HOUSE OF ASSEMBLY

Tuesday 23 October 1990

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

PETITION: BLOOD ALCOHOL LIMIT

A petition signed by 78 residents of South Australia praying that the House urge the Government to set the blood alcohol concentration limit for fully licensed drivers at .05 per cent was presented by Mr Becker.

Petition received.

PETITION: PHARMACEUTICAL BENEFITS SCHEME

A petition signed by 80 residents of South Australia praying that the House urge the Government to oppose changes to the pharmaceutical benefits scheme was presented by Mr Becker.

Petition received.

PETITION: MOUNT LOFTY RANGES

A petition signed by 81 residents of South Australia praying that the House urge the Government to limit the prohibitions on development in the Mount Lofty Ranges as ordered by the interim supplementary development plan 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 119, 130, 157, 187, 195, 197, 205, 209, 214 and 217; and I direct that the following answers to questions without notice be distributed and printed in *Hansard*.

TEACHER EXERTION CLAIMS

In reply to **Mr S.J. BAKER (Deputy Leader of the Opposition)** 5 September.

The Hon. G.J. CRAFTER: 'Stress' claims in the Education Department increased by approximately 25 per cent from the 1988-89 financial year (205 claims: 177 teachers) to 1989-90 (256 claims: 223 teachers). This increase has come at a time of heightened awareness about workers' rights to claim compensation for occupational injury.

Given that the total number of compensation claims increased by about 18 per cent in the 1988-89 to 1989-90 period, the actual percentage increase in stress claims in the Education Department was from 14 per cent of all claims in 1988-89 to 14.7 per cent of all claims in 1989-90. 'Overexertion' claims in the Education Department have been contained in the financial year 1989-90 (439 claims) or 1988-89 (445 claims).

In both financial years approximately 50 per cent of claims were 'no lost time' claims; in the past financial year there was an 18 per cent increase in total lost time arising from all overexertion claims.

With respect to the comment that the compensation claim rate was of the order of two claims per day, it should be recognised that up to 24 000 departmental employees attend employment daily, in locations scattered widely across the State, and undertake a wide range of tasks and duties. Two claims per day represents an injury frequency rate of about .008 per cent and, on average, one of those claims would have been a 'no lost time' injury.

MEAT IMPORTATION

In reply to **Mr MEIER (Goyder)** 6 September.

The Hon. LYNN ARNOLD: The importation of chicken and pig meat into Australia is controlled by the Australian Quarantine and Inspection Service (AQIS) of the Department of Primary Industries and Energy (DPIE) in Canberra. Requests have been made by the Governments of the United States of America, Denmark, Thailand and New Zealand with respect to the importation of chicken meat and by Canada and New Zealand with respect to pig meat.

The importation of poultry and pig products into Australia has been restricted for many years due to concerns about the possible introduction of exotic diseases. Pig and poultry products have to meet stringent quarantine requirements before being allowed into Australia. Before importation is allowed, a product is subjected to a risk assessment by AQIS. This is an exhaustive process including public consultation within Australia as well as careful assessments of the disease status of the exporting countries. A draft statement is then prepared and comments on the draft invited directly from industry and the States.

An opinion on disease risk from importation of the meats in question has been sought from South Australian Department of Agriculture veterinary officers by AQIS. The opinions given were based on scientific principles and took account of the known disease status of the countries from which the imports would come. AQIS has completed a risk assessment on the import of frozen pig meat from Canada and considers that the risk is sufficiently small to allow the importation. The risk assessment for the importation of poultry meat is currently being carried out by AQIS.

With regard to actions taken by the Department of Agriculture to protect South Australia's animal industries from introduced diseases, there are in place a series of plans aimed at the quick diagnosis and eradication of the known exotic diseases. At present the Commonwealth Government is coordinating a series of working parties to produce standardised national plans for each State Department of Agriculture. In support of this, the South Australian Department of Agriculture maintains the relevance of these documents and plans and implements the relevance of these documents and plans and implements training exercises to ensure rapid response and maximum efficiency of Department of Agriculture and State Emergency Service personnel who might be involved in managing a serious disease outbreak.

The department's Animal Health Service is charged with administering strict controls on swill feeding of livestock and routine surveillance of the health of animals. This is monitored at saleyards, abattoirs and on farms, and periodic surveys are undertaken. Private veterinary practitioners are trained by departmental staff and interstate experts in the recognition of foreign animal diseases, while the Stock Diseases Act requires both veterinarians and owners to report suspicious cases. When this occurs, a diagnostic team is dispatched to investigate.

PAPERS TABLED

The following papers were laid on the table:

By the Treasurer (Hon. J.C. Bannon)—
The Treasury of South Australia—Report, 1989-90.

By the Minister of Health—(Hon. D.J. Hopgood)—
Drugs Act 1908—Regulations—Food Hygiene.
Food Act 1985—Regulations—Food Hygiene.

By the Minister of Industry, Trade and Technology (Hon. Lynn Arnold)—
Department of Industry, Trade and Technology—Report, 1989-90.
Port Pirie Development Committee—Report, 1989-90.

By the Minister of Agriculture (Hon. Lynn Arnold)—
Metropolitan Milk Board—Report, 1990.

By the Minister of Education (Hon. G.J. Crafter)—
Corporate Affairs Commission—Report, 1989-90.
Electoral Department—Report, 1989-90.

By the Minister of Finance (Hon. Frank Blevins)—
South Australian Superannuation Scheme—Report by Public Actuary, 1988-89.

By the Minister of Housing and Construction (Hon. M.K. Mayes)—
South Australian Department of Housing and Construction—Report, 1989-90.
South Australian Housing Trust—Report, 1989-90.

By the Minister of Recreation and Sport (Hon. M.K. Mayes)—
Bookmakers Licensing Board—Report, 1989-90.
Greyhound Racing Board—Report, 1989-90.

By the Minister for Environment and Planning (Hon. S.M. Lenehan)—
Native Vegetation Authority—Report, 1989-90.

By the Minister of Labour (Hon. R.J. Gregory)—
Department of Labour—Report, 1989-90.

By the Minister of Employment and Further Education (Hon. M.D. Rann)—
Office of Tertiary Education—Report, 1989-90.
The University of Adelaide—
Report, 1989.
Statutes.

By the Minister of Aboriginal Affairs (Hon. M.D. Rann)—
Royal Commission into Aboriginal Deaths in Custody—
Report of the Inquiry into the Death of Stanley John Gollan.

MINISTERIAL STATEMENT: PRISONER ACCESS TO THE MEDIA

The Hon. FRANK BLEVINS (Minister of Correctional Services): I seek leave to make a statement.

Leave granted.

The Hon. FRANK BLEVINS: On Thursday, I gave a ministerial statement to the House in which I said that prisoners released on special unaccompanied leave were not made to sign a form restricting their contact with the media. This was incorrect. I have now been further advised that, since 1984, prisoners released on the program have been required to sign a pro forma entitled 'Prisoners Role and Responsibilities and Conditions'. One of the conditions states that prisoners shall not contact the press or other media representatives without the Minister's prior approval in writing.

An honourable member interjecting:

The SPEAKER: Order!

The Hon. FRANK BLEVINS: Yes, he was.

The SPEAKER: Order! The Minister will direct his remarks through the Chair.

The Hon. FRANK BLEVINS: The misunderstanding was due to the current situation where unaccompanied leave is used for two distinct purposes: first, as a programmed leave coordinated by programs personnel and, secondly, as an operational procedure when the prisons are full. It is this operational use of the leave program which is coordinated by the Inspector, Establishments. The institutional information sent to this officer does not have the same degree of detail as that forwarded to head office for use in programmed leave and, as such, the inspector was unaware of any condition relating to media contact by a prisoner. As this apparent restriction is contrary to this Government's policy of allowing the maximum practical contact between the media and prisoners, I have ordered the deletion of any media conditions on any release forms.

MINISTERIAL STATEMENT: POLICE DEPTARTMENT

The Hon. J.H.C. KLUNDER (Minister of Emergency Services): I seek leave to make a statement.

Leave granted.

The Hon. J.H.C. KLUNDER: This statement has been prompted by two matters: first, the inaccurate analysis of the Police Department budget for 1990-91 appearing in the Police Association's October *Journal* and, secondly, the equally confusing question asked of me by the member for Newland last week. First, I shall deal with the inaccurate analysis printed in the October *Police Journal.*

The facts are that, since 1983, the total police budget has been increased in real terms by over 20 per cent, recurrent expenditure having increased in real terms by over 13 per cent and capital expenditure by a massive 138 per cent. The facts are that the Police Department has, to quote from the article, 'escaped the cuts suffered by other Government departments', allowing the active police strength to be increased by 162 officers in the period from 1982 to 30 June 1989. In addition, the 1989-90 budget provided for 122 additional officers and the recent 1990-91 budget provides for a further 65 operational police and an additional 71 police staff.

In its article, the association has utilised gross budgeted salary payments to atempt to predict police numbers. Such methodology is inappropriate as it fails to allow for adjustments for one-off payments (as occurred last year with a back pay adjustment for the 3 per cent superannuation scheme). Not unexpectedly then, the association came up with an incorrect increase in police numbers.

I turn now to the question asked of me last week by the member for Newland. The question as put to me by the honourable member, did not, as she sought to portray, reflect the contents of the association's article. Nowhere in that article have I been able to find any reference to the provisions for the 122 additional police in last year's budget. The association's article deals with this year's budget provision for an increase of 172 police staff! However, since the member for Newland has questioned whether our commitment of last year's budget (that is 1989-90) has been met, I am happy to take this opportunity to provide her and other members with the facts.

The Bannon Government's commitment contained in its policy for 'Protecting Our Community', released in November last year, was 'to recruit an additional 122 police by the end of its first year of office'. I am extremely pleased to advise the House that this commitment was met by 31 July

1990, four months earlier than required. Already, 33 of the 122 recruited have successfully completed their training and are now out 'in the operational field'. The 122 additional police are just that: additional. Their recruitment has been over and above the then expected natural attrition for the year; indeed, it was anticipated that the natural attrition for the year to 30 June 1990 would be 125 where, in fact, it was one less, 124.

The facts cannot be disputed; resources (both recurrent and capital), allocated to the Police Department since the first days of the Bannon Government, have increased significantly, by over 20 per cent in real terms. The Bannon Government has fulfilled its commitment to recruit an additional 122 police. South Australia continues to enjoy the highest police to population ratio of any of the States, and no amount of statistical fudging by the Opposition can demonstrate anything to the contrary.

LEGISLATIVE COUNCIL VACANCY

The SPEAKER laid on the table the minutes of the assembly of members of the two Houses held today for the election of a member of the Legislative Council to hold the place rendered vacant by the resignation of the Hon. Martin Bruce Cameron and to which vacancy Dr Bernice Pfitzner was elected.

QUESTION TIME

PREMIERS CONFERENCE

Mr D.S. BAKER (Leader of the Opposition): What proposals will the Premier take to the special Premiers Conference to resolve the problems of fiscal imbalance between the Commonwealth and the States and will he be supporting Premier Kirner's call for the State to have access to a widened tax base?

The Hon. J.C. BANNON: The States are attempting to take a common position on this matter in the form of a paper that represents the joint views. As the honourable member would realise, this is no easy task, because the interests of the States—their positions—are different in many respects and the inevitable problem is that one then arrives at a kind of lowest common denominator. In other words, there is a common recognition of the problem as being a very difficult one, but with no common answer to it at this stage. As far as the State's tax base is concerned, it is certainly true that there are severe restrictions on it. It is certainly true also that we have what I would regard as an unhealthy dependency on taxes such as payroll tax, which relate to economic activity in employment, but there is no easy solution to overcoming that vertical fiscal imbalance, as the Leader of the Opposition termed it.

The present system, of course, was devised in the 1940s in order to overcome the problems of the differing tax capacities of the States and the very confusing range of different taxes around the States. By getting the Commonwealth to undertake the major proportion of tax raising and then redistributing to the States, I think we had a very reasonable system. The system has broken down in recent years due to the inability to agree with the Commonwealth on a projected outcome and share of taxes year by year.

That should be the starting point of any consideration of this Premiers Conference. We cannot continue with a system where we do not know, until immediately before the financial year, just what we can expect in terms of revenue from the Commonwealth. And if we could come to some agreement whereby we knew it more certainly and we had some guarantees in advance—as indeed used to be the case, or even the securing of at least a maintenance in real terms of what we could receive, subject to the Grants Commission's adjustment process, which is extremely important for a State such as South Australia—we would certainly have a much better outcome than we have at the moment. I am not going to the conference advocating the imposition by the States of a second income tax, as I understand the Leader of the Opposition favours, nor am I supportive of a broad-based consumption tax imposed on a State basis, as I understand the Leader of the Opposition also supports.

MURDERED HITCHHIKERS

Mrs HUTCHISON (Stuart): Will the Minister of Family and Community Services advise whether the young lad whose body was found last week near the South Australian-Victorian border was under the supervision of the Department for Family and Community Services?

The Hon. D.J. HOPGOOD: In anticipation of such a question, I received a verbal report this morning, and I have only just received a written report. I will canvass the contents of both reports. The answer is 'Yes'; the lad in question was on a bond with supervision but was not technically under my guardianship. He was well known to the department, and he had a history of involvement in offending behaviour. He had been in two intensive neighbourhood care placements, had attended the Adelaide area behavioural support unit and had lived at the Gilles Plains community unit. He had also been referred to the youth project centre at Kilkenny, but he did not attend regularly. If I may add parenthetically, this was one of the problems in respect of his supervision, in that whatever decision was made it tended to last not very long.

His most recent placement of residence had been approved by the department. However, I am advised that a complaint was recently made to the Ombudsman concerning the lad's place of residence, and what the complainant perceived to be a lack of supervision. I am also advised that the lad's family has alleged that the department recently refused to provide them with the lad's phone number. I sought a detailed report on these matters, and I have in front of me what might be called an 'interim version' of that, the contents of which I am not prepared to canvass at this stage, because certain personal information is included which I think should not be revealed in a public forum.

During the period of INC placement, the department made every effort to urge the lad's family to keep in contact with him but, for various reasons, that appears to have broken down on a number of occasions. I will be seeking more details in relation to the whole matter. I sincerely extend my sympathy to the families of both young teenagers whose bodies were found.

COMMISSIONER OF POLICE

Mr S.J. BAKER (Deputy Leader of the Opposition): Has the Minister of Emergency Services, as the Minister responsible for the Police Commissioner, read the Operation Ark report prepared by Mr Justice Stewart, and can he clarify whether that report in any way questions Mr Hunt's continuing suitability to be the Commissioner of Police?

The Hon. J.H.C. KLUNDER: I do not think that I have actually read the Ark report, if the report that the honour-

able member is referring to is the unofficial draft report of the NCA. Certainly, in any discussions or information that I have received, I have not had any indication that the Police Commissioner is in any way unsuitable for the job that he holds.

EXTENDED SHOP TRADING HOURS

The Hon. J.P. TRAINER (Walsh): Will the Minister of Labour advise the House as to what special arrangements have been made for extended shop trading prior to Christmas?

Members interjecting:

The SPEAKER: Order!

The Hon. R.J. GREGORY: Proclamations have been issued to permit extended trading during November and December. Adelaide will have Saturday afternoon shopping from the weekend of the Grand Prix until at least the first weekend after Christmas. From Saturday 3 November until 29 December, shops in the city and suburbs will be able to trade until 5 p.m. Stores in both the central and metropolitan shopping districts will also be able to open between 10 a.m. and 4 p.m. on Sunday 23 December.

The Retail Traders Association argued for trading on that day, pointing to disrupted trading patterns in the following week when shops can open on Monday, Wednesday and Thursday but are closed on Tuesday (Christmas Day) and Friday (Proclamation Day). Sunday trading in the lead-up to Christmas is becoming more common around Australia. For instance, I understand that New South Wales and the Australian Capital Territory will have Sunday trading on two Sundays prior to Christmas.

South Australian retailers cannot require their staff to work on that Sunday—it must be by volunteering only. City shops will have access to late night trading until 9 p.m. on Thursday 20 December and Wednesday 26 December. There will be trading until 9 p.m. in the suburbs on Friday 21 December. Without anticipating the debate that may occur later today, I trust this will be the last time such proclamations for Saturday afternoon trading will have to be issued.

NATIONAL CRIME AUTHORITY

The Hon. D.C. WOTTON (Heysen): As a matter of urgency, will the Minister of Emergency Services obtain from the Police Commissioner a report for the House on the following matters: who accompanied Mr Hunt, the Commissioner, at a meeting he had with the NCA on 4 August last year at which Mr Hunt was told the NCA was vetting the Stewart report on Operation Ark; whether the Commissioner communicated this information at the time or subsequently to any Government Minister or ministerial officer; and whether the Commissioner at this meeting or subsequently, before the Attorney-General 'officially' received the Stewart report on 30 January this year, was given a copy of the Stewart report for his consideration and/or comment?

Mr Lewis interjecting:

The Hon. J.H.C. KLUNDER: I think that the interjection by the member for Murray-Mallee was indeed very inappropriate, to say the least. I think that I ought to ask him to withdraw that statement.

Members interjecting:

The SPEAKER: Order! I am not quite sure what was interjected and I have taken advice. Of course, interjections are out of order at all times. Although I am advised that the word used is not unparliamentary, I ask the honourable member to be very careful choosing his words. The word is not unparliamentary, but certainly does not add anything to the proceedings of the House. The honourable Minister.

The Hon. J.H.C. KLUNDER: Thank you, Mr Speaker, I must admit that my respect for the member for Murray-Mallee has decreased somewhat as a result of that interjection.

Members interjecting:

The SPEAKER: Order! The honourable Minister.

The Hon. J.H.C. KLUNDER: In dealing with the substantive part of the question that the honourable member has asked, I have checked with the Police Commissioner on whether he was aware of any of the contents of the report that was presumably mentioned on 4 August. He tells me that he was not; he was aware merely that a report was going to be brought down by the NCA. I do not find that particularly surprising, neither did he, and he told me that in the circumstances he did not pass on to anyone else the information that the NCA was bringing down a report, because the NCA is more or less expected to bring down reports. I presume that the honourable member's question relates to whether or not the Attorney-General was at that meeting. The Police Commissioner informs me that he did state, during the interview, that the Attorney-General certainly was not present at that meeting.

AUSTRALIA POST

Mr HAMILTON (Albert Park): Has the Minister of Housing and Construction made representations to Australia Post regarding a proposal to permit South Australian Housing Trust tenants to make rental payments at Australia Post offices or agencies? If so, what progress has been made and, if he has not made representations, will he give favourable consideration to this request? My question has been prompted by a constituent who states:

> It has been noted that Australia Post has recently promoted a service of certain bill payments through its offices and agencies. Have any approaches been made to Australia Post to offer this service?

Hence, my question.

The Hon. M.K. MAYES: I thank the member for Albert Park for his question because I am sure that many of his constituents and many other South Australians will be interested in hearing about the progress of discussions on this matter between the Housing Trust and Australia Post. With the introduction by Australia Post of its electronic counter service (ECS) the method of payment available through that process to various people, including Housing Trust tenants, is very similar to that which is now offered through Housing Trust offices. There have been extensive negotiations between the trust and Australia Post, and I am pleased to report to the House that progress has been very good. We are about to sign an agreement between the two organisations. That agreement requires Government approval and that is only a few days away. I imagine that we will see the agreement signed before the end of the year and the introduction of a payment system through Australia Post early next year.

The honourable member can inform his constituent that the process will be available, and I am sure it will be a great convenience to all our constituents throughout the State. The agreement has been endorsed by a variety of organisations, and discussions have been held with the Public Service Association and all other organisations that have an interest in this matter.

The scheme will be put in place by contractual arrangements with Australia Post. We will continue to operate the present method of collecting revenue at trust offices for a period of three months to allow clients time to adjust to the new arrangements. That process will then be discontinued. There will be plenty of publicity, and Australia Post is already advertising its payment system adequately. In the country area, we will have to continue payment arrangements for a number of months in order to allow a better introduction of the ECS system in full.

The charge to the trust will be about 95c for each transaction and there is estimated to be an additional 11c for each transaction for other operating costs. It will be a beneficial program for all trust tenants and the convenience will be fairly significant. We expect that in the initial stages there will be a development cost of about $100 000 to $200 000. That matter remains to be negotiated with Australia Post in order to finalise the arrangements. Progress is well and truly under way and we can look forward to the introduction of the new electronic payment system through Australia Post early next year.

NATIONAL CRIME AUTHORITY

Mr INGERSON (Bragg): My question is directed to the Premier. Will the Government urgently seek from the NCA an explanation of the significant discrepancy between the public statement made on 22 March 1990 by the authority's presiding Adelaide officer, Mr Dempsey, that there had been 'no participation by or consultation with either the South Australian Government or South Australian police prior to the delivery of the authority's first Operation Ark report to the Government in December 1989' and the revelation in the report of the Federal Parliamentary Joint Committee on the National Crime Authority that the NCA had discussed this report with the Police Commissioner on 4 August last year?

The Hon. J.C. BANNON: If one has regard to the answer given a moment ago by my colleague the Minister of Emergency Services, there is no such discrepancy at all. Therefore, I do not think that it warrants an investigation.

CHILD-CARE RELIEF WORKERS

Mr FERGUSON (Henley Beach): Is the Minister of Children's Services aware of the difficulties being encountered by child-care centres wishing to employ properly trained relief staff? I have been approached by the Kidman Park Child-care Centre to see whether there is any way to overcome the difficulties it has experienced in filling its work roster with properly trained staff. There is a severe shortage of properly trained staff, and it has been suggested that a pool of relief staff, be employed by the Children's Services Office to help overcome the problem.

The Hon. G.J. CRAFTER: I note the reply that my colleague the Minister of Further Education gave last week with respect to the increased provision of funds for the training of child-care workers in our community through TAFE courses. We are still catching up from the very substantial winding down of those TAFE courses conducted in this State from 1979 to 1982 and the subsequent diminution of qualified staff in the community. There has been a substantial expansion of child-care places in the community as a result of a series of agreements entered into between the Commonwealth and State Governments. Under those agreements, the Commonwealth provides funds to community based child-care centres, in effect bypassing State bureaucracies for all matters except regulatory supervision of the establishment of those child-care centres. Recurrent costs for salaries of child-care workers are solely the responsibility of the Federal Government.

I assure the honourable member that the Federal Government has been advised of the acute shortage that exists, not only in this State but in other States, with respect to the rapid expansion of the child-care program. I will be pleased to put the very practical and worthwhile suggestion of the honourable member to my Federal counterpart so that it can receive his urgent consideration.

Mr BECKER: I take a point of order. Question on Notice 189, listed on the weekly supplement to the Notice Paper, refers to the question that was just asked. I wonder what the ruling is where sometimes members do not have the Notice Paper on their bench. I know how cunning you lot are. The point I am making is that there is no Notice Paper—

Members interjecting:

The SPEAKER: Order! The Notice Paper has been circulated. The time to take a point of order is, of course, while the question is being asked. After the question has been asked, no action can be taken. If the honourable member has a point of order, I would prefer that he take that at the time rather than subsequent to the action.

Mr BECKER: I take a further point of order. The supplementary Notice Papers are not available on our benches. It is very difficult for a member to recall immediately the exact wording of a question he has on the Notice Paper when that Notice Paper is no longer on the bench.

The SPEAKER: I am sure that in future the honourable member will ensure that he has the supplementary Notice Paper on the bench before him.

NATIONAL CRIME AUTHORITY

Mr OSWALD (Morphett): My question is directed to the Minister of Emergency Services. In the 10 months since it received the first NCA Operation Ark report in December 1989, why has the Government failed to implement three specific recommendations for legislative change to improve police procedures for dealing with allegations of police corruption, and when will the recommended legislation be introduced?

The Hon. J.H.C. KLUNDER: I have been trying to bend over backwards to assist members rather than forcing them to duplicate these questions to the Attorney-General in another place. The advice that I have from the NCA report is that 'the authority therefore finds that there was no dishonesty or corruption in the failure of senior officers of South Australian police to inform the NCA or the Commissioner of the South Australian police of the Operation Noah allegations.' Consequently, if there is no corruption, I fail to see the point about talking anti-corruption measures based on that.

PARKS AND RESERVES

Mr HERON (Peake): My question is directed to the Minister for Environment and Planning. Can the Minister provide the House with a list of recent additions to the parks system, detailing, in particular, which areas in the past 12 months have been added to the network of parks and reserves in South Australia's arid lands and which areas can be expected to be added in the near future?

The Hon. S.M. LENEHAN: I thank the honourable member for his question and his long and ongoing interest in the whole question of our parks and reserves systems, particularly in the arid parks area.

Members interjecting:

The SPEAKER: Order!

The Hon. S.M. LENEHAN: It is interesting that the Opposition is not aware of the member for Peake's long and abiding interest in the parks system.

Members interjecting:

The SPEAKER: Order! The member for Heysen is out of order. I will ask the Minister to contain her remarks to answering the questions. Ancillary remarks are out of order under the Standing Orders.

The Hon. S.M. LENEHAN: I am delighted to inform the House that in the last financial year, 1989-90, 10 new parks and reserves have been added to the parks system in South Australia. These range from a 30 hectare conservation park at Marino—an area which was set aside there to establish a unique portion of coastal vegetation—to an area as large as Yellabinna regional reserve of some 2.5 million hectares. The Nullarbor regional reserve of 2.3 million hectares was also declared in the past financial year, and it is expected that two significant additions will soon be made to the Lake Eyre National Park.

I believe that most city people think of parks and reserves as being in rural areas, but I am delighted to advise the House that residents of Adelaide have also gained by the declaration of the Anstey Hill Recreation Park of some 308 hectares (and I am sure that the local member welcomed that addition) and the O'Halloran Hill Recreation Park of 289 hectares. Significant additions have also been made to the Lincoln National Park and the Yumbarra Conservation Park. The proud record of this Government in extending the network of parks and reserves continues as we attempt to provide not only for the recreational needs of an increasingly environmentally conscious population but also for the survival needs of many animal and plant species which have been pushed to the brink of extinction. If we are to retain these species for the benefit of future South Australians, and in the interests of biological diversity on our planet, it is essential that we have a representative and viable system of parks and reserves.

PRESCHOOLS

The Hon. T.H. HEMMINGS (Napier): Will the Minister of Education inform the House what progress has been made on the development of new preschools in the outer suburban areas? In the education budget information brochure recently circulated to schools and children's services facilities, it was announced that five new preschools would open this financial year. In particular, one was planned for Angle Vale in my electorate, which is a rapidly growing community.

The Hon. G.J. CRAFTER: A reading of the budget documents does show the important priority that this Government gives to preschool education. Indeed, there is a very substantial expansion of preschool facilities to the extent that it is estimated that some 94 per cent of four year olds in this State receive access to four sessions of kindergarten per week—the highest level in any Australian State. Indeed, South Australia spends 50 per cent more than the national average on the provision of preschool services. Preschools are a very important element in a child's development and it is important that all children have access to these facilities in our community. The facilities help children from disadvantaged backgrounds in particular to participate at a later age equally through our education system and to take their rightful place in the community. There is a rapidly growing need for preschool services in the outer suburban areas and the Government continues to work towards meeting the needs of families in these areas as well as in the outer metropolitan and country areas.

There are currently 320 Children's Services Office preschools and 96 child parent centres serving some 19 000 children in South Australia. I am pleased to advise the member for Napier that the preschool at Angle Vale which has been on the drawing board for some time and which affects a number of members in this House whose electorate adjoin that facility was opened yesterday, and 28 children attended that facility for the first time. At the same time as that centre opened in the northern suburbs, another centre was opened in the southern suburbs at Aberfoyle Park. The Angle Vale Community Preschool will cater for up to 60 children a day, while the Aberfoyle Hub Preschool will cater for about 40 children a day. These two new preschools are amongst the five being established this financial year at a cost of some $2.2 million. Riverview Preschool at Salisbury Downs West and Keithcot Farm Kindergarten at Golden Grove began enrolling children during term 3 of this year and it is proposed that another preschool start early next year in the suburb of Woodend. The number of preschool teachers and assistants will increase this financial year at an additional cost of some $500 000.

A number of rural preschools will be upgraded at a cost of about $350 000. Access to preschool services for rural children has been improved also. In the past 18 months, new preschools have been established at Rendelsham, Monash, Stansbury, Edithburgh, Kulpara and Port Elliot, and 21 new play centres have been established in isolated locations throughout the State, providing a very important opportunity for contact and development for young children in these small communities. South Australia is regarded as a national leader in providing preschool places to benefit children and families, and a greater percentage of four year-olds is—as I explained to the House—participating in funded sessions than in any other State.

NATIONAL CRIME AUTHORITY

The Hon. B.C. EASTICK (Light): Following the undertaking by the Minister of Emergency Services last Thursday to speak to the Deputy Commissioner of Police about the report of a working party which considered the recommendations of the Stewart and Faris NCAs and whether any parts of that report can be tabled, has he had those discussions with the Deputy Commissioner; what is the outcome; and can he now reveal what 'remedial action' (a direct quote from the Minister's answer) has been undertaken in the light of Operation Ark?

The Hon. J.H.C. KLUNDER: In response to the question asked by an honourable member last week, I undertook to get some information and I have done so. The first part of that question was: did the Commissioner of Police undertake an immediate review of the suitability of certain police officers—is this what the honourable member wants?

Members interjecting:

The Hon. J.H.C. KLUNDER: It is often difficult when things are jumped upon me and I am trying to give an answer immediately. It appears that members ask me questions read from bits of paper, but do not know what the questions actually mean. So, when I ask members to confirm what they are after, they have trouble doing that.

Members interjecting:

The Hon. J.H.C. KLUNDER: And it is written in capital letters, because the honourable member cannot read very well.

The SPEAKER: Order! The Minister will come to order!

Members interjecting:

The Hon. J.H.C. KLUNDER: That is really intelligent. Having read the question, I find that it refers to the question asked by the member for Hanson last Thursday. I will break down that question into various bits in order to deal with it. His first question was: did the Commissioner of Police undertake an immediate review of the suitability of certain police officers in the light of various matters. The answer is 'Yes'; that review was undertaken by Mr J.P. Beck, the Assistant Commissioner, Personnel, who then reported back to the Commissioner.

In relation to the second question whether I received a report from Mr Hunt, the answer is 'Yes'. It was a verbal report, part of a normal briefing that takes place on a weekly or fortnightly basis. The third question was: when will, and will, the Minister disclose any recommendation made by the Commissioner and action taken to implement it. I refer to the part I quoted—

An honourable member: That is not the question.

The Hon. J.H.C. KLUNDER: It took the honourable member some considerable time to discover that he does not think that this is the answer to the question he asked.

Members interjecting:

The SPEAKER: Order! The Minister will resume his seat.

Members interjecting:

The SPEAKER: Order! This is Question Time in the South Australian House of Assembly. I ask all members to treat it with the seriousness that this stage of the parliamentary proceedings deserves. The honourable Minister.

The Hon. J.H.C. KLUNDER: Thank you, Sir. If, in fact, that is not the answer that members of the Opposition want, I will resume my seat.

EMPLOYMENT OPPORTUNITIES

Mr BRINDAL (Hayward): In view of the effect of the downturn in the rural economy and the increasingly difficult times which small businesses are experiencing and which will have an affect on the employment prospects of some school leavers, will the Premier say when the public sector will advertise employment opportunities for 1991 and how many positions will be available?

Two years ago the South Australian Government advised of some 700 new vacancies. To assist school leavers the Government has always advertised its job vacancies in late August or, at the latest, early September. We are now well into October and no advertisement has appeared. Indeed, my information suggests that none will appear this year and that youth will be forced to bear the brunt of the worsening economy.

The Hon. J.C. BANNON: I would have thought that the first step in the honourable member's question—and I appreciate the question, which is a fair one—would be to address it to his own Leader, the shadow Cabinet and the policy-makers on his side of the House who ought to get their act together and advise the honourable member whether he should be urging greater or lesser employment and spending in the public sector. If that question can be satisfactorily answered, I would be interested to hear the answer from the honourable member.

The fact is that the Opposition has been braying for a reduction in expenditure and employment in the public sector for many years. With respect to the honourable member, either he is being deaf to that or he is some sort of rebel on that side who opposes the publicity, or he is just ignorant of the state of affairs and the facts. We do have a major issue in our public sector at the moment in respect of controlling expenditure: not just controlling expenditure but also reducing it to try to match the State's revenue. That means that we cannot lightly employ or invent some sort of job creation scheme in the public sector because, to do so, would cut across—

An honourable member interjecting:

The Hon. J.C. BANNON: The complete disunity on the Opposition side is apparent. The Leader of the Opposition interjects and claims that we have been operating a job creation scheme. I suggest to the honourable member that that is one of his problems and perhaps he ought to try to sort it out. To get back to the issue: where it is possible to do so, we look for employment opportunities. We have had a conscious policy of a school leaver employment scheme to give opportunities to school leavers to get a start in public sector employment. That scheme has been consistently operating, but at the moment all these things are on hold as we look at our overall review of Government expenditure and try to reduce our overall work force numbers in that situation.

DEVESON REPORT

Mr QUIRKE (Playford): Will the Minister of Employment and Further Education inform the House whether or not there will be major changes to the TAFE system following the Report of Training Costs Review Committee known as the Deveson report? I noticed that a number of reports last week indicated that Federal Cabinet has decided to lift a ban on levying tuition fees in TAFE, to throw open technical and further education to private competition, to corporatise or even privatise TAFE and even to move towards Government funding for private training colleges. I would like to know the impact of these recommendations on our TAFE system.

The Hon. M.D. RANN: I thank the honourable member for his continued interest in further education. The honourable member is right: the Deveson report was released only last week and there has been considerable speculation as to its implications for TAFE both in South Australia and around the country. Some of this speculation has more recently been fuelled by the thought-provoking views of the Federal Minister for Employment, Education and Training (John Dawkins), whose reported comments go considerably further than the Deveson findings. For example, Mr Dawkins' comments concerning competition for public funds were not considered by Deveson, who talks only of an open market for employer-funded training.

Nor does the report promote the corporatisation of TAFE colleges, as some press comments would have us believe. Sensibly, the report comments on the need to avoid unnecessary duplication in providing training, whilst making very clear that the Commonwealth should not intrude in cases of State responsibility and expertise. Nevertheless, the Deveson report does outline vital issues that TAFE in South Australia must address; in particular, around Australia TAFE needs to address inconsistencies and inequities in TAFE fees and charges. The report does not favour major increases in student fees in mainstream TAFE courses, and it has little enthusiasm for a deferred payment scheme like HECS, which applies in the higher education scene, and I would certainly agree with that. However, it has opened the way

for the introduction of tuition fees in TAFE. Responsibility for fee charging is being left with the States, and members will be aware of the administration charge established in this State following the recent State budget.

Another principal finding of the report is that the training demands of award restructuring will be much slower and, hence, they will make less drastic demands on the public sector than earlier reports had envisaged. The report states that the training market will grow substantially over the next five years, increasing by about $500 million, but most of this market will be filled by industry itself and other private providers. Nevertheless, TAFE is expected to experience sustained growth and, therefore, the report and Governments around Australia must question how this expansion can be resourced.

Student and employer contributions, and an increase in the commercially-based activities of TAFE, are certainly discussed in the Deveson report, as well as the proposal that the State and Federal Governments should commit themselves to a funded increase of 5 per cent in TAFE places each year. Clearly, the States need to be wary of any proposal that both the States and the Commonwealth increase funding by 5 per cent. It is certainly easy for the Commonwealth to put forward that proposal since it provides only 14 per cent of TAFE recurrent funds in South Australia, and its contribution has been falling dramatically, while the State's investment in TAFE has been rising. I will be able to give a more detailed analysis of this report following a meeting with my Federal counterpart on 2 November.

GREENHOUSE GASES

Mr SUCH (Fisher): Will the Premier say whether the South Australian Government intends to follow the lead of several of the other States and commit itself to a target of a 20 per cent reduction in carbon dioxide and other greenhouse gases by the year 2005 and, if so, does he propose to endorse the Commonwealth Government's special Premiers Conference for a national framework of action on greenhouse gas emissions?

The Hon. S.M. LENEHAN: I infer from the honourable member's question that he, and indeed the Opposition in general, totally supports the Federal Government's move to reduce, at 1988 levels, greenhouse gases by 20 per cent by the year 2005. I would like to take this opportunity to say that, as the Minister for Environment and Planning in South Australia and as a member of the Australian and New Zealand Environment Council, I supported that council's decision to request the Federal Government to make such a decision.

I must say that this is a great opportunity for me to publicly congratulate our Federal counterparts on the decision that they have taken. I believe it is a balanced decision that contains some safeguards in terms of ensuring that industry can proceed in this country without a detrimental effect to employment. At the same time, it was marvellous to be able to represent this country at the recent Asian Pacific environment conference in Bangkok and to have a policy which has been supported right across the country.

It is my intention to seek the support of my Cabinet colleagues to ensure that South Australia does play its part in ensuring that we support the initiatives that have been taken by the Federal Government. A number of other States have also taken that decision, and I understand that those that have not will be taking that decision in the near future. Of course, I cannot speak on behalf of the Premier with respect to the forthcoming Premiers Conference, but I believe that he is aware of the initiatives that have been taken at ANZEC and, indeed, that does support this move by the Federal Government.

LIBERTY SCOOTER

Mrs HUTCHISON (Stuart): Is the Minister of Health aware of the problems that have arisen with the Liberty three-wheel electric scooter used by disabled people to move more freely around the areas in which they live? What testing do these appliances undergo before going on the market? Are those tests adequate, or do they need to be reviewed? The Liberty scooter, which was manufactured in New Zealand, has had continuous problems with its electric system according to Mr Dennis Roberts in the October/November edition of *Link*, which is the a publication of the Disabled People's International.

Mr Roberts stated that this has been borne out by a company that services electric scooters for domiciliary care. The company had also told him that the electric scooter had motor problems. Just after Mr Roberts purchased his scooter, at a cost of $3 500, it was taken off the range on display at the Independent Living Centre in 1988. Mr Roberts stated:

> I feel this product should never have been put onto the market until these problems were fixed.

He also stated:

> I am paying for a company's incompetence.

I believe that the company from which the scooter was purchased has since closed down.

