HOUSE OF ASSEMBLY

Wednesday, November 3, 1976

The SPEAKER (Hon. E. Connelly) took the Chair at 2 p.m. and read prayers.

PETITION: WORKMEN'S COMPENSATION

Mr. DEAN BROWN presented a petition signed by 318 electors of South Australia, praying that the House would reject sections 123e and 123f of the Workmen's Compensation Act Amendment Bill (No. 2).

Petition received.

MINISTERIAL STATEMENT: JUVENILE OFFENCES

The Hon. R. G. PAYNE (Minister of Community Welfare: I seek leave to make a statement.

Leave granted.

The Hon. R. G. PAYNE: The report on juvenile crime in today's *Advertiser* emphasises statistics that are simply not true. Juveniles are not involved in 84 per cent of serious crime, and the statistics quoted by the Police Department do not suggest that that is so. This figure was arrived at by the journalist in question by adding the proportion of serious crime attributed to children under 18 to that attributed to children 14 and under. This latter category is, of course, contained in the former, and so has been doubly counted. Thus, on the basis of the offences categorised by the Commissioner of Police as serious only 58·44 per cent should be attributed to juveniles. However, it is the belief of the Community Welfare Department that this percentage overstates the case. In the annual report of the Police Department appendix B reveals that some 17 177 persons were apprehended in 1974-75 for all types of offence. The Community Welfare Department states that, in that same period, 6 747 juveniles appeared before juvenile courts and juvenile aid panels, and this latter figure is less than 40 per cent of the former. The following draft statement regarding juvenile offending in 1974-75 was prepared jointly by the Community Welfare Department and the Police Department after the figures were available, and I believe it gives a fairer account of the rise in juvenile offending in that period.

During the financial year 1974-75 the number of children appearing before juvenile courts and juvenile aid panels in South Australia has increased by some 29 per cent to 6 747. This increase indicates that the juvenile offending rate has increased from 25 a 1 000 in the financial year 1973-74 to 32 a 1 000 in the financial year 1974-75. On the positive side, the figures reveal that almost 97 per cent of South Australian children in the age group 10 to 18 did not offend. Of the 3 per cent who did, initial indications are that only one in five re-offended.

The increase was not evenly spread across the State or across the offence types; it is most marked in the categories of shopstealing, common assault, disorderly behaviour and traffic offences. Whilst breaking offences have not significantly increased, they are still numerically consequential. Similarly, an analysis of the geographic distribution of offenders suggests that the increase is not a function of worsening behaviour by all children—

and that would certainly concern this Parliament and the department—

or, for that matter, by a few children, but rather reflects the use of more efficient operational techniques by the Police Department. These techniques, instituted over recent years, include the new concept of sector patrolling and the use of sophisticated communication procedures. The statistical picture emerging from these figures is one of optimism regarding the behaviour of young people in this State and of the effectiveness of the measures taken by the Community Welfare and Police Departments in dealing with those young people who do offend.

QUESTIONS

MASSAGE PARLOURS

Dr. TONKIN: Can the Premier say what suggestions have been made by the Police Department to the Government for more adequate control of massage parlours and why these suggestions have not been acted on? This matter continues to be of concern to many members of the community and is the subject of a motion currently on the Notice Paper. In answers to questions by several Opposition members, the Premier has over the years stated that he is not satisfied that any proposals on massage parlours would be effective and has taken no action. The Police Department is obviously most concerned about the situation and must be assumed to have made positive suggestions to the Government. For that reason, I ask what these suggestions were and why they have not been acted on.

The Hon. D. A. DUNSTAN: Discussion was held with the Commissioner of Police and some senior officers concerning the possibility of a licensing provision for massage parlours. When the draft was made, discussion was then undertaken as to precisely how the licensing provision would make any easier the obtaining of information for prosecutions in relation to brothels than would the present law. The police were unable to demonstrate that it would. There was no way in which it could be shown that a licensing provision was going to make it any easier to get information about offences that are already on the Statute Book. Discussion was held with the police as to whether contemplation could be had of entrapment procedures, and the police, rightly I believe, advised against that sort of proceeding. That is where the matter stands at present. The mere provision of a licensing system does not add anything to the means by which evidence may be obtained in matters of this kind, and it is the obtaining of evidence for prosecutions which is vital in the matter.

ELECTORAL BOUNDARIES

Mr. SLATER: In view of the Supreme Court judgment handed down today, can the Premier say when the new electoral boundaries are likely to come into effect?

The Hon. D. A. DUNSTAN: Unfortunately, at this stage of proceedings I cannot, because it is evident that the Liberal Party is about action in this State trying to delay the coming into effect of the electoral boundaries for as long as it possibly can.

Mr. Goldsworthy: On what do you base that remark?

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: As the honourable member has asked me, I will tell him.

Mr. Millhouse: One doesn't have to be Einstein to see that.

The Hon. D. A. DUNSTAN: Exactly. The honourable member can do better than Dr. Watson, as can most people in the community, about this one. I notice that the President of the Liberal Party at the conference held during the past weekend delivered himself of the following statement:

Notwithstanding the inequity—

that is his view of it—

in the redistribution the State Executive decided that politically it ought to take the fight for a fair and reasonable electoral system to the electors of South Australia.

This was on the question, he said, of whether or not the Liberal Party ought to appeal against the decision of the Electoral Boundaries Commission. He went on to say:

We understand that the validity of the proposed electoral boundaries is presently under question.

The understanding, I would have thought, would be very close in this matter, because it is significant that the plaintiff in the matter to which the honourable member referred is a member of the Liberal Party whose wife stood in a Liberal preselection ballot, and he is a gentleman from the South-East who is not exactly known to be of very considerable wealth.

Mr. Mathwin: You're off the beam a bit, mate.

The Hon. D. A. DUNSTAN: That is my information.

Mr. Gunn: You've been known to be wrong in the past.

Members interjecting:

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: As to whether he is a member of the Liberal Party or not, I notice that members opposite are not denying the fact.

Mr. Goldsworthy: We wouldn't know.

Members interjecting:

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: My good friend from Millicent, as he was previously, knows the gentleman concerned.

Mr. Chapman: What an honourable step for him to have taken if he is.

The Hon. D. A. DUNSTAN: It is not only honourable: it is expensive, because up to this stage his proceedings must have cost him well over $20 000 and he has now, apparently, through his counsel, announced proposals to appeal to the Privy Council. The remarkable fact is that counsel in that matter, as in the case of the appeal over the Electoral Districts Boundaries Commission decision, is the same counsel as appeared for the Liberal Party before the commission, using the same argument.

Members interjecting:

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: It is remarkably coincidental—

Mr. Goldsworthy: That you've got the same bloke, too.

The Hon. D. A. DUNSTAN: —that this should be happening at a time when the Liberal Party is known to be absolutely petrified at the thought of an election in the near future under the present electoral boundaries.

Members interjecting:

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: It is quite obvious that the reply to the honourable member's question can be determined only when the Liberal Party in South Australia decides that the decision of the electors of this Parliament and of the umpire is to be honoured and that we are to have in force in South Australia the decision which people have voted for time and again in South Australia: one vote one value in the electoral distribution of the State.

WORK EXPERIENCE COURSES

Mr. GOLDSWORTHY: I direct my question to the Minister of Labour and Industry; I think he is probably the appropriate Minister, as it involves unions. Can the Minister say whether the Government intends to take any action to see that the freeze on secondary school students taking part in work experience courses is lifted? The Government ran into trouble with the unions when the proposal was first suggested and put restrictions on the number of schools and students allowed to participate in the scheme. It is Liberal Party policy to encourage work experience for young people while still at school, so that they can see at first hand what is required in employment. It also helps them to appreciate some aspects of school life and gives them added incentive. The programme could be of material assistance in helping place potential school leavers in suitable employment.

The Hon. D. J. HOPGOOD: Twice since June the member for Goyder has asked me substantially the same question the last time being, I think, a fortnight ago. The reply now must be as it was then. Certain problems have to be solved, that involve the Crown Solicitor. We as a Government and as a department are keen to ensure that this programme is continued, but there are problems in relation to insurance cover for students involved in this programme in the event of an accident, and some of these complicated problems have yet to be solved. They must be solved in the interests of the students before the programme can continue.

VANDALISM

Mr. OLSON: Has the Minister of Community Welfare been able to obtain the information I asked for yesterday concerning the allegations of vandalism and lawlessness in the Henley Beach area? I realise that this question was asked only yesterday, but because of public disquiet that is usually generated by the type of allegation that the police are not doing their job, I would appreciate the Minister's giving any report he may have.

The Hon. R. G. PAYNE: I have a report on this matter, and I endorse the remarks of the honourable member that there is much public interest when allegations of this sort are made.

The type of misbehaviour complained about at Henley Beach has also happened at other jetty areas along the metropolitan foreshore. The Police Department is most concerned about the situation, and patrols from Darlington and Rosewater, as well as the C.I.B. and Task Force, have been paying especially close attention to these areas. Since September 1 of this year, Rosewater police have made 280 specific patrols to this area, which indicates the degree of police concern exercised in that locality. Several of the incidents referred to in Mr. Nash's letter were not even reported to the police. Members will recall that the original question referred to a letter that had been sent to many members.

Incidents reported were investigated, and, where sufficient evidence was available, charges have been made. At present, three charges are pending in relation to wilful damage to street signs and disorderly behaviour. The other properties and suggested problem areas are being watched, and nightly visits are made to the jetty and square, and groups of youths, if observed, are regularly dispersed. The public everywhere in South Australia, as well as in the Henley Beach area, can be assured that the police are doing the job that they are there to do. The Government has confidence that they are doing a good job and will continue to do so.

ALLENDALE EAST AREA SCHOOL

Mr. ALLISON: Will the Minister of Education urgently consider providing additional classroom accommodation at the Allendale East Area School? The needs seem to be twofold: first, the existing classroom, a double prefabricated classroom holding two staff and 60 children, is in a state of poor repair. The floor is uneven and cracked, the northern wall leaks badly in heavy rain, and the rooms are noisy, with children experiencing excessive cold and heat. The school has tried to make some improvement by putting carpets down, but that has not changed the conditions. Secondly, young couples taking up blocks in the area have caused a large increase in junior school enrolments, and 37 additional five-year-old children are expected to enrol in 1977. The population in the area is increasing, and in September the Minister assigned two extra buses to the school in order to cope with the influx of students, but classroom space is limited. An extra junior teacher is also required. Will the Minister urgently consider these problems?

The Hon. D. J. HOPGOOD: I assume the honourable member must be in cahoots with his colleague on this matter because I understand that Allendale East is in the Millicent District. However, I shall be only too happy to take up the matter with my officers to see what can be done to provide additional accommodation.

WILDLIFE

Mrs. BYRNE: Is the Minister for the Environment aware of the recent call by an organisation calling itself the Australian Wildlife Protection Council for a boycott of South Australia by interstate tourists? The President of that council called for the boycott on behalf of his organisation on the debatable grounds that we are failing to curb what is called the slaughter of kangaroos. Can the Minister say what is the status of the Australian Wildlife Protection Council and what weight people should give to its pronouncements?

The Hon. D. W. SIMMONS: The Australian Wildlife Protection Council is, as far as I can discover, an organisation that does not represent a wide cross-section of people who are concerned with the preservation of our wildlife. However, I suppose it has a legitimate, if selective, point of view. I understand that the council was formed in October, 1969, and its driving force is a Mr. Arthur Queripel, who has written to us at various times from Mildura in Victoria and more recently from Port Elliot. Other people have declared their support or association with his organisation, but to my knowledge they do not represent broad-based conservation groups. In Victoria there is a lady named Simons who describes herself as the Melbourne representative (she is no relation of mine). She has been corresponding with my department about kangaroos. Oddly enough, the lady in question wrote on July 14 that the Vicorian members of her council thanked me for all I was doing for the environment of South Australia and, in particular, for the protection and preservation of macropods and their habitat. She congratulated us on the purchase of the four large dry land stations covering 250 000 hectares which have become the Danggali Conservation Park, which now constitutes a most important kangaroo habitat. The cost involved of $570 000 last year was primarily for the conservation of kangaroos. She went so far as to pledge financial support (although she did not specify any sum) for this area to be made a sanctuary for the red kangaroo. We welcomed this offer of support, although it was unnecessary; the mere fact of the station's being dedicated as a conservation park has already assured that this is a protected and undisturbed kangaroo habitat free from shooters.

The department received another letter, about a fortnight ago, from another lady writing on behalf of the same oragnisation, again to congratulate us. This was from a Miss M. J. Lemmon of the Melbourne suburb of Balwyn. She also said that kangaroos were rapidly decreasing in number. That is not true, as I found out for myself last week when I visited the Flinders Range National Park and had extensive personal evidence that plenty of kangaroos are about. I saw large numbers when driving from Brachina Gorge back to the Oraparrina National Park office; in half an hour we counted 100 in one group and another group of 30 to 40. The same night, travelling in the other direction from Wilpena to Oraparrina we counted, by the lights of the car, about 100 kangaroos by the side of the road. Therefore, it is not true that numbers are decreasing or that they are on the verge of extinction. The fairly high kangaroo population at present is due to the good seasons we have had until recently in the outback, plus our carefully constructed management programme, with provision for a controlled harvest in certain areas where the animal can be shown to be present in pest proportions. The kangaroo processing industry is kept under firm rein. The kangaroo is in no danger whatsoever of extinction in South Australia. The often hysterical letters we receive from Mr. Queripel suggesting this can be described only as extremely ill-informed.

Over the years, the department has built up a considerable file of correspondence from this gentleman, who writes very long letters. In the past, we have gone to much trouble to write long and careful replies to him answering the various points he has made. However, following his last letter I replied, concluding with the remark that I could no longer correspond with him because of his gratuitous labelling of me and the officers of my department as liars, incompetents and crooks, and his continual reiteration of the unsubstantiated claim that my officers are somehow in the clutches of illegal spotlight shooters and the kangaroo products industry is completely unfounded. No doubt Mr. Queripel and the members of his council are motivated by the best intentions towards our native fauna, but in my view they have become totally unbalanced in their criticism. I do not imagine that their childish tourist boycott will have the slightest effect. Any interstate tourist with the Flinders Range or the West Coast of South Australia on his touring itinerary will know how ill-based is Mr. Queripel's quite expensive campaign.

MILLICENT AMBULANCE

Mr. VANDEPEER: Will the Premier consider a special allocation of funds to the St. John Council of South Australia to allow the council to make a subsidy available to the Millicent Ambulance Board to permit urgent upgrading of the Millicent ambulance station to proceed? The Millicent ambulance station is far below the standard required to give an adequate service to the Millicent district. At present, the second ambulance officer is using the private home of the officer in charge for general ambulance work, such as receiving and waiting for calls. This arrangement intrudes on the privacy of the first officer and his family and is not conducive to an efficient ambulance service. Correspondence with the St. John Ambulance building committee has revealed that the South Australian Government

has not increased the annual subsidy allocation to the committee, such an increase being necessary to combat inflation. Consequently, the committee has been unable to make a two-for-one subsidy, the usual rule in the past. In view of the present revenue surplus for the first quarter, no doubt as a result of very judicious management, will the Premier recommend special funding for the ambulance building extensions in Millicent?

The Hon. D. A. DUNSTAN: I appreciate the honourable member's compliment to the Treasury. I am entirely in accord with his view. If the St. John Ambulance Council has a submission to make concerning difficulties that it has in funding at the moment, we would naturally look at it, as we always have. I suggest the honourable member should take it up with the St. John Council and the council would then approach the Chief Secretary on the normal basis that it follows in relation to its funding provisions. If it is short of funds for what has been the traditional work of the council in the normal funding way, we would certainly examine the position.

BABY BASHING

Mr. WELLS: Can the Minister of Community Welfare say how the Government intends to try to reduce the number of cases of deliberate injury to children, usually referred to by the media as baby bashing? At the opening of Parliament, the Governor's Speech stated that a Bill would be introduced to amend the Community Welfare Act, based on recommendations of the advisory committee dealing largely with serious maltreatment of children. Everyone is keen for the Bill to be introduced, as it is a subject on which all members can speak with one voice in their determination to prevent injuries to children by people with animalistic tendencies.

The Hon. R. G. PAYNE: In line with what was stated in the Governor's Speech, an amending Bill to the Community Welfare Act has been prepared and the draft is at such a stage that I hope to take it to Cabinet next week. Contained in that Bill are several proposals that will, as the honourable member suggested, try to reduce the incidence of what the honourable member called baby bashing. It is intended, in the draft Bill to be presented to Cabinet, to extend the list of persons who shall be required by law to notify instances of maltreatment. Members will probably be aware that the present legislation enjoins doctors and dentists to make reports (I believe the present legislation uses that term). What will now be required is notification rather than report. Members will appreciate the semantic change involved. The Bill will also contain a provision to extend the list considerably in that area. I hope that Cabinet will endorse that registered teachers, registered nurses, social workers, and kindergarten and pre-school teachers can be added to the list of persons who would be required by law to make notification where they suspected that an injury had been suffered by a child in other than an accidental way. The Bill will further provide for the appointment of panels, consisting of five persons, to be set up in regions. The panels will receive reports of physical injury, decide on the action to be taken, and keep the case under regular review. Members will appreciate that the family concerned is a family at risk as well the child being at risk, and there should be dual responsibility in these matters. Succour for the family should be available as well as help for the child concerned.

A panel will consist of an officer of the Community Welfare Department, a medical practitioner, and a representative from each of the Mothers and Babies' Health Association, the Child Psychiatric Services and the Police Department. I hope Cabinet will endorse a provision that will give hospitals power to retain custody of a child against the wishes of a parent or a guardian for up to 96 hours without a court order, if the person in charge of the hospital suspects that the child has been abused and considers that it is in the best interests of the child to stay in the hospital because it would be dangerous to release the child into the custody of the parent or guardian for that period. Members may recall that this was a recommendation made by a committee headed by Judge Murray. I expect, with Cabinet approval, to introduce the measure in the House possibly the week after next and, with the help of Parliament, I hope to improve the law in relation to these unfortunate children.

TRADE AGENTS

Mr. COUMBE: In view of the announcement that was made about two years ago about trade agents in South-East Asia, particularly Singapore and Malaysia, can the Premier say how many of these agents have been appointed, where they are situated and whether they work on a commission or retainer basis? More importantly, can he say what specific and tangible results have been effected in assisting the export of goods from South Australia to that region and in assisting business houses in making successful contacts for trade or franchise arrangements?

The Hon. D. A. DUNSTAN: The trade agents are Mr. Siregar in Djakarta, Mr. Tay Joo Soon in Singapore, and Mr. Danny Lee in Kuala Lumpur. Some years ago we had a trade agent in Hong Kong with whom we did not continue. In, I think, July, Elder Smith Goldsbrough Mort Limited was appointed as our trade agent in Hong Kong. That company is also our trade agent in Tokyo. We have now appointed a trade agent in Moscow for Russia, and it is intended that he should also be our trade agent in relation to the Comecon countries. Negotiations concerning that matter are now proceeding with the Federal Government. The person concerned is a former officer of the Trade Commission, and is highly recommended by the Trade Commission office in Moscow. Trade agent results vary widely from place to place according to the trade opportunities available for South Australia, opportunities that differ markedly. Our greatest success is in Malaysia, where the success has been quite signal. At the weekend I announced that we have now made arrangements for the export of fruit juice concentrate from the Riverland to a joint operation in Kuala Lumpur in which Berri Fruit Juices Co-operative Limited will be a partner. It is expected that this operation will expand to the stage where it will take the whole of our excess fruit juice concentrate and will involve our buying from elsewhere in order to satisfy the demand. That operation certainly gives a good fillip to an industry that the honourable member will know has faced some difficulty. That is just an example of what has been achieved. I will get for the honourable member a list in relation to each area.

Mr. Coumbe: Are the agents paid on a commission basis?

The Hon. D. A. DUNSTAN: Agents are paid a small retainer each year that varies from agent to agent according to the negotiations that we had with them. For the retainer, they are required to send back monthly reports

of opportunities that are foreseen in the area. We get in much desk work in an intelligence way about opportunities in the area. Where agents are asked to do specific jobs, they are paid on a man-hour basis and they send in bills on that basis. We have had extremely good service to industry in South Australia from these agents. Regarding all agents, I have had many South Australian businessmen express appreciation for their assistance. We have had considerable assistance over a long period from those agents, especially from Elder Smith Goldsbrough Mort Limited in Tokyo. That company has a branch office of its agency in Osaka, where the manager in charge of the office is a Japanese who graduated from Adelaide University and who does a constant job of promoting South Australia in the region. The company has assisted us, too, in discussions on every occasion that there have been intergovernmental or Government-to-business discussions, such as those we had with Mitsubishi on a wide area of activity and with the Mitsui companies, to which we export about $17 000 000 worth of produce from South Australia each year, and so on. I will get a list for the honourable member.

RIVERLAND CANNERY LIMITED

Mr. KENEALLY: My question is directed to the Premier and, in a way, relates to the reply that he just gave to the member for Torrens when he referred to the difficulties that the fruit canning industry was facing in the Riverland. Has the Government received a reply from the Federal Government about South Australia's offer to convert a $450 000 loan to the Riverland Cannery Limited to a direct grant? Members would know that a few weeks ago the State Government announced a generous assistance package to the fruit canning industry in the Riverland. Part of the package was the remission of pay-roll tax for packing sheds and the cannery, but a major part of the assistance was the conversion of a joint Federal-State loan to a direct grant. The industry welcomed the State Government's moves, especially the loan conversion, which depends partly on Federal Government approval.

The Hon. D. A. DUNSTAN: I have had a telex from Mr. Sinclair and, unfortunately, the Federal Government has said that it is not prepared to convert its share of the loan to a grant. I am astonished and dismayed at this attitude by the Federal Government.

The Hon. J. D. Corcoran: You aren't surprised, are you?

The Hon. D. A. DUNSTAN: As Mr. Sinclair claims to represent country people, I would have thought that he would seek to show that he had the interests of country people at heart. Undoubtedly, the Riverland cannery particularly is in considerable difficulty. The growers have not had adequate payment for the fruit that they have delivered over years to the cannery and are facing severe financial difficulties as a result.

Mr. Gunn: Have you asked the Federal Government to defer repayment?

The Hon. D. A. DUNSTAN: What I asked the Federal Government to do was join with the South Australian Government in converting the loan to a grant. At the same time, the State Government said that it would remit pay-roll tax and that the condition of our doing all this was that part of the arrangement with the cannery would be to ensure better payments to growers, but the Federal Government has said that it will not do it. Subsequent to our receiving that telex from Mr. Sinclair, there was a meeting of the South Australian Cabinet, which decided that our share of the loan would nevertheless be converted to grant, that we would go ahead and do what we had promised, and we would not insist on the condition we had originally placed on it that the Commonwealth should join with us—not that we do not think that it should, but it seemed to us that it was vital that we should at least do as much as we could.

Mr. Arnold: Is the Commonwealth Government willing to defer that indefinitely?

The Hon. D. A. DUNSTAN: It has not said what it is willing to do. It has said that it will examine matters in relation to this, but not convert the loan to a grant. We will necessarily be pressing the Commonwealth in every way we can to get some sort of assistance from it. At this stage, we have had only a "No" in relation to this request. We have not been able to get from the Commonwealth any undertaking either that it will proceed to put into operation the recommendations of the Industries Assistance Commission in relation to the industry. We have been unable to get any answers on that matter. I am saddened and dismayed by what the Federal Government has chosen to do in this matter. The South Australian Government, however, will continue to do its best and continue to press the Federal Government for the best conditions we can get in relation to this indebtedness.

COMMUNITY WELFARE OFFICES

Dr. EASTICK: Can the Minister of Community Welfare say whether it is intended to alter the existing boundaries of the Community Welfare Department's regional offices and, if it is, for what purpose this will be done? Will the Minister also say whether the changes to be made are a reflection on a final decision by Cabinet in respect of regional boundaries for all Government services? As it has been reported to me in my district that there is to be a change of responsibility in the Gawler area from Elizabeth to Nuriootpa, I seek information from the Minister about the reasons for the change, having regard to the nature of the communities, and whether the change is a reflection on a final decision on overall regional boundaries.

The Hon. R. G. PAYNE: I think that the honourable member has asked me about five questions, but I will try to answer them one by one. The first question was in relation, I think, to overall boundaries and Cabinet involvement. I think that that was pretty well stated in the House only yesterday by the Minister of Transport in reply to a question asked by the member for Rocky River: that is, a good deal of the proposals, I think the Minister said, had been endorsed, but there were certain queries with respect to certain areas. I might leave it at that, because that is my colleague's province with respect to that place. The Community Welfare Department, as such, with respect to the proposed boundaries is in no difficulty, and I think that the honourable member would appreciate that.

I will now get down to specifics. In relation to the direct matter raised by the honourable member, namely, whether the Gawler area will continue to be served by the Eilzabeth district office, the answer is that certainly it will continue for the present to be served by the Elizabeth office. However, it is obvious that a proposal, which was put forward by a district officer at Nuriootpa whose name is a good one (Payne), has reached the ears of the local member. I think that compliments the local member, as it shows that he takes an interest in what is going on in local affairs, to that degree at least,

and that is more than I can say about certain other Opposition members. The proposals that have been put forward would be easily understood by a country member. They are that a fair amount of travel time is involved whenever clients are being visited by our community welfare workers. At present, travel sometimes involves up to about 50 km in one direction, together with the return journey. The honourable member can correct me there, if I am wrong, but I think that that is correct.

The policy of the department and of the Government is well known: it is decentralised operation, and that is already in practice in over 30 district offices, apart from certain other places such as neighbourhood store fronts. I make clear to the honourable member that the criterion used by the department and by the Government is the amount of need and whether a person actually requires help. We would never have the position that help would not reach people because of the hidebound and pedantic approach that they were in someone else's area. We must have reasonable flexibility and distribution with respect to the duties and the job time of a certain group of people working out of an office. At the same time, I make clear that the boundaries are by no means hard and fast, nor should they be, nor are they intended to be. They are basic boundaries, and the humane angle will always be considered.

