourable member said that the State Government should upgrade that part of the track from Belair to Mitcham with all the benefits that, he suggests, would flow from that. Once again, the honourable member should advise the House and the people of South Australia where we would get the megabucks—and that it is what it would cost. It would not be a simple or a cheap exercise: it would cost many millions of dollars. In any event, there are no plans to do that.

It is not a reasonable proposition for the honourable member to grandstand to his electorate, alleging that the State Government or the Federal Government has plans to do certain things in relation to which they have no plans, and saying that they are secretive and that the Minister ought to come clean. The fact is that there are no plans. The honourable member alleges that the matter will be held over until after the election. That is a reasonable ploy for a politician who knows that he does not have a case.

The fact is that the honourable member is doing nothing but mislead his constituents—he is putting up those straw people, as he likes to do, so that he can knock them down. On this occasion I believe it is the honourable member who has been knocked down, and clearly seen by everybody to be telling 'pork pies'.

BUSHFIRE AREAS

The Hon. E.R. GOLDSWORTHY: Can the Minister of Transport inform us of the Government's policy in relation to road works that impede traffic in high bushfire risk areas on high bushfire risk days like today? I was contacted today by a member of the Greenhill CFS, who works in the city, as indeed do most of the—

An honourable member interjecting:

The Hon. E.R. GOLDSWORTHY: I beg your pardon?

The SPEAKER: Order!

The Hon. E.R. GOLDSWORTHY: —residents at Greenhill. He is also a member of the CFS.

An honourable member interjecting:

The Hon. E.R. GOLDSWORTHY: If you think this is funny, you ought to go through a bushfire; then you might sober up a bit. The fact is that today is the highest bushfire risk day this summer—according to the radio announcers, on the advice of the CFS. This member of the CFS is concerned that major roadworks, such as the resealing of Greenhill Road, are being undertaken right at this moment. So, if there is a bushfire today, these people will not be able to get home or, at least, if they do go home, their progress will be impeded. This is a serious question, in view of today's conditions, of which the Premier may not be aware—

An honourable member interjecting:

The Hon. E.R. GOLDSWORTHY: I certainly am not.

The SPEAKER: Order!

The Hon. E.R. GOLDSWORTHY: What is the Government's policy?

The Hon. G.F. KENEALLY: I take it that the honourable member is not complaining about the fact that the Highways Department seals or reseals on very hot days, but has taken up the point that, if the Highways Department is doing work on a Hills road, it might interfere with the traffic flow from people travelling from the city to the Adelaide Hills. That is an important question. I do not have—

The Hon. E.R. Goldsworthy interjecting:

The Hon. G.F. KENEALLY: I believe the honourable member has asked a sensible question, and I am prepared to acknowledge that. However, the honourable member's *sotto voce* comments are out of order and will totally mislead *Hansard* readers about what has taken place here. The fact is that, if there is a fire and any problems are associated with access to the Adelaide Hills through the activities of the Highways Department, I will look at that and bring back a considered reply for the honourable member and the House.

SALISBURY WATER SUPPLY

Mr RANN: Can the Minister of Water Resources inform the House about what action the Government is planning to improve water pressure in the Salisbury council area and when that action will take place? As one of the local members in the Salisbury council area, I am aware of complaints from residents and businesses about water pressure problems. With large private and Housing Trust developments either under way or proposed there is now considerable concern about the future ability of the system to cope.

The Hon. D.J. HOPGOOD: The honourable member and his colleague, the Minister of Technology, who is also the member for Ramsay, will be delighted to know that last Monday week in Cabinet we approved the expenditure of necessary funds to begin the first stage of the program which both members have been advocating for quite some time.

Very briefly, we are talking about the construction of a 1 megalitre reinforced concrete surface tank and an associated pipework/control valve system and the laying of approximately 9 km of distribution mains. The total cost is estimated to be $2.5 million, with construction taking place between 1986-87 and 1991-92. This will improve the poor pressure that exists in that area and satisfy the ultimate water supply needs of the Salisbury West area when fully developed.

HOME DETENTION SCHEME

Mr BECKER: I direct my question to the Minister of Correctional Services.

An honourable member interjecting:

Mr BECKER: At least I get the truth from him.

The SPEAKER: Order!

Mr BECKER: How many offenders are now under the home detention scheme, and how many have defaulted since the scheme was introduced?

The Hon. FRANK BLEVINS: I do not have the figures in front of me, but I will ensure that the honourable member receives them.

PEDICABS

Mr DUIGAN: Can the Minister of Transport advise the House whether the stated and feared problems in terms of road and pedestrian safety have shown up in the operation of the City of Adelaide's fleet of pedicabs? Before the fleet of pedicabs was introduced in the centre of Adelaide some fears were expressed that they could or would pose some type of traffic hazard, and that there was a belief that they might be involved in collisions or other accidents, particularly after dusk. Members would be aware that the controlling authority and the licenser of these vehicles is the Corporation of the City of Adelaide but, if there had been problems, I understand that these would have shown up in the statistics supplied by the Road Safety Division of the Minister's department.

The Hon. G.F. KENEALLY: I thank the honourable member for his question. As he has pointed out, the Adelaide City Council is the controlling authority for the use of these pedicabs, and I understand that it intends to review their operation, I think at the end of May. When pedicabs were introduced, some fears were expressed about the impact that they would have on not only the traffic but also the safety of the young people who actually pushed the pedicabs, which I suggest is a very strenuous and healthy exercise, providing a service which has been followed by people in Melbourne who, after seeing the success of the system in South Australia, introduced a similar system.

My advice is that, at this stage, no accidents have been caused by these pedicabs. I understand also that the police have no objection to their use after dark and that the Road Safety Division has received no objections to them. It seems that the pedicabs are operating as they were intended to do. Nevertheless, the Adelaide City Council, which is the licensing authority, will review the operations of the pedicabs at the end of May, and I suppose that any further information should wait until the receipt of that report.

INDUSTRIAL AND COMMERCIAL TRAINING ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

SITTINGS AND BUSINESS

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

That the time allotted for all stages of the following Bills:

Fair Trading,
Trade Practices (State Provisions),
Statutes Amendment (Trade Practices and Fair Trading),
Trade Measurements Act Amendment,
Enfield General Cemetery Act Amendment,
Potato Industry Trust Fund Committee,
State Government Insurance Commission Act Amendment,

Dangerous Substances Act Amendment,
Electrical Workers and Contractors Licensing Act Amendment,
be until 6 p.m. on Thursday.

Motion carried.

LEAVE OF ABSENCE: Hon. T.M. McRAE

Mrs APPLEBY (Hayward): I move:

That two weeks leave of absence be granted to the honourable member for Playford (Hon. T.M. McRae) on account of ill health.

Motion carried.

ELECTRICAL WORKERS AND CONTRACTORS LICENSING ACT AMENDMENT BILL

The Hon. R.G. PAYNE (Minister of Mines and Energy) obtained leave and introduced a Bill for an Act to amend the Electrical Workers and Contractors Licensing Act 1965. Read a first time.

The Hon. R.G. PAYNE: 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 Electrical Workers and Contractors Licensing Act 1965 is administered by the Electricity Trust of South Australia, and is the statute which restricts electrical work (as defined) to those who hold a licence issued by ETSA. At present licensed electrical workers from other States or Territories have to obtain a South Australian licence before being able to carry on their trade in South Australia. This Bill seeks to amend the Electrical Workers and Contractors Licensing Act so that appropriately licensed persons from other States or Territories may carry out electrical work as prescribed in the Act without the need to apply for and obtain a South Australian electrical workers licence. Similar arrangements already prevail in New South Wales and by agreement moves are being made in all other States to allow this form of reciprocity.

The advantage of this would be simply a saving in the unnecessary administrative process in providing a South Australian licence to those who are already appropriately qualified. It would also avoid the inconvenience to the interstate electrical worker of having to discover the present requirement, then comply with it.

Clauses 1 and 2 are formal.

Clause 3 inserts a new definition:

'external authority' means a licence, permit, certificate or other authority to carry out electrical work issued under a law of the Commonwealth, or of another State or Territory of the Commonwealth.

Clause 4 repeals section 6 of the Act.

Clause 5 amends section 7 by removing the requirement that a date be proclaimed from which the section is to operate.

Clause 6 repeals sections 8 and 9 of the Act and inserts a new section 8 which provides that the trust may, by notice in the *Gazette*, declare an external authority of a specified class to be equivalent to a licence of a specified class issued under the Act. Subclause (2) provides that restrictions may be imposed on the holder of an external authority in relation to the performance of electrical work in the State. Subclause (4) provides that the trust may withdraw the right of a holder of an external authority to carry out electrical work in this State if the holder contravenes or fails to comply with a provision of the Act, or a condition or restriction imposed on his or her right to perform electrical work in this State.

Clause 7 repeals section 14 and substitutes a new section which provides that a certificate stating that a particular person was or was not the holder of a specified class of licence, or did or did not have the right to carry out electrical work in this State pursuant to an external authority, on a particular date, will, in the absence of proof to the contrary, be accepted as proof of the matter certified.

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

FAIR TRADING BILL

Adjourned debate on second reading.

(Continued from 26 February. Page 3239.)

Mr S.J. BAKER (Mitcham): Opposition members support the Bill, although in Committee we will raise certain matters about which we have some concern. I compliment the shadow Attorney-General in the Upper House (Hon. Trevor Griffin) on once again doing an enormous amount of work on this Bill as he does on all other legal Bills. The hours that he spends on this work highlight the enormous amount of work required on such a Bill as this, but the deficiency in the system is that that amount of work is not supported by sufficient resources being made available to the Opposition to lighten the load in that respect. My colleague in another place always applies himself diligently to all legal Bills such as this, but it is not within the capacity of any one person in all cases and at all times to be able to address all the comprehensive Bills that come before Parliament. I bring this matter to the attention of the House and compliment the shadow Attorney-General on his enormous commitment in respect of this Bill as in respect of all other Bills that he tackles.

This Bill brings together certain pieces of legislation, and the Opposition wholeheartedly supports that aspect of the Bill. It brings together the Door to Door Sales Act, the Fair Credits Act, the Mock Auctions Act, the Pyramid Sales Act, the Unfair Advertising Act, and the Unordered Goods and Services Act. It is important to recognise that at present around Australia efforts are being made to achieve uniformity in consumer protection laws. It is fair to say that the States have for a time embarked on legislation in respect of which, because of lack of uniformity, it is difficult for people coming from other States to comply. However, we should not strive for uniformity merely for uniformity's sake. Indeed, uniformity with Commonwealth legislation need not carry with it much kudos when we see some of the legislation that has been passed in the Federal Parliament.

The point has been made (and I wish to address the three Bills as a package in this regard) that we are trying to achieve uniformity, but there are certain elements of these Bills in respect of which we must depart from the Commonwealth dictates. In one or two instances the final determination departs from accepted practice, but those issues will be debated in Committee. I merely point out that achieving uniformity does not necessarily mean that we have to embrace every piece of legislation that is handed down by the Commonwealth. In this case we are following a process of consolidation and bringing these Acts together so that

any person with reasonable legal knowledge can interpret them. We have not reached the stage where these Acts are written in a form that can be understood by the person on the street, because they are still in legalistic jargon. We have failed once more to appreciate that people would like to understand the law, but the terminology of certain Acts prevents their doing so.

The pieces of legislation referred to have been around for a while. Toward the middle of last year the legislation was put out to interested groups for comment and we have had considerable comment about the content, especially about some of the elements which have come down from the Commonwealth and which will impose further strains on the business community in this State and elsewhere.

The general thrust of the original legislation was to protect consumers, but the ambit is now wider than that in respect of the interaction of consumers and the nefarious activities of door to door salesmen, of the get rich quick merchants who are involved in mock auctions and pyramid sales, and of those people who are involved in misleading and unfair advertising. Generally, however, the Acts to which I have referred are brought together under this legislation and to that extent the Bill is commendable. I do not intend to debate the Bill at length as it is a Committee Bill, but I point to certain provisions of the Fair Trading Bill as it stands today which I believe need further attention.