The Hon. D.J. HOPGOOD: I was not aware of that issue and I thank the honourable member for raising it and drawing it to my attention and to that of the House. Of course, I have visited the Independent Living Centre, as have many members. If any members have not visited it, I urge them to take the opportunity to do so at some stage. I do not recall on my visit at that time, which was prior to the date to which the honourable member refers, that any reference was made to this issue. However, every effort is made to try to ensure the quality of products that are available to people with disabilities, often on some sort of subsidy system. So, I will certainly take up the matter with the domiciliary care people and obtain what report I can for the House and, of course, for the broader public, who will be interested in the honourable member's question.

BOOKMAKERS' LICENSING BOARD

The Hon. TED CHAPMAN (Alexandra): Will the Minister of Recreation and Sport instruct the Bookmakers Licensing Board to return all out-of-pocket expenses incurred and deposit moneys lodged with applications by unsuccessful applicants for bookmakers' licences following a recent board advertisement inviting applications by interested persons? I am sorry about the backache today, Mr Speaker, but despite my situation I will proceed. I understand that two applicants—Duigan and McDonald—were either already assured of a licence each or, certainly, that the industry at large, and Marty Miller (well-known ALP campaign fundraiser and lobbyist) in particular, were aware of the pending outcome of the new licence issues before the public advertisement appeared in the printed media. My question is not intended in any way to jeopardise the ultimate licensing of the two applicants but rather simply to ensure that no improper retention of the applicants' unsuccessful deposit

moneys (but full reimbursement of their preparatory costs) occurs in what is described to me, both oncourse and off, as a very unprofessional handling of the matter by the relevant authority, for which the Minister is ultimately responsible.

The SPEAKER: Before calling the Minister, I understand that the honourable member is sorely tried by his physical condition, but he made a lot of comment in his question, and I ask all members to watch their questions in future.

The Hon. M.K. MAYES: Obviously, the final comment made by the member for Alexandra is quite accurate: I am accountable for the activities of the board and, certainly, I accept that responsibility. I think that some of the comments the honourable member has made are rather unfortunate as they reflect on the people involved, and I will certainly not bother to take any further action with regard to those comments. However, I will refer the matter to the board for its investigation and report to me. The honourable member probably appreciates that this is a matter not so much of direction as of the more general powers that I have as Minister. Obviously, it is appropriate for me to see that the process is properly conducted and, given the concerns that the honourable member has expressed about that process, I will certainly see that it is investigated.

I know that the new Chairman (Mr John Gray) has already undertaken a review of certain procedures and will in due course completely review the administrative structure of the BLB's operation. I understand that, in that process, he may have addressed this issue. A report will come to me on that and, when I have that report, the matter will be brought before the House. In the interim, I will seek from the Chairman a full report on the matter raised with me by the member for Alexandra.

ADELAIDE-MELBOURNE RAIL LINK

Mr FERGUSON (Henley Beach): Will the Minister of Transport give the House the latest information on the standardisation of the Adelaide to Melbourne rail link? Recently, it was reported in some sections of the media that the Federal Minister for Land Transport (Bob Brown) had nnounced an upgrading of the Melbourne to Adelaide railway.

The Hon. FRANK BLEVINS: Whilst I am happy to provide the House with an update, I wish I could give members better news on the topic. The standardisation of this rail link is a subject that has been around for a long time, and it looks set to be around for a long time yet. The South Australian Government is particularly keen to see the line made standard gauge. My wish is that the Federal Government would just get on with it.

As all members know, the line is the last inter-capital rail link to be incorporated into the standard gauge network. Estimates of the cost to standardise it range from $200 million to $250 million, depending on the rate. That is a lot of money in anyone's language and, so far, it has been difficult to justify the project on strictly commercial grounds. However, consideration of the broader social costs and benefits emanating from the project is likely to produce a different result. That has been recognised by the consultants employed to investigate the national freight initiative, who specifically identified the Adelaide to Melbourne gauge standardisation as one of the two major investments in strategic infrastructure upgrading—the other being the Sydney to Melbourne fast train—required during the 1990s for the long-term business success of the National Rail Freight Corporation.

The NRF committee confirmed that detailed evaluation of the project should be a priority task of the proposed corporation. Here in South Australia, the Office of Transport Policy and Planning has commenced a study on the impact of gauge standardisation on South Australia, and it expects the study to be completed very soon. I was very pleased to hear the Commonwealth announce that it will spend $21 million to improve a 100 kilometre section of the track between Coonalpyn and the Victorian border. This money will be spent mostly on replacing the old wooden sleepers with concrete sleepers. The concrete sleepers will be able to be altered to take the standard gauge.

Although the Federal Minister said that no final decision had been taken on standardisation, at least it was taken into account when the Government decided to spend money on upgrading. In essence, the standardisation of the Adelaide-Melbourne rail link is still very much on the agenda. Money is the problem, but there is still hope that it will happen in our lifetime.

NEEDLE EXCHANGE SCHEME

Mr BECKER (Hanson): My question is directed to the Minister of Health. Will the Government immediately institute a scheme whereby chemists in seaside council areas undertake a syringe/needle exchange scheme in an effort to ensure that syringes are not disposed of in drains and gutters or on the beaches, where they are becoming a hazard to beach goers, particularly young children? I understand the situation has now been reached where some beach users are disposing of syringes in an upright position with the needle tip above the sand so that unsuspecting beach goers step on them.

There is a great deal of concern in seaside council areas about the dangers, which have provoked comment that a penalty of $100 000 or 10 years gaol should be imposed on any person caught planting syringes in the sand or public places. I understand that an exchange scheme involving the payment of a deposit has been suggested as a remedy.

The Hon. D.J. HOPGOOD: I thank the honourable member for his philosophical support for the concept of needle exchange. It is an important one. I guess it is a program that still is not without some degree of controversy within the wider community, but I think most people would accept that, in light of the AIDS epidemic, measures such as these have to be taken. I will certainly take up with the Health Commission the possibility of an extension of the scheme along the lines that the honourable member has canvassed, without prejudice, at this stage, to the outcome.

The other point I make (and, of course, I have read the media comments about the discarding of needles) is that I doubt whether anyone who is so pathologically inclined as to leave a needle in the situation to which the honourable member referred is really going to have their behaviour very much modified by any sort of needle exchange program. Such a person is either completely off the planet and/or working off some sort of grudge against the whole of society and is certainly very sick—

An honourable member interjecting:

The Hon. D.J. HOPGOOD: The honourable member and I have talked once before about the appropriate use of the word 'pathological', and I deliberately use it in this context. No matter what schemes we tried, it is unlikely that such schemes would influence that sort of totally anti-social behaviour. I thank the honourable member for his question and I will take it up.

VIRAL HAEMORRHAGIC FEVER

The Hon. T.H. HEMMINGS (Napier): Will the Minister of Agriculture inform the House whether his department has carried out any investigation into viral haemorrhagic disease of rabbits?

The Hon. J.P. Trainer: Hare, Hare!

The Hon. LYNN ARNOLD: Indeed. We have carried out such investigations. I appreciate that the honourable member has, on previous occasions, asked questions about Spanish flea and the extent to which that can spread myxomatosis between rabbits, especially in the arid zone. Viral haemorrhagic fever has been the subject of investigation by two officers of the department who have at various stages been resident in Spain—Dr Cooke and Ms Bartholemeusz—and they have carried out work on bringing that disease to Australia. However, before that can happen, further work is to be undertaken by the CSIRO in Victoria, I understand, on the viral haemorrhagic disease, which has certainly devastated the rabbit populations in Italy and Spain as well as China, where the disease originated.

At this stage, we are not certain whether or not the disease will have a major impact on native species and, if it were to have such an impact, it could not possibly be imported into Australia. Thus, at this stage I cannot report further on the outcome of those investigations. When I have further information as a result of the investigations by both the CSIRO and my department, I will certainly inform the honourable member. This particular means of controlling rabbits offers more potential in the honourable member's electorate than does the Spanish flea which is, essentially, an agent that is of benefit in the pastoral zone rather than in the areas south of Goyder's line.

STA CONCESSIONS

Mrs KOTZ (Newland): Will the Minister of Transport make arrangements immediately with the management of the STA to enable my constituents who hold seniors cards to receive concessions on public transport before the normal concession time of 9 a.m. tomorrow morning to allow those senior citizens concessional travelling time to attend tomorrow's free seniors concert announced by the Premier as part of Seniors Week? He also noted the recent introduction of legislation to outlaw discrimination on the basis of age.

The Hon. FRANK BLEVINS: I did not catch the first part of the question. That was the important part, was it?

Mrs KOTZ: Yes.

The Hon. FRANK BLEVINS: With respect, the honourable member speaks very gently; she speaks very nicely and I like the accent, but she does speak very, very low. Particularly if one sits next to the Minister of Housing and Construction, one cannot even hear the member for Kavel.

The SPEAKER: Does the Minister wish the question repeated?

The Hon. FRANK BLEVINS: Just the first part.

Mrs KOTZ: Will the Minister make arrangements immediately with the management of the STA to enable my constituents who hold seniors cards—

The Hon. FRANK BLEVINS: I thank the member for Newland for her cooperation. I will have the matter examined immediately, as she has suggested, and I will see what I can do.

SEA EROSION PROTECTION

Mr HAMILTON (Albert Park): My question is directed to the Minister for Environment and Planning. Will the Minister advise my Semaphore Park constituents what action will be taken to protect their homes from further erosion by the sea, which is within 20 metres. During the budget Estimates Committees I sought information from the Minister on this matter. The Minister's reply was disseminated to my constituents, who in turn have sought further information on when and how their homes will be protected.

The Hon. S.M. LENEHAN: I thank the member for Albert Park for his ongoing concern about erosion in this area. The Coast Protection Board is certainly aware of the problem and has been assisting the Woodville council, which is responsible for the protection of this part of the coast. I have been advised by officers of my department that the erosion is due to a phenomenon which I have described in this House previously and which is called a sandwave. The sandwave moves along the coast, erosion occurs as the wave migrates and the beach then recovers to its original state.

I include this information in my answer to highlight to the honourable member that it would not be practical or prudent to embark on very expensive long-term solutions of this problem such as putting in permanent protection in the form of rock revetment. In fact, that could increase the level of erosion. Rather, an environmentally sound solution of sand replenishment has been recommended by the Coast Protection Board and this will provide immediate protection of all properties. Sand replenishment will support the existing dunes in stemming the erosion as the sandwave passes along the coast and will preserve the beach at the same time.

If sand replenishment cannot arrest the erosion, the more permanent and expensive solutions involving hardworks protection will be considered. I can inform the honourable member that the board has advised the council that a 100 per cent grant from the coast protection fund will be available this year to move some 5 000 cubic metres of sand from its northern boundary to the affected area.

JOINT COMMITTEE ON WORKCOVER

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

That the Joint Committee on WorkCover have leave to sit on Thursday mornings during the sittings of the House for the remainder of the session.

Motion carried.

SITTINGS AND BUSINESS

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

That the time allotted for completion of the following Bills:
Landlord and Tenant Act Amendment (No. 2),
Statutes Amendment (Shop Trading Hours and Landlord and Tenant),
Technical and Further Education Act Amendment,
Wilpena Station Tourist Facility and
Motor Vehicles Act Amendment (No. 2)
be until 6 p.m. on Thursday.

Motion carried.

LANDLORD AND TENANT ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill amends the Landlord and Tenant Act by improving the level of disclosure to those who propose entering into commercial leases in respect of premises from which retail businesses are conducted and by expanding the protection given to tenants under leases executed by them. It replaces a similar Bill introduced earlier this year which itself replaced a Bill introduced at the end of the last Parliament by the Attorney-General. These revised Bills reflect a number of submissions made by interested parties: in particular, some amendments designed to improve the drafting of the legislation proposed by the Building Owners and Managers Association.

The Statutes Amendment (Commercial Tenancies) Act 1985 gave to tenants, under leases having a rental of $60 000 per annum or less, certain rights including the right to refer disputes to the Commercial Tribunal, a limitation on the amount of bonds, and other protections.

Many complaints have been made by tenants about the actions of some landlords to members of Parliament and the Department of Public and Consumer Affairs since the Act was passed,

In 1988 the Government asked the Commissioner for Consumer Affairs to establish a working party consisting of persons representative of landlords and tenants to consider whether legislation relating to retail premises, leases should be amended. In this Bill certain of the recommendations of that working party are adopted.

The level of complaints by tenants has prompted the Government to take action in relation to the legislation. The types of complaints reveal a lack of appreciation by many tenants of the effect of lease documentation executed by them. The Bill therefore provides for a better standard of disclosure to tenants before lease documents are signed.

The Bill allows tenants to obtain a lease for a minimum five-year term. The creation of a minimum five-year term for all leases affected by the legislation (if required by the tenant) will alleviate a major concern of tenants, namely, that tenants are not able to secure a reasonable lease term over which to write off expenditure on fixtures and fittings incurred at the commencement of a lease. Also, the opportunity to sell the goodwill in a business at least early in a five-year lease term will be afforded by the minimum five-year term.

Representatives of landlords support the notion of better disclosures to potential tenants but oppose granting to tenants the right to have a five-year minimum term if required by them. It is argued that the minimum term represents an unwarranted intrusion into the market for the leasing of retail premises, will discourage development in South Australia and will disrupt the optimisation of tenancy mixes in large shopping centres. It should be noted, however, that in Victoria and Western Australia tenants have the right to a five-year minimum term. A draft code of conduct under the New South Wales Fair Trading Act proposes a similar right.

This Bill reflects submissions made on the Bill tabled in the last Parliament by exempting family arrangements and short-term tenancies where independent legal advice has been sought from the five-year minimum term provisions. The Government concedes that it is desirable to insert these specific policy exemptions into the Act rather than leaving them to individual applications to the Commercial Tribunal for exemption (probably with the consent of both parties) under section 73 of the Act.

The Bill also now makes clear that holding over beyond an initial minimum five-year period should not, of itself, give rise to a possible further five-year term. The original Bill's provisions have also been amended to provide for clearer and potentially longer notice of tenants' applications to extend lease terms.

Problems have also arisen in relation to the registration of leases under the Real Property Act. In order to make leases definitely enforceable by a tenant against the successor in title of a landord, registration of lease is necessary. Some landlords include provisions in leases the effect of which is to prevent registration. The Bill includes a provision which renders void any provision in a lease preventing registration and requiring landlords to sign leases in registrable form. Representatives of landlords and tenants support this proposal.

The other major issue to be addressed in the Bill is the scope of the Act. At present, the provisions of the Act apply to all leases under which the rental payable is $60 000 per annum or less. A majority of the working party recommended that in lieu of a rental limit, the determinant of whether a lease should be affected by the legislation, would be whether that tenant employs 20 persons or less. The suggestion was made because the majority of those consulted in relation to the matter believed that, on the assumption that it is desired to protect 'small business tenants' the best way to do so is to use a determinant which is directly related to whether a business is small. The Small Business Corporation uses the 20 person level as the determinant of whether or not a business is small.

While appreciating this view, the Government considers that introducing the notion of determining whether a lease is affected by the legislation by reference to the number of persons employed may lead to confusion and misunderstanding. Linking protections offered under this Act to employment levels is also considered to be a disincentive to employment. The Bill therefore retains the notion of a monetary limit being the determinant and increases the current limit to $200 000 per annum. This course of action is generally supported by representatives of small businesses.

In response to submissions on the original Bill the Government has also decided that public companies and their subsidiaries do not need the protection of this legislation and they will be specifically exempted.

The Bill also addresses the circumstances under which a landlord can require a tenant to move his or her business during the term of a tenancy. In connection with the proposal for a minimum five-year term, and as a result of comments made in the working party's report, the Bill will allow a landlord to request that a tenant move his or her business to other premises within a shopping complex if the term of the tenancy has been extended under the Act. Furthermore, the Bill will require a landlord to give a tenant at least three month's notice before he or she can require the tenant to move (whether that requirement is exercised after an extension under the Act, or by virtue of the terms of the tenancy). A tenant will be entitled to apply to the Commercial Tribunal if a dispute arises with the landlord. The Government considers that these provisions will provide a fair balance between the interests and rights of landlords and the interests and rights of the tenants.

Clause 1 is formal.

Clause 2 provides for the commencement of the measure.

Clause 3 amends the definition of 'shop premises' to include expressly business premises at which services are

supplied to the public. The amendment is proposed as a result of comments made by the Supreme Court in *Hilliam Pty Ltd v Mooney and Hill* (143 LSJS 386). In this judgment, the Supreme Court considered existing paragraph *(b)* of the definition of 'shop premises', which refers to business premises 'to which the public is invited with a view to negotiating for the supply of services', and questioned whether the words 'negotiation for the supply of services' might restrict the scope of the definition in some cases. The Government considers that the relevant definition should apply to any business premises at which services are supplied to the public, whether or not negotiations are also conducted on those premises. Other definitions are included as a result of other amendments to the principal Act proposed by this Bill.

Clause 4 amends section 55 (2) of the principal Act to exclude certain companies from the operation of the commercial tenancy legislation. Another amendment will allow the regulations to exclude agreements from the operation of the provisions of the Act subject to conditions prescribed by the regulations.

Clause 5 revises section 56 of the principal Act. Section 56 vests exclusive jurisdiction in the Commercial Tribunal to hear and determine any claim that arises under or in respect of a commercial tenancy agreement. It is proposed to clarify the relationship between this jurisdiction and the jurisdiction of the courts and to revise the procedures that apply under this provision. Under the existing section, a person must begin proceedings in the Commercial Tribunal and then if the proceedings involve a monetary claim in excess of $5 000, the proceedings must, on application by a party to the proceedings, be transferred to a court competent to hear and determine a claim for the same amount founded on contract. The new section will provide that proceedings should be commenced in a court at first instance in some cases.

The provision will allow proceedings to be transferred from one forum to another if the character of the action changes during the course of the proceedings, or if it is appropriate to do so because of cross-claims. As is the case with existing section 56 (3), a court in which an action involving a claim under or in relation to a commercial tenancy agreement is commenced will be entitled to exercise the powers of the Commercial Tribunal under this legislation. Finally, new subsection (8) clarifies the relationship between Part IV of the Landlord and Tenant Act and the remainder of the Act. The exclusive jurisdiction of the Commercial Tribunal under Part IV of the Act was confirmed by the decision in *Hemruth Advertising Pty Ltd v John Karafotias Anors.* In that decision, the Honourable Acting Justice Lunn said 'Upon a reading of the Act as a whole, and the Commercial Tribunal Act 1982, it makes good sense to construe the legislation as a complete code for dealing with all disputes relating to commercial tenancies. The efficient operation of a specialist tribunal with powers to conciliate and to resolve disputes in an expeditious and inexpensive way would be partly defeated if parties to such a dispute could resort to other courts as they saw fit.' This provision is consistent with that view.

Clause 6 proposes the insertion of two new provisions into the principal Act. Under proposed new section 61a, a landlord will be required, on the request of a tenant who is entering into a commercial tenancy agreement for a term exceeding one year, to prepare a lease in registrable form and to have the lease registered. A provision in a commercial tenancy agreement that purports to prevent registration will be void. The Commissioner for Consumer Affairs in his May 1989 report on the commercial tenancies legislation noted that the Law Society supported a proposal that would allow a tenant to require that his or her tenancy agreement be in registrable form. The registration of a lease provides the best protection for a tenant if the landlord transfers his or her interest in the premises to another person.

However, there is no need to apply the provision for agreements where the term does not exceed one year as section 119 of the Real Property Act 1886 provides that every registered dealing with land is subject to a prior unregistered lease for a term not exceeding one year to a tenant in actual possession. Under proposed new section 61b, if a landlord requires that a commercial tenancy agreement be prepared by himself or herself, or by his or her representative, the costs for the preparation of the document, and for any associated attendances on the tenant (as described in subsection (3)), will be borne by the landlord. If the tenant has asked that the agreement be in registrable form, and the landlord is undertaking the preparation of the document, the costs for the preparation of the document, and for any associated attendances on the tenant (as described in subsection (3)), will be shared equally between the landlord and the tenant.

Clause 7 revises section 62 of the principal Act. In particular, where a commercial tenancy agreement is prepared by the landlord (or his or her representative), the landlord will be required to give to the tenant a written statement in the prescribed form specifying the information required by the regulations, and advising the tenant to read and sign the statement, and to read the proposed commercial tenancy agreement, before he or she executes the commercial tenancy agreement. If a landlord fails to provide such a statement, provides a statement that is not true and correct, or fails to provide the tenant with a copy of the commercial tenancy agreement, the tenant will be able to apply to the tribunal for relief. This proposal was put up by the working party established by the Commissioner for Consumer Affairs and was a major recommendation in his report.

Clause 8 makes a technical amendment to section 63 of the principal Act. It has been argued that section 63 could extend to a provision in a contract of sale of a business (conducted in premises subject to a commercial tenancy agreement) that requires the purchaser to pay an amount for goodwill or stock. This is not intended under section 63. It is therefore proposed to amend the section to clarify that it only extends to a provision under an agreement between a landlord and a tenant in respect of the sale or assignment of a business or rights under a commercial tenancy agreement.

Clause 9 proposes an amendment to section 66 of the principal Act on account of the decision in *Hilliam Pty Ltd v Mooney and Hill.* That case is authority for the proposition that the warranty under section 66 relates to the condition of the demised premises at (or immediately before) the commencement of the tenancy. The amendment will make the warranty a continuing warranty of structural fitness that will continue even if the tenant assigns his or her rights under the commercial tenancy agreement, or sublets the demised premises. However, it will be a defence to a claim under section 66 to prove that any change in the structural suitability of the premises is attributable to the acts or omissions of another.

Clause 10 inserts a new section 66a that relates to any commercial tenancy agreement that does not provide for a term of at least five years, including any extensions or renewals (other than where the tenancy is for no more than two months and the tenant has received independent legal advice to exclude the operation of the provision or where the landlord and the tenant are related in a prescribed

fashion). Under such an agreement, the tenant will be entitled to apply to the landlord for an extension of the term so that it expires on the fifth anniversary of the date on which the tenancy first took effect (or on some earlier date). If the landlord or the tenant cannot agree on the terms of an extension of the tenancy, either party may apply to the Commercial Tribunal for a resolution of the matter. In order to assist a landlord determine a tenant's intentions under this provision, the landlord will be entitled to serve a notice on the tenant requiring the tenant to decide whether or not the tenant will make application under the provision. The tenant will then have 21 days in which to initiate an application to the Commercial Tribunal.

Furthermore, new section 66ab will regulate the circumstances under which a landlord can require a tenant to move his or her business during the term of the tenancy. Subsection (1) will allow the landlord to exercise such a right if the term of the tenancy has been extended under new section 66a. This provision is intended to provide a reasonable balance between the interests of landlords and the interests of tenants. Under subsection (2), a landlord exercising any right to require a tenant to move his or her business will be required to give the tenant at least three months notice of his or her proposals. This right may arise under subsection (1) or exist in the lease. (It is common practice for landlords to include in leases a provision that allows the landlord to require the tenant to move his or her business to other premises.) The Government is keen to ensure that a tenant is given adequate notice in these cases. The tenant will be entitled to apply to the tribunal for relief.

Clause 11 clarifies the rights and liabilities of a landlord to deal with goods that have been left on premises after the termination of a commercial tenancy agreement. The new section is based on a similar provision in the Residential Tenancies Act 1978.

Clause 12 amends section 68 of the principal Act in conjunction with the review of the operation of section 56 of the Act. It is also intended to clarify that a party to a related guarantee can apply to the tribunal for relief. The tribunal will be empowered to restrain the breach of any law, or to ensure compliance with any law, and will also be able to make other orders as it thinks fit. (Such powers are necessary in view of the nature of the tribunal's jurisdiction.)

Clause 13 amends section 70 (2) of the Act to delete the requirement that the tribunal must be consulted before income derived from the investment of the Commercial Tenancies Fund is applied under the Act. The relevant provision relates to an administrative or policy matter and it is preferable that the tribunal not be involved.

Clause 14 will allow proceedings for offences to be commenced within two years after the alleged offence (unless the Minister allows an extension of this period).

Clause 15 will enable regulations to prescribe codes of practice to be complied with by landlords and tenants.

Clause 16 provides for a revision of the penalties under the principal Act.

Clause 17 makes a related amendment to the Commercial Tribunal Act 1982. During the review of the Landlord and Tenant Act 1936 it has become apparent that it would be appropriate to allow a party to proceedings before the Commercial Tribunal to obtain a default judgment in certain cases. The amendment would allow appropriate regulations to be made under the Commercial Tribunal Act 1982.

Clause 18 is a transitional provision.

Mr INGERSON secured the adjournment of the debate.

EVIDENCE ACT AMENDMENT BILL

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill makes a number of amendments to the Evidence Act 1929 ('the Act'). A Bill to amend the Act was introduced in the last session of Parliament. This Bill is substantially the same, although a number of amendments have been made to take into account comments received on that earlier Bill.

The Bill amends the law relating to judicial notice of legislative instruments in legal proceedings. It also amends the Act to allow the admission into evidence of information which has been copied and reproduced by a computer and amends Part VIB of the Act with respect to reciprocal arrangements between the States as to the provision of evidence for use in proceedings.

It is a principle of common law that judicial notice will be taken of statutes but not of regulations and proclamations. This means that proof of regulations and proclamations must be tendered to the court. At present, it is necessary, in the prosecution of an offence against a regulation, to tender the regulation concerned as part of the complainant's case. Section 37 of the Act provides that evidence of the making of the regulation may be given by the production of a document purporting to be a copy of the *Gazette* that contains the regulations. The same procedure applies to proclamations.

From time to time the prosecuting counsel may, by inadvertence, fail to tender the regulations relating to the offence. The result of such a failure may be the technical dismissal of the complaint which in all other respects has substantial merit. The success of a prosecution should depend on the merits of the case and a failure to prove the content of a regulation should not be a ground for dismissal, especially given that the defendant is presumed to be aware of the existence of the regulation at the time of the commission of the acts alleged to constitute the offence.

Even when proceeding against a defendant *ex parte*, the prosecutor is still required to prove any regulations alleged to have been breached. This procedure is impractical—if only because of the expense involved and the need for the court to store the exhibit.

The Commonwealth has already enacted legislation to provide that a court shall take judicial notice of regulations and proclamations of the Commonwealth. The Government considers that such an approach should also be adopted in this State. Therefore the Bill provides that a court must take judicial notice of a legislative instrument. 'Legislative instrument' is defined to include Acts, regulations and proclamations from this State and other States.

The Bill amends the Act to allow the admission into evidence of information which has been copied and reproduced by a computer.

The State Government Insurance Commission ('SGIC') intends to introduce a system whereby all its hard paper files in the compulsory third party claims area will be converted to computer retained documentation. To achieve this, SGIC proposes to use an optical character reader ('OCR') which converts a piece of paper into a computer image for storage and later reproduces a file by the selection of all

relevant documentation. As it is intended that, upon conversion, all hard copy documentation will be destroyed, SGIC wishes to ensure that the information produced by the OCR will be admissible in court.

The existing section 45c of the Act is concerned with the requirements for admission into evidence of a copy document as proof of the contents of the original document.

However, section 45c (5) allows a court to require the production of the original document in some circumstances.

The current section 45c has been repealed and replaced with a new section which modifies the 'best evidence rule' in so far as it states that a document which accurately reproduces the contents of another document will be as admissible as the original document, notwithstanding that the original no longer exists. The court is provided with a number of bases upon which it may decide that a document accurately reproduces the contents of another. If a court admits or refuses to admit a document under the section, the court must state the reason for that decision, if requested to do so by a party to the proceedings.

The new section also makes provision for a reproduction to be made by an 'approved process' from which it will be presumed that the document is an accurate reproduction.

The Bill also amends Part VIB of the Act which provides for the obtaining of evidence outside the State for use in proceedings within the State and for the taking of evidence in the State for use in proceedings outside the State. Part VIB was enacted in 1988 to replace existing provisions to implement the obligations under the Hague Convention on Taking Evidence Abroad in Civil and Commercial Matters. The Commonwealth Attorney-General is concerned that this provision, which duplicates provisions in the Mutual Assistance in Criminal Matters Act 1987 which came into force on 1 August 1988, will confuse Australia's ability to handle requests to take evidence.

The Commonwealth considers that its provisions cover the field in this area. If this is so the State provisions are inoperative and evidence obtained under them for use in overseas countries will not be validly obtained. To avoid this possibility the State provision needs to be amended so that it applies only to the taking of evidence in criminal proceedings for use in the Australian States and Territories.

Article 11 of the Hague Convention requires a contracting State to permit a person, whose evidence is being taken in Australia, to refuse to give evidence in so far as he or she has a privilege or duty to refuse to give the evidence under the law of the State of origin of the request for taking the evidence.

The article permits the privilege or duty to refuse to give the evidence arising under the law of the State of origin of the request to be specified in the Letter of Request, or, at the instance of the requested authority (such as the South Australian Court), to be otherwise confirmed to it by the requesting authority.

The Commonwealth Attorney-General is concerned that section 59f (6) does not make sufficient provision as regards claims for privilege on grounds based on the law of the State of origin of a request. Section 59f (6) provides that the South Australian Court may permit a witness to decline to answer a question where, in the opinion of the court, the answer to that question might incriminate him or her or where it would in the opinion of the court be unfair to the witness, or to any other person, that the answer should be given and recorded.

It is arguable that section 59f (6) does give effect to the obligations under the Convention but to put the matter beyond doubt the section should be amended to make it clear that a person cannot be compelled to give evidence if the person could not be compelled to give the evidence in proceedings in the State of origin of the request.

The Bill also makes a minor amendment to section 69a of the Act relating to suppression orders. The section currently provides for a court to make a suppression order when it is satisfied that an order should be made to prevent undue hardship to a victim of crime. The amendment refers to an alleged victim of crime. I commend this Bill to members.

Clause 1 is formal.

Clause 2 repeals section 35 of the principal Act and substitutes a new section 35. The effect of this, together with the repeal and replacement of section 37 by clause 3, is to replace the existing provisions of the principal Act that deal with the proof of statutory instruments in court proceedings and the evidentiary value of matters contained in the *Gazette*. The new section 35, which effectively replaces the existing section 37, removes the necessity to prove a range of legislative instruments in court proceedings. The current section 37 sets out the means by which South Australian regulations, rules, by-laws, commissions, proclamations and notices can be proven in court. It can be done by production of the *Gazette* containing the instrument (or the relevant pages of the *Gazette*) or by production of an officially printed or certified copy of the instrument. The new section 35 deals with a much broader range of instruments and requires a court to take judicial notice of those instruments. This applies to: South Australian statutes; statutes or ordinances of any other State or Territory; Imperial statutes forming part of the law in Australia; regulations, rules, by-laws or other forms of subordinate legislation made in South Australia or in any other State or Territory; and proclamations, orders or notices published in the South Australian *Gazette* or in the corresponding official publication of any other State or Territory of the Commonwealth.

Clause 3 repeals section 37 of the principal Act and substitutes a new section 37. The new section effectively replaces section 35 of the principal Act, which is repealed by clause 2. Section 35 of the principal Act provides that where the Governor or a Minister is authorised by any law to do any act, production of the South Australian *Gazette* containing a copy or notification of that act is evidence of the act having been done. The new section 37 broadens this evidentiary value of the *Gazette* by providing that the *Gazette* or the corresponding official publication of any other State or Territory of the Commonwealth is admissible in any legal proceedings as evidence of any legislative, judicial or administrative acts published or notified in it.

Clause 4 repeals section 45c of the principal Act and substitutes a new section. The current section 45c allows certified copies of documents to be admitted in evidence. It provides that a document that appears to be a facsimile copy of an original document is admissible as evidence of the contents of the original document if the copy is certified as a true and complete copy (once for the whole document and once on each page) by a person authorised to take affidavits. A copy of a copy is also admissible if similarly certified and if the 'original' copy would itself have been admissible in evidence. The court can still require production of the original even if these certification procedures have been followed. It is an offence to knowingly sign a false certificate.

The new section broadens the means by which copies may be admitted as evidence. It provides that a document that accurately reproduces the contents of another is admissible in evidence before a court in the same circumstances and for the same purposes as that other document. That is so whether the other document (that is, the 'original') still

exists or not. Under subsection (2) the court has a broad discretion as to how it determines whether the copy accurately reproduces the original. It is not bound by the rules of evidence. It may rely on its own knowledge of the nature and reliability of the processes by which the reproduction was made or may make findings based on the certificate of a person who has knowledge and experience of the processes by which the reproduction was made.

The court can make findings based on the certificate of a person who has compared the contents of both documents and found them to be identical, or it can act on any other basis it considers appropriate in the circumstances. Under subsection (3), the new section applies to reproductions made by an instantaneous process. It also applies to reproductions made by a process in which the contents of a document are recorded (by photographic, electronic or other means) and the copy subsequently reproduced from that record, and to reproductions made in any other way.

Subsection (4) creates a presumption that a reproduction is accurate if the reproduction is made by an 'approved process'. An 'approved process' is one that has (under subsection (5)) been prescribed by regulation as an approved process. Subsection (6) requires a court to state its reasons for admitting or refusing to admit a document under this new section, if a party to the proceedings asks for those reasons. It is an offence under subsection (7) knowingly to give a false certificate for the purposes of the new section. The maximum penalty is imprisonment for two years.

Clause 5 amends section 59d of the principal Act, repealing subsection (2) and substituting a new subsection. The current subsection provides that Part VIB of the Act applies in respect of both civil and criminal proceedings. Part VIB of the Act regulates the taking of evidence outside the State for the purposes of court proceedings within the State and the taking of evidence within the State for the purposes of proceedings before a court outside the State. The new subsection (2) provides that these provisions now apply to proceedings originating in courts within or outside Australia in the case of civil proceedings but only to proceedings originating in Australian courts in the case of criminal proceedings. This means that the provisions in Part VIB no longer apply to criminal proceedings originating in courts outside Australia.

Clause 6 amends section 59f of the principal Act. Section 59f authorises certain South Australian courts to take evidence on behalf of courts outside the State. The amendment inserts a new subsection, subsection (7), which provides that where a State court is taking evidence pursuant to section 59f on behalf of a court outside the State, a witness cannot be compelled to give evidence on a particular subject if he or she could not be compelled to give evidence on that subject in the court from which the request to take evidence originates. This amendment also amends subsection (5) to make it clear that the decision as to whether subsection (7) applies or not is a matter for the South Australian court.

Clause 7 amends section 69a of the principal Act to correct an anomaly.

Clause 8 inserts a new Part, Part IX, into the principal Act. The new Part consists of one section, section 73, which empowers the Governor to make regulations for the purposes of the principal Act.

Mr INGERSON secured the adjournment of the debate.

LANDLORD AND TENANT ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 23 August. Page 589.)

Mr S.J. BAKER (Deputy Leader of the Opposition): This is a very short Bill. As the Minister of Finance will appreciate, during consideration of the taxation Bills, in particular, the Land Tax Act Amendment Bill, it was said that we should debate the principles associated with changes to the land tax system. So today, I intend to voice a strong protest by the Liberal Opposition at the Government's indifferent record in terms of taxation relief and, in particular, its lack of initiative in relation to land tax relief for struggling small businesses.

I do not wish to go back over previous debates on this matter, the House has been told about the suffering caused by the land tax system that operates in this State. During the land tax debate, I said that a number of business people had suddenly been struck with bills that were hundreds of per cent higher than they had budgeted for because of escalating land values that had no relationship whatsoever to the return on the properties they were leasing. So, the whole system of land tax had to be scrutinised.

Taking one step backwards, I point out that, as a result of protests by the Liberal Opposition over a long period, by many small business people, by the employer organisations—the Retail Traders Association, the Chamber of Commerce and Industry, the Employers Federation—by small retailers and by just about every business organisation whose members were leasing premises, the Government finally agreed to set up a working group to review the operation of the land tax system in this State. It took a long time for the Government to take notice of the howls of protest and the pain it was causing through this system until (and this is no credit to it) it finally succumbed to the enormous pressure from so many quarters. It would have been far better if the Government had acted on its own initiative rather than being forced to act because of the weight of pressure.

It is important to understand that most of the contributions to that review were of a very constructive nature. As I mentioned during the debate on the Land Tax Act Amendment Bill, the business community of South Australia understood fully that the State was not in a position to scrap land tax. Far from it: the business community recognised that land tax was a very important part of State Government collection and revenue measures. It did, however, point out quite clearly—and this was endorsed by the Opposition—that land tax was operating in an unfair fashion. This was not just because people were receiving unexpectedly high bills but principally because those bills were not related to the earning capacity of the businesses or to the revenue obtainable from the properties people were renting. So, for a whole range of reasons it was deemed by a very large number of people that the system had to change quite radically.

I reiterate that the Liberal Opposition put forward the proposition that there should be an embargo on increases above the consumer price index, that the whole system should be reviewed and that there should be an undertaking that future rises would be restricted within inflationary bounds. But the present system is no closer to that ideal.

I will canvass briefly the options put forward by various groups in an attempt to reduce the burden on this small sector. I recognise that the member for Hartley may put his own construction on what has been achieved, but let it be clear to this House that what has been achieved is but a small measure of relief for the people out there who are suffering.

The various groups that combined to put forward constructive ideas came up with about five propositions. The

first proposition was the adoption of the capital value rather than the site value as the basis for taxation. I was not certain in my own mind that a capital value base was the answer, but I was interested to note that these groups were content with that base. I looked for a different measure, one which related to the earning capacity of the premises, not to the capital value of the site and the value of the premises, because ultimately the tenants have to pay the bills. Just as they have to pay the bills for renovations to the premises and water and electricity rates, they have to pay the land tax bills.

So, it was important that, if business enterprises were not capable of producing vast profits and did not have a substantial capacity to pay taxation, the taxation measures that were being applied basically in the form of land tax be drastically reconsidered. I was not pleased when the Government rejected the proposition of a capital value base, because I hoped that we could have gone one step further by introducing a combined formula that recognised a number of essential elements of the properties rather than simply the valuations placed on them by the Valuer-General. We did not get far with that proposition. The various groups said that they would like the system changed; the Government said 'No', so we are back to the same old problem of possible very large increases in land values.

One might suspect that, if valuations are done properly, as property values decline, some relief may be obtained this year.