Mr. Venning: What did you think of Virgo's reply to me yesterday?

The Hon. R. G. PAYNE: I am surprised to hear the honourable member refer to a Minister in such a way. I can only assume that he lost his head and got carried away, and would not normally have transgressed in this way. It is not for me to comment on the Minister's answer. I heard the answer given, and it seemed to be in line with the Minister's usual answers—sound, straightforward and easy to understand. The honourable member certainly could not claim that he could not hear the answer. I think I have given a reasonable approach to the problem put forward in the question asked by the member for Light about whether any change was proposed. The answer is, "At present, no". He need have no worries about any of his constituents receiving service, because boundaries would never be a problem in that respect.

SCHOOL HOLIDAYS

Mr. LANGLEY: Can the Minister of Education say what is the justification for the changes to school holidays recently announced by him? Many people in the community are sceptical about changes, and I have asked this question because the answer will be helpful to people in the future when planning their holiday periods.

The Hon. D. J. HOPGOOD: I think it has been a fairly common observation by people in the community, and certainly by teachers, that the problem we have had from time to time with school holidays is that the children break up too soon at Christmas, which means that they are back at school before the beginning of February (often the hottest part of the year). The new system is an attempt to push the school holidays back on the calendar so that the schools will break up closer to Christmas and the students will come back in February. The present system is that teachers begin working on the Thursday following the Australia Day week-end and the children come back to school on the following Monday. The new system is that the teachers will begin working again on the first Thursday in February and the children will come back to school on the following Monday. Sometimes, of course, the first Thursday following the Australia Day week-end is the first Thursday in February, and in those circumstances the new system and the old system would, in effect, be identical. By introducing the new system for the beginning of 1977 we are, in fact, choosing two or three years in which the two systems are identical, and alterations to the system in terms of actual dates will not show up until 1980.

I will not delay the House with a long reading of statistics but will give two examples of the way in which the new system will operate. For the 10-year period beginning next year, the latest that the children will commence school is February 11 (that will apply in 1980 and again in 1985), so in the first 10 days in February, the very hot part of the year, the children will be on holidays. The earliest that the schools will break up is December 14, and that will be in 1979 and again in 1984. In 1980 and 1986, the schools will run right through until December 19. This matter was circulated widely throughout the education community some months ago and we have had much encouraging support for the new scheme from teachers and parents.

COUNTRY TEACHERS

Mr. BOUNDY: Can the Minister of Education say what specific changes will be made by way of incentive to attract teachers to the country? Yesterday's *Advertiser* carried a story under the name of Liz Blieschke, the education writer, which was headed "Plan to attract country teachers". The Minister is reported as saying that some of the probable incentives would be as follows:

The identification and removal of anomalies in the rental structure of houses for country teachers, more in-service training, and the provision of extra amenities.

Anomalies there are, particularly in the rental area and in relation to the Teacher Housing Agreement. I have had much discussion with teachers in the country regarding what is commonly known as the 42-week scheme for rental deductions from salaries. In fact, it is rental for 52 weeks squashed into 42 weeks. The point I make on behalf of country teachers is that where it is a disincentive for teachers to come to the country is at the point where a young teacher begins his career and buys a home in the metropolitan area and goes out into the country, is likely to be faced with this 42-week scheme. Those teachers seem to be in the situation where they pay 52 weeks rental during the 42 weeks. If a teacher is then reappointed to the city after having already paid a considerable amount of rental, he does not seem to be able to recover that rental. This is one anomaly that I believe needs correcting. If we are misinformed about this, there is a real need for clarity on this point. There are many other areas that are less than satisfactory in the matter of incentives to bring teachers to the country and keep good teachers there. I ask the Minister further to explain what his proposals are.

The Hon. D. J. HOPGOOD: There is an element of misunderstanding about these rentals. We are talking about subsidised rentals. In a departmental house, the teacher pays 80 per cent of the Housing Trust assessment of an economic rent. The point about the 42 weeks is that he pays at the annual rate but for a 42-week period, so the rate is based on a full 52 weeks but is paid over only a 42-week period. I will get a prepared statement for the honourable member, which may assist if there are some teachers in his area who are having problems following the details of the scheme.

As to the general matter the honourable member has raised, I cannot at this stage be more specific than was Liz Blieschke in the press report. That report gave a general indication of some of the areas that are being examined to see what can be done, and it represented faithfully exactly how far we have got with these matters. I cannot really respond to the honourable member's invitation to be more specific, because it is not possible to be more specific at this stage. The position varies from place to place in country areas. It cannot be said as more than a wide generalisation that there are difficulties in attracting experienced and senior teachers to country areas. I highlight that by indicating that everybody seems to be clamouring for an appointment at Port Lincoln, so the position does vary around the State. Just how we might take account of that matter in any incentive scheme is a little clouded at this stage. I think it is important for people to realise that the department is concerned that senior and experienced teachers should be encouraged to country service and are looking at the various avenues outlined in that report, and at one or two others.

YARDING FEES

Mr. WOTTON: Will the Deputy Premier ask the Minister of Agriculture to consult with Samcor to see whether it would be prepared to forgo yarding fees for stock offered for sale on Monday, October 25, but held over because of the unexpectedly sharp drop in prices as a result of the industrial dispute at the abattoir on that day? Both the Deputy Premier and the Minister of Agriculture would be well aware of the hardship that producers are facing. They can little afford the drop in price that was experienced on that day of up to $40 a head for cattle and the drop in lamb prices. Many of the producers were charged yarding fees because they were not allowed to pick up their animals on that day.

The Hon. J. D. CORCORAN: I will certainly speak with my colleague and ask him what can be done for the honourable member's constituents, and others.

PARKING PROBLEMS

Mr. HARRISON: Can the Minister of Works say whether any future plans are contemplated to overcome parking problems at the Queen Elizabeth Hospital? Recently, I have received numerous complaints about the problem of visitors and outpatients who have found it difficult to park their vehicles close to the hospital.

The Hon. J. D. CORCORAN: If the honourable member had warned me about this question, I could have obtained detailed information for him. Recently, tenders were let for a considerable sum that will involve a large increase in the area available for parking for the public at the Queen Elizabeth Hospital. I cannot give details now, but I will obtain a report for the honourable member as soon as I can, and I am sure he will be pleased to know that the situation will be relieved soon.

BUS DRIVERS

Mr. RUSSACK: Can the Minister of Transport give details of the method of assessing applications for the position of bus drivers with the State Transport Authority? Can he say whether there is an acute shortage of qualified drivers and, if there is, can he explain why, and outline the present situation? Recently, extensive advertising in the press and on radio has invited applications for the position of bus drivers with the State Transport Authority Bus and Tram Division. It has been brought to my attention that some former drivers, who voluntarily terminated their services with the authority, have reapplied for this position but have been rejected. It has also been indicated on a talkback radio programme that some who are fully qualified have, for some reason, also been rejected. Can the Minister say whether there is some selective method of processing applications, or whether a form of discrimination is being adopted?

The Hon. G. T. VIRGO: The honourable member would know that there is no discrimination, and it was foolish of him to add that to his question. Certainly, there is a strict screening of people who are employed as bus drivers, and so there should be. Those drivers have in their hands the lives of up to 70 people at any one time and, for that reason, the Municipal Tramways Trust and now the Bus and Tram Division have always demanded a high standard of proficiency by those they have employed.

Mr. Mathwin: What about females?

The Hon. G. T. VIRGO: Females are employed: we altered the instruction that was previously applied by the former Liberal Government and eliminated sex discrimination in relation to bus drivers.

Mr. Goldsworthy: It was the Leader's Bill.

The Hon. G. T. VIRGO: No, it was on my instructions. At present, the division employs some female bus drivers, but I do not know the total number.

Mr. Millhouse: They are very good drivers, indeed.

The Hon. G. T. VIRGO: I was about to say that: a few months ago I visited the depot to ride in a vehicle on a test, and had the privilege of being driven by a lady, and a very good driver she was, too.

Mr. Whitten: She was a good driver.

The Hon. G. T. VIRGO: I agree, and the honourable member was present with me. That is the present situation: I do not know to what the honourable member was referring when he spoke of people who had retired and could not get re-employment.

Mr. Russack: Not retired: voluntarily terminated their employment.

The Hon. G. T. VIRGO: If the honourable member will give me the names of those people who had been employed, voluntarily retired, and have now sought re-employment and been refused, I will obtain a confidential report giving the reasons they were rejected.

ABALONE

Mr. CHAPMAN: Will the Minister of Works ask the Minister of Fisheries to ascertain whether a Ministerial annual permit to take and sell abalone in zone F.K. will be granted to a genuine resident of that zone? As reported on pages 1112 and 1113 of *Hansard*, September 21, 1976, I put a case to the House at Question Time on behalf of two Kangaroo Island applicants who had been seeking permits to take and sell abalone from waters adjacent to Kangaroo Island, now in zone F.K., since 1967 and 1971 respectively. The Premier, in concluding his reply to my question, stated:

I can tell the honourable member that, so far, the Minister is in favour of the case he has put.

Despite that note of confidence and assurance in the Premier's reply, I find that today a fellow called Mike Vandepeer from as far away as Port MacDonnell is lined

up for the issue of a permit in the Kangaroo Island zone. One of the matters required to be considered in the exercise was whether or not an applicant had committed an offence in the fishing industry in the past five years. I understand that this fellow, Mike Vandepeer, was convicted of an offence within the past two years, of taking undersize abalone. How the hell can fairness come into this, if he can get a permit issued over and above the applicants of long standing, to whom I have referred, and also fair dinkum residents of the area in question? I seek some positive answer from the Minister of Fisheries, because clearly people who have played the game seem to have been ignored, and, whilst the announcement of the issue of this permit is not public at present, it has come to my notice that this is the position. I should like all the facts confirmed and a reply as soon as possible. Irrespective of the results about the issue of the permit to the South-Easterner, the true question is whether, because of the mess, the Minister can issue an annual permit in order to overcome this anomaly.

The Hon. J. D. CORCORAN: I can only say to the honourable member that he should watch these M. Vandepeers.

Mr. Chapman: I don't know whether he is a relative or not.

The Hon. J. D. CORCORAN: As a matter of fact, he is. I am also concerned because I know that the member for Millicent would in no way try to influence the decision of the Minister, if that decision has been made. I do not wish to have honourable members thinking that. I shall be pleased to ask my colleague to consider the matter as quickly as possible, and he may be able to give me information that I can give to the honourable member tomorrow.

Mr. Chapman: You appreciate my concern?

The Hon. J. D. CORCORAN: I do; the honourable member is fighting for his constituents. I do not know whether his statement in relation to Mike Vandepeer is correct or not, and neither does he. It has been related to the honourable member unofficially, I take it, and it may not be the case. I have had many dealings with fishermen for a long time, and I know that they do not always get their facts straight.

Mr. Millhouse: He is not the only one who has heard that Mr. Vandepeer was getting the licence. I've heard that, too.

The Hon. J. D. CORCORAN: That shows the pressure that can be placed on people, and I am sure that the member for Millicent would not know that the matter was going on.

Mr. Chapman: This chap lives 300 miles away from the zone.

The Hon. J. D. CORCORAN: If the member for Mitcham has been contacted, it makes me doubly suspicious that there may be undue pressure being brought to bear for doubtful reasons. I know the great interest that the member for Mitcham has shown in rural, agricultural, and primary producing affairs in recent times, because he has now, as he has told the House often, the tremendous responsibility of representing every activity in every area—

Mr. Millhouse: Absolutely correct.

The Hon. J. D. CORCORAN: —of the whole State as the Leader and only member of his Party. However, I will consult my colleague and let the honourable member have a reply as soon as possible, and no doubt the member for Mitcham will listen with great interest to my reply to the question by the member for Alexandra.

At 3.10 p.m., the bells having been rung:

The SPEAKER: Call on the business of the day.

LAND TAX

Mr. WOTTON (Heysen): I move:

That, in the opinion of this House, section 12, part (2) of the Land Tax Act concerning aggregate taxable value of land should be repealed.

This matter concerns me greatly. The tax in its present form is most unjust and extremely unfair, as has always been the case with land tax in this State. It is regarded as a wealth tax, and for that reason alone can be regarded as being unfair and unjust. Recently the whole area of land tax has been investigated and many improvements have been made in relation to the metropolitan and rural areas of this State. I believe much is still to be achieved. Many changes and amendments have been made to the Act, and motions regarding the Act have been introduced into this House by private members. Currently before this House is one such motion moved by the member for Light in relation to amending the Act to provide a formula for rating which gives due regard to the present land use rather than the potential use as is the present case of assessed value. Many of the problems associated with land tax have occurred as a result of the method of valuation.

Land tax is a wealth tax. The aggregation of land tax has disadvantaged many people. It is hard on businesses giving service to the community by having branches in various areas for the convenience of people in the metropolitan area and in country towns. I have discussed this matter with people connected with banks, stock firms and chain stores, and they all say they are facing astronomical tax burdens as a result of this aggregation factor. On this side of the House we believe that businesses should be encouraged to expand. In the past, businesses in the metropolitan area and in the country have been encouraged to form companies and all they have reaped in the process is the benefit of massive tax burdens. Aggregation affects people who cannot afford the cost of transferring titles, particularly in the case of dividing properties, where there is a definite need for a division particularly in regard to estates. Aggregation causes stress to widows who find they are disadvantaged in the case of entailed estates because the titles cannot be transferred.

Aggregation defers investment in real estate. Investment in real estate has been known as a convenient method of investment for people in a position to do so, especially in relation to investment in hotel and motel chains. I do not need to explain how necessary it is in the interests of the tourist industry in this State for hotel and motel chains to be encouraged to increase accommodation. The South Australian Tourist Bureau referred recently to the lack of accommodation facilities throughout this State. Those of us who know people involved in the hotel and motel business, particularly those connected with motel chains, know they are finding it increasingly difficult to keep these motels going because of labour charges, taxes and rates. As a result of these increased costs, tariffs have had to be increased greatly, and now the tariff at an average motel is almost out of the range of the average family. Many hotel and motel chains in this State are going out of business for this reason. These people are being disadvantaged further by aggregated taxable value of land.

The wine industry, which is an important industry to this State, is continuing to suffer from the effects of this

tax. The abolition of rural land tax has assisted in this regard to a large extent, but companies holding land for future plantings and those that have buildings, distilleries and factories throughout the State have expressed their concern regarding the aggregation factor. This wealth tax puts in jeopardy the family company. Most of these companies were set up to encourage the next generation to stay in and expand the business. I believe this to be a natural reaction. Indeed, it is the philosophy of members on this side of the House that, if a person has the initiative to work hard and build up and expand a business, he should be encouraged to do so. If a person owns one shop and has the initiative to work hard he should be encouraged to build up a chain of shops if he can do so. This area is an example of the way in which people are given no incentive by the Labor Government. Unfortunately, land tax is a big problem in the wine industry, in a rural industry where land is seen as a large percentage of total capital investment. This aggregation puts in jeopardy the family company in particular.

Agriculture Departments and, in fact, the Minister of Agriculture in the present Labor Government, have recommended as a way of cutting farm running costs the setting up of co-operatives, machinery partnerships and so on. Under the previous land tax arrangements, one South Australian family holding six properties amongst three generations formed a company to cut running costs, and for its trouble received an annual land tax account for $13 000. We all know that rural land tax has been abolished, so I will say no more about that. Let us get down to the activities that are happening today. It has recently been brought to my notice that one person was forced to pay more than $80 for land tax on a shack site on the River Murray purely because of aggregation, because that person quite innocently bought a 500-year lease, not a clear title, on the lot, which is one of more than 100, the total value of which is applied to the land tax scale. For that reason, the person was forced to pay this unreasonably high tax. This is not an isolated case.

One of the most crucial effects that aggregation of land tax has is on the young people in regard to the purchase of their own home, and this matter concerns me particularly. The person who is probably most affected by this aggregation is the land developer. As I have said before, land tax is a wealth tax and, because it is a legitimate holding cost to a developer, it is passed on to the young person who is purchasing land for his first home. Such people cannot afford and should not have to pay this wealth tax. I have approached several land developers concerning this matter of aggregation, and examples of this grossly unfair tax are quite remarkable.

Mr. Evans: Does the Land Commission have to pay this tax?

Mr. WOTTON: It does not, and that is one of the most unfair and unjust things about this whole situation. I will refer to that later. This iniquitous multiple holding land tax in its present form is most unjust, and in fact is seen as a major hindrance to developing companies. As I understand the present legislation, a multiple holder of properties is subject to tax on the properties held at June 30 and, notwithstanding that one unit of multiple holders' property may be sold on July 1 in any year, the multiple owner receives no reprieve from this tax, as in the case where vendors and purchasers make appropriate allowances in direct relation to the period of holding within the financial year. I fail to see why a developer should have to be what I regard as unjustly penalised for playing his part in the construction of houses, and I can see no valid reason why this tax should apply.

Mr. Evans: Who ends up paying that tax?

Mr. WOTTON: As I have just pointed out (and I will give further examples), the person who ultimately pays the tax is the young person or the purchaser of the block of land, the person who is trying to build his first home. I do not need to bring before the House the problems that young people are finding in building their first home at the present time in regard to interest rates and the exceptional costs being experienced at present. I repeat that this wealth tax is in many cases being passed on to young people.

It is generally recognised that a large number of land developers deliberately withhold the numbering of final plans of subdivision until after July 1 each year so that they are assessed on their broad acre holdings rather than on individual titles. This method, I believe, causes an imbalance in the overall productivity of residential allotments and is one of the contributing factors in the unpredicted work loads imposed on State Government service departments. In the case of developer companies that also acquire commercial properties to develop or occupy, the upgrading of the property portfolio causes a corresponding valuation and upgrading of the land tax applicable to produced residential allotments. Where the increased levy is considered to be a production cost, it is passed on to the end purchaser. Such a transfer of taxation can be considered to be a penalty, I suppose, for buying land from a large developer organisation, and I believe this to be most unjust.

Mr. Evans: It's inflationary, too.

Mr. WOTTON: It is inflationary. That is why this tax in its present form is most unjust and why I believe this section of the Act should be repealed. I would like to bring before the House a couple of examples that have been brought to my notice. I only wish that I had time to bring to the notice of the House the many examples that I have. I have computer print-outs that indicate actual land tax levied for the 1975-76 period on two major developments, the first in Aberfoyle Park, which is in the south, and the second in Modbury, in the north. From these print-outs one can see quite easily how unjust is this tax. The average land tax paid at Aberfoyle Park was about $260, and on a single holding basis the land tax would be about $15 for the same blocks. At Modbury the average land tax paid was $137, and on a single holding basis the levy would have been about $10. I use those two examples only to emphasise the point that I make, and I can assure the House that I have pages and pages of exactly the same type of example that could be brought to the attention of this House.

I have received information from one of the developers, and I will state the final taxable account in regard to a number of developments throughout the State. The account that was sent to the developers was for the massive sum of $23 815·54, which was brought about on a multiple holding amount. Based on a single holding amount, the total would have been $1 149·75.

Mr. Evans: You are saying that about $20 000 is added on to the cost of allotments?

Mr. WOTTON: That is exactly what I was saying, and I can give various examples of this. That is done by what is so often referred to here as the Government that is trying to help the young person who is trying to build his home. I repeat that these costs are being passed on to the young person who is trying to build his first home. I am asking that the Government repeal this section but, if

it is not prepared to repeal section 12 (2), I believe an alternative should be given to developers. This alternative could be to give, say, a one-year holiday from land tax from the date of creation of the allotment, therefore obviating the need to pass on this rapacious charge. In other words, for the first 12 months in which residential allotments are held for sale by a developer, I suggest that they be free from multiple assessed taxation and be rated at single holding valuations. I say that only as an alternative that I hope the Government would consider if it is not prepared to repeal this provision. I do not wish to take up any more time, but it is with a great deal of need that I have moved the motion.

Dr. EASTICK (Light): I second the motion and congratulate the member for Heysen on moving it. He has indicated clearly the way in which the present Government is acting against the best interests of the young people of this State by the manner the Government is driving up the cost of parcels of land that are being developed. The member for Heysen did not make the point (and I just add it to the debate) that an increase in the cost of land also increases the size of the mortgage that these young people must find, and their costs are increased because of higher interest payments. None of those actions is assisting young people to develop or provide for their own houses.

I draw members' attention to the information that was given to me in a reply yesterday by the Premier to a Question on Notice about the distribution of land tax in certain price ranges. That information (set out in *Hansard* of November 2) shows that 91 persons or companies received land tax assessments on property valuations (amalgamations) in excess of $1 000 000 and that they were responsible for paying $5 856 000 of the sum for the 1976-77 land tax load. A quick estimate would indicate that those 91 people paid an average of $64 351 in land tax.

If we go a step back to the range between $500 001 to $1 000 000, we see that 121 people are involved and the expectation of income from that group is $2 024 000, an average of $16 727. If we go back another step to the range between $200 001 to $500 000, we note that 554 paid a total of $3 271 000. A rather important feature of these details indicates that, in the range between $200 001 and $500 000, there are only 36 people with estimates for declared rural land parcels. Between the range $500 001 to $1 000 000, only six assessments related to declared rural land. In the valuations that exceeded $1 000 000 (unimproved land values), only two were in the declared rural land group. My colleague has raised several other matters that I should like to develop later. I therefore seek leave to continue my remarks.

Leave granted; debate adjourned.

MASSAGE PARLOURS

Mr. MILLHOUSE (Mitcham): I move:

That, in the opinion of this House, the Government should immediately institute an inquiry into all aspects of the operations of the establishments known as massage parlours and with particular reference as to whether:

(*a*) any and, if so, how many massage parlours are brothels as defined in section 27 of the Police Offences Act; and

(*b*) a system of licensing of massage parlours should be introduced, and, if so, what that system should be,

and that the report of such inquiry be tabled in this House.

I originally raised this matter during the Address in Reply debate, and it formed only a small part of the speech that I made during that debate. I was genuinely surprised afterwards at the strength of the reaction that my speech brought forth and the support shown for the views that I had expressed. Since then many people have spoken to me about the matter, giving me their own views and much information, either first or second-hand, that I did not have before about massage parlours. All that I have been told has confirmed what I said in the Address in Reply debate, that massage parlours are brothels and that we should grasp the nettle that they represent and take some action about them.

A report in the *Advertiser* during August headed "Girls admit to being prostitutes" states:

> But the parlours today have deadlocks on doors, bars, sliding bolts and buzzer systems to warn people on the premises that the vice squad is present.

A specific suggestion that I make, which I believe largely gives the answer to a spurious objection put up by the Premier, is that in future, if there are regulations to control these places, their doors should remain unlocked so that it would be possible for the police to obtain quick entry. I will say more about that later. A report headed "Massage control attempt" in the *Sunday Mail* states:

> One group is trying to gain control of Adelaide's massage parlours. Information received by *Sunday Mail* reporters indicates connections between at least six massage parlours, as well as links with criminal elements in Victoria and New South Wales.

I said that that was likely to happen, and I will say a bit more about that, later, too. I have been approached by representatives of the South Australian Registered Masseurs Association Incorporated, who tell me that they are in business as genuine masseurs and that they dislike intensely massage parlours, because that term is merely a euphemism for brothels. The organisation says that it does its legitimate business much harm and that what it would like most is a distinction made between its business (which I am told and I accept is above-board and without any sexual orientation) and the business of massage parlours.

One man of the many people who have been in touch with me rang me on October 8 and told me that he went on what I can only describe as a "massage parlour crawl" one evening. He went to four massage parlours just to see what reaction he would get by going there. I do not know the chap; he rang me and assured me that he was not after any sexual favours. Although what he told me was said in a telephone call which I cannot check, it merely confirms what other people have said to me. The whole web of information coming to me is consistent. He told me that he went to four different places in one night and started off at the *Pink Panther* at Glenelg. He was straight away asked whether he wanted sex, and he was quoted $20 for a massage there. He did not go in, but left.

He next went to a place in Wright Street; he thinks that it was 194, but he is not sure of the number. Again, he was asked whether he wanted straight-out sex, and was quoted $20 for it. He said that he wanted only an ordinary massage, and he was told that he would not get any change from the $20 anyway. He then went around the corner to Sturt Street to a place near Whitmore Square where he was told that five different kinds were being offered. He went in and had a straight-out massage, and said that the girl had no idea what she was doing. She obviously had no experience or skill in ordinary massage, and he was charged $10 for it. He then went to Lisa's,

which I visited by invitation and which is in Gilles Street close to Pulteney Grammar School.

Mr. Gunn: What sort of massage did you get there?

Mr. MILLHOUSE: I refused a massage.

Mr. Coumbe: That was the one without the soap, was it?

Mr. MILLHOUSE: Yes. He said, when he got to Lisa's, that he wanted just a massage. He was quoted $25 for it. He went in and paid his $25. Again, the girl was entirely inexpert in massage. Suddenly, when he had been there for about 10 minutes, she started to strip. He said, "I don't want that." She said, "Why not? What's the matter with me?" He said that that was not what he was after, and he left—and they did not give him any of the $25 back. That was the experience of one man, and I believe that it could be duplicated many times, but perhaps other people would not be as moral as he told me he was about it.

Then we have (this is perhaps one of the most damning things, and it shows the Premier as the master of the half truth) what was given some publicity in this morning's paper. This was certainly an accurate transcription of a paragraph in the report of the Commissioner of Police. The paragraph does not line up with what the Premier has said in the House, and it is remarkable that in all of the answers that the honourable gentleman has given on this matter he has never referred to his conversations with the Commissioner or to what the Commissioner has said. Under the heading of "Massage parlours", the Commissioner said:

With few exceptions, these establishments in our experience are fronts for prostitution and in fact are brothels; however, although the vice squad gives regular attention to these places, considerable difficulty is experienced in obtaining sufficient evidence to launch prosecutions. Until legislation, in the form of the proposed massage establishments Bill, is enacted to regulate the operation of such premises, little more can be done by the police to control the problem effectively.

