HOUSE OF ASSEMBLY

Wednesday, April 27, 1977

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

PUBLIC WORKS COMMITTEE REPORTS

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

Blair Park South Primary School,

Christies Beach-Noarlunga District Sewerage Scheme—Phase II (Christies Creek Trunk Sewer).

Ordered that reports be printed.

QUESTIONS

GOVERNMENT FILMS

Mr. TONKIN: Will the Premier say how many of the Government's propaganda films have now been shown on television and at what total cost; what guidelines are given to the film producers by the Government; and how the Government justifies the use of taxpayers' money to promote its activities in this deceptive and biased way? About 10 (some people have said 12) of these five-minute Government propaganda films have been shown or have been prepared for showing at prime time on television, and all of them have promoted the Government in a most favourable light. Many of them have focused on the personality of the Premier, instead of using professionals, in spite of the employment difficulties confronting many actors and announcers.

Mr. Millhouse: He is a professional, though.

Mr. TONKIN: It may be said that he is a professional. I note that his attempts some time last year to try a soapbox television show apparently did not come to anything. The presentations have been unbalanced, showing only those aspects of each subject which the Government believes are advantageous. Inferences and implications replace balanced information and fact, as demonstrated by the last screening, *Be In It,* on Sunday evening, which wrongly gave the clear impression that the State Government was largely, if not solely, responsible for the Kadina Community Centre. The cost of producing and putting to air each of these propaganda films is estimated to be about $10 000, and these costs are met by the Government. With a Labor Party identification and authorisation, they could well pass for or be used as electioneering publicity. Certainly, as advertisements, they contravene the broadcasting regulations by exceeding the maximum allowable time of three minutes for films which are advertisements. How does the Government justify this massive expenditure of taxpayers' money on blatantly political and biased propaganda films promoting its own activities?

The Hon. D. A. DUNSTAN: The easiest answer, of course, to the Leader's question as he posed it originally is "Nothing", because no Government propaganda films have in fact been prepared or put on the air. The Leader chooses to let out with his diatribe on the subject of Government information films because, obviously enough, the Liberal Party regards it as extremely harmful to the kind of picture of South Australia it would like to present that the achievements of South Australians should be detailed to them on television. The Government information films provide factual information.

Mr. Tonkin: Of one sort.

The Hon. D. A. DUNSTAN: Obviously, the Leader does not like any facts which are good about South Australia to be published, and that is what he always calls propaganda. The Leader always hates anything positive about South Australia being published. He has been one of the best knockers of South Australia in its history.

Members interjecting:

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: The fact is that the need for Government information films has been amply demonstrated. In endeavouring to keep ratings high, the media in South Australia carry on with a policy which is well acknowledged in journalistic circles: a stirring story gets ratings and sells newspapers, but a story about positive achievements is too dull and boring to get high sales or high ratings. In consequence, it is difficult for the people in South Australia to find out the things happening in this State which are to their positive advantage. After every Government information film, we get a whole host of people telephoning or writing in and saying, "Thank you very much, we did not know that was happening."

Mr. Mathwin: "We would like your autograph"!

The Hon. D. A. DUNSTAN: I will admit that wherever I go in South Australia I am surrounded by people seeking it.

Members interjecting:

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: That is very nice, although I have to keep my hand in a fair amount of training.

Members interjecting:

The SPEAKER: Order! There has been enough interjection.

The Hon. D. A. DUNSTAN: The Leader can laugh, but of course he has noticed the fact on more than one occasion when he has been present.

Mr. Coumbe: Modesty is not your forté.

The Hon. D. A. DUNSTAN: That is quite true. False modesty, however, never was. The Leader has suggested that somehow or other I am depriving my fellow unionists of work by appearing in these Government information films. That is not true.

Mr. Tonkin: Why not?

The Hon. D. A. DUNSTAN: Because we do use professionals in them. Apparently the Leader did not bother to see the last information film, the one before that, or the one before that. I was not the commentator at all, as a matter of fact.