I refer now to the abolition of the general exemption and the introduction of a proportional rate of tax. As members would appreciate, the Opposition believes that the present land tax system, in particular the aggregation component, should be revised. We do not believe that a person who rents a property worth $100 000 under a single ownership should have to pay more land tax than a person who rents property in a shopping centre when the collective value of the property is many millions of dollars. It is, if you like, a progressive and regressive system that operates in this State where costs per dollar increase as the total value of properties increases. Fundamentally, that is unfair. The value of the leasing arrangement is a far better indicator of whether the price put on the property is appropriate. We do not believe that aggregation is fair to the lessee, and we have stated that previously. We have also made a commitment that one rate of tax would apply so that aggregation would become a non-entity.

The third item relates to the introduction of legislation to prohibit the inclusion in lease documents of provisions requiring tenants to bear the cost of land tax. This matter was brought up for two reasons: first, there is a certain viewpoint—which is not accepted universally—that, if the landlord paid the bills, it would be far easier for the tenant to pay the monthly, weekly, or fortnightly rental with the land tax component included in all the other costs associated with the premises.

The proposition was based on the capacity of tenants to pay and not suddenly to be struck with bills for which they had not budgeted. On this side we did not necessarily agree with that proposition, because it has two major defects: first, it does not actually reduce the bills; and, secondly, it allows the Government to apply escalation factors to land tax when the tax ultimately is paid by the tenant. By simply hiding it and forcing it on the landlords was no solution. We believed that the Government was taking the easy way out by accepting that proposition, because the Government then had an increased capacity to gain income—ultimately at the expense of the tenants.

As the system operates today the tenants cop the bills directly and they are the ones who suddenly have to find the money. We had serious concerns about that item. The fourth item, which was a good idea, allowed for large land tax bills to be paid by instalments. Just as people pay their water, gas and electricity bills by quarterly instalments, we believe that the Government could have arranged a fairer system of payment that would mean that people would not have to pay large bills all at once.

A significant cash flow is involved, especially as some properties incur land tax running into hundreds of thousands of dollars. We believe that a certain limit could be set above which quarterly land tax bills could be issued. There might not be a magic figure to that proposition, because a bill of $1 000 might be more harmful to a small trader than a bill of $100 000 to a large trader. If the Government had offered the option of quarterly billing, I am sure that a number of business people would have jumped at the opportunity and that would have made the system fairer and more affordable. We thought that the basic proposal put forward by the people involved in this protest was fair.

The fifth and sixth items relate to returning land tax to where it was in 1980 before the then Premier of the day (David Tonkin) changed the rules. It was suggested that we should remove all exemptions and then include the principal place of residence and primary production land within the ambit of land tax. Having removed the imposts, the Liberal Opposition would certainly not have been in favour of putting them back on. As to the package, the group did a significant favour for all people suffering under the land tax regime and the enormous land tax imposts levied on them by this Government. The group came up with constructive ideas, most of which were rejected. Today we are looking at but one of those measures, that is, the cost of land tax being borne by the landlord for all new tenancy arrangements.

It would be appropriate to read into *Hansard* comments made by some of the people involved in this land tax debate as they are among the prime motivators in respect of land tax reform. First, I refer to a letter written to the Minister of Finance by the General Manager of the Chamber of Commerce and Industry on behalf of itself, the Housing Industry Association, the Printing and Allied Trades Employers Association, the Real Estate Institute, the Australian Hotels Association, the Motor Trades Association, the Australian Small Business Association, the Building Owners and Managers Association and the Land Tax Protest Group. The letter states:

> We write to you regarding the Government's proposal for reform of South Australia's land tax system. We note the contents of your press release of 23 August last and also the two Bills before Parliament dealing with the Land Tax Act 1936 and the Landlord and Tenant Act 1936.
>
> The chamber, along with the other employer organisations that are signatories to this letter, is extremely disappointed with your Government's decision not to make substantial changes to the land tax arrangements in this State when there is such a need and such an opportunity to do so.
>
> In a submission to you in July of this year we addressed the proposals raised by your review group and in general terms supported the package of reforms proposed by that group. Indeed, through the reference group we convened at your request, we had participated in the formulation of the review group's package.
>
> The chamber recognises that the Government was facing difficult financial circumstances in framing its 1990-91 budget and also that the year ahead will be a difficult one for the South Australian economy (along with the rest of Australia).
>
> We do not accept, however, that these circumstances constitute sufficient grounds for a 'political' solution to the land tax reform issue. The proposals embodied in the two Bills mentioned above simply do not go far enough, although we welcome the effective

broadening of the base by not indexing the threshold exemption level and the removal of the 'metropolitan area' levy.

It is not necessary to restate in this submission the full grounds for our opposition to the current land tax system, because this has been conveyed clearly to you and other Government Ministers previously.

The principal areas that remain of concern to us are as follows:

1. The retention of site value as the basis for land tax.

I have already mentioned that. The letter continues:

2. The retention of a progressive tax scale imposes significant constraints on achieving a simplified system of land tax.

I have also previously referred to that. The letter further states:

3. The options for broadening the tax base were always going to be subject to political acceptance but if we are to have a tax on land ownership and if it is ever to satisfy the test of equity and fairness, then an objective of the Government must be to eventually apply it to all landowners.

I commented on that also. The letter further continues:

4. The Government must as a matter of principle limit the amount of revenue it collects via land tax so that it never again becomes the growth tax that it has been in recent years. This must be carried on beyond the 1990-91 budget.

That last point is significant: there are no guarantees. In the budget we have provided relief between about $300 000 and going up to the $2 million level in respect of the aggregated value of premises under one ownership.

At the lower end we have 6 000 new taxpayers and at the higher end there is no relief whatever and the bills are even slightly increased. We are only fiddling around the edges of the problem—we are not dealing with it. Unless there are guarantees by the Government we will get into the same battleground that we experienced in previous years. The letter goes on to say that it supports the proposals in the Land Tax Act Amendment Bill that really do provide some relief in the middle ranges. The chamber also indicates on behalf of all the groups that it has difficulty with the proposal set out in the Landland and Tenant Act Amendment Bill (No. 2). The letter states:

We believe as a matter of principle it would be more appropriate for the Government to eliminate the volatility associated with land tax accounts rather than interfering with commerical leasing agreements. Also, taxes should be visible and moves to incorporate the collection of land tax into gross rent will work against this fundamental principle.

It would not be a complicated process to institute a maximum percentage by which land tax accounts could more in a given year, with variations outside this range being allowable only upon certain conditions and after review.

It would also be appropriate for the legislation to then recognise tenants that are contractually obliged to pay land tax. An amendment to the Land Tax Act along these lines would be supported.

That was the Chamber of Commerce and Industry's contribution on behalf of many groups. I repeat my concern about the way that we are approaching the problem. I believe that shifting the onus back onto the landlord raises four significant areas of concern.

First, this Bill does not address the fundamental problem of this tax, which bears no relationship to the potential economic return of the property. I do not know how many times I have to tell this House that we should not continue to tax when the people that bear the burden of the tax do not have the capacity to pay. It is about time that this Bannon Labor Government understood that principle: we simply continue to tax people who cannot afford it. In the process, we destroy the incentive that is so necessary to get this State off its backside.

Secondly—and I agree with the previous writer on this—it will become less visible and, therefore, it will be subject to further exploitation by the Government. Over the years, once this tax is in place, more and more lessees will pay their land tax bill through the rent. The Government will probably say, 'Well, look, it is not the tenants bearing the burden, it is really those people who own the property: those owners of capital.' That will not be the case, and everyone in this House understands that. The burden continues to fall back on the people who cannot afford it. It has become less visible, giving the Government the potential to use it again as a major means of tax collection.

Thirdly, investment in property will be affected. At this stage, I think everyone in this House should go along the major roads of Adelaide and check out the properties. If one drives along Unley Road between Cross Road and Greenhill Road and looks at all the premises, one will find in that short space of about four kilometres 64 shopfronts vacant—64 premises now unoccupied because the former tenants went broke. If members cannot travel that far, perhaps they should go for a walk down the southern side of North Terrace. All they have to do is cross the road and look to their left as they travel in a westerly direction. In doing so, they will find, in that prime business space, 15 premises are vacant awaiting redevelopment because no funds are available, or because the property owner simply cannot attract tenants. That is an absolute indictment of this city. The fact that prime business space is sitting idle in this city is an absolute indictment of the Bannon Labor Government.

Mr Groom: Have you been to Sydney lately?

Mr S.J. BAKER: I have been to Sydney lately to talk to Treasury officials. There is an enormous number of cranes on the skyline but, as the member for Hartley would well appreciate, many of those projects are going broke because of the policies of the Hawke Government. So, if I were the honourable member I would be fairly careful about what I said in relation to the state of development in Sydney because, indeed, the Hawke Government has finally destroyed the businesses in that city, just as Bannon has destroyed this State's businesses. I also mention that the Building Owners and Managers Association is strongly opposed to the measure that we have before us. The association says:

The introduction of a measure designed to protect tenants from having to pay land tax fails to recognise the fact that land tax, like other operating expenses which must be paid by a tenant, is merely a cost of doing business and funding the tenants' asset, namely the lease.

I have outlined some of the history on the matter of land tax. I will now turn to the Bill before the House because I think it is pretty important that we get it right. I have expressed reservations about the operation of this measure because we do not have any guarantees from the Minister or the Government. If we switch the burden back onto the landlord, we have no guarantee that the Government will not use the impost for its next feasting place for taxation, believing that it becomes a hidden tax and not something that is visible every year when the land tax comes out. There are some questions about the Bill. Whilst it is a simple Bill, it has some far-reaching implications. For example, there are serious questions about what happens to existing leasing arrangements when they are up for renewal. A body of thought suggests that this legislation may somehow produce a new relationship, which could either offend against the lessee or against the lessor, depending from which direction one is coming.

One reservation is that the tenant's right of renewal may somehow become quite unfavourable because a new arrangement is about to be put into place. There is also an opinion that, at the point of renegotiation of the lease, the landlord may not have the right to obtain the necessary increase in rent to defray the increased costs borne by having the land tax imposed directly on himself or herself.

There are two bodies of opinion. Under those circumstances, I believe that it is absolutely vital that we clarify that matter, and I understand that the Minister will be doing that by way of amendment. It is a matter that is absolutely vital to the future health and well-being of this State and to the many business people who depend on a fair shake and a fair deal. At a time when interest rates are high, the domestic demand is decreasing and the economy is in great disarray; tenants need all the assistance they can obtain. With those few words, I express my reservations about the measure until we have actually been through Committee. I will leave it to my other colleagues to make a contribution.

Mr GROOM (Hartley): I support this measure. The Government is to be congratulated on the measure because it shows, once again, that this Government is at the forefront of protecting small business in Australia.

Mr Lewis interjecting:

Mr GROOM: The honourable member can interject however he likes, but the fact of the matter is that the South Australian Government has protected small business over many years. When the Liberal Party was in government, it had the opportunity to protect small business. In 1981 it brought down a report that whitewashed the whole problem of small business. All of the problems of small business were whitewashed, and in turn the Liberal Party opted to protect big business against small business. For the benefit of the member for Murray-Mallee, I reiterate that the Government is to be congratulated. It is difficult to actually know where the Opposition actually stands on a measure such as this. The contribution from the Deputy Leader of the Opposition is another example. One really does not quite know where the Opposition stands, or what its policies are in relation to this matter.

Land tax is a capital tax. It is imposed under section 31 of the Act on the owner of the land: it is not imposed upon a commercial tenant. Over many decades, it has been passed on to commercial tenants as a consequence of contractual provisions in leases. This does not happen in a residential tenancy. If one enters into a residential tenancy with a lessor, the tenant pays the rent but does not pick up the lessor's responsibility for land tax or council rates (or the E&WS rates for that matter, other than excess water): they are capital taxes.

One just will not get that in relation to a residential tenancy. Why should it be the case in relation to commercial tenancies that commercial tenants should pay the capital taxes of the lessor? There is simply no justification for that. Parliament, through the Land Tax Act, imposed land tax on the owner of land: Parliament did not impose it on commercial tenants, and that has been subverted through contractual provisions.

It all started in the 1960s with the advent of shopping centres. Prior to that, commercial tenants were on a level playing field with residential tenants. Commercial tenants simply paid the rent, because built in to the rent were the various components of profitability, interest burden and outgoings. What occurred with the advent of shopping centres is that tenants, once they were in the shopping centre, sometime during the late 1960s, were presented with the situation: 'If you want to continue in this the shopping centre, these are the new lease terms.' For the first time, the new lease terms contained the rent plus payment of capital taxes.

It just shows the vulnerability of small business over past decades: it was forced to cop this situation. There was built in to the rental market a differential between the residential market and the commercial tenants' market. I daresay that for many years with the residential market, because we are dealing with individuals who went to their members of Parliament, the lessors just did not get a look in. As a consequence, residential tenants were able to stand firm and pay just the rent and not the capital taxes of the lessor. It just reflects the vulnerability of small business in the marketplace at the hands of big business over past decades. It has been this Government, particularly since 1982, which has sought to address the problems of commercial leases and the very oppressive terms being imposed.

An honourable member interjecting:

Mr GROOM: The honourable member can say 'Come on,' because we know that when the honourable member's Party was in Government, the Tonkin Government whitewashed the whole problem of small businesses. It would not touch measures to protect small business, and it left small business at the mercy of big business in the marketplace and said, 'Fend for yourself.' It was not prepared to intervene and to redress the inequalities that had been built up. It was this Government, through the 1983 Act, that was the first Government anywhere in Australia to introduce measures to protect commercial tenants and redress the imbalances that had been built up. That legislation was copied throughout Australia in various forms. Ultimately, following a report which arrived at conclusions contrary to those arrived at by the Liberal Government in 1981 and which found that there were oppressive leasing practices, it was this Government that implemented the measure on 1 January 1986.

Again, because people are able to get around legislation, further amendments to commercial tenancies have been introduced. This measure is a further step in the protection of small business against big business, because there is just no justification whatsoever for small commercial tenants, small business, or commercial tenants of any description, to bear the land tax and capital taxes imposed by legislation on the owners of property. Of course, they should not, because small commercial tenants do not share in the gain of value from that property; small tenants just do not share the cake. There have been various media statements on this measure. First, I refer to an article in the *Advertiser* of 13 June 1990, in which Mr Binns, who has been one of the leaders of this land tax revolt, when commenting on the recommendation of the review committee, is reported as saying:

> The . . . introduction of legislation to ban provisions in lease documents which require tenants to bear the cost of land tax would be a disaster.

Why on earth would it be a disaster for lessors to bear their capital taxes? He went on to say:

> Landlords will simply raise rents to cover the land tax hike and tenants would have no security of tenure.

Of course, at the same time, late last year the Government introduced amendments to the Landlord and Tenant Act to ensure that commercial tenants have a minimum lease period of five years. That matter was still before the Parliament when those statements were made. Those statements from Mr Binns, who was supposed to be one of the leaders of the land tax revolt to protect small business, really show a lack of sensitivity about the whole issue and are very disappointing comments. I would have expected a person who participated to the extent that Mr Binns did to be very positive in his comments on this recommendation. His comments are a great disappointment, and I know that they were a great disappointment to small retailers and small business in South Australia because, I think rightly, they could expect more from a person who got involved in this land tax issue to that extent.

What about BOMA? In an article in the *Advertiser* during September, headed 'Land tax plan will hit real estate: BOMA', the association's incoming President, Mr John O'Grady, said that the association was extremely concerned; the whole world was going to fall in. If ever I have read some hysterical comments, it was these. The whole world was going to fall in; property values would be diminished and it was highly likely that there would be situations where the inability to pass on land tax would trigger mortgage defaults and result in financial disaster for some property owners. That is all because the lessor, for the first time, is not going to be able to pass on the capital taxes to small business.

Mr O'Grady said that the association condemned the proposal. It condemned the proposal; it condemned the fact that lessors would be required to pay their capital taxes. He condemned the proposed changes because they 'over regulated the leasing industry, intruded significantly into the free enterprise system and were heavily biased towards tenants'. What an outburst from the incoming President of BOMA. Why? Why should commercial tenants bear the capital taxes of lessors? Mr O'Grady said that they were heavily biased towards tenants; all it is doing is redressing the imbalance. Tenants pay the rent, and in another debate I will be referring to some of the outrageous provisions of lease documentation. As to this measure's being heavily biased towards tenants, I can only say that the whole area of commercial leasing has been the other way.

This Government has sought to intervene to redress the imbalances, to ensure that the playing field is level and to ensure that there is a truly free bargaining situation in the marketplace, because in the past decades there has been no free bargaining. In fact, what has occurred is that—not quite so much when tenants first get into the business; they have an option then and can say, 'I don't want to take this business,' so they are in more of a bargaining position—when their leases come up for renewal or they want a new lease, that is when they are vulnerable, because commercial tenants are being told, 'Oh well, if you don't want this, out you go and we'll take over your business.' In many cases that results in the loss of goodwill of between $100 000 and $200 000. That is the point at which commercial tenants have been particularly vulnerable, and they have to cop iniquitous contractual provisions. However, BOMA's stand was just nothing short of hysterical. Again, it was a great disappointment.

Let us consider the small retailers. The Small Retailers Association is truly representative of small business, because, as the former South Australian Mixed Business Association, it had been leading the charge in the matter of commercial tenancy reform since the mid-1970s, when its members were bringing in iniquitous leases containing some of the worst clauses one could imagine. That association—the Small Retailers' Association being its successor—has consistently pressed the case for small retailers and it represents small business in South Australia: the delicatessens, convenience stores, small grocery stores, mini supermarkets, and so on. They are truly representative of small business, and that association, knowing of the plight of small businesses and commercial tenants, and knowing the plight of tenants in relation to oppressive lease conditions, has been strongly supportive of this measure and very positive, because it knows that to a considerable extent this measure will relieve the burdens placed on small businesses in the marketplace by big business.

The fact of the matter is that, as far as benefits are concerned, there is no doubt that small businesses will gain very substantially, because there will be greater certainty for them in relation to their rental conditions. If one does not benefit from the improved capital value of the land, why should one have to pay the capital taxes, in this instance land tax, of the lessor? If the lessor were to hand over a slice of the improved capital value on the sale of the land, or something like that, one might have to argue this from a very different stance, but lessors do not. Because land tax stands alone as a separate item from rent, the poor old commercial lessee who does not share in the incremental capital value nevertheless has to pay land tax based upon the incremental capital value, which is totally outside that small leaseholder's control. This measure will lead to greater certainty with respect to total rent.

When leases come up for renewal, lessors will have to renegotiate with tenants. They will not be able to put in lease documentation clauses which require the commercial tenant to pick up the burden of land tax. It will be a return to the situation before the advent of shopping centres with regard to residential tenancies, where the rental component will have to allow for these sorts of overhead increments. In time they will be absorbed in a new rent deal in so far as agreement between lessor and lessee is concerned. The burden of uncertainty with regard to the quantum of land tax will be passed back to the lessor, where this Parliament said it belonged when it passed the Land Tax Act and put in section 31 of that Act, requiring owners of land to bear the burden of land tax.

With respect to the allocation of risk, this will be a much fairer situation, because there are various review clauses in leases. I have seen annual reviews, biannual reviews, reviews on market rental value or CPI and, in some cases, a minimum might be specified for CPI. There are a number of methods of review. The uncertainty with regard to the burden of land tax will be placed back on the lessor, where it rightfully belongs, because it is the lessor who benefits from the increment of land values.

Apart from these timing benefits, a number of commercial leases contain provisions which say the rental is to be assessed or reviewed annually in accordance with the CPI. As with other rates, taxes and charges, land tax bears heavily on the CPI. There has always been a technical doubling up with these sorts of contractual provisions that require the commercial tenant to bear the cost of land tax. Where there is also a CPI component in relation to reviewing leases, there is a doubling up because it impacts on that, as well.

I conclude my remarks by congratulating the Government, in particular the Minister of Finance. I believe this legislation will be copied in other parts of Australia because it is proper intervention in the marketplace to redress the imbalance that exists between lessor and lessee, to ensure that proper free bargaining takes place in the marketplace and, at the same time, to provide the necessary measure of protection for small retailers. I congratulate the Minister and the Government.

Mr S.G. EVANS (Davenport): I will pick up one or two points raised by the member for Hartley, who overlooked one thing when he spoke about the situation that prevailed in the early 1960s and before. People did not include charges such as land tax in agreements because one could estimate roughly what they would be the following year. The inflationary trend in the community was between 1 per cent and 6 per cent, at the absolute maximum. The Whitlam and early Dunstan years saw massive inflationary trends in Government charges, which put out of kilter any agreement entered into honestly and sincerely for a reasonable return on capital invested. Operators did not know what charge would prevail. In the early 1960s and earlier, people did not add land tax into their agreements, because it was tied

to a percentage increase, which was reasonably stable from year to year.

The pity with this legislation is its hypocrisy; I do not mind the principle. Some injustice has occurred with shopping leases, but we should tie Government charges on property to inflationary trends. If we are to fix it so that a property owner cannot pass on the cost of land tax to a person who rents a property and if we are to have honest government, Parliament should amend other legislation so that the Government cannot increase its charges on property by an amount greater than the CPI. It should be fixed so both sides are being honest. What we are saying is that the landlord will be brought to heel but the Government will not and, when this legislation is passed, the Government could double land tax next year with just the stroke of a pen. It will be a disadvantage to the property holder.

The member for Hartley, who has now left the Chamber, spoke of big business. I point out that not everyone who owns real estate and rents it out as a shop is into big business. In recent times Government employees have left their department on early retirement packages with what a few years ago we would have called a large amount of money. At 50 or 55 years of age, people have been pushed out. In industry, people younger than 50 years have retired. They have been told by society that they are too old to get a job. They have two courses of action. They try a small business themselves or they buy a property and hope that the return from it will be enough to add to the other moneys they have saved for their retirement benefit with the possibility, as mentioned by the member for Hartley, of capital gain. They are not big business. At times, people put all their life savings at risk. If the venture fails they will have nothing to fall back on, other than the pension.

Some people take an even greater risk and borrow on their home to buy a business property and lease it out on the basis that it will be their retirement fund when they can do nothing else. They are not multinationals which belong to BOMA. I have no sympathy with BOMA, and I will speak about it in another debate later today, perhaps in stronger terms than I am at the moment. Many people are small property investors. As I said, I can accept the principle, but the Government should fix the percentage increase of land tax to nothing greater than the CPI, locking in itself and future Governments. The Government could get extra money through some other tax so that, at least in this area, property owners could be honest and not pass on that tax while the Government does not get any more than the CPI. That would put everyone on a level playing field. I put that thought to the Minister so that he might consider it and accept it as a proposition that eliminates the double standards that will prevail when this Bill is passed.

I know that the member for Hartley has put a lot of work into this matter. I do not agree with all that he has achieved in this area but I give him credit for setting out to find a solution to the problem. There is no doubt that some of these lease agreements involved people who still have the till hooked up to a master in order that the owner of a large shopping complex will know what amounts go through the till of the small or medium operator. It was the practice of the owner to charge the operator a rental—a practice which the member for Hartley has attempted to eliminate—based on the individual's entrepreneurial expertise and ability to gain business.

In about 1977 I wrote an article for the *Sunday Mail* in which I did not name any brewery but referred to breweries having agreements and charging increased rentals when licensees, who may have taken over the hotel when it was selling only a couple of 18s a week, achieved significant increases in sales. In response to that article, I received a letter stating that I should 'lay off' that subject and suggesting that breweries were big business and might withdraw their support for a particular Party.

Members interjecting:

Mr S.G. EVANS: The letter came from outside the Party structure; it came from a business organisation—you can guess where. However, the point I make is that that sort of thing has existed but is gradually being eliminated, I am pleased to say. I hope that one day it is eliminated altogether. If I take over a run-down shop and possess the entrepreneurial skills to make it profitable, no-one else should share from the profits of my expertise except for any employees I may have. If the business is a franchise undertaking which involves selling a particular product, the supplier of those goods will profit through extra sales; I can accept and understand that.

There is no doubt in my mind that what we are doing today will mean disaster for some smaller investors of the future. The 'big boys' can operate; they can obtain legal advice and find the lurks to get around this, but small and medium operators will not be able to do so. By helping to protect small business from exploiters, we will not protect those middle-range operators or, as I have indicated, those who have retired with a lump sum and invested their money only to be faced with an uncertain future, not knowing whether their investments will return.

I hope that the Government will consider changing the law to provide for all three parties to be locked into the CPI increase (nothing greater), and here I include the Government, the owners of the property and the operator. The law represents a new approach to a problem that has existed, but, whether or not it will create more problems in the future, one does not know. Some people involved in activities where land development has been frozen have for years been paying land tax on their properties. Those in the multiple-holding category are, therefore, paying a very high land tax.

On 14 September with a stroke of the pen, the Government devalued many holdings, first, in the Mount Lofty Ranges and then a few days later in the Barossa Valley. By how much they were devalued, one cannot say but in some cases the amount will be substantial. Valuation for land tax is calculated on the value of the property as at 30 June last, so that at the time people in the multiple-holding category owned land valued at X dollars, as calculated by the Government valuer, and paid land tax according to that value. The land tax bills would have just reached them or would have just been paid at the time their land was frozen. Therefore, at about the time of paying the bill, they were paying a tax on a value that did not exist.

So, they were paying a tax on a value less than X and the Government was reaping the benefit. It might be solved by 30 June next year but, if it is not, the Valuer-General will have to take into consideration the value of the properties at that stage. However, an injustice has occurred and I hope that the Parliament recognises that. Some consideration should be given to such circumstances when Governments take action. Only the future will tell what the final operation of this legislation will bring about, but I raise the concerns I have about Governments being able to exploit operators quite dishonestly in the future if we pass this sort of legislation without tying up the Government.

Mr BECKER (Hanson): One of the most persistent complaints I have received over my 20 years in State Parliament has been on the impact of land tax on small business. When the now member for Hartley was member for Morphett in

the late 1970s he experienced the same problem; and he has persistently canvassed Governments of the day to have the tax removed from lease documents of commercial premises. So, at long last the member for Hartley has had his day: the legislation will go through and no longer will commercial tenancy leases carry any mention of the payment of land tax. However, it will not mean a thing as far as tenants are concerned, because they will still continue to pay whatever rent is being sought by the landlord. That rent is based on the amount of capital outlay by the landlord and a percentage of the return that the landlord wants on his money. It does not matter whether the landlord is Westfield Holdings, Remm Corporation or Myer Emporium, the landlord assesses the value of the asset and what is a fair and reasonable return.

As the member for Davenport said, back in the 1960s nobody worried, but gradually landlords found it much easier to draw up lease documents whereby the tenant paid so much per week in rent plus land tax, water rates, council rates and electricity— sorts of charges and costs. Bit by bit the tenant was facing many add-on costs. Some tenants did not make any provision for such costs. It can be argued, as the Minister said in his second reading explanation (page 587 of *Hansard* 23 August):

> However, the tenant can only guess what liability for land tax will be. Should it exceed expectations, as has frequently been the case in recent times, the tenant is left with the obligation to pay more (in rent and land tax) than is economically rational while the land-owner reaps the benefits of the increase in the value of the property.

The Government of the day was being accused by the landlord and the tenant in terms of the amount of land tax. That hurt the Government; it did not like that type of criticism. It is true that, as the members for Hartley and Davenport, and the Deputy Leader, reminded the House, when the Liberal Party was in Government from 1979 to 1982, it abolished land tax on the principal place of residence. This had some impact on the whole budget situation, but at least we were working to cover the costs of the impact of releasing that taxation liability for certain people. As I continue to remind the House, the onus still comes back upon the tenant and, eventually, to the consumer. The consumer will pay one way or another and there is no way that the Government will beat the system. All that has been achieved is that land tax will no longer be included on lease documents.

I believe that the legislation is morally wrong. The marketplace should be used to set the tenant's rent and in the next year or so the demand for leased office accommodation and commercial or industrial premises will ease given the huge number of properties being redeveloped in the metropolitan area and the level of shopping centres and office accommodation that has been built in the property boom of the past two years. There will be an easing of rents because of keen competition.

Only a few days ago I read in the *Australian* that Australia Post is now joining the banks and most large organisations in disposing of its properties. It is disposing of its real estate by encouraging retired persons or investors to own their own post office. These people are accepting a return as low as 6 per cent on the capital investment being made at present. Yet, if they were prudent and went along to a reputable merchant banking organisation, they could probably earn about 15 per cent on their money. People are prepared to accept returns as low as 6 per cent on commercial premises where the lease is secured by an outstanding tenant—a bank, an insurance company or, in this case, Australia Post.

Nothing will be improved, nothing will alter as a result of this legislation. The Government is going to a tremendous amount of trouble. Over the years the member for Hartley has been trying to find a solution to assist a few people who have been saying that they have been hit with a thumping great land tax bill; the only person who benefits is the landlord, because the value of the property increases. The value of properties will continue to increase over the next 10 to 15 years. Nobody will do anything about that, because the Federal Government is doing nothing about inflation; it is doing nothing to curb the opportunity for investors to improve their capital gains. No matter who is in government, that will always continue. Like the Deputy Leader, I see no reason to support the legislation.

The Hon. FRANK BLEVINS (Minister of Finance): I thank all members who have made a contribution to the debate. In particular, I single out the member for Hartley. As all members would know, the member for Hartley has taken a particular interest in this area of leases over the years (and the member for Hanson refered to that). To a great extent, legislation in this area over the years has been shaped by the member for Hartley. There is no doubt that backbenchers, working diligently, can have a tremendous effect on legislation and on the way in which people conduct their affairs in South Australia.

The Deputy Leader gave the Bill passing mention towards the end and I would like to respond to the relevant comment that he made. The principle behind this legislation is that the person who owns the property that attracts the tax ought to be the person who pays it. That seems to be a simple, non-controversial, logical and unarguable proposition. I cannot see why the member for Hanson opposes the second reading.

I am not quite sure what the Deputy Leader or the member for Davenport think, but I believe that this principle is unarguable. The question of whether the land tax component of rent will be taken up by land tax after this legislation passes is arguable. The marketplace will decide. I think the member for Hanson said that the owner will get whatever he requires as a return on that building. I know that a lot of building owners wish that were the case, but of course it is not—the marketplace determines what rent they can get. Irrespective of the investment decisions made by the owner of the building or the tax attracted to that building, it cannot produce any more rent than the market will pay. That was not a very logical remark.

The main benefit of this legislation to tenants is predictability. Tenants will be able to predict for the length of time that they hold the lease precisely what their outgoings will be, and will be able to make decisions based on that, whether they are decisions about pricing, the hours they wish to open or the amount of staff they wish to employ. Those decisions can be made based on the sure knowledge that the lease arrangement will not be varied, as happened on occasions under the previous system. Predictability for the tenant is, I believe, worthwhile; that is why I strongly support this measure.

The member for Hartley said that this is trailblazing legislation and, as far as I am aware, that is correct. The Minister of Consumer Affairs, who is responsible for the area of small business, has been the Minister in this area for a relatively short period but already the benefits of that portfolio to small business are measurable and considerable.

Doubt has been expressed by some solicitors about the precise wording of this Bill, certainly not the intention, and I will move an amendment in Committee to put beyond doubt the intent of the Bill. I assume that the Deputy Leader

supports this measure and that, if he does, the Opposition also supports it. If that is so, we have a very large measure of agreement for this proposal and I thank the House for that.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Landlord to bear cost of land tax.'

The Hon. FRANK BLEVINS: I move:

Page 16—

Line 16—Leave out 'It' and insert 'Subject to subsection (2), it'.

After line 18—Insert new subsection as follows:

(2) Subsection (1) does not apply to a commercial tenancy agreement that rises from—

(a) a renewal pursuant to an option to renew contained in a commercial tenancy agreement entered into before the commencement of this section;

or

(b) an assignment or transfer of a commercial tenancy agreement entered into before the commencement of this section.

As I said during the second reading stage, these amendments deals with a technical issue that has been raised by certain solicitors since the introduction of the Bill. They are intended to apply only to a commercial tenancy agreement entered into after the measure comes into operation. It has been argued that the provision, as drafted, will also capture a commercial tenancy agreement that is extended, renewed, assigned or transferred after the commencement of the legislation, the original agreement having been entered into before that commencement. This is a matter of contention; however, the Government wishes to avoid any confusion in the matter, so it is willing to propose these amendments to ensure that the new provision shall not apply to a commercial tenancy agreement that arises upon a renewal, an assignment or a transfer of a commercial tenancy agreement entered into before the commencement of the provision.

Finally, it is noted that these amendments do not include reference to extensions. This is because an extension will happen as a result of a fresh negotiation and to include extensions would allow landlords to draw out indefinitely commercial tenancy agreements in order to avoid the provisions of the Bill.

Mr S.J. BAKER: We did have some concerns about the provisions of the legislation without the amendments. I would like to read an exerpt from a legal opinion in relation to this matter; it states—

Mr Groom interjecting:

Mr S.J. BAKER: No, this is a legal opinion.

Mr Groom interjecting:

Mr S.J. BAKER: No, it is not.

The CHAIRMAN: Order! The Deputy Leader has the Chair.

Mr S.J. BAKER: The member for Hartley may be persuaded otherwise, because this reflects on both sides. The opinion states:

My main concern, however, is the application of the Act to renewals and extensions of existing tenancies on the exercise of an option contained in the existing tenancy agreement. My understanding is that a renewal or extension, however documented, is legally a new tenancy. Section 62b will apply to renewals or extensions entered into after the commencement of the section. If the original agreement provided that the land tax was payable by the tenant the effect will be either:

(a) that the landlord must bear the land tax during the renewed term; resulting, in effect, in an unfair reduction in the rent; or—

and this is where it affects the tenant—

(b) that it will be illegal to grant a new tenancy in the same terms as the original lease. As it is the obligation of the landlord on the exercise of the option, it will be illegal for the landlord to grant the renewal or extension.

We required clarification of two important principles, which the Minister has provided, but we are heading into areas of difficulty because there will be two classes of citizen, and perhaps that is unavoidable. I had looked forward to a solution whereby the rights of the landlord to cover the losses or the increased costs that they would incur would not be negated, whilst the rights of the people involved in the tenancy agreement would be preserved. Further down the track, there may be a better way to ensure that everyone is covered by the same legislation so that we do not have two classes of tenant. This is important, but it is important also that a new ball game does not operate which will cut across agreements that have been made already. The Opposition accepts the amendments.

Amendments carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

STATUTES AMENDMENT (SHOP TRADING HOURS AND LANDLORD AND TENANT) BILL

Adjourned debate on second reading.

(Continued from 16 August. Page 372.)

Mr INGERSON (Bragg): It is with pleasure that I support both areas of this Bill. The Liberal Party is now in a position to support the Bill, with a few minor amendments, which I will address as I comment on shop trading hours in general. The Liberal Party supports the Bill because of two important changes that have occurred in the marketplace in the past 12 months. This change to the extension of shopping hours is probably the most significant and important change to affect small business in the retail industry in South Australia.

Members interjecting:

Mr INGERSON: I will come to big business in a minute. The change will alter significantly the direction of many small businesses and it will certainly change significantly the habits and involvement of many owners and operators of those small businesses. It is because of the significance to small business that the Liberal Party in the past two years has been careful in making sure that there would be significant changes to the marketplace before we moved in this direction. There is no doubt that the Liberal Party supports the opportunity for the market to meet its own level, and there is no doubt that that has been our position for a long period.

In making sure that its overall principle of free trade and free enterprise is implemented, it is important for the Liberal Party to make sure that some people within the marketplace are protected. There is no question that unbridled free enterprise where we have a total free market is as bad as, if not worse than, a totally controlled socialistic type of market in which everything is controlled. The two extremes are as bad as one another. It has been important to the Liberal Party, in coming to its position today, to ensure that the small business sector has significant protection in moving to this changed market position.

As I have said, it is the most important change for small business in the retail area that has occurred for some time. In principle, the Liberal Party supports both areas of the Bill: first, to extend trading hours to Saturday afternoon and, in the second part of the Bill, to introduce rules for leases that will enable tenants to vote as a group on compulsory or agreed opening hours in shopping centres or in a strip shopping complex. Having said that, it is our intention to move amendments essentially to give flexibility to

country councils to apply to the Minister for a range of hours in that country proclaimed shopping district that may be different to the overall State position set down in the Bill.

All we want to do through that amendment is give a local council the opportunity to put its attitude to the Government which, at the end of the day, by proclamation will have to make a decision about whether that is in the best interests of the State as a whole. That opportunity for country councils should be there, and we will be catering for it in our amendment.

Secondly, we intend to move amendments to remove the inconsistency that impacts on shops now greater than 200 square metres but smaller than 400 square metres where the staff number is now limited to three. To indicate the new difficulties that this Bill would provide for such businesses, I refer to the 777 supermarkets as an example. Under the current law each 777 supermarket is allowed only three workers per week. However, the Bill will enable all their competitors to compete against them using an unlimited number of staff. The Liberal Party believes that we should fix that inconsistency, and we will be moving an amendment in that area.

We will also be attempting to make more specific the ways in which one can call a meeting in respect of setting up core trading hours and the way the voting takes place at the prescribed meeting. I believe that the Bill is a bit loose, and we will be moving amendments in that area. We will be opposing the sunset clause. If the Government is going to set up core trading hours to provide flexibility for all shops in a shopping centre or a strip centre, and if those core trading hours are a major principle, that should continue *ad infinitum*.

It would be ridiculous if in three years a new trader started operating in an enclosed shopping centre or a strip centre in which core trading hours applied and could not have the same flexibility as we are providing today. The Opposition opposes the whole sunset clause concept of saying that in three years we should revert again to a controlled position whereby a landlord can reset in a lease a position binding tenants to a certain fixed trading position. If it is obsolete today, it should be obsolete in concept and in principle in three years. In principle, we will be opposing the sunset provision in clause 65.

There is no doubt that, if the Liberal Party had not held out two years ago by refusing to support the extension of shopping hours to 5 p.m. on Saturdays, many small businesses in South Australia would have been decimated. There is no question of that. If we had not held out on those two important issues, which have now been resolved—that is, first, wage restructuring and flexibility and, secondly, the recognition that small business needs protection in establishing trading hours in leases when negotiating with landlords—we would have had a much different position than we currently have today.