We have never heard in the House of the massage establishments Bill. It is obvious that legislation has been drafted and that the Commissioner, if no-one else, believes that whatever is proposed in that Bill would be more effective than is the present legislation: but we have never heard that from the Premier. In reply to a question which I asked the Attorney-General, but which in the Premier's view was too hot for the Attorney-General, the Premier took the question. All he did was pour ridicule on me for one element in the scheme I had rather offhandedly and perhaps naively proposed. The Premier concentrated on that and said nothing about the substance of my suggestions. I know the Premier well enough to know that, when he does that, he really has not got an answer to the substance. He therefore concentrates (he learned this trick from Sir Thomas Playford) on one aspect which he thinks he can ridicule and, with his skill, he does it effectively at the time in the House. The following is what he said, and again the Commissioner's report gives the lie to it:

The question is whether anything effective can be done to achieve a certain object of public good. On that score the honourable member has so far produced, in answer to the matters which were set forward in the answer to him yesterday, absolutely nothing. If the honourable member has some specific proposal other than the ridiculous one to which he referred, we would like to hear it. So far, however, I have not heard it from anybody.

Yet he is a man who had had, as we now know, conversations with the police and a report from the police to the effect that I have read out. There are several reasons why the Premier is doing everything he can do to avoid this issue. The first is the theoretical one: I believe that Socialist International is against prostitution, and so on, and he has some allegiance to its views. Secondly, he is much influenced by the fact that women's libbers by and large are against the legalising of prostitution, and he does not want to offend them.

Thirdly, I think he regards it, as perhaps does his Party, as an unusual and risky issue on which they may in their present parlous electoral state lose more support than they will gain. I believe that what he has in mind is to keep this going until after the next election, when he hopes that, with the new boundaries, he will have a majority in this place and be in a stronger position to do something about it. Certainly, what he said today in answer to the lead question from the Leader of the Opposition, who denied to me when he told me he was going to ask the question that he was trying to influence or pre-empt anything that I might say, simply did not ring true. He said that no-one had ever suggested precisely how licensing would make it easier to get evidence, no way had been shown how it would be easier to get evidence, that the police were against entrapment, and so on. That does not tie in with the report to which I have referred, and I have already made in passing one simple suggestion about what could be done to make it easier to get evidence, namely, instant access through a prohibition under a system of regulation and licensing on the locking of the doors.

When I spoke before, I said that there were 65 advertisements in the *Advertiser* that day for massage parlours. I have had my secretary count them again today, and the number has increased to 85. Some of them are doubly advertised; there is more than one advertisement for the same place. Certainly business is not falling off. I believe, on the information I have been given, that about 40 establishments are running permanently in and around the metropolitan area of Adelaide. Between 10 and 20 are floaters; they go from place to place, usually in the suburbs. They do not expect to be there long. When they are harried out by local residents or the councils they go somewhere else and start up again. The hard core of massage parlours numbers about 40. I do not know whether anyone has ever tried to work out what their likely turnover is, but it has been put to me that it is between $4 000 000 and $6 000 000 annually, and it is worked out in this way.

Mr. Gunn: There must be a demand for them.

Mr. MILLHOUSE: My word there is, and that is the point I make. Say that there are 40 of these places and that they do on average 20 massages a day at an average cost of $20 each, which seems to be about the going fee. Say that they are operating for 300 days a year. If we multiply 40 by 20 by 20 by 300, we get on my calculations a turnover of $4 800 000, which, I believe, is a fairly conservative figure, and it shows that massage parlours in this State are big business, as I guess they are everywhere else. They are certainly not the sort of business which should be ignored, in my view. What are the disadvantages of ignoring them, as we are doing now? First, the most obvious one is the question of health, which I have raised before, because there is no obligation on the girls to be examined at any time for venereal disease. To say that these places are not likely to increase the threat of V.D., which is already increasing in our community, is flying in the face of common sense.

It was only today that I was reminded of what happened in Japan during the occupation after the last war. For this purpose, the Australian forces set up their own establishment, which was strictly controlled, and the rate of

V.D. amongst the troops was, I think, 40 per cent. Someone from the *Women's Weekly* or some other paper here got wind of this, there was a hell of a row about it and the place had to be closed. Within three months the rate of V.D. had skyrocketed (I was told this morning and I have not checked this) to over 300 per cent. That is common experience, common knowledge and common sense, and it is likely to happen again.

Then there is the impact of these places (undesirable as a rule) on the environment. I know that when a massage parlour started up in my district a few weeks ago there was an outcry, and rightly so, as it was in a suburban area and people were knocking on doors all night looking for the place, undesirables were walking about the street, and so on. That is quite undesirable. What I say now will perhaps appeal to the Minister of Labour and Industry (and I think he is probably already aware of it) and that is that there is no control at all over the working conditions in these places. There is no doubt, from the information I have, that many of the girls who are working in these places are very much under age and they are unsupervised. Goodness knows what they are paid and how they are treated. I am told that most of them do pretty well, but there is no supervision, regulation or control of working conditions in these places.

There is the question of profiteering. I suppose that the men or women who run these places feel they are entitled to make a fast buck. What about the question of taxation? It may be retorted that we are not responsible for that, but I am fairly certain that only a minute fraction of the income made from these places is ever notified to the Taxation Department. These are some of the undesirable aspects of what is happening at the moment. One of the biggest problems (and I have mentioned it before) is the question of organised crime. Whenever there is prostitution (as there always will be in any community, whether we like it or not—and I, personally, condemn it), inevitably, unless great care is taken, it will attract other sorts of crime. I am told that drugs, gun running and so on are going hand-in-hand in this city with massage parlours.

Members interjecting:

Mr. MILLHOUSE: The Premier can ridicule that too, if he likes. We will have an opportunity, if he accepts this motion, to see whether I am right or wrong. I may be wrong, but this is my information and I believe that we ought to turn it up and see whether I am right or not. If the Premier had any guts, he would agree with that. If he has nothing to hide and thinks that there is nothing wrong, why should we not have an inquiry to see whether that is accurate or inaccurate. I have already given my own view. I do not like it, but I believe prostitution is so firmly embedded in the community that we will not get rid of it, and that we have to take the other alternative, which is to acknowledge what is going on and acknowledge that the community wants it, and that it is more than tolerated. We must therefore regulate and control prostitution to make sure that it does not get out of hand in even more undesirable ways than the ways I have mentioned.

I am sorry the Attorney-General is not here, because he poured scorn on the Liberal Party last night about the rape-in-marriage provision and now the Western Australian Liberal Government is proposing a similar measure. I point out that the Labor Party in Western Australia voted at its last convention to legalise prostitution so today, on this issue, the tables are turned and we have the Labor Party in Western Australia wanting to do, if it gets into office (and there is a certain election in Western Australia within the next few months) what the Labor Party in this State is frightened to do.

I have already said that I think there should be a system of licensing here. What I had in mind (and it may be wrong and may not be the best system) is that there ought to be a restricted number of licences issued, say a dozen or so, around the city area of Adelaide. These licences should be closely controlled and watched and the penalty for prostitution, apart from these establishments, should be greatly increased so as to discourage it and to encourage girls who are so minded to work in controlled establishments and nowhere else.

I believe there should be a board consisting, say, of a senior police officer, a senior Government official, a medical man, a criminologist and a representative of the licensees to oversee the running of these establishments. I believe that we will then be able to get prostitution under control and will be able to divorce it from the other undesirable criminal activities that I have mentioned. What I am putting forward in this motion is that there should be an inquiry into this matter. I would rather there were action immediately, but the Government is refusing that. I do not see how the Government can reasonably refuse an inquiry into what is going on now, particularly in view of the reaction there has been since I spoke and in view of what the Commissioner of Police has said. I am confident that, if there is an inquiry, the facts which are unearthed and which I would like to see placed before this House will be such as to oblige some action to be taken because of the force of public opinion.

I do not care what sort of an inquiry it is. The Government can choose the type of inquiry for itself; it can be a Royal Commission if it wants it to be that; it can be an inquiry by a senior police officer, or somebody from the Premier's Department; I do not mind, so long as there is an inquiry and the report is laid on the table of this House. Within reason, I do not mind how long it takes. If the Government wants to string the investigation out until after the next State election, fair enough, that is a matter of tactics for the Government. However, I believe we ought to be doing something now and not acting in the hypocritical way that we are at the moment, ignoring what is going on. We are now getting the worst of both worlds. What is happening is completely uncontrolled and therefore open to the gravest abuse in many ways, and yet prostitution is going on all but openly. Let us look at some of the advertisements in today's paper, because it is rather fun. I will read some of the advertisements, as follows:

New girls at 557 Port Road, West Croydon. For the massage you desire. Open 10 a.m.-2 a.m.

Ask Shirl for super French or enjoy a sensuous full body massage $5, top price $15 by mature understanding girls, 124 Sturt Street.

For a sensuous massage phone Sabrina on 42 3082.

Then there are the larger ads:

Are you looking for a warm friendly massage?

And so it goes on. Can anybody doubt what they are? Nobody in their right senses can. I see the member for Florey, who I suppose has been about as much as anybody in this place, smile.

Mr. Langley: He's a glutton for punishment.

Mr. MILLHOUSE: He's a man of the world and I respect him for it. He knows what it is all about. I believe that we are doing less than our duty to the community if we continue to ignore these places. I have raised this matter deliberately in this place and, if the Government does not want to act at the moment, for reasons best known to itself (which I do not believe are

not good reasons), I suggest it should at least be prepared to go as far as I am asking in this motion and that is to have an inquiry into the matter. That is why I have moved as I have.

Mr. EVANS moved:

That Standing Orders be so far suspended as to enable Orders of the Day: Other Business to be postponed and taken into consideration after Notices of Motion: Other Business No. 3 be disposed of.

Motion carried.

Mr. BECKER (Hanson): I second the motion and, in supporting it, I make clear that I do not wish to be classed as an exhibitionist and degrade the standard of the debate by referring to newspaper advertisements. I support the motion because I believe an inquiry is necessary. I have called for Government action for some years to consider the affect of massage parlours, especially the establishments in my district. I congratulate councils in my district on their actions during the past years in controlling the activities of massage parlours. Unfortunately, they are present in some parts of Glenelg, mainly in the commercial area, but we have forced them out of residential areas.

Some time ago residents in one suburb of my district were hounded: they were mostly elderly citizens and some were widows, and they were frightened by the activities at one massage parlour. This parlour was not well conducted or well kept, according to inquiries by council authorities, and residents living near this house became frightened at the activities at this place. Police were constantly being called to disturbances at the house, and they also tried to relieve the fears of people living nearby. This situation must be a concern of the Government as a result of the complaints made by the Police Department, which is unable to take action about the activities of these parlours. It is well known that some of them are fronts for prostitution. I do not support all that was said by the member for Mitcham about the way they should be controlled or about whether they should be licensed, but an inquiry would reveal whether there is any truth in the allegations that most of these places are houses of prostitution, that there is a criminal or ganster element involved, and that a protection racket is also involved. An inquiry is the only way to clear the air.

Another question is whether there is a role in society for these places. Some of them have survived no matter how much they have been hounded by the authorities, so there must be some way in which they are economically viable. Perhaps it would be better for the Government to control their activities completely the employment and health facilities and the location of these establishments away from residential areas and some commercial areas. This could dispel the fears of the public. An investigation should consider whether such places should be tolerated or whether they may be driven underground again. No doubt we will never be able to stop prostitution in any society. For these reasons I believe an inquiry will do more good than harm, and it should be undertaken as a matter of urgency. The Government had promised at election time and in Parliament that something should be done, and pleas have been made by the police, residents, and councils for action to be taken in regard to massage parlours. I also plead with the Government to support this motion and institute an inquiry without delay.

The Hon. D. A. DUNSTAN (Premier and Treasurer): I oppose this motion on the grounds that I have previously outlined to the House. The member for Mitcham has made three proposals in relation to something practical being done in relation to this matter. The first was one that he rightly said I had ridiculed previously (he has not repeated it today and I do not think he will do so again), the second proposal is that by some legislation massage parlours could be prevented from having locks and bolts on their doors, and the third proposal is that there should be some sort of restrictive licensing that would confine the activities of massage parlours to about a dozen or so legally licensed brothels in the city of Adelaide. This apparently is what he thinks may come as the result of an inquiry. Inquiries have been undertaken elsewhere in other States, and have not given the Government of those States any joy in coming up with a practical solution to the problem, and I do not believe that what the honourable member has suggested is a practical solution, either.

The honourable member gives three major reasons why some action should be taken, and assumes that if action of the kind to which he referred is taken that will achieve some remedy of the situation that he has outlined. In the first place, he said that there was a health menace and a likelihood of a spread of V.D. if inmates of massage parlours were not subjected to regular checks by a doctor. We have kept a fairly close check on reports to the V.D. clinic in Adelaide, and an extremely small proportion of reports relate to infections alleged to have occurred from massage parlours. It is as small a proportion as one would expect even if there was supervision from time to time. There is no evidence that we could achieve any marked change in that situation by introducing a system of compulsory inspection, were we able to enforce it. I make that proviso also, and will say something about it later.

The member for Mitcham seemed to think that somehow nuisance could be cured. The major nuisance from massage parlours is that referred to by the member for Hanson, who pointed to a case in his district in which a massage parlour had been established in a residential area. Since the time he raised these matters the Government has looked at the situation and acted on it. The attention of councils has been drawn to their powers under zoning regulations to prevent the working of massage parlours (people who advertise for this sort of thing) in a residential area, and councils widely have taken action about it. This is the specific way in which that nuisance can be dealt with.

The member for Mitcham then said that it is an inevitable concomitant of prositution that it leads to intrusion of protection rackets and organised crime, and that that can somehow be overcome by the existence of some licensing system. At this stage, although fears have been expressed concerning this matter in relation to South Australia, a close watch has been kept by police. It was suspected that a certain gentleman (perhaps I should not honour him by that title) who is well known in organised crime, who has been mentioned in this House, and who lives in New South Wales, was perhaps interested in getting something of that kind going in South Australia. The Government has, by other means, made commercial activities for that gentleman both uneconomic and unpleasant in South Australia, and my understanding from the police is that there is not much sign of activity from him in South Australia at the moment.

There is no clear evidence at all that protection rackets are running in relation to this, or gun running. I have had no reports on that score whatever. Consequently, it is difficult to see what will come out by means of an inquiry on this that is not already known to the police. What facts do we establish by holding an inquiry in the matter? Is anyone more likely to come forward to an inquiry who was not prepared to assist the Government and police

in the inquiries they made? I do not believe so. I believe the call for an inquiry is as empty as the honourable member's call previously that something should be done. When I asked what should be done, the honourable member said, "You are the Government, you should know."

The honourable member then said that the way to cope with this problem is by legalising prostitution. In other words, we should limit the number of massage parlours, that he claims to be brothels, from about the 40 he estimates to about a dozen, and centre them in the city of Adelaide, supervise them and have no bars on the doors so the police can get in at any time. If the honourable member imagines that that operation will mean that call girl activity and massage parlour activity outside the licensing system will not go on, he must be havering. Both the honourable member and the member for Hanson have pointed out that it is difficult to stamp out this activity in a community, because it is demanded. It will not be possible by a licensing system to confine these activities.

Mr. Mathwin: It would be healthier to control them.

The Hon. D. A. DUNSTAN: There is one way in which some lessening of the activities could conceivably occur and that is if the newspapers of South Australia took some care about the advertisements they published. They could certainly do that, and I have been told by legal advisers to the Government that it is my duty to warn the editors that if, in fact, newspaper advertisements were published in relation to a prostitution activity in which a conviction was obtained and it was shown that people had been led to that prostitution activity by an advertisement in a newspaper that newspaper would be liable to prosecution for aiding and abetting the offence.

Mr. Gunn: It would be difficult to prove.

The Hon. D. A. DUNSTAN: Not more difficult than obtaining the evidence as to prostitution.

Dr. Tonkin: Do you think those advertisements contravene the Sex Discrimination Act?

The Hon. D. A. DUNSTAN: No, I have not perused them recently.

Dr. Tonkin: It's a recognised exemption, perhaps.

The Hon. D. A. DUNSTAN: I do not know whether they actually are confined as to the sexual activity that they are offering. The last time I looked at them they looked to be not discriminatory. However, I do not take to perusing them usually, and I have not looked at them for some time. With the legislation that was prepared by the Government some time ago in relation to the licensing of massage parlours we had all sorts of problems about definition, precisely in order to exempt the people who are legitimate masseurs and who are not trained physiotherapists. I make quite clear that no officer of Government, not the police or anyone else, has suggested a licensing system be used to legalise prostitution. This was not for the purpose the member for Mitcham has been talking about. This was done in the hope that a licensing system might conceivably be a means of eliminating prostitution.

The plain fact is that when you look at the provisions of a licensing measure (and this applies generally to licensing systems) you do not get better evidence about prostitution under a licensing system of massage parlours than you get now under the law. If it is illegal now, it will not become any more illegal under a licensing system. That is the problem you face. There is no short answer to it; I certainly have not been given one. The honourable member says that perhaps we could get to some conclusion by means of an inquiry.

Mr. Mathwin: It would be healthier.

The Hon. D. A. DUNSTAN: Apparently the honourable member did not listen to what I said about health. No inquiry into this subject in Australia has come up with conclusions which give us answers of the kind which the member for Mitcham suggests we will get and which he so far has not been able to give. I do not see any reason to hold an inquiry to elicit nothing more than the facts we know at the moment and to come up with no conclusions that can give us any better way of dealing with the topic than we have now. If I could be convinced that that were different we would take a different attitude to the matter, but in the meantime I see no purpose in setting up an inquiry which would take some time and which would produce nothing more than we already know. For those reasons the Government does not propose to vote for this motion.

Mr. EVANS (Fisher): I am concerned about the possibility of a criminal element being involved, and I believe an inquiry might reveal some connections in that area. If it does not reveal the actual connections, it may at least give enough evidence to show that we should be concerned with that area. I believe that a form of registration, if nothing else, or licensing would give a board, if we had a board, or the Government the opportunity to assess the management and the directors of the operation. In England, if the gaming board decides that there is any doubt about the character of any one of the directors or the owner of an establishment who propose to start a casino, without any argument at all the board can just say, "No licence, no registration", and there is no right of appeal. I have always favoured appeals, but I believe that the criminal element is the element about which we should be concerned in this area, and I believe that, by having a board or the Government tough in its licensing approach, we would be able to watch those unsavoury characters who tend to move into this field and act as leeches in bleeding money and blackmailing people in this type of establishment if there is no control. If for no other reason than that (and that is as much as I wish to say) an inquiry might reveal the necessity for that sort of control so that at least we could have some scrutiny of the type of person who is actually receiving the main profits from these establishments. I think an element of which we as Parliamentarians should be conscious is that it does exist within our society, that it can become powerful, and that the more powerful it becomes the more difficult it is to eradicate it. I believe that a licensing system will at least give that opportunity. We can forget about all the other elements honourable members have spoken about, but that is one element that concerns me. I believe a licensing system definitely could attack that aspect without any doubt. For that reason I at least support having an inquiry, because, if there is a criminal element associated with it that comes from the Eastern States or elsewhere, I believe we have a responsibility to protect the more genuine type of operator in this field. I support the motion.

Dr. TONKIN (Leader of the Opposition): I wish to make just two points. I agree entirely with what the member for Fisher has said. The people who are suffering particularly under the present circumstances are the genuine proprietors of what are genuine massage parlours, although nowadays they have to search around very hard to find another name which is respectable.

The Hon. J. D. Wright: Health studios.

Dr. TONKIN: Health studio perhaps might be a better description. I think those people must be protected and helped, and for that reason I think a system of registration

or licensing is important. My second point is that I cannot ever agree with the Premier when he denies an inquiry. An inquiry may well produce the results he has predicted today, but he has no crystal ball: he is not able to say with any authority, as he tends to say far too frequently, "These will be the results." For that reason, I strongly support the idea of having an inquiry into all aspects.

I think I have asked, and other members on this side and the member for Mitcham have asked in the past on a number of occasions, whether an inquiry would be instituted. It may be a waste of money in the long term. I do not know, but the point is that the Premier does not know either. If members are concerned about what is going on and what may be going on, they should agree to the holding of an inquiry. Then we would all know exactly what the situation is.

Mr. MILLHOUSE (Mitcham): I am disappointed that the Government is opposing this motion. The plain fact of the matter is that the Government does not want to do anything and it is afraid that, if we had an inquiry, it would come up with some solution to our present problem that the Government would not be able to resist. Therefore, to avoid that happening it is saying, "We are not going to have an inquiry. We know all about it. The problem is insoluble." That is absolute nonsense, and the only reason we are not having any action, even an inquiry at this stage, is that the Government is frightened of the issue. Members opposite know that that is the only reason why we are not having an inquiry and not having any action. I believe that that is a very poor show. I believe, moreover, that the public will believe it is a very poor show. There is widespread support for some action to be taken. I do not say, contrary to what the Premier is suggesting, that I have got the answers now. I have made certain suggestions about what could happen. I do not prejudge the issue as the Premier is prejudging the issue for his own purposes. I would like to see an inquiry by some competent detached authority responsible to make a report to this House and to recommend whether or not there should be some system of licensing and control or whether massage parlours should be closed down, or what.

What I complain about more than anything else is that we know that something wrong and undesirable is going on in the community now and we are not prepared to tackle the problem. That is what is weak: that is what should not happen in any community on any problem—a lack of courage in facing reality. That is what we have got from this Government now on this issue, and it is, I believe, typical of the way in which this Government is hanging on and is avoiding anything politically controversial, whether or not by avoiding it it is doing harm in the State or whether it is doing good. In this case, I believe it is doing harm, and I very strongly condemn the lack of courage in the Premier, his Government and his supporters in turning their backs once more on a very obvious issue which has to be tackled and solved in the community. That is what we have in the refusal of the Government to support an inquiry on this issue.

Let me say just one or two other things. I agree with the Premier about the question of the advertisements. It had crossed my mind to get in touch with the editors of the *Advertiser* and the *News*, as the two chief and most regular offenders (if we can use that term), to ask them not to go on with the type of advertisements which appear day in and day out and from which no doubt they make a good cop. I know others have already asked them this. I have been told it, and the rather disingenuous answer has been given by the *Advertiser*, "Of course, if we get advertisements we have to print them". It does not always have to do that, and it knows that in some areas there are legal sanctions against its doing it, but of course in this one it does it. There were 85 advertisements in that paper today. I do not know how many there are in the *News;* like the Premier, I do not read them as a rule. I have looked at them only twice: once was for the purpose of today's motion and once was for the time before. It would be doing a lot to discourage these places if they could not advertise, so to that extent the remedy lies in the hands of the newspapers. When we leave that note, there is nothing on which I can agree with the Premier.

My point in making the suggestion about licensing is that, if we did license a comparatively small number of these places (I see now that there are 40 at least operating regularly and perhaps another 20 operating intermittently) so that we had 15 or 20, or whatever the appropriate number might be, they could be watched and controlled and the rest would be very severely discouraged, far more severely discouraged than prostitution is now.

Mr. Langley: The Unley City Council controls them, and you know that.

Mr. MILLHOUSE: What has the honourable member got next door to his office?

Mr. Langley: A massage parlour.

Mr. MILLHOUSE: That is right.

Mr. Langley: And Unley Council officers go in there, too, but just to inspect the place, not like you.

Mr. MILLHOUSE: The honourable member can say that if he likes, but the very admission that he has made by interjection shows the sort of thing that is going on right next door to his electorate office.

Members interjecting:

The SPEAKER: Order! The honourable member for Mitcham has the floor.

Mr. MILLHOUSE: Whatever our personal convictions and practices may be, we all know that no community will ever cut out prostitution. I do not agree with the Commissioner of Police (and his objective is contrary to what appears in the passage in the report to which I referred) if his objective is merely to close down these places. Inevitably, as the Premier has said, prostitution will come again in another form in either photographic or health studios, or whatever you like to call them. It would merely be driven from one form to another, just as preceding massage parlours were the escort agencies. It is futile to try to close them down. Although I would rather that there were no prostitution, that is why I go to the other alternative, which is to regulate and control prostitution.

Mr. Venning: License it.

Mr. MILLHOUSE: Through licensing, if the honourable member likes, which is what I have suggested. It is the only realistic solution. Whether the Government does it now or later, or whether a later Government does it, it will inevitably happen in the present climate of opinion and standard of morality in our community. It is as inevitable as night following day that sooner or later (and I believe the sooner the better) we must recognise that prostitution exists in the community, that it is wanted, and that the only way to minimise its evils is to regulate and control it. I am glad of the support that I have had from some members on this side; equally, I am disappointed but not surprised at the Government's attitude. The Government, in its own interest in the long run and certainly in the interest of the community, is making a grave mistake in opposing the motion.

The House divided on the motion:

Ayes (21)—Messrs. Allen, Allison, Arnold, Becker, Blacker, Boundy, Dean Brown, Chapman, Coumbe, Eastick, Evans, Goldsworthy, Mathwin, Millhouse (teller), Rodda, Russack, Tonkin, Vandepeer, Venning, Wardle, and Wotton.

Noes (21)—Messrs. Abbott and Max Brown, Mrs. Byrne, Messrs. Corcoran, Duncan, Dunstan (teller), Groth, Harrison, Hopgood, Hudson, Keneally, Langley, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Pairs—Ayes—Messrs. Gunn and Nankivell. Noes—Messrs. Broomhill and Jennings.

The SPEAKER: There are 21 Ayes and 21 Noes. There being an equality of votes, I give my casting vote in favour of the Noes.

Motion thus negatived.

INDUSTRIAL CODE AMENDMENT BILL

Received from the Legislative Council and read a first time.

Mr. DEAN BROWN (Davenport): I move:

That this Bill be now read a second time.

In speaking to the Bill and supporting it in this Chamber, I should like to pass a few remarks before inserting the explanation in *Hansard*. This is a timely Bill since it coincides with the Annual General Meeting of the Liberal Party. Last Friday evening the Liberal Party moved a motion urging the Party to lift restrictions on trading hours wherever possible. It was obvious from debate that has ensued this week that this measure is not intended to be an infringement on the rights of people to do on Sunday whatever they wish to do. The motion was passed by the Party and was obviously directed to the Party not as an instruction but as a clear indication of the views of the organisation.