Mr. Tonkin: I didn't say you were in all of them, but you were in most of them.

The Hon. D. A. DUNSTAN: I have been involved in commentating in some cases and not in others. That was according to whether or not the script writer of the film thought that was suitable. As to my professional capacity, I can assure the Leader, that I am a card-carrying member of Actors and Announcers Equity. I have been for many years, since I was an official of that union.

The Hon. J. D. Corcoran: You were the Secretary.

The Hon. D. A. DUNSTAN: Yes. My work in the Government information films is undertaken with the support and approval of the union, so I do not think that the Leader has any reason to suggest that my fellow unionists are in any way upset by it, and he cannot represent himself as being a gladiator on their behalf in this

matter. As to the information film about which he spoke, the Leader very carefully did not quote it. Nowhere in the film was it said that the Government had paid the whole cost of the complex at Kadina.

Mr. Russack: It inferred that.

The Hon. D. A. DUNSTAN: It did not infer it (I do not know how it could); it did not imply it either. In actual fact, what was made clear was that we had supported the Kadina complex, that until 1976 there had been Federal Government support for these complexes, and that now, the Federal Government having withdrawn its support, the State Government had made up the then deficit caused by that in the funding. How in the world is that a suggestion, or could it be a suggestion, that the State Government had funded the whole of the complexes? It is completely contrary to what was said, and honourable members opposite know very well that that is the case.

Mr. Tonkin interjecting:

The Hon. D. A. DUNSTAN: The scripts of these films are prepared by a professional with the client department.

Mr. Tonkin: What about those written for you by—

The SPEAKER: Order! The honourable Leader of the Opposition has had his opportunity to ask a question. He knows that under Standing Orders he has no right whatever to ask supplementary questions. The honourable Premier.

The Hon. D. A. DUNSTAN: And the Leader's statement that any of these scripts have been written in Trades Hall is baseless and an utter falsehood, and he knows it; but that is the sort of thing to which he will resort. These films were and are, scripted by professionals working with the client department. The professional in this case had approached the local committee responsible for the complex in Kadina in order to represent it in the activity in which it was involved. So far from the Government's seeking partisan political propaganda in this matter, what did we do but display and give credit to the President of the Liberal Party as being in charge of the committee in this complex?

Mr. Evans: You used him up.

The Hon. D. A. DUNSTAN: That is not true. He was not used up in any way. There was no misrepresentation of him, his activities, or of the complex with which he was involved. I have on a number of occasions given considerable credit to Mr. Olsen for his involvement in that complex, and I continue to do so. His part in promoting the complex in Kadina was a wholly laudable one, and that is how we represented it and how we will continue to do so.

Mr. GOLDSWORTHY: Can the Premier say whether the Government will consider the production of films for use by SPELD and other such groups involved in the education of children with learning difficulties, instead of misusing taxpayers' money on propaganda films to advertise the Government? I understand that it is difficult to obtain material made in Australia, material which could be understood most easily by Australian children, and that films generally used in this work come from America and overseas and there are inherent language difficulties in pronunciation and so on, especially for children with special learning difficulties. It would seem a much more worthwhile effort if the facilities and money used in these Government films were directed towards some useful purpose, such as I have suggested. The Premier failed in his reply to the Leader to refer to the amount of money spent on these films. It is considerable; in fact, one report I recall in the *Australian* by, I think, Peter Ward formerly of the Premier's office, suggested that the amount spent on these films and other radio spots and so on by the Government since October last year was almost $1 000 000 (I think the figure of $900 000 was quoted in that article; it was certainly a large amount). We are interested in what these films are costing, and I hope that, whenever anyone sees these propaganda films, they will consider what is not being shown and the use that could be made of the money to help those in need.

The Hon. D. A. DUNSTAN: The honourable member in his question plainly pursues propaganda, but he does not bother about its accuracy. The suggestion that about $900 000 has been spent on these films is patently absurd, and I am sure the honourable member did not get that information from Peter Ward's article. I will bring down the figures for the honourable member.