I would like to make several points about the extension of shopping hours to 5 p.m. on Saturday afternoon; and I will later provide specific detail about the problems and changes of leases. First, South Australia is the last mainland State to allow Saturday afternoon trading for all retailers, no matter what the size of their store. Secondly, there is a significant consumer demand for more flexibility in shopping, even though retail sales now are not increasing in this State nor in any other State. However, there is no question that there is a significant consumer demand for this change. Thirdly, there is still a significant reluctance among small retailers to recognise and cater for this demand. There is no question of this. Fourthly, there is no doubt that there is overall support from most large chains and retailers for the extension of trading hours.

First, I would like to deal with the interstate experience. In Melbourne, Sydney and Brisbane, when shopping hours were first extended, a significant shift of consumers to large regional centres and large retail stores occurred. All the evidence that has been compiled in studies by the Small Business Corporation and the Retail Traders Association in South Australia and interstate confirms that is what occurs. In fact, the interstate experience in the initial six months was a significant change in the shopping habits of the consumer. Of course, as a consequence of that, small retailers were concerned and affected. That was the initial response, but studies have shown that a gradual shift has occurred back to quality specialist stores and shops which deliver better service and supply better merchandise and, in most instances, more favourable pricing.

So, because of the extended trading hours it has been recognised here that a change has occurred in the retail industry—and specifically it has been recognised by the small retailers in Melbourne, Sydney and Brisbane—whereby there is an opportunity for them, if they see it and grasp it, to provide better service, better merchandise and more competitive pricing. There is no doubt that new opportunities have opened up in the areas of petrol sales and convenience stores. Even in our State today it is obvious that significant changes are occurring in the retail mix and the way changes are happening. It is also clear from the interstate experience that these sorts of opportunities have opened up as a result of the extension of shopping hours.

No significant increase has occurred in bankruptcies interstate in the retail industry that can be specifically targeted to the extension of shopping hours on Saturday afternoon. There is still (and members on both sides of the House would recognise this) an unacceptable level of bankruptcy in small business, but that is for the same old reasons, which are: lack of expertise in management, finance and, of course, location. There is no doubt that—

Mr Atkinson interjecting:

Mr INGERSON: The member for Spence seems to be an expert in this area. From what I can gather, about the only thing that the member for Spence has ever done is attempt to harass the retail industry and increase his union's involvement. The next time he puts up any money to invest or employ staff will be the first time. He is an expert who jumps into this place, having been a union representative in this area, and who suddenly decides that he has expertise in investment in small business. He should go back and learn a little about small business. In relation to bankruptcy, my father told me a story when I went into business. He said that there are only three important issues in business: location, location and location.

An honourable member interjecting:

Mr INGERSON: If one has a good location, profit normally follows. Unfortunately, many small businesses are currently, and will in the future, be in the wrong location because of this change in consumer attitude and because of the change in consumer movement. No-one here can do anything about that.

Secondly, it is apparent from surveys that have been conducted in this State and other States that over the past five years there has been a gradual increase in consumer acceptance of Saturday afternoon shopping. That support has moved from some 45 per cent five years ago to well in excess of 65 per cent today. However, it is also interesting to note that, when one talks to consumers about this consumer demand, there is a significant call for this convenience but, when further questioned, it is apparent that the

majority may not participate even though they support this so-called consumer demand. Only time will tell, but, I expect that the interstate experience will be repeated in South Australia whereby on bright, sunny days there will be a larger movement of people to the largest shopping centres and to those smaller retailers who grasp the nettle and give better service.

One of the most important issues in this whole area of consumer demand is the transfer of the leisure dollar from its traditional areas of sport, art and entertainment into the retail area. There is no doubt that this movement to extended shopping hours will cause a shift of the leisure dollar. So, the successful retailers will target their market so that they can get a more significant share of this leisure dollar. As I said, consumers generally believe that retailers are there to give service and goods at reasonable prices. Fundamentally, the success of any retailer is linked to their ability to supply this desire or this wish. There is no doubt that historically many retailers—both small and large—have not done that. However, it seems that, because of this sudden change to extend trading hours on Saturday to 5 p.m., some of these fundamental issues of supply and being part of consumer demand will become important.

As I have said, the interstate experience was that initially there was a big rush to the larger shopping centres. Initially, when extended trading is introduced in this State there will be a significant rush of people wanting to go out and shop on Saturday afternoon, but then I believe it will all calm down. Gradually, people will reorganise their life so that they do their shopping once again at times which suit them and at times when the retail industry is there to provide that service. Many of my friends do not believe that that is right. They believe, and argue very strongly, that the closing up and the protection of the small and large retailer was in their best interest and in the community's best interest. I happen to believe that in the long term the deregulation of shopping hours to 5 p.m. on Saturday will be good for everybody in the community.

However, there is a significant problem for all retailers, whether they be large or small, and I refer to the current economic conditions which have been produced and controlled, in essence, by the national Hawke Labor Government. There is no doubt that all business is suffering significantly from the high interest rate regime, from the high inflation problem and, of course, from the high taxes that are levied on business nationally. As a community, we still have not learned that productivity is really the only way that we will work our way out of this whole mess.

The lack of change, and the lack of encouragement from the Federal Government, to make sure that both employers and employees see this productivity as our major single aim and goal is a major concern to me and to all retailers, because this whole concept has not yet got off the ground, even though we have heard and seen a lot of grandstanding about it. The tragedy with this whole economic problem is that the Bannon State Government supports the way in which the Federal Government is maintaining high interest rates, high inflation and high taxes. In itself, it is part of this high taxing regime. There is no doubt that over the past 12 months we have been a low-taxing State in terms of the totality of it, but the recent budget increases State taxation by 18.9 per cent.

Mr Groom interjecting:

Mr INGERSON: One of the problems that the member for Hartley has is that when he next runs a small business and has to balance its problems—

Mr Groom interjecting:

Mr INGERSON: He is a lawyer who runs a big business with a massive cash flow. He would not understand the problems experienced by small business. One only has to look at the submissions received from the Foodland group to appreciate the major problems it is having because of WorkCover levy increases, with no projected increases in the accident rate in that organisation's industry but with massive increases in levy in an industry with a very small return on capital. One of the problems involving the food industry is its low margins and if there is any significant increase in costs, such as State taxation, whether it be taxes and charges of any type, it becomes very difficult for the industry to maintain the existing work force structure.

Any significant increase in taxation has a dramatic effect on employment in low profit industries. That is one of the tragedies that I see in the economic environment that exists at the moment, with both the Federal Government belting business with high taxes, high inflation and high interest rates, and the State Government not recognising in this budget that the same sort of problems would occur.

I recognise that payroll tax is not a significant problem for most small businesses, but it is a significant problem for organisations such as Coles, Woolworths, David Jones and John Martins and many independent retailers. Organisations such as those, in this specific retail area, have the difficulty of payroll tax being thrown in on top of all the other increases in taxation that have occurred. So, we have a very significant problem in this whole area at a time when we are going to extend shopping hours. There is no doubt that the present slump in retail sales is geared to the high interest rate regime existing in this country. It does not matter whether one is a retailer or a householder; the high interest rate being paid on loans, whether they apply to a house or business, means that there are not sufficient dollars to spend in other areas, and the retail industry is the first to suffer.

If the community is raped of its money by Government, it is very difficult for people to spend money on retail goods. This Government has been raping the business community of its profits over the past five or six years that I have been in this place. This budget is one of the worst examples of a State Government not recognising the effect and importance of the retail industry and its tax policy. There is no question that retail sales eventually will come back up, because they always do. However, in my opinion, retail sales growth will be very slow, and the next few months will be a very difficult time for many retailers.

One of the major problem areas affecting retail sales is the massive hike in the price of petrol. Not once in the past three months have I heard any discussion or call from the Bannon Government acknowledging the problems being created for the business community and for retailers, in general, as a result of high petrol prices.

Mr Ferguson interjecting:

Mr INGERSON: The member for Henley Beach asks what this has to do with shopping hours: it relates to the problems that small business is having in terms of transport costs and the problems that the community at large is having because, along with high interest rates, this is another reason why the community will have fewer dollars to spend in the retail area. That is what it is all about. Petrol prices are the single biggest factor, outside interest rates, causing problems for the retail sector and for the community at large. This is a real rip-off by the Hawke Government; it is worse than any tax rip-off I have seen since I have been in this Parliament. Nothing is being done; nothing is being heard out there by the community to indicate that the

Bannon Government is tearing up to Canberra and doing something about the retail price of petrol. The rip-off of our community is in the order of millions of dollars a week, and as far as I am concerned it is all coming about because this State Government is not jumping up and down enough in the Federal arena.

An honourable member interjecting:

Mr INGERSON: Here we go again: the honourable member says that Malcolm Fraser put on this parity pricing. History has told us that good Governments do not bother about the mistakes made by previous Governments: they do something about them and correct them.

Mr Atkinson interjecting:

Mr INGERSON: I just made that comment, if you listened. If you care to go and get the transcript you will see that very clearly. It is ridiculous for the member for Spence to continually blame previous Governments. This Government has been in power ever since I have been in Parliament—which is now seven years—and all it ever does is say, 'What will I do?' We are not in Government to decide what should be done. If the member for Spence, instead of worrying about some of the social issues with which he continually concerns himself, did something about petrol pricing, I would be very interested and supportive of what he proposed. But he does not do anything about that; he just says, 'What are you going to do?' All I am telling the member for Spence is that he ought to needle his Premier and tell him that the community is hurting and that he should do something about this petrol rip-off.

Mr Ferguson interjecting:

Mr INGERSON: The member for Henley Beach is exactly the same: all he wants to do is get us on our policies, but it is not a matter of our policies. My role in this Parliament is to ensure that this Government performs. It does not perform, and that is why I spend the majority of my time complaining about its inactivity and inability to get things done. I now refer generally to what small retailers say about the extension of trading hours. It seems to me that we must put down the whole picture today. We do not want just a few one-sided attitudes. Many small retailers are scared of extending trading hours to 5 p.m. They do not see any increased opportunity: they see only extra costs, a matter I have debated earlier. To some it will be a real problem, while to others it will represent a real opportunity.

This group of retailers is the backbone of the retail industry in this State, requiring support and good economic conditions to be provided by this Government and its Federal colleagues. There is no question about that. One only has to go out and talk to small retailers to find that that is the case. If the Liberal Party had not held out for the restructuring of wages to remove the principle of penalty rates for Saturday afternoon, two things would have happened: fewer jobs would have been available in the industry—many people would have lost the opportunity of employment—and many small businesses would have closed. I received a letter from one small businessman, who is one of many who has written to me in the past six to 12 months in relation to this whole issue. I think it is important to record just one of many situations occurring. The letter states:

> Extended trading hours will effect small business in a variety of ways; some will be advantaged and others disadvantaged depending upon circumstances. Overall, a minimum of 75 per cent of small businesses will suffer at the expense of larger retailers and regional shopping centres. Whilst protection can discourage efficiencies, it would be irresponsible behaviour for a Government to introduce Saturday afternoon trading, as a large proportion of retailers are struggling to survive.
>
> Extending the trading hours will not improve the economy of South Australia, but will only increase bankruptcies at a time when the retail industry is experiencing a deep recession.

That person provided statistics on the pre-Christmas period of 1988 and 1989 as a percentage of sales changes, stating that in December his sales increased less than the inflation rate had increased on the previous year. He claimed that it is impossible to state that Saturday afternoon extended trading will increase turnover for the whole week and added that trading costs such as wages, electricity, outgoings and air-conditioning are a major concern in his business.

Those comments are consistent with those of many small retailers from whom I have sought comments. There is no question as to the small retailer's concern about the extension of shopping hours in our State. As I have said, some retailers do not want to cater for this change, but retailing is all about recognising consumer demand and the need for change. Many small retailers—

Mr Atkinson interjecting:

Mr INGERSON: The member for Spence would know that, irrespective of any changes in the Act, they will still be able to trade 24 hours a day, seven days a week, so for them there will not be any change, and that applies to any store under 200 square metres. That has been the situation, and it will continue to be so. Many small retailers have other problems, as well as these costs, and those problems are genuinely noted in this Bill, including problems with leasing and the question whether they are being treated fairly by the landlord. The member for Hartley has piloted through this House a lot of good legislation in relation to leasing and there has—

Mr Groom interjecting:

Mr INGERSON: The honourable member is correct; I have supported it. A lot of good legislation has dealt with the leasing problems of small operators. We do not always agree but this is one area in which good legislation has been introduced and the Government has come forward with this move, which was virtually pushed on the Government by the Liberal Party's saying that it would introduce similar legislation this session. It is my belief that small entrepreneurs will learn to compete in this changing environment and will make life very difficult for large operators in the service industry.

Having said that, we cannot have significant change of this sort without recognising that there is a need for this Parliament to do something about the problems of the small retailer. The fourth point I made earlier concerned the attitude of the large chains or large operators. Generally, there is overall support by large operators for an extension in hours as they see the opportunity to increase market share in an area previously dominated by small retailers or by those retailers who have previously had exclusive trading rights under the Act. I refer to the hardware industry, the furniture industry and the electrical industry. Large operators will be able to move into what was traditionally the small business operator's time on Saturday afternoon.

Mr Atkinson interjecting:

Mr INGERSON: One of the problems with the chatterbox opposite—the member for Spence—who keeps chipping away, bantering away, in the background, is that he does not recognise that the retail industry, the hardware industry and the electrical industry not only traded on Sunday afternoon but also tended to trade most Saturday afternoons, and that any extension of trading into Saturday afternoon will give both small and large retailers competition which traditionally was not there. Just so that the member for Spence understands a few things about the industry, I will enlighten him in that area.

To me, it has been ridiculous to see large retail stores in the city having to close down divisions in the store because of lack of turnover, only to see similar size stores trading freely on Saturday afternoons and Sundays in the same product areas. That is absolute lunacy and this Bill moves to change that, even if not in totality. Initially, there will be a significant increase in the market share for the larger operator and the larger centre but, as I said, I expect exactly the same situation that has occurred interstate to occur here, so that the good small operators will gradually see a shift back to them for all the reasons I have mentioned, namely, price, service and competition. That will be very good for the community at large.

The Government of the day needs to protect small operators from unfair trading conditions because there is no doubt that the big operators can look after themselves. This Bill recognises, particularly in the tenancy area, the need to protect smaller operators and for once in my retailing life I have seen larger operators recognise that some flexibility needs to occur by the general support of the introduction of core trading hours. I use the term 'general' because some of the large operators still are totally opposed to it. However, in principle, the majority of large operators support the concept of having more flexibility in trading, in particular, not having fixed nine to five trading on Saturday. There is no doubt that larger retailers can see the significant importance to them of the wage restructuring exercise and to some the leasing conditions that will flow from this Bill.

One of the major areas of concern prior to support for this legislation concerned award restructuring. The member for Spence will get excited now because this is his area of expertise. The award restructuring process of the Shop Conciliation Committee award, which covers more than 80 per cent of all shop assistants employed in the retail industry, began some 12 months ago. This process progressed very slowly until December last year when discussions between the Retail Traders Association and unions intensified at the national level. The discussions accelerated in April at State level.

Mr Atkinson interjecting:

Mr INGERSON: If the member for Spence remembers correctly, he will find that they started at Federal level and came back to State level. The RTA was the prime mover in the retailer sense in getting all the parties together. Discussions involved Independent Grocers, now called Independent Holdings, and the Small Retailers Association, which were protagonists previously in all discussions regarding the extension of shopping hours. The RTA put forward a strong argument to these groups, suggesting that the removal of penalty rates was in the interests of both small and large retailers. Eventually, this position was accepted by all parties. During the latter negotiation stages of award restructuring, the Liberal Party was requested by the RTA, the Small Retailers Association and the unions to have general discussions on this matter.

The Liberal Party conveyed to all the retail groups that award restructuring was in their hands and that, if they wanted changes, they should negotiate with their representative unions and take their agreement to the Industrial Commission for ratification. The Liberal Party advised that it was the Party's belief that the only people who should work out enterprise agreements and/or award changes were individual employers and employees or the associations representing the employers and the relative unions representing the employees.

We made a specific comment that Government should not be involved in any of this discussion. I made very clear that the Liberal Party would not support a deal done with Government with either one of the groups. In particular, the Liberal Party was not prepared to accept the deal made two years ago between the unions and the Bannon Government, a deal that excluded the employers. That special deal would have increased unrealistically the pay of shop assistants but with no productivity gain for employers. That union application was supported by the Bannon Government and would have significantly increased the cost of employment and, thus, would have had a disastrous effect on the viability of small and large retail businesses.

I seek leave to have inserted in *Hansard*, without my reading it, a statistical document headed 'Saturday Wage Cost of RTA Agreement Compared to Current Award and 1987 Union Claims'.

Leave granted.

SATURDAY WAGE COST OF RTA AGREEMENT COMPARED TO CURRENT AWARD AND 1987 UNION CLAIMS

Proposition: The cost of employment of shop assistants on Saturday is less under the RTA agreement than either the current award or the 1987 SDA claims had they been granted.

Example	Cost under current award base rate of $333.40 (25% to 12.30 p.m.; after 12.30 p.m., 50% and 100%)	Cost under SDA 1987 claims (50% all day plus $15.00 increase to base wage of $333.40)	Cost under RTA agreement (no penalties; 6.67% once off 6-day hourly rate increase to base rate of $333.40)
	$	$	$
1. Full-time employee Saturday 9.00 a.m. to 5.00 p.m.	86.61	96.32	65.52
2. Part-time employee Saturday 11.00 a.m. to 4.00 p.m.	64.69	68.80	46.80
3. Casual employee Saturday 8.30 a.m. to 12.30 p.m.	52.60	66.00	44.92
4. Casual employee Saturday 9.00 a.m. to 5.00 p.m.	103.89	115.50	78.61
5. Casual employee Saturday 12.30 p.m. to 5.00 p.m.	77.79	74.25	50.54
Combined total:	$385.58	$420.87	$286.39

Conclusions:

(1) Saturday wage cost under RTA agreement on above rosters is approximately 35 per cent less than current award;

(2) Saturday wage cost under RTA agreement on above rosters is approximately 47 per cent less than SDA 1987 claims.

Mr INGERSON: The document sets out the costs under the current award, the costs under the SDA 1987 claims and the costs under the RTA agreement, which included no penalties and cites the two conclusions indicated. As I said, that documentation has been checked and the figures agreed to; it is my understanding that the document is supported in figure form by both the RTA and the unions. It is my understanding that that is correct, and that is how I would like to have the matter left.

Further, I advised both the unions and the employers that the Liberal Party would support any new proposals that represented a genuine attempt to restructure the award with benefits flowing to both employers and to employees. I believe it is very important that that position be put down clearly. We believe that any award restructuring must result in benefits for all involved, because there is no doubt from experience that, if everything is one-sided, whether it be employee or employer, commonsense and good industrial relations do not prevail. I believe that our support and

involvement in this issue had a significant effect on the parties putting an agreed position to the Industrial Commission in late June.

However, I was pleasantly surprised at the speed at which the final agreement on award restructuring was reached. The decision of the Industrial Commission is a significant breakthrough in award restructuring in relation to penalty rates. Further, it makes other important changes that will improve the flexibility in the employment of full-time and part-time employees in the retail industry.

At the time these major changes to the award were made, a document was published by the RTA and supported and agreed to by the SDA, the union involved. It has been said in this House several times that penalty rates were not abolished. The member for Spence has commented on this subject on several occasions. I wish to read into the record the first comment of this agreed document. It states:

> ... the total abolition of Monday to Saturday penalty rates, including the abolition of Thursday night penalty rates, Friday night penalty rates, Saturday morning penalty rates and Saturday afternoon penalty rates. In lieu of these penalty rates a once off increase of 6.67 per cent in the base rate of pay will apply to shops which trade Monday to Saturday afternoon.

No doubt there has been a significant abolition of penalty rates in this award.

Mr Atkinson interjecting:

Mr INGERSON: There has been a total abolition, quite contrary to the comment made. I will come to that in a minute. We have ended up achieving for the retail industry an increase in the base rate of some 6.7 per cent and total flexibility over a much wider range of hours for the employment of staff at a reasonable rate of pay. Many other changes came under this award and most members would be aware of that, so I do not intend to detail them.

On 7 August in this place the member for Spence argued that most of the benefits of the proposed wage deal were granted to the SDA without conceding Saturday afternoon trading. I thought that I would ask a few experts in this area to comment on that statement. They stated, first, that there was never a wage deal in 1987 concerning Saturday afternoon trading. The RTA was totally opposed to the SDA's claims. There were simply SDA wage claims, not a wages deal. In 1987 wage claims were $25 for shop assistants, whether or not the shop traded on Saturday afternoon. The $25 was made up of a 4 per cent second-tier wage component and the remaining $13.40 was attributable to Saturday afternoon trading only. Of the $25—

Mr Atkinson interjecting:

Mr INGERSON: The honourable member is talking through his neck as usual. Of the 1987 SDA wage claim, only the 4 per cent second-tier component was awarded. This amount was awarded from 1 September 1988. The remaining amount of the 1987 SDA claim was never awarded in South Australia. In Victoria and Western Australia the SDA was supported by the State Labor Government in terms of its Saturday afternoon wage claims, which were similar in South Australia but which never occurred. The SDA in South Australia has not and will not receive a wage increase just because Saturday afternoon trading is introduced.

All those points I have made clearly refute the claim made by the member for Spence. On the same day the member for Spence said also that penalty rates had not been abolished but had been added to the weekly wage, and fixed. For shop trading on Saturday afternoons, penalty rates have been abolished. The same hourly rate applies from Monday to Saturday. The penalty rates abolished (as I said earlier) include the 25 per cent late night penalty, the 25 per cent Saturday morning penalty, the 50 per cent to 100 per cent Saturday afternoon penalty and the 15 per cent to 20 per cent night fill penalty. The way that penalty rates have been abolished—

Mr Atkinson interjecting:

Mr INGERSON: If the member for Spence takes a little time, I will explain. Regarding the abolition of penalty rates in the basic wage will be included a one-off pay increase of 6.7 per cent. This was regarded—

Mr Atkinson interjecting:

The SPEAKER: Order! The member for Spence is out of order. If he wishes to contribute to the debate, he will have an opportunity shortly.

Mr INGERSON: I thought that the member for Spence was an expert in industrial relations and in negotiating awards. Given his experience, he should know that any wage award increase is negotiated from the existing base and, once that base is established, it is the new base for the next negotiation. There is no guarantee that CPI increases or any other changes that we might set will be considered in an award-negotiated position. Whether we have locked in a new increase of 6.7 per cent or whatever, there is no guarantee that that same base rate or increase will be locked in in the future. It is a one-off, agreed position to abolish penalty rates.

There were significant advantages to the retail industry—both employers and employees—in that change. There is no question about that. Significant changes were decided and agreed upon. Penalty rates have been abolished, and in the best interests of both employers and employees. The Chamber of Commerce and Industry, the Small Retailers Association, the Retail Traders Association, Independent Grocers and the Australian Small Business Association have all supported this very important decision. The South Australian Employers Federation has been concerned with two specific areas of the new award but otherwise supports in principle the changes.

As the Parliament would be aware, the Liberal Party has strongly supported this position publicly. It is my opinion that the agreed decision on award restructuring of the Shop Conciliation Committee award by the RTA and the unions, and ratified by the Industrial Commission, removes one of the concerns that the Liberal Party and many retailers in the community had before the last election. It also eliminates concerns expressed to me in recent months by small and large retailers. However, a small percentage of employees in this State are not covered specifically by this award. They are employed in pharmacies, butcher shops, delicatessens, cafes and restaurants and come under their own award. It is my understanding that these groups have now considered similar changes and, in some instances, these awards have been ratified and put into position.

I will now refer to the leasing arrangements and the necessity for such. Currently, landlords through leases control the number of hours a shop must open in the relevant shopping centres. They use a definition of 'normal trading hours' to achieve this position. Landlords write into leases 'normal trading hours' and whatever is defined in the Act automatically becomes the requirement for the tenant to be open. The landlords have interpreted this to mean the legal limit of the hours set by statute. There has been much discussion on that point, with most small operators believing that they have been stood over by their landlords. Unfortunately, there are many examples to substantiate that claim.

Only yesterday a group of tenants brought in their latest lease and, even with this Bill well and truly understood by the retail community, the lease, to be signed this week, contained a clause stating that they must trade the normal

hours set down for their industry within the Act. So, until yesterday landlords were insisting that small operators operate during these extended hours, even though in many instances there will not be sufficient trade for them to pay for the cost of opening.

If an extension of the trading hours is to occur, the small shop tenants will want some flexibility to determine their hours of opening. They believe that they should have the right to choose whether to open or to close, and should not be forced to open for extended hours if it is not profitable to do so. However, they recognise that they as tenants have a responsibility to open for a core number of hours which is reasonable and which is agreed to by other tenants and the management of the centre, whether in a strip centre or a large centre. Generally, retailers are not unreasonable. If there is a dollar to be made and the consumers are there, they want to be open, but the corollary of that is that, if there are no people around, they should not be forced under the terms of their lease to open and to trade.

This right of tenants to open or close fits in neatly with the freedom package put by the Liberal Party at the last election. It is similar to giving rights to individuals to choose whether or not to join a union.

An honourable member interjecting:

Mr INGERSON: It is the same right, the same privilege. In my discussions with BOMA, it has shown considerable support for the establishment of a policy on core hours and, consequently, for this legislation. However, some BOMA members still want to maintain, in many instances, total control over tenants opening and closing; that involves the large landlords in particular. The Small Retailers Association and the Commercial Tenants Association which represent tenants in large centres have suggested a range of hours as the core base. This Bill reflects that move and the requests of small retailers. I will now cite a letter from a small retailer which reflects, in principle, the same message that has been put to me and to many members on this side of the House in relation to leasing. The letter states:

> I have been a retailer in regional shopping centres for 25 years and have witnessed many unfair actions by shopping centre management and their lack of cooperation, understanding and communication. I realise that individual tenants are powerless against the major landlords, but collectively we can influence State Governments to assist us by education and protection, provided we can overcome individual apathy.
>
> Two years ago I was invited by the Commission for Consumer Affairs, together with other retail organisations, to identify the problems facing smaller tenants in retail development. We have had several productive meetings and recommendation was placed before Government. The Government is aware that many of the complaints by small tenants are due to their inexperience and/or a deliberate lack of communication by the developer or manager but all parties agree that there are sufficient grounds to amend the Commercial Tenancies Act.

This is an example of many letters that we have received in support of the need for change in the leasing area.

I will now make a few comments about the Bill, referring to the amendments that will be moved on behalf of the Liberal Party. Principally, this Bill supports Saturday afternoon opening. It allows foodstuffs and a much wider range of goods to be sold in convenience stores and petrol stations. The Liberal Party supports this change, because it is one that the community at large requires and is using. We believe that the removal of controls on petrol stations, enabling them to have convenience stores attached, is an important change in the retail industry, and we support it.

The amendment of rules to allow country shopping districts to apply to Government authorities without the need of a poll is an important change. We recognise that two major groups are concerned by the proposed extension of trading to 5 o'clock on Saturday afternoons, that is, the motor industry and the caravan and trailer retailers. We recognise and support the need for the security register to be available to the motor trade industry, and we support that industry's argument that there should not be any extension to Saturday afternoon trading until that facility is available. I understand that the Government intends to move in this area within the next six months.

As I have said, we support the opportunity to set up core hours of trading and extension beyond enclosed shopping centres, to which I will refer in a moment. However, we believe that insufficient detail has been supplied in relation to the setting up a meeting to establish core hours, so we intend to move amendments in that regard.

In relation to the sunset clauses, as I said, it seems ridiculous that the Parliament would accept today the need to provide for flexible core hours under the Bill but in three years time would not accept that same principle. So, we will oppose those clauses.

We intend to move a range of amendments that flow from the consideration of this matter by people in the country who would like to have more flexible trading hours than those set out under the legislation. We will move an amendment to enable the Government, by proclamation, to accede to or not accede to such a request. So, this amendment will provide, purely and simply, an opportunity for the local council in a proclaimed area to make such a request. We intend to extend core trading hours beyond enclosed shopping centres to include strip shopping centres, because in most major centres one will find shops on the edge of the centre to which different rules apply even though they are under the same management. We argue that the same set of rules should apply to all shops in an enclosed centre, and to those attached to it, particularly if they are under the same management.

Some concern was expressed about public holidays and standard hours of trading, and I would like to clarify some points in relation to the meeting on core trading hours. If these amendments are accepted, in principle the Liberal Party supports this Bill.

Mr S.J. BAKER (Deputy Leader of the Opposition): I would like to record my congratulations to the member for Bragg for his fine enunciation of our thoughts on the legislation before us. As I was shadow Minister of Industrial Relations on the last occasion that this issue of extended shop trading hours was debated, I have a particular interest in the matter. The Liberal Party can hold up its head with some pride in relation to what has been achieved, because we now have a saner and more sensible situation than would have prevailed under the jack boot tactics employed by the then Minister of Labour and the current Minister of Finance. It is important to understand that if we had agreed to the changes that were being pressed at that time, South Australia would now have the highest rates of pay for shop assistants in Australia; no restructuring at all, a disjointed set of rules and no protection for tenants whatsoever should pressure be placed upon them by landlords.

I believe that the Liberal Party can hold its head up high, because we resisted the enormous pressures placed upon us at the time and galvanised into action the small business community of this State like it has never been galvanised before. We had 100 000 signatures of people who opposed the extension of trading hours. People were taking to the streets demonstrating against extension with no protection. There was a growing campaign and a growing awareness in the community that the Labor Government was doing something that was intrinsically wrong.

At the time we laid down three conditions. First, that such an extension should not take place until such time as the issue of penalty rates had been resolved; secondly, until such time as the people paying the bills were protected; and, thirdly, we required a delay until economic conditions improved. We cannot talk about economic conditions improving because, despite a small uplift following debate on the previous Bill, we are now in the depths of a growing recession. Except for that, the general preconditions of the Liberal Party to support extended trading hours have been met, and that is to the credit of the South Australian Opposition.

Nothing is easy: there are always two sides to the coin. We realise that extended trading hours come at a cost. There is no longer the same cost involved with penalty rates that previously applied, but extended hours always involve extra cost. Unless that is met by extra revenue, the people involved in net terms are worse off. It has been one of my principles—and if members look back through the debates they will see it clearly enunciated—that this State must become smarter in how it operates, whether in shop trading, factories or other commercial enterprises. We live in a very competitive world, so South Australia has to become smarter than it has ever operated previously. At the time of the last debate I said clearly that most shopkeepers could do the same amount of trading in about 75 per cent of the hours. I believe that firmly.

Why should someone open their shop in times when only one person comes through the door in two hours? For far too long we have had the ludicrous situation of landlords and tenants believing that they had to be open simply to capture the last cent of trade, even when they knew that the extra revenue obtained would not justify the extra cost of opening. That is second rate thinking and it is about time that the whole process of service delivery in South Australia changed.

I would like to think that some of the most fundamental changes in the way that we operate in this State will come from the retail sector. Why do not whole areas of major shopping close down one day a week? Why cannot stores open at 12 noon? Why cannot we be innovative and work out when people want to shop and then provide opening hours accordingly? It is about time we did that. Under the previous provisions when lease holders were not protected we had a farcical situation where landlords could require tenants to open for the full gamut of hours, with all the additional costs involved. As the House will be aware, I was bitterly opposed to that proposition and to any extension of shopping hours without some protection for tenants.

We have now reached a situation where commonsense is at last prevailing and we will not have dirty little deals being worked out between the Government and the unions to get what I thought was a second-rate deal for South Australians.

Mr Atkinson interjecting:

Mr S.J. BAKER: There will be no more grubby deals. We are now getting back to a sane and sensible situation. On another tack, the fact that there has been a grace period has been to the benefit of everyone concerned. At the time of the last debate it was mentioned more than once that, like taxes and death, extended trading hours were inevitable, because the change in demand had to be met.

Let me cite one example: we have probably one of the highest female participation rates in the world, resulting in new demands on families, on leisure time and on shopping practices. The world has to change and we have to change with it. Naturally, that does not mean that ultimately we will be right in whatever we do. There are other arguments. Most people recognise that in places like Switzerland, Austria (where I have visited) and a number of other countries people simply do not bother to open on Saturday afternoon because they can do their trade during other hours; and in parts of England they do not open during other certain hours. So, in many parts of the world they do not believe it is necessary to open shops on Saturday afternoon.

Whatever system we devise will not necessarily be the perfect one. Other successful shop trading systems exist in the world and, except for about three countries, inevitably almost every country controls its trading hours, which is quite interesting. As to deregulation, it is fascinating that, even in areas of so-called free enterprise, there are restrictions on shop trading hours that have been agreed to by Governments or Parliaments of the day.

I am excited by the change, but it will not be without cost: there will be people who will not agree to the change and there will be people in difficulty. Parliament must make up its mind and answer some of the hard questions even when there will be some losers in the system. Over all, we are now heading in a positive direction and I add my words of support to those of the member for Bragg.

The Hon. H. ALLISON (Mount Gambier): The member for Bragg and the Deputy Leader have outlined the problems and some of the benefits associated with this legislation. In particular, the member for Bragg has shown a fine appreciation of all the implications, but the fact remains that small business is now under the hammer not only in South Australia but generally across Australia. In South Australia over the past two or three years we have had an escalating number of bankruptcies, and there is a strong possibility that this legislation may accelerate the bankruptcy rate in small business and exacerbate the problems that already exist.

I am sure that the Minister has been alerted to this fact by the representations made to him, because quite a number of small business organisations and individual men and women in small business have written to the Opposition claiming to have made representations to the Minister and his colleagues. I simply repeat that this may not be the most appropriate time to introduce and proclaim legislation to extend trading hours through Saturday afternoon, with the ultimate possibility of extending trading across the whole weekend.

Although the Opposition indicated before the last election that it would consider supporting extended trading hours, provided the industrial questions had all been addressed and satisfactorily resolved, over the years I have consistently opposed the application of extending trading on Saturday afternoons to rural areas in general and to my own electorate encompassing the City of Mount Gambier, in particular. Of course, Mount Gambier is a proclaimed shopping area. I have done that in support of the Mount Gambier Chamber of Commerce, which has also made representation to the Minister, to the Leader of the Opposition and to other political Parties involved in South Australian parliamentary affairs.

Of course, one of the fears expressed by small business in country areas, in Mount Gambier especially, is that it has four—not just one, but four—large supermarket complexes. That is a high degree of competition for the amount of existing small business in the Mount Gambier area. In fact, Mount Gambier is overshopped.

I also bear in mind that 18 months ago I read a letter which had been sent out by a large headquarters in Australia to managers of supermarkets throughout Australia. The letter stressed that in these adverse times with diminishing profits it was necessary for the managers to look at increas-

ing their profitability by some 3 per cent per annum. Given that there is wage control in Australia and that very little extra money is available anywhere in rural communities in South Australia—it is difficult enough to get extra money in the metropolitan area—only a certain amount of money can be expended. So, if large firms absorb more of the available money in shopping, obviously small business will continue to suffer and deteriorate. That seems to be an inescapable corollary.

Therefore, I support the Mount Gambier Chamber of Commerce in expressing its fear regarding the possibility of its business being curtailed and in expressing its hope that the Minister will accept the member for Bragg's amendment to give small businesses the right, through their Chambers of Commerce and local city or district councils, to apply to the Minister for the Governor to proclaim an amendment to shopping hours, excluding those areas under proclamation from having to open on Saturday afternoons. I think that is a reasonable request.

The Mount Gambier Chamber of Commerce is not telling the Minister that shops in that city do not want to open on Saturday afternoon right through the year. In fact, the chamber agrees that it could be necessary for three, four or five weeks prior to Christmas and after Christmas in the tourist months—particularly in January prior to schools reopening—for shops to open every weekend, and also for other weekends to be included in the proclamation, for example, festival days such as Easter and those days when there is a large influx of tourists into rural areas such as Mount Gambier.

I would also ask the Minister to bear in mind that on those long, dreary winter weekends in the country areas of South Australia, when very few people want to do anything other than stay in front of television or look after things at home, shops would be open and empty, and staying open at some considerable additional expense.

The Hon. B.C. Eastick interjecting:

The Hon. H. ALLISON: The member for Light asks, quite rightly, at whose ultimate expense? Obviously, shopkeepers are unable to absorb those additional costs, so the cost of Saturday trading, any extra trading, whether it be night time or day time, is ultimately borne by the shopper because the costs are added on to the cost of articles. I thank the member for Light for pointing out that ultimately it is the shoppers, the public of South Australia, who will bear that additional expense.

I do not think I am alone in promulgating this argument. In fact, I am quite sure that I am not, because the member for Hartley, only a little while ago, pointed out the problems being experienced by small business in the face of large business and, while his comments may not have been relevant to this legislation, they are certainly relevant to this argument. It is highly unlikely that he would change his argument from one Bill to another. So, I thank the member for Hartley for supporting my contention that small business is, in fact, in the doldrums and cannot really bear the additional pressure which will no doubt be exerted once this legislation is passed.

In case the Minister thinks I am expressing a lone opinion and simply supporting a Chamber of Commerce which may be crying in the dark, I also point out that a couple of years ago I presented to this House about 10 000 signatures, which had been solicited by businesses in the South-East, against the extension of Saturday trading hours. At the same time I had a collection of signatures which were not presented in parliamentary petition form, but which I did take the trouble to place in alphabetical order simply to check for my own edification whether people had supported both petitions. I had some 600 or 700 signatures from the Retail Traders Association in Mount Gambier—that is, the supermarkets—asking for Saturday trading to be extended. So, the ratio against Saturday afternoon trading in Mount Gambier was heavily weighted against the petitions which were obtained from the large retailers asking for Saturday afternoon trading.

For the benefit of members of the House, I will add that I found hardly any of the signatories had, in fact, appended their names to both petitions: they were quite clearly on one side or the other. However, there was a heavy preponderance of votes against Saturday afternoon trading. The local Chamber of Commerce has written to me, and to the Mount Gambier City Council, opposing the State Government's legislation to allow Saturday afternoon shopping throughout the whole State on a permanent basis. However, it also took the pragmatic view that there is most probably a need for extended shopping hours in the metropolitan area of Adelaide where, unlike Mount Gambier, most employees live a considerable distance from their place of employment, with the implication that Saturday afternoon trading may be an advantage for people who travel a long way between work and home and therefore can take advantage of shopping on a Saturday afternoon. However, the chamber says that this is certainly not the case in rural areas, and it asks that the decision to extend shopping hours be placed into the hands of local government, which is well placed to take into account all circumstances affecting their areas.