In another place this afternoon it was interesting to hear (as well as it has been interesting in previous weeks) the reaction of Government members towards this Bill. I was in another place earlier this afternoon and was somewhat surprised to hear that Government members were trying to defeat the Bill in any way possible. I heard the Hon. Mr. Blevins rather clumsily trying to defend his current position of supporting late night shopping in Whyalla whilst opposing it in the metropolitan area. He was having much difficulty in trying to justify his double standard. Despite the Government's attempts in another place to block the Bill, it has now reached this Chamber, and it is obviously most important that a vote be taken as quickly as possible. I therefore ask the Government to give due consideration to the Bill knowing that next week is the last week for private members' business. If the Government has any respect for the institution of Parliament, it will ensure that a vote is taken next week. Otherwise, we may expect that the Government is trying to dodge this issue, as I understand it is trying to do. The Government is too scared to come out and publicly declare itself on the issue.

The Hon. J. D. Corcoran: Do you really think that?

Mr. DEAN BROWN: I am certain that the Government is embarrassed by this issue, and this is obvious from the stand it has taken. It knows that most people in the community would like to see one night at least of late shopping. The Minister of Labour and Industry has been embarrassed by the attempts of certain Rundle Street traders to open up the issue publicly. We had that situation earlier this year. We know the embarrassment it caused the Government and the Minister, and how the Premier tried to dodge it. The Premier knows that the community would like an extension of shopping hours of one night a week. He knows that this would be in keeping with the general trends of the community at present not to place restrictions on trading hours. It is laughable to see the Government wanting to extend trading hours in certain areas on Sundays, but not wanting to extend trading hours for shops during the week. That shows the extent to which the Government has had to back down on the issue because of the pressure put on it by the Trades and Labor Council.

I make the challenge to the Government that we expect a vote on this matter next week. This issue has been well canvassed previously, and any attempt by the Government not to debate it or to vote on it next week must be seen as a defeat for the measure and an obvious attempt by the Government to try to reject it. The Bill as introduced in this House allows an extension of late night shopping for only one night a week, a week night, and to apply only for the month of December next. Initially, as the Bill was introduced in another place it removed all restrictions on trading hours. However, it was amended in another place and now applies only to one night a week and only for the month of December. I seek leave to have inserted in *Hansard* the remainder of the second reading explanation, as delivered by the Hon. Mr. Carnie in another place, without my reading it.

The SPEAKER: That the honourable member have leave?

The Hon. J. D. WRIGHT (Minister of Labour and Industry): No.

The SPEAKER: The honourable member must read the entire second reading explanation.

Mr. DEAN BROWN: The question of extended trading hours has occupied the minds of the public and the time of Parliament for many years. I do not intend to go over the long history of this matter, which would be familiar to all members. It is sufficient to say that the subject of extended trading hours has, since 1970, been the cause of one referendum and three Bills prior to this one. Yet, despite this, still no satisfactory conclusion has been reached. Two of the Bills, those brought in by the then Leader of the Opposition (Steele Hall) and the then Minister of Labour and Industry (Mr. McKee)—and perhaps the Minister will note this—called for Friday night shopping, while the most recent, brought in by the member for Mitcham last year, called for the abolition of trading hours restrictions completely. All three Bills were defeated —Steele Hall's on Party lines in the House of Assembly; the Minister's when amendments made by the Legislative Council were unacceptable to the Government. I ask the present Minister to note that a similar Bill was introduced by the former Minister, Mr. McKee.

I regret that a matter such as this should become the subject of Party politics. All members on both sides should be able to vote freely on it. There is no doubt that, because Labor members were not free, had there been an election after the referendum in 1970 at least three of them would have lost their seats. This Bill seeks to provide for extended trading hours to the extent that shopkeepers shall be free to open until 9 p.m. on any one week night. It does not provide for this on a permanent basis but only for the month of December.

There are several reasons why I want this, but the main one is to gauge public and traders' opinions on extended

shopping hours. Members will recall that the Opposition, in 1970, charged that the question asked in the referendum was too restrictive—that it did not allow for a free expression of opinion. The same charge has been made about a poll conducted just over 12 months ago by Peter Gardner and Associates. This Bill, if carried, will settle the question once and for all. Public opinion will be tested where it counts—in the market place.

The result of the 1970 referendum was remarkable for its unevenness, and people in areas which had late night shopping voted overwhelmingly for its retention. But in Adelaide's changing scene the results of a referendum held six years ago are not relevant today. We are, or would like to be, more cosmopolitan now than then. Adelaide is promoted as the festival city—the "Athens of the South". But what do we do? We turn Adelaide off at 5.30 p.m. Because of this changing scene, the poll taken by Peter Gardner and Associates in September of last year must have much more significance than the referendum. The question asked in this poll was as follows: "The subject of late night shopping, or shops remaining open on Friday nights has been raised recently. Do you believe, as a general principle, that shops should remain open on Friday evenings, or should they close?" The poll did not ask: "Would you want Friday night shopping if costs will increase?" or "Should we have Friday night shopping in lieu of Saturday morning?", or any of the other questions that could have been raised. It simply asked if, as a general principle, people believed that shops should remain open on Friday evenings.

Ignoring, for the moment, these other questions, the results of the poll provide interesting facts. The overall result was as follows:

	per cent
Open	72·7
Close	19·3
Don't know	8·0

But it is in the age groups 18-24 and 25-30 that the real significance lies. Here the figures were as follows:

18-24 years	per cent
Open	81·4
Close	11·7
Don't know	6·9
25-30 years	
Open	84·1
Close	12·1
Don't know	3·7

These are the groups of the young marrieds, and they are a very large percentage of the public. These are the age groups of either working wives or young mothers. In either case shopping in normal hours is difficult. These are the people who want the opportunity to shop as a family and not have to leave the children with a neighbour, or put up with the rush and congestion of Saturday morning shopping. I also point out the very low undecided figure. This shows a very high community interest—people had an opinion.

I mentioned earlier the matter of any increase in costs that may arise because of longer hours. To deal with this question, it is interesting to look at the two mainland States which have late night shopping, and compare them with South Australia, which does not. Since 1971 or 1972, Sydney has had Thursday night shopping, while the rest of the State can open on Friday nights. Victoria has no restriction whatever between midnight Sunday and 1 p.m. Saturday. In fact, traders have chosen to open on Friday evenings. My information is that there has been no increase in costs in Melbourne or Sydney that can be attributed to late night shopping.

The consumer price index for the three capitals for the 12 months to June of this year was as follows (and I divide them into groups affected mainly by late trading): in the food group, the c.p.i. percentage increase was Sydney, 8·1; Melbourne, 7·8; and Adelaide, without late-night shopping, 10·2. For clothing and drapery, the c.p.i. percentage increase was Sydney, 13·9; Melbourne, 15·09; and Adelaide, 14·6. For household supplies and equipment, the c.p.i. percentage increase was 8·5 for Sydney; 7·8 for Melbourne; and 9·4 for Adelaide. Again, Adelaide is the highest. In all groups the c.p.i. percentage increase was Sydney, 10·3; Melbourne, 11·6; and Adelaide, 12·5. In both Melbourne and Sydney, where shops are open of an evening, we find that the c.p.i. increase was less than for Adelaide. So, despite the fact that Melbourne and Sydney have late-night shopping, they have managed to keep the increases in the c.p.i. below the increase in Adelaide.

Retail traders, with some justification, claim that excessive and unreasonable demands by the Shop Assistants' Union make increases in costs inevitable. Certainly, in the event of abolishing trading hours permanently, the penalty rates presently applying would have to be reviewed, but I believe and would hope that this could be done to the satisfaction of all parties involved. One most important aspect that must go hand-in-hand with this Bill for an extension of trading hours is a review of the penalties and awards as applied to the people who work within the industry. Obviously, if the present award and penalties applied there could be increases within the retail sector, but these larger considerations have nothing to do with this Bill.

What this Bill seeks to do is to allow a trial period to enable the unions and the traders to assess what members of the public, who pay the wages and provide the profits, want. I am not looking for a way to have longer trading hours, but I am looking for a way to have more flexible trading hours. What hours suit one area may not suit another. For example, there is the case of Elizabeth back in the late 1960's or of Whyalla at present, where they have late-night shopping. What suits one type of business may not suit another. Another example is the used-car industry where there has been considerable demand and many letters sent to the Minister of Labour and Industry asking that the recent restrictions placed on that industry be lifted as soon as possible.

What I want is free trade in a free enterprise society. I have no doubt that anyone who speaks against this Bill will raise the question of exempt goods and will point out that there is a wide range of things that can be bought outside normal trading hours. Many things are on the exempt list. A few years ago it was possible to buy cigarettes after hours, but not matches to light them with. In an attempt to try to solve the shopping hours problem, the Government increased the range of exempt goods. Now a woman can buy pantyhose, but a man cannot buy socks. All this means is that, whatever is done with regard to exempt goods, there will always be anomalies. The best solution is that all goods should be more freely available than now. Other anomalies were quoted by Mr. W. C. Beerworth, S.M. in August, 1975, when delivering judgment on the Rundle Street traders who had opened after hours. Mr. Beerworth convicted them because, as he said, he had to uphold the law as it stood. But he also said "that the whole issue of early closing was screaming for a sensible approach." That is exactly what we are asking from the Government at this moment—a sensible approach, with a trial basis for one month just before Christmas.

This Bill, to provide for extended trading for the month of December, is not only designed as a test period; it is the time when people want to shop as a family. It is the festive season, and what better time to bring life to a festival city. We have just commissioned the Rundle Mall. What better place to promote a carnival atmosphere, such as is seen in Europe and America. The same position applies to all shopping centres throughout South Australia. Instead of dying at 5.30 p.m. on at least one night a week Adelaide could come alive. In December thousands of South Australian children will leave school, many of them to join the unemployment queue. Even if only for a short period, extended trading hours will provide job opportunities for many of the potential unemployed.

For several years all reports have indicated that most people want to be able to shop at least one night a week. I have mentioned the Peter Gardner poll of last year. A Gallup poll in March, 1972, showed that 80 per cent of people throughout Australia wanted late-night shopping. On channel 9 at the same time the Premier said, "There is a very real demand for Friday night shopping." Yet union pressure prevents his doing anything about it. In June of this year the Minister of Labour and Industry said on his return from Europe, "I was very impressed with the shopping hours situation throughout Europe," and hinted at a shopping hours review. Since then we have heard no more. Why? Obviously, it is for the same reason—union pressure. We now give the Minister, the Government and the Premier the opportunity to do something about those promises made earlier.

Undoubtedly, the Retail Traders Association and Mr. Goldsworthy of the Shop Assistants Union will oppose this move. We have seen that opposition already. I would point out that Mr. Goldsworthy speaks for a very small section of shop assistants.

Mr. McRae: That's not true. That is ridiculous; he speaks for at least half of them.

Mr. DEAN BROWN: I am reading an explanation, but I tend to agree with the honourable member, that he does speak for a large number of people within that industry. I would also point out to both the Retail Traders Association and the union that this Bill does not provide for compulsion. If the R.T.A. feels that either the public does not want extended hours or that it would not be in the best interests of the public to have extended hours, no pressure can be brought on people to open beyond their present hours. This Bill simply enables them to open if they wish, or if they feel that the demand is there. In conclusion, I could do no better than to quote the present Minister of Labour and Industry. On August 19, 1975, he said, in reply to a question in the House of Assembly, "The Government stands firm on its policy of equal trading opportunities." What equal trading opportunities are there now, when some shops which are exempt can sell goods which others cannot, when some goods are exempt when others are not.

The only way to provide equal trading opportunities is to ease some of the restrictions, and one way of doing this is to allow extended trading hours on one night a week. The Bill does not specify a particular night, because in a free enterprise system people should be able to choose for themselves the night that they believe a demand is there and a profit can be made. The Bill is short and to the point. Clause 1 is formal, and clause 2 provides that it shall not be an offence for a shop-keeper on not more than one night a week in any week during the month of December to remain open until 9 p.m. It provides an ideal testing time to enable us to see whether extended trading hours have public acceptance, and I ask all members to support this Bill next week, when I hope it will come forward for a vote.

The Hon. J. D. WRIGHT secured the adjournment of the debate.

SOUTH AUSTRALIAN RACING COMMISSION

Adjourned debate on motion of Dr. Eastick:

That, in the opinion of this House, it is urgent that legislation to create a "statutory authority for racing" to be known as the South Australian Racing Commission, be introduced without delay, and that the prime objective of such commission shall be to exercise oversight of the different racing interests to the benefit of the racing industry as a whole.

(Continued from October 20. Page 1680.)

The Hon. HUGH HUDSON (Minister of Mines and Energy): I oppose the motion. Much of the honourable member's argument was addressed to what had happened in New Zealand, and I think one basic weakness was that the honourable member did not consider the kind of situation that applies in New Zealand, in which there is a unitary system of Government and racing is established on a significant basis in several centres throughout the country. The unitary system of Government means that the overall statutory control of racing is under the control of the national Parliament, and it means that that Parliament has to legislate for racing in its various forms, not just in Auckland, Wellington, Christchurch, Dunedin, or Otago, but in all centres in New Zealand. That is a different situation from the one that existis in South Australia. In this State, the State Parliament and not the national Parliament, is responsible and, although racing occurs throughout the State, its main activities are heavily concentrated in Adelaide. We had an inquiry into the racing industry in South Australia, the Hancock inquiry, that had the opportunity to recommend the appointment of a racing commission, but did not do so.

Dr. Eastick: At that time. It said it might advance to that in a short time.

The Hon. HUGH HUDSON: I could suggest why it did not. The honourable member had great difficulty in suggesting precisely what such a racing commission would do, apart from saying that it would have the general overview of the industry and presumably would ultimately develop some responsibilities for policies that applied within the industry. We have had no indication from any code now operating in South Australia that it would want its activities subject to an over-view by an overall controlling authority. If that controlling authority is really nothing more than an advisory body, it would seem to be a piece of bureaucracy that the honourable member is suggesting we should establish. Either it will have clear-cut functions to perform, and to that extent will interfere with the authority of the individual controlling bodies in each code, or it will be just another bureaucratic piece of nonsense that will keep a few additional people occupied.

Also, in this connection I refer to the recent history of the racing industry. The Hancock inquiry was developed in circumstances in which certain difficulties were being experienced by the Totalizator Agency Board and other aspects of the industry. Its principal recommendations relating to these matters were: first, the amalgamation of the three metropolitan horse-racing clubs; secondly, the formation of a Dog-Racing Control Board; thirdly, the

restructuring of T.A.B.; fourthly, the restructuring of the Racecourse Development Board; fifthly, changes in racing taxation; and sixthly, acceptance of the South Australian Jockey Club, Trotting Control Board, and the proposed Dog-Racing Control Board as the controlling bodies for the respective codes, under the overall responsibility of the Minister whenever the Government was involved in the situation.

It was hoped that, when the taxation measures were implemented following the Hancock report (though not directly related to that report but involving much of the same kind of money) the financial problems of the industry would be solved. However, because of the effects of wage costs and the labour-intensive nature of T.A.B. in this State, this has not occurred, and we are now having a fairly difficult situation in which, whilst the overall turnover of T.A.B. is growing, costs have tended to rise more rapidly than turnover over the past 18 months to two years. That tendency is still here. Consequently, for the first time there has been a reduction in the overall allocation of T.A.B. funds to the industry. The recommendation of T.A.B. is that computerisation must proceed and that it should be completed in about three years, when savings of about $1 000 000 a year could be expected and the future financial stability of the three codes would be assured. We have this difficult interregnum until computerisation takes place.

The Government has announced that it intends to impose a special levy on T.A.B. in order to finance the capital costs of computerisation, and members would be aware that the previous T.A.B. had got into difficulties in relation to the data-bet proposal, which was an earlier proposal for computerisation. The Government is meeting the losses for a period that arose from that situation. No doubt the previous history of T.A.B. in this State and the difficulties experienced in relation to the data-bet system are in part responsible for the present situation. These difficulties meant that computerisation was delayed. T.A.B. at that time was entirely controlled by the various racing bodies (horse-racing, trotting, and dogs), but I shall not discuss that matter further.

Mr. Gunn: Who was responsible for that?

The Hon. HUGH HUDSON: I will reply to that interjection in private, but not on the record of this House, because it would involve speaking ill of people who are not able to defend themselves. Nevertheless, it is an unfortunate history: it happened, and was investigated by the Hancock inquiry and recommendations were made. One reason for the inquiry was the suspicions the Government had about the data-bet proposal, and that is why an ex-Auditor-General was a member of that inquiry, and its secretary was a senior auditor from the Auditor-General's Department. The Hancock inquiry was closely related to that situation. We have not yet overcome the problems that arose from the delay in introducing computerisation. The reduction in the returns to the industry from T.A.B. means that, if the industry is to be effectively sustained, additional funds must be found for it. It would seem that, whatever the situation, the Government of the day has to take responsibility for the way in which the funds are to be provided.

Dr. Eastick: Which Minister is to take responsibility?

The Hon. HUGH HUDSON: The Government as a whole takes the responsibility. The taxes levied are paid by the public, and the Government, and through it this Parliament, ultimately has to take the direct responsibility for the charges that are levied. Everything that has to be done has to be authorised by this Parliament.

When the position is in a state of flux, when the extent of the difficulties that are to be experienced after this financial year are not known, when the extent of further inflation in wage costs is not yet known, and when it is not yet known whether costs will continue to rise faster than turnover (that situation may be reversed), it seems to me and the Government that the situation must be kept under annual review by those who have to take the ultimate responsibility. We cannot have a racing commission determine the tax rates that will be paid by the public. We cannot really have a racing commission with the prime responsibility of recommending what tax rates should or should not be paid. It would seem to me that the Government of the day and this Parliament cannot retreat from that fundamental responsibility. What has happened so far (and this will be confirmed in legislation to be introduced shortly) is that the Government has made a grant to the industry, not just to one code but the three codes, for this financial year.

Dr. Eastick: You look on it as one industry?

The Hon. HUGH HUDSON: Yes, as one industry, comprising three codes. It does not require a racing commission to determine how that grant ought to be allocated.

Mr. Becker: Why is it going to the S.A.J.C.?

The Hon. HUGH HUDSON: What is the honourable member talking about?

Mr. Becker: I know what's in the Budget; can't you read?

The SPEAKER: Order!

The Hon. HUGH HUDSON: It does not say in the Budget that the grant goes to the South Australian Jockey Club; it refers to a $200 000 grant to the racing industry. In his speech in the Budget debate the member for Hanson said that it was all going to the S.A.J.C., and he has not yet learned that that is not so. It is not all going to the S.A.J.C.

Mr. Becker: We pinned you down on that.

The Hon. HUGH HUDSON: For goodness sake! The member for Hanson gets up and misleads everyone by reading the Budget incorrectly and then says when he gets the right explanation that he has pinned the Government down. I think the member for Hanson ought to keep quiet; he is putting his foot in his mouth again.

Mr. Becker: No, I am not; it's the deceitful way you carry on. We caught you on that one.

The Hon. HUGH HUDSON: The member for Hanson is being pathetic. I wish the member for Light would prevent him from making a difficult argument, from his point of view, even weaker. The Government has decided that first it must find the means of financing the capital costs of computerisation without interfering with other aspects of the Government's Loan programme, hence the additional ½ per cent on the T.A.B. It is also suggested that, when everyone in the community is under pressure because of inflation and problems they are facing in maintaining capital development programmes, up to 50 per cent of the racecourse development fund in any one year should be set aside to meet additional running costs at the discretion of the individual code concerned. That sum, together with some assistance on small totalisators, which will be explained when the Bill is introduced, together with the grant that is being made, will enable the codes concerned to see out this financial year, hopefully with something left in the kitty at the end of the financial year towards the more serious problems that will have to be considered for the next financial year.

In that situation of flux the Government has a responsibility to determine tax rates, and it would be wrong for the Government or this Parliament to abrogate its

responsibilities. I know that some members opposite think that tax rates ought to be higher. Regarding the share of turnover tax in particular that goes to the clubs, South Australia has a higher share going to the clubs and a smaller share going to the Government than I think is the position in any other State; certainly it is a much higher share than that which applies in the Eastern States. That arises quite naturally in South Australia because in a smaller State the advantages of economies of scale are not so readily achieved and the costs of maintaining the overall administration of the racing industry and the various courses that have to be maintained are higher a head of population than would be the case in New South Wales and Victoria in particular.

I, for one, have always recognised that in order to sustain a viable industry in South Australia it has been necessary that a higher share of these taxes should go to the clubs, and the fact that that is the position ought to be recognised. I do not believe that we can forever solve the financial problems of the industry by putting up taxes on punters. There is a grave risk that at some stage you will kill the goose that lays the golden egg so far as the industry is concerned, because ultimately it is what the punter does that determines the general well-being of the industry. If turnover ceases to grow, the industry is automatically in trouble.

Dr. Eastick: It is not showing this, is it?

The Hon. HUGH HUDSON: The fact that the turnover grew at a rate lower than costs indicates that turnover last financial year grew at a rate lower than the increase in average weekly earnings in the community. That is the first sign of difficulty in any business. Turnover has gone up in some businesses, even in the last difficult year, in line with or even faster than average weekly earnings, but certainly there was a significant discrepancy in relation to the racing industry. If taxes are put up, the result may be a significantly slower rate of growth of turnover again and the problems may not be solved. A fundamental point in the current situation is that the Government of the day should endeavour to see to it that taxes are not put up to any excessive extent in order to solve what, after all, ought to be temporary financial problems.

Dr. Eastick: Being a leisure industry could it be assisted by a reduction in pay-roll tax?

The Hon. HUGH HUDSON: I do not think it is a leisure industry for the people who are employed in it. If you start giving rebates of pay-roll tax, where do you finish?

Dr. Eastick: It is not profit-making, is it?

The Hon. HUGH HUDSON: It is considered on the profits it makes to be a taxable industry so far as the Commonwealth Government is concerned. The honourable member might care to ask the S.A.J.C. on that score because it has to pay profit tax on any profit it makes.

Dr. Eastick: That's under Federal review at the moment, isn't it?

The Hon. HUGH HUDSON: Lots of things are under Federal review but nothing ever happens, as the honourable member knows.

Mr. Becker: You can't even understand the federalism policy.

The Hon. HUGH HUDSON: The federalism policy of the Federal Government is, "We are going to provide you with assistance but we will have a veto power over it."

Mr. Becker: You're supposed to have been a lecturer in economics

The Hon. HUGH HUDSON: The honourable member is supposed to have been a banker but he cannot read a Budget properly. I do suggest again that perhaps the honourable member could ask the member for Light for advice on foot and mouth disease. I am not being rude to the member for Light. I do not mean that the member for Light suffers from foot and mouth disease, but as a veterinary surgeon he understands the problem. I suggest to the member for Hanson that he ask the member for Light for a diagnosis. If the member for Light had suggested a racing commission that would exercise control over the various bodies responsible for each code and had direct functions to perform—

Dr. Eastick: But I didn't.

The Hon. HUGH HUDSON: No. What the honourable member really wants is an advisory authority. It is a racing commission with no direct function other than to have a few meetings every so often and to give advice to keep an overview on the industry. I suggest to the honourable member that that is not really in line with the Government situation when such a racing authority would require costs in order to be established. Presumably the authority would have a few employees and would no doubt cost about $100 000 a year to run. Members of the authority would require fees, office stationery would have to be bought, someone would want a car and, before one knows it, the authority would have a budget of $100 000. If costs such as that are involved in establishing a racing commission, the industry would be better off with that $100 000 in view of the difficulties that it is experiencing, difficulties that are not so bad this year but which are likely to become worse next year and perhaps the year after unless present turnover trends change fairly dramatically, which hopefully they will.

What justification is there for spending that sum on a body which the honourable member recognises would only be necessary to exercise a general overview of the industry but which is not necessary to control what the individual constituent bodies do, because they are competent to do that themselves? The honourable member recognised in his speech that that was the case. If one undertakes a cost benefit study and has $100 000 to spend on several different things, what is it about a racing commission that gives it priority over other ways of spending that sum? The honourable member should address himself to that question, because it is not good enough to point to the New Zealand situation.

As I indicated earlier, by implication, if the Australian Parliament was responsible for racing and had to exercise legislative control over it in all Australian States, I would certainly become an advocate for a racing commission to exercise that general overview and to ensure co-ordination between the various States, because the National Parliament would then be responsible for overall racing taxation, and the National Parliament could not apply, although the National Parliament would have to apply, it the same rate of tax in the various States. The National Parliament would have to adopt differential allocation to the various clubs. In that situation a racing commission would clearly have a significant role to play. I believe that that is a direct analogy with New Zealand.

Dr. Eastick: You think that Mr. Wran is on the wrong tram?

The Hon. HUGH HUDSON: I do not believe that trams operate in Sydney, but he might be on the wrong bus. The member for Light in his speech acknowledged directly that the controlling bodies that now exist should continue with their present responsibilities. What way, then, can a racing commission perform a useful function other than being a sort of continuous inquiry? The kind of expenditure that would be involved would not be justified. If the

Government could afford that kind of expenditure, it should use it to support the industry. I do not regard the racing industry as a leisure industry. People who buy its service are using it as a form of leisure, but it is not a leisure industry for those, apart from racehorse owners, who are involved in the industry.

Dr. Eastick: You are not suggesting that that was implied?

The Hon. HUGH HUDSON: No, I am saying that a fundamental feature of the industry relates to the employment that the industry generates: the employment of administrators, people who work on racecourses in various ways, the employment of people in training establishments, horse trainers, stable hands, jockeys and so on. A fundamental aspect of this industry is the general welfare of people who are employed in it. To some extent, one or two of the problems that the industry has experienced more recently are that employment in the industry has become subject to awards, to control and to higher standards than applied before, and that has created difficulty on the cost side. However, it has also meant a stabilisation of the overall employment situation.