Mr. Millhouse: When?

The Hon. D. A. DUNSTAN: As soon as I can get them.

Mr. Millhouse: Tomorrow? You know there won't be another sitting for three months.

The SPEAKER: Order! The honourable member for Mitcham is out of order.

The Hon. D. A. DUNSTAN: The honourable member will get his information. If I cannot get it by tomorrow, I will send him a letter.

Mr. Millhouse: I'll bet he doesn't get it tomorrow.

The Hon. D. A. DUNSTAN: If the honourable member goes on in that way, I will treat the question as he treated questions when he was a Minister.

Mr. Millhouse: Don't be silly: I gave answers promptly always.

The Hon. D. A. DUNSTAN: On the contrary, the honourable member took an enormous time to reply to questions.

The Hon. J. D. Corcoran: Some of them were never replied to at all.

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: Apparently honourable members have not bothered to look back at replies to questions given in this House about the cost of these films. They could get information from that source, but, as usual, they are not sufficiently active to do their own research.

Mr. Tonkin: Can you remember what those replies were?

The Hon. D. A. DUNSTAN: No, but the Leader could look for them. I have noticed a tendency on the part of members opposite that, instead of doing their own research, as is expected of members of this House, they proceed to ask questions and expect the Government to spend the time of Government servants to do what they should be doing for themselves. I will consider the question and let the honourable member have a reply on that subject.

The Hon. G. T. Virgo: Did you give them research assistance?

The Hon. D. A. DUNSTAN: Yes, but I do not know what they are using it for. Regarding SPELD, which I understand was supposed to be the gravamen of the question that the honourable member surrounded with all his perjorative remarks, the honourable member wished some films to be made for SPELD—

Mr. Goldsworthy: And other organisations.

The Hon. D. A. DUNSTAN: —and other organisations, to assist in learning difficulties. The State Government has already made several films about learning difficulties. This Government, through the Film Corporation and moneys made available to departments for films for their specific

needs, is far ahead of any other State in Australia in providing films in relation to education matters, not only generally for teachers but also regarding learning difficulties. I am not aware of films having been produced specifically for the SPELD organisation as such, but I will inquire about that matter. SPELD is able to apply to the Government for assistance in that area if that is what it seeks.

Mr. RUSSACK: Can the Premier substantiate the claim he made in the House yesterday that the film *Be In It* did not project anything misleading? He has said this afternoon that what he calls Government information films include only factual information. After re-examining the script of the film, will the Premier retract the statement he made yesterday? I will read part of the script, as follows:

The scene—tracking shot past the expanse outside facilities at the Kadina Leisure Centre. A series of shots indicates their diversity: tennis, soccer, hockey, football, etc. We see as many as possible in use. The last shot pans on to a general shot of the main buildings of the complex.

The narrator's voice says:

This is the new million dollar Community Leisure Centre at Kadina. The Recreation and Sport Division—

I take it that that is the Government department—

is committed to upgrading and constructing recreation and sports facilities throughout the State.

The next scene shows the interior of the complex, showing volleyball in the main hall, squash courts and the restaurant-social area. Young people are dancing to recorded music. The narrator's voice states:

When the Commonwealth Government withdrew its support for such schemes in 1976, the State Government agreed to cover the deficit, because it believes such facilities are essential to the community's well-being.

This gives the impression that the Commonwealth Government withdrew, but paid its share, Mr. Speaker.

Members interjecting:

The SPEAKER: Order!

Mr. RUSSACK: The film then shows a brief shot of the members of the organising committee of the Kadina centre working out programming details. Then it shows the Chairman (John Olsen) talking at the head of the table. He asks a question, which is interrupted by the narrator's voice. To give the sense, I will read the full question and also what the narrator says. The question is as follows:

Are there any questions about the cost or staging of the event in the stadium itself?

The narrator's voice states:

The Government provides the facilities, but it's up to the community to determine how they're used and organised.