The chamber recommends that shops remain open on the Saturday leading up to Christmas, during the month of January when most tourists are about, and other selected Saturdays during the year, such as Easter Saturday and pageant Saturday (Mount Gambier having a Christmas pageant which commenced in 1959 and which has been successful on an annual basis). That letter was dated the end of September, and it was supported in a letter which I received from the City of Mount Gambier, signed by the Acting Town Clerk. It states:

> . . . Council fully supports the chamber's recommendation that extended trading hours in rural areas of this State be controlled by local government.

I have received—and I believe that other members would have received—solicitations from a number of small businesses. I do not propose to read those letters, because I think members will be fully conversant with all of the arguments—pro and con. This matter has not been around for just the past few weeks. However, I simply reiterate that the Mount Gambier Chamber of Commerce, under the presidency of Mr Charles Miller, has presented the point of view repeatedly over the years that local government in rural areas be given the right to apply to the Minister for a variation of the proclamation.

Of course, the Minister will acknowledge that proclamations are already in place varying shopping hours, because in the metropolitan area some shops are open on Friday nights and in rural areas shops open on Thursday nights. So, there is already some divergence in the times proclaimed. I simply ask the Minister if he will give his careful and favourable consideration to the amendment to clause 6 of the Bill. It is a worthy amendment that would certainly go a long way towards appeasing the rural chambers of commerce and to making life considerably easier for those country traders.

Mr Brindal interjecting:

The Hon. H. ALLISON: I thank the member for Hayward for his complimentary remark, which I will not reiterate; modesty forbids.

An honourable member: Go on!

The Hon. H. ALLISON: Okay, he said I was very well conversant with the affairs in my electorate. Of course, the member for Hayward is also very conversant with affairs in his electorate and he appreciates the niceties of parliamentary representation. I am sure he will be around for a long time, as will our other newly-elected members, all of whom share concerns regarding small business. I am quite sure members on the Government benches—who have been unusually quiet during my address—are sufficiently appreciative of the concerns that I am expressing on behalf of small business. My argument rests there. I thank members and I thank the Minister for taking the trouble to listen. I hope that he will accede to the amendment.

Mr MATTHEW (Bright): I rise with some initial hesitation to speak to this Bill, because I still have some reservations about part of its content. However, those reservations will no doubt be borne out in debate by me and my colleagues during the Committee stage. I think that the Liberal Party can hold its head high in the community as a result of some of the significant ground that has been achieved since the legislation dealing with retail shop trading hours was last introduced in this place in 1988. Members would no doubt recall that at that time the Liberal Party had two significant areas of concern with respect to extended trading hours. First, we believed that award restructuring needed to occur and we said that penalty rates on Saturday afternoon should be removed and normal daily trading hours should be extended so that normal base rates of pay would apply to employees over a longer proportion of the week. I am pleased to see that those reservations have now been satisfied by changes to the relevant legislation.

Secondly, we said that commercial leases should be changed to give tenants the fundamental right to open and close when they choose. Certainly, in the case of enclosed shopping centres, we said that the majority of tenants should agree to a core set of hours that shops must remain open, with flexibility to choose hours outside the agreed range of hours. That, too, I acknowledge has been redressed in Part II of the legislation that is before us today.

It was interesting to look at part of the second reading explanation by the Minister, when he said that, in fact, this Bill would ensure that shopkeepers in shopping centres could not be compelled by landlords to open for extended trading hours. Therefore, that part of the legislation largely satisfies the second reservation that we had at that time. I believe that compromises have been brought about as a result of the Liberal Party's persistence, as well as some fairly strong lobbying that occurred during the last State election.

I will take this opportunity to read into the record a letter that was promulgated to customers of Independent Holdings Limited. The letter is dated 17 November 1989, only a week before the last State election. The letter states:

> Dear Customer,
>
> State Election—25 November 1989
>
> As you are fully aware, we are facing a State election on the 25 November. Two weeks ago, I contacted both major Parties to clarify their policies on two or three major issues which directly impact on your business.
>
> Unfortunately, despite a follow-up request, I have not had the courtesy of a reply from the Bannon Government. To that end, I have had to 'assume' the last press report on each issue to be the policy—hardly ideal, but the best we could do.
>
> *Extended Trading Hours*
>
> The Bannon Government has stated that they view extended trading to be an election issue and that a win at the polls will be deemed to be a mandate to introduce Saturday afternoon trading forthwith. The Liberal Party are opposed to any shift to deregulate trading hours without a simultaneous move to deregulate labour. As you are also aware, the Labor Party has taken the unprecedented step of supporting the union's claim for penalties for Saturday afternoon trading in the commission.
>
> There is no doubt in my mind that Saturday afternoon trading will result in:
>
> 1. A substantial cost increase of conducting the same total volume of food business, that is, people are not going to eat another meal or two simply because we trade for five hours more. This cost must be passed on to the public.
> 2. A shift of business away from the smaller family-owned private business to the major publicly-owned Eastern States' companies.

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

TRUSTEE COMPANIES ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

TOBACCO PRODUCTS (LICENSING) ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

STATUTES AMENDMENT (SHOP TRADING HOURS AND LANDLORD AND TENANT) BILL

Second reading debate resumed.

Mr MATTHEW (Bright): Prior to the dinner break, I was quoting from a letter promulgated a week prior to the last State election by Independent Holdings Limited, and I will continue to quote from that letter, as follows:

> There is no doubt in my mind that Saturday afternoon trading will result in: . . .
>
> 2. A shift of business away from the smaller family-owned private business to the major publicly owned Eastern States' companies.
> 3. A diminution in the time available for sporting and other family activities which are essential for the welfare of the community.

Under the heading 'WorkCover', the letter states:

> Since the introduction of WorkCover, the cost to the central warehouse and stores has increased substantially; in the case of stores, well over 100 per cent. Labor argues that WorkCover is operating effectively. You name me any business that wouldn't if you could simply double the selling price. Under a Liberal Government, we would be able to shift to a position of self-insuring.

The letter goes on further to detail industrial relations matters which I feel have probably been attended to in recent weeks by appropriate legislative amendments. I was interested to receive that letter prior to the State election because it was a fairly topical issue at the time. I believe that groups such as Independent Holdings Limited and other employer and corporate bodies have ultimately forced all parties concerned to negotiate sensibly around the table. This legislation has been presented again, after satisfactory penalty provisions have prevailed and after the situation was negotiated, ensuring that tenants of major centres would not be forced to open against their will.

With respect to those tenants, I have some concern about the sunset clause in this legislation. I understand that the sunset clause provides that, after a period of three years and subsequent revision, it is quite likely that the provisions of clause 65 will be removed from the legislation. I will not labour over that but reserve comment on that matter to the Committee stage. At this point I raise it as a concern. I am also concerned at the coinciding statement that was made

by the Minister in his second reading speech, in which he said:

> . . . this amendment be subject to a sunset clause and that the need for this form of regulation be reviewed before it is renewed. This will give a potential minority of disgruntled retailers time to make alternative arrangements including, if necessary, selling their businesses to new tenants who will be fully aware of and committed to the possibility of trading extended hours.

While I am one who advocates that those who do not like the rules prevailing on the day do not have to go into that particular business, I am nonetheless concerned that, when the operators are running successful businesses and the rules of conduct of that business are changed, legislators find it necessary to say that, if they do not like the rules after they are changed, the minority of businesses left can sell up and get out. I hope that the review prior to any removal of that clause is a fairly stringent review and looks very carefully at the numbers of businesses which may or may not be disgruntled. Time will be the main decision-maker of that clause.

I also take the opportunity to draw members' attention to the front page of the Messenger Press *Guardian* of 10 October 1990, with the headline 'Businesses concerned about state of buildings: shoppers desert ugly Brighton Road'. While the front page was a little over dramatised, it nonetheless had some important messages about the fate of retailers in today's business climate. The article stated:

> The once-thriving Brighton Road commercial area is in a slump with shops closing down and shoppers avoiding the area. Graffiti and dirt-splattered buildings have turned the area into a dilapidated eyesore.
>
> 'It looks totally as if someone should drop a bomb on the whole place and start again,' said Phillip Smith who runs a hairdressing salon on Brighton Road. Mr Smith wants the council to clean up the section of road from Seacliff to Brighton South, and give local traders a chance to salvage their businesses.
>
> Mr Smith, who has been in the area for 15 years, previously owned two salons on the once busy stretch of road but had to close one shop because business had slumped. He says he has no chance of leasing the building because the area is so depressed. On either side of his salon are empty buildings. 'One shop next door traded for two months, the other did a midnight flip,' he said. The area has become a prime target for graffiti vandals and over the past two months paint-wielding vandals have defaced the front and back of his salon countless times.

While I share the concern of that particular trader, I hasten to add that I do not share his opinions about the cause of the problem. Brighton council cannot be blamed for a slump in retailing. To do the council justice, I will read the Town Clerk's response as reported in that article, as follows:

> Brighton Town Clerk John Chenoweth, said the area was suffering a slump in trade but he said the council was not to blame for the number of businesses closing down. He blamed the current economic climate, which he said was not conducive to businesses.

That is probably the most important part of the article. A number of new taxes and charges have been introduced over the past few years, and the dramatic rises in taxes and charges have been laboured a number of times by me and my colleagues on this side of the House.

This legislation is of considerable concern for a number of struggling businesses because it forces those businesses to open for longer periods than at present, competing for the same amount of money. It is unlikely, as we heard stated in the letter I quoted earlier, that people will buy more in the way of food simply because food stores are open an extra five hours. What it means is that there must be some sort of retraction in the marketplace. In any marketplace, it is only the strongest who survive. As one who has always espoused the principle of free enterprise, I cannot argue with that, all things being equal.

However, our system of enterprise has changed and all things are no longer equal. The Coles Myer group has come into being through a series of amalgamations, and that means that small businesses today face a much different playing field. It is easy for a large conglomeration to run a business at a loss for a couple of years until it drives out its competitors, thereby picking up their part of the business, too. When its competitors have gone, the conglomerate puts up its prices again. Some alarming trends are emerging in retailing today and I couch my support for this legislation in very concerned terms that we could be setting trends for yet more amalgamations in our retail industry.

We are setting the scene whereby businesses such as those on Brighton Road, which are already struggling to make a dollar, will have to open longer. Certainly they will provide a service to the community that it is demanding at this point but, by opening longer, they will incur more in salaries or the operators will have to reduce their own leisure time if they choose to work those five hours themselves. At the end of the day, we will have introduced a mechanism whereby income will be reduced and more people will be forced out of business.

I will be supporting this legislation, while at the same time supporting amendments detailed earlier by my colleague the member for Bragg. I support the legislation because I know that the majority of people in my electorate want it and, if that is what the majority of people in my electorate want—and, in fact, the majority of people in South Australia want—it is the Government's role to deliver that to them.

However, I can foresee a situation in the future where this place may again be looking at shop trading hours legislation, by which time the public will be crying at the number of businesses that have gone bankrupt and the reduction in their range of choice and the remaining services available, leaving them only with major shopping centres or chains from which to purchase their goods.

Time and time again we hear many elderly people lament the demise of the old service that used to be part of retailing in this State. Many people lament the demise of the corner shop where you would go in and they would always know your name and give you smiling service; or the demise of our petrol stations where you always used to be able to get the tank filled up and someone would look under the bonnet and top up the radiator and battery and clean the windscreen. That service has now gone, and it has gone as part of the evolution of the conglomeration now occurring among many enterprises in our community. We must be very guarded about what we are passing in this place; we must also be aware of the ultimate consequences.

I am sure that a number of members would be aware that petrol stations now being opened by oil companies in many instances no longer have mechanical workshops; they are merely being set up as self-serve petrol centres with self-serve delicatessen areas. Those centres being set up in such a way through major companies will have the benefit of central buying power and, in the early stages of their development, will be undercutting more small businesses, in this case, the local delicatessen. However, once those delicatessens go, there will be no incentive for those businesses to keep their prices down to that level. Once again, we are facing the risk of further service to the community vanishing as a consequence.

The Hon. Jennifer Cashmore: It will affect consumers without motor cars.

Mr MATTHEW: My colleague the member for Coles makes a valid point: it will especially involve people without motor vehicles, particularly the elderly. It will be the weak and the elderly in our community who in the long term are likely to suffer the consequences of the demise of enterprises still existing in our society. In the short term, I freely

acknowledge that many will benefit, but it is the stage we are setting in the long term that poses a threat to the viability of many businesses that remain in our society. The passage of this legislation is no doubt inevitable and, as I have said, I will be supporting it subject to support for amendments moved by this side of the House.

Mr ATKINSON (Spence): South Australian retail workers are now the highest paid in Australia. They owe that to their union, the Shop Distributive and Allied Employees Association (SDA) and to the Government's shop trading hours legislation. I shall, therefore, be supporting the Bill and will declare my interest right away. Before being elected to represent Spence in this House I was an industrial officer with the SDA. Under the new award that was agreed on the understanding that this Bill would become law, full-time retail workers will have their wages increased from $333.40 to $400 over 18 months. The first increases of $12.50 and $7.50 came in respectively on 1 July and 1 August this year. Rises of $7.20 will follow on 1 February 1991, 1 August 1991 and 1 February 1992.

The old Shop Conciliation Committee Award paid penalty rates only to those who worked on the late night and Saturday morning. Few full-timers or permanent part-timers received the benefit of penalty rates. These penalty rates have now been converted to a loading of 6.67 per cent to be paid on all hours worked in a store that trades the extended hours. The old penalty rates will apply in shops not trading on Saturday afternoons.

An honourable member: So they haven't got rid of penalty rates?

Mr ATKINSON: No. Like all industrial agreements, this one is a compromise. Let us hear no more from the member for Bragg about how he and his Party abolished penalty rates or loadings in the shop award. It is true that there is now no penalty on employers for trading on Saturday afternoon as opposed to other trading hours, but the money is now in the pockets of all SDA members. The Liberal Party has two achievements on trading hours. First, it has delayed competitive Saturday afternoon trading in groceries for almost three years. Second, it has increased the wage costs of retailers by enabling the union to win bigger increases in 1990 than it could have won in 1988. For that, I thank members opposite. I shall comment in more detail on those two achievements.

Adelaide shoppers could have had competitive Saturday afternoon trading early in 1988 had the Liberal Party not defeated the Bill at the time. The Liberal Party blocked Saturday afternoon trading in 1988 because it was opposed to a free market in groceries. The Liberal Party's opposition to the Bill on behalf of small grocers and their wholesaler, Independent Grocers, meant that Coles and Woolworths were excluded from the Saturday afternoon markets. Shoppers who wanted to buy on Saturday afternoons were forced to patronise the few groceries that were able to fit within the limit of the law, and shoppers had to pay a monopoly premium for those groceries. Public opinion favoured the Government's Bill then as it does now.

The Liberal Party blocked the last shop trading hours legislation to stop the wage increase retail workers could have expected to receive in early 1988 to reward them for the proposed extended trading hours. At the time the union was seeking a wage increase of 11 per cent or $32.80 on a full-time minimum weekly rate of $290.20. This increase was made up of the second-tier 4 per cent, worth $11.60, 3 per cent occupational superannuation, worth $8.70 (which the member for Bragg left out this afternoon) and a special $12.50 increase under the structural efficiency principle. The Opposition, led by its then industrial relations expert, the member for Mitcham, said retailers could not afford these increases. The Opposition stopped the shop trading hours legislation, because it thought the outcome of an arbitrated settlement would be too steep.

I do not suppose members opposite followed wages outcomes in retailing after they blocked the Bill. This is what happened. On 1 July 1988, the SDA won the second-tier 4 per cent. On 1 March 1989, the SDA was awarded the 3 per cent occupational superannuation rise. On 1 December 1989, the union obtained the equivalent of the special $12.50 payment on the structural efficiency principle. So, the retailers found themselves paying the wage increases proposed in 1988 by the union: it is just that they did not have extended trading hours in return.

This time the union was not seeking a $32.80 increase in return for extended trading: we were going for a bigger increase of $41.60. This was obtained by the union, because the employers were divided. Most were desperate to get the extended hours, so they offered the union this very favourable package that I have outlined. This deal gives retail workers the biggest increase in the union's 100-year history. It has been achieved without the deregulation of the retail labour market that the Liberal Party insisted upon during the 1988 debate.

Members interjecting:

The DEPUTY SPEAKER: Order! The member for Spence is addressing the Chair.

Mr ATKINSON: Another attractive feature of the wages deal is that existing full-time and part-time employees will not have to work on Saturday afternoons to get the extra pay. New employees can be so rostered. The Liberal Party squealed about this provision during the 1988 debate. The employers accepted the volunteers provision, as we call it, in 1988, as they did this year, because they know that the turnover of retail employees is so fast that within two years most employees will be liable to be rostered for Saturday afternoon work as part of their ordinary hours. The deal allows more flexible rosters. Bosses and workers can make rosters to suit the business and themselves, but some restrictions will still apply. Any employee who is dissatisfied with a planned roster should contact the SDA, especially if they work in a pharmacy. The new rosters are an incentive to employers to hire full-time workers in place of casuals. This is most welcome to the union after two decades of increasing casualisation.

Mr Ingerson: Why don't you come and talk to my workers?

Mr ATKINSON: I still have a right of entry. Under the new deal, when overtime is worked an employee can now take time off instead of being paid. The length of time off must be equivalent to the payment. For example, if one works three hours overtime, one must receive 4½ hours paid time off. This will stop the predatory practices of some store managers. I well remember, as a young full-time employee, working, say, five extra hours on a Sunday and being conned by the boss into taking the time off the next day instead of receiving the overtime and shift penalites under the metropolitan dailies award. Any agreement to take time off in lieu of overtime must now be in writing. The SDA was first registered under the Trade Union Act in 1890. It was then known as the Retail Assistants' Union.

The Hon. Jennifer Cashmore: An estimable union!

Mr ATKINSON: Thank you. The common purpose of those who formed the union was to oppose evening and weekend trading. The union has fought extensions of trading hours for nearly all its 100 years. Some will remember its

effective campaign against Friday night shopping in the 1970 referendum.

We do not seek to rewrite our history or deny our old opinions, as the Liberal Party's ministry of truth has done in this debate. Family and working life has changed. The union must change with it and continue to serve its members in a way that would not have been foreseen by an earlier generation of union stalwarts.

The Hon. JENNIFER CASHMORE (Coles): My contribution will be brief and largely along philosophical lines. My colleagues have canvassed extensively the provisions of the Bill and I do not have a great deal to add to what they had to say. However, as a member who has spoken on every shop trading hours Bill that has come before this Parliament since 1977, I must on this occasion support a Bill that I have been calling for within my own Party for that length of time. I have been somewhat intrigued and amused to recall my first speech in the House on this subject. It is not long and I am sure members opposite will enjoy it. It might do them good to be reminded of a couple of sentences that I uttered on 23 November 1977 when a Bill introduced by the Hon. Jack Wright, which performed some extraordinary statutory motions, was introduced. I stated:

> The Bill is a farrago of bureaucratic nonsense. I believe that it is time that members of this Parliament, particularly those on the Government benches, got out of Trades Hall and in behind the counters of shops to get the consumer's point of view and to learn what it is like to have one product denied—

that is, meat—

> and another substituted in rock-like frozen form—

also meat, demonstrating the complete nonsensical nature of this—

> because that is what will happen to the housewives of South Australia.

I have always maintained as a Liberal that the purpose of our law is to ensure the equitable distribution of power. I refer not only to political power but also to economic power. There is no doubt that in the years that have elapsed since that 1977 debate the focus of economic power has altered somewhat.

The monopolies have become stronger, small business has had to struggle more and, as a result, I, with my colleagues, have been willing to modify what was a strong and almost unrestrained free enterprise view in order to ensure that the distribution of power was not so inequitable that those at the short end of power were unduly disadvantaged. I am referring to the small businesses, to which my colleague the member for Bright referred, the buying power of which is not as great as that of the conglomerates, and also to the proprietors of those businesses who, in my opinion, are entitled to enjoy a lifestyle that does not commit them to a seven day a week job.

The member for Spence has outlined the struggles of his union on behalf of its members over a century to ensure that very same thing. I am sure that he would not deny the right that he seeks for his former unionist colleagues to those proprietors of small businesses who seek the same right. I certainly do not deny that, but I would like to confirm that, despite the fact that the member for Spence claimed that the Liberal Party blocked extended trading hours for three years, it was our refusal to give way to the unrestrained power of monopolies, the Government and the unions that resulted in wage restructuring and ensured a more equitable outcome for small businesses and, indeed, for big businesses, and in more equitable tenancy agreements that will enable proprietors of small shops to have at least some kind of bargaining power with their landlords.

The quality of life and lifestyle of consumers is changing and, as a result, there is a greater demand for extended shopping hours. The Liberal Party recognises that not only do those needs have to be met but also the right to a reasonable quality of life and lifestyle for those who engage in retailing should be met.

I believe that at last we have, if not a final resolution—because there is never a final resolution of issues such as these, simply because society is dynamic and not static—what is, for the moment, the most equitable resolution and one that I warmly support. I believe that not only will it be of benefit to those increasing number of families where two or three incomes and long working hours mean that the opportunity to shop together is very much limited unless it is available at weekends but also it will mean that South Australia—and particularly Adelaide—will have the opportunity to benefit more from the tourism dollar. In the present climate of economic recession—and that is what it is—the only way that retailing can possibly expand its revenue and increase its profits is not from the local market until conditions pick up but by making the most of an expanded market caused through visitor spending.

I am relieved that this Bill, which may still be imperfect in some respects and which may not be welcomed by many small retailers, is at least a step in the right direction, and I hope that the next 12 months—and, if necessary, the succeeding period—brings economic prosperity, continued high standards of service and considerable benefits to consumers and families who will now be given the opportunity to shop together, if they so choose, to compare goods in the interests of the family budget, and to compare prices, quality, styles and products ensuring that retailing in South Australia continues to maintain in the future the high standards it has always achieved in the past.

Mr FERGUSON (Henley Beach): I agree with the member for Coles, because I well remember her contribution when this matter was debated previously in this House. She has had a consistent opinion on this subject over the years that I have been here, and it is nice to hear that she thinks the Government was right in any case. I attest to the fact that she has always had this opinion.

I want to refer mainly to the contribution of the member for Bragg who said in his opening statement that he, as a member of the Liberal Party, believed in free trade and a free marketplace. Those were his opening words, and I thought, 'You beauty; we are now going to see a change in attitude by the Liberal Party.' In the past, members opposite have opposed the free market, especially in relation to the Egg Board. When we tried to abolish the Egg Board, speaker after speaker from the Liberal Party got up and told us why we should not have a free market as far as the Egg Board was concerned. To test them further we introduced legislation to abandon the Potato Board. One would have thought that those free marketeers on the opposite side would join us and agree that we should have a free market in potatoes, but one after the other they opposed this move by our Party in relation to free trade.

I wonder what is happening to liberalism; apparently, members of the Liberal Party must have an attitude that everything should be regulated to the back teeth and, unless an area is regulated to the back teeth, they have no intention of supporting it. I do not have to remind you, Sir, that legislation supporting small business has always come from this side of the House. There has been no attempt from the other side of the House to assist and to support small business. The member for Bragg had eight years in which to introduce a private member's Bill to assist the small

traders about whom he has been bleating this afternoon, but he has not made one move in this direction. My attitude—and I believe it is the attitude of many members on this side of the House—is that Government should step out of the way of business, that it should not be—

The Hon. E.R. Goldsworthy interjecting:

Mr FERGUSON: I would welcome the support of the member for Kavel in this instance. All we have heard from the Opposition as far as deregulation is concerned is that members opposite agree to the deregulation but they want to wrap up business in cotton wool and sponge rubber to make sure it is not competitive at all and that it will not get out there into the free marketplace.

I know that I am not allowed to talk about amendments which might or might not be made and which will be discussed later, but we find pages and pages of amendments whereby the Opposition is trying, by every means, to regulate small business. Under the proposals, the amount of regulation will increase, not decrease. Members opposite want to set down the way in which people should run meetings. They say that there should be more core hours and more regulations and that starting and finishing times should be set down; they propose amendments along those lines.

I support the Bill, but it involves sunset legislation. I certainly hope that when the sun sets we get back to decisions made by business people in respect of the marketplace. However, what does the member for Bragg want: he wants these regulations to continue forever and a day, but he is being ridiculous. We should be simply providing for small business to make up its own mind without coercion as to when it opens and shuts its doors, and then Parliament should get out of it. The marketplace and the people in small business should decide when they open and close and how they run their business, and Parliament should keep right out of it.

Mr Becker: So should the unions.

Mr FERGUSON: I am glad that the member for Hanson referred to the unions. I was a full-time union official for 16 years, the secretary of a union in an industry running for 24 hours a day. There was not one day in the week when my industry was not working. In fact, it used to be a nuisance because I was called out of bed at 2 o'clock, 3 o'clock or 4 o'clock in the morning to settle disputes.

Members interjecting:

Mr FERGUSON: It is a wonder that the honourable member did not run that place a bit better—at the *Advertiser*. There are few industries for which Parliament regulates the hours, and that is the way it ought to be. Parliament ought not tell industry how to run its business. As soon as agreement is reached between the union, the industry and employers, Parliament should get right out of it.

I was surprised by the contribution of the Deputy Leader of the Opposition. True, he must have been getting hungry, because it was just before the dinner adjournment and he might not have been up to scratch. He suggested that 'we'—meaning Parliament—ought to be doing this and that in respect of business. This is from a Party that believes in free trade and a free market. I do not think I have ever heard a debate in which someone changed his mind so quickly.

I now wish to comment on the nonsense spoken by the member for Bragg about the increase in the taxation impost on small business. Under Malcolm Fraser small business was taxed at about 66 cents in the dollar. Further, people in small business used to come to me and complain that with the tax they were paying under Malcolm Fraser plus provisional tax—and if they were any good in business it would go up yearly—they were paying about 82 cents in the dollar.

Mr Meier interjecting:

Mr FERGUSON: The member for Goyder knows that farmers are doing very well under the taxation system because they average their tax payments over five years, and that is the way it should be. So we cannot include farmers in this taxation argument unless the Liberal Party is successful in bringing in its broad-based consumption tax. If it does that, taxation for the rural industry will go over the moon. I hope that the farmers, who will be demonstrating in Adelaide shortly, look at this question of a broad-based consumption tax before they start holding up their banners and marching up and down the streets accusing the Federal Government of taxing them out of business.

Under the present Australian Government, taxation has been reduced to 39 cents in the dollar—a tremendous discount. As for small business, unless people in small business were swimming around the bottom of the harbor, they should have done well in respect of taxation since the introduction of the Federal Labor Government.

The DEPUTY SPEAKER: Order! If the member for Henley Beach returns to the subject of the debate, he will find that he will draw less attention from the Opposition.

Mr FERGUSON: Thank you, Sir. I am merely rebutting the arguments put earlier by the member for Bragg and allowed by the Speaker. I have not deviated one iota from the earlier debate that was allowed in this House.

The DEPUTY SPEAKER: Order! The Chair has regard to what is being said at the time, and what is being said at the time has little relevance to the Statutes Amendment (Shop Trading Hours and Landlord and Tenant) Bill. The Chair asks the honourable member to return to the Bill.

Mr FERGUSON: Thank you, Sir. What the member for Bragg said is recorded in *Hansard*, especially his remarks about transport costs. Because the price of petrol has recently increased, the member for Bragg claimed that small business is now much worse off than it used to be and that that has made it uncompetitive. The honourable member failed to say that over the past five years the real wages of the man behind the wheel driving the goods around have decreased dramatically. Therefore, if a shop is paying additional sums for transport costs, the shopkeeper is not too good as a small business person. The record of the member for Bragg in small business cannot be too good if his transport costs have increased over and above what he was paying five years ago. If the honourable member is using a transport company—

Members interjecting:

The DEPUTY SPEAKER: Order! The member for Bragg is out of order.

Mr FERGUSON: —that charges him more now in real terms than he was being charged five years ago, he is not the businessman that I know he is. The honourable member took $1 million that was left to him and turned it into $3.5 million, and I have to congratulate him for doing that. The member for Mount Gambier referred to shop trading hours in Mount Gambier. He painted a black picture of the cold and wet as we all know can prevail in Mount Gambier. The weather conditions contribute to the fact that Mount Gambier is the richest town in South Australia. There are more millionaires in Mount Gambier per square mile than anywhere else, and that is because of the climate.

From time to time it does get cold and wet in Mount Gambier. What person in small business would be stupid enough to have his shop open in the main street of Mount Gambier when the rain pours and the wind whistles and there is not a customer in sight. If the shopkeeper calculates

that the amount of electricity he has to use is costing him more money than he is bringing in, surely he would not be so stupid as to keep his shop open.

An honourable member: The Leader of the Opposition.

Mr FERGUSON: The Leader of the Opposition. I am terribly sorry for that interjection. I have been to New Zealand, where shopping hours have been deregulated, and I studied this subject when I was over there. I found that shops in Christchurch, which are allowed to open on Saturday afternoons in the main shopping centre, do not open—they close. I could not think of a more sensible thing to do. If there is no business around, the shop should be closed. Why do those clever businessmen—and I concede that they are clever because they are out there and we are in here—need Parliament to tell them when to open and close their shop? That just does not make sense.

In New Zealand it is quite possible to walk around in some of the tourist towns and find some shops still open at midnight. Yet, the next night, if there is a snowstorm—and there sometimes is in resort areas—the shops close. Everyone knows what is going on. The customers know what is going on; they know that if it is a miserable night they will not get the service. The shops close, thus keeping their overheads down. Parliament does not need to tell them what to do. I believe that is the best course of action to take.

In South Australia we have legislation that deals with industrial regulation. Parliament has given that area to the employers and the unions. I believe in the agreement that has been reached, and I do not want to praise one above the other because there has been a meeting of minds, and the results have been good for everyone. That is the way it can be and the way it should be. There is no need for us to sit in this little green House and tell employers how to run their businesses and trade unions how to run their union. I support the Bill before the House.

The Hon. E.R. GOLDSWORTHY (Kavel): This matter is developing into one of the more interesting debates in this House. I find that I cannot agree with my friend from Henley Beach because, obviously, I am talking to the wrong people. I must be talking to the same sorts of people as the member for Mount Gambier—and I have not been there for quite some time—because I am getting one message loud and clear, and I speak from personal experience. Yesterday I went down to a major shopping centre and had a cup of coffee in one of the little shops that are leased from the shopping centre owner, and I happened to say to one of the employees, 'What do you think about extended shopping hours?' She said, 'I don't like it at all.' I said, 'What does your boss think?' So she brought the boss around, and I had a talk to him. He said, 'It is the last thing I want. I have two small children. I cannot afford to pay people. I am paying $65 000 a year to the shopping centre owner for this one room shop. I will have to bring my two kids down here on Saturday afternoon.' I said, 'But you will not have to open. An amendment may go through which does not compel you to open.' He said, 'There are all sorts of ways of making you do things in this world. Our lease comes up for renewal every year.' I said, 'What's the escalation factor?'

I was told that they could simply be told, 'We don't want you any more.' I asked whether the people knew what their turnover was, and he said, 'That is one of the conditions of the lease; they can charge what they like based on the turnover.' I thought, 'Well, there is one opinion anyway.' So then I went up the road and had a haircut in another shopping centre (and I think everyone would agree they did a pretty good job). The staff of the shop were on to me; they knew I was a member of Parliament. Every time I have been in there to have a haircut, which is not all that frequently, I have had the issue of shopping hours raised by the proprietors. I have been told by the employees and the owner that extended shopping hours is the last thing they want. The owner of the fruit shop, where I have been shopping for ages, started telling me months ago that the last thing he wants is to open on Saturday afternoons. What they are really on about is their lifestyle, and their families lifestyle. It is all very well for the member for Henley Beach to get up in here and say, 'We believe in the free market'.

An honourable member interjecting:

The Hon. E.R. GOLDSWORTHY: I basically believe in the free market, but I do not believe in monopolies. I think we all realise that business is a power game: the more money, the more power and the more influence one has, the more one can call the tune. Even in the home of free enterprise, America, there are fairly strong anti-monopoly laws. For example, when my Party was in Government we set a wholesale price for fuel. One of the first questions I got from one of the so-called free marketeers was, 'Why on earth has a free enterprise Government done this?' I supported that because the privately owned service stations were having to buy their fuel wholesale at a higher price than the company-owned service stations were selling it retail. The free marketeers, the purists, those who are hung up on ideologies would say, 'So what!' I am all for open, free competition, but I am not in favour of the big boys of business raping the small boys and girls.

An honourable member interjecting:

The Hon. E.R. GOLDSWORTHY: I am just saying that it is all very well for the member for Henley Beach to talk about the free market, but rarely is it free. I believe in the free market, but I also believe in anti-monopoly laws and everyone getting a fair go. I am convinced that, given the way some business enterprises go, people who do not have the economic clout do not get a fair go.

I approached this measure with a fairly open mind, and I have listened to what people have had to say. It is a fact that the small business community in this nation is the major employer. I have also heard the arguments about tourism, that we must have extended shopping hours because of tourism. I visited two of the major European tourist countries—Switzerland and Austria—not all that long ago and I was interested to note that in the major cities of Zurich and Vienna (one of the great tourist places of the world) the shops do not open on Saturday afternoons.

Mr S.G. Evans: They must have pretty good economies.

The Hon. E.R. GOLDSWORTHY: The economy of Austria is largely based on tourism. I have been to places such as Salzburg and Vienna several times, and I think they are delightful, lovely places and I would go back. They have opted for a lifestyle in which the shops do not open on Saturday afternoons.

There are always two sides to an argument, and there are always more groups in the community than those who put forward an argument and say, 'But we have consensus.' There is consensus here between the major players and the unions. I will bet my bottom dollar on that. In fact I know that, if there was the slightest squeak from the union that this should not occur, that approach would prevail within the Labor Party.

An honourable member interjecting:

The Hon. E.R. GOLDSWORTHY: We know it is true. The Federal Government cannot pass any industrial legislation, or any other legislation for that matter, without the ACTU—the unelected arm of Government—saying it is okay. When a wages deal is hammered out, Parliament is

largely irrelevant in relation to the wages policies that are enunciated by the Federal Labor Party. The ACTU has more clout than any other group in this country. I am all for the free market as long as it is free and fair. The anti-monopoly laws ensure that it is fair. I do not want to say a lot more. I am interested in this debate. I like to go shopping on Saturday afternoons and, if the shops were open, I guess I would. However, to get up here and claim that the unions and the people who run the RTA have agreed that it is all plain sailing and that nobody else is interested in this is just not stating facts.

Many people have taken the trouble to bail me up, and express strongly their views on this legislation I have no association with the union movement, so union members would not bother to tell me their views, and I have very limited association with the bosses of the RTA in this day and age, so they would not bother to ring me up. So, the people with whom I meet commercially are the small businessmen, and to a man they do not want it.

Mr Atkinson interjecting:

The Hon. E.R. GOLDSWORTHY: Yes, the annual fees are too high, aren't they! I am simply putting on record that there are two sides to all these arguments. It depends on whom one wishes to represent in this place. The small business community is a significant community in this State and nation and provides the bulk of employment. To get up here as the member for Henley Beach has done and say that the Labor Party's taxation policies have helped small businessmen is absurd.

An honourable member interjecting:

The Hon. E.R. GOLDSWORTHY: The taxation policies of this Government have hit the small business community harder than any other group and the member for Henley Beach knows that. We know what the Government's land tax regime, FID tax and all its other taxes have done to small business. Of all the groups, the small business community has been hit hardest. The only way that it can try to overcome this problem is to work longer and harder.

If we think that that group is worth considering, we will not get up in this place and say that there is unanimous support for this measure; there is not unanimous support. As I have said, all the people who have taken the trouble to speak to me have said vehemently that they want some sort of family life. I think that we just have to make a judgment in these circumstances about what is a fair thing. A free market is fine if it is free. I quoted to the House the sort of pressures that can be brought to bear by certain owners of shopping centres, although some shopping centres do give their tenants a fair go. I have quizzed several of the people concerned. Tenants know that their lease will go up 10 per cent each year and they live with that. However, other owners, if the tenants do not do what they want, know how to bring pressure to bear and squeeze the tenants into the mould in which they want them, or they get rid of them.

Do not let us kid ourselves that the market is free: the market can be as free as we like to make it. I am firmly in favour of giving all sections of the community a fair go if we can. So, when we get to this situation, we decide for whom we are going to opt. The consumers generally want it. The unions have now screwed out a deal which they think is all right, although I suspect that most of their members—certainly the members of the Shop Distributive and Allied Employees Association—would not like it. All the people who work in the shops tell me they do not want it, but the union hierarchy has said it is all right, so they go along with it.

The member for Henley Beach is fooling himself if he thinks that this proposition has universal support; it has not. The people for whom the member for Mount Gambier spoke and the people to whom I have spoken in metropolitan Adelaide, to a man and to a woman, are opposed to it. Maybe some of the small businesses are in favour of it, but none of them has spoken to me. Do not let us hear all this nonsense about a free market. As I said earlier, when the people who own sites can put people out of business by charging them, as happened with the—

Mr Atkinson interjecting:

The Hon. E.R. GOLDSWORTHY: I am just repeating that when one says, 'Yes, it is a free market', and when people use economic power deliberately to put their competitors out of business, when they have control of the flow of goods—as the petrol station owners had when they sold petrol retail more cheaply than they would supply it wholesale to independent operators—then the game is crook. If members opposite call that a free market, I do not. Although I have a lot of respect for the member for Henley Beach, he suddenly jumped on the philosophical band wagon of the free market—laissez faire, an open go, do your own thing; big is beautiful; if you have the economic clout it does not matter whom you wipe out of business!

I just do not accept that. It comes down to what sort of lifestyle we want for the people who are employed in this State and for the consumers. In this case I have decided to come down on the side of the people who have taken the trouble to tell me that they do not wear it because it will affect themselves and their families dramatically and that there will be no more money. They will have to work longer and harder for no more return to suit the convenience of some people in the name of tourism. As I have said, major tourist countries overseas have opted for a more civilised lifestyle. I will not cry tears of blood if this Bill passes, as it will, but I think that those people deserve a voice in this place, and I am quite happy to get up and put their point of view.

Mr MEIER (Goyder): Before addressing some of the key points in this Bill, I want to get things straight in relation to what the member for Henley Beach said. I would be happy if he corrected me if I have misheard him. I have here his statement that 'farmers are doing very well'.