We must devise ways of ensuring that those who are employed in the industry on a permanent basis continue to get a just reward from their employment. I do not believe that any honourable member would disgaree with that proposition. Fundamentally, I have come to the conclusion that, whilst the industry is still in a state of flux with all sorts of issues cropping up, this Government and this Parliament cannot avoid responsibility, because it would be improper to establish a commission to interpose a further body between the controlling authorities in each code and the Government and the Parliament. Whilst this Parliament and the Government are involved in various changes of major significance, the controlling authorities need to be able to represent their case directly and to become directly involved in what is done. Complete agreement will never be reached about what should be done. There never can be complete agreement in any activity where the potential exists for conflict between different viewpoints. If there were complete agreement, the situation would be dull.

Dr. Eastick: Will there be Ministerial responsibility that sticks with its word day by day?

The Hon. HUGH HUDSON: What does the honourable member mean?

Dr. Eastick: That the Minister does not change his position on a daily basis.

The Hon. HUGH HUDSON: The ultimate responsibility lies with Cabinet and Parliament. The responsibility must lie there. If there is a change of tack, if the recommendations that were made by the controlling body end up ultimately not being accepted by the Government of the day, because the Government does not believe that they are justified in terms of tax rates involved as far as people are concerned, I would say that that is simply part of the democratic process and that there is nothing wrong with that.

Dr. Eastick: Notwithstanding that authority has already been given to undertake certain actions in certain ways?

The Hon. HUGH HUDSON: What does the honourable member mean?

Dr. Eastick: Perhaps we should discuss it later.

The Hon. HUGH HUDSON: If the honourable member would be more explicit I would be pleased to reply, but if he makes a generalised statement it is a little more difficult to reply.

Dr. Eastick: Bookmakers' rates are a case in point.

The Hon. HUGH HUDSON: All right, but does the honourable member want extra taxes? It was not just a proposition for extra taxes on bookmakers; it was a proposition for an extra levy on the Totalizator Agency Board, too, over and above the ½ per cent for computerisation. What are the consequences of extra taxation in this area at a time when turnover is not growing rapidly? The position could become worse. No responsible Government should take that risk. Furthermore, in a year when the Government has reduced land tax, succession duties and stamp duty, what possible justification has the honourable member for advocating increased taxes on punters?

Dr. Eastick: You know full well it is on punters.

The Hon. HUGH HUDSON: Of course it is on punters. The honourable member knows that any tax on T.A.B. is a tax on punters, and that any tax on bookmakers is passed on.

Mr. Allison: How?

The Hon. HUGH HUDSON: If the member for Mount Gambier does not understand the functioning of the kind of market that occurs on a racecourse when prices are established and the extent to which there are restrictions on competition, I suggest that he go to the races and watch the bookmakers set prices on Melbourne races, for example. As soon as the prices come through over the blower from Melbourne (and they give a healthy margin, I can assure the honourable member of that), the offer is adjusted. Only in a minor way do those prices adjust to a demand situation that is expressed by punters. It is not a case of a competitive market. There are some elements of competition there. I assure the Opposition that, if it is keen on getting rid of this debate, I am pleased to oppose the motion, and leave it at that. If we can vote it out quickly, that is fine; there will be no need for further debate.

Mr. Goldsworthy: Have a fair go. Don't—

The Hon. HUGH HUDSON: I accept the statement by the Deputy Leader that he is opposed to the motion.

Mr. BECKER secured the adjournment of the debate.

EDUCATION ACT REGULATIONS

Adjourned debate on motion of Mr. Goldsworthy:

That regulation 201 of the general regulations made under the Education Act, 1972-1975, on August 26, 1976, relating to constitution of school councils and laid on the table of this House on September 21, 1976, be disallowed.

(Continued from October 20. Page 1681.)

The Hon. D. J. HOPGOOD (Minister of Education): I oppose the motion. The honourable member has raised two basic questions in relation to this part of the regulations, both of which deal with the representation of students on school councils. What he has said is factually correct: there have been alterations both to the right of students to serve on a school council and also the way in which this service can take place. First, in relation to the right of the students to serve on the school council, the *status quo* is that it is the decision of school council that representation occur. However, the new regulation would make it the decision of the senior students that representation should take place. As to the form of the representation and the *status quo*, although it is not specifically spelled out in the present regulations, there is an implication that, where two students are elected to a school council, they shall serve the whole term in that capacity.

The new regulation was designed to create greater flexibility in the system and would, in effect, provide that, from month to month, the student representation should change. The reason behind this thinking was that, particularly in relation to senior students, Matriculation studies, etc., it sometimes necessitated that a person could no longer discharge this function. My feeling in relation to the second matter is that, if it is a matter of saving the regulations, I should be pleased to compromise. I see no great issue of principle in it. I am willing to see a change back to the *status quo*, but that is something that cannot occur here. All I can do is give the House an undertaking that a new regulation would be drafted to restore the *status quo ante* in relation to the service of students on school councils in that respect. However, regarding the right of students to serve on school councils, there is, I believe, a fundamental issue of principle involved. In moving his motion, the honourable member said:

It is important in establishing the position and authority of school councils, in line with the present trends towards their greater involvement in schools, that their autonomy should be respected, and the original clause on student representation was appropriate. To take this away now and to place such a decision in the hands of students only reduces the self-respect of what is an adult and essentially a parent body.

He suggested that a recent survey indicated that a majority of councils of secondary schools wished to retain the decision about whether or not students should serve as members. The honourable member seems to be making a series of points here, one of which is that, because the present system is working well, it should not be tampered with. Again, to be perfectly honest to the honourable member, I point out that he said that school councils were adult and essentially parent bodies. I will grapple with that first point before going any further.

Mr. Goldsworthy: That they are working well?

The Hon. D. J. HOPGOOD: No, the second point.

Mr. Goldsworthy: Do you concede the first point?

The Hon. D. J. HOPGOOD: Yes, but not the inference from it. I would contest that to call school councils adult and essentially parent bodies is to go a little too far. True, the present regulations preserve to parents a majority on school councils, but because of that to call them adult and essentially parent bodies is, I believe, wrong. I see school councils as essentially community bodies and, because of that, I believe it important that parents, teachers and students have a say on them. I believe the time has come when statutory recognition should be given to the place of students on councils. I do not believe it should be something that is given to the students as a result of a decision made on a school council. I believe the time has come when there should be statutory recognition for the place of the student on the school council.

True, the school councils are working well, but the inference is essentially conservative. If applied generally in legislation and regulations, it would mean that little innovation in these matters ever took place. Because of what seems to be the considerable stability in the present position, I believe we can consider this reform without any serious qualms about the impact that it will have on the running of the school councils. One might well argue that, if the package were more fragile, if the situation were less stable, that would be all the more reason for not making reforms. I wonder whether, if it suited his case, the Deputy Leader would be arguing in this way: "Do not tamper with things, Mr. Minister, because things are bad enough as it is without your trying to make them any worse." I would use exactly the same matters of fact the honourable member has used to urge on the House a retention of the present system (the present in the old regulations) to argue the very reverse: that the time has come when we can marginally change the situation. It does not seem to me that this is going to be an almighty splash in the education pond and that there are going to be large numbers of school councils that will be up in arms, because on what grounds does a school council defend the fact that it has withheld from students the right to have some sort of say in this matter? I think that, where the introduction of student representation on school councils has taken place, it has worked very well, and that would seem to strengthen the argument for statutory recognition of this further reform. The argument for the autonomy of schools is really an argument for not having any regulations at all, so far as I can see. After all, were we to make any change at all to the regulations, that could in itself be regarded as an argument against the autonomy of the schools: that is, that autonomy which is preserved to the schools in the present regulations. Surely it would be consistent with the autonomy of the school that, if it wanted to have a school council with 40 people on it, it should make that decision. What I am saying is that the very existence of the regulations is a dent in the whole concept of school autonomy, but it is something that I believe is necessary. We talk about school autonomy—

Mr. Goldsworthy: The less prescriptive you make it the better though.

The Hon. D. J. HOPGOOD: I am not sure, because it seems to me that school autonomy has got to be seen within certain broad general guidelines. We have discussed this in relation to school-based funding and how far it is proper that any Government should go in respect to that.

Mr. Goldsworthy: The question whether they make a decision, or whether you make it.

The Hon. D. J. HOPGOOD: That is right. It will never be a completely black and white situation; there will always be decisions made centrally.

Mr. Goldsworthy: In this case it is not for you to make it.

The Hon. D. J. HOPGOOD: That is right. I hope I am making a fist of justifying the grounds on which this place, if you like, since it has the power to disallow the regulation, is making this decision. For those reasons, I cannot give the House any definite assurance about a change to the regulation which would restore the *status quo ante* so far as the right of school councils to determine this matter is concerned. If the honourable member wishes to proceed with the matter, I can only say that it is his right to do so and that it will also be my duty to call for a division for the Noes.

Mr. EVANS secured the adjournment of the debate.

WATER RESOURCES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from September 15. Page 1044.)

The Hon. J. D. CORCORAN (Minister of Works): This is a measure introduced by the member for Chaffey to provide for an additional member on the Water Resources Council, the body that covers the whole of the State and which was recently appointed under the new Water Resources Act, that member being nominated by the Minister and being a person experienced in the control of salinity in the Murray River. The provision for appointing

an additional member to the council for specific aspects of a specific water resource management question is unpractical and unnecessary. I think sufficient reasons can be given on why that is so. I think the breadth of expertise presently available to the council is quite adequate. If the honourable member looks at the membership of that council (and he is well aware of it), I think he would have to admit that the problem he is concerned with and talking about, the control of salinity, is adequately covered. In his second reading explanation, I think the honourable member did not give any particular reason why he considered it was necessary to do this. He pointed to the membership currently on the Water Resources Council and said that the Act did not specifically provide for the appointment of a person experienced in the control of salinity in the Murray River, and that, since the Murray River is called on at times to provide up to 80 per cent of the total water requirement for South Australia, the question of salinity becomes a major provision of the Water Resources Act and therefore the appointment of an appropriate person would fulfill the intent of the Act.

What does the honourable member mean by that (and he can reply at the conclusion of this debate)? Who could we appoint who would be expert in this area? I have the Director and Engineer-in-Chief as the Chairman of this council. There are people representative, as the honourable member has pointed out, of local government, grower organisations and primary producer organisations. I want to know what type of persons the honourable member wants and what qualification he would have. Would he be an engineer? Would he be an agriculturalist? Would he be a conservationist? I suggest that the problem, so far as salinity in the Murray River in concerned, is so complex and extensive that no one persons could be said to be adequately able to be a representative on a council and contribute anything of very much importance, and that it just would not be a practicable thing to do. I do not propose to accept the suggestion made by the honourable member.

The council is a body that is there to advise the Minister on matters referred to it. The control of salinity, as the honourable member would recognise, is mainly a technical problem and not the sort of problem that would be handled by the Water Resources Council to any great extent. Therefore, even if we could find a person adequately equipped (and I doubt that we could) to cover all aspects of this problem and we put him on that council, he would serve little or no purpose on the council as such. Whilst I believe that the intentions of the honourable member are good, I do not think that what he is trying to do is necessary and, therefore, I oppose the Bill.

Mr. GOLDSWORTHY secured the adjournment of the debate.

PREVENTION OF CRUELTY TO ANIMALS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from September 22. Page 1168.)

Mr. WOTTON (Heysen): I have virtually said all that I need to say about this matter, but I had reserved my right to speak again in order to allow the member for Frome to place his opinions before the House. I know that he has spoken in a previous debate in 1974, and that he is regarded as an authority on this matter. I understand that he has much additional information to place before the House. I oppose the Bill because I believe that it attacks live coursing unfairly, and that it tries to attack in isolation a practice that is not as objectionable as are many other practices. Reference has been made to the matters discussed in the 1974 debate, but now it is a completely different situation. The National Coursing Association has done much to ensure that all provisions of coursing have been updated.

Mr. ALLEN (Frome): I oppose the Bill for several reasons, the first being that no new material has been introduced in support of the argument for this Bill. We heard from the member for Ross Smith a repetition of the argument that he raised in the previous debate, and the member for Mitchell supported him in the same way. I take to task the member for Ross Smith for several of the matters to which he has referred. I am sorry that neither he nor the member for Mitchell is present this afternoon, because I am sure that what I have to say would be of benefit to them. I think I could educate them in this matter, and perhaps I could even change their minds.

The Hon. D. J. Hopgood: I will hand the information on to them.

Mr. ALLEN: I thank the Minister. The member for Ross Smith stated:

> The member for Frome led the opposition to the Bill in this House, and I could not help feeling that he was acting on behalf of coursing organisations rather than expressing his own personal opinion.

I refute that suggestion: I am not acting on behalf of any coursing organisation. I am speaking on this matter because I think I have had more experience with this subject than has any other member of this House, and I believe that it is a sport enjoyed by people who have been involved in it for most of their lives, some of them for as long as 50 years. It would be a tragedy if they were deprived of this sport, as a result of such weak arguments. During my long involvement with this sport, I have never owned a dog, but I have supported many local organisations which have benefited considerably from coursing meetings. I refer especially to open-coursing meetings held in paddocks on different properties, at which the local ladies provided afternoon tea and mid-day lunch. When introducing the Bill, the member for Ross Smith stated:

> There is still time to change. I hope that on this occasion, as he has announced his impending retirement from Parliament, the honourable member might vote this time in a way more in character with his attitude to most things. Many of us believe that nothing exists today to justify the continuation of a so-called sport that inflicts unnecessary pain or suffering on any animal.

I am sorry to disappoint the honourable member on this matter. I seek leave to continue my remarks.

Leave granted; debate adjourned.

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

PRICES ACT AMENDMENT BILL

Returned from the Legislative Council with amendments.

MOBIL LUBRICATING OIL REFINERY (INDENTURE) BILL

The Hon. G. T. VIRGO (Minister of Transport) obtained leave and introduced a Bill for an Act to approve and ratify an indenture made between the State of South

Australia and Mobil Oil Australia Limited; to provide for the carrying into effect of that indenture; to make consequential amendments to the Oil Refinery (Hundred of Noarlunga) Indenture Act, 1958-1976; and for other purposes. Read a first time.

The Hon. G. T. VIRGO: 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

On July 29, 1976, His Excellency the Governor, on behalf of the State, entered into an indenture with Mobil Oil Australia Limited relating to the establishment of a lubricating oil refinery at Port Stanvac. This refinery has been established on portion of the land comprised in the "refinery site" as defined in the Oil Refinery (Hundred of Noarlunga) Indenture Act, 1958-1976. There is on this site an oil refinery currently operated by Petroleum Refineries of Australia. In broad terms the indenture extends to Mobil Oil Australia concessions relating to outward and inward wharfage of the same order as at present apply to Petroleum Refineries of Australia. In addition, the indenture provides for the extension to Mobil Oil of the rights and privileges in relation to the site and port installations granted under the Oil Refinery (Hundred of Noarlunga) Indenture Act, 1958-1976, and at present exercisable by Petroleum Refineries of Australia.

Clauses 1 to 3 are formal. Clause 4 formally approves and ratifies the indenture, a copy of which is set out in the first schedule to the measure, and provides for all necessary steps to be taken to give effect to it. Clause 5 imposes on Mobil Oil Australia Limited a liability for a payment in lieu of rates calculated from a base rate of $190 000 and thereafter varied in accordance with movements in rates in three selected parts of the relevant council area. Members will no doubt recall that this method of variation was adopted in relation to the site of the original refinery. Clause 6 merely gives legislative effect to the provisions of the indenture relating to inward and outward wharfage charges. Clause 7 is a formal appropriation clause. Clause 8 when read with the second schedule to the measure makes certain consequential amendments to the Oil Refinery (Hundred of Noarlunga) Indenture Act, 1958-1976. Clauses 9 and 10 give legislative effect to matters agreed upon in the indenture. Clause 11 is a provision in the usual form to overcome any conflict between the intention of this measure and the general law of the State. This Bill is a hybrid Bill and will, in the ordinary course of events, be referred to a Select Committee of this House.

Mr. NANKIVELL secured the adjournment of the debate.

TEACHER HOUSING AUTHORITY ACT AMENDMENT BILL

The Hon. D. J. HOPGOOD (Minister of Education) obtained leave and introduced a Bill for an Act to amend the Teacher Housing Authority Act, 1975. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

EXPLANATION OF BILL

It amends the Teacher Housing Authority Act, 1975. The major purpose of the Bill is to extend the powers of the Teacher Housing Authority to enable it to acquire and provide accommodation for kindergarten teachers. The Government considers that this is a desirable, indeed necessary, extension of the authority's function. At the same time, the opportunity is taken to insert a provision declaring that the authority holds its property on behalf of the Crown. This will ensure that the authority is exempt from land tax, stamp duty and succession duty. Clause 1 is formal. Clause 2 amends the definition of "teacher" so that it includes employees of the Kindergarten Union. Clause 3 provides that the authority will hold its property on behalf of the Crown thus exempting it from liability to duty upon its transactions. Clauses 4 and 5 amend sections 14 and 15 of the principal Act. Specific references to exemption from duties on gifts, devises and bequests to the authority are removed. These are rendered unnecessary by the provision declaring that the authority is to hold its property on behalf of the Crown.

Mr. NANKIVELL secured the adjournment of the debate.

LICENSING ACT AMENDMENT BILL (No. 2)

In Committee.

(Continued from October 20. Page 1716.)

Clauses 4 and 5 passed.

Clause 6—"Disqualification in certain cases."

Mr. GOLDSWORTHY: I think that this is the appropriate clause. In the second reading debate, I had a query on the question of the rules of evidence, which would no longer apply to the operations of the Licensing Court. I raised the question whether it would be appropriate for the rules of evidence to apply when the question of the disqualification of a publican's licence was before the court. This seemed to me to be one of the more serious matters to come before the court and, in those circumstances, perhaps the strict rules of evidence should apply. Has the Attorney-General given any thought to this matter?

The Hon. PETER DUNCAN (Attorney-General): This matter has been further considered. My departmental officers and I have had discussions with the parties interested in this matter and the general feeling is that it is desirable to have the proceedings in the Licensing Court as informal as possible within the confines of still continuing to have a court rather than any sort of commission.

Mr. Goldsworthy: In all circumstances?

The Hon. PETER DUNCAN: Yes. It would be difficult to apply the strict rules of evidence in some matters, for example, in the granting of a licence, and not in the withdrawing of a licence, because the court must operate basically on one principle or the other. From the discussions I have had with the industry and other interested bodies that appear in the Licensing Court, there is general unanimity that it has achieved its original aim, namely, to introduce the significant changes that were brought into the State's licensing system by the 1967 Act. The general feeling is that that is being done, and the industry has settled down well under the new scheme. In the light of that, more informal procedures can be introduced.

Mr. EVANS: Is the Attorney-General saying that everyone in the industry is satisfied with the position as it stands, or is he still somewhat concerned that for certain organisations, perhaps the Australian Hotels Association, the rules

of evidence would not apply in a case where there is the likelihood of a loss of licence? If a person is applying for a licence, he does not already have one. If a person is running the risk of losing his licence, he is already in business and operating. He may be put to a certain amount of expenditure in establishing a business. It may be that he could not recoup all of the money invested in the business. In such a case the strict rules of evidence might help him retain his licence. If there were any chance of unfairness existing under a reasonably free and easy operation, as against the strict rules of evidence applying, we should consider that. Is the Attorney-General satisfied that everyone in the industry is convinced that what he is putting to us now is a satisfactory proposition?

The Hon. PETER DUNCAN: Of course, I cannot answer "Yes" to that. I am not satisfied that everyone in the industry is convinced—

Mr. Evans: What about the A.H.A.?

The Hon. PETER DUNCAN: It has received legal advice on this matter, but it has chosen not to make representations to me about it. Under new section 6c the judge may make rules of court regulating the practice and procedure of the court; under that provision, any necessary rules of this nature could be made.

Mr. EVANS: Does the Attorney-General believe that, in normal court procedures, judges seem to have a tendency to accept previous practice, despite that provision, and not change to different rules? In one case, there was a challenge to procedures, and there is no set policy to guide people.

The Hon. PETER DUNCAN: I appreciate the honourable member's point, and I thank him for raising it, because it is a matter of public interest. The Licensing Court will still be bound by precedent, by decisions of the Supreme Court, and by its own previous decisions. This provision to do away with the adherence to strict rules of evidence will not change that position. New section 6c provides:

The judge may make rules of court—

(*a*) regulating the practice and procedure of the court.

The CHAIRMAN: Order! We have passed clause 5. The Attorney-General is dealing with clause 5, but the Committee now has clause 6 before it.

Mr. EVANS: The Attorney-General is dealing with new section 6c, which is included in clause 5.

The CHAIRMAN: Clause 6 deals with disqualification in certain cases, which is not covered in the questions directed to the Attorney-General.

Mr. EVANS: I will speak to others interested in the matter that has been discussed and I will see whether representations can be made in another place.

Clause passed.

Clauses 7 and 8 passed.

Clause 9—"Publican's licence."

Mr. COUMBE: I move:

Page 4—Lines 6 to 10—Leave out paragraph (*a*). Lines 16 to 18—Leave out paragraph (*c*).

This clause provides that in future a hotel may (and I stress "may") be open on any day (not being a Sunday, Christmas Day or Good Friday) between the hours of 5 o'clock in the morning and 12 o'clock midnight. Where a hotel applies for and is granted permission by the court to do so, it can be open for six days a week until midnight. I have always had a civilised approach to questions of licensing. In 1974, I supported some of the provisions that are now included in the principal Act. In particular, I supported provisions that resulted in the position that now exists—that from Mondays to Thursdays, not being Christmas Day, a hotel may open between 5 a.m. and 10 p.m. and on a Friday, not being Christmas Day or Good Friday, and a Saturday, not being Christmas Day, a hotel may open between 5 a.m. and 12 midnight; that is the present position, and this Bill extends that position. Most hoteliers either do not want what is in the Bill at present or have not taken advantage of the extended hours on Friday and Saturday nights, but some hoteliers have taken advantage of those extended hours. Many smaller hotels, particularly in the city of Adelaide and in many country areas, do not want to remain open after 10 p.m. except on special occasions.

There are 20 hotels in my district, which takes a bit of beating; they are well serviced. I have spoken to hoteliers in my district and other hoteliers and they definitely do not want to open, and I do not think this provision is meant to provide for them: it is intended, as was the original provision in 1974, to provide for a certain type of hotel catering for a special type of entertainment. During the second reading debate I said we should perhaps exclude, for the purposes of comparison, the Hotel Australia, which is in a unique situation. Let us examine those hotels that at present use the extended hours on Friday and Saturday nights, to which the provisions of the Bill would apply—some of the hotels in the city, the metropolitan area, and the large provincial cities. Unfortunately, some residents adjoining these hotels have been gravely upset, and councils have been powerless to do anything about the matter, apart from restricting the hotels, under protest, to operating late on Friday and Saturday nights.

The situation at present is that a number of hotels stay open on Friday and Saturday nights on application, having had permission granted. They then proceed in some cases to get permission to stay open for one or two extra nights on a permit, which is granted by the court. That means that in the metropolitan area in some cases a hotel in a largely built-up area is open for three or four nights a week, working on a combination of the present provision plus the permit system. I seek to strike out from the Bill the provision relating to opening six nights a week until midnight and to leave the Act as it is, with the court closely examining permits which are put forward for hotels to remain open on special nights.

I am suggesting that the court will thereby have a jurisdiction over the opening of those hotels that wish to avail themselves of this provision of the Licensing Act. This means that anyone who is opposed to extended hours on those nights other than Friday and Saturday night can make representations against the application. I believe that is a reasonable approach because, if we pass the Bill as it is proposed, it could mean that no person in the community could protest or oppose a hotel, having been granted permission by the court, operating six nights a week until midnight, no matter how much disturbance it caused.

I know the question of disturbance and noise is exercising the minds of members. I know the Minister for the Environment is examining this question of noise pollution. I ask members to envisage what the effect will be when a hotel in a completely built-up area is suddenly open six nights a week. All of the residents can be gravely disturbed and no action can be taken. I am suggesting that, as a safety valve, we retain what is in the Act at the moment by cutting out the provisions in the Bill. That will allow hotels, if they wish, to open on Monday, Tuesday, Wednesday or Thursday nights until 11 p.m. or

12 p.m., if granted a permit, and I and any person or organisation can complain if the hotel is causing a nuisance. It also gives the right to an individual to complain about the application for a licence to stay open. I am putting this amendment forward so that the Act will remain as it is, but I am not attempting to interfere in any way with the permit system.

Mr. RUSSACK: I support the amendment. The member for Torrens has explained fully his reasons for the amendment and I concur with those reasons. I contacted several licensees in a country town and was told that those with family-managed hotels find it difficult to be open six nights of the week until midnight. I realise it is in their hands to remain open or not.

The Hon. Peter Duncan: If the court approves.

Mr. RUSSACK: Yes. Some hotels have to stay open because of competition, whereas if the *status quo* remains those who wish to stay open have to apply for a licence.

Mr. GOLDSWORTHY: The Opposition has a free vote on this legislation and it is with a certain amount of regret that I say that I cannot support the amendment. I realise the member for Torrens has a particular problem in his district, and I hope that the Government and the Licensing Court come to grips with that problem promptly, The question of nuisance from one or two hotels in the Torrens District is one of considerable concern to people in that locality. The weakness in the amendment is that the flexibility disappears when it comes to the question whether the hotel decides on that night to close at 8 o'clock or to go on until 10 o'clock or later. The Bill seeks to give a measure of flexibility so that customers can be satisfied with the service between the hours of 8 o'clock and midnight. The member for Torrens is retaining that part of the clause that would give hotel keepers the option of closing at 8 p.m. However, that would reduce the flexibility that is being made available. I am well aware of the problems we are having with younger drinkers, but I do not believe that closing during week nights will solve this problem.

We must strike a balance between hotels and clubs, because, if hotels are to survive and have a reasonably competitive status with clubs, flexibility is desirable. Many small country hotels have difficulty in remaining solvent, and larger hotels have problems arising from penalty rates and over-award payments that apply after normal trading hours. I do not think that an amendment covering the whole State, in order to solve a specific problem in the district of the member for Torrens, is the most satisfactory way of resolving this matter. I believe that the flexibility given by this clause is desirable and, for that reason, I oppose the amendment.