An amendment has been inserted by the Upper House concerning the time during which people can be contacted and I understand that a further amendment will be moved in this place to restore the original provision. The Opposition believes that, if someone owes someone else money, the time available for the creditor to contact the debtor should be fair and reasonable and the Bill as it comes before us contains an amendment that we believe is fair and reasonable. However, an attempt is to be made here to change that provision.

I also point out that in respect of clause 29, dealing with computer and telex communications, the Attorney-General seems to have changed his mind twice on whether computer and telex communications are an oral or a written message. Certain consequences of that matter should be explored in Committee. Regarding the sale of goods, the Opposition believes that there is a question mark on the conditions under which quantities of goods can be sold. In this respect, I refer especially to whether some of the things that are being done at Woolworths today are illegal: for instance, whether under the legislation three bars of chocolate can be offered for $1. The interpretation of that would seem to be illegal, but that state of affairs may well be satisfied by something of which I am not aware.

There are also question marks concerning unordered goods and services and about the way in which the Commonwealth has applied itself to the matter of credit cards. I believe that it is a matter of last year's legislation being introduced when we should be considering tomorrow's legislation. The ability to determine what is a credit card and what is a debit card is suspect, as I believe the definitions are suspect. Further question marks apply concerning the powers of the Commissioner: whether the Commissioner, his agent, or a person acting under his authority should have the right to take samples or books free of any other authorising agency. In this House we have heard of many abuses of inspectorial powers and in Committee we shall refer to that matter. We talk about the onus of proof when an offence is being committed. Again, the Government tends to reverse the onus of proof, and that is an unhealthy trend.

A significant number of amendments will be moved in Committee to incorporate the Trade Practices (State Provisions) Bill within the Fair Trading Bill. I ask that discussion of the clauses be left until the Committee stage and that progress be reported at clause 2. I have deferred bringing my amendments to this Bill before the House on the understanding that there would be many new amendments to the Bill. Those amendments are now before us. Importantly, it is not within my ability at five minutes notice to canvass those amendments today. As I have delayed the introduction of my other amendments so that they can be dealt with together, I should like progress to be reported on clause 2.

Mr S.G. EVANS (Davenport): I suppose that I should support this Bill, which is an aggregation of many present Acts, because the Acts it encompasses have been in practice for many years and there are not many changes. It highlights the humbug of trying to run a business in this State and this country where the business operator is seen to be the liar, cheat, rogue and fraud and the consumer is always considered the angel with the halo over the head. On a quick reading of the 40 pages of the Minister's proposed amendments it is clear that this legislation will go a lot further if all that the Government intends, as displayed on paper, becomes the final Act.

More small businesses are becoming insolvent now than has occurred in the history of the State since the early 1930s (percentage wise, in relation to community numbers), and this Parliament needs to stop and think whether or not small business is important to us, important to the structure of our lifestyle and important to Government departments and their officers, or whether it is to be bullied. I say that with all the sincerity in the world because I am doubtful whether 5 per cent of Parliamentarians in this Chamber understand the Bill in total, and whether 2 per cent understand the proposed amendments. However, small business is prepared to give it a go. Some of the people running small businesses left school early and have been operating for years, with as limited an education as some of us (and even more limited in some cases), and they have succeeded. They have given good service. At times there have been arguments with customers; at times the supplier is wrong and at times the maker is wrong. However, quite often there are some very cunning, shrewd and deceitful consumers, as there are operators—and I do not deny that.

When we pass these laws, including the amendments that will be inserted, we need to remember that the smart cookie in business is still able, to a degree, to get away with it. The big operators are able to take it toe to toe with departmental officers; they are able to stand up to departmental officers and hold their own because they have the resources (such as solicitors, advisers and money) to stand their ground and make sure that departmental officers do not bully them into submission because a little old lady suddenly says that she has been deprived through some business transaction. In fact, sometimes the consumer is cunning enough—and I do not say just the female sex, but the male sex—to play the game with the protection of the department and its officers.

One can give examples where small operators have asked what they can do, and one has to say that if they take it up with the department they get a black mark against their name for coming to an MP and are in some trouble in the future if it is proven that the department has trodden on the small business operator a bit hard. One can ask whether it is better for them to carry the burden at this stage and take a kick in the teeth, and hope that they do not get involved again in the future. To be honest, the fear of

lawyers, costs and reprisals to many small family business operators or individuals is such that they cower and give in. If others learn that they have given in then they will play the game against them or their compatriots in the same sort of industry.

I am not saying that what is contained in the Bill is unprincipled or wrong, or should not be there to protect. I want Parliament to understand that every time we do this we are saying that the business operator is shonky and that the consumer is straight, because this is consumer protection legislation.

I do not know of any law made in recent times that protects the business person. It is assumed that those in business have the advice of lawyers, accountants and the best brains in the country to protect them when, in fact, the vast majority of small businesses cannot afford that. They do not have it and if they had to pay for it they could not survive. To pay accountants, lawyers, and other advisers $80 per hour or similar fees is beyond the resources of small business. This country has kicked business with legislation and has made many laws to protect consumers, quite often from their own stupidity. This is part of the cause of our demise as a society and the impossibility as far as the economy is concerned of being creative and taking punts.

I give one example, without naming the people involved, where a couple of smart alecs took a Holden motor vehicle for a trial run and in 3½ hours swapped the gearbox and replaced it with the gearbox in their own car that was on the way out. This trial vehicle was taken back to the dealer, who was told that it was not as good as they wanted. A couple of days later the dealer found that he had been taken for a ride. How does he prove it? Those young men were in the same sporting team as I am, and when I found out (they were talking about it) I told them that they had better own up or someone might cause them some embarrassment. If the dealer then went to sell the car to someone else and the gearbox was on the way out he would be in trouble because he had not declared it. However, when the first assessment was made that was not the case, because a different gearbox was involved.

The same thing can happen with all sorts of articles in our community. Consumer protection is ideal if Parliamentarians realise that there are consumers who are as unscrupulous and ruthless as the worst business people one can find in the community. That is human nature. This Parliament should be trying to find a way of telling business houses that we consider that they have a legitimate place in the community and believe that there should be laws to help to protect them. Residential tenancies legislation is another example, if we want one, of where the tenant is always right and the landlord gets pushed and shoved everywhere. I give that example of the type of consumer protection legislation that this Parliament has passed.

What do we, as Parliamentarians, think when we pass this legislation? Do we make ourselves good fellows with the multitudes who are not in business when combining a lot of these Acts? Are we saying that it does not matter about kicking small business houses? The beauty of it is that they can be kicked in small numbers at isolated times so that they can never collectively get together to attack a Government. If we knock one or two off every month with a pretty vicious act by a departmental officer to protect some consumer who may not have told the truth—and it is impossible to tell what the truth is, I am not blaming departmental officers for it; that is the way that we write the laws. Small business under these circumstances can never rise, can never put pressure on Parliamentarians, and especially in a socialist government.

It is not possible for them to do it because not enough numbers are hurt at the one time. However, if you tell a multitude that we have passed a law to make sure that they are always protected and the truth can be bent a little and they are still protected, the multitude thinks that that is great and that you are fantastic. You are like the white angel offering protection, even against their own stupidity. However, if a small business operator, who may not have had as good an education or any more experience but has taken a punt, gets caught up, then that little business person suffers. If it is said in that case that they should not be in business, that they should know better, then should the others be consumers if they cannot stick to the truth or understand what they are really doing? Quite often they buy beyond their means—we know that. They have to find a way out, and we can understand that. Quite often the way out is to try to get out of the deal and, if the law provides an avenue for one to get out of a deal and the truth must be bent a little to make sure the law works for one, then there are people who will bend it.

I am of the same opinion as the member for Mitcham. To even consider discussing today the amendments that have just been moved is an abuse of the parliamentary process. It means that we do not have any time to consider them. I again make the challenge that if we as a group of parliamentarians were put in separate rooms without these Bills in front of us and were asked what they were all about, very few members from either this House or the other place, let alone the multitudes out there, and in particular small business, who have to go by it, would be able to put it together. Big business can employ lawyers, and in many cases we need advice from others who have been affected by the law or more particularly who know how it will affect them in its operation. Those of us who get up in the morning, go to the office and have contact with the community, but not close contact with every section of the community, cannot fully understand how the law affects them. We cannot make that judgment unless we have the time to go out and consider it. So, like the member for Mitcham, I make the plea that when it comes to the proposed amendments, any further discussion in Committee after clause 2 should not be proceeded with this week.

We have done nothing much night after night in the weeks immediately past. If it is argued that we do not have time, I say that the only reason we do not have time is that we do not know how to manage the Parliament. We do not know what management is. If we are to rubbish small business and say that they should understand this, let us be judged by how well we manage this establishment. It is unfair if we are to force this sort of law through in such an unfair and unreasonably short time, especially as we have done nothing on many days gone by when we have found that no Government business was available.

I support the second reading, because in the main it is a combination of previous Acts. However, I make the point that small business now has that much paperwork, that much fear of Government agencies, that much doubt about being able to make ends meet and that much fear of somebody walking through the door and asking whether they have this or that up to date or whether they did this or that to a client, that it is almost impossible for them to cope. I give the example that sticks in my mind since the 1930s when we had price control. I had a one ton load of sand delivered to a lady in Heathfield and charged her 36 shillings. A departmental officer telephoned me and said that that was more than I was allowed to charge per ton because 27 shillings was the rate. I asked, 'What about the delivery of 1 ton against 7 tons?' He said, 'Bad luck.' I said, 'You

tell the lady to keep the lot. I don't want to be bailed up by you mob any more.' I was fortunate later that the lady got into a position where she needed my help but she did not get it. That is the sort of thing that we now have in society with commonsense in interpretation not prevailing. I think that we have progressed since that time. Maybe in Committee I might raise some issues of recent times, but I am reluctant to do so because I know that from those comments that business houses can be isolated. That worries me and it would worry them. I support the second reading.

The Hon. G.J. CRAFTER (Minister of Education): I thank Opposition members who have spoken in the debate for their indication of general support for this measure. I appreciate their cooperation with respect to the processes that have taken place since this matter was debated in another place.

The Government has taken the opportunity afforded by the pause in consideration of these Bills between Houses to accede to a request made by many bodies who commented on the draft Bills. In particular, the Retail Traders Association, in the course of a very detailed submission on the fair trading legislative package received in January 1987, recommended that the Trade Practices (State Provisions) Bill be incorporated into the Fair Trading Bill. Its submission argued that:

> Such an approach would make the consolidation more meaningful and would also provide the business community with a single document outlining the general legislative regulation of its trading practices.

The Government accepts the force of this argument. A series of amendments will therefore be moved to incorporate the trade practices provisions or equivalents into the Fair Trading Bill. Those amendments have been circulated, and I will be seeking to move them in the Committee stage of this measure.

The great bulk of the Trade Practices (State Provisions) Bill is to be inserted as a discrete Part (Part IXA) of the Fair Trading Bill with the precise wording of the Commonwealth provisions remaining intact. Uniformity in the wording of these substantive provisions is essential to help realise the ultimate aim of this exercise—uniform Australia-wide regulation of business activities.

In relation to the enforcement provisions of the Trade Practices Bill, the Commonwealth Act cannot simply be copied. Each enforcement power must be examined in detail to determine which is the most appropriate equivalent South Australian jurisdiction. And, because this exercise is designed to consolidate and rationalise existing legislation, it is generally appropriate that the merged enforcement provisions apply to the whole of the new Fair Trading Bill. The opportunity has also been taken to express the Commonwealth's enforcement provisions more clearly (for the guidance of traders and consumers) while carefully retaining their effect.

I think this is the point that the member for Mitcham touched upon when calling for legislation that could be more easily understood by those whom it is desired to serve in the community and those who would be subject to its application. I might say that the department will also be preparing in a simple form guides for consumers on the provisions of this legislation and information for traders in the community. I thank Opposition members for their cooperation in this matter and the way in which it has come to this House.