Mr Ferguson: With tax.

Mr MEIER: I am quite happy if he then adds 'with tax'. The very fact that the member for Henley Beach would make such a statement perhaps shows that the whole text of his previous—

An honourable member interjecting:

Mr MEIER: Well, you ask him that. The text of his speech had no credibility because the farmers are in a crisis situation. I certainly do not want to take the time now to expand once again on the many adverse factors facing the rural industry. However, the member for Henley Beach should ensure that the contributions he makes are factually correct. I was very interested—as the member for Kavel pointed out—that the member for Henley Beach was going on so much about regulation and deregulation when I would have thought that one of the key requirements should be that the labour market at least would not have to be regulated; yet, even before people want to get a job, they are obliged to join a union. If that is not a regulation, please tell me what is. But, enough said on that matter. It was one of the more disappointing speeches from the member for Henley Beach. In fact, I was wondering whether he was trying to use the Clive Robertson brand of humour. Be that as it may, time will tell.

We have before us this evening the vexed question of shopping hours. I know it has been said on many occasions

that there is an inevitability about the extension of shopping hours. I guess if one says it often enough and for long enough it could come to pass. It seems that there is every likelihood that an extension of shopping hours will occur in the near future, assuming that this legislation before us is passed. The last time we had a similar Bill before us I was lobbied actively by constituents of mine who opposed it. This time that has not been the case: I have heard from very few people. I do not know whether it is because of the inevitability factor that they have perhaps decided that there is no point in waging a campaign against extended shopping hours or whether it is because of some other factor whereby perhaps the people concerned have to work such long hours as it is to try to make a decent living.

Whatever the case, I have some serious concerns: first, because in the rural sector things are not good and I do not believe that an extension of shopping hours will help the situation. In the main, that is simply because so many people in small businesses, if they are to open longer, will find themselves working longer hours, particularly in the type of business being run jointly by a husband and wife. Not being able to afford to employ anyone else, it means that their hours go up to something like 50 per week when their shop or business is actually open. Of course, that excludes the hours they have to spend preparing for the opening and the hours after closing. So, life is not looking very rosy for the future in that respect.

I acknowledge that probably many country towns will not take advantage of extended trading hours. However, what effect might extended opening in the city have on country people, and country businesses in particular? I guess the argument put to me several years ago still applies: people in the country areas will take advantage of the late closing on Saturday and go to the metropolitan area to spend the day. While they are here they will undoubtedly take advantage of the shopping hours.

That is what metropolitan business is all about. It will mean that many rural businesses will miss out on their custom. I can understand that argument put forward by many businesses, and it is a just worry. However, we must recognise that many country towns already have the right to open beyond the current hours and, in many cases, they do not exercise that opportunity. In my electorate, Yorketown and Moonta are non-proclaimed shopping areas, so they can open any time. Why they are non-proclaimed shopping areas goes back many decades.

It has always helped at Easter time and during the Christmas holidays because shops in those towns do not have to seek permission to open on holidays or on Saturday afternoon if they choose to do so. To date, other towns have had to seek the Minister's permission and, in many cases, shopkeepers have left it to the last minute and come knocking on my door asking me to plead with the Minister so they can open for extended hours on a particular day. I must say that the various Ministers of Labour in my time as a member of this House have been very accommodating, and that is greatly appreciated.

I believe that the Opposition's foreshadowed amendment to clause 6 to allow rural councils to be able to determine their own shopping hours is a sensible measure. I say that because, earlier this year, two towns in my electorate, namely, Kadina and Wallaroo, conducted a poll to determine whether or not people wanted extended shopping hours. The poll was held between 26 March and 2 April this year. There was extensive advertising and, I would say, extensive lobbying in the two towns. The poll was conducted under the auspices of the District Council of Northern Yorke Peninsula. The third town under its control (Moonta) did not come into it because, as I said a little earlier, it is a non-proclaimed shopping area, so its traders can trade seven days a week if they want to, anyway.

The poll results were interesting. At Wallaroo, 68 per cent of residents decided they were in favour of a change in trading hours, and 32 per cent voted against the idea. So Wallaroo definitely wanted extended trading. On the other hand, in the neighbouring town of Kadina, in the same poll with the same lobbying and advertisements, the people voted the other way: 64 per cent of residents voted against extended trading hours while 36 per cent were in favour. So, two towns of similar size, both having the chance to exercise their vote as to whether or not they wanted extended trading, had a diametrically opposed view. For this reason, I believe it would be very sensible to accept the Opposition's foreshadowed amendment so that rural councils or areas can determine what position they want to take on extended trading hours, weighing up the various factors that apply.

There is no doubt that chain-store supermarkets would be pleased to have extended trading hours in all major regional centres, and that is from where almost all the lobbying has come. There is no doubt that they are well set up to accommodate and cater for extended trading. But at what cost? Unfortunately, whether we like it or not, it will be at the cost of many smaller businesses. People who have been to the United States of America will have seen the effect of extended trading. On my trip to that country earlier this year, I travelled through five or six States, and the one thing I noticed missing in most areas was the corner deli, as we know it. There were supermarkets and I could get most items from them; that was certainly very handy, particularly for tourists, and that point has been made by other speakers on this side. However, the small businessmen had virtually disappeared. It was only in the very small communities from which supermarkets were absent that I came across the United States' version of the delicatessen.

At a time when the rural sector is facing a downturn, I hope that this House will allow it to determine its own course of action. I well appreciate that many people want extended trading and that is a key reason why the Government has once again brought this legislation before us, but I also recognise that a minority of people are opposed to it. It is easy to legislate for the majority, but we must consider the consequences and the effects on the minority. It is to be hoped that we can accommodate that group as much as possible. As this legislation affects the metropolitan area, it probably cannot accommodate those people. It will have to be an across-the-board determination—across-the-board legislation—but there is a definite opportunity to accommodate the individual differences in country towns. I emphasise that it should be left to those communities, particularly through the district councils or corporations, to determine what they would like to do about their shopping hours, be they extended or not, recognising that many rural towns already have the right to trade for extended hours and do not exercise that option. It affects people who trade near larger centres, and the viability of some of the businesses in the adjoining areas could be seriously affected. I ask all members to consider the points I have made with respect to this Bill.

Mr BLACKER (Flinders): I oppose the Bill. Anyone who has listened to me express the views of my electorate over the past eight to 10 years knows very well that my electorate is strongly opposed to the extension of trading hours for a number of reasons. When the matter was before the House four or five years ago, I went to a considerable amount of trouble to consult with my constituents and seek from them

written expressions of their opinions. On that occasion, 99 per cent of respondents strongly opposed the extension of trading hours. Since that time, the community has faced more economic difficulty and, when that Bill was introduced, I spread the word around my electorate to find out what my constituents thought of it. I particularly sought the views of the small business community.

On this occasion, the opposition waned slightly, but I would say that 98 per cent of respondents are against extended trading hours. Therefore, I have a strong commitment to opposing the Bill on the basis that it is not in the best interests of the small business community. Some would argue that I have not taken into account a wider consumer section of the community.

However, although I have not sought written expressions of interest from that section, I have moved around my electorate quite extensively and I am of the opinion that extended trading hours will be a cost to the community that the community cannot afford. Thus, nobody has expressed any great desire for the extension of trading hours beyond that which we already have. One of the threads that came through in the responses was in relation to family life. Going one step further, I do really question the Government on its reasoning for proceeding with this measure at this time, but if ever there were economic difficulties for small businesses, it would have to be now.

Never in my 17½ years or more in this Parliament have the difficulties confronting businesses been as great as they are now. I feel that the Government is unwise to just put a further burden on businesses. We know that thousands of them are going to the wall every year, not just in country areas but also in metropolitan areas as well. One only has to drive down any one of our commercial streets to realise the number of businesses that have gone to the wall, and it is because the overheads are beyond the level that they can sustain. Of course, part of those overheads are a cost that has to be absorbed in extended trading hours.

I wonder whether the Government has taken into account the number of bankruptcies that have taken place but, more particularly, has it considered whether the people will pay or can pay? Just how long can the people pay for those extra services? In an electorate such as mine, which one could say is relatively isolated from the rest of the community, people do not have the services that many of the people in the metropolitan area take for granted. And we ask why, and one of the reasons why is that businesses cannot sustain the additional hours, the additional overheads, that go to make up that business opportunity.

On Eyre Peninsula a considerable number of businesses are no longer able to survive, so that the range of shopping opportunity is not available to my constituents. I could generalise and say that that applies to most country constituents. It is like a dog chasing its tail in so many ways. In seeking the views of people in my electorate, I received a number of letters, some of which I would like to cite because they explain the stance that I intend to take. The first letter is from a butcher and states:

As I am a butcher who already works 65 hours or more each week, I feel I already work sufficient hours without opening Saturday afternoons.

An electrical firm stated:

Thank you for your input re the trading hours—this is discussed by our local committee every Christmas-time. We speak for our position—we feel that extra trading hours are not necessary—we have tried and proved this many times... our position would be to vote against increased hours.

A letter from a Four Square store states:

I... oppose any penalty to businesses that do not wish to remain open.

A pharmacy stated:

I disagree with the whole concept. This will [mean] more shopping away from the smaller centres to the benefit of the larger towns. As a small business owner we must balance up dollars with free or family time. I for one will resist opening and will continue to offer to my customers to open any time for an emergency on request.

That is a service which most businesses provide. Obviously, if somebody is in distress, people will rally to the cause. Another letter from, in this case, a manufacturing jeweller stated:

I am required to be available at my shop whenever it is open. This is due to clients needing advice on repairs, remodelling, valuations and makes. Such clients may come in at any time that the doors are open and some skill and knowledge is required to give satisfactory customer service.

A hairdresser said:

I am not in favour of change to the trading hours but if extension does occur I feel that 'public services' must follow e.g. post office, motor vehicles etc.

And there was a little note on the bottom:

P.S. I wonder how many small businesses are being offered for sale since this proposal has come?

The District Council of Elliston took the time to write to me, as follows:

I would advise that this council does not favour compulsory extension of shop trading hours—

And I think it is understood this Bill does not provide for 'compulsory extension of shop trading hours' and the council has misinterpreted it—

Rather business premises should have the option of opening voluntarily if they so desire.

I do not think that one quite meets the point.

I received another letter from a rural supplies firm at Cleve in which it was stated:

Once Saturday all day trading is introduced, then there will be a push for Sunday trading.

We had that very example here today when the Minister issued a proclamation that there would be trading on the Sunday prior to Christmas. That was the very issue of concern expressed by this constituent. The letter continues:

The cost in dollar terms alone is high enough now for Saturday morning trading: it would be a total loss for us for all day trading. Peter, my company and my employees are totally against Saturday afternoon trading.

A furniture and white goods retailer wrote to me as follows:

Dear Peter, I was very pleased to have you bring to our attention the proposed extension to trading hours in the retail trade. As you will no doubt realise, traders in the retail business would not be experiencing anything but very mediocore results at the present time, as each day costs and overheads seem to increase. Unfortunately our turnover and profits—if any are, very meagre, that is we all seem to be working harder for a lot less rewards nowadays.

The extension of trading hours would increase overhead running costs considerably. I would be only too happy to agree to any extension of trading hours but only if I can be convinced of:

(1) Our overheads are not increased considerably.

(2) That our turnover will increase enough to show some reward, profitwise, to make the extra hours worthwhile.

(3) That due to total lack of secondary industries in Port Lincoln employment wise, that is night-shift workers, our customers our are predominantly farmers, fishermen, retail workers and piece workers—that the present trading hours cannot continue to serve these people as adequately in the future as they have in the past.

Please show me a way that longer trading hours will succeed, but please do not burden us with extra trading hours that, if brought in, will see the demise of many retailers in this area. I would also like to mention that all of our staff members are strongly opposed to the longer working hours.

Finally, I would like to ask, that if longer retail trading hours are essential to the community, why also are not the banks, post office, transport, doctors surgery etc., being made to extend their hours to service the general public accordingly.

Another letter from a number of banking employees stated:

Dear Peter, extended trading hours are not warranted in country areas and doubt must also surround this concept for the metropolitan area. The following points are made in support of this:

1. The additional cost of the Saturday trade will be passed onto the consumer at a time when the pressures of inflation have already eroded their purchasing power.
2. Declining population in rural areas has forced us to travel further than ever before to attend and compete in sporting functions/events. Football clubs in particular are struggling to maintain two seniors teams without having to compete with employers for the services of these men. Junior grades will also be affected as parents will be unable to transport them to matches which are held mid morning and necessitates leaving for some locations at 9 a.m.
3. Sport plays a major role in the social aspect of rural communities with little to no other forms of entertainment provided in comparison with our city counterparts.
4. Should extended trading hours in the metropolitan area operate at all times of the year then we are likely to see more country people travelling to Adelaide or provincial cities to undertake their shopping needs which will only cause country town businesses to become virtually extinct.
5. Businesses which have a demand for extended hours open now on Saturdays to provide that service even if only on a seasonal basis. There are also EFTOS and night and day facilities.
6. Country areas have very few if any shift workers and therefore 'normal' trading hours meet 98 per cent of the people's needs.
7. Would prefer to see rostered days off traded in lieu of Saturday work.

A small gift gallery in Port Lincoln similarly wrote back to me indicating objection to the proposed extension of hours and listing the following reasons:

1. Local businesses are already battling for survival without unprofitable additional hours at higher wage rates.
2. It is a proven fact even on such major weekends, trading on Saturday afternoons (for Mortlock Shield and Tunarama) has been unprofitable for my business and many others.
3. Businesses will be forced to open, if the legislation is passed to keep clients and compete even when unprofitable.
4. Port Lincoln relies on country clients and, with a country and local emphasis on sport, there will be minimal support of trading.

I am therefore strongly opposed . . .

I also received a detailed letter from National Pharmacies, which went to a considerable amount of trouble to respond to the legislation. I made no comment in my letter to that company, other than to issue a copy of the Bill and the Minister's second reading explanation and to ask how it believed it would be affected. I made no comment, but the response from my constituent in part stated:

Our association would need to carefully consider several issues before deciding whether to open our pharmacy on Saturday afternoons.

1. Customer Service to Members: Although this is a major consideration we currently choose not to open on Saturday afternoons, despite being allowed to open seven days under an exemption to the current Act.
2. Doctors' consulting hours: Obviously prescription demand is dependent on local GPs' consulting hours. If they were to consult on Saturday afternoons then it would increase consumer demand and pressure for us to open.
3. Staffing: A pharmacy is a unique business in that a pharmacist must be in attendance at all times whilst the pharmacy is open. In country areas where relief pharmacists are seldom available it means that the one pharmacist must be on duty for all the hours that the pharmacy trades (including Saturday afternoons, if open). This would not add to his/her 'quality of life'. Our current staff at Port Lincoln have indicated: 'No, we do not wish to work on Saturday afternoons.' Several staff do play sport in local teams on Saturday afternoons and if working would be unable to continue with sport.
4. Wages deal: As yet there is no guarantee that wage rates similar to the Shop CC Award exist for extended Saturday afternoon trading in pharmacies. Negotiations are currently taking place in regard to this in the retail pharmaceutical chemists award restructuring.

On current indications it would appear that our Port Lincoln pharmacy will not open for business on Saturday afternoons (especially if our local staff have their way!), but customer service to members will need to be closely examined in the light of other local traders' responses to the legislation.

I also received a response from a clothing firm as follows:

Saturdays are spent playing sport or supporting a team or family member. It is a community day—let us keep it that way.

In all fairness, I received one letter in support of extended shop trading hours from the Port Lincoln Leisure Centre. We all understand that, being a fitness centre, it would have a swimming pool, water slide and other aerobic facilities and operate from about 6 a.m. until relatively late in the evening seven days a week. The centre manager indicated that other members of the staff believed that there was support for extended trading hours.

The only other person who contacted me to indicate that there was some softening of the approach was one who had spoken to me previously and was vehemently opposed to the proposal. That person is involved in the baking industry. Bakers have to work a large part of the time to cater for consumer demands; therefore, their hours are far more irregular than most of us would like. For that reason I will be opposing the Bill. The Government has taken an attitude in support of the wishes of people in the metropolitan area, with a complete disregard for those living further afield.

I believe that Parliament has an obligation to see that business facilities are available to all citizens of the State. Although the Government cannot be involved individually in those businesses, it should be there to create an environment conducive to stable business in all sections of the community. We all know that it is not easy to create the same sort of environment in built-up metropolitan areas as it is in a more far-flung country area. The Government must realise that we are not living in a cocoon. The policies of the Government seem to be quite localised to an area from the southern Hills district to Gepps Cross. Regrettably, many of those policies have been anti business, and this is just another one that makes it all the more difficult.

The members for Henley Beach and Spence made a lot of general allegations. All of their comments related to employees of small businesses. We could argue whether employees of those small businesses have the right to take off, but what has not been mentioned is the small business that is run by an owner/operator. By their very nature, the principal person in several businesses that I mentioned—butchers, manufacturing jewellers and pharmacists—must be the owner/operator. It might be only a one or two person business. It is different if we are talking about a chain-store or a grocery store which might have one or two checkout girls and three or four other employees who do not have to have the same sorts of qualifications to keep that business open. The classic case would be that of a pharmacist who would have to be appropriately qualified before he could even open his door. In the absence of a number of qualified pharmacists who could act as locums, that business could not open because the pharmacist would have to work extended hours, and I do not think that would be possible. For the reasons I have mentioned, I oppose the Bill. I do not believe that it serves any useful purpose in the community, particularly given the economic difficulties that the State is experiencing.

Mr BECKER (Hanson): I endorse the remarks of the member for Flinders and some of my colleagues. I, too, do not support the legislation. It might sound a little mean to say that I oppose the extension of shop trading hours in the metropolitan area, but I do so for various reasons. I feel for the people who are involved, and certainly small business people and their employees. The Government may support the view that if we extend shop trading hours the cost to the retailer will increase, and that by negotiating an

award or an agreement with the unions this penalty would be removed, but I do not agree. I have noticed, particularly in the past few months, that in a seven day a week retail food operation prices seem to go up on Saturdays and Sundays. I do not think that the extension of shop trading hours would reduce those prices.

It seems to me that a lot of small businesses charge more than major supermarkets, and the only organisations that will benefit from the extension of shop trading hours will be big supermarket operators. For 20 years we have had this perennial debate on shop trading hours. I know that almost 20 years ago this issue began in West Beach in my electorate where a supermarket was given approval, by the then Minister of Labour and Industry, to operate on a seven day a week basis. It was extremely successful—there were very few in the metropolitan area. To give credit where it is due, that business was able to succeed and it was able to offer considerably discounted prices—it was part of a supermarket chain—because there was little competition.

One would have to say that it was not fair to similar retailers within a certain distance. Maybe that is so, but it proved the point. That proprietor employed 118 people, of whom 100 were part-time employees and only a handful were permanent. This meant that it was not viable to extend the trading hours of the seven or eight other businesses in the area. If we extend trading hours now and make everyone equal, tragically some of them will have to close their doors. Some of them are having trouble existing now—

Mr Hamilton interjecting:

Mr BECKER: The free enterprise system has a terrible habit of destroying those involved in it. Our first obligation is to look at service to the community and at protecting the rights of employees. I have said this all along and I have got into a lot of trouble over the years. On the last occasion, I quoted figures paid to assistants in retail stores. It was about $278 a week—not a very high wage—and there was very little incentive for some employees to improve. Since that time, the wage structure has altered a little, but it is not a generous payment at all. In some areas—particularly furniture and hardware retail—we find that employees have little choice. Ask anyone who works at Le Cornu's. If they tell you at all, you will find that they are not given any choice as to whether they work on Saturdays or Sundays. They are told, 'You are a volunteer—you will volunteer to work on Saturday or Sunday, otherwise do not come on Monday.' So, the hours and living habits of some of these employees have had to be changed. By rotation they may get a weekend off, but their whole family lifestyle is changed, and any opportunity to participate in sport is ruined.

Generally, the employer picks on middle-aged people because they know that they cannot afford to lose their job. So, it is usually the older and more loyal employee who is forced to work on a weekend. He feels obligated to work because he has too much to lose by way of long service leave and, if he is lucky, superannuation. At about 50 years of age, no-one will want to give you another job—there is no second chance in employment today. I think that the Government has been a little foolish to rush this legislation because we are in the worst economic crisis that this country has experienced for decades. The Prime Minister is just finding this out, but he will not admit to anyone that we have economic difficulties—such is the scam that is being placed on the economic crisis at the moment.

A lot of small businesses were not affected previously—and currently are not affected—by the extension of shop trading hours. Let us look at butchers. Ever since this issue was first raised I have defended the right of butchers to close on Saturdays if they want to and certainly not be part of this proposed extension of shop trading hours. Butchers and fruit and vegetable operators have to get up early in the morning, sometimes at 2 or 3 o'clock, to purchase their goods and to prepare their displays for normal retail hours. Fruit and vegetable operators go to the market, buy their goods and set up their shops. Butchers bring out their meats, prepare the cuts and display them. They need to start at about 3 o'clock also, and many prepare orders given to them on the previous day.

We are placing extremely long hours on these people, and making it very difficult for them to operate. Many, if not most, are family businesses, and we have found that, because of the cost of operating small businesses and the increased Government charges, immense pressure is placed on these people to survive because they have no other occupation. When they want to retire, often their money is tied up in the goodwill and the value of the business—and any employees they had were probably let go and the family had to help the father or the husband operate the business.

Many women who enjoyed a more comfortable and leisurely lifestyle have now had to go back to work to support the family business. This has brought tension into some family structures as families battle to survive and keep pursuing their occupation. By changing the legislation, by changing the hours, we are again retrospectively changing the lifestyle of these people and making it more difficult for them to survive. I cannot see how these people will benefit to any great extent.

The philosophy of the major supermarkets such as Woolworths and Coles is to increase their turnover continuously each year by about three per cent. They do not care where they get it, from whom they get it or how they get it as long as they increase their annual turnover.

Mr S.G. Evans: In real terms.

Mr BECKER: As the member for Davenport says, they seek that increase in real terms. As they do not make a great profit, they need a huge volume of business. Bit by bit the supermarkets have entered into various retailing fields not normally covered by such operations. Woolworths and Coles sell just about everything from newspapers and magazines, fruit and vegetables and meat. Originally they were never involved in that type of trading, but now they sell everything, including fertilisers and plants. So, nurserymen will have a tremendous amount of competition from large supermarket operations.

I can understand that the pressure is on the Government to extend shop trading hours to help the Myer Remm development become viable. There is no way in the world that that project will become viable before the year 2000. South Australia does not have the population. The people of this State do not have the earning capacity to spend the amount of money that the retailers will require just to keep their doors open, to pay the rent and provide the goods and services that people expect—we just do not have the resources.

We can do all we like to encourage tourism in South Australia, but we should not kid ourselves when we say, 'Let us bring Japanese tourists to South Australia, because they will walk around with big, fat wallets and travellers cheques.' They are the shrewdest tourists of all: they always look for great value in the dollar and they are not very generous. What they seek, one can find anywhere else in Australia. So, there is great competition for the tourist dollar in Australia. Tourists will want to go out of the metropolitan area and look elsewhere.

Certainly, it is great to have the Grand Prix Formula One cars in Adelaide. It is great to have that circus here and to see several thousand people coming from Victoria, New

South Wales and a few people from overseas. Even though next month's race will be the 500th Grand Prix, it will be a real test to see how many people do come to South Australia and how much they spend. We need many more events like that to bring people to Adelaide. We need many more reasons to lure tourists, and we certainly need full employment to be able to ensure that the people have the money and the spending capacity to support extended retail trading hours.

Various facets of the legislation have been dealt with adequately by my colleagues but, on behalf of the butchers of this State, I protest. There have been several discussions with my colleagues to see whether butchers could be exempt from the legislation. I have had considerable discussions with my colleagues in the banking industry: we worked hard in the 1960s to close banks on Saturday mornings. We proved then that it was not necessary to have banks open on a Saturday morning. I know the impact that it had on the banking industry, as it did in many other commercial offices and as it will also have on the retail trading industry in respect of young people.

Members can go to Coles or Woolworths on Saturday morning and see the number of young people working—most of them part-time—who will be denied the opportunity to participate in regular sport or recreational activities. Netball is one of the biggest participation sports in South Australia and dozens, if not hundreds, of young women will be denied the opportunity to participate in regular Saturday afternoon competition. Similarly, that will occur with respect to cricket, lawn bowls, football (if we want to include it as a sport), softball and surf lifesaving, which is important to us, because we have to have hundreds of volunteers manning our beaches during the summer period. A Government that interferes in this type of arrangement with retailing in this State is unwise. We should leave the legislation alone. If by regulation the Government extends shop trading hours from time to time, as it is about to do for the Grand Prix circus and one or two other events, so be it.

Our weather pattern changes dramatically. No-one should be forced to open in winter. At the same time, many shopping centre landlords—particularly those in the large shopping centres such as Westfield—will force all retailers to open, no matter what type of legislation is introduced. The Government can legislate as it likes, but many people are willing to abide by the requests of landlords to take a position in shopping centres. There will be no freedom of choice so far as they are concerned: it will be a matter of take it or leave it.

Already major shopping centres such as Westfield are planning further extensions (this is about the second or third that they have undertaken at Marion). It is putting the viability of other regional shopping centres at Glenelg, Jetty Road, Brighton, and elsewhere at risk in respect of the services provided in those areas. Eventually we will see the retail experience that I saw in America in the early 1980s. In a mall similar to Rundle Mall two-thirds of the area was boarded up as a result of extended trading hours. There was one store the size of John Martins with about half a dozen attendants. Security badges were clipped on every item in the store to stop pilfering and shoplifting. If you wanted to buy something, you had to hunt around to find an attendant. The service was terrible and the prices were much higher than they should have been and, as a result, the consumer did not get a fair go.

For years a similar situation has prevailed in Canberra where the prices vary of a weekend—prices are increased to cover additional costs. Who benefits by that? I feel sorry for consumers, who are asked to pay for that convenience at weekends, but more importantly it is the employees who suffer. Members should look at what has happened in the furniture industry, which is now predominantly comprised of part-time employees with hardly any permanent employees in that industry. Their employment terms and conditions have been amended and people are not given the choice of permanent employment. Are we going to say to all employees in the retail trade in South Australia that over a period their salaries will be renegotiated, that none will be permanent, that they will all be part-time employees, and that they will take it or leave it as far as their terms and conditions of employment are concerned.

Mr Brindal: John Martins and Woolworths do that now.

Mr BECKER: As the member for Hayward says, John Martins and Woolworths do that now. That will be the turning point of the whole retail industry, and I do not like that at all. However, at the same time I must say to the Minister that if he wants to extend the trading hours of the banking industry, there will be a quite strong protest in that area as well. Nothing will be gained, nothing will be achieved, except a lot more bankruptcies and a lot of heartbreak for people who do not deserve it.

Mr BRINDAL (Hayward): When members on this side of the House are introducing me to friends of the Liberal Party—and there are a great many of them—sometimes in trying to describe where the electorate of Hayward is, they euphemistically call me the member for the Marion shopping centre. As I believe I am probably the only member in this Chamber who has an electorate office within a major shopping centre—

The Hon. T.H. Hemmings interjecting:

Mr BRINDAL: I am sorry, the member for Napier also has one. I believe that qualifies us both to uniquely speak in this debate. Many of my colleagues have ably demonstrated the problems in relation to this sort of debate. In view of the fact that I knew the matter would be debated in this House, I wrote to all the small traders within my electorate, and the level of replies I received was quite surprising. Those small traders were almost unanimously against the extension of retail trading hours.

All members in this place would understand when a monolithic organisation such as Westfield Marion is open for trading the small traders that are literally trading within the shadow of its walls, in the immediate environs of the shopping centre, are severely affected. In fact, if an extension of trading hours occurs many of them will not survive, and those that will survive have consistently pointed to an expected 20 per cent downturn in their trade, as a result of the Marion shopping centre being open.

If that is all there was to the issue, I would say that perhaps it is time for a change: society never stands still, perhaps we need a change, and perhaps this is a good idea. However, within the Marion shopping centre there are over 200 small traders. Many of them have made representations to me that they see the extension of shopping hours as not being in their best interests. They point out that their trade does not increase that much with an increase in trading hours—for reasons that I will explain later—and that all an extension of Saturday trading does is compel them to stay longer in their shops and have less contact with their families.

So, the situation as I see it within my own electorate is that the small traders—and there are a great many of them who are outside the Marion shopping centre—do not see it as a desirable proposal, and many of the small traders within Westfield Marion do not see it as a good proposal, either. We must then ask ourselves in all honesty: who will benefit

from Saturday afternoon trading? In terms of large shopping centres such as Marion, the answer is very clear: those who will benefit most are the large retail conglomorates—the Coles/Myers, the Woolworths and the Lloyds of this world. It is for their benefit that the entire shopping centre must be open. Westfield Marion is quite clear—and one cannot blame it—that a centre as large as that cannot be open and shut on a piecemeal basis. Virtually everyone must be open or virtually everyone must be closed, because that is the only way a shopping centre such as that can effectively operate.

They have yet to tell me—as I am sure they have yet to tell the member for Napier and the member for Elizabeth—whether that will include electoral offices. For if it is good enough for the retail traders to be open on Saturdays, surely those members in this House who are servants of their electors would also seek to be open—

Mr Ferguson interjecting:

Mr BRINDAL: The member for Henley Beach says that if I am silly enough to open my office on a Saturday afternoon it is my lookout. I would take issue with him. Whenever possible, I try to open my electorate office on a Thursday night and a Saturday morning because I believe I have a responsibility to the people that put me there. Whether in fact they put me there for four, eight or 12 years, it does not matter because so long as I am there I will do my best to represent them. If that means going to the office on a Saturday morning or a Thursday night, I will do it.

For the benefit of the member for Henley Beach, I point out that I have invited all Ministers opposite to join me in my office on any Thursday night, or any Saturday morning, because those Ministers represent all the people of South Australia. The Minister at the table took the trouble to visit my electorate last Friday, and I commend him for his visit. So, therefore, I am sure that, unlike the member for Henley Beach, the Ministers do have some commitment to the people of South Australia, and I look forward to them joining me on any Thursday night or any Saturday morning they like. I will make sure that I let my electors know so that they can come and talk to the Ministers and put their point of view. The question must be asked: where is this legislation leading? I understand, from assurances given from the Minister, that banks, for instance, will be exempt from this legislation.

Mr S.G. Evans: How long for?

Mr BRINDAL: I know that bank employees are greatly concerned. I, like the member for Davenport, would question how long that will be for. I believe that in a case such as Westfield Marion, which is a conglomerate of shops, that already centre management is somewhat disconcerted that the financial institutions are not open because that means some people do not have access to cash. Believe it or not, in this day and age some people still prefer to shop with cash. I believe that the pressure will come in those large shopping centres for those financial institutions to be open. The Minister can assure the Australian Bank Employees Association as much as he likes that that will not happen, but I doubt it and I put in a plea on behalf of the Australian Bank Employees Association that they should not have to open on a Saturday afternoon.

The purchases that people might make on a Saturday include the large items. One point on which I think all members agree (and I have heard the Minister say this) is that one benefit of shopping on a Saturday afternoon is that the husband, wife and perhaps children can go in together and investigate those large price items which are important to a household—things like a car, a new television and the new stereo set.

Mr S.G. Evans: They buy two or three a year, don't they!

Mr BRINDAL: The member for Davenport must have an affluent electorate. Nevertheless, when one looks carefully at this legislation, one finds out that car yards will not be able to open on Saturday afternoons. Why not? It is because the public servants cannot possibly be expected to work on a Saturday afternoon. I believe that if the Government is serious about this legislation, those service offices of Government can and should be open on a Saturday afternoon. If it is good enough for people working in the retail trade to have to roster their hours and to work on a Saturday afternoon for the convenience of the public, why should the Public Service—especially those offices which provide a service provision—also not provide that service provision on a Saturday afternoon? Why should car yards be closed because the Motor Registration Division cannot possibly be expected to work? If the Minister is serious, let him have Government employees work on a Saturday afternoon. Let him give the banks more than platitudes when it comes to the fact that they will not have to be open. I for one doubt it.

If they are serious—while the member for Henley Beach may make light of it—why should not Parliamentary offices be open on a Saturday afternoon? If that is the time that husbands and wives can come and see us, why should we not be there? If it is good enough for John Martins to be open, if it is good enough for all the small retailers to be open, if we are providing the level of service that we expect from others, why should not we not have our offices open?

One of the reasons why small traders at Marion do not enjoy opening on Saturday afternoon is that they believe that all Saturday afternoon trading does is shift the nexus of hours. It was put to me that on a Saturday morning, with normal Saturday trading, by 9 a.m. Westfield Shopping Centre at Marion is a very busy place. In those weeks when Saturday afternoon trading occurs, one can literally fire a cannon at Westfield Marion until about 11 a.m. It then becomes busy and is busy until 3 p.m. So, the view that the traders express is that on any Saturday morning there will be four hours of busy trading.

The only effect that Saturday afternoon trading has is to increase the convenience of the shopper so that, instead of shopping between 9 a.m. and 1 p.m., the shopper will go out and shop between 11 a.m. and 2 p.m. or 3 p.m. That may be fine for the shopper and may be an apparently greater convenience, but I put to the House that in many families it becomes an inconvenience because they waste two hours at the beginning of the day and find at the end of the day that they have run out of time. They always mean to be at the shops by 9 a.m., but they do not get there and run out of time to do what they want to do as a family in the afternoon. The fact remains that, even with Saturday afternoon trading, shopping is confined to about four hours. By introducing Saturday afternoon trading all we would be doing is shifting the mass of shoppers from one time to another. Therefore, I do not believe that any great benefit accrues to the retail industry as a result. That is a point of view that has been put to me by the retail industry itself.

The other issues that I do not believe have been adequately canvassed in this debate relate to family and commonality of interests. I believe that, where possible, families should be able to enjoy shared leisure time. Time for the wife, children and husband to be together is very important shared time. The more commonality of time that we can give to those people the better. There are a great number of people involved in the retail industry, even more than

are involved in Government. I know that members opposite will find that difficult to believe, but the retail industry is a rather large employer, even compared with a monolithic employer like this Government. However, to open shops on a Saturday afternoon and deprive these people, as the member for Hanson said, of time to pursue leisure activities and of time to spend with their family is to be regretted.

In conclusion, I refer back to some remarks made by the member for Kavel. In so far as I am capable, I will reinforce those comments. Like every member on this side of the House, I believe in deregulation, as far as possible, and in fair trade.

Mr Ferguson interjecting:

Mr BRINDAL: The member for Henley Beach laughs. He may well laugh. He said he had heard everything. I believe that my contribution to this debate is more consistent, more reasoned and better argued than the contributions I heard recently from the honourable member.

Members interjecting:

Mr BRINDAL: Certainly, I am entitled—

The DEPUTY SPEAKER: Order! The member for Napier is out of order.

Mr BRINDAL: The matter to which the member for Kavel so ably referred was, in fact, the existence of monopolies within our society. I would have thought that, if members opposite, were united in their opposition to one thing, it would be in their opposition to monopoly trading and unfair trading practices. I remind members that some of the lighthouse legislation introduced in this House was introduced by their Government. It was legislation that sought to curb the increasing power of monopolistic companies. It was lighthouse legislation in Australia. Yet, part of this whole debate is driven by huge retailers that have a disproportionate share of the market and are not satisfied and want even more. The member for Kavel made that point and I also made it, because I believe it is an important point.

It is very difficult for the small trader, trading on Brighton Road, Morphett Road or Diagonal Road to compete with a monolithic organisation like Westfield Marion. It is even more difficult when Westfield Marion is aided and abetted by Coles-Myer and John Martins. I believe that members on this side have consistently argued the small business position in this debate.

Mr Groom interjecting:

Mr BRINDAL: The member for Hartley, with his normal incisive wit, says that when we were in Government we washed our hands of the whole affair. I wish that for once members on the other side would forget the lessons of ancient history and concentrate on the here and now.

Members interjecting:

Mr BRINDAL: It is eight years since we were in Government. It was a different world then; it is a different world now and there are different members sitting on this side of the Chamber. The sooner that members of this Government realise that they are governing South Australia in 1990 and stop referring to some ancient history—

Mr Groom interjecting:

The DEPUTY SPEAKER: The member for Hartley is out of order.

Mr BRINDAL:—the sooner they will understand the consistent position taken by the Liberal Party. The Liberal Party has evolved into the 1990s; it is not our fault if the Government remains stuck in some time warp 20 years previous.

Members interjecting:

Mr BRINDAL: The Minister at the table says, 'Back to the future.' That could well be a slogan of this Government: back, back and ever backwards, never onwards and upwards. Monopoly and monopoly trading are always to be resisted. Many nations have built immense power by encouraging small business. The Prime Minister says that Australia should become the smart country. We are not going to become the smart country if we abandon our small business and do not seek to protect and nurture it. I oppose this legislation.

The Hon. M.D. RANN (Minister of Employment and Further Education): I move:

That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

The Hon. T.H. HEMMINGS (Napier): I support the Bill. I would like to think that the previous speaker, the member for Hayward, in informing the House—and I applaud him for what he should—in regard to keeping his electorate office open on Thursday evening and Saturday morning, is ensuring that his personal assistant, who is with him whilst he is dealing with his constituents, is getting the appropriate penalty rates that she should be getting for working outside of the normal hours set by this Government.

I would be interested if the honourable member for Hayward could, at some time in the future advise the House whether he is doing the right thing in regard to his personal assistant. I doubt very much if the member for Hayward has even considered it. Some of us here, and I include members opposite, have a little bit more regard for those who work in electorate offices and ensure that they work the set hours. However, I hope that the Minister responsible for this Bill, the Minister of Labour, when he pours over the speeches on this Bill, will check that the young lady working for the member for Hayward is receiving the appropriate penalty rates.

Perhaps it gives us an indication of what we can do for the young ladies who work for us. I did not intend to contribute to this debate but, after listening to the contributions of members opposite, I could be forgiven for thinking that they are canvassing every point of view put to them by their constituency, by small business and by big business. I have no problem with that. In fact, one member canvassed the local cockle seller down at the jetty. They want their proverbial two bob each way. I praise the member for Bragg, the official spokesperson for the Liberal Party on this issue. As I said to him earlier, although I do not agree with everything he said with regard to shop trading hours, I thought it was a well-researched speech.