Mr. CHAPMAN: I support the part of the clause that requires hotels to remain open until 8 p.m. However, can the Attorney say on what basis permits are granted for an applicant seeking to open until midnight at present?

Mr. EVANS: First, we should be conscious that restaurants, some of them being large, can open until midnight and even later. If a later amendment and this amendment are passed, licensed clubs will become bigger and provide entertainment, and some of them are located in residential areas. We may be taking business from hotels and putting it in areas that contain more houses than are located in areas around hotels. I am sure that not every hotel will remain open until midnight: perhaps there will be more than there are now, but fewer will stay open until 10 p.m., and many small hotels will close at 8 p.m. The present wage structure in the industry is not in the best interests of tourists or the industry. This is a service industry, and unions should be fighting for service awards so that people may be able to work their 40 hours during any period but, if they work for more than 40 hours, they will receive penalty rates. I see the need to make hotel hours more flexible, and I am sure that situation will not increase the consumption of liquor. I support the present clause and I am sorry that I cannot support the amendment.

Mr. RUSSACK: What is to be the procedure if hotels are allowed to open until midnight from Monday to Saturday? Is the position flexible enough for a hotel keeper to decide at, say, 10 o'clock, that he will close? Does the court set the hours, or are they flexible enough for a publican to remain open or closed as he wishes?

The Hon. PETER DUNCAN: It will have that flexibility, apart from the four hours for which he must open until 8 p.m. For the period, 8 p.m. to midnight, he can open or close as he wishes in accordance with the tenor of the licence. If he applies for a licence until midnight and it is granted, he will have the option of opening until midnight on those nights, but he does not have to open: he must open until 8 p.m. The court may grant the licence until 10 p.m. or until 8 p.m. The hotel keeper has to go through the normal procedure to get a licence, and it is possible that the licence will not be granted until midnight, although that is the hour for which it was applied. This matter has not been tested to any extent. I imagine if some of the honourable member's constituents, for example, were to oppose the extension of hours, the court would listen carefully to that; but it has not been tested. Without going into the details of the matter, I think the Acting Judge of the Licensing Court at present has a keen interest in the honourable member's district and would be well aware of these problems. Somebody putting these matters before the court would receive every consideration.

As to the matters raised by the member for Alexandra, permits at the moment are granted to the publicans in two instances basically: first, where there are special occasions (like a 21st birthday party) celebrated on licensed premises—and that is limited to six times a year; and, secondly, where there is entertainment on the premises, and that is the sort of permit that the Old Lion Hotel would be operating under.

The Government cannot accept this amendment. It has given great care and attention to the balance in the industry in preparing the Bill, and it believes that it imports into the Act further flexibility which is generally desirable throughout the State. I well appreciate, possible more than anyone else in the Chamber, the matters with which the honourable member is concerned in moving this amendment, but this is not the appropriate way to deal with the problem. Now that he has brought these matters specifically to the Government's attention, I will undertake to look at them to see what steps can be taken. Possibly, we can take administrative steps to try to assist his constituents, because particularly in Lower North Adelaide there are three hotels with a fairly large clientele that open until midnight on Friday and Saturday at the moment, and there are many motor vehicles and othe nuisances to the residents in that area.

I take the point the honourable member has made but, simply because this is a problem in one small area of the State (and this is a problem in ony two small areas) I do not think we should legislate across the board for the whole State simply because a nuisance is being caused to residents in one small area. We should look at their

individual problems. I sympathise with those people. I undertake that we will certainly look at this matter to see what steps can be taken to endeavour to alleviate the present plight of those residents.

Mr. COUMBE: I appreciate the Attorney's comments but I must go ahead with my amendment. The Attorney may in all conscience make an offer such as he has, and I appreciate it, but we are considering the wording in this Bill. I also appreciate the comments made by some of my colleagues. However, I will divide the Committee on this amendment, because it is important.

There is a section in the Bill dealing with discotheques. If one cares to go to parts of my district and see how the place really jumps when the discotheques are going, one may take a different view. All hell breaks loose in parts of Walkerville and in North Adelaide, and I only hope this does not happen in other districts. Some members may regret one day not supporting my amendment this evening. It is a conscience and free vote on this side, and I would be doing less than my duty to my constituents if I did not persist with my amendment.

I have not touched on any of the moral issues—drunken driving, etc.; I have been trying to deal with the matter as dispassionately as I can from a legal and practical point of view. Instead of a hotel being given the option, on application, of staying open for six nights a week (and they can do that up to 12 o'clock if they so desire and they get the permission of the court), I suggest that we stay with the 1974 Act, which allows them to stay open on Friday and Saturday nights, and on other nights when they have special occasions they can apply for a permit, to obtain which they have to satisfy the court that they will not create a nuisance. There is the opportunity for an aggrieved party, whether a council or a citizen, to protest against the granting of that permit. It acts like an appeal.

Petitions have circulated in my district and have been supported by councils officially, and a number of people have approached me and said that they are going to move from their houses (some already have); also, the council has approached the court officially, but has not been successful. I am persisting in moving this amendment, and I hope I will attract some support at least. I only hope that other members do not regret not supporting me and that the Attorney will take up the suggestions I have made.

Dr. TONKIN (Leader of the Opposition): I am full of admiration for the way in which the member for Torrens has pressed his case for his amendment. I understand exactly his feelings because, having been in the area and passed through it many times, I agree with him about the difficulty caused by noise in the area he has mentioned. The people who have spoken to him have also spoken to me. Their complaints are more than justified. It has been pointed out to me that, for a publican to have his licence renewed each year, it is necessary for him to show that there has been no disorderly behaviour or nuisance, amongst other things; but I suggest to the member for Torrens that the people who live in those areas, if they feel so inclined, have a remedy, though it is not as positive as the remedy suggested by the amendment. I would be more than disappointed if action was not taken before that time in view of comments and undoubted complaints that have been made. A quiet warning might achieve some result. The member for Torrens is to be commended for fighting for his electorate in this way.

Mr. Millhouse: Are you working up to saying that you are not supporting him?

Dr. TONKIN: I am.

Mr. Millhouse: Then why all this—

The CHAIRMAN: Order!

Dr. TONKIN: The member for Mitcham continually amazes me with his rudeness. I will not support the amendment, because I do not believe it will achieve anything more than a localised effect, and it is not fair to bring in a provision like this which affects the entire State for the purpose of controlling a local nuisance: that is up to the court. Measures are open to be taken and should be taken. There should be a discretion for the court or for the officer of the department to move in and make the position clear to the licensees of the establishments concerned that they must take steps to remedy the problem or they will stand in real danger of not having their licences renewed each year.

Mr. CHAPMAN: I wish to ask the member for Torrens a question. I did not get a lengthy reply from the Attorney and, as the amendment has been moved by the member for Torrens—

The CHAIRMAN: Order! In Committee there is no opportunity to ask another honourable member a question.

Mr. CHAPMAN: I am only seeking information on his amendment.

The CHAIRMAN: Order! The Attorney-General is in charge of the Bill.

Mr. CHAPMAN: I will ask the Attorney again.

The CHAIRMAN: Order! In Committee, the Attorney-General is in charge of the Bill and the member for Alexandra has the opportunity to ask him any questions, as the honourable member may speak three times on any clause.

Mr. CHAPMAN: Thank you for the information, Mr. Chairman, and I am speaking for only the second time.

The CHAIRMAN: Order! The honourable member is speaking for only the first time; I am sorry, I must inform the honourable member for Alexandra that he is speaking for the second time.

Mr. GOLDSWORTHY: On a point of order, I should like a ruling whether it is competent, in a Committee debate, for an honourable member to seek information and explanation from the mover of an amendment. It seems to me that, to make any sense of the Committee debate (and I have thought that this has applied always in the past), if an amendment is moved and a member seeks clarification of it, it is competent for the member who has moved the amendment to give the information. I may have been under a misapprehension, but all this business about the member for Alexandra having to ask the Attorney seems to be gobbledegook.

The CHAIRMAN: I must inform the honourable member that the Attorney is in charge of the Bill. An honourable member has the opportunity to move amendments, and he puts his questions to the Minister in charge of the Bill. There is never an opportune time for questions to be asked between member and member.

Mr. CHAPMAN: The Attorney has said that places like the Old Lion Hotel in North Adelaide open until midnight on several nights other than Friday and Saturday. I take it that at present the Old Lion Hotel seeks and obtains a permit to do that. If that is not so, can the Attorney tell me on what basis that hotel remains open until midnight if it does not obtain a permit for Monday to Thursday nights?

Further, if the hotel obtains a permit to open until midnight from Monday to Thursday (and I am of the opinion that it probably has done so) and if, in accordance with the

amendment moved by the member for Torrens, all hotels could do that, I should like to know, from whatever source the application comes, what opportunity people would have to know whether a hotelier was going to seek a permit from the court so that they may protest against noise, disturbance, or whatever else. I take it that at present people can appeal annually against a hotelier's obtaining a licence if the hotelier does not operate in a proper and reasonable way, because they know when his licence expires. I ask for this information in fairness to the member for Torrens, because he is trying to give his constituents a fair go and an opportunity to appeal to the court on an application for a permit to stay open until midnight from Monday to Thursday.

The Hon. PETER DUNCAN: The honourable member was not quite right. I do not think I said that these permits were obtained to enable the hotel to remain open until midnight. The words to which I object are "until midnight"; it is a matter of extending the hours beyond the licence, because the permit can allow the hotel to remain open for two hours or longer. At present, the Old Lion Hotel may have a permit not to open until midnight but to open until 1 a.m., 2 a.m., or whatever other hour.

Dr. Tonkin: But it is on a permit basis?

The Hon. PETER DUNCAN: Yes. I think the honourable member's second point is valid. At present an application for a permit does not have any requirement about public notice. The only opportunity anyone would have to know about the application would be if that person had inside information or if he was as observant as is the member for Torrens. Therefore, to that extent, his consituents will be in a better position if the Bill passes as it stands, because, as the Leader has pointed out, once a year they will have the opportunity to object to the granting of the licence.

The member for Torrens has said that many of his constituents have many difficulties and are subjected to much nuisance as a result of the present situation on Friday and Saturday night and on other nights under permits. Even if his amendment was carried, that would not resolve the present situation, which has led to numerous petitions and letters to him and to letters and representations to the Leader of the Opposition, because the *status quo* would apply. The amendment does not alleviate the problems that the honourable member's constituents have told him that they have.

Mr. Coumbe: But it stops them from being aggravated.

The Hon. PETER DUNCAN: The aggravation may or may not take place. The constituents from whom he has had complaints will have the opportunity (and, doubtless, following the debate the honourable member will point this out to them) to take appropriate action in the court to try to alleviate the situation. The suggestion made by the Leader of the Opposition that gentle pressure possibly could be brought to bear on publicans on this matter really does not have much validity, because I understand that the biggest problem is noise not from within the hotels but from outside the hotels, associated largely with motor vehicles. The publican would not have any direct remedy for that problem, except the closing of his premises. It may be that the eventual remedy will be some sort of parking restriction in the streets around the hotel, as has been applied in some council areas, or something of that kind. For example, parking in streets adjacent to the Apollo Stadium, when it is in use, has been severely limited. One solution to the problem lies in that direction, and the Government will look into this matter.

Mr. CHAPMAN: From what section of the community has the request come to restrict the required hours of opening to 8 p.m. from the existing 10 p.m.? Whence has the original request come for flexi-time until midnight, taking it two hours beyond the existing closing time between Monday and Thursday?

The Hon. PETER DUNCAN: Several suggestions have been made by the public to extend hotel trading hours, not only as provided in this Bill but for other hours as well. Those suggestions were accepted in this case, and further suggestions were made to me by the Superintendent of Licensed Premises. He suggested that it would provide us with a more civilised and flexible system if hotels were to open over an extended period of hours with a shorter core period, thereby opening during hours which best suited their clientele. All these sources of representation have been important in the Government's decision in this matter. The Australian Hotels Association, on my invitation, made representations to the Government on several matters associated with the Licensing Act.

Mr. Gunn: You initiated the inquiries?

The Hon. PETER DUNCAN: No, I did not. Once the Government decided amendments to the legislation were necessary, we invited interested parties, which is proper, to make representations to us. This Bill has resulted from that procedure. The flexibility provided in this clause is highly desirable and will provide the most appropriate trading hours for licensed premises in specific areas.

Mr. GUNN: It is easy for the Attorney to say that this provision results from public demand and representations by organisations. I have received considerable correspondence requesting me to oppose this provision. Will the Attorney indicate how many people made representations to him and whether his officers received many approaches on this matter? I have been approached only by people opposed to this measure. What has been the real public response to this matter?

The Hon. PETER DUNCAN: I find it amusing that the honourable member should say that he has received a number of representations without referring to the number, and yet he criticises me for doing the same thing. I have received representation from members of the public supporting not only extended trading hours on Saturdays but also the opening of hotels on Sundays, but the Government has not accepted those representations seeking Sunday trading. I am able to give to the honourable member and the Committee as much information as the honourable member himself has given.

Mr. ARNOLD: Will the Attorney say whether under this provision a hotel granted a licence can, on the manager's decision, automatically open until midnight on any of the nights in question? There is some confusion on this point arising from the reply given to the member for Kavel.

The Hon. PETER DUNCAN: Yes.

The Committee divided on the amendment:

Ayes (11)—Messrs. Allen, Blacker, Boundy, Dean Brown, Coumbe (teller), Eastick, Gunn, Russack, Vandepeer, Venning, and Wardle.

Noes (33)—Messrs. Abbott, Allison, Arnold, Becker, and Max Brown, Mrs. Byrne, Messrs. Chapman, Connelly, Corcoran, Duncan (teller), Dunstan, Evans, Goldsworthy, Groth, Harrison, Hopgood, Hudson, Keneally, Mathwin, McRae, Millhouse, Nankivell, Olson, Payne, Rodda, Simmons, Slater, Tonkin, Virgo, Wells, Whitten, Wotton, and Wright.

Majority of 22 for the Noes.

Amendment thus negatived.

Mr. COUMBE: If I understand paragraph (*b*) correctly, it means that the holder of a publican's licence may carry on dining-room trade at an unrestricted hour. As the Bill now reads, the dining-room may be open 24 hours a day six days a week at least, provided that a *bona fide* meal is supplied. I take it that the customer could be supplied with liquor. I understand this provision would cater for special functions or for people who wish, at reasonable hours, to enjoy civilised eating. As the Bill now stands, if this provision were abused it could mean that the dining-room could remain open for 24 hours straight, not closing, in fact, from Sunday to Sunday.

The Hon. PETER DUNCAN: I think that the Deputy Leader of the Opposition referred earlier in the debate to the question of balance in the Licensing Act. It is proposed to allow restaurants to remain open seven days a week, in accordance with their licence. In order to keep reasonable balance in the industry, if restaurants can open for these hours, then hotel dining-rooms should be able to be open for a like period, because they provide a service similar to that provided by restaurants.

Clause passed.

Clause 10—"Limited publican's licence."

Mr. EVANS: Will the Attorney-General explain this clause a little more fully than he did in the second reading debate? I take it that it gives hotels with limited publicans' licences greater flexibility of the hours at which they may serve meals. I believe it is fair that Parliament should know exactly what the Attorney-General believes the amendment will achieve.

The CHAIRMAN: Order! Before the honourable Attorney-General replies, I point out that, as there is too much audible conversation, I am finding it difficult to hear the honourable member's remarks. The honourable Attorney-General.

The Hon. PETER DUNCAN: The same applies to this question as applied to the honourable member's last question: it is reasonable for limited publicans' licensees, who normally are motel proprietors, to be able to open what are, in effect, their restaurant premises for the same hours as those of a licensed restaurant.

Clause passed.

Clause 11—"Wine licence."

Mr. EVANS: Regarding new subsection (3a), I point out that there are so many areas of doubt about the meaning of "situated in" and "close to". How should we define "close to" a wine area? Is it 2 kilometres, 8 km, or 11 km? I understand "in" as meaning that it must be in the bounds of the area in which the wine is produced, not outside the area at all. How do we decide what constitutes the area? Is it a district council or a tourist area? Further, I am concerned about the phrase "good quality", because what I might think is horrible wine some other person might think is good quality wine. Why do we go fiddling around with words such as these that will appear in the Statute Book?

Mr. Millhouse: I can give you the answer: it is to give the Licensing Court something to do, because it must interpret these expressions.

Mr. EVANS: If that is true, I hope that the Attorney-General will confirm it. We have already heard comments about the lucrative areas for lawyers in regard to legislation. I am a little concerned about the overall application of this provision, because I believe that licences can be given for opening at virtually any time (tying this in with clause 12); I may be incorrect, because a wine licence is different from a distiller's storekeeper's licence. What limit is placed on trading hours in connection with a wine licence? Can a wine licence be issued for a Sunday? How does the Attorney-General define a genuine museum or art gallery; how does he expect the court to define good quality wine; and how does he define the terms "situated in" and "close to" in relation to an area in which wine is produced?

The Hon. PETER DUNCAN: The interjections of the member for Mitcham never fail to amaze me. This provision is the old section 23 (1e) (*b*), which was inserted by the honourable member when he was Attorney-General.

Mr. Millhouse: I was only telling the member for Fisher what it was for.

The Hon. PETER DUNCAN: The member for Mitcham ought to have known the reason. The drafting was the honourable member's, and I am reasonably satisfied with it, because it has worked quite well in the past. Two of these licences have been granted, one to the Art Gallery and maybe one also to The Barn. Those two establishments indicate that the provision is working satisfactorily. I therefore see no reason to change the provision when it appears to have had such satisfactory results for the State.

Mr. EVANS: I am satisfied to a degree with the Attorney-General's explanation, since at present we have only two licences of this type. If there was a proliferation of this type of licence, it would worry me. I still want to know the purpose of the jargon to which I referred earlier. The member for Mitcham has told us now that he had drafted the provision with the intention of creating more work for the court; that, in itself, should be a reason for the Attorney-General's saying it should be amended, but he is not. So, perhaps the present Attorney-General is also trying to make more work for the court and for lawyers and perhaps he is trying to provide a lucrative field for the legal profession in the future.

Mr. MILLHOUSE: I have been drawn into this debate; I would not have taken part in it otherwise. The Attorney-General is fond of casting slurs on me, and he has done it again tonight, but this time it is not deserved, whatever may have been the case in the past. By way of interjection (and I aplogise, Mr. Chairman, for the interjection) I was not suggesting that there was anything wrong with the particular form of words or with the idea of leaving the matter to be interpreted in a particular case by the Licensing Court; that was not my intention, and the Attorney-General realises that, but he had to say something, and I am a pretty good target. I do not recall whether I drafted the provision, but that is irrelevant; I was not critical of a provision like this. It stands to reason that in the Licensing Act and many other Acts it is impossible for Parliament inflexibly and in detail to lay down all the circumstances where and when a licence can be granted; all we can do (and all we are doing) is set out guidelines so that the court can, when it gets an application, apply those guidelines; that is the function of the court. I would have thought even the member for Fisher knew that, without asking his question.

Clause passed.

Clause 12—"Distiller's storekeeper's licence."

Mr. GOLDSWORTHY: This clause and the next clause deal with trading in wine and spirits at any hour of any day, and I am opposed to both clauses. I represent a predominantly wine-producing district. I have made extensive inquiries from wineries in my district; I think I have canvassed them all—I hope that is the case. I have also consulted community leaders in my district, and I find that there is a fairly strong majority of opposition to Sunday

trading in wineries. My own personal view, likewise, is that we should not extend facilities on Sundays. If we pass these clauses, there will be further justifiable pressure from hotels to open on Sundays. I am being guided in the first instance by what people in my district have said, and fairly strong opposition has been mounted to trading at any time, particularly on Sundays, at wineries. It is thought that, if the option is given, others will be compelled to open, because of the competitive nature of the industry. During the second reading debate I said that I had not made up my mind on these clauses; I have now made up my mind, and I intend to oppose both of them.

Mr. EVANS: On our side of the Chamber, this is a conscience vote. I will vote against clause 12, and some people may say that I am opposing a provision that could have some tourist potential, but I do not necessarily agree with that. I know that it could be said that the containers that will be sold under this provision will have to be of a certain size and will have to be sealed, but the seals are made in such a manner that they can be readily opened by a human being, not necessarily an adult, although the containers will be sold mainly to adults. There will be a temptation for some people to open them before they go home. Many areas where wines and spirits are sold are a considerable distance from the major residential part of the Adelaide metropolitan area. Until we get a different attitude in our society to the problem of drinking drivers we are only increasing the potential for death and injury on our roads through a provision like this.

I will go back to the type of statement made by the Minister of Local Government in relation to swimming pools; if we save only one life a year through fencing or covering swimming pools, it is worth it. Similarly, if we cause only one or two more deaths through passing this clause, we should not pass it. If that argument will stand in one case it will stand in another. I cannot see why, in a society that admits killing about 4 000 people a year on the roads, that in one part of that society, South Australia, we are going to increase the possibility of more deaths. Some people say that it is up to the individual, but very often it is not the person who has been affected by alcohol who has been killed, injured or maimed for life. Sometimes it is the children, wife and loved ones, or a complete stranger who pay the penalty.

If we argue that it is up to the individual we should look at the provisions we have passed in relation to seat belts and swimming pool protection and see how many double standards we have if we support this provision. I do not support extending the provision of hours for alcohol to be available on Sundays in more areas than it is available at the moment. Those persons who want to get an alcoholic drink on Sunday can get it at home or at a club, which in most cases is closer to their home than a hotel. In the strongest terms I oppose this provision.

Mr. CHAPMAN: When I spoke about this part of the Bill during the second reading I made clear that in the short time available to seek the feeling of the wineries in my district I believed there would be no hassle about the extension provided in this clause. I find that notwithstanding the attitudes expressed in this place last week that it is now difficult to find a winery that wants to trade on Sunday. The larger companies in the Southern Vale area abhor the thought of being pressured into, or in any way being involved in, trading on Sunday.

There is a limited number of premises that have expressed the desire to trade at any time within the proposed licensing system. They have so many products and are so embarrassed at trying to make a living from their business that they will take any opportunity to trade that they believe will be of assistance to them. Concerning which section of the industry did the Government decide to proceed with the extension of trading hours for the selling of wine, either in respect of clause 12 or clause 13, the Attorney-General said few wineries appear to support Sunday trading. Those proposing to market their products belong not to the big company area but to a very few small family producers. The Attorney said that clause 13 removes the restrictions on the hours during which liquor may be sold or supplied in pursuance of the vigneron's licence. There is nothing else to support the content of that clause.

Mr. RUSSACK: I oppose the clause. I read this clause as providing a licence to sell liquor at any time on any day. In most other provisions in the Licensing Act at least Good Friday and Christmas Day are precluded. In the recent debate, the Attorney-General said:

> There is wide availability of liquor on Sunday already and this extension, if we like to call it that, will be quite minor.

If it is minor, it is not necessary and for that reason I am against the clause. I believe this is a matter of major importance. The Attorney continued:

> I am not suggesting that this Government is taking this action and that then in future we will be bound by the situation that will exist on Sundays. That is not the Government's position. The Government considered the question of opening hotel bars on Sunday and decided not to proceed with the matter. What the position may be in future, I cannot judge.

Although the Attorney went on to say that this was not the thin edge of the wedge, all social legislation goes step by step, and this is one step in the progression towards Sunday trading in hotel bars. I would oppose such trading. I speak on behalf of many people in the State who do not accept Sunday liquor trading. I support the comments made by the member for Kavel and the member for Alexandra who have said that those in the liquor industry are not enthusiastic about the clause.

Mr. MILLHOUSE: It is funny how the fire has gone out of the debate on licensing matters. I can remember when I was Attorney proposing some very modest reforms, which were most bitterly opposed. The member for Fisher was one—

Mr. Evans: And I defeated you, too.

Mr. MILLHOUSE: The member for Fisher prevented me from succeeding with an amendment to reduce the liquor drinking age from 21 to 18 years; I only got it down to 20. Now, because all these things have happened and there have been so many changes and relaxations, the fire and interest have largely gone. I think that is an answer to what the member for Fisher said. It is easy now for anyone at any time to obtain liquor if they want it. I agree that liquor probably contributes to the cause of at least half of our appalling road accidents, but I do not believe that, by restricting the hours and days for the sale of liquor, we can do anything about that problem. We must find other ways. The Liberal Party espoused last weekend a policy on shop trading hours. I believe that they should be unrestricted and that people should be allowed to make up their minds about it.

Mr. Evans: On Sunday, too?

Mr. MILLHOUSE: Yes. Because of changes during the past six or seven years to the Licensing Act, I see little difference between the sale of liquor and the sale of any other product. However, I believe that Christmas Day and Good Friday are exceptional: to me they have a

deep religious significance, although I do not regard the 52 Sundays in the year in the same way. Therefore, I move:

Page 5, line 20—After "any day" to insert "(except Good Friday and Christmas Day)".

Mr. RUSSACK: I am not ashamed to admit that I accept Christianity and that Good Friday and Christmas Day are special days to me, as they are to many people, and I also believe that Sunday is a significant day. I support the amendment, but I will vote against the clause.

Mr. GOLDSWORTHY: I support the amendment but oppose the clause, although not on religious grounds. From the point of view of people involved in the industry in my district the clause is no good, but the amendment, if passed, may slightly improve it.

Amendment carried.

Mr. ARNOLD: What is the degree of support from the wine and brandy producing industry for this clause? The smaller developing wineries in my district see an advantage in extended trading hours, as they depend greatly on door sales. However, the major wineries see little value in the clause.

The Hon. PETER DUNCAN: I will indicate where the representations came from for this clause. Several wineries made representations. The only one I can specifically remember was one in my district, the Angle Vale Winery, but there were others as well. Particularly, there were strong representations to the Government from the Adelaide Convention Centre, which had made a number of representations to the Government on behalf of the tourist industry in the State requesting that provision be made to allow wineries to stay open to trade on Sundays on a non-compulsory basis. They are basically the areas from which support for this provision came.