After reading the script, it is evident that the impression is given that the centre was funded and provided by the State Government. I ask the Premier to reconsider and withdraw the misleading statement he made yesterday.

The Hon. D. A. DUNSTAN: I will do no such thing. The honourable member omits the fact that the script goes on to show subsequent leisure centres which are being built and in respect of which—

Members interjecting:

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: —the script makes clear that, when the Federal Government withdrew from funding, it was never the State Government that was doing the whole of the funding.

Mr. Russack: It says that the Federal Government withdrew.

The Hon. D. A. DUNSTAN: Exactly, and, in those circumstances, from the outset it is clear that the State Government is not claiming to have done the whole of the funding.

Mr. Russack: It says that, because the Commonwealth Government withdrew, the State then—

The Hon. D. A. DUNSTAN: Quite so, because for subsequent centres after 1976 (and the one being built at Blackwood was shown, although the honourable member has not mentioned that) the State Government came in in respect of the deficit.

Mr. Russack: The narrator was speaking about Kadina.

The Hon. D. A. DUNSTAN: The Blackwood centre was shown promptly thereafter.

Mr. Tonkin: Let's stick to Kadina.

The Hon. D. A. DUNSTAN: The honourable member wants to stick to Kadina, because he does not want to take in the whole of what the film did. It is clear from the total script that the Government was simply talking about the South Australian Government's having been in the funding for these centres and, when the Federal Government withdrew its share of the funding, the State Government picked up that share. In fact, of course, now in respect of all these centres with which we are proceeding we are funding two-thirds as from the Commonwealth's withdrawal. Kadina was simply taken as an example of a leisure centre which had been completed. We could have taken Whyalla, or other centres in South Australia. We showed one that had been completed and one in the course of completion at the moment in the district of either the member for Mitcham or the member for Fisher. It is in Blackwood.

Mr. Millhouse: I haven't got it in my district now. Bring yourself up to date.

The Hon. D. A. DUNSTAN: It is in Blackwood, whoever represents that area. In that centre, of course, the results of the 1976 withdrawal of the Federal Government are evident. There is nothing misleading about that at all. It is perfectly proper and perfectly factual.

Mr. EVANS: Can the Premier say whether the Federal Government actually promised to subsidise the building of the Blackwood sporting complex and whether the Fraser Government subsequently withdrew the promise? My interpretation of the script and of the actual film on Sunday evening was that the Blackwood complex was getting no funds from the Commonwealth Government and that the Premier implied that the Commonwealth Government promised money for the Blackwood complex and subsequently the promise had been withdrawn. We are pleased to have the project being built in my area, but I would like to know clearly whether the Federal Government did make a promise (maybe it was a previous Government) and whether the Fraser Government subsequently withdrew that promise. Was it actually a promise?

The Hon. D. A. DUNSTAN: I am not aware whether a commitment of funds had been obtained from the Federal Government in respect of the Blackwood complex. The script did not say that. I will find out for the honourable member whether there was such a commitment. The script said that in 1976 the Federal Government withdrew from funding in this area, that is perfectly true. I do not know why members opposite are supporting the Federal Government in that withdrawal from funding of these areas.

Mr. Evans: You referred to "such schemes"; do you mean the two?

The Hon. D. A. DUNSTAN: So they are. The schemes of providing leisure centres were to be funded according to the policy of the Federal Labor Government, adopted in the case of the Kadina complex, and the funding was to be on the basis of one-third from the Federal Government, one-third from the State Government, and one-third from various fundings by the local communities, either local government or fund raisings.

Mr. Evans: Would it surprise you to know that Blackwood is getting one-third from the Federal Government, too?

The Hon. D. A. DUNSTAN: It certainly would.

Mr. Evans: Well, it is—$132 000.