The Hon. M.D. Rann: It took guts.

The Hon. T.H. HEMMINGS: The Minister said it took guts, and, when there is a need for a bit of courage and a bit of commitment, the member for Bragg is not reluctant to stand up in this House and say exactly what he thinks. Judging by some of the comments in the latter part of this debate from members who said they will oppose the Bill, it appears that the member for Bragg did not have an easy ride in his Party room in putting forward his point of view. As I said, the member for Bragg made a good contribution and canvassed all the points and, although I do not agree with everything he said, I respect what he said.

On an important issue such as shop trading hours, one would have thought that the Liberal Party had eventually got its act together, and that the member for Bragg was to put that point of view. That was echoed by the Deputy Leader and by the member for Coles, who took us on a nostalgia trip. I well remember her speech on red meat. Then the Opposition started to come apart at the seams and I find that I have difficulty in believing what the

member for Bragg said. Did the member for Bragg speak as a representative of the Liberal Party or did he speak for himself? The reader of *Hansard* will find it hard to believe that the member for Bragg put forward the views of the Liberal Party.

As I said, from the member for Mount Gambier onwards, they were a rabble as far as shop trading hours were concerned. In effect, the member for Bragg said in a rather roundabout way that the legislation before the House has resulted from a stance taken previously by the Liberal Party, and that was echoed by the Deputy Leader. I accepted that until I heard from the member for Hanson, the member for Hayward, and with all due respect, from the member for Flinders, acknowledging that he does not have access to the Liberal Party room or to the procedures that the Liberal Party adopts. However, on balance, more members opposite support the member for Flinders than support the member for Bragg. The member for Bragg would agree with me that, at the moment, he has two members on side and the member for Flinders has the rest.

I find that attitude on an issue as important as extended shopping hours to be a little hard to accept. I do not mind the philosophical difference that I have with the Liberal Party, but I have difficulty in accepting the fact that the member for Bragg can hold the line because I do not think that he can. The member for Henley Beach outlined the Opposition's record with respect to deregulation, and the Liberal Party does not have much to crow about. In this regard I exclude the member for Hayward, the member for Bright, the member for Fisher, the member for Custance, the member for Newland and the member for Adelaide because they were not a part of the Liberal Party debacle on the subject of deregulation. In the past, Liberal members have said consistently that there is too much regulation by this Government; yet, every time Ministers have attempted to deregulate, they have put forward excuses why the Government should not go down that path.

Although the Government has had the numbers in this place to carry the day, members opposite have always indicated that it would not get through the other place. The member for Henley Beach canvassed that position. Eggs, potatoes, bread baking hours, petrol—it is a long sorry saga of attempts by this Government to deregulate, only to have the Liberal Party use its numbers in the Upper House to block legislation. The one time the member for Bragg strayed, he claimed credit that it is the Liberal Party that has been leading the charge on reasonable shopping hours in this State.

As an individual, I have concerns about extended trading hours and I am sure that you, Mr Deputy Speaker, representing a seat adjacent to mine—we have offices in the same major shopping centre—would be aware that there is a push in our elecorates for extended shopping hours. As I said, my concern is not philosophical, but it was touched on by the member for Flinders: my concern is that, within my electorate, there is only so much money to go around. Whether a person shops Saturday morning, Saturday afternoon, Friday or Thursday, families only have so much money. I have real concern about that, and that applies not only to country areas and to the wet and windy main drag of Mount Gambier. The problem is everywhere.

What the member for Flinders and the member for Mount Gambier do not understand is that some people want to shop Saturday afternoon. As the member for Henley Beach put it, if the unions and businesses want to come to some agreement, why should the Government stand in the way? This is the first step, and it is long overdue. In his otherwise noteworthy contribution, the member for Bragg tried to convince Parliament and the journalists, those avid readers of *Hansard*, why in the past the Liberal Party opposed shop trading hours.

It was pretty thin on the ground as far as convincing me was concerned and I did not actually see members on this side of the House jumping up and down and saying, 'You beaut, Graham. You got it dead right'. He did not get it right: the reason why the Liberals opposed the extension of shop trading hours in the past was that they thought they could make it electorally attractive to them in their opposition. They knew that extensive polling had shown that the community then, as they do now, wanted the privilege of being able to shop on Saturday afternoon if it was available to them, notwithstanding the comments I have made about the availability of money. But, they did a little bit of research themselves. They started to raise the old scaremongering tactics that the cost of goods in shops would increase dramatically and, subsequently, they got a few faint hearts out there in the retail sector to agree to their proposition. We were close to an election and they used their numbers in the Upper House to kill that piece of legislation.

It was not, as the member for Bragg said, so that members opposite could ensure that this Government came up with a better deal for the benefit of the trade union movement. The member for Spence quite rightly pointed out that, by their stupidity last year, they enabled the unions to get a better deal from the employers, and I thank the member for Bragg for, for once, going out to bat for the working classes of this State. It is the first time he has ever done it and I do not think he will ever do it again. Let us just get rid of that furphy. The member for Bragg might have wanted Saturday afternoon trading when the issue was last debated in this House, but he did not have the numbers. For some reason he managed to get the numbers this time, but the old free spirit of the Liberal Party is emerging strong at the moment and, as I say, more members have supported the member for Flinders than the member for Bragg.

Mr Venning interjecting:

The Hon. T.H. HEMMINGS: The member for Custance, interjecting out of his place, said that that is democracy. I would suggest that the member for Custance scuttle off back to his little corner, make a contribution to this debate and tell us where he stands in the democratic process of the Liberal Party and whether he supports Saturday afternoon trading. One of the things that the member for Custance could relate in this House is how Saturday afternoon trading will affect the people in his constituency, a country electorate—and a fairly wealthy country electorate, if I may say so, with very nice views, very nice wineries and everything else. Perhaps he would be able to give a point of view different from the point of view of the member for Flinders in his contribution to this debate and, also, the member for Goyder.

As some members would well know, the member for Goyder is my local MP. I have had the honour of the member for Goyder representing me in this House for something like six months—and when the member for Goyder represents me, I feel very comfortable. If I were to canvass that part of the electorate in which I live, that is, Edithburgh, I would find that the shopkeepers of Edithburgh would love to open on a Saturday afternoon. In fact, when the Minister brings in legislation to allow extended trading during the Christmas period and the Easter period, the shopkeepers say to me, 'You've got a very good Minister of Labour in the Parliament, because he understands that for us to make our livelihood we need to be able to trade on a Saturday afternoon.' When I am spending all the ill-gained money that I get in this job in Edithburgh, the

shopkeepers are only too pleased to open to take that money. Is this happening only in Edithburgh, in the country, where people want extended hours? Why do they tell me that the Minister for Labour knows exactly what he is doing as far as extended trading is concerned, I am able to go there in the afternoon to buy some pork chops.

I am able to go to the Serv-Wel and get the groceries if we arrive on a Saturday afternoon. I would like the member for Custance to stand up in a true democratic way and tell us how he thinks Saturday afternoon trading will affect his constituency. If the member for Custance is truthful (and he is a very truthful man), he will say that he is on the side of the member for Bragg. I urge all members opposite to stick behind their Party decision, to stick behind the member for Bragg and the Leader just this once and support the Bill.

Mr OSWALD (Morphett): After 11 years in this House this will be the most difficult speech I will ever make. I was in small business for some 25 or more years and know the problems of small business as I have experienced them. I have had to rely on customer traffic past my door to ensure that the cash registers had enough in them at the end of the week to pay the staff, the overheads and the stock. I have been in shopping centre strips where businesses have come and gone because they have not been able to command a great enough share of the passing traffic to be able to stay in business. Also, through perhaps being a local member, I can appreciate that consumers want access to additional hours of trade because, with the changing lifestyle over recent years where there has been access to some Saturday afternoon trading (particularly on special occasions such as the Grand Prix weekend and the like), the extended hours have been found to be popular. However, during the whole of my time representing the Glenelg area I have never been asked by local residents to support extended trading hours.

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr OSWALD: I refer also to the dilemma that overtakes a business person in a strip shopping centre when a large shopping centre is built nearby and it opens on Saturday afternoons. I can quote with some authority what happened in Port Pirie some years ago as I was in business there for 25 years. In the main street of Port Pirie there were well established shops. The K-Mart group decided to set up a shop about a kilometre out of town, so it built a large complex (by country standards) and proceeded to open on Saturday afternoons. It was not very long before the regular shopping centre strip in Port Pirie was decimated.

I noticed on a trip to Port Pirie a couple of weeks ago to visit the community welfare office that the trade in those areas has changed. Many of the old shops that were thriving businesses when I was there have gone and new shops with new proprietors have come along selling new merchandise. Some of the old shops are still there and are battling on—and I emphasise the word 'battling'. The K-Mart centre succeeded and carried on trading. Some shops in Ellen and Florence Streets are still there, some new ones have opened and some existing ones are selling changed merchandise. However, by and large, that development transferred the retail trading of that town out to the K-Mart shopping centre.

For the past 11 years since I have been the member representing Glenelg we have had a large strip shopping centre not unlike Unley or Norwood. I have been saying to the traders consistently since I have been there that it is my belief that, if Marion shopping centre opens on Saturday afternoon, the same thing will happen to the traders in Jetty Road, Glenelg. We will see slowly the demise of the existing retail premises as there will be a drift of customer traffic out of Jetty Road across to Marion. Many businesses in Jetty Road, whilst being able to open under the existing shop trading hours because of the floor area of their stores, given their marginal profitability will find that they will not have enough traffic going past their doors to warrant staying in business and will close. Down the track we will see many other businesses in Jetty Road close down or the type of merchandise they sell will change. We will see many businesses there selling a certain class and type of merchandise having to change that merchandise, and as a result the Jetty Road I see in five years time will not be the Jetty Road I see today.

I have been saying to these traders that it is inevitable that one day Saturday afternoon trading will come about, Marion will open up and we will have the scenario that I am trying to explain to the House. I have put that viewpoint in the Party room over the years and have maintained consistently that it is not a step in the right direction for small business for us to preside over the opening on Saturday afternoons of, for example, Marion and the closure of many small strip shopping centres.

There is only so much market share out there and big business, the RTA and those it represents are saying that it is unfair, for example, for a toy shop to be able to open in a shopping centre whilst a toy shop in Myer is closed. They want access to additional market share. Having fought the fight in the Party room for the past 11 years on behalf of the traders, I have to say that I have lost the fight. I know that when the vote is taken tonight there will probably be members who, for their own individual reasons or for tokenism, will use their vote to say that they still support small business. If I do not take that view and go along with the Government they may say that I do not support small business, but that would be a totally untrue scenario as far as I am concerned. Over the years I have fought this fight to take it to the stage of saying, to the small businesses that I represent, that it is inevitable as it has been building up for several years.

Whenever I have been amongst a group of small business people I have said, 'Prepare yourselves now for the inevitable, because one day it will happen'. That time has now come. For many years I have stood in this House and in the Party room and have put that position consistently. Market forces have overtaken us and the Bill will pass tonight—there is no doubt about that—and I have lost my fight. I am not in small business now. Sometimes I am disappointed that I am not, as I think that there are marvellous opportunities out there to be in small business, but I am very apprehensive about the future of small strip shopping centres in this climate. I have the greatest admiration and respect for the owners of small business in respect of their resilience.

I say to them that, if their turnover starts to dip as a result of the Government adopting this move, they should move into other types of merchandise as quickly as they can—make a decision and move. They cannot fight it any longer. I have tried, but I know we will not win. I repeat: I do not want it to be thought that if I support the Government on this occasion it is because I have capitulated to big business. Anyone who does not support the Government tonight does so purely by way of tokenism. It could be argued that I should adopt the same tokenism, but I am also realistic and I know for a fact that this Bill is destined to pass.

I would now like to mention briefly the retail car industry. If the Government is fair dinkum about forcing all businesses to open it should think seriously about opening up the Motor Registration Division and finance companies. If car yards are forced to open, there is no point in them conducting sales and trying to clinch deals if they cannot ring up the local finance company or the Motor Registration Division to check on registrations and pay out values on leases which, as we all know, goes on. It should be one in, all in. If the Government is fair dinkum about this Bill and is not just playing politics, it will ensure that the Motor Registration Division and finance companies and other sorts of organisations open up as well.

The consumer will gain. As I said initially, consumers have never come to me and asked for extended shopping hours because in the area I represent they have access to stores which open for longer periods. It is a sad day for small business that we have reached this stage, but big business has obviously won the ear of the Government: it has put its point and the Government will concede to it. This will change the face of retail trade. As I said, if members of the small business community do not reorganise and rationalise their merchandise, a lot of them will go under. What happened in Port Pirie is a good example. Many businesses in Port Pirie were resilient, they changed their type of merchandise and survived. I have great faith that most businesses in small shopping centre strips will do this.

In summary, I do not really support the legislation before the House tonight, and at this stage I will vote formally against the Government. However, I know that it is inevitable and that I have lost the fight. If it comes to a vote and members choose by tokenism not to support the Bill, I have to say that I will support it against my own principles, because I have hung out for so many years to ensure that Marion stayed closed on Saturday afternoons so that my traders could survive. I will not win that one, so sadly and reluctantly I support this particular piece of legislation.

Mr S.G. EVANS (Davenport): If anyone suggests in any way, shape or form that my opposition to this Bill is tokenism, I assure them that they are misleading themselves and attempting to mislead others. I have never had a stronger feeling about this issue at any other time in my parliamentary career or before I came into Parliament. In 1980 I wrote a letter to the *Sunday Mail*—and I referred to this earlier today. I received some strange letters in reply, letters which I have kept to this day but which I will not read to the House. The letter, headed 'Monster of monopoly', stated:

> If some big businesses continue on their ruthless path, Government competition and intervention will become inevitable.
>
> As a Liberal and staunch supporter of private enterprise this is difficult to accept.

That is the difference between private and free enterprise, and I will come to that later if need be. My letter continues:

> Public enterprises are usually expensive for the taxpayer, too. But more and more small traders are being sacrificed on the altar of monopolistic, collusive trading. Remember the time when independent garages offered cheerful, personal service and a range of petrols? Now many are impersonal, company-owned self-service stations. Withholding supplies, discount wars, and sales promotion gimmicks forced independents out of business. About one-quarter of the State's fully-licensed hotels are owned by another virtual monopoly.
>
> Any lessee with initiative and hardwork who increases his hotel's turnover, pays the price for his enthusiasm in increased rental . . . It is not only shopholders who are squealing, I am too. These practices are bad.
>
> In the food retailing industry, there is about as much joy for the individual family trader as having ants in a picnic hamper.
>
> Large retailers with financial muscle enjoy large discounts when they buy. They can afford a longdrawn out price war, squeezing smaller competitors out of business.
>
> And they also enjoy the benefit of extensive advertising, paid for by the manufacturer. No matter how dedicated, honest and helpful the small operator may be, he cannot compete against all these pressures.
>
> While these unfair practices continue, the cost in human terms is far too high. How can they expect even a Government wedded to free enterprise not to intervene?

I went on with other comments and concluded by saying:

> A monopolistic system is just as soul-destroying as a socialist system.

It is true to say that the present Government is moving away from some of its socialist philosophies—in particular, in this area—except when it comes to wages. With free enterprise there are no conditions on wages, and there are no rules about collusion or unfair trading practices and the zoning of shopping centres.

We have zoned the areas that can be used for retail purposes and, in most cases, the filthy rich have bought the better centres and exploited the community through the rents and charges they levy. That is what they have done and will continue to do, and now this measure will give them greater power because the big national retailers operate in those big centres. They will exploit the market and crush some of the small operators until all operators in a major retail area are in that sort of development. They will exploit the community because they will have control, and I refer mainly to the owners of the land and the buildings. They will be the first ones to get a big bite of the cherry and they will do it through the charges that they impose.

I refer secondly to the big retailers. How honest and dedicated are they towards the philosophy they espouse? They tell us that they want to extend shopping hours for the people. They are not thinking one iota about the people: their sole motive is profit. I am not against profit on fair terms, but when monopolies use their power to destroy small operators and afterwards exploit the community we as a Party must be concerned.

Some members have suggested that a lot of people in the community want extended trading hours. I do not believe that there is massive support for this legislation at all. Not one person has come into my office or has written a letter asking for extended shopping hours apart from in 1968 when I received a group of letters of a similar type from people in the industry. The first paragraph of my reply to those letters states:

> I received a bundle of identical notices signed by different people throughout my and other electorates requesting that trading hours be extended to include Saturday afternoons.

I finished that letter by saying:

> Thank you for your time in making your views known to me on the prepared documentation, and I look forward to hearing from you further relating to the matter of extended trading hours.

I made that point after they read what I had written to them. It was a ruthless letter that I wrote about big business. I referred to big business and the case of Mr Murdoch. This was about 10 years ago. I said that anyone who changed his nationality by taking out American citizenship to gain greater power in business was a person I could not greatly respect.

Today that person has asked shareholders of News Limited to accept News shares with no voting rights so that the family can retain control. If our Stock Exchange does not accept that proposition, the company will be listed elsewhere overseas. Those are the sorts of people with whom we are dealing and they have no concern whatsoever. I do not resile from that view. Regardless of what we are told about independence, it is unacceptable that one family should have control of the *Advertiser*, *News*, *Australian*, *Messenger*

Press and *Sunday Mail* which are all printed in the same building.

What do the big retailers do in the food industry? The Minister responsible for this Bill has set standards, as had his predecessors, about worker health and safety under which goods can be produced. Through Government action, health, wages and WorkCover requirements have been determined, and Government members of the Labor Party applaud those initiatives. However, these retail giants go to Thailand and start their own factories and establish their own home brands to sell over the counter produce from countries where similar health, wage and worker safety and compensation conditions do not prevail.

These retail giants package goods and import them into Australia at a lower price but small operators cannot buy them, and they cannot afford to start a factory in Thailand as a small family operation. These big companies rip them off through their home brands, whether it is Farmland, Black and Gold, Pick and Pay or others. Look at the shelves and see—

Mr Atkinson: What do you want?

Mr S.G. EVANS: I will tell the House. These retail giants already have that power: do not give them greater power to destroy the small operators now open on Saturday afternoon. The Government should be honest and tell us that its next move is to allow Sunday trading. Already the Minister of Tourism in another place has stated publicly that she believes Sunday trading is inevitable. The same thing was said about Saturday afternoon trading. The next matter raised in this House will be Sunday trading.

Promises were made about no poker machines in the casino, but we will see a similar result in respect of Sunday trading. I understand that Ministers have to rub shoulders with big business, and perhaps they and some of my colleagues can be convinced that the rules should be changed for Sunday trading. The next in the line will be the banks. It is easy for big business to produce documents that claim to show that the people want change. It depends on how one asks the questions. If people were asked if they thought such change was necessary, the result would be different. Members know that.

We can get any result we want if we pay people to undertake a survey the way we want it done. Some people have argued that in the Eastern States there has been no impact at all on small business. However, we cannot compare South Australia with the Eastern States, because those States have a population growth rate much greater than ours. We have a virtually static population—we have no growth rate. Western Australia has now surpassed South Australia. We do not have that expansion.

If retailers and big operators want to take a bigger share of the market, small operators will suffer. At one stage we were provided with the publication 'Why South Australia needs Saturday afternoon shopping now', put out by Coles New World Supermarkets, K Mart, Super K Mart, Myer, Woolworths, Big W Discount Stores, Target and Katies. That document referred to all the great things that would happen if Saturday afternoon trading was introduced. Then just at the end, the final paragraph states:

> Benefit retailers by increasing the proportion of personal income spent through traditional retail areas.

That is the only place that this benefit was claimed for retailers in the 16 pages. The rest of the document claimed benefits for society. There were to be 1 000 new jobs. Goods were not to cost any more. Where was the truth in those statements? Shops will be open for longer and more people will be working, yet the retailers claimed that people would not be paying more for goods. Perhaps they would not pay more for a while until the big operators had control of the situation to their satisfaction, when they would increase their prices. They can manipulate prices.

The big operators can carry a loss for a longer period than can the smaller ones. In particular, the small operators to whom I refer are the family operators. The industrial argument has been changed in respect of wages and conditions, but the people for whom there has been no benefit at all and for whom changes have been a disadvantage are the people in family businesses, for example, husbands and wives, fathers and sons, mothers and daughters or collective families operating seven days a week in order to stay in front. True, they have the advantage of opening on Saturday afternoon and Sunday when the big stores could not operate.

Mr Atkinson: They had a monopoly.

Mr S.G. EVANS: They did not have a monopoly. The member for Spence claims that there was a monopoly: those people will love to read that. They do not have a monopoly. Better wages and conditions do not help them at all; it disadvantages them. I refer to the 6 per cent increase in the wages deal under which we have given big operators like Coles, Woolworths and the rest another advantage over those family businesses.

My belief and that of the Party is that small operators and family businesses have to be protected from a system that is bad. If Government members want to free up wages and allow open slather for zoning of land so that I can open a shop wherever I like and employ whomever I like at whatever cost, that is a free market. However, once we cut out some of the freedom, it automatically is not a free system. The previous Labor Government in this State claimed it was concerned (as did its Federal colleagues) about the indebtedness of society, and it was going to set up a committee to look at that matter. Welfare agencies, churches and the Government said that there was a problem of indebtedness in society.

This document put out by the big sisters talks about a greater opportunity for people to spend more. If society is already indebted too much, where does the money come from? It is hypocrisy for any Government to say that there is too much indebtedness, or to allow big advertising campaigns to encourage more indebtedness. Of course, the other argument—and I understand the argument of the editors, not the journalists that frequent this place—supporting extended trading hours is that only the big boys can pay for the full-page ads. In fact, the big boys do not pay for the ads; the processors and the manufacturers pay for each part of a full-page ad. However, it is through the likes of Coles and Woolworths that the media magnates get their advertising. They will support extended trading hours because somebody would have whispered into their ear, 'If you can extend trading hours, we will have greater opportunity to spend more money through your news media', whether it be the electronic or print media. The other side of the story will not be written because it is not acceptable commercially.

I ask members to stop and think about what cannot be now bought on a Saturday or Sunday by a tourist. I know they cannot buy motor cars, but they will come here and buy motor cars to take back to Japan or Europe. Name virtually any other item that a tourist cannot buy. People are not going to come here and buy clothes at the moment, unless they are made by R. M. Williams, because they can buy better quality at a cheaper price at home. Many tourists come with a dollar note and a clean shirt, and they may not change either of them.

We must remember, as the member for Hanson said, that we are interferring with many people's leisure time—with whole families' leisure time sometimes—and we complain

that we do not have young people fit enough, doing enough exercise or taking up competitive sport, etc. Yet we set out to change people's lifestyle. I believe we have had a great lifestyle, with sufficient opportunities for people to shop now if they wished to organise themselves. They have seven hours a week outside normal working hours to do weekly shopping. Employees get four weeks' leave a year when they can buy bigger items such as motor cars. There is also flexitime, and other systems such as rostered days off in local government, when people have an opportunity to shop.

I oppose this legislation in the strongest terms. There will be no tokenism from me, and let no person say that. As long as I live I will always say that, until the ground rules are the same, I will not allow the big brother, the monopolistic system, the powerful money kings, to crush the small operators: I never have, and I never will.

The Hon. B.C. EASTICK (Light): I expected that I would be able to support the measure when it was first announced, having regard to the quite significant changes in the package of wages and working conditions that were to apply.

An honourable member interjecting:

The Hon. B.C. EASTICK: It is an improvement on what it has been over a long period. This is an issue that we have been debating, in one form or another, for more than 19 years. It would appear that every little while we get tangled up in one form or another with the issue of shopping hours or bread baking hours, although the bread-baking issue seems to have disappeared out the window as a result of a great deal of effort by people on both sides of the equation and some rather major changes in technology associated with bread manufacture. However, the issue of shop trading hours is still with us.

On a much earlier occasion, I stood in this place and said to the then Government, which was of the same persuasion as the present Government, 'Let's keep the shops open on Friday nights because that is what the majority of people, if they can shop on Friday nights, want.' Some interesting tales can be told of the circumstances which followed the referendum Bill which was introduced by the Labor Government, under the Minister of the day (the Hon. Glen Broomhill), and which turned up a result different from that which the Labor Party expected. The Labor Party believed, as indeed I suggest the Liberal Party did, that there would be a tremendous demand for the continuation of the then available Friday night shopping. There was, but it was out in the fringe areas and newly-developing towns, particularly where there was an English influence. That support collapsed in the middle of the city. The Government found itself without the opportunity to keep the shops open on Friday nights because it saw fit to take the total numbers rather than the individual electorate numbers.

As the member for Napier, even though he was not a member of the House at the time, would know (because he was there together with 800 or 900 other people, including members of Parliament of all political persuasions), a memorable meeting was held in the Octagon Theatre at Elizabeth, at which there was a great deal of to-ing and fro-ing. The honourable member for Napier's forebear and my forebear—the same person, the late Jack Clark, who was by that time the member for Elizabeth—had to stand up and say, 'I know full well what my people are asking me to do. But I, like my colleagues the then member for Playford (Mr McRae), the then member for Tea Tree Gully (Molly Byrne) and the then member for Salisbury (Reg Groth), am not permitted to have a view on this. We will do as the Party tells us to do. Therefore, we cannot support what you, the people, want.' I made something of a killing at that meeting by saying that I was not going to put a curfew on shopping hours in the northern districts. The member for Napier will recall that it got the loudest cheer of the night. I am not 'me too-ing', I am just relating facts. It is not something new, it has been around for a long time.

The problem I have at present is the mistaken belief that what is written into this legislation, which allows traders to determine whether or not they want to open, is a false benefit. I am not suggesting that it is not there, that it has not been written in, or that a number of statements were not made by the Government suggesting that no person would necessarily be forced to open—that they would do so or stay closed. There are certain changes to the landlord and tenancy legislation that will permit persons to bypass some of the provisions of their current leases. However, in fact, there will be no opportunity for those people to stand out.

I want to put the matter into perspective a little further in relation to the large shopping areas such as Elizabeth, Parabanks and Salisbury, which are directly associated with my own electorate, and say that I recognise the difficulty that traders of Angaston, Nuriootpa and Tanunda now have when they see people bypassing their shops and going to Gawler because it offers a bigger opportunity. I know full well what the situation is with some of the traders in Gawler who say, 'We are sorry, but we are losing trade to Elizabeth or to Parabanks.' There is no denial of that; you will not keep people home in their area to trade solely in that area.

An honourable member interjecting:

The Hon. B.C. EASTICK: The free market, right. The only trade of that nature is convenience trading, at the small store, which still exists in Greenock, Wasleys, Roseworthy and Freeling but which no longer exists at Templers, Stockport and a whole host of other places. The small store has disappeared completely in those areas and will disappear even more, given the circumstances in which we find ourselves at the moment. Inevitably there will be a domino effect: if shops at Elizabeth open, shops at Gawler will have to open, if shops at Gawler opens, shops at Nuriootpa will have to open or there will be a continual slide and movement down the line of people going to places where the opportunity exists for a social outing and to do some shopping at the same time. Not one of the traders in the area that I represent has asked me to support extended trading hours. A large number in all types—

Mr Ferguson: They will not be voting for you anymore.

The Hon. B.C. EASTICK: That is for a different reason, one that I have engineered. But they will be voting for my replacement and they will expect the same of him as they have expected of me in the past.

Members interjecting:

The Hon B.C. EASTICK: They will expect the same of him or her. There might be a football field.

Members interjecting:

The Hon. B.C. EASTICK: Let us not digress; let us get back to the facts. We have a circumstance where there is no demand by those who are being called upon to provide a service as proprietors. There is very definitely a request not to support the measure by those who are the employees. One employee has pointed out to me what his organisation has required of him and his co-workers. I am led to believe that this is quite widespread. It is inevitable that shops will have to open, otherwise they will lose out down the line. However, there will be no further allocation of funds for wages.

Those who are employed now will cover the hours of opening, but they will not be supported for as long a period during the week as they have been in the past. When some-

one is on a flexi-day or a day off in lieu, the other worker will be virtually solo in that establishment. So, there will be no increase in the number of job opportunities, and that is one of the main aspects put forward by the Government: it stated that employment opportunities would increase. The theory is all right; there is nothing wrong with that at all.

However, it is when we start putting the theory into practice that the truth starts to show up. I suggest that, because of the state of trading right here and now, not only in this State but elsewhere, we will find that people will be working under more duress because they will be working solo, as there will be no replacement staff for the extended period of work; there will be no additional overtime, beyond that which has been transacted within the system, to allow for these extended hours. The service to the community will not be as great as it was in the past. Inevitably, everyone will be a loser: the trader, the employee and the person who would trade, because services will not be available, even though the trader may wish to provide them.

It is on that basis and because of the views of those who are called upon to work in the establishments and the traders themselves that I will be voting against the measure. I believe that that is what my electorate desires of me; that is the view that has been expressed. I repeat that this measure will force—and may blackmail—a large number of traders into providing a service, but it will not be to the advantage of the buying community in the longer term. The trader group in Gawler has made its position very clear. This measure will take effect at a time of the year when, traditionally, there is increased trading, or an expectation of increased trading, because of the approaching Christmas season. We trust that all the traders will seek to provide service to the community if for no other reason than that the trading situation at this time of the year will be better than at any other time. We accept that some of them, or none of them, may want to open, but we draw attention to the fact that there will be a serious repercussion from the domino effect to which I referred earlier.

I believe that the idea that the Government is promoting at this stage, whilst it is a reaction to the demands of large business enterprise and some people in the community, is a response which is too late and which is not based on people's desires or on the market research that is available indicating that it will not have the desired effect and will be against the public interest rather than for it. That is my position and it indicates the manner in which I will vote.

Mr VENNING (Custance): I had not intended to speak in this debate, but I was almost invited to do so by the member for Napier. Sadly, he is not with us at the moment. It is late in the evening so I will not speak for my allotted time. I have a strong point of view on this matter and it is one that I have held for a long time. I have always been annoyed with the present Act, a hotch-potch if ever there was one. I have been told in the past that a certain situation prevailed because of penalty rates. That was okay, but as a rural person and as a farmer, the crazy path of the past legislation annoyed me, particularly in relation to red meat sales versus poultry and fish. No-one on either side of this House, could say that it was satisfactory that we could not buy fresh red meat on a Friday night. Butchers pulled down the shutters and we had to buy either parcelled meat or poultry. The whole thing was out of hand: it was a political exercise gone wrong. How can any Act restrict what was already being restricted?

An honourable member interjecting:

Mr VENNING: Well, it was not resolved, for reasons that were obvious. Hopefully we can fix the situation now. The same position applied to petrol sales in Adelaide, and that has been fixed for some time. In the old days we could not buy petrol in Adelaide after hours. For what rhyme or reason was that the case? It was crazy. We are now seeing some sense. I am a free trader and involved in free enterprise and I know that people will be hurt. At the moment country people come to Adelaide on Thursdays and Fridays. I wonder why. It is because the shopping hours on those days are extended in the city or in the suburbs.

As the member for Stuart would know, the Port Pirie shops have been opening on the weekend for quite some time. Members should go there: it is a carnival. People there have been trading unfairly against those in surrounding towns who are not able to trade. I have been there myself. People who work for 5½ or six days a week have only this opportunity as a family to shop. What some members have said in this place tonight flies in the face of public opinion. Consumers demand that we change this legislation.

We must wake up and get into the twentieth century. We must get in line with all the other States. What other State in Australia has such draconian shopping laws? I know that I am speaking in opposition to members who are much more experienced than I but I will not be encouraged or seduced by the other side. When one travels interstate or overseas, one can purchase wares immediately on getting off the plane. One gets off in Adelaide and thinks there has been a power failure.

I know that someone always gets hurt in these instances, but this is the day of deregulation. It may not be a good thing, but everything is being deregulated. It has been forced on us by world demand and standards. I am a wheat grower and my industry has been deregulated. I live in the hope that, one day, it will all be deregulated—the wharves, the wages, the lot. Tariffs will come off. That is a touchy issue but, quoting Bert Kelly, that is the only way to go. If we are to do it, we should do it all, and that includes shopping hours.

I believe in longer shopping hours but there should not be any handicaps. I understand that penalty rates are to be removed, and I hope they stay off. Indeed, I live in hope that the complete deregulation of labour and shopping hours will assist small business, which will be most affected by this Bill. We cannot fly in the face of public opinion forever. This is about the third time legislation such as this has been debated in this House, and it is time to change the law. While members opposite agree with me, I hope they recognise I have the privilege of being able to say what I feel. They do not have that privilege.

Members interjecting:

Mr VENNING: You haven't. Many of my colleagues would like to chastise me for what I am saying, but I ask members opposite to honour my privilege of doing what I am doing now. I respect that privilege and I hope that it will not be abused. I urge the Government to accept our foreshadowed amendment to allow local governments in country areas to control shopping hours in their areas. That right should apply in some country areas, and most local authorities would like that power, although they will be forced to follow the overall view of deregulating shopping hours. Nevertheless, I would like them to have that power. With that amendment, I will support the Bill, hoping that all imposts on small business will be fixed up and freed up.

The Hon. D.C. WOTTON (Heysen): Over time, along with the majority of members on this side of the House, I have given a lot of thought to this subject. It has taken up a lot of my time, because I have received an incredible amount of representation. The electorate I represent is semi-

urban and contains a large number of small business operators. The majority of those to whom I have spoken in more recent times are more satisfied than they were some little time ago, and there are obvious reasons for that. As has been said by a number of my colleagues, there has been demand for a change in shopping hours, and that is recognised.

It is also reasonable for people in small business to be able to carry on their lifestyle in the way they wish. When visiting the United States over the past few weeks, I have been interested to note developments there, and those members who have been to the United States in recent times would also know that, in the majority of States, it is open slather and shops open for 24 hours a day, seven days a week. I found that to be very useful because, if I suddenly realised that my toothbrush had been left at the previous hotel, it was good to be able to purchase another one at any time. The other thing that I—

An honourable member: You didn't leave your pants anywhere, did you?

The Hon. D.C. WOTTON: No, I didn't leave my pants anywhere. I did not have that problem in the United States. People in higher office do those sorts of things. I did not come across the small corner shop, and more than anything else I noticed the lack of personalised service. If I went into the larger shops or the drug stores, it was very difficult to get personalised service. Very few assistants were able to give me advice on various items that I was considering.

I support the legislation and I think that we are heading in the right direction. I am pleased with the achievements that we have seen in more recent times in regard to penalty rates. We have gone a long way to improve that situation. I know that much work is being carried out in regard to leasing arrangements, and that is vitally important. The way in which small business people are still being screwed in regard to leasing arrangements is of concern to me and I am pleased that the Government has recognised the need to look into that matter. The people in my electorate who seem to be most concerned about this legislation are the butchers, and a number of my colleagues have referred to that in the debate. I will not expand on it other than to say that they have expressed real concern to me. I share that concern, but that is all I want to say on the matter. I believe that we are heading in the right direction with this legislation and I strongly support the amendments that will be moved at the appropriate time by my colleague the member for Bragg. I hope that the majority of members in this House, particularly on the other side, will see the need to support these amendments. I support the legislation.

Mrs HUTCHISON (Stuart): I will touch briefly on the comments made by the member for Custance. I support what he said with regard to the seven day shopping facilities available in Port Pirie. They have been a definite boon to the region. In fact, people travel from Port Augusta and from areas around Port Pirie to use those shopping facilities. It is a day out for some people. They come up for the shopping, they stay for the day and they put a lot of money into the economy.

As the member for Custance would bear out, because they work for six or 6½ days a week, it is impossible for them, because of the travel arrangements they must make, to do their shopping any other time, and to do it together as a family. It is an outing as well as a shopping trip. In Port Augusta, seven day trading has been operating successfully for some time and bears out the Port Pirie experience that working mothers have found it much easier to do their shopping when the father is home to look after the children.

In fact, it really works quite well there. I have listened to previous speakers saying that the smaller corner stores and so on, including the delicatessens, would be put out of business in the city. That has not been the experience in the country. In fact, the local corner stores and delicatessens still offer a very good service and are still very well used. From my observations, there has not been a marked decrease in their trading.

I support the fact that the legislation before us should receive bipartisan support. I also support what the member for Custance said with regard to the fact that there is a marked exodus, if you like, from country areas to the city on Thursdays and Fridays, for obvious reasons. Late-night shopping occurs in the suburbs on Thursdays and in the city on Fridays, so it gives people those extra hours to be able to shop. I support the comments of speakers from this side, and some speakers from the other side, including the last speaker who offered his support for this legislation. From the point of view of a member representing a country electorate which already has seven day shopping, it is certainly a move in the right direction and I applaud the initiative of the Government in bringing this legislation before us.

Mr LEWIS (Murray-Mallee): Too little, too late, and still not far enough is the best way that I can describe the legislation we have before us. Like the member for Custance, I share the views that have just been expressed by the member for Stuart about the way in which the general public in this State have now accepted that it is no sin to shop before 9 a.m. or after 5 p.m. on any week day, or before 9 a.m. or after 11.30 a.m. on any Saturday. Through this legislation we are coming to a position, in the development of our social mores, and the measure of our sophistication of the way we do things in this society, that we should have reached 15 years ago.

In the meantime, it has been possible for large corporate interests, through planning laws, to have cornered slabs of available space within various urban developments to develop so-called shopping centres or malls and thereby forever compel people who wish to be retailers to rent those premises under terms and conditions which are heavily biased in favour of the corporate interest that owns the shopping mall established under the aegis of that planning law.

That is not in the interests of the consumer, the little man or woman, the honest simple citizen. It is in consequence of the way in which we have rationed the amount of space available—not the fact that we have done it but the way it has been done—that we now compel those bold entrepreneurial spirits in our midst who would be game enough to test the water with whatever kind of retailing operation they might offer to pay what the landlord demands, not in a market in which there is anything like free competition but in a market which more resembles a monopoly and which, at best and in the most complimentary terms, can only be described as an oligopoly, in the interests of the capital that own the real estate upon which the shopping complexes have been established.

More is the pity that the types of developments that took place in those facilities were not made available on longer term lease by the trade in the lease and not by the trade in the goodwill of the business. By rationing space in this fashion, we have made the goodwill of the business in that location worth something. It is a nebulous thing, but it is

worth something which people trade. It is like this fictitious value that a fishing licence or a taxi plate has.

Mr Brindal: Or a prawn licence.