Mr. Arnold: There's been little request from the industry itself.

The Hon. PETER DUNCAN: There has been a number of requests. The member for Alexandra said that some of the wineries in his area whose views he sought indicated that they would trade on Sundays. I imagine that some of the wineries the honourable member has spoken to have indicated that they would trade on Sundays.

Mr. WARDLE: It is possible to interpret what the Attorney has said as meaning that seven or eight out of a hundred have made a request. Can the Attorney be more specific about how many of the wine producers have made the request? Does he know how many there are throughout the State, and can be estimate about how many would have requested Sunday trading?

Dr. EASTICK: I have in my district some of the biggest wineries in the State. The member for Chaffey will claim the largest, but I claim some large and some small ones. There has not been one request for support of this measure from the District of Light, and the representations made to me by both large and small wineries have been to oppose this provision. I give the Attorney that information.

The Hon. PETER DUNCAN: I cannot recall exactly how many wineries have made representations to the Government or to me but I can recall four in particular that have. A number of representations were also made to the Superintendent of Licensed Premises.

The Committee divided on the clause:

Ayes (22)—Messrs. Abbott and Max Brown, Mrs. Byrne, Messrs. Connelly, Corcoran, Duncan (teller), Dunstan, Groth, Harrison, Hopgood, Hudson, Keneally, McRae, Millhouse, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Noes (20)—Messrs. Allen, Allison, Arnold, Becker, Blacker, Boundy, Chapman, Coumbe, Eastick, Evans, Goldsworthy (teller), Gunn, Mathwin, Nankivell, Rodda, Russack, Tonkin, Venning, Wardle, and Wotton.

Majority of 2 for the Ayes.

Clause as amended thus passed.

Clause 13—"Vigneron's licence."

Mr. GOLDSWORTHY: I do not think it is necessary to canvass the argument again. I have made the reasons for my opposition perfectly clear in debating the previous clause. I will leave it at that.

Mr. MILLHOUSE: I move:

Page 6, line 6—After "any day" to insert "(except Good Friday and Christmas Day)".

Like the member for Kavel, I see no point in going over the argument again; the same arguments apply to one clause as to the other. Likewise, the amendment which we inserted in clause 12 should be inserted in clause 13.

The Hon. PETER DUNCAN: The Government accepts the amendment.

Mr. CHAPMAN: Following the questions raised on clause 12 and the manner in which the Attorney answered them, I take it he has no other evidence to put before the Committee indicating where the support, request, or demand came from to allow trading to extend to wineries on Sundays.

The CHAIRMAN: Order! The honourable member will resume his seat. The amendment of the honourable member for Mitcham is now before the Committee. The honourable member will have an opportunity to speak on the clause.

Mr. CHAPMAN: Very well—I support the amendment, which provides for the insertion of "Good Friday and Christmas Day".

Amendment carried.

Mr. EVANS: For similar reasons to those that applied to clause 12, I oppose the clause. I thought that on this issue there might have been a conscience vote on the Government's side and, if it is, I am surprised that not one member on that side sees the danger of the provision. If it is not a conscience vote matter, I apologise to those honourable members. Opposing the clause is a step in the right direction to give guidance to another place farther up the passageway.

Mr. ALLISON: I oppose the clause for the same reasons as the previous speaker has given. The clause is certainly discriminatory against hotelkeepers, and I repeat the statement I made in the second reading debate that I felt that licensees had had the rough end of legislation. I also stated that they had high operating costs and compulsory opening hours despite quiet trading for long periods. Legislation provides more flexibility now, admittedly.

The hotels have suffered for a long time because they have always had the onus of providing many facilities that other retailers and wholesalers of liquor do not have to provide, plus the onus of supervising carefully the people who drink on their premises. The opening of wineries on Sunday would lead to unsupervised selling of liquor, giving younger people freer access to liquor than they have now. The amount of liquor sold to each person on a Sunday would be considerable, not only a glass.

The Hon. PETER DUNCAN: The information that I gave on another clause related to this clause also, and I have no further information.

The Committee divided on the clause as amended:

Ayes (22)—Messrs. Abbott and Max Brown, Mrs. Byrne, Messrs. Connelly, Corcoran, Duncan (teller), Dunstan, Groth, Harrison, Hopgood, Hudson, Keneally, McRae, Millhouse, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Noes (20)—Messrs. Allen, Allison, Arnold, Becker, Blacker, Boundy, Dean Brown, Chapman, Coumbe, Eastick, Evans, Goldsworthy, Mathwin, Nankivell, Rodda, Russack (teller), Tonkin, Venning, Wardle, and Wotton.

Pairs—Ayes—Messrs. Broomhill and Jennings. Noes—Messrs. Gunn and Vandepeer.

Majority of 2 for the Ayes.

Clause as amended thus passed.

Clauses 14 to 21 passed.

Clause 22—"Power of company to hold licence."

Mr. EVANS: I think I know the intention of this provision, but the Attorney's explanation was not very explicit. I see some merit in the provision and I do not oppose it, but the Attorney should give as much detail as he can about why the provision has been included and about what unsatisfactory practices he thinks will not take place if it becomes operative.

The Hon. PETER DUNCAN: I do not know what information I can give the honourable member beyond that contained in my explanation. The problem is that some persons are able to transfer a licence to other persons without those persons who are to become owners of the licence being approved by the Licensing Court. The shares of that company might be in the hands of person A, who decides to sell his shares to person B, and the effective control of that company is transferred to person B. Presently, the Licensing Court has no say in whether or not the second owner is a satisfactory person or group to hold a licence.

Clause passed.

Clauses 23 and 24 passed.

Clause 25—"Age limit for persons to be on licensed premises."

Mr. EVANS: Can the Attorney explain what type of person is likely to be excepted from this provision? The member for Mitcham recently said I was vocal a few years ago about the problem of young people drinking when the age limit was lowered to 18 years. At that time I pointed out that a young man of 18 entering a hotel for entertainment purposes would probably escort a member of the opposite sex who was about two years his junior. That position has applied, and we can now see girls 15 or 16 years old in hotels, and I have not been proved wrong, regardless of what the member for Mitcham has said. If the age limit had been kept at 20 the task might have been easier for publicans and for police, and we would not have seen such young drinkers as has been the case since 1970. This Attorney-General and his predecessor have started slightly to tighten up drinking legislation and control under-age persons entering licensed premises.

As the details of this provision will be covered by regulation, we do not know what class of room will be prescribed as a bar-room or what class of person will be exempted from this provision. Will newspaper boys and the family of a licensee be excluded? Because young people tend to drink in lounge areas, perhaps we have not progressed as far as some European countries where members of both sexes tend to drink in bars more than they do in Australia.

Much concern has been expressed to me by members of the community about young people becoming alcoholics at an early age. I do not say it happens always in hotels, but members of Parliament should be conscious of any step they take that makes it easier for young people to become alcoholics. This provision makes it more difficult. I hope we can progress in this way in future years in accordance with what I said in 1970, even if it did offend the then Attorney-General (the member for Mitcham).

The Hon. PETER DUNCAN: I am happy to provide the information for the honourable member. A bar-room has to be of a prescribed class, as will be seen from the legislation. It will be a restrictive definition, but will not include lounges, although we are looking at that aspect. It is difficult in some areas because sometimes bars and lounges comprise the one facility. I intend to apply a fairly restrictive definition there. The second matter raised by the honourable member will be handled by regulations, and the regulations must come before this House for examination. I am thinking of people such as those referred to by the honourable member, for example, newspaper boys and persons whose parents are licensees or possibly employees of the hotel.

Mr. Goldsworthy: Why don't you just say "any person or class of person exempted by regulation"? Why have the two divisions?

The Hon. PETER DUNCAN: An excepted person is a definition under the legislation, and an exempted person will be of a class prescribed by regulation. The Government's general policy is this: juveniles are not required to come up to the expectations of adult citizens in our society; they do not have the same rights or obligations as adults and we believe that, the line having been drawn at age 18 (and that age has become more and more widely accepted), real force should be given to the distinction between juveniles and adults, and this provision includes a move in that direction.

Mr. EVANS: I have believed for a long time (and I supported the Minister of Transport when he suggested this) that we would be wise to have placed on a driver's licence the licence holder's photograph. I believe that such a practice would help the police often in its general duties in the community. I also believe that it would help the manager and employees of licensed premises when they were challenging people about their age. Most people over the age of 18 years drive a motor vehicle. We have not yet gone to using identification cards, as many European countries have done, but we often tend to compare our way of life with their way of life in the matter of eating and drinking laws. People often overlook the fact that there is overseas a distinct method of checking on a person's identity, because he is compelled by law to carry an identification card. I do not really believe that it would be interfering with the freedom of individuals to have to carry a means of identification. I am not advocating identification cards now, but some time in the future such a practice may be legislated for. I believe that the licence holder's photograph should be on his driver's licence.

Mr. Allison: An international driver's licence must carry the holder's photograph.

Mr. EVANS: Yes. I believe the Attorney-General should consider whether there is a need for some better method of identification of the individual for the purpose of checking his age. I suggest that such a method (in support of the Minister of Transport) would be to have the licence holder's photograph on the driver's licence, which would be carried by the individual.

Clause passed.

Clause 26 and title passed.

The Hon. PETER DUNCAN (Attorney-General) moved:
That this Bill be now read a third time.

Mr. EVANS (Fisher): I will support the Bill through the third reading, even though it contains provisions to which I object, namely, the Sunday trading provisions for wineries and distilleries, but I hope that another place will remove those provisions so that they will not become operative. If that were done, it would please me. The remainder of the Bill is acceptable and, for that reason, I will not attempt to defeat it, but I hope that common sense and reasonableness will prevail in another place, and in this place when the Bill is returned to us.

Bill read a third time and passed.

The Hon. PETER DUNCAN (Attorney-General) moved:
That the time for moving the adjournment of the House be extended beyond 10 o'clock.

Motion carried.

WORKMEN'S COMPENSATION ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from October 21. Page 1766.)

Mr. DEAN BROWN (Davenport): This evening, I will prove to the House and give evidence that the Government's amendments to the Workmen's Compensation Act in the Bill before us do not correct the major problems created by the existing Act. Instead, the amendments will add new problems, I believe, to both the employer and the insurance industry, and I will later present the reasons for making that statement. There is an urgent need to amend the Act because of the major rehabilitation problems it has caused, the increase in premiums it has caused and the ridicule directed at the Act by many workers and the abuse of the Act by a small minority. Later, I will come to certain statements about the Act that have been made by other people. Under the existing Act and the proposed Government amendments, the person on compensation will be better off financially than the person at work, because the person on compensation will not have to incur travelling and other expenses associated with going to work.

As a positive alternative, the Liberal Party proposes that the livelihood of the worker should be protected by guaranteeing both the award and over-award payments, but not including overtime. This would then bring South Australia into line with New South Wales, Victoria and Western Australia. Both the existing Act and the proposed Government amendments place the entire emphasis on compensating the worker for the injury, while completely ignoring the important human factor of assisting the injured worker to return to the work force. As a result, a growing number of human tragedies are caused by previously injured workers who are unable to find an employer who will risk employing them. The National Heart Foundation of Australia is the latest organisation to express its concern at the rehabilitation difficulties, because cardiac patients are having difficulty in finding employment. They eventually become classified as chronic invalids, and apply for invalid pensions. Later, I will give evidence to substantiate my statement.

The proposed Government amendments impose unreasonable and unnecessary restrictions on insurance brokers and, if they are adopted, the brokers would be forced to vacate the area of workmen's compensation. As a direct result, staff employed by brokers would be reduced by 50 per cent, forcing, I understand, more than 100 people to become unemployed. Any such move by a Government during the current economic circumstances would be an act of stupidity, to say the least. The very fact that the Labor Government should make such a proposal shows the extent to which it has completely failed to understand the workings of workmen's compensation.

I say that because I believe that, when we look at the amendments proposed in 1973 and the case then put by the Opposition against those amendments and now look at history, it is clearly indicated that the claims made by the Opposition on that occasion were completely justified. I will give one classic example. From memory, the Premier claimed that the cost of a house would increase due to the amendments by between $40 and $100. The Opposition claimed that the cost of building a house would increase by between $800 and $1 000. I think we later amended the figure to $1 500. History has shown that, in specific cases of houses being built at that time where the contract had already been signed and where other cost increases were excluded, the increase in the cost of building a house varied between $800 and $2 000 on substantiated cases that could be produced to the House. The Government was found to be wildly out in its estimate of the effect of workmen's compensation legislation. That is only one small area, but there are many other areas in which it has also been out.

My gravest concern at the Government's attitude on the Bill is that it is continually unable to assess the major problems the Act is creating now, and it continually refuses to correct its mistakes. I will come back to those shortly. The Liberal Party will move amendments to clauses relating to insurance companies and brokers to ensure the highest possible standards of professional ethics, without unnecessarily strangling the industry. Brokers would be required to disclose brokerage rates, among other controls. I will come later to the other controls that we would impose. The changes proposed by the Government to the method of calculating weekly payments while a man is on compensation would create an administrative nightmare and would require a mathematical gymnast. The rate of payment would be the highest amount out of three possible alternatives.

Many employers have already condemned the new proposal as being no better than the previous method of calculating payments. When introducing the provisions, the Minister spoke at length about rehabilitation, but there are no changes that will assist rehabilitation, despite the Minister's lengthy speech on that subject. Because of the Government's failure, the Liberal Party will propose further changes to allow the apportionment of liability, the exchange of medical certificates, and the elimination of certain double pay; the changes are directed to encouraging the rehabilitation of the injured worker. Judging from the hostile reaction of the community to the latest provisions, it is obvious that the longstanding promise of the Premier to correct anomalies has not been honoured. I have referred before to that significant promise, which was made just before the 1975 State election. I cannot quote that promise at the moment, but I point out that on February 11 the Minister said:

> The Government is concerned at the increase in the number of workmen's compensation claims that have been made since this Act came into effect in 1971. Although in the last four financial years the number of wage and salary earners in this State increased by just over 10 per cent from 408 000 to 449 000, the number of workmen's compensation claims increased by 50 per cent from 56 000 to 84 000.

I will shortly come to the Premier's statement. The Government should follow Mr. Justice Wells's advice and that of

other Supreme Court judges by completely rewriting the Act. Of course, the Deputy Premier scoffs at Mr. Justice Wells's statement, because the Deputy Premier obviously does not know what Mr. Justice Wells said. On June 3, 1975, in connection with the Workmen's Compensation Act, Mr. Justice Wells said:

Many of its provisions failed adequately to reveal the true intention of Parliament, even if it could safely be assumed that a definite intention was always there to be revealed. To the impartial observer of legislative change and the consequential mental writhings of the judges who have been visited with the task, year by year, of interpreting the Act, the thought must often have occurred that a complete revision of the Act was overdue. It has, I imagine, been hoped that the Act of 1971, which superseded the 1932 Act, as amended, would usher in a new age—but it was not to be. . . . The principal shortcoming of that language is to be seen in its lack of consistency and precision. . . . I hope I shall never despair of finally persuading those concerned with the drafting of this legislation that it should be entirely rewritten.

That clearly shows that the Deputy Premier has not done his homework. His Government has put forward this legislation, which the Supreme Court has condemned.

The Hon. J. D. Corcoran: So what?

Mr. DEAN BROWN: The Deputy Premier is apparently in one of his niggly moods. Mr. Justice Jacobs, in handing down his decision, said:

It is cause for some regret that this important legislation, notwithstanding the many amendments to which it has been subjected—indeed perhaps by reason of those amendments—still defies a satisfactory and rational interpretation.

If the Deputy Premier does not count that as a damnation of the existing Act, what other damnation would he like to receive? It is an insult to the Government that the Supreme Court should condemn the way in which the legislation has been written.

The Hon. J. D. Wright: What has the court got to do with the Government?

The Hon. J. D. Corcoran: There is judicial independence.

The Hon. J. D. Wright: The court is an independent authority.

The SPEAKER: Order! There are far too many interjections. I call to order the Minister of Labour and Industry.

Mr. Gunn: Throw him out.

The SPEAKER: Order! The honourable member for Eyre.

Mr. DEAN BROWN: The first accusation I lay in connection with the existing Act and also this Bill is the complete lack of consideration for rehabilitating a worker who is already injured. The Government has completely ignored the need to get that person back to work as quickly as possible and the need to do it partly through this legislation. I realise that it would require other provisions as well; the Minister has referred to some of them, and I will not debate those provisions now. The Minister has completely failed to make the necessary amendment. I have quoted other authorities whom I know the Deputy Premier would not accept, because he is the sort of smug man who will not accept any expert advice. However, I think the Minister is a more reasonable person, and I hope he will accept outside expert opinion. The National Heart Foundation (South Australian Division), in expressing concern, has written the following letter to me:

The National Heart Foundation (S.A. Division) is concerned at the effect of the present Worker's Compensation Act on the re-employment of cardiac patients. Emphasis has been placed, by the National Heart Foundation, on the rehabilitation of these patients to return to their place in the working community, after recovery from coronary heart disease, or cardiac surgery. It has been shown, medically, that exercise is advantageous to the cardiac patient, and education of the community has been taking place to accept this rehabilitation.

However, it is distressing for the patient and his family if he has to become classified as a chronic invalid, and has to apply for an invalid pension, because he is unable to secure employment. In the experience of the National Heart Foundation, this is occurring at present, and it is considered that disadvantages to the employee, arising from the Act as it is constituted at present, should be pointed out. The Directors of the National Heart Foundation wish to submit that future amendments to the Worker's Compensation Act should take these points into consideration, and they would be prepared to enter into further dialogue about this.

Yours faithfully,
H. D. Sutherland, President,
South Australian Division,
National Heart Foundation

I have had further dialogue with them, as requested, and can assure the House that the amendments in this Bill are totally unsatisfactory to the foundation in assisting that rehabilitation. It is totally unsatisfactory, I understand, to all the other people concerned about the rehabilitation aspects.

The Hon. J. D. Wright: You never spoke about rehabilitation until I spoke about it.

Mr. DEAN BROWN: I issued a press statement about rehabilitation, I think about three days before the Minister introduced this Bill and talked about it here. I have been concerned about rehabilitation because of the number of workers who have come to me and complained that they cannot get a job.

The Hon. J. D. Wright: Put your amendments about rehabilitation on file.

The Hon. J. D. Corcoran: What do you do for all those people who complain to you?

Mr. DEAN BROWN: I try to help them get a job.

The Hon. J. D. Corcoran: But you haven't done that, have you?

Mr. DEAN BROWN: No, because of this Act and because the Government has failed to amend it. It is well for the Deputy Premier to sit there with a smug look on his face, showing no concern for these people who cannot get a job because they have been injured. It is the Deputy Premier who has no concern for the human tragedy this Bill is causing.

The Hon. J. D. Corcoran: What a joke you are.

Mr. DEAN BROWN: He has no concern whatever. His very attitude in this House this evening when I am talking about rehabilitation is to sit there and completely brush these people aside. The amendments included in a previous Bill introduced by the Hon. D. H. Laidlaw in another place and introduced in this House by me did something for rehabilitation.

The Hon. J. D. Wright: What did they do?

Mr. DEAN BROWN: It is interesting that the Minister, in the debate in this House on that Bill, made the following statement after having had two or three weeks to consider that Bill (and this was his only comment on the technicalities of that complex Bill):

It is a farce.

He did not utter one reason why it was a farce, and he did not put forward one argument for or against any other part of that Bill. The Minister did not discuss the Bill further; he just said that it was a farce and then went on and condemned the Opposition for introducing the Bill. He said that the Bill was an attempt to pre-empt the Government. Of course it was an attempt to pre-empt the Government, because the Government had failed to introduce suitable amendments. It was the responsibility of the Opposition to bring forward suitable amendments, because

for 16 months the promises of the Premier and of the Minister for Labour and Industry had been broken, and the Opposition was so concerned that it did something about it. The Minister and the Deputy Premier would ask what we have done about it. We have done something substantive: we introduced amendments, and beat the Government in doing so.

The Hon. J. D. Corcoran: What have you done? Nothing!

The SPEAKER: Order!

Mr. DEAN BROWN: The Minister went on to say on October 13—

Members interjecting:

The SPEAKER: Order! There is far too much interjecting.

The Hon. J. D. Corcoran: A lot of crap.

Mr. DEAN BROWN: I take exception to that word being used in this House. The Deputy Premier said, "A lot of crap"; I ask him to withdraw that statement as I believe it is unparliamentary.

The Hon. J. D. Corcoran: It is not.

Mr. Millhouse: Of course it is not.

The SPEAKER: Order! I must ask the honourable Deputy Premier to withdraw the statement.

Mr. Millhouse: Heavens above!

The Hon. J. D. CORCORAN: Mr. Speaker, honestly, I do not think it is an unparliamentary expression, but in due deference to you, Sir, if you consider that it is, I withdraw it.

The SPEAKER: The honourable member for Davenport.

The Hon. J. D. Corcoran: A lot of rubbish.

Mr. DEAN BROWN: Thank you, Mr. Speaker. The Minister, on October 13, made the following statement:

If the Opposition is sincere with regard to the Workmen's Compensation Act in this State, why does it not wait until the Government has introduced its Bill and then move amendments?

We certainly will move amendments. There are 11 pages of them drafted so far. The Bill introduced by the Government will be amended. However, our amendments will be worth while.

The Hon. J. D. Wright: You might move them, but I'll decide whether the Bill will be amended or not. Don't make false statements like that.

Mr. DEAN BROWN: When I looked at this Bill I had to say to myself that never had so many (that is the people of South Australia) waited so long for so little. The amendments introduced by the Minister did absolutely nothing for the people of this State.

Members interjecting:

The SPEAKER: Order!

Mr. Mathwin: They were frightened to debate Laidlaw's Bill, weren't they?

Mr. DEAN BROWN: Yes, they had four words—"It is a farce." The Government could not put up a single argument. I come now to the insurance aspects. The Bill requires, first, that approval should be sought for each insurance company. The Commonwealth Government already has an Insurance Act of 1973 which clearly lays down the conditions under which any insurance company must operate.

The Hon. J. D. Wright: You've been talking to the employers, have you?

Mr. DEAN BROWN: If the Minister reads his own Bill, the provision is in there. It is quite obvious there is a Commonwealth Act and therefore it is very important that any requirement in this Act does not counter the requirements in the existing Commonwealth Act.

The Hon. J. D. Wright: It won't; it will consolidate it.

Mr. DEAN BROWN: I realise that, and I believe it should be amended slightly so that it does not counter anything in the Commonwealth Act, and the Liberal Party will make sure that it does not. First, I do not disagree with requiring approval for insurance. Secondly, I do not disagree with the concept of a nominal insurer; I believe there have been cases where that requirement could be used. However, I believe the money for those nominal insurers should be raised in a different way from that outlined in the Bill. I believe that a trust fund should be established from the beginning and that there should be regular contributions towards that trust fund by all insurance companies taking workmen's compensation.

As it stands, I understand that the provision will operate in a similar manner in this Bill to the way it does under the compulsory third party insurance, and in that case I understand it is a payment for retrospective faulting rather than a payment in advance. I support the concept of payment in advance as regards that percentage of workmen's compensation, or the premiums collected being increased if those premiums prove to be inadequate after a time. The other major aspect relating to insurance involves the insurer of the last resort. Again, there have been people in South Australia who could not obtain insurance for workmen's compensation. There needs, therefore, to be some provision for these people. However, any such provisions should not create excessive machinery and should not unnecessarily take insurance away just for the sake of taking it away and giving it no risk factor whatever.

The Hon. J. D. Wright: You're starting to agree with the Bill.

Mr. DEAN BROWN: There are certain small portions of the Bill that the Opposition agrees with, and we would be small-minded if we did not. I believe the insurer of the last resort should apply only to people who cannot obtain insurance after approaching three insurance companies. I see little need for lumping in on a subjective basis, as the Bill does, other cases where there appears to be an excessively high premium rate being sought. I refer to new section 123g (4) (*b*) which states, in part:

. . . or quoted a premium for the coverage that the committee considers unreasonably high in the circumstances.

I believe that that part should be deleted because it is entirely subjective; otherwise I agree with the concept of an insurer of last resort. The Workmen's Compensation Insurance Advisory Committee is to be established under the legislation, and will be able to advise the Minister about several insurance matters. I should like to see some minor alterations to the way that the committee is constituted and to its powers. New section 123n (*c*) provides that the committee may be given any other such functions as may be assigned to it by the Minister. Under this Bill we will now have machinery set up for the Minister to control premium rates.

I do not know whether he intends to set standard premium rates in certain industries, as is done in New South Wales, because he has not been specific and I hope he will clarify that point later. The Minister has always had that power, so I am not suggesting that the Bill is suddenly introducing a new concept, but I do not think that this provision would be a step forward for workmen's compensation. If premiums were set in this State it would remove two important responsibilities from the employer: first, it would remove the responsibility of the employer to ensure that he maintains the highest possible safety standards in the place of employment; and, secondly, it would remove from the employer the need and responsibility to

rehabilitate as quickly as possible the employee who has been injured. They are two important responsibilities, and there must be some incentive on the employer to ensure that he accepts them.

I say that, because if set premium rates are fixed both of those aspects will be removed, because the present premium rates are determined by actual claims made on the insurance company from that place of employment. One can see that there is now a strong financial incentive to ensure that the employer maintains safety and undertakes the best rehabilitation that he has the commonsense to do. I now refer to sections of the Act, and the first is the most important, that is, the rate of weekly payment that the injured worker would receive if he were away from work. This involves section 51 of the Act and is covered by clause 7 of the Bill, and under the Government's proposal the workman would receive the highest of three variable rates.

The first rate is the average weekly earnings, excluding special payments and overtime that the workman has received in the previous 12 months, but adding to that amount the average weeky overtime for the four weeks immediately before the man became incapacitated. The second amount is the weekly earnings, minus overtime and special payments that he would have received if he were still in that place of employment. The third rate is the prescribed amount, and that is already contained in the existing Act under another section, and is to be used in the case of a person who is not covered by the previous two examples. I believe that there are certain drafting errors or oversights, because there are cases in which the person would not have been in his place of employment for 12 months before the injury and also may not be covered by an award.