The Hon. D. A. DUNSTAN: I would be surprised to know that because the Federal Government announced its withdrawal from the funding in 1976. The reason why I assumed that that applied to the Blackwood complex is that the Blackwood complex is still being built. The position in the film is perfectly correct in saying that, on withdrawal of the Federal Government from this area of funding in 1976, the State Government has come in to pick up that deficit. We have done that in respect of all the forward planned leisure centres (and numbers of them are currently under construction) which were previously part of a programme of this kind throughout Australia and for which the Federal Government now provides no funds at all. For honourable members opposite to devote themselves to criticism of this film on the basis that they are defending the Federal Government's position in this matter is quite extraordinary. In fact, members opposite are obviously quite happy to see the Federal Government withdrawing from assistance to South Australia, and they are prepared to condemn the State Government of South Australia for saying that it has now had to pick up the tab.

Mr. BECKER: Can the Premier say whether tenders were called for the script writing and production of the so-called "Government Information Film", or were they just allocated to New Films Limited? There is no reason for the Minister of Transport to laugh; I quote from the *News* dated March 22, 1977, which states:

"The information films are telling taxpayers how their money is being spent," said Mr. Dunstan. The first in a series of five-minute advertisements appeared on all commercial television channels last night. The films were produced by the South Australian Film Corporation and presented by the Premier.

Later, the report states:

The information film was scripted largely by Mr. Dunstan himself.

In relation to the allocation of production of these films, what method has been adopted, and is the Film Corporation handling contracts, or are tenders called? In other words, who decides who gets the job of production?

The Hon. D. A. DUNSTAN: At the outset of the production of the films, proposals for the production of the film and for prices were obtained from a number of companies. After a consultation was held with the Film Corporation, a company was then decided on for, I think, the first six, or at any rate an initial number, of the films. After the first film the script writing, in fact, was done for a period largely by Mr. Peter Ward on contract, a contract which I may say he sought. The suggestion that he was ordered to do it seems rather strange. It is a suggestion he made in the press, but in fact Mr. Ward sought a contract to be responsible for these films. He had a contract for a period until he joined the *Australian*, when he terminated the contract. At that time a separate script writer was engaged at the suggestion of the Film Corporation. For the last, I think, three films, a new company has been undertaking the production. That was after the previous arrangement for the initial group of films had run out. The Film Corporation recommended, after examination of proposals made by competing companies, that the contract should be awarded to the company which is at present producing them.

SCHOOL DENTAL CLINICS

Mr. LANGLEY: Can the Minister of Education inform the House when dental health services for scholars will be fully implemented in this State? Members of school committees and councils in the Unley District have told me that the position at the moment is not quite satisfactory and that they hope there will be an improvement in the future.

The Hon. D. J. HOPGOOD: The matter to which the honourable member refers is, of course, the dental health service through the schools, by means of which clinics are set up in a school. It was originally hoped, when this scheme was introduced, that it would be possible fairly quickly to extend the ambit of any one particular clinic beyond the school where it was located so that it would be able to service (if that is the correct word) students at surrounding schools. Such, however, is the appalling dental health of this country that it has been found it is a rather more extensive job at any one school than we realised. However, there are some places where gradually, as a result of a clinic having operated in the school for some time, it has been possible to extend the service to surrounding schools. The strategy has been to use mobile clinics wherever possible in country areas, where of course it would never be possible to have a clinic in all of the country schools, particularly the very small schools (one-teacher and two-teacher schools), and to begin the programme in the metropolitan area by placing these clinics at the larger schools. I am referring to primary schools with enrolments of between 600 and 700 pupils. It is hoped that, with the programme as it has proceeded so far, it will be possible to have what we regard as universal satisfactory cover by 1980. At least that is the target date, and in view of the progress so far achieved, I see no reason for our resiling from that position. Concerning the Unley District, I do not know the specific schools at which the clinics exist or which schools require a clinic, but if the honourable member will give me that information I will obtain further details for him as to which schools are likely next to be so favoured by one of the clinics, which are generally regarded as being extremely beneficial to the dental health of the children.