The Hon. E.R. Goldsworthy interjecting:

The Hon. G.J. CRAFTER: On this occasion I particularly appreciate it, and I recommend the Bill to the House.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

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

That the Bill be amended *pro forma*.

The schedule of amendments was circulated in the House today. The reason for the extensive amendments is to enable this and the Trade Practices (State Provisions) Bill to be combined as one Bill. I ask the Committee to concur in this matter, which will allow there to be a reprinting of the Bill and enable us to consider a clean copy when it is recommitted in the House tomorrow or Thursday.

Mr S.J. BAKER: The point has already been made that the proposition involves a whole list of amendments that must be considered by the House. That is not only difficult for members on this side but also, in terms of the parliamentary sitting times that we have had over the past few weeks and will probably continue to have for the next week or so, a little reprehensible. Although the Opposition supports the Minister's approach in this manner, I will, when the time arises, move amendments to the amendments that he has moved. I will also be moving amendments to clauses 16, 47, 48 and 57 of the Bill that is before us today. It is not appropriate to go through the detail of the Bill at this stage, because we will only be covering the ground again on Thursday when we consider the amalgamated Bill. I support the amalgamation of the two Bills.

When going over the Bills on the weekend my first thought was, 'What are we doing with two Bills that could be traversed by one Bill?' My thoughts of the weekend have now been realised by the removal of the Trade Practices (State Provisions) Bill and the insertion of that material into the Fair Trading Bill. Many of the issues, as the member for Davenport rightly pointed out, present real difficulties to the business community currently. Certainly, we believe that some aspects of the Bill will mean an imbalance of power between consumers and business people.

A number of alterations need to be made to the Bill before it can be called reasonable legislation. Those matters will be thoroughly canvassed when the Bill is recommitted. I have made the amendments available to the Minister on those areas that the Opposition will canvass during the Committee stage. I also give notice to the Minister that we will move amendments to those areas that will be now included in the Bill. I would have preferred personally for the log of amendments that have suddenly been produced to lie on the table for a week or two so that we can get them all together and have time to consider them fully.

This House is being treated very shabbily with the way in which we are expected, within the space of a day, to reconsider legislation. It is almost as though the Attorney believes that we are irrelevant to the process of law-making in the State and as though the Attorney believes that, as the Government has the numbers down here, whatever we do does not matter. On this occasion, by amalgamating the Bills, the Attorney is acting in the best interests of good legislation. However, I do not like the way in which we are being treated, given the complexities and far-reaching nature of the legislation before us.

A number of very important issues, such as those relating to credit cards in the Trade Practices (State Provisions) Bill, must be addressed. We have questions about the way in which small and large business people will be treated in this State under this legislation. Those issues will be canvassed thoroughly during the Committee stage of the amalgamated Bill, whenever it comes before the House. I ask the Minister in the meantime to persuade his colleague in another place to delay consideration of the Bill until we resume. It would make our life much easier and make for a far better and

more reasoned contribution than would be possible at this stage, given the time element involved. The Minister can make that plea to the Attorney. With those few words I support the *pro forma* amendments produced by the Minister.

Mr S.G. EVANS: I support the motion. I have difficulty in talking about my area of concern, that is, the recommitting of the Bill on Thursday. I hope that we are not expected to consider then a modified or combination Bill. If that is to be the end result, then one is in a very difficult situation.

The Hon. G.J. Crafter interjecting:

Mr S.G. EVANS: The Minister quite rightly interjects that it will be the same proposition. I do not know that, nor does the Minister. When it comes to drafting I do not know how it will end up. It is an important Bill, and we cannot take for granted the process that it will go through, as nobody can give an absolute guarantee, despite their being reasonably sure of themselves. This does have far-reaching consequences for a certain section of the community, and we should not suddenly race it through before it goes to another place to be further debated. We have a responsibility. We are expected to take an interest in what is to be achieved by proposed changes to the law.

It is easy to say that some of us have committees and a Party that look at things to ascertain what is in each Bill or to say that a combination of these Bills will end up having the same interpretation. I am not a lawyer and I do not therefore know whether that is right or wrong. I would need to show it to somebody and ask them to express a viewpoint. To get that expression by Thursday afternoon is impossible. To get it by next Monday is not easy. One must have a very good friend who could afford the time to do that.

To say that the Bill is all right because small business or retail traders say that it is all right is unfair, as many people do not belong to such organisations. To say that they do not matter, that the other group can speak for them or that we as Parliamentarians know the position is also unreasonable. I would not mind if the Parliament was short of time or overloaded with work. If the Minister were on this side of the House and did not have the prior knowledge of the Party's committees or of the officers of both the Attorney-General's Department and the Department of Public and Consumer Affairs, he would realise our position. Until we get the Bill in its final form we on this side of the House can do nothing, even if we were lawyers. The Minister would believe that bringing it in on Thursday was unreasonable.

I agree with combining the two Bills and with the proposal, but I do not agree with its being recommitted on Thursday if we are to consider it then. I will be amazed if the Opposition does not object to the Thursday proposition because it is taking the Parliament for granted. We are insignificant and should ask the Clerks to cross off our name as being in attendance for the day, as we do not have the right to get a considered view on the topic.

I support the amendment, but I would like to know how many members really know what the Bill provides. If, after the Bill were passed, say, on Thursday afternoon we were put to a test as we were walking out the door and asked what the Bill provides, all members would suddenly be taken ill and have to leave quickly, because they would not be able to answer that question. I support the motion.

The Hon. G.J. CRAFTER: I will reply to some of the matters raised by the members for Davenport and Mitcham. This Bill and the other Bill, which by this motion will be amalgamated into the one measure, were introduced in this House on 25 February, and that has given us some time to consider the provisions of both measures, which are now in a form acceptable to members. It improves the situation, although it provides us with a different format for the legislation, and it is not too much to ask members to consider that fact in formulating any remarks they may make on this matter. I do not believe, therefore, that this measure should be subjected to any undue delay, given that consultations have been continuing in the community for some months.

Motion carried; Committee's report adopted.

TRADE PRACTICES (STATE PROVISIONS) BILL

Adjourned debate on second reading.

(Continued from 26 February. Page 3242.)

Mr S.J. BAKER (Mitcham): As the Minister has indicated, this Bill will be encompassed within the Fair Trading Bill and it represents probably the most uniform piece of legislation on any topic. These measures will provide more uniformity than the present provisions of the Fair Trading Bill. This measure, which has been before the Standing Committee of Consumer Affairs Ministers, will set a limit on transactions of $40 000 so that all goods traded and services provided above that amount will not generally come within the province of this Bill unless they are an allowable consumption item.

The Bill governs the conduct of trading entities with respect to the interface with consumers. It relates strictly to consumers and excludes goods and services used as input to another manufacturing or commercial process. The major part of the Bill deals with false representation, plastic cards, unsolicited goods and a variety of other related matters. Generally, the Bill picks up the amendments that were put before the Commonwealth Parliament under the Trade Practices Act 1974. I would have been tempted to include in this Bill section 45 *(d)* and *(e)* of the Federal trade practices legislation, and, indeed, that may occur in the other place. The general thrust of the Bill relates to those areas where people falsely misrepresent themselves and use means other than those that are regarded as ethical to gain sales, or do not live up to their contractual obligations.

I am gravely concerned, despite the fact that the measure has been passed by the Commonwealth, that in a piece of legislation the mere existence of power can be regarded as a form of abuse. I refer members to clause 15 of the Bill, which refers to the existence, not necessarily the abuse, of power. To my mind, if we differentiate in any legislation between the rich and the poor, the haves and the have nots, in the same way as with criminal or protection legislation. for instance, I believe that we are taking a backward step. That clause, which I believe is one of the most iniquitous provisions I have seen for some time, provides:

> Without in any way limiting the matters to which a court may have regard for the purposes of determining whether a person has contravened subsection (1)—

and that deals with unconscionable acts—

> in connection with the supply or possible supply of goods or services to another person (in this subsection referred to as the 'consumer'), a court may have regard to—
>
> *(a)* the relative strengths of the bargaining positions of the person and the consumer;

I do not know why the Democrats, the Party that holds the balance of power in Canberra and in this State, allowed that provision to go through. To my mind it is totally inequitable. Despite the plea that there should be uniformity in this matter, I contend that this is one area in which we should radically depart. It does not deal with trade practices

as such: it merely provides that, when there is a difference in the bargaining positions of the consumer and the trader, the bottom line is that the trader's position, if more powerful than the consumer's position, shall be considered by the court.

Previously I raised a question about credit and debit cards. I believe that the Commonwealth legislation is already two years out of date. Far be it from us to stretch our minds two years in advance to ascertain what is happening with electronic funds transfers and consumer transactions using plastic cards, but I believe it is necessary to do that. We could probably canvass the subject far better than it has been canvassed in the Commonwealth arena. Given the relevant definition of credit and debit cards, one would think there is little difference between the two. Essentially, if this legislation is to deal with unordered goods or cards, it should deal with credit facilities as a matter of priority rather than our trying to draw a fine distinction between credit and debit facilities.

There are some areas not covered by the Bill—they are probably legion. When I was reading the Bill, I wondered about current selling methods where goods are displayed on television and it is said, 'Phone in your credit card number,' or, 'Send off a cutting from the newspaper displaying your credit card number.' We know that a number of people have done that: they have sent cheques to various bogus organisations and their fingers have been burnt in the process. If we are talking about protection legislation, we should address the extent to which TV can distort and misrepresent articles for sale. I can well recall that jewellery, which was being advertised on television, looked quite large and beautiful for an extraordinarily low price. When pieces of jewellery are blown up on a 26-inch screen, they seem to be exceptionally good value, but the consumers found that these pieces were about one-tenth of the size displayed on TV, and the people concerned were left lamenting and unable to redress the situation.

I suppose you cannot protect people from themselves, but this is one area where the world is changing; more and more selling is done through the medium of television, and in my view there is gross misrepresentation. Rather than dissuade people from buying through this medium perhaps the consumer affairs authority should attach a note of warning on the bottom of each of these advertisements, if it believes that the advertisements are not credible. I believe that television is now being used as a medium for false representation, which is an aspect not particularly addressed in this Bill, nor can it be addressed under the terms laid down.

An honourable member interjecting:

Mr S.J. BAKER: Yes, it is a matter of buyer beware, but I am constantly amazed that we have to bring legislation before this House to protect consumers from themselves. There was recently legislation with regard to the futures market, which I would compare to the races or the casino. I do not believe there should be any protective legislation in that regard except in relation to people who, through business practices, act fraudulently. I believe anyone stupid enough to commit his money to the futures market should be prepared to lose the lot and should feel quite relieved when some of the money is returned. These are areas where legislation is not necessary.

On the whole, I support the thrust of the legislation. I have criticised it in so far as in some areas South Australia is still behind what is happening in the marketplace today. There are enormous abuses, such as the case reported in the newspaper of the two students using the plastic card system to rip off banks to the tune of $100 000. While the matter has been raised many times, the fact is that consumers are still unprotected from the misuse of these cards. Although there are limitations on the amount of money lost, it is dependent on the loss being reported, among other things.

We are moving into a new era. If we are going to look at consumer protection—and credit cards in particular—I think we should show a little more understanding of what is happening in the marketplace. The legislation need not have been uniform, to the extent that it was better than the Commonwealth legislation.

Clause 15, relating to unconscionable acts, is, I believe, a blight on our Parliament in that form. The Attorney-General stated that the South Australian legislation was not in tune with the Commonwealth legislation, but by inserting subclause (3) he made the situation far worse. My colleague raised the matter in relation to uniformity but I do not believe he expected the Attorney to insert this iniquitous subclause (3). I will deal with that matter during the Committee stage also.