In such cases the person would automatically be covered by the prescribed amount, but that amount is not set for such a person: it is set for a person who is perhaps an apprentice or in some other trade where there is no fixed amount, and it especially refers to a person who turns 18 and is then entitled to adult wages. The prescribed amount is, in effect, a minimum that anyone on workmen's compensation should receive. I can think of many cases in which a person would not have worked for 12 months in that industry and would not be covered by an award and, therefore, would come under the prescribed rate.

The Hon. J. D. Wright: There will be an amendment on that.

Mr. DEAN BROWN: I am pleased to hear that, because that is a classic weakness in the Bill. I would be interested to hear what other amendments may be introduced; it is unfortunate having to debate the Bill if we do not know of other amendments yet to be introduced. Perhaps the Minister could say how extensive they will be. In the Bill put forward by the Liberal Party we believe that the rate of compensation should be award rates plus over-award rates, and we suggest this realising that it will not cause undue hardship to the worker; he receives basically what he receives at work minus his overtime and certain other payments that are somewhat similar to the special payments referred to in the Minister's Bill.

Mr. McRae: What do you think he would have budgeted on?

Mr. DEAN BROWN: Probably some amount less than his full pay. If anyone budgets without considering unexpected expenses caused by contingencies, he is a poor budgeter and not carefully planning his finances. Anyone who budgets to the absolute limit of his finances will end up in trouble, even if he is a worker.

Mr. McRae: Most people have no other option.

Mr. Whitten: You just don't understand, do you?

The Hon. J. D. Wright: You are arguing for the employer all the time, and you do not have the common touch.

Mr. DEAN BROWN: We believe that the requirement of award plus over-award payments, as adopted in the other States (including a Labor State), clearly indicates that it is feasible and does not cause undue hardship. It was interesting to note that a Federal Labor Government was willing to accept the recommendations of the Woodhouse committee that 85 per cent of the average weekly payments should be paid.

The Hon. J. D. Wright: That was a different Bill.

Mr. DEAN BROWN: That would have replaced workmen's compensation.

The Hon. J. D. Wright: You can't compare the Woodhouse report with this Bill.

Mr. DEAN BROWN: It was a national compensation scheme on a 24-hour basis, and the recommendation was that the payment should be 85 per cent of the average weekly earnings. Therefore, I believe the recommendation put forward by the Liberal Party that was well above the 85 per cent of weekly earnings, unless the workman was working under rather exceptional circumstances, was a fair proposition. Unless the person is working overtime, it would equate closely to his full pay. The Liberal Party has suggested other amendments, and has recommended the apportionment of liability, a major factor that would help rehabilitation. If a person is injured, then recovers but perhaps accepts a lump sum or changes his job, it becomes difficult for him to become re-employed. Reverend Scott outlined this problem to the Minister, and the Minister referred to it in his second reading explanation. Reverend Scott said to me (and I presume he said the same thing to the Minister) that the rehabilitation problem was worse in South Australia than it was in any other State of Australia, and for some this seemed to be a unique characteristic of the South Australian legislation. This apportionment of liability will put the responsibility for that injury, irrespective of any recurrence, back on to the original employer, and therefore that injured worker who is now willing to go back into the work force, and is looking for a job, because he has changed jobs, but cannot find one, will say to his employer, who can say to his new insurance company, "There is no danger of having to pay excessive rates for this worker, because he can make a claim on his previous insurance company if there is a recurrence of the injury."

The Hon. J. D. Wright: How do you suggest we get him back into the work force?

Mr. DEAN BROWN: Adopting that amendment will be one major step. If the Minister wishes to interject, for goodness sake let him listen to what I am saying. That amendment that we put forward in our Bill previously in this House will be the most important measure to ensure rehabilitation of that injured worker. I was amazed that the apportionment of liability was not in the Government's Bill when it was introduced.

The Hon. J. D. Wright: I will prove to you why you're wrong when I reply.

Mr. DEAN BROWN: I am concerned about the effect of this on the worker. I believe that the apportionment of liability is the most important thing in helping injured people to get back to work. Earlier this year, the Minister threw a lot of criticism at the insurance companies, and I think he used the expression that they were a "rip off", or some such expression.

The Hon. J. D. Wright: And I was proved right, too.

Mr. DEAN BROWN: It is interesting to look at the statistics, because they show clearly that the insurance companies have not made a rip off in relation to workmen's compensation. I have quoted in this House cases where we believe that the State Government Insurance Commission has tended to quote premium rates for workmen's compensation as high as, if not higher than, premium rates offered by private insurance companies. In fact, in most cases the S.G.I.C. has been well over the private companies. I will quote to the House some cases where this has occurred. These are cases where figures have been quoted by the S.G.I.C. and by private insurers.

The Hon. J. D. Wright: Don't give us just two cases; give us 20.

Mr. DEAN BROWN: I have only 18, but I will give those. The cases are as follows:

Case	State Government Insurance Commission $	Private Insurers $
1	76 532	51 133
2	111 076	(i) 31 708
		(ii) 70 000

The Hon. J. D. WRIGHT: On a point of order, the honourable member is quoting from a document. I should like it tabled so that I can examine it.

The SPEAKER: Order! The honourable member cannot table a document—only a Minister can.

Mr. DEAN BROWN: The table continues:

Case	State Government Insurance Commission $	Private Insurers $
3	3 948	3 158
4	259 140	244 300
5	No quote (poor claims experience)	360 000
6	48 289	48 289
7	83 989	73 844
8	599 551	442 000
9	207 160	202 419
10	75 378	67 626
11	6 191	5 891
12	26 388	23 749
13	97 386	94 096
14	175 000	(i) 59 676
		(ii) 89 514
15	84 154	(i) 55 520
		(ii) 61 723
		(iii) 61 611
16	21 463	15 613
17	26 874	13 064
18	188 950	82 500

Mr. McRae: What are you trying to hide by not giving us the names of the companies and the specific cases?

Mr. DEAN BROWN: The Minister laid the accusation against private insurance companies that they are a "rip off", and I have quoted 18 cases to show that the S.G.I.C. has quoted well above the price of private insurance companies. If the Minister is prepared to describe private insurance companies as a "rip off" after hearing these cases, how would he describe his own insurance company, the S.G.I.C.?

The Hon. J. D. Wright: I will blow that apart when I get up to speak.

Members interjecting:

The SPEAKER: Order!

Mr. DEAN BROWN: Members opposite are always yelling and screaming about the present high unemployment figure. I am concerned about it. It was not caused by the present Federal Government. However, we are about to have legislation which will have a devastating effect on one particular industry—the brokers. The Minister is prepared to take action to put about half the broker employees out of a job. The Minister, by one sweep of his pen in introducing a Bill, is prepared to put approximately half the employees out of a job, and then he shrugs his shoulders when I bring the point up, as if to say, "I couldn't care about those individuals". That is the amount of respect he has for the workers. I am not defending the principals—I am defending the employees, who are the people who will lose their jobs. It will not be the principals; they will keep their jobs. It will be the employees.

We will put forward amendments which will make sure that there are adequate safeguards in that aspect of insurance, the brokers. We will put forward a three-point plan: first, that there must be disclosure of brokerage rates to the insured, or the employer, and those rates must be quoted to the insured, or the employer, before any brokerage or insurance rates are offered. Secondly, the actual brokerage can be paid either by the insurance company or by the employer, or the insured. In other words, we will now separate the actual premium for insurance from the brokerage fee. Thirdly, the actual insurance premium must be paid directly from the insured, or the employer, to the insurance company and cannot go through the broker. I believe that those three controls, which will not put half the industry out of a job, will more than adequately lay down the standard of ethics for that industry.

Mr. McRae: Do the insurance companies agree to that?

Mr. DEAN BROWN: I do not know whether or not they do. We have examined the industry with much care and have made what I believe is this adequate judgment to make sure that we have the highest possible standards. I hope that members opposite listened when a petition was presented this afternoon from 318 people, many of whom are employees. These people are concerned about the action that the Government is taking in the Bill against brokers. I ask members to heed the prayer in that petition, which states:

> Your petitioners therefore pray that your honourable House will reject completely sections 123e and 123f of the Bill for an Act to amend the Workmen's Compensation Act, 1971-1974 (No. 68).

I ask members opposite to heed that, because it would be most unfortunate if they put 100 people out of a job in the present economic circumstances.

The main point in the Bill is the rate of payment that a person receives while on workmen's compensation. The Government measure will introduce major new administrative problems, and that is well recognised already by the many people who have commented on the matter. Many employers have told me that they would rather work under the old system than under the new system of payment introduced by the Government. The Bill does not correct the major anomalies. It does correct one very minor anomaly, namely, that a person on compensation could receive much more through overtime payment than perhaps he could have received if he had been back at work. The Bill also corrects certain anomalies in the insurance area. The statement by the employers, to which I have just referred, is a damaging statement after a wait of 18 months for the introduction of the Bill.

Secondly (and this is the other important part of the Bill), it fails to take account of the rehabilitation problem. I ask the Government to carefully consider the amendments that the Liberal Party will put forward. They do not go the whole way towards solving the rehabilitation problem but they at least take the first major step. This evening I

have produced evidence from various groups that are concerned about that rehabilitation, and I also ask the Government to take heed of those groups. I will support the Bill into the Committee stage and then severely amend it to put some common sense back into the measure and, I hope, the Act.

Mr. ABBOTT (Spence): In supporting the Bill, I first commend the Minister of Labour and Industry for the amount of work that he and his department have put into its preparation. Indeed, the Minister has spent many hours in consultation with all concerned parties to try to obtain a Workmen's Compensation Act that is designed to satisfy employer, employee, and insurer alike. The Act has been revised in line with the Government's stated policy to eliminate the anomalies and difficulties that arose from time to time under the existing legislation.

The Act must be designed to compensate employees for injuries for which they are liable during the course of their employment. Whilst much concern has been expressed at the high cost of workmen's compensation, it has always been the policy of this Government to provide economic security to those workers who are injured during the course of their employment and, until such time as we can achieve the complete elimination of industrial accidents, compensation will remain a cost to all concerned. I do not think any member will see the day when all industrial accidents are eliminated. No-one can expect a worker to be able to support his family if he is put in a worse financial position than he would have been in if he had not been incapacitated, especially having regard to the present high cost of living. Similarly, a worker should not suffer financially through no fault of his own.

I believe that the majority of industrial accidents are caused through faulty work methods and faulty machinery and equipment, and again credit is due to the Minister and his department for the action already taken to improve legislation on standards of safety, health and welfare at the work place and action taken to strengthen the industrial safety inspectorate to see that the standard requirements are being observed. This is an extremely important area and one that could be strengthened even further. One need only cast one's mind back to the industrial accident last year at a factory in my district, where unfortunately a worker lost his life because he was performing a function that required a very high degree of skill and knowledge that he did not possess.

To me, that is the highest possible price that a worker and his family can possibly pay. These things go on everywhere, much more than we realise. I say openly and truthfully that I know of no trade union official who would support the concept of an injured workman's being paid more while off duty than he would receive if he remained at work. However, I do know that all trade union officials definitely will not accept that a worker should be in a worse position simply because he or she suffers an industrial accident, and the Government has redrafted the present section to give effect to the policy that a workman should be in no better or worse position than he would have been in if he had not been incapacitated.

The major changes proposed in clauses 18 to 20, dealing with insurance arrangements, are quite significant. The provision for the advisory committee, with Government, trade union, employer, and insurers represented on it, to administer those provisions and advise the Minister on levels of premiums and other matters, is most desirable. I now desire to quote from an address to the Western Regional Rehabilitation Advisory Committee by Mr. A. C. Saunders, Workmen's Compensation Officer of the Amalgamated Metal Workers Union on September 7, 1976. Mr. Saunders stated:

In almost every case we have insurance companies with the reason for becoming workmen's compensation insurers being primarily profit. Any benefits that a workman may derive out of the insurance company's interest in the workman are incidental to their primary motive of profit. Examples of that can easily be obtained when comparing the problems encountered by injured workers who are employed by Government departments and those who are employed in private industry. Fewer injured workers employed by Government departments have problems relating to compensation payments in comparison to those who are employed in private industry. Unions in general believe that a great number of the problems associated with work injuries could be removed if there was one body commissioned by the Government to look after workmen's compensation insurance. Of course, there should be safeguards built in to prevent people misusing this system, but the extremes that private insurance companies go to to prevent a workman from getting compensation should be eliminated. I can recall one incident where a workman was away from work for a few days because of a work-caused injury; this workman claimed compensation in accordance with the Act by completing a form 16 and his employer took an application under section 53 of the Act not to pay compensation. When this application was being heard, the solicitors we had engaged for our member discovered that the only reason for not wanting to pay the workman his compensation was that he had not completed the form 16 correctly and it was conceded that, if the workman was to fill out another form 16 inserting the correct date, compensation would be paid. All this caused the workman a great deal of emotional stress and financial worry as, like most workmen, he lived from week to week. He was finally paid his compensation. It cost the insurance company something in the order of around $300 to $400 for legal costs.

In the more serious cases where workmen have been away from work for a considerable period of time and are left with permanent disabilities and where the insurance companies, by technicalities, get out of paying workmen's compensation, invariably in the end we get our members compensation, but in the meantime the workman is put to severe emotional and financial stress, not only on himself, but also on his family. The trade union movement also believes that a workman should be able to elect whether he takes a lump-sum settlement or he takes an adequate pension, either in part or in full. Obviously, a workman in his late 50's or early 60's, who loses a hand, may well wish to go into retirement and take a lump-sum settlement to help him by. On the other hand, a young man in his late 20's who incurs the same type of injury is not looking for $16 000 and a doubtful future—what he is looking for is security for his family and the opportunity to be retrained or taught another trade.

Doubtless, Mr. Saunders supports the promotion of efficiency, the objectives of the new arrangements and the attention to matters of safety and rehabilitation to which the Minister has referred on many occasions. The problem of dismissals is far greater than members suspect. Many workers visit union officers complaining that they have been dismissed while they are receiving compensation or after having returned to employment following the payment of workers' compensation.

I believe it is not employers who pursue this policy as a matter of course: it is forced on them by the terms of their insurance policies. Most compensation insurance policies now have a cancellation provision allowing the insurer to cancel the policy upon a specific number of days' notice. As soon as a significant injury occurs in a given employer's work force, the insurer cancels the policy. It follows that the employer must unload that injured workman before a further policy can be obtained.

This matter is one that the advisory committee could well examine and advise the Minister accordingly. If we are to achieve lower costs and greater efficiency, it calls for much more co-operation from all the parties concerned. It was interesting to read that the Employers Federation Industrial Officer (Mr. T. M. Gregg) said that his federation agreed with the Minister's amendments, but he considered that there were still anomalies that concerned employers. I suppose that unions, insurers and workers can say exactly the same thing. One cannot satisfy every individual. I support the Bill.

Mr. COUMBE (Torrens): This is a long-awaited Bill, and all members will agree about that. However, after having examined the Bill in detail, I am disappointed about some anomalies and some disadvantages which exist in the present legislation and which seem not to be completely corrected by this Bill. Therefore, I suggest that the Bill needs substantial amendment and, if the Minister does not intend to do that, amendments will be moved on this side for his consideration.

When I have previously spoken on workmen's compensation principles I have always said that our approach on this side of the House has been to provide a Bill that is fair to both sides. If a workman is injured he should receive complete equity compensation and rehabilitation if that is necessary in the light of his injury. Also, his rights should be protected. Also, I have said that equity rights of the employer should be upheld against abuse. No-one could cavil about that.

I am puzzled about another aspect of the Bill, and it is a matter to which I have previously referred. I have said that we should produce a Bill which is simple and which is easily understood, because many people are involved in understanding workmen's compensation legislation. Workmen want to know what are their rights. They do not always understand the position, and they cannot be expected in some circumstances to understand such complicated legal language.

Therefore, such legislation must be easy to administer, because the community wants legislation that is streamlined, that does not produce delays and snags, that does not clog up the courts and, with due deference to the member for Playford, that does not provide a bonanza for lawyers.

Mr. McRae: It shouldn't.

Mr. COUMBE: True; that is what I am saying. The Bill should be simple and, if we are to amend it, we should get it right. The Bill introduced in 1973 was thought by some members to be as near perfect as possible; certainly, it was an improvement on many aspects of the old principle that applied, but certain defects were found to exist in it. Otherwise, we would not have this Bill before us.

There has been a peculiar history about this type of legislation in the past year. We had a Bill introduced in February which was withdrawn, and the Minister acknowledges that in his second reading explanation. This Bill seems to have been somewhat rushed. In his explanation of the Bill the Minister admitted this (I am not referring to the fact he could not get the printing done and that the Parliamentary Counsel had to work late, because that is understandable), saying that one of the reasons for the delay was the result of comments on a draft of the Bill made by the Industrial Development Advisory Council, and I agree that the council should make its comments on this legislation. The Minister stated:

As members will recall, the Government did not proceed with the Bill to amend this Act that I introduced last February because of the comments and representations then received.

The Minister went on to say:

Following a meeting of the I.D.A.C. late yesterday afternoon, the Government decided to make some alterations to the Bill. Although copies of the original Bill would have been available in printed form, the drafting of the amendments was not completed until the early hours of this morning.

The Bill has been rushed to get it through in time.

The Hon. J. D. Wright: Only the final part of it.

Mr. COUMBE: The Minister said he received representations "yesterday" (the day before the Bill was introduced) from I.D.A.C., the expert committee established to advise the Minister on this matter. I must read into his comments (and the Minister can reply shortly) that the proposals that the Minister had drafted for presentation to the House were not acceptable *in toto* to I.D.A.C., and it made representations to the Minister to have some of the provisions modified or altered.

The Hon. J. D. Wright: That did not make the whole of the Bill rushed, it made sections—

Mr. COUMBE: Sections of the Bill have been rushed or drawn up rather hurriedly.

The Hon. J. D. Wright: I could have kept it to next week, but in order to keep my word I brought it in. Don't be too cryptic about that or I'll give you something later.

Mr. COUMBE: I have made my position perfectly clear and I suggest to the Minister that he does not try to frighten or bluff me out of what I am going to say. If the Minister is trying to frighten or bluff anyone, I point out that it is usually the bully who comes off worst.

The Hon. J. D. Wright: I was completely honest about this in the House. I told you what would happen, and now you're being critical.

Mr. COUMBE: I suggest that the Minister look at what I have said, as reported in *Hansard*. He might change his opinion.

The Hon. R. G. Payne: He's been upset by the rubbish we heard from an earlier speaker.

Mr. COUMBE: The Minister was upset because of some of the barbs thrown at him by the previous speaker.

The Hon. R. G. Payne: Not by Dean Brown.

The Hon. J. D. Wright: I thought it was his worst performance ever.

The SPEAKER: Order! These interjections have no relevance to the debate.

Mr. COUMBE: I have read the Minister's speech, especially the long preamble that he introduced in the Bill, with interest, and I wondered whether he was making an apologia.

The Hon. J. D. Wright: Don't you think it was good?

Mr. COUMBE: It depends on the way in which one looks at it. It is an old Parliamentary trick to pad out a Bill and put many verbose things in it. I have looked at the Minister's interesting statistics and, although I am not sure that all of them were correct, I thought that some of them were correct.

The Hon. J. D. Wright: You're not sure they're wrong, either, are you?

Mr. COUMBE: I will comment on them. It is my right to comment on matters produced by the Minister. If I have a doubt about something, I will immediately question it, and my place to do so is in the House.

The Hon. J. D. Wright: No-one denies you that right.

Mr. COUMBE: I intend to question some of the Minister's comments. This goes back some little time to 1973, when the Minister's predecessor (Mr. McKee) was in charge of the Bill. The measure was debated at considerable length, and it finished up with a conference between the two Houses. I recall making a comment at the conclusion that, when the 1973 Bill went through, insurance premiums would increase by at least 100 per cent: I was wrong, because they increased by about 150 per cent. That was my personal experience of this matter, and it is borne out by many others. I am sure that the Government acknowledges that now. Recently, the Minister acknowledged that the present Act had created some problems, including the fact (and I am paraphrasing what the Minister said in a statement in the daily press) that a man could earn more if on compensation than when he was at work. The Government has acknowledged that industry is facing certain problems and that some workmen are facing serious problems, and the position has also caused some resentment between some members of the work force—between mates in the same factory, perhaps. Having said all that, I want to relieve the Minister's feelings immediately, because I am not going to traverse the whole provision in the Bill now.

However, I will comment on one main phase only, because I believe that it is a most important provision, not that I am relegating other sections to a minor position; they all have importance, but the one I will talk on is the weekly compensation provision, which was adopted in 1973 and on which much debate occurred at the time: much debate could occur again now. There has been much talk about the various types of compensation payable for injury on a weekly basis, and I am not talking about the tables or lump sums. The conspectus of workmen's compensation legislation in Australia, the one which is issued each year and which is available from the library, the latest edition being January this year, is always an interesting handbook. It gives comparisons between the various States, the Australian Commonwealth Territory, and the Northern Territory of the sums paid. What I suggest to the Minister is that the provision he has in the Bill about weekly payments is a most clumsy one. I speak as one who has worked as an apprentice and received payment, and one who has paid out, and not too many members could qualify in that regard. One of the facts we must look at is the administration of the Act. It must be simple, and I suggest to the Minister that the methods of payment he has suggested in the Bill would be completely clumsy as regards the operation in the pay office.

The Hon. J. D. Wright: I am not all that happy with that arrangement.

Mr. COUMBE: I believe that it would be clumsy and cumbersome. One could easily make a mistake and, undoubtedly, it could be a mistake one way or the other. The workman or the other party could appeal against what is paid.

The Hon. J. D. Wright: You wouldn't disagree with the right for the employer to appeal to decrease or the worker to appeal to increase, would you?

Mr. COUMBE: There should be some means of appealing, under the system suggested by the Minister, because I believe that it is so cumbersome that mistakes could be made either way.

The Hon. J. D. Wright: Are you willing to listen to an appropriate amendment on that?

Mr. COUMBE: I am willing to listen to anything at the appropriate time, but that can only be in Committee. My colleagues will be moving amendments, and I can tell the Minister now that we will listen to his amendments, provided that he shows us the same courtesy.

The Hon. J. D. Wright: I'm saying I will.

Mr. COUMBE: You'll listen to our amendments as well?

The Hon. J. D. Wright: Listen!

Mr. COUMBE: And, no doubt, give them serious consideration.

The Hon. J. D. Wright: I said I would listen, no more than that.

Mr. COUMBE: I suggest that one of the bugbears that has occurred in the past in this regard has been the question of overtime payments. There is not the slightest doubt in my mind that the inclusion of the overtime component in the weekly payments is the one that has caused all the strife. I suggest that what we should do is adopt what is in italics as full pay. Members know that full pay in the Commonwealth Industrial Conciliation and Arbitration Act expresses this as the award rate plus the over-award payment plus some allowances, but it excludes overtime payments; that is the principle expressed in the Act. I am suggesting that that means 100 per cent payment. Members must realise that this was suggested in 1973 by me, speaking on behalf of my Party, to increase it from the then 85 per cent, which was the going percentage at that time and which it had been for some years. I suggested that we go to 100 per cent, which was the full rate and, frankly, although the Minister was in the House at the time as a private member, this was almost accepted by his predecessor (Mr. McKee), until I think that pressure was brought to bear on the scene. I am afraid that what happened was that we have what is provided in the present Act, namely, the average weekly earnings for the past 12 months, which includes the overtime component.

The Hon. J. D. Wright: That was agreed at a conference between the two Houses.

Mr. COUMBE: Exactly. I have looked up *Hansard* to see what was said during the debate in this Chamber.

Dr. Eastick: From where did the pressure come?

Mr. COUMBE: From outside, and it was placed on the Government. At that time the view put forward by me and my colleagues was for 100 per cent, and that view was also expressed by members of another place. The then Minister of Labour and Industry (Hon. D. H. McKee) was about to accept it when he experienced pressure, which could have come from one place only.

The Hon. J. D. Wright: Who put pressure on the Legislative Council? They accepted it up there. Don't try to deny that.

Mr. COUMBE: No pressure was put on me then, and no pressure is being put on me now.

The Hon. J. D. Wright: Don't say it was put on the Hon. Mr. McKee.

Mr. COUMBE: Pressure was put on him; everyone acknowledged it at the time—it was so apparent.

The Hon. J. D. Wright: So did the retail traders put pressure on you.

The SPEAKER: Order! The discussion between the Minister and the member for Torrens has nothing to do with the Bill. I call the member for Torrens back to the Bill.

Mr. COUMBE: We should accept the concept of full pay, which is 100 per cent. Amendments will be moved by the member for Davenport to give effect to this principle. Incidentally, that was the basis of the Bill which was received from the other place and which

is still on members' files, but so far it has not been debated at great length; apparently it is going into limbo, with preference being given to the Bill now before the House. I also refer to the question of a person in two or more jobs; aggregation may occur.

The Hon. J. D. Wright: Your Government put it in the Act.

Mr. COUMBE: All right. I belong to a Party which can change its mind and which has a free will. I am waiting for the day when a Labor Party member crosses the floor and votes according to his conscience.

The Hon. J. D. Wright: When you were a Minister you did not change it.

Mr. COUMBE: I am perfectly aware of that. If the Minister recalls the history of the matter, he will realise it was not my fault.

The SPEAKER: Order! That matter has no relevance to this Bill.

Mr. COUMBE: I refer the Minister to *Hansard*, page 1726, of November 13, 1973, which deals with the debate on the previous Bill. It explains why I did not do what has been referred to; I was in hospital. This Bill needs amending. The Minister has almost admitted that he himself intends to move amendments. Because this Bill is therefore largely a Committee Bill, I will attempt to improve it in the Committee stage, as will the member for Davenport. I support the second reading of the Bill so that we can deal further with it in Committee.

Mr. McRAE secured the adjournment of the debate.

ADJOURNMENT

At 11.15 p.m. the House adjourned until Thursday, November 4, at 2 p.m.