ROWING

Mr. OLSON: Will the Minister of Education consider providing funds for equipment to enable schoolboys in the Port Adelaide area to develop rowing techniques? I have received from students aged between 13 and 18 years at the LeFevre Technical High School, Taperoo High School and Royal Park High School numerous requests to attend rowing instruction and training at the Port Adelaide Rowing Club. These requests followed an invitation, extended in a local paper by the club, to which 49 lads responded. Because the club is not able financially to meet the full cost of about $5 000 for an additional eight-oar rowing shell for this purpose, will the Minister consider the part-funding of the rowing shell to permit the lads to receive year-round instruction from club officials who are giving their time to develop youth in this fine sport?

The Hon. D. J. HOPGOOD: The direct funding of specific items of sporting equipment is not normally a responsibility taken on by the Education Department. I will certainly take up the matter with my officers in view of the obvious worthwhile nature of the scheme outlined by the honourable member. It could be that the local high schools

should get together on this matter to ascertain what they could contribute from their own resources, and then perhaps a concerted approach to the department might produce further assistance. I assume that Taperoo High School, Royal Park High School and LeFevre Technical High School would be involved as the source schools of students for this programme. That is about as much as I can tell the honourable member now, but I will take up the matter and report back to him when I have had a chance to discuss it with my department.

WILKINS SERVIS

Mr. WHITTEN: Will the Premier provide information in relation to the export of washing machines to other countries under arrangements entered into by Wilkins Servis Proprietary Limited? Recently, Opposition members were vocal in condemning the assistance that Wilkins Servis had received in continuing its work and operation in Elizabeth. The company sold its factory to the Housing Trust, and a lease-back arrangement was entered into with the trust. Opposition members have been knocking for some time, and they are concerned that the company in Elizabeth should be viable. It would appear, from information that has come to me, that Wilkins Servis has been able to supply many washing machines to countries in the Middle-East. I believe the machines are a reliable product and a credit to South Australia. Has the Premier any information on this company?

The Hon. D. A. DUNSTAN: This company and others assisted by the South Australian Government have been under gross and irresponsible abuse and attack by the member for Davenport. That is bitterly resented by the companies concerned. The assistance given by the Industries Assistance Corporation to companies in South Australia is signal, but it is extraordinary that, where a company obtains a deal with the Government in South Australia which enables it to provide not only existing but expanded employment opportunities within the State, the honourable member then attacks the Government and that company says, "Well, there should not be any form of involvement by the Government of this State in the development of companies in South Australia; rather, we should reduce land tax, workmen's compensation and pay-roll tax, and that is the only assistance that should be given." Wilkins Servis was subjected to utterly irresponsible suggestions that it had been given assistance directly from the Industries Assistance Corporation and had been placed in receivership. That is completely wrong. It is quite untrue, and, by those who have engendered that kind of report, utterly irresponsible. Wilkins Servis—

Mr. Dean Brown: That was editorial comment.

The Hon. D. A. DUNSTAN: The honourable member promoted the attack on Wilkins Servis. The Liberal Party in South Australia had better say where it stands on this matter. Is the member for Davenport its spokesman? Is the position the Liberal Party is taking in South Australia that all assistance through guarantees by the Industries Assistance Corporation, the Housing Trust and the Industries Development Committee be withdrawn from industry in South Australia? Is the Liberal Party policy that all of that must be withdrawn and that in its place the Government of South Australia should, by saving that money, reduce pay-roll tax and workmen's compensation as the appropriate assistance to be given to industry in South Australia? Reductions in land tax and the provision of pay-roll tax concessions and lower workmen's compensation rates would not have given the injection of capital funds which Wilkins Servis was properly seeking and which it got through a perfectly proper and normal deal with the Housing Trust of a kind previously undertaken by the Playford Government. This is apparently condemned by the present Opposition to the bitter resentment of industrialists in South Australia who have been widely involved in the kind of assistance provided to them by this Government. If the Liberal Party is not prepared to deny what the member for Davenport has been putting forward publicly, I assure it that I will not have any reason not to put forward to industrialists in South Australia just what its policy is.