There are some question marks about unsolicited goods and the protection of both people involved. I do not necessarily agree that the legislation addresses that question adequately. There are the penalty clauses involving the corporation and the matter of responsibility, and there is also the question, when the Commissioner takes action on behalf of a consumer, as to who bears the expense and, if an action is lost, whether the Government or the consumer pays. These are questions that are not covered in the Bill, and they will be canvassed during the Committee stage. As I understand that we are only going as far as clause 2 in Committee today, I will not be moving any amendments until Thursday.

The Hon. G.J. CRAFTER (Minister of Education): I thank the Opposition for its support of this measure but, as I explained, it is consequential upon the passage of the Fair Trading Bill. In fact, this legislation will not be proceeded with when that other Bill is dealt with by this House, and the comments the honourable member is making are then pertinent to the Fair Trading Bill itself.

I will first comment on the need for uniformity. The honourable member asks why we do not go a bit further in South Australia. The uniformity in the wording of the substantive provisions is regarded as essential to help realise the ultimate aim of this exercise of uniform Australia-wide regulation of business activities and, given the nature of these, the States are really to a degree irrelevant in the trading practices that occur. It is important that there be an ability not only to pass the clauses but also to be able to provide some effective regulation arising out of the passage of them. Therefore, it is important that that be agreed across the country.

I will comment again on the remarks made earlier on the Fair Trading Bill about the enforcement provisions. The Commonwealth Act simply cannot be copied; each enforcement power must be examined in detail to determine the most appropriate equivalent South Australian jurisdiction. Because this exercise is designed to consolidate and rationalise existing legislation, it is generally appropriate that the merged enforcement provisions apply to the whole of the new Fair Trading Bill. The opportunity has also been taken to express the Commonwealth enforcement provisions more clearly for the guidance of traders and consumers, while carefully retaining their effect. Therefore, that is a matter I draw to all honourable members' attention in their consideration of the consolidated Fair Trading Bill.

Bill read a second time.

In Committee.
Clause 1 passed.
Progress reported; Committee to sit again.

STATUTES AMENDMENT (TRADE PRACTICES AND FAIR TRADING) BILL

Adjourned debate on second reading.
(Continued from 26 February. Page 3243.)

Mr S.J. BAKER (Mitcham): In general, the Opposition supports the Bill. However, I draw attention to a number of deficiencies which I believe are in the schedule and which can be picked up in the debate on Thursday. This Bill merely makes the changes and comes within the Fair Trading Bill and the Trade Practices (State Provisions) Bill. Also, it makes consequential amendments to the Prices Act. A number of amendments are made in respect of the Prices Act in order to update terminology, and the Opposition supports some of those amendments. Because it is a Bill which is generally consequential on the other two Bills, not a great deal can be said about it.

Perhaps in the interim the Minister can refer this matter to the Attorney-General, but I have a number of difficulties relating to the schedule and the retail and wholesale definitions. On my understanding, those definitions have been made useless. Under the schedule 'retail' connotes a sale for the purpose of consumption or use, but it has deleted reference to provision to a person; it does not mention anything about it being used for final consumption purposes. It can be interpreted that any sale that takes place to a manufacturer is for use; it is used as an input for the manufacturing process. There may be a range of goods, including computer software, which are inputs to another process, and they are for use. Does the Minister believe that the new definition of 'retail' really adds anything to the Bill? I think that the proposed definition leaves a lot to be desired.

The definition of 'wholesale' connotes a sale for the purpose of resale, which is far more definitive, but the previous definition included the words 'sale to a manufacturer', so the context of the definitions of 'wholesale' and 'retail' has changed quite considerably. I note also that under the schedule amended section 13 (2) of the Act requires that the Governor 'must' instead of 'shall', and that is a strange change in terminology.

In relation to amended section 30, ministerial approval has to be obtained to change the packaging of a declared good. Under the new definition, if the same amount of bread is contained in the package, but the size of the plastic is changed, ministerial approval must be obtained. The change made under amended section 46 in the schedule is sheer gobbledegook.

Amended section 48 of the Prices Act provides that, despite the good being a declared good, if the cost of producing that good is more than the price that is allowed, it shall be an offence. I do not know what sort of defence people in outlying areas or in times of supply problems will use under the Prices Act if the good that they are selling is of a price greater than the declared price. Perhaps the Minister could note those matters, because I intend to raise them during the Committee stage. If those answers are provided, it will make the passage of this legislation so much quicker. I support the second reading of the Bill.

The Hon. G.J. CRAFTER (Minister of Education): I thank the Opposition for its indication of support of this legislation, which is subsequential to the previous legislation that we have considered this afternoon. I will certainly undertake to have some additional information provided to the member for Mitcham as requested.

Bill read a second time.
Clause 1—'Short title.'
The Hon. G.J. CRAFTER: I move:
That the Bill be amended *pro forma.*

I have moved this motion for the same reasons as stated in relation to the Fair Trading Bill. These two amendments will be incorporated in the clean Bill. The first amendment to clause 1 reflects the merger of the two Bills originally before the House into one Fair Trading Bill. The short title of this consequential Bill will reflect that merger. The amendment to clause 6 is not related to the merger exercise; it is a new subclause to be inserted into the provisions of the Prices Act dealing with the powers of authorised officers to make it clear that the privilege against self-incrimination is preserved when officers exercise those powers. Advice which has recently come to light and which has been given by the Crown Solicitor casts doubt on the view that failing to expressly mention the privilege in this Act will preserve it. Therefore, out of an abundance of caution, this subclause will be inserted to make it clear that the privilege remains.

Motion carried; Committee's report adopted.

JOINT PARLIAMENTARY SERVICE COMMITTEE

The Legislative Council intimated that, pursuant to section 5 of the Parliament (Joint Services) Act 1985, it had appointed two members to act with the President as members of the Joint Parliamentary Service Committee, the said two members being the Hon. G.L. Bruce and the Hon. C.M. Hill; and that it had also appointed the Hon. Carolyn Pickles as the alternate member of the committee to the President, the Hon. M.S. Feleppa alternate member to the Hon. G.L. Bruce, and the Hon. M.B. Cameron alternate member to the Hon. C.M. Hill.

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

That, pursuant to section 5 of the Parliament (Joint Services) Act 1985, Messrs Hamilton and Lewis be appointed to act with Mr Speaker as members of the Joint Parliamentary Service Committee; and that Mr Ferguson be appointed the alternate member of the committee to Mr Speaker, Mr De Laine alternate member to Mr Hamilton, and Hon. B.C. Eastick alternate member to Mr Lewis; and that a message be sent to the Legislative Council informing them of the foregoing resolution.

Motion carried.

TRADE MEASUREMENTS ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 26 February. Page 3245.)

Mr S.J. BAKER (Mitcham): The Opposition supports the Bill, which is really a matter of housekeeping, and proposes a range of technical and machinery amendments to bring the legislation into line with the Commonwealth National Measurements Act in relation to terminology and procedures. The penalties have been reviewed and I note that they have been increased some five-fold, which is probably more or less in line with the inflation which has occurred over the past 20 years; it may well be a little in advance of that. From that point of view the Opposition

thinks that Parliament should update not only the penalties but also the procedures involved, because we are now in the 1980s and our legislation should not remain in the 1970s or the 1960s.

The major item canvassed in the Bill which was debated at length in the other place concerns the prescription that sale of solid fuels shall be by mass rather than by volume. It has been the practice of certain merchants and private individuals to sell such things as wood and coal by the bag, truck load, or trailer load, and the Attorney-General says that he has received complaints that the price per tonne, kilogram, or other measure charged by volume has been far greater than the comparable price by mass.

The Opposition takes the point that there is a difference between the two and recognises that certain merchants may have enjoyed an exceptionally high price in selling by volume. However, it should be recognised, when dealing with Bills of this nature, that volume has traditionally been for many people, especially in rural areas, an acceptable method of transaction. After all, people in rural areas are not stupid: they know what they are getting for their money and accept that they can pick up a truck load of mallee roots or other firewood and pay a certain price. In the city, however, the practice of selling is somewhat different, although certain merchants, until this Bill passes, will sell by volume.

In this regard, there are two aspects. First, what is a fair price when a lesser volume is sold? It is important to recognise that, if a mass of five tonnes is sold, the price per tonne must be for less than that charged for, say, 100 kilograms of the same item. That has not been recognised by the Attorney-General in his contribution to this debate; he does not recognise that, if the volume measurement is changed and economies of scale are effected, there should be a difference in the unit price, whereas there should be, because the handling costs are far more significant in the case of the lesser load.

Secondly, abuses occur under both systems. Indeed, abuses occur when the volume method is used. A good friend of mine had a truck load of wood delivered and another friend measured the weight of the wood. The load fell far short of the required amount. However, we also recognise that, if we adopt measurement by mass, there is equal potential for abuse. These matters have been canvassed elsewhere. If water is put on to the wood, the mass of that wood is increased considerably. There is enormous potential for abuse in this area and it will have the law on its side.

There is also the question of other materials. For instance, mallee roots may contain a significant amount of sand which can increase the mass, so mass of itself does not necessarily solve the problem of how merchants conduct their business. I have raised these matters because they are worth canvassing within the Parliament. To my mind, if a person operates off his own property (and I believe that this legislation applies only to registered merchants), there is no difficulty. If, however, a person is a merchant, he must get himself a good set of scales to measure the required quantities.

Some people prefer volume to mass, and I do not know whether it is within the province of Parliament to determine that mass shall be the only measure used. I do not believe that that is necessarily good legislation. On balance, the Bill will reduce the number of abuses occurring in the metropolitan area, but it will not change things in the country, because country people are generally smarter than those in the city. The Opposition does not believe that on balance, this Bill is of any great note, although it upgrades the original legislation in keeping with the Commonwealth legislation. It is a toss up between mass and volume as to whether the Bill will stop some of the abuses that have occurred in the past, but on balance the Opposition supports it.

Mr LEWIS (Murray-Mallee): I do not intend to delay the House very long, but I wish to expand on the remarks of the member for Mitcham. The Government is daft if it believes that this Bill will solve many problems, I believe that it will create a huge problem for Australian National, which at present sells its worn out, cracked, unserviceable sleepers by the sleeper, and this 'sleeper' has caught the Government with its pants down, because Australian National will now have to sell its sleepers by weight.

As alluded to by the member for Mitcham, during winter time sleepers collected when the preceding few weeks have been wet will weigh almost twice as much as sleepers that are collected during the summer. The sleepers collected during the winter will have absorbed much moisture. It is odd that the people who buy the sleepers want to buy them not by weight but by each: they want to pay per sleeper so that they can calculate the number that they need for the purposes for which they buy them, usually for landscaping.

How on earth the merchant who procures the sleepers from Australian National will be compelled to sell them under the terms of this legislation is beyond me. Will he have to weigh the sleepers and, if he does, how will he determine the price per unit? Will some people buying sleepers which are, because they came from younger timber in the original tree from which they were cut, lighter in density than the sleepers that came from the older wood, be getting a bargain? People will go around the landscape gardening yards testing the available sleepers to see how they can get the number that they require for the lowest possible price.

Let us look at another instance where sale by mass rather than by volume is inappropriate. I draw to the attention of members the sale of building sand, where sale by volume is the accepted means by which people procure that material. If it were not so, it would be subject to the very sorts of abuse to which the member for Mitcham has alluded or to the natural phenomenon of moisture addition to the substance after it has been weighed. For instance, in the middle of March the sand is dry when it is taken by truck from the point of purchase. In areas where it is taken from a sand pit there is greater consistency involved because the sand is mined and washed, whereas in country districts the sand is simply shovelled by a front-end loader from the heap where it has accumulated recently from natural sources or over an extended period of time from natural sources. It does not matter: the sand is put in the truck, driven along the road through a thunder storm, and a substantial weight is added to the truck load.

That may, of course, occur after it has been weighed on a weighbridge, and then the customer will not be disadvantaged. However, the carrier will be, as is the case now. Notwithstanding that, if the customer has sand weighed after a downpour, the additional water will have to be paid for, not the volume, if the price quoted is per tonne (as this legislation indicates will be the case). Smaller quantities of material bagged for householder use in handyman packs will, of course, be affected in that the percentage of moisture in the material will determine the value that the customer is getting.