Mr LEWIS: Well, that is a fishing licence. I trust that the member for Hayward was not referring to me or any other honourable member in making that remark! The importance of this legislation is that it takes us a step further, albeit lately, however, I hope that the day comes when we will establish through reasonable industrial legislation the forum in which it is possible to register minimum rates of pay for different descriptions of work and have employers and employees in location by location circumstances register their agreements without the interference of the representatives of large employers and big unions, determining what the small businessman or business woman will have to pay.

That is the way the world is at the moment, and it is co-regulation of another part of the enterprise that currently destroys the capacity for the market to become a truly free market in which there will be real competition between the shopkeepers as to who gets what business. Too much now, though, I fear we are heading in the direction of the franchise where the larger supermarket and department store arrangement is getting to the point that Nordstroms in the USA has reached. They do not buy the goods; in fact, they charge the owner, manufacturer or distributor of the goods a percentage to put the goods on the shelf space in their store. They collect the sale revenue from the customer and hold it for 60 to 90 days and then deduct their fee and send it on. If it is not a strong selling line, they simply tell the supplier, whether it is the manufacturer or distributor of the goods, to come and take their stuff and get it out of the store within seven days or it will be simply auctioned. This is because the product is not selling and turning over the dollar volume per square metre of shelf space that other products which are being offered for sale through those stores could be or are doing.

To my mind, that is a very bad state of affairs, yet Australia seems to be heading in that direction. It is not in the interests of the public nor the people seeking employment in any kind of industry, because it delivers too much into the hands of large corporate conglomerates, who consequently have too much power and too much control over our lives as human beings.

Mr Brindal interjecting:

Mr LEWIS: Yes, manipulation of the market—the price that will be paid and the products that will be sought, and the way they will be determined by the advertising budgets fixed through the target markets shown on cable TV and particular publication arrangements that are put in what is called 'The Package' with the goods packaged in a certain form along with promotion and advertising and the rest of the gimmicks and backhanders that go to the people who decide what will go on the shelves.

There is too much opportunity for corruption of the process of trade rather than as it should be—legitimate interaction between the supplier and the customer. I do not want us to go down that path, yet I fear we will. This measure does not mean that the heavens will fall in on us as the Henny Pennies amongst us would have us believe, and it will not mean that prices will rise if, and only if, we accept the necessity to deregulate the labour market in the fashion to which many of my colleagues have adverted during the course of the debate. This has been a part of the Liberal Party's underlying policies for as long as I have been here, and it was enunciated by the previous Leader on behalf of our Party on the last occasion on which we debated this matter.

It is not appropriate for us to pretend that we are deregulating when we are deregulating only one part of the equation and allowing other people the advantage, in the short run, to exploit the rest of the regulated arrangement in their own interests against the public interest. It is on that basis that I chose to make this contribution this evening. I know that it may not be popular with some of the larger advocates of the interests to which I have referred—that is, the big employers and the big unions. I do not expect them to agree with me, but nonetheless I am happy to place on the record my views about the desirability or otherwise of choosing a path which is in the public interest.

LAND AGENTS, BROKERS AND VALUERS ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

FINANCIAL INSTITUTIONS DUTY ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

STATUTES AMENDMENT (SHOP TRADING HOURS AND LANDLORD AND TENANT) BILL

Second reading debate resumed.

The Hon. R.J. GREGORY (Minister of Labour): I have listened with some amazement to the speeches from members opposite tonight. They have ranged from the purist of laissez-faire capitalism (about which I have read) to the most restrictive descriptions one would expect under a totalitarian regime—sometimes in the same contribution. However, they seem to have missed the point in the parade that has been put before us tonight.

We are talking about extending the ability of owners and operators of shops to open their shops on a Saturday afternoon until 5 p.m. We are extending the trading hours of shops of more than 200 square metres or 400 square metres but who employ less than three people. I will give some examples. The member for Goyder talked about Wallaroo and Kadina. In Wallaroo, one shop could not open during the summer tourist season. This was a Foodland shop operated by a person called Oates. He had a shop at Moonta that he could open on seven days a week if he wished, but he could not open at Wallaroo. Every other shop could and did.

A couple of polls were conducted, and according to the first one the people said that they did not want shopping hours extended. The people who did not want extended shopping hours opened their shops until they found out that, under one of the Government's proclamations which extended Saturday afternoon shopping, those shops closely associated with the Oates' establishment in Wallaroo did much better business than they thought they would. That changed the attitude of the people. Another poll was held, and the corporation wrote to me and eventually the Government withdrew the proclamation from that area.

They sought to follow suit in Kadina where a scare campaign was run on the basis that the sporting facilities in Kadina would collapse because shops would be open on Saturday afternoon. It was discovered subsequently that

only one girl who worked in a shop and who might be required to work on Saturday afternoons played sport. So, that is another furphy that was put around.

I suggest that those who imply that opening shops on Saturday afternoons will deny men and women access to sport are having a lend of us. I do not know one police officer who is a league footballer who works shift work and who cannot play football on a Friday, Saturday or Sunday afternoon or Monday night when required. My daughter could always play hockey because arrangements could be made.

The other furphy relates to Mount Gambier. When I first went to Mount Gambier I used to wonder why the shops were not open after 5 o'clock. People told me that they followed Victorian time and that things were different in Mount Gambier. They were, and the shops shut at 5 o'clock. What people did not say was that shops could remain open until 6 o'clock. However, the Mount Gambier Chamber of Commerce had such discipline that it could get everyone to shut their shop at 5 o'clock although they were legally allowed to remain open until 6 o'clock. Now the chamber is saying that it does not have that discipline in respect of Saturday afternoon trading.

Just up the road is the town of Naracoorte, where they do not have a proclaimed shopping district. What happens there? Two shops open outside of the normally accepted trading hours, and all the others close. These shops are not forced to open and they do not open. I suggest that the same thing will happen in Mount Gambier. It seems that a peculiar attitude is adopted by people in the retail industry when it comes to providing a service. They seem to forget that they are in the business of providing a service—a service to the consumers who want to ensure that they get the best value for their dollar.

The restrictions placed on people wanting service prevent them from getting the best value for their dollar. I refer to the situation in Adelaide where large furniture retailers are open on Saturday and Sunday. Look at the consumers present. What was the position last year when Saturday trading was allowed? How many consumers visited those shops? Some shopkeepers said to me, 'They are only looking, and not buying.' I was pleased that for once in their life consumers had a chance to get value for their dollar because they were able to do some comparison shopping.

Based on my own experience, it was not until I became a union organiser that I was able to buy my own shirts and select my own clothing. Indeed, my grandfather never bought his own shirts because he always worked when the shops were open. Extended shopping hours allow people to have service and to spend their money how and where they want to, instead of being told, 'You cannot do it today.' At least the member for Bragg was honest enough to admit that retail bankruptcies have three principal causes. The first is lousy location, the second is lack of capital and the third is lack of management skills.

Mr S.J. Baker: Bob Hawke, Bob Hawke and Bob Hawke!

The Hon. R.J. GREGORY: It is not Bob Hawke, Bob Hawke and Bob Hawke, as the member for Mitcham claims. If that was true there would not have been any bankruptcies when the Liberal Party was in power federally.

Members interjecting:

The Hon. R.J. GREGORY: One of the ironies of the debate on extended shopping hours relates to Crystal Brook, which falls in the District of Custance. The former member for Custance stood up here and said that he would not agree to extended shopping hours but, when the Crystal Brook council knocked on the door of the then Minister of Labour (Hon. Frank Blevins), it asked him to do away with deregulation in its area, saying that it wanted to have extended shopping hours.

Mr S.J. Baker: He gave it his support.

The Hon. R.J. GREGORY: I was referring to the former member, Senator Olsen. Why do you not listen? I have always appreciated that the member for Mitcham was not well brought up. He is always rude and interrupts. I wonder what school he went to, because it did not teach him many good manners.

One of the anomalies that we have is that many shops in South Australia can and do open. We have the ridiculous situation that Farrell Flat is a declared shopping district. It has one shop which can open 24 hours a day, seven days a week. Yet, when it is suggested that we should deregulate that area, people say, 'No. We like the privilege of being a declared shopping district.' I find that anomalous.

All that the Bill does is extend the ability of consumers to spend their money wisely. I hope that, after the passage of this Bill through this House and the Legislative Council, South Australia will be able to join the rest of the Australian States in allowing people to shop on Saturday afternoons. The reality is that in Rundle Mall the only shops that cannot open are Myer, John Martins, David Jones and Harris Scarfe. I think that the rest of the stores could open if they wanted to do so.

An honourable member interjecting:

The Hon. R.J. GREGORY: Another one. Most could if they wanted to and, indeed, many of them do. We see in the real estate pages advertisements of redevelopments where people can put up seven day a week supermarkets if they wish. If we are to have people operating supermarkets on Saturdays and Sundays which charge prices which are a bit different from the prices that they charge in the rest of the week, why should not all the other food shops open and offer competition?

We have heard tonight about the demise of the corner store. I well remember that debate when supermarkets first came in. People said that it was a tragedy; we would see small independent retailers driven out of business; the large conglomerates would take over, capture the market and whack the prices up, and people would be ripped off. Those corner stores collapsed because they could not compete with the supermarkets for a number of reasons, such as price, the display of goods, the number of goods that were available and quality.

What has been the effect? All those predictions have failed. As the corner stores disappeared and the large food retailers established their niche in the market, other people entered the market. We now have in South Australia organisations which are competing in the sale of food, and they are competing very well. I believe that we have a very competitive market in the retailing of food. Although the corner store has disappeared, it has been replaced by a more competitive system which has meant that if South Australian people want a comparative shop they can get one fairly close to where they live and get groceries at the right price. That has been an advantage, and I do not see that the extension of Saturday afternoon shopping will destroy it.

If anybody in this Chamber or in this State thinks that we can wrap up South Australia, as it is today, and keep it like that for ever, they have unrealistic expectations. We live in a constantly changing society and, if we do not change with the times, we are fooling ourselves and the people whom we represent. It is about time that this State moved into the twentieth century before the twenty-first century arrives.

The House divided on the second reading:

Ayes (43)—Messrs Allison, Armitage, L.M.F. Arnold, P.B. Arnold, Atkinson, D.S. Baker, S.J. Baker, Bannon, Becker, Blevins and Brindal, Ms Cashmore, Messrs Crafter, De Laine, Eastick, M.J. Evans, Ferguson, Goldsworthy, Gregory (teller), Groom, Gunn, Hamilton, Hemmings, Heron, Holloway and Hopgood, Mrs Hutchison, Messrs Ingerson and Klunder, Mrs Kotz, Ms Lenehan, Messrs Lewis, McKee, Matthew, Mayes, Meier, Oswald, Quirke, Rann, Such, Trainer, Venning and Wotton.

Noes (2)—Messrs Blacker (teller) and S.G. Evans.

Majority of 41 for the Ayes.

Second reading thus carried.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

Mr INGERSON: The Opposition opposes the sunset clause. As I said during my second reading speech today, we cannot see any logic in not continuing the whole area of core trading hours past the three years. The provision in the Bill is for the core trading hours to cut out after three years, and it seems to the Opposition that there is no point in doing that as the whole principle of giving more flexibility to traders by putting in this core trading hours provision is a major part of the Bill.

Section 65 (1) basically provides that any writing of hours into the lease is void, yet section 65 (2) provides:

> This section does not apply where the premises to which the commercial tenancy agreement relates form part of a group of premises constructed or adapted to accommodate six or more separate businesses.

In essence, we are going back to what applies today; landlords can place within any lease a fixed time which could include all the legal trading hours. The principle of this core trading hours provision was to move right away from that. We therefore ask the Minister to consider our opposition to this clause of the Bill. Also, will he explain to the Committee why it is necessary to include this clause when the clock will be turned back in three years time?

The Hon. R.J. GREGORY: It is a very obvious reason, and I should have thought that the Opposition would pick it up. The whole concept is to create a situation in which shops can open Saturday afternoon and where people can actually go, spend their money and buy their goods without someone coming around the back door and shutting the shops.

The proposal for the sunset clause is based on a good argument. People said, 'When we came into this shop we did so on the basis that it would close around 12.30 on a Saturday afternoon, and the situation has changed.' This will give people the opportunity to work out what they want to do in that period. If they want to get out of the business and go somewhere else, it gives them the opportunity to do so. The sunset clause gives the people that choice for three years. Anyone then going into shopping centres where there is a requirement to open would know what they were getting into.

It allows a settling down period for people who operate shops. If they are able to persuade their fellow shopkeepers, well and good. If not, they will have to open. At least it gives them the opportunity to exercise that persuasion for a three year period.

Mr INGERSON: I am disappointed with that reply because it means that, at the end of the three year period, exactly the same complaints will be brought to every member in every electorate in which landlords are seen to impose on traders fixed legal extended hours. I thought that one of the things the Minister was so proud of was that this Bill deregulates and enables people to choose how they can and cannot trade. It seems to me that the only way we can maintain that and give people in shopping centres that option is to say that they should be able to have a vote as to the core hours—a reasonable 50 hours a week—in which they can trade. If we do not do that, we will turn our back entirely on the principle of deregulation and flexibility.

The Minister and members opposite have been fairly critical about the stance of some members of the Liberal Party on regulation. Yet, this is a perfect example of the Government's trying to reintroduce a measure to totally regulate shopping, but with extended hours.

Mr Ferguson interjecting:

Mr INGERSON: The member for Henley Beach says 'no' and shakes his head. The reality today is that whatever is considered to be normal hours will be put into the lease. Why will that be any different in three years' time? It will not be different, and all the small traders in the State will complain that they are being stood over by the landlord, that they must trade in unprofitable hours and that they are no longer allowed to make decisions. It will be the same thing over again. As the Minister knows full well, if core trading is an option, that does not mean that a trader must take up the concept of core trading hours. The trader can approach the landlord, ask what hours the landlord wants him to work, and agree to them. If it is legal to include two or three late nights and a Saturday afternoon, it can be done now, and it could still be done in three years. However, meeting as a group to arrange what is a reasonable set of hours for everyone to be open will not be possible. I just think that is a retrograde step and that the Minister should reconsider.

The Committee divided on the clause:

Ayes (23)—Messrs L.M.F. Arnold, Atkinson, Bannon, Blevins, Crafter, De Laine, Ferguson, Gregory (teller), Groom, Hamilton, Hemmings, Heron, Holloway and Hopgood, Mrs Hutchison, Mr Klunder, Ms Lenehan, Messrs McKee, Mayes, Peterson, Quirke, Rann and Trainer.

Noes (22)—Messrs Allison, Armitage, P.B. Arnold, D.S. Baker, S.J. Baker, Becker, Blacker and Brindal, Ms Cashmore, Messrs Eastick, S.G. Evans, Goldsworthy, Gunn and Ingerson (teller), Mrs Kotz, Messrs Lewis, Matthew, Meier, Oswald, Such, Venning and Wotton.

Majority of 1 for the Ayes.

Clause thus passed.

Clause 3 passed.

Clause 4—'Interpretation.'

Mr INGERSON: I move:

Page 1, after line 28—Insert paragraph as follows:

(ab) by striking out subparagraph (ii) of paragraph *(d)* of the definition of 'exempt shop' in subsection (1) and substituting the following subparagraph:

(ii) which has a floor area that does not exceed 400 square metres;;.

This amendment will enable Triple Seven supermarkets, which have suddenly come into the market in the past three to four years, to compete directly with other supermarkets. The Triple Seven supermarkets, being over 200 square metres and less than 400 square metres, are restricted in that they can employ only three or fewer staff. Therefore, young entrepreneurs who have gone into these Triple Seven supermarkets, under the Saturday afternoon provision contained in the Bill, will not be able to compete in a service sense or in a good stock sense with the other supermarkets.

One reason for this restriction of three employees for the whole week is that they also have the option to trade on Sundays. It seems to the Opposition that it is only fair that these people ought to have the opportunity to trade for six

days (Monday to Saturday), which is by far their busiest trading time, and to be able to have more than three staff.

This amendment removes the restriction for the whole seven days, not just the six days, and I believe there is a very valid argument in favour of their expanding. I referred to Triple Seven, but I include any of the supermarket range. We have all seen the old Tom the Cheap stores converted in the metropolitan area, and most of those are run as a family business, but they too can have only three staff in their store for the whole of the week, not just on Sundays. It seems totally unrealistic and unreasonable to me that we do not allow that group of traders to be open and to compete with the big chains and/or the middle range of stores, including Foodland, etc. I ask the Minister to consider this amendment, as I understand that about 50 stores in the food business would be directly affected and would support this amendment.

The Hon. R.J. GREGORY: I am not prepared to accept the amendment. We need to have a history lesson on this matter. So that certain shops could operate 24 hours a day, seven days a week, there was a provision that shops of less than 200 square metres could open, and an argument was put forward that shops selling foodstuffs ought to be able to open if they had a slightly larger area, but kept themselves to less than three staff for the whole of the time they were open. Eventually, the Act was amended to provide for a business that sells foodstuffs, where the floor area is less than 200 square metres, or it does not exceed 400 square metres and not more than three staff are physically present at any one time for the purpose of carrying on that business.

What has happened is that we have extended and extended, and we now have a situation where a shop can open 24 hours a day, seven days a week if it wants to, and it will now be allowed to employ as many people as it wants to. It is no good asking me about the price of groceries, as I am not allowed to do the shopping because my wife says I spend too much money. However, I am led to believe that, when the major shops are not open, the prices at convenience shops seem to increase, and it means that shopkeepers can escalate their prices on a Sunday on the basis that they have captured a certain market because there is no alternative.

We are not prepared to accept the amendment. Later on, as the shopping hours debate progresses well after this Bill has been assented to and is proclaimed, there will be some re-think on the availability of people to get into food shops on a Sunday if they want to. When that happens, that will be the time to amend this legislation and not give people more of an advantage than they have had in the past. It is all right to talk about it being unfair for these people, but what about those who operate other shops? They are not all operated by big food chains. There will be more than 50 of these 24 hours a day, seven days a week supermarkets. As I said earlier, if one looks at the real estate advertisements, one will find entrepreneurs offering for sale land on which a seven day supermarket can be built. I would suggest that it would be a bit silly to go into it at the moment anyway.

Mr S.G. EVANS: I take note of what the Minister has said and, if he is not prepared to accept this amendment, will he give consideration to an amendment—if not in this place then another place—on the basis that those operations that have been limited to three employees be allowed to have more employees during the hours that all shops can remain open? In other words, will he allow these shops that are restricted to three at the moment to have any number of employees on Monday, Tuesday, Wednesday and Friday from morning until 5 p.m. or 5.30 p.m., and on Thursdays until 9 p.m. and on Saturdays until 5 p.m? We would let them have an unrestricted number of staff on the days that bigger food chains would be open. I ask the Minister to give consideration to an amendment along those lines.

The Hon. R.J. GREGORY: I have considered it, and I reject it.

Mr S.J. EVANS: I ask on what grounds, because it may affect the position one takes in the vote on the amendment. I believe that the Minister took some advice and he rejected my proposal. The House expects a little more than that, because one might have time to draw up a further amendment if the Committee was in favour of it. It is a fair proposition. If the big supermarkets with unlimited staff are open, why cannot these operators have unlimited staff for the normal trading hours; that is, until 5 p.m. on Saturdays and 9 p.m. on Thursday and, in the central business area, until 9 p.m. on Fridays?

The Hon. R.J. GREGORY: I am disappointed that the member for Davenport was not listening when I outlined—

Mr Lewis: That is patronising.

The Hon. R.J. GREGORY: Does the honourable member want to say anything else? I outlined the historical reasons why—

Mr S.J. Evans interjecting:

The Hon. R.J. GREGORY: The member for Davenport indicates that he understands that. It seems to me that a shop that can open 24 hours a day on seven days a week has a decided advantage over a shop that has to close at 6 p.m. on Monday through to Wednesday, at a certain time on Friday night or Thursday night according to the shopping district in which it is situated, and under this proposed Bill, at 5 p.m. on Saturday. The Bill as it is framed at the moment provides an evening-up process.

Mr Lewis interjecting:

The Hon. R.J. GREGORY: The member for Murray-Mallee laughs. He gave a marvellous speech earlier today in which he promoted the concept of laissez-faire capitalism and, at the same time, approved regulations, what one could expect from a socialist regime. I wish these people would sort themselves out and decide one way or the other.

Mr INGERSON: We have a very real problem in this area. The Minister has argued strongly—as have members of the Government—in favour of deregulating in order to make it easier and more flexible for people to trade. Yet, the Government is tying the hands of a group of retailers behind their back in an historical sense. The Minister brought up this argument of history. I would have thought that, in his current mood of deregulation and opening everything up, history would not be of great concern. A genuine new range of people have come into this area, and, they need to be given the opportunity to become bigger entrepreneurs in this group. They know that, if they move outside of the restriction of 400 square metres, other rules will apply, but they have moved into an area in which restrictions apply and they have known those restrictions up until this time.

Other people have gone into other supermarkets knowing what the rules were at the time and they are now being changed to their advantage, whereas this group is being significantly disadvantaged. Principally, they just happen to be small operators, husband and wife or family operations. It is the only way that they can be profitable and successful. They can now only have three peole working in their store in busy times from Monday to Saturday and they will see their business drop away because they will not be able to keep up the service or stock the shelves; they will not be able to maintain the ability to compete in the big world that this Bill forces on them, and rightly so. We are opening it up for more people to trade on Saturday afternoon, yet

the Minister and the Government are saying, 'We will tie your hands behind your back just because historically we said that this was the way to handle this group of people.'

The Minister knows that this Bill will dramatically change the whole retail industry in this State. It will turn the retail industry on its head in terms of competition. That is a good thing; it is about time that we started to do this. If we are going to turn them on their head and ask everyone to compete, why single out a significant small group of retailers and say, 'I am sorry, we are going to make it twice as hard for you.'? Therefore, I ask the Minister to take further advice and reconsider his stance.

The Hon. R.J. GREGORY: If the member for Bragg moved for the deletion of '400' and substituted '800', I might be able to consider accepting his amendment.

Mr INGERSON: We will consider that option in another place. The Minister has recognised that there is a problem in this area, and I thank him for that. This shows for the first time since I have been in this place that there may be some flexibility from the Government. It is the first time in my seven years here that I have moved an amendment and a Minister has made an offer that we might not be able to refuse. I will take that option on notice and advise the Minister either by having this amendment or his suggested amendment moved in another place.

Amendment negatived.

The Hon. R.J. GREGORY: I move:

Page, 1 after line 32—Insert paragraph as follows:

(c) by inserting after subsection (2) the following subsections—

(2a) The floor area of a shop from which motor spirit is sold does not include—

(a) areas in which the only goods displayed for inspection by the public are motor spirit or lubricants;

(b) areas to which the public has access for the purpose of inspecting or purchasing motor spirit or lubricants but not any other class or classes of goods.

(2b) When determining whether a shop from which motor spirit is sold is an exempt shop, any area used for the storage of motor spirit will not be taken into account.

Mr INGERSON: This appears to be a fairly broad amendment. As there is no explanation accompanying it, can the Minister explain it to the Committee?

The Hon. R.J. GREGORY: It is a simple amendment and the reasons for moving it are simple. The provision refers to the definition of 'convenience stores' operated in service stations. There is some argument as to what 'shop' means, whether it means the whole of the service station used for the selling of fuel—

Mr S.J. Baker interjecting:

The Hon. R.J. GREGORY: Who is running this show?

The CHAIRMAN: Order! The Minister of Labour will address the Chair. The subject matter is the Minister's amendment.

Mr S.J. Baker interjecting:

The CHAIRMAN: The Deputy Leader is out of order.

The Hon. R.J. GREGORY: As I was saying, there is some argument as to whether the convenience store is the store in which the convenience food is sold or whether the retail business for petrol should be counted. In this amendment we make it very clear that, having a convenience store at a service station, does not count the forecourt of the service station.

Mr S.G. EVANS: Are there any copies of this amendment?

The CHAIRMAN: Yes; the amendment has been circulated.

Mr S.G. EVANS: It has not been circulated to anyone else, except one person.

The CHAIRMAN: The amendment has been circulated. The Chair realises that it is not on the file, but it has been circulated.

Mr S.G. EVANS: It appears only to three people.

Mr INGERSON: The Minister is saying that there is difficulty in definition in these new petrol station-cum-convenience stores. He is saying that he now wants to define the size of the store specifically being a store itself, not including the verge or the run-ups to the service station. It is interesting that we are going to make a special case for petrol stations-cum-convenience stores, which I know are new things, yet some minutes ago we were not prepared to consider a special case in another area. Will the Minister explain what we are doing, what verge we are leaving out and whether it is just the 200 square metres of the convenience store that we are looking at?

The Hon. R.J. GREGORY: If we go back to where we were a little while ago on the definition of a store, it was between 200 and 400 square metres. If it was over 200 square metres but under 400 square metres it had three people. Anyone who is familiar with a convenience store—which seems to be the new trend in retailing and it has been estimated that the growth in this area will be very significant—can envisage that the stores will be operated by only one or two people, as they are now. However, there was an argument that the shop could be defined as the whole of the retail premises, which includes the retail area for what is described as being for the sale of motor spirit and lubricants. This is to separate the two. That is all that the amendment does.

Mr INGERSON: In essence, it means that the 200 square metre rule or the 200 to 400 square metre rule would apply as it would apply for everybody else. It is just the commercial or, as we would call it, convenience store operation that is in the petrol station. The actual pumps and all the other merchandise are not included in this definition. Is that what the Minister is saying?

The Hon. R.J. GREGORY: Yes.

Mr S.G. EVANS: I am limited, because I have only just got hold of this amendment and I did not hear the early part of the Minister's reply because I was trying to chase up a copy of the amendment. It was not available to the members in general. I am still lost—people will say that that is understandable—because the amendment provides:

The floor area of a shop from which motor spirit is sold does not include—

(a) areas in which the only goods displayed for inspection by the public are motor spirit or lubricants;

(b) areas to which the public has access for the purpose of inspecting or purchasing motor spirit or lubricants but not any other class or classes of goods.

From my reading, it means that the area related to motor spirit or lubricants is not included in the area which is the shop for other goods. If that is the intention, I believe that we are giving the oil companies, again the big operators, an even greater advantage than I thought we were giving them. We are now saying to them, 'If you eliminate that part of your shop for that part of retail, you can still have the full 200 or 400 square metres for the other.' I find it unbelievable that we have been going even further down the track not only of disadvantaging small operators as against Coles, Woolworths and others engaging in Saturday afternoon trading, but of saying to the petrol companies, which have been breaking the law for a long while through the goods they have been selling at service stations, 'We recognise that you have been breaking the law, but we will give you a bigger area from which to retail.'

[*Midnight*]

Progress reported; Committee to sit again.

ADJOURNMENT

At 12.1 a.m. the House adjourned until 2 p.m. on Wednesday 24 October.

HOUSE OF ASSEMBLY

Tuesday 23 October 1990

QUESTIONS ON NOTICE

ALTERNATIVE EMPLOYMENT SCHEME

119. **Mr D.S. BAKER (Leader of the Opposition)**, on notice, asked the Minister of Labour:

1. How many persons participated in the 12 month pilot scheme to assist in the alternative employment of selected Government employees on workers compensation?

2. What was the cost of the scheme?

3. What was the outcome of the pilot scheme and, is it being extended on a permanent basis?

The Hon. R.J. GREGORY: In November 1988 an appointment was made to the position of Senior Consultant, Workers Compensation, in the Redeployment Unit of the Department of Personnel and Industrial Relations. The role of the position is to assist in the relocation and redeployment of Government workers compensation claimants. Answers to the specific questions on the scheme are as follows:

1. Statistics for the first two years of operation of the scheme are set out below:

	1989-90	1988-89 (from 21.11.88)
Referrals from GWRCO	48	40
Number placed in permanent jobs	13	3
Number placed in temporary jobs	59	18
Number referred back to GWRCO as unable to be placed	19	7
Resigned	1	—

2. As the scheme deals with persons who are already on workers compensation payments, the only additional costs are those of AO-3 level salary (approximately $45 000 p.a.). Persons can only be referred by the Government Workers Rehabilitation and Compensation Office to the Department of Personnel and Industrial Relations for redeployment if written certification is received from the Chief Executive Officer of the employing department to the effect that there are no suitable duties available within that department.

3. See 1. above. From the beginning of 1990 it was agreed to fund from the Government Workers Rehabilitation and Compensation Fund an additional position at the AO-1 level in the Redeployment Unit of the Department of Personnel and Industrial Relations to handle the redeployment of Correctional Service Officers certified as medically unfit to resume their normal occupation.

NEIGHBOURHOOD WATCH

130. **Mr MATTHEW (Bright)**, on notice, asked the Minister of Emergency Services: How much money was provided to the Crime Prevention Unit for Neighbourhood Watch in 1989-90 and for what purposes associated with Neighbourhood Watch was this money to be used?

The Hon. J.H.C. KLUNDER: The funding provided to the Crime Prevention Unit for Neighbourhood Watch in 1989-90 can be identified in two groups:

Description	Amount
1. Normal departmental expenses incurred in operating the Crime Prevention Unit, including salaries that can be attributed to Neighbourhood Watch. This amount also included $132 000, which was additional funding provided to establish 30 additional Neighbourhood Watch areas over and above the scheduled launchings for the year	$347 000
2. A sponsorship agreement between the S.A. Police Department and Commercial Union Insurance provides $68 000 for Neighbourhood Watch expenses and $12 000 for Rural Watch. This funding has been agreed for a period of three years, and is to be used to promote and expand both these Crime Prevention Schemes	$80 000

As at 20 September 1990, 268 Neighbourhood Watch and 25 Rural Watch programs were operating. In addition, there is a significant cost to the department involved in police officers throughout the State contributing to Neighbourhood Watch programs.

ADULT RE-ENTRY SUBJECTS

157. **Mr MATTHEW (Bright)**, on notice, asked the Minister of Education:

1. Which schools presently offer adult re-entry subjects and, what subject ranges are offered at each school?

2. Is is intended to extend the number of schools offering adult re-entry subjects and, if so, in which schools and, when?

The Hon. G.J. CRAFTER: The replies are as follows:

1. There are no subjects classified as 're-entry' subjects. 'Bridging' programs are offered in some centres for those who have been away from studies for some years, and six centres offer some recreational subjects similar to DTAFE stream 1 000 courses to meet the needs of adults wishing to return to formal study.

2. Centres which will cater specifically for adults will be located at Elizabeth West Re-entry School, Christies Beach, Marden, Thebarton, Hamilton, Edward John Eyre and Le Fevre High Schools. Thorndon High School may be added to this network. It is not planned at present to extend this network further.

TEACHERS' SALARIES

187. **Mr BECKER (Hanson)**, on notice, asked the Minister of Education: Will the Education Department pay teachers' salaries into the State Bank or any other bank by direct debit and, if not, why not?

The Hon. G.J. CRAFTER: Yes, provided that the bank nominated by a teacher is linked to the Bilateral Tape Exchange System operated by the Reserve Bank of Australia.

E&WS DEPARTMENT

195. **Mr BECKER (Hanson)**, on notice, asked the Minister of Water Resources:

1. Further to the answer to Question on Notice No. 70, what type of agreement was entered into with Mr Hudson in commissioning him as a consultant to review the pricing structure of the Engineering and Water Supply Department?

2. Has the Government received receipts for all expenses incurred by Mr Hudson in his claim for reimbursement?

The Hon. S.M. LENEHAN: The replies are as follows:

1. Mr Hudson was commissioned as a consultant using a standard form of contract which the department uses when engaging external consultants.

2. Under the terms of Mr Hudson's contract section 2.3 provides:

The principal shall before accepting liability to reimburse out of pocket expenses incurred by the consultant be entitled to

require the consultant to supply to him reasonable particulars of the same.

Mr Hudson's offer contained the following estimates of expenses:

20 full working days @ $550/day	$11 000
4 full working days, research assistant @ $200/day	$800
5 return economy airfares to Adelaide @ $544/trip	$2 720
10 days in Adelaide @ $150/day	$1 500
out-of-pocket expenses—taxis, telephone, etc	$150
	$16 170

Mr Hudson was required to produce itemised claims which were then compared to his quoted estimated cost. The contract manager verified charges against the estimates in the offer prior to payment. Travel was approved in advance. Additional days of work and travel were approved to brief individual Ministers, the Cabinet, members of the Opposition and press, and in preparing the Cabinet submission. This is the procedure normally followed with consultancies. Receipts are only sought for claims of an extraordinary nature or magnitude beyond the estimates provided in the offer and accepted as part of the contract.

PATAWALONGA BASIN

197. **Mr BECKER (Hanson)**, on notice, asked the Minister for Environment and Planning:

1. Did the Minister approve a statement made by Ms Ene-Mai Oks, an officer of the Department of Environment and Planning, which indicated to the Patawalonga Task Group that the legislation dealing with the control of marine pollution would hold the Glenelg council liable for adverse impacts on the marine environment due to discharges from the Patawalonga Basin and, if so, why?

2. How does the Minister reconcile the statement by Ms Oks with her own statements on 22 August 1990?

The Hon. S.M. LENEHAN: The replies are as follows:

1. As Minister for Environment and Planning, I did not approve a statement in the words quoted. The words come from a record of a discussion at the eleventh meeting of the Patawalonga Basin Task Group.

Ms Ene-Mai Oks is listed as attending that meeting as a visitor. In the absence of the regular departmental member of that task group, she responded to a series of questions from a respresentative of the consultants working on the environmental impact statement for the Glenelg foreshore development. The record summarises the discussion, and does not attempt to attribute verbatim statements to individual speakers.

2. The wider discussion summarised in the task group minutes reflects the understanding departmental officers had of the legislation at that time. The new Bill had been drafted to include changes which the Opposition had insisted on in debate on the previous Bill.

I have previously informed the House of my efforts to accommodate the concerns of the Glenelg council, within the more constrained ministerial powers and definitions provided in the new Bill. The discharge could be licensed—in fact, a Minister could not refuse a licence under the transitional arrangements.

In a letter circulated to all members of Parliament, Glenelg council expressed reservations about what might happen when that licence expired—8 years from commencement of the Act. Eventually, in discussion in another place, it was suggested that Glenelg council would accept an undertaking to propose a regulation to the Environmental Protection Council that would exclude the discharge of the Patawalonga, and activities of that kind, from the Marine Environment Protection Act. I was happy to give that undertaking.

DEPARTMENT OF THE PREMIER AND CABINET

205. **Mr D.S. BAKER (Leader of the Opposition)**, on notice, asked the Premier: What is the job specificiation for each new position and what salary does each position carry in relation to the budgeted expansion this financial year from 4.9 FTE to 7.7 FTE positions in the Inter-government Relations Branch of the Department of the Premier and Cabinet?

The Hon. J.C. BANNON: There are no new positions in the Inter-government Relations and Advisory Services Branch of the Department of the Premier and Cabinet. The figure of 7.7 FTE positions was the budgeted number for both financial years 1989-90 and 1990-91.

WORKERS COMPENSATION CLAIMS

209. **Mr D.S. BAKER (Leader of the Opposition)**, on notice, asked the Minister of Labour:

1. Which 18 Government agencies were responsible for the claims management of the first 21 business days of new workers compensation claims during 1989-90?

2. Which 28 Government agencies were responsible for the claims management of the first 21 business days of new workers compensation claims during 1988-89?

The Hon. R.J. GREGORY: The replies are as follows:

1. Government agencies responsible for claims management for the first 21 days of the new workers compensation claims during 1989-90:

Agriculture
Family and Community Services
Correctional Services
Education
Environment and Planning
Engineering and Water Supply
DETAFE
Road Transport
Lands
Local Government
Marine and Harbors
Mines and Energy
Police
Public & Consumer Affairs
SACON
State Services
Childrens' Services Office
Woods and Forests
Court Services

2. Government agencies responsible for claims management for the first 21 days of the new workers compensation claims during 1988-89:

Agriculture
Arts
Community Welfare
Correctional Services
Education
Engineering and Water Supply
Environment and Planning
Fisheries
TAFE
Highways
IMVS
Labour
Lands
Attorney-General
Local Government
Marine and Harbors
Mines and Energy
Police
Premier and Cabinet
Public & Consumer Affairs
Personnel & Industrial Relations
SACON
Services and Supply
Transport
Treasury
Childrens' Services Office
Woods and Forests
Court Services

WALLAROO JETTY

214. **Mr BECKER (Hanson)**, on notice, asked the Minister of Marine:

1. Does the Wallaroo jetty require maintenance in order to continue carrying heavy vehicles and, if so, when will this work be carried out?

2. Are heavy truck movements to be banned at the jetty?

3. Is the Harbourmaster at Wallaroo to be transferred to Port Pirie and, if so, why?

The Hon. R.J. GREGORY: The replies are as follows:

1. Ongoing maintenance is performed on the Wallaroo jetty to ensure that it is capable of supporting vehicles used in connection with shipping operations.

2. No.

3. No.

TOXIC WASTE BURNER

217. **Mr MATTHEW (Bright)**, on notice, asked the Minister for Environment and Planning:

1. Will the Government be utilising the high temperature burner for intractable wastes near Corowa in New South Wales and, if so, what materials are likely to be disposed of at that site and what precautions will be taken for transporting those materials and, in particular, materials such as DDT and dieldrin?

2. Has a study been undertaken to determine whether the location of a toxic waste burner at close proximity to the Murray River will have an affect on river water coming into South Australia and, if so, what are the results?

The Hon. S.M. LENEHAN:The National task force, established by the Commonwealth, New South Wales and Victorian Governments to review the safe disposal of intractable wastes produced in Australia, has determined that a high temperature incinerator should be established to handle all of Australia's intractable wastes. South Australia has a relatively low volume of such wastes, and it is anticipated that these materials will be destroyed in the national high temperature incinerator once it is established.

The task force recommended that the incinerator be located in New South Wales and operated by the New South Wales Waste Management Authority. It recommended also that the incinerator be located at Corowa in New South Wales. The final report from the task force included recommendations with respect to the transport of intractable wastes using rail freight and special containers, and a number of other precautions to ensure that transport is undertaken in a safe and effective manner.

The New South Wales Government will conduct a full environmental impact statement into the proposal prior to any final decision being made. The EIS will include any likely impact on the River Murray. I have also requested that this matter be placed on the agenda of the next Murray-Darling Basin Ministerial Council meeting.