Let me turn to another example that is not perhaps so consistent with the phenomenon of variation in moisture levels. This can be a natural phenomona in some instances but in other instances it can be the deliberate consequence of a mischief. This legislation does not countenance that

unfair trading arising out of the mischievous practices to which I have alluded would be prosecuted. It is silent on that question. That is a deficiency in the legislation itself because, as the Minister at the frontbench knows, that is even more crooked than the practices that he seeks to solve by the introduction of this legislation. When I was a youngster—

Mr Hamilton: A long time ago.

Mr LEWIS: No, not so very long ago, as I recall—I used to trap rabbits and hawk them around the neighbourhood in which I lived, and in the metropolitan area—if I had a particularly good run and found that most of my regular customers had all the rabbits that they wanted for the week. I would bring the rabbits with me into Adelaide and either sell them at the East End Market or in the nearby suburbs—indeed, the suburbs of Kent Town and Norwood in the Minister's electorate. I later discovered that it was worth the extra effort to go the extra mile to Dulwich, because they bought more per 10 households than did the poorer families that I encountered in Kent Town and Norwood.

One does not sell rabbits by weight: one sells them by the each—leastways, I did. This legislation outlaws that practice and requires the rabbit to be sold by weight. If that is the case, then the extent to which rabbit offal—and I do not mean by that the unsavoury inedible intestines, but rather the liver, the lights, the kidneys and so on—has been removed from the carcass (or otherwise) will determine the ultimate cost of the rabbit, even though they are separate commodities in trade and, indeed, were usually included, in some instances, to indicate freshness to the customer and, in other instances, because of the customer's desire to buy them for the purpose of feeding their pets, particularly cats, if not some birds (I know that they are very useful for that purpose also). Clearly, the legislation overlooks that aspect.

The other instance to which I wish to refer, and to which the member for Mitcham has already referred, although not entirely in the context that I wish to draw honourable members' attention to it, is that of selling firewood. To sell firewood other than by whatever measure the customer and the vendor decide is a fair thing is absolutely stupid in the extreme. There are so many variables that selling by weight cannot address. It involves not just the moisture level. I know damn well that, whenever a customer insisted on buying firewood by weight from some of the people to whom I used to supply it, those customers procuring it in that fashion were treated to a generous helping of water on the load.

Mr S.G. Evans interjecting:

Mr LEWIS: Well, it is the same thing. In relation to cauliflowers going to the factory, if one sold cauliflower hearts for pickling one did it by volume. If the factory concerned insisted on buying them by weight, one set the caulis up and, at midnight, turned on the sprinklers. Before dawn, one turned off the sprinklers and let the excess water drain out and, by endosmosis, the cauliflowers expanded by more than 30 per cent. Of course, this ruined the cauliflowers for pickling purposes because they went to a slurry and a pulp in the bottom of the brine vat within three weeks. However, if the stupid buyer for the factory concerned insisted on buying them by weight, that was one way of teaching him a lesson. The better way to sell cauliflower hearts for pickling was to sell them by volume. The same goes for onions and other vegetable material for pickling.

Mallee stumps are no different, except that when mallee stumps have been chewed by termites the substantial portion of the timber lignin (which produces the highest kilojoule yield per unit weight) has already been destroyed. So, the residual yield of heat on burning those stumps per tonne is much less, notwithstanding the fact that the termites had eaten up some of the wood and that the stumps were even lighter within their shells. Finally, these stumps, tonne for tonne with unchewed stumps, will yield a hell of a lot fewer kilojoules per tonne if they have been chewed by termites—

Mr S.G. Evans: It doesn't pay to water them down with the Minister's water: it is too dear.

Mr LEWIS: Well, the Minister's water may be too dear but, if one is pumping it oneself, it is a different matter. To my mind, the legislation as it stands does nothing to address the kinds of anomalies to which I have alluded. I could go on, but I will not do so. It is the height of Government arrogance to imagine that it can protect everybody from the foibles of human nature. There must come a time when we recognise the validity of the Latin statement which, in simple terms means 'Consumer beware' or 'Buyer beware'—*caveat emptor*. It is about time that this Government and this Parliament came to its senses in that regard.

Mr HAMILTON (Albert Park): I briefly want to add my support to the Bill. As I understand it, what the member for Murray-Mallee said about buyer beware is part and parcel of the legal system and—

Mr Lewis interjecting:

Mr HAMILTON: Just let me finish. I understand that the sale of any goods requires the buyer to beware. Members have also talked about the watering down of mallee roots or adding water to various forms of goods that are sold. Where attempts to deliberately defraud are proven, as I understand it from questions that have been raised with me in my electorate office, that situation will go through the legal process. It is not uncommon. I saw this occur in the past when I worked for the railway industry. Whether or not it is common today I do not know.

In relation to buying green timber *vis-a-vis* dry timber, it would be a rather foolish person who bought a tonne of very green sleepers, particularly if that person knew what they were about. My experience, after working nearly 25 years in the railway industry, is that few people would want to buy green sleepers. There may be some, but in the main most people want them for gardens and usually buy dry sleepers. Not so many years ago a company used to buy railway sleepers, and its location was at the Mitcham railway station yards. When I lived in the country and wanted sleepers I know that they were always dry. Some people may want green sleepers, but they would be foolish to buy them. I support the Bill. I just wanted to add my comments to the debate to seek clarification from the Minister about the question of 'buyer beware' and about deliberate attempts to defraud customers by adding water to various goods.

The Hon. G.J. CRAFTER (Minister of Education): I thank honourable members for their contributions and the indication of support for this measure. I will seek to clarify some of the matters that were raised in the debate. First, there has been some discussion about railway sleepers. They do not fall within the definition of firewood in the sections with which we are dealing. They come under other provisions and can in fact be sold by a number of means, be it by number, length, weight or whatever. The amendment to section 36 of the Act relates not to sales of sand but only to firewood. Members gave examples of sand when referring to clause 19.

Section 34 of the Act controls sales by short mass or measure or by a false or misleading description. I think that covers the cauliflower situation and some of the other examples to which the honourable member may have alluded. I

refer members to section 32 of the substantive Act which says that no person shall sell any article by mass or measure otherwise than by net mass or measure. So, persons who indeed trade in that way may well be guilty of an offence under that section. I suggest that the community is not entirely gullible, particularly those involved in commercial enterprises or buying goods of the type to which the member for Murray-Mallee referred. If they were caught, even once, proceedings may well take place under this legislation. That is certainly not the way in which to conduct a healthy business as a primary producer, and those sorts of practices would need a fair degree of desperation. Maybe it would involve the last load of caulies that he intended to sell in his life.

I think the number of examples that honourable members have raised are in fact covered within the legislation as best they can be covered. I guess that unscrupulous people will always seek to get around whatever law is brought down by this or any other place, because it is often the nature of the market place that there are those who take some glee in being able to cheat others.

Bill read a second time.

In Committee.

Clauses 1 to 18 passed.

Clause 19—'Sales of coal and firewood.'

Mr S.J. BAKER: I would like the Committee to note that if this clause is taken in conjunction with clause 16, which relates to offering something by mass, and which provides that one must take one's own weighing instruments along, it does cause some problems. If someone has a truck load of wood by the roadside for sale, not only do they have to sell it by mass but also they must have their own weighing instruments to prove that the mass is appropriate. We have already canvassed the issue about how the mass of firewood and coal can be changed due to the judicious use of liquid, sand and other material. It does not need reiteration, but I make the point that this legislation does not stop abuses. It may start a whole new round of abuses and cause some people more difficulty than we have had in the past.

Clause passed.

Clauses 20 to 22 passed.

Clause 23—'Commencement of prosecutions.'

Mr S.J. BAKER: The point has been made in another place and bears reiteration in this Chamber that it seems inordinately long for a prosecution to take place up to three years after the event. I note that the Act covers more than firewood and selling things by mass. I looked briefly through the Act, and I would have thought that anything that was serious should come before the prosecution agency well within a period of two or three years. I think this clause caters for the incapacity of the bureaucracy to live up to its responsibilities.

If an offence is committed, an agency such as the police or Commonwealth or State inspectors should be able to launch a prosecution well within one year of an offence being committed and the evidence being collected on the matter. To allow them three years to run around the countryside before commencing prosecution is not fitting.

The point has been made that we are more or less fitting in with the Commonwealth again. I do not think that it is a good idea. If evidence is available of misuse or abuse under sections of this Act, it should be incumbent on the prosecuting agency to launch prosecutions within a period of six months. I do note that there is a difference between the one year and three year provisions. However, I would appeal to the logic of this House: to allow that three years to pass while an offence has festered, leaves a little to be desired.

The Hon. G.J. CRAFTER: The honourable member seeks to substantially limit the rights of consumers to bring matters to the attention of the authorities and for those authorities then to take action against what otherwise would be an offence in the circumstances. I think this has been debated in another place. However, I point out to the honourable member that the inordinate delay to which he refers should not be seen to be placed upon the authorities, because there is provision within clause 23 of the Bill, and within section 43 of the principal Act, for the authorities to act within a specific period of time—that is, within one year of the day on which the alleged offence came to the knowledge of the complainant or any inspector, whichever period first expires. There is that limitation, and I think it is quite undesirable to limit the rights of people to take action where otherwise there would have clearly been an offence. Further, this measure brings that provision into line with other similar legislation applying in this area.

Clause passed.

Remaining clauses (24 to 26) and title passed.

Bill read a third time and passed.

ENFIELD GENERAL CEMETERY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 11 March. Page 3337.)

The Hon. B.C. EASTICK (Light): The Opposition supports this measure, which has been before a select committee of another place. I am aware that a rather unusual set of circumstances exists whereby the control of the Cheltenham Cemetery was with the Port Adelaide City Council, whereas the area surrounding the cemetery is now Woodville council responsibility. In my investigations I found that some members of the Port Adelaide City Council were a little concerned that a long existing tie with one of the pioneer areas of the State, albeit a cemetery, was to be broken by the arrangements contained within this Bill.

The debate in another place clearly identified general support for the Enfield Cemetery Trust to take over a role wider than that involving its own cemetery and crematorium at Enfield. Indeed, it was canvassed that there was some probable benefit in changing the name of the organisation to reflect the broader base on which it would be functioning. However, that was turned down by the Minister, and rightly so, because this is perhaps the first of a series of such undertakings with which the Enfield Cemetery Trust will be associated through the years. After this first exercise involving the Cheltenham operation, as the trust sets its sights on some other areas of activity, then may well be the time when there is a change of name and it becomes the South Australian Cemetery Trust, the Adelaide Cemetery Trust or something of that nature.

I do not want to pre-empt a name change or suggest what the name should be other than to say that from this point on the name will not be definitive of the activity with which the group is involved. Also canvassed was the fact that local government representation will be entirely from the Enfield council and will not involve Woodville council. That presented no problem to the Woodville council, I am informed, and the Enfield people are quite content to continue the role in which they are known to be quite managerially strong, conducting an operation that is well respected by other councils and by funeral directors.

The specialisation that is now necessary in connection with the interment of bodies, etc., is such that the community is looking for a rather better arrangement than simply one involving a great sprawling cemetery. People require such an undertaking to be aesthetically contained within an area, and Enfield has shown its ability to achieve that. Some limitations are imposed on how it can take a rather barren area such as the Cheltenham Cemetery, and turn it into one with some aesthetic value as with Enfield. However, the trust has undertaken to look at those aspects. I can see only good coming from the measure and, whilst not wanting to nominate any other cemetery at this stage, I believe we will see an invitation to the Enfield Cemetery Trust to take over other operations.

The other matter on the fringe of this issue which will undoubtedly play a part in the long term is the very high percentage of interments now involving cremation. We only have two operational crematoria in South Australia, and there may be some question as to how long those two facilities will be adequate for the total number of cremations required. Whether or not it be the Enfield Cemetery Trust which takes over the role of yet another crematorium or a crematorium developed by some other council is a matter for consideration down the track. The Enfield trust is not averse to being the operator of an additional facility should the situation arise. However, it is not an issue to which we have to address ourselves because, as I understand the position, this Bill will give it the opportunity to move into that area if necessary. The manner in which this whole activity has been addressed is quite adequate, and I offer the measure my support.

The Hon. G.F. KENEALLY (Minister of Transport): I thank the member for Light for his contribution and his indication of support for the Bill on behalf of the Opposition.

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

ADJOURNMENT

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

That the House do now adjourn.

Mr De LAINE (Price): Over the past couple of years residents living in the vicinity of Simsmetal Limited of North Arm Road, Gillman, have been subjected to excessive noise and vibrations caused by this company's scrap metal operations. These long-suffering residents are prepared to put up with the noise during daylight hours, and even somewhat longer, allowing for two shifts by the company. However, they object—and rightly so—to having their sleep continually disturbed during the early hours of the morning from midnight to 7 a.m. each day, including weekends. These people have children of school age who cannot get much sleep at night, and they themselves need rest, as they work during the day. This company works 24 hours a day in three shifts. If this noise were not bad enough, these people are also subjected to excessive vibrations caused by explosions which occur when car bodies are compacted.

Those car bodies are lifted and dropped by large magnetic cranes which cause a lot of noise and considerable vibration in the surrounding area. They are then loaded onto compacting equipment which compacts the bodies to a small block of scrap metal. These compacting operations are quite often carried out between midnight and 7 a.m., which is when most people are trying to sleep. When these car bodies are compacted, their fuel tanks should be spiked to ensure there is no fuel left in them, but often this does not happen. The reason for that could be that the company has ceased the practice; maybe the operators have forgotten; or perhaps some operators in a sadistic way leave the fuel in the tank so that this problem arises and they get a thrill from causing it. When car bodies are compacted, if petrol is left in the tank, the petrol explodes in a massive ball of flame resulting in tremendous noise and shock waves, which devastate the surrounding suburbs. This not only wakes people over a wide area but causes houses to crack badly.

I have personally inspected some of these houses and can attest that very large cracks are opening up. The walls, ceilings and even concrete paths outside these buildings are damaged. One resident recently spent $8 000-plus having his house repaired, but cracks are appearing again because of the practices of this company. The explosions wake children at night: they burst into tears because they are frightened of the noise and cannot get back to sleep. Adults are robbed of their rest during the night.

Last Sunday morning compacting commenced at the yard at 6 a.m. I think members would agree that, if we started our lawn mowers at 6 a.m. on a Sunday, the police would soon be there to tell us to turn them off—and rightly so. However, these companies get away with this sort of thing, and this practice occurred as recently as last Sunday morning, as is fairly usual. I live approximately 2.5 kilometres away from the scrap metal yard, and at about 10 a.m. I was sitting at home writing: suddenly, my house shuddered and shook so badly that I thought that a motor car had come through the front fence and smashed into the front wall—such was the force of the shock waves.

I went out and investigated but found that everything was peaceful: no car had gone through the wall. I went back inside and said to my wife, 'Given the shock waves, it must have been an explosion.' Within a few minutes I received a phone call from a resident who lives on Railway Terrace, Wingfield, and who complained about the explosion. That explosion was somewhat worse than the norm. It must have been very bad, because I felt it 2.5 kilometres away. Another car body had exploded. The people in the near vicinity were almost blown off their feet by the blast. They ran out of their houses, and the children especially were very frightened. The explosion was not the norm: it was somewhat bigger than usual.

The Hon. J.W. Slater: It must have been .6 on the Richter scale!

Mr De LAINE: Yes. The residents are at the end of their tether. Over the years they have called the police, councils and the Noise Abatement Branch of the Department of Environment and Planning; they have even spoken to the management of Simsmetal, but all to no avail. The police said that they can do nothing about the situation. But they can stop you and me from operating lawn mowers at these times. The Port Adelaide council said that the company was not sited in its area but was in the area of the Enfield council: the Enfield council said that the company was situated in the Port Adelaide council area. Since then I have been able to establish that, in fact, the yard is situated in the Enfield council area. But still nothing has been done. The noise abatement people are very sympathetic but, because the explosions generally take place in the small hours of the morning, they are not there when they occur.

It is true that the area is zoned industrial, but that does not give the company or anyone else in that area (or in any other area) the right to devastate people's homes and lives, as is occurring. It is the same old story: some (but not all)

businessmen hold to the philosophy that it does not matter what you do to people and their families in their homes as long as you make money. Of course, these businessmen do not live near factories and in other problem areas: they live on the other side of town, where there are no factories. They are very insensitive and hypocritical.

Some of the adult residents were born and bred in this area: they have lived there all their life. What is more, they like living there. Some of the business people say that, if people do not like the noise and the shock waves, let them move, but these people do not want to move. They want to stay where they are, because they have lived there all their life. Why should they move? They should not have to. The point is that some of these factories have operated for a number of years, but their methods have changed and problems arise. The culprits, in this case factories or scrap metal yards, must either move out or modify their activities.

I will take up the matter with the Minister for Environment and Planning, but in the meantime the people concerned are not uncompromising: they are prepared to talk and to make concessions. They are prepared to put up with the noise and even a certain amount of vibration during the day, say, between 7 a.m. and midnight. However, they are certainly not prepared to put up with that sort of activity in the small hours of the morning—from midnight to 7 a.m.—but that is when most of the compacting takes place. It is totally unfair to these people, and some method must be found to outlaw this type of operation.

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

Mr OSWALD (Morphett): In the time available to me this evening I will refer to the Federal Government's Price Watch Committee and I will illustrate the absurdity of the whole exercise. It really is an absurd exercise. If ever I have seen a sop to the union movement in this country, this surely is an example—leading up, as it does, to the next Federal election. Even the Federal Minister concerned, Mr Barry Jones, is on record as casting doubt on the necessity of the new prices initiative by saying that he disputes the fact that prices have increased as a proportion of total income. He said:

> If you take food prices, there has been extraordinary consistency.

Straightaway, that puts a complete lie to the whole thrust of the Federal Government's campaign to try to discredit retailers and business people in this country by saying that they are grossly overcharging their clients. A pamphlet has come into my possession which highlights the role of the Government in increasing food prices in this country.

Over the five year period 1981-86 food prices have risen by only 47.7 per cent and the CPI during that same period of time rose by 53.97 per cent, so it has almost gone hand in hand. During that time the following increases occurred: sales tax 115.7 per cent; telephone calls 100 per cent; telephone rental 72.5 per cent; water rates 120 per cent; workers compensation 113.6 per cent; electricity charges just over 90 per cent; and local authority rates 65 per cent. This is to be looked at in line with food prices, which have gone up by a modest 47 per cent.

The point to be made there is the tremendous impact of Government charges on running businesses. There is a basic misunderstanding on the part of Labor Party members, who are traditionally anti-business and anti-anyone who takes the risk of setting himself up in business, as to the costs incurred in running a business. The Labor Party's absurd argument is that each supermarket should charge an identical amount for a pound of butter. The absurdity of that argument is that supermarket A, which has been in business for about 10 years, would have bought in stock, fixtures and fittings, and over those 10 years had poured profits back into the business. That supermarket has been paid off and most of the stock in hand is probably paid off and on a monthly basis stock is replaced as it is sold. That proprietor is in a position to keep his prices low and be competitive.

Supermarket B is about the size of a Half-Case supermarket in South Australia and costs about $900 000 in stock, fixtures and fittings to set up. The interest bill on $900 000 is about $180 000, which has to be paid back in some form or other over the course of the year, so that interest repayment has to be written into the cost structure of running that business, which gets passed on in relation to prices. If a business has that size interest bill to pay off each year, together with the enormous Government charges imposed on it, then it is absurd to suggest, as the Labor Price Watch Committee is suggesting, that that business can sell a pound of butter at the same price as another business which has been in operation for some 10 years. The Labor Party's argument is totally discredited by this basic lack of understanding of the price structure.

The Victorian Government has decided to get on to the band wagon and support the Hawke Government's coming election and it has said it is going to fix prices in Victoria at 6 per cent. The Victorian Government will peg prices so that major supermarket prices will not be able to increase by more than 6 per cent over the next year.

Last week the Opposition asked the Premier what he would do about State charges here in South Australia. To keep in this spirit of no more than 6 per cent increase in prices, would he follow the Victorian lead? The honourable Premier of South Australia said, 'No'. I will quote from the *Advertiser* of 13 March:

> The State Government will not guarantee to peg increases in a range of Government charges to less than 6 per cent next year in line with a Victorian Government move. The Premier, Mr Bannon, told State Parliament there were 'so many other factors which have to be taken into account'.
>
> But he said it was the Government's intention to keep increases to the lowest possible level.

There was no guarantee of keeping them below 6 per cent. As I explained at the beginning of my speech tonight, the majority of expenses incurred by businesses running supermarkets are in the major area of charges imposed that have to be somehow written into their profit margins to keep viable.

In South Australia the State Government is reaping a major part of its revenue from these businesses. Over the course of this year the Government is expecting to receive $170 million in revenue, most of which will be collected from land tax ($45 million), motor vehicle registration ($90 million), payroll taxes ($283 million), stamp duty ($219 million), business franchise ($126 million), financial institutions duty ($33.5 million); and fees for regulatory services ($7.9 million). If those charges are imposed on businesses, they have to be passed on; if they are not, the business is unprofitable.

We have in this State a Premier who says that, despite the Price Watch Committee's work interstate and in South Australia, the Government will not give those business people any guarantee that, if the Federal Government puts sufficient pressure on a business to keep its prices down, the Government will assist those businesses in keeping costs down. So, we have this false coercion that is being implied for political vote catching because the elections are coming up shortly. We are going to have the supermarkets pressured, bluffed and coerced into doing something about keeping prices down while at the same time the Government of

this State only this month has said that it will do nothing about not increasing the costs of running those businesses. That policy is grossly unfair and it is something that the business community should not have to tolerate.

In summary, the supermarkets in this State are very competitive. They do not charge any more than they have to within their internal cost structuring because, if they did, they would lose customers in droves. We all know how competitive the average consumer is in reading the specials and moving from shop to shop. A supermarket must be competitive within its own cost structure, and it is absurd for the Federal Government to say that one business is not competitive with another without taking into account the whole nature of the internal pricing of stock. The Federal Government is once again dabbling in an area which is academically beyond it. This is just another example of the anti-business policies and the dislike and the detestation of business persons of members of the Labor Party who have been brought up through the trade union movement and who all believe that the bosses are to be condemned and howled down.

Mr GUNN (Eyre): I want to raise the very serious situation which is facing rural producers and country people in general in South Australia. I believe there are few people in the House, and only a small section of the community at large, who fully understand the difficulties that are going to face this State and this nation if the current economic policies are not reversed. I am talking about the productive capacity of South Australia. Rural industry produces approximately 40 per cent of South Australia's export income and employs thousands of people, both directly and indirectly. We are currently looking at a situation where people are going to be forced to leave the industry, many of them through no fault of their own, due to circumstances which no-one envisaged.

This developing crisis is going to have an effect not only on farmers and their families directly but on small country towns and large provincial centres. It is going to affect the numbers of schools, shops, garages and other service industries in those localities. It will put tremendous pressure on the welfare system and, unfortunately, it will create unemployment which will drive more people onto the already depressed labour market. Unless the Government acts very quickly and brings together all those financial institutions which provide assistance (the banks, stock firms and other organisations, including the Department of Agriculture) in order that they may analyse the matter in a rational and responsible way so that a plan or program can be formulated to rectify the situation, many of the efficient, effective and progressive farmers on Eyre Peninsula (and I believe in the not too distant future other parts of the State also)—

Mr Lewis: The Mallee.

Mr GUNN: —and the Mallee could be forced to leave their enterprises. Having taken the best advice which was available to them two or three years ago, they are now in a situation where they have to pay up to 20 per cent and, in some cases, more than 20 per cent in interest. The products which they are producing have fallen in price because of the subsidies which are paid to our major competitors in the EEC, the United States and Canada. We do not advocate subsidies for our products but, rather, we advocate a set of proposals which will provide funds at a reasonable rate of interest.

The matter is so serious and so important that no longer can it be pushed under the carpet and treated in a simple fashion where statements can be made on the subject. It is necessary that action be taken quickly, because every day that goes by is two days too many. A survey was conducted in my electorate in the Upper Eyre Peninsula. Of the 60 families surveyed, 92 per cent believed that their viability was threatened. The second question was: how long do you consider you can remain viable under present conditions? Seven per cent said that they were already unviable; 52 per cent said one year; 18 per cent said two years; and 10 per cent said three years or more.

The third question was: what do you consider to be the main threat to your viability (number in priority order)? The highest priority was interest rates, the second was low grain prices and the sixth was taxes. The fourth question was: what do you want to do? One hundred per cent said that they wanted to keep farming. The fifth question was: in reality, what are your options? In reply, 65 per cent said to keep farming; 7 per cent said sell and leave; 2 per cent said lease; 10 per cent said stay and work for mortgagee; and 7 per cent said walk off. The sixth question was: what will you do if you leave the farm? In answer to that, 23 per cent said that they would reside locally and 62 per cent said that they would shift to another area. The seventh question was: do you have qualifications to obtain work elsewhere? Two per cent said 'Yes' and 77 per cent said 'No'. That is the scenario in that part of the State.

I have been advised that in Central Eyre Peninsula in the electorate of Flinders, 13 farmers either have left or are about to leave their properties and that will leave 56 000 acres (or about 20 000 hectares) which may not be cropped in the forthcoming year. Therefore, it is essential that funds be provided for those people who can prove that they have some chance of remaining viable and who wish to stay on their farms, so that they may have the opportunity to put in a crop this year.

In my view, it is essential that the economic policies that are causing these high interest rates be changed immediately, because one of the problems is that people who entered into a financial arrangement with banks at a rate of 10, 12 or 14 per cent interest find that those loans now attract interest rates of about 20 or 21 per cent. It is unfortunate that, if one invests money on a term basis, one gets a fixed rate of interest but, when one enters into borrowing arrangements, those interest rates are not fixed. That is having a disastrous effect. The State Bank referred to this matter in the *Stock Journal* of 12 March 1987, when it stated:

> The number of farmers facing financial crisis on the Eyre Peninsula may force banks to consider new finance strategies.

I think that that is an understatement. An article in the *Weekly Times* of 11 March 1987 stated:

> Agriculture plays a much greater role in export earnings than is generally realised, according to figures released by the Treasurer, Mr Keating. Agriculture was also not sending any net profit overseas, unlike mining which returned an average $341 million a year . . . Agriculture was making an average of 47 per cent net contribution to export earnings after expatriated profits were taken into account.

There is the answer to the nation's problems. We are facing this downturn because of a drop in prices for wheat and other agricultural commodities, as well as coal. The Government of this State must immediately organise a conference of all those financial institutions and the Rural Industries Assistance Branch must be in a position to provide more household support so that those people who are good farmers and who have got into trouble through no fault of their own can be assisted with their living allowances in order that they can stay and operate.

I believe that the amount of money made available under farm buildup should be increased from $100 000 to at least $250 000 at the rate of 10 per cent so that, where farmers wish to leave the industry or unfortunately have nowhere

to go, it may be practical for an adjoining farmer to buy them out and the outgoing farmer may leave with some dignity. I believe that where people are forced to cease their enterprises they should be given the opportunity to be able to live on that farm. We do not want to witness the deplorable exhibition that took place in New South Wales, where a farmer was forcibly evicted from his home. I will not go into the details of the case, but I believe it was a very bad exhibition and that the fellow should have been able to remain on the farm, to live there and to receive household support. Fortunately, we have not reached that stage in South Australia.

In the past 12 months many people have left farming enterprises on Eyre Peninsula. Unfortunately, probably more will do so and we have to prevent this trend. It is up to the Government to alleviate the problem, because people are now assessing how much they need to plan for the current year's cropping program and it is essential that those agricultural areas are cropped. People have to be given a chance to get out of their difficult situations and it would be quite irresponsible if the Government let the situation continue without taking every course of action which is available to it. I believe that the Rural Industries Assistance Branch has to understand that it is facing one of the most difficult times it has ever faced and that people are needed who understand and who have had banking experience, because that organisation really is taking on the role of a major bank and it has to be able to provide funds at a concessional rate of interest to alleviate these problems. I therefore call on the Minister to address this problem. In recent times a number of submissions have been put to me and I wish I had more time to have them included in *Hansard.*

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

STATUTES AMENDMENT (FINANCE AND AUDIT) BILL

Returned from the Legislative Council without amendment.

Motion carried.

At 5.29 p.m. the House adjourned until Wednesday 18 March at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 17 March 1987

QUESTIONS ON NOTICE

LISTENING DEVICES ACT

251. **Mr M.J. EVANS** (on notice) asked the Minister of Emergency Services: Has the Listening Devices Act been reviewed and, if so, does the Minister intend to take any steps following the review and are the results available for public comment and, if not, why not?

The Hon. D.J. HOPGOOD: A review of the Listening Devices Act will be undertaken once the attitude of the Commonwealth Government to the Report of the Select Committee into Police Telephone Interception Powers is known.

HANSARD

252. **Mr M.J. EVANS** (on notice) asked the Minister of Education representing the Attorney-General: Has a Government committee been established to review the printing of *Hansard* and, if so, what are the terms of reference of the investigation, by whom is it being undertaken and what consultation will take place with members of Parliament and officers of the House?

The Hon. G.J. CRAFTER: The Government has established a small Working Party to review the printing of *Hansard*. The terms of reference are as follows:

To examine the procedures and the extent of reporting, printing, and publishing the proceedings and business of Parliament and its committees. Report to the Attorney-General on the ways and means by which efficiencies could be made.

Without limiting the extent of the examination, consideration should be given to the following:

1. Written speeches, be prepared in such a manner as to be incorporated into *Hansard* without being reported by parliamentary reporters.
2. Second reading speeches made in the House where the Bill is introduced not being reported in the other House, but cross referenced to the appropriate page in *Hansard*.
3. The introduction of tape recordings only in Parliamentary committees with a view to not producing a typed copy of the proceedings unless authorised by an officer nominated by the joint Parliamentary Services Committee.
4. The production of a *verbatim* transcript of proceedings.
5. The introduction of new technology as a means of reducing operating costs in the preparation, production and distribution of *Hansard*.
6. Other matters which the Working Party considers appropriate. The Working Party will comprise:

The President, Legislative Council
The Speaker, House of Assembly
A representative of the Opposition
The Leader, *Hansard*
A representative of the Government Printing Division
A representative of the Treasury Department
A representative of the Attorney-General's Department
A representative of the Government Management Board.

Arrangements will be made for consultation with members of Parliament before the Working Party completes its examination.

LONG SERVICE LEAVE

255. **Mr S.J. BAKER** (on notice) asked the Premier:

1. How many departments have computerised records of long service leave entitlement for their employees?
2. By what method is long service leave monitored by departments to ensure that employees take their leave as soon as practicable after becoming eligible so as to conform with the Government directive on that matter?

The Hon. J.C. BANNON: The replies are as follows:

1. So far as it can be ascertained one department has computerised records of long service leave entitlements for its employees.
2. Departments have been requested to report annually on the pattern of long service leave taken and that outstanding. Various departments will also be able to monitor long service leave through the future modifications to the leave module of the computerised payroll system, Austpay.

DEPARTMENTAL VEHICLE

258. **Mr BECKER** (on notice) asked the Deputy Premier:

1. To which section of the South Australian Police has a white Ford, UQH 190, been assigned?
2. Who authorised the use of the vehicle on Monday 24 November at approximately 4.45 p.m. when it was being driven by a uniformed policewoman on Greenhill Road near the old Dulwich Police Station with a young female passenger in the rear seat and what official duties was the officer conducting at that time?
3. Is it standard policy to allow officers to use Government motor vehicles for personal use in working hours?
4. Has this policewoman been reprimanded by senior officers regarding misuse of police motor vehicles prior to this occasion and, if so, what disciplinary action does the Commissioner now propose to take to prevent repetition of such instances?
5. Was the officer concerned the same officer who was involved in a recent matter which resulted in the resignation of a senior officer over allegations of sexual harassment?

The Hon. D.J. HOPGOOD: The Commissioner of Police has advised that, in the special circumstances of the incident referred to, no disciplinary action is contemplated for the alleged misuse of a Government vehicle.

LAPSED REGISTRATION

263. **Mr M.J. EVANS** (on notice) asked the Minister of Transport: Will the lapsed registration renewal fee be reduced or eliminated when the Registrar's office is fully computerised and, if not, why not?

The Hon. G.F. KENEALLY: No. The $10 establishment fee offsets the cost of clerical and computer maintenance time in renewing a registration of a motor vehicle which has lapsed for more than 30 calendar days after the expiry date and which involves the creation of a new registration period for a vehicle on the motor vehicle register.

SOUTH AUSTRALIAN HOUSING TRUST

265. **Mr M.J. EVANS** (on notice) asked the Minister of Housing and Construction:

1. In respect of the year 1985-86, how many tenants under the age of 18 years were provided with bond money or rent in advance by the Emergency Housing Office and what was the total amount of money so advanced in each category?

2. How many of those bonds were subsequently forfeited to the landlord in whole or in part and what was the total amount of money so forfeited?

3. Were any of these funds subsequently recovered from the former tenants by the Emergency Housing Office?

The Hon. T.H. HEMMINGS: The replies are as follows:

1. To answer the question regarding bonds paid by the Emergency Housing Office to tenants under the age of 18 years, it would be necessary to undertake a manual search of every EHO docket for 1985-86 (12 395 in total), as well as search the microfiche records held by the Residential Tenancies Tribunal for the same year. I have therefore not pursued the data requested in light of the time and personnel required to extract this information. It is estimated in a study of Emergency Housing Office clients for May 1986 that approximately 10 per cent of those interviewed were under 18.

2. In respect to the question of how many of these bonds are subsequently forfeited to the landlord in whole or in part, the answer must be seen in terms of initial outlays and number of tenancies terminated, so that a loss factor is established. The tenancies actually terminate over a number of years and, until a group fully terminates, it is not possible to indicate actual losses.

3. In cases where clients were responsible for claims against the bond, it is beyond the resources of the Emergency Housing Office to locate that client and set a repayment level which does not jeopardise the client's current situation nor prove to be more expensive to the office.

MENTAL HEALTH ACT

273. **Mr BECKER** (on notice) asked the Minister of Transport representing the Minister of Health:

1. Have there been any evaluations of practices under the Mental Health Act since 1974 and, if so, what has been revealed by them about—

(a) the obstacles provided which prevent members of society placing other people who exhibit abnormal behaviour under the charge of those who can care for them medically and psychologically; and

(b) the degree and frequency of after-care provided for people diagnosed as unstable and, if there have been no such evaluations made, why not and what action is proposed in the future concerning evaluation?

2. To what extent do those charged with the responsibility of releasing committed patients from care and placing them back into the community—

(a) ensure that there is adequate supervision and support for the patients;

(b) ensure that regular and frequent checks are made on released patients relating to their health and welfare; and

(c) ensure that there is consultation with the immediate and close community about aspects of the patient's behaviour likely to cause distress where there is no responsible family member available for supervision?

3. How often do those charged with the responsibility of assessing the validity or otherwise of reports concerning abnormal behaviour just prior to or just after admittance to hospital actually go to the places of residence of those reported and/or speak with those living in close and immediate surroundings?

4. How frequently do those responsible for replacing patients into the community subsequently visit the patients?

5. What information is there for members of a community about actions and processes they can take and follow to obtain help for those exhibiting behaviour which any rational person can perceive to be the result of some mental disorder, in what form is it and how readily available is it?

The Hon. G.F. KENEALLY: The replies are as follows:

1. Yes.

(a) The question does not specify the nature of 'obstacles' and 'abnormal behaviour' and therefore it is not possible to respond to any particular concerns which may have prompted the question. In the general sense, obstacles are not provided to prevent people with mental illness receiving appropriate treatment. The Guardianship Board is available to determine appropriate procedures in situations where difficulties have arisen concerning treatment needs, and for people with a mental illness.

'Abnormal behaviour' may be the result of a number of factors—physical, psychological and social. Appropriate responses may call for a range of services including drug and alcohol, epilepsy, specialist and general medical. These are clearly not the responsibility of the Mental Health Act.

(b) It is not clear to which population the term 'unstable' is being applied, as it is not in itself a diagnosis but refers to personality and behavioural characteristics of considerable range and variety.

After-care, if required, may take place in numerous ways and is dependent on many factors including the type and severity of the illness, past history, family support and the patient's own wishes.

2. *(a)* Circumstances vary from patient to patient as one may expect at any hospital, general or psychiatric. For those patients who have been detained in a psychiatric hospital and subsequently discharged, adequate supervision and support is provided by attendance as a day patient, outpatient or within the Outreach Services, so that regular and frequent checks are made according to the needs. The family is taken into consultation when discussing discharge plans, or the relevant persons associated with their on-going needs.

(b) Regular checks may be made by various workers in the Mental Health Services, in particular, social workers and medical staff.

(c) This matter of consulting with the local community is one that is fraught with difficulties as it cuts across the patient's right to privacy and ethics of confidentiality. Should patients with brittle diabetes, epilepsy, or a communicable disease have this fact trumpeted about the community? In practice, if the involvement of neighbours is required, then it must obviously be done with care, discretion and compassion and almost invariably with the patient's permission.

3. Both psychiatric hospitals offer crisis visits to patients' homes if this appears to be justifiable in the circumstances. Other agencies such as a local general practitioner, welfare worker or the Crisis Care organisation may be in a better position to perform such a task. It is not routine in our society for professional workers to 'case' a neighbourhood and interrogate those living nearby unless the matter is one of grave import. The civil liberties of patients must always be considered.

4. Depending on the circumstances again, social workers may follow up psychiatric patients in the community. Many such patients are adequately dealt with by their general practitioners, who have the advantage of knowing the patient and usually his or her familiy and local environment very well.

5. The College of Psychiatrists strongly argues that not all persons exhibiting abnormal behaviour have a psychiatric illness and the Mental Health Act should not apply to these people.

This is a very confusing area for the general public who tend to assume that anyone exhibiting abnormal behaviour must have a psychiatric illness.

However, any member of the public will find telephone numbers for psychiatric hospitals, Crisis Care and the police under 'Emergency Services' in the front of the telephone book. A concerned member of the community may receive advice at any time of the day or night by calling one of the two psychiatric hospitals.

EQUAL OPPORTUNITY ANNUAL REPORTS

299. **Mr S.G. EVANS** (on notice) asked the Minister representing the Attorney-General: In relation to the eighth and ninth annual reports of the Commissioner for Equal Opportunity:

(a) how many staff hours were used in the publication, printing and distribution of each report;
(b) what was the full cost of printing, including material costs, of each report;
(c) what overhead charges, other than printing and material costs, are debited against each report;
(d) what was the total number of each report printed;
(e) what was the total number of each report distributed;
(f) to whom were copies of the reports distributed;
(g) how will the copies surplus to requirements be disposed of; and
(h) why was it not until December 1986 that the 1983-84 report, along with the 1984-85 report, was received?

The Hon. G.J. CRAFTER (for the Attorney-General): The replies are as follows:

(a) Annual reports by the Commissioner for Equal Opportunity are produced by the compilation of statistics and team reports prepared within the office on an on-going basis. Complaint files are summarised as a matter of course, so that case studies for the annual report are easily accessible. These procedures have been designed to minimise the extra effort involved in the preparation of annual reports and the consequent staff costs. The office of the Commissioner for Equal Opportunity has not kept records of the staff hours used in the production of the eighth and ninth annual reports as these tasks are shared by a number of staff and are spread over the entire reporting year.
(b) Report 8: $2 829
Report 9: $2 935.07
(c) Nil.
(d) Report 8: 800
Report 9: 800
(e) 632 copies of each report were distributed by mail, personal delivery and public service courier. Approximately 150 further copies of Report 8 have been handed to clients attending the office of the Commissioner or at community education activities. To date, approximately 60 copies of Report 9 have been similarly distributed.
(f) Reports were issued to persons and organisations on the mailing list maintained by the Commissioner, including members of Parliament, heads of Government departments, human rights and equal opportunity bodies, libraries and members of the public.
(g) It is not anticipated that there will be any copies of reports surplus to requirements.
(h) Production of the 1983-84 report was delayed by a number of changes in staff and a rapid increase in workload following the enactment of new legislation. It was therefore distributed together with the 1984-85 report as a means of eliminating duplication and reducing costs.

REPLY TO QUESTION

304. **The Hon. D.C. WOTTON** (on notice) asked the Minister for Environment and Planning: When can a reply to Question on Notice No. 161 be expected and what is the reason for the delay?

The Hon. D.J. HOPGOOD: A reply was provided on Tuesday 10 March 1987.

WAKEFIELD PRESS

307. **The Hon. B.C. EASTICK** (on notice) asked the Premier:

1. How many books were held in stock by Wakefield Press as at the date of sale and what was the value (at cost)?
2. What is the estimated retail revenue to be derived from the sale of these stocks to 31 December 1987?
3. What is the estimated cost of storing (and managing) these stocks, at commercial warehousing rates, from the date of sale to 31 December 1987 and who will bear these costs?
4. What warehousing facilities will be used by the Adelaide Review to store the wholesale quantities of books ordered from the Government Printer?
5. What are the contractual terms relating to reprint of books previously published by Wakefield Press?
6. How many books contracted to be printed by Wakefield Press had not been published at the date of sale, how many will now be printed and what is the estimated cost?
7. Did the Government Printer produce a report on future management of the assets of Wakefield Press and, if so, what action was taken by the Premier's Department to address the key issues contained therein?
8. How will the sale and storage of books produced by Wakefield Press but owned by individuals be catered for?
9. Given that the management and sale of book stocks was computerised in the machine sold to Adelaide Review, how will this now be recorded by the Government Printer?

The Hon. J.C. BANNON: The replies are as follows:

1. There were 60 716 Wakefield Press and agencies books on hand when the Auditor-General's staff checked the stock as at 31 January 1987. The 37 482 Wakefield Press books were valued in the books of account at $322 717.
2. Retail revenue to December 1987 is difficult to estimate. It will depend on the sales policy of the new owners and on the level of buying interest now that the Jubilee year has ended.
3. Bulk storage of Jubilee and general books published by Wakefield Press will continue at the Government Printing Office. The Government Printer will retain 15 per cent of wholesale price for storage and issuing costs.
4. This is a matter for the Adelaide Review.
5. The rights to reprint books pass to the new owners.
6. Including an agency book, nine had not been published at the date of sale. It is likely that eight will be printed at an estimated cost of $150 000.
7. Yes. It was assessed by the Department of the Premier and Cabinet along with other options for the future of the Wakefield Press. It was considered that it would entail continuing costs to the Government.

8. Where there is a binding agreement between principals (usually authors) and the Wakefield Press (as agent) to sell books on behalf of the former the books will be stored and sold by the new owners. In cases where the principal still owes money for production costs a sub-agency to the Wakefield Press is proposed until the funds are recovered from sales. If a binding agreement does not exist the matter of continuation is for the principal to negotiate with the new owners.

9. The Government Printer has the same computer equipment as that sold to the Adelaide Review and has the same program to record the sale of books and stocks.

ADELAIDE CASINO

309. **Mr S.J. BAKER** (on notice) asked the Premier: For the seven months ended 30 June 1986, how was the $32 million revenue derived from the Adelaide Casino distributed between—

(a) wages and salaries of employees;
(b) maintenance expenditure;
(c) other operating costs
(d) payment to casino operators;
(e) return to investors; and
(f) Government revenue?

The Hon. J.C. BANNON: The replies are as follows:

(a)-(e) The information sought by the honourable member is of a commercially confidential nature and the casino operators have indicated that they are not prepared to release it.

(f) This information was published on page 15 of the Lotteries Commission Annual Report, a copy of which was provided to each member of State Parliament. The receipts from the casino operator amount to $5 552 000 of which $275 000 was transferred to the Housing Improvement Fund and $5 277 000 was transferred to the Consolidated Account.

PATA TASK FORCE REPORT

313. **The Hon. JENNIFER CASHMORE** (on notice) asked the Minister of Transport representing the Minister of Tourism:

1. When was the final report of the PATA Task Force presented to the Minister?

2. What were the major recommendations of the report?

3. What is the expected cost of implementing the recommendations and who will be responsible for their implementation?

4. What action has the Government taken in regard to the recommendations?

The Hon. G.F. KENEALLY: The replies are as follows:

1. A verbal presentation was made to the Minister of Tourism on 16 May 1986 and the report was published in October.

2. The major recommendations revolved around the development of the study area to promote tourist activity. They were:

Treat the South Coast region of the Fleurieu Peninsula as a single area for the purpose of integrated tourism planning and development coordination.

Formulate a joint public/private sector development plan.

Promote cooperation between the Victor Harbor and Goolwa/Port Elliot councils in preparing and administering tourism-related programs.

Appoint a suitably qualified director for the Regional Tourism Council to:

- facilitate assessment of potential tourism developments
- promote private sector investments
- coordinate tourism programs at local authority level
- monitor project development, and
- manage tourism resources.

Change the focus of tourism industry attention in the South Coast region from the ocean-front to the Lower Murray, the Murray North, the lakelands and wetlands and their wildfowl population.

Establish a register of priority tourist attractions, with emphasis on those focusing attention on the Murray River.

Encourage tourism development projects that will be saleable to defined (higher-spending, long stay) priority target markets.

Reserve the rare remaining large blocks of land (e.g. Basham Beach) for future high quality tourism developments.

Identify selected precincts for special-purpose tourism developments and encourage the siting of complementary activities in those areas.

3. The nature of the major recommendations make costing estimates largely irrelevant. The recommendations are principally for the attention of local government and private investors, working in close liaison. The State Government's role is one of leadership and support rather than financing individual projects or controlling development. This point is clearly elucidated in the plan.

4. The major recommendations set down initiatives which provided a long-term development strategy for local government and the private sector. The role envisaged for the State Government was seen as generally facilitative. An example of the way in which the recommendations have been actioned is the establishment of the Goolwa Centre Development Committee which has been set up by the Government and has been given the powers of the Planning Commission for the Goolwa centre and wharf area which incorporates the heritage area of the town. It has taken on board the PATA report as its baseline advisory document. The Director of Tourism is a member of the committee and the Assistant Director (Development) in the department is his proxy.

GOVERNMENT TRAVEL CENTRE

315. **The Hon. JENNIFER CASHMORE** (on notice) asked the Minister of Transport representing the Minister of Tourism:

1. What was the commission earned on sales by the Government Travel Centre for each month from July 1986 to January 1987 and what was the commission earned for the same months in 1985-86?

2. To what specific purposes has the revenue been put in the current financial year?

The Hon. G.F. Keneally, for the **Hon. BARBARA WIESE:** The replies are as follows:

1. Commission earned on sales:

	$		$
July 1985	62 080	July 1986	65 633
August 1985	73 852	August 1986	64 832
September 1985	73 985	September 1986	71 801
October 1985	74 943	October 1986	81 078
November 1985	70 943	November 1986	77 634
December 1985	65 796	December 1986	77 838
January 1986	57 045		
Total	$478 644	Total	$438 816

Figures for January 1987 are not yet available.

2. Of the total amount of commission earned for the period July 1986 to December 1986, $243 400 has been retained by the department and used to supplement the marketing allocation of $2 267 000. The money will go towards meeting the costs of the department's marketing plans for Adelaide radio and Melbourne and Sydney TV.