ANSTEY HILL TREATMENT PLANT

Mrs. BYRNE: Will the Minister of Works obtain for me a report on the progress made to date on the Anstey Hill water treatment plant, together with any other relevant information?

The Hon. J. D. CORCORAN: I visited the site recently, and it is on schedule. It is expected that in about mid-1979 it will be providing crystal clear water to many of the honourable member's constituents. I will get a detailed report for the honourable member and let her have it as soon as possible.

RESERVOIRS

Mr. COUMBE: Can the Minister of Works say why the Government is not planning to construct further reservoirs to serve the metropolitan area? The cost of pumping water from the Murray River to Adelaide is shown on the Estimates this year as $2 700 000, but the cost given to me in a reply by the Minister will reach $3 285 000 for this financial year. Next year it could be up or down, according to the season. Because of the need to conserve power and of the rising costs involved, why has the Government no plans for additional reservoirs to store water for the metropolitan area? What has happened to the plan to construct Clarendon reservoir to take the overflow from Mount Bold? Has that plan, which received much publicity when it was announced, now been dropped? The Minister, in his reply to me, said that the Government had no plans to construct further reservoirs in the immediate future.

The Hon. J. D. CORCORAN: I suggest to the honourable member that "immediate" is the operative word. The honourable member would recall that it was announced that Clarendon reservoir would not be proceeded with possibly until about the turn of this century. There will be no need for it up to that time. We are constantly assessing the needs of the State and our resources to serve those needs. The honourable member would appreciate also that the more water we pump the more effective we make the system which is there whether we pump or not. We have to bear the capital and interest repayments on the vast network of pipelines that we use to augment the catchment areas serving the metropolitan area. The honourable member would appreciate that the system was well and truly tested during the past summer. We have ample capacity at present to meet any demands that will be made on the system. The campaign launched in relation to saving water had nothing to do with the fact that we could not supply it: it was to warn people that, if they used water without some degree of caution, they could receive a large excess water account. There is no need at this

time to construct further reservoirs, and it will not be necessary in the immediate future. However, by the turn of the century or slightly beyond that Clarendon reservoir will be proceeded with, because that is the next dam on the programme. That is not to say that the department is not examining further areas of conservation: it is constantly assessing the situation. There is no need to construct the reservoir now and, despite the fact that the honourable member emphasised pumping costs, I make the point that the system is there and the more we pump the less costly is the system to the taxpayers of this State.

COUNTRY ABATTOIR

Mr. VENNING: Does the member for Pirie support the State Government's policy to control the killing of meat in country slaughterhouses? Also, apropos that policy, will the member for Pirie be doing everything possible to promote the abattoir at Port Pirie as the killing centre for as large an area as possible? An article in the *Recorder* a few weeks ago, when the Minister of Agriculture was visiting Port Pirie, states:

Mr. Connelly said yesterday the State Government was introducing legislation to control the killing of meat in country slaughterhouses. He said that, as a public abattoir, the Pirie works were vitally concerned with the effects of the legislation. "We want to do everything possible to promote the abattoir as the killing centre for as large an area as possible," Mr. Connelly said.

I therefore ask the honourable member whether he was correctly reported in the *Recorder* and whether, when the legislation comes before the House, he will support it in principle.

The SPEAKER: I trust that the honourable member for Rocky River realises that he cannot really ask me that question, because I am not responsible for legislation regarding killing or slaughterhouses in this State. Therefore, I am not responsible—only the Minister is responsible. As Chairman of the Port Pirie abattoir for many years, I can say that we have been slaughtering for a wide area, an area as far south as Kadina and as far north as Alice Springs. We have also slaughtered for Whyalla and many other centres. Port Pirie abattoir, as a public utility funded by the public of Port Pirie, will continue along those lines.

PUBLIC TRANSPORT

Mr. MATHWIN: Can the Minister of Transport say when, if ever, it is expected that a bus service, or public transport service, will be provided for people living in the Glenelg, Warradale or Brighton area who must attend Flinders Medical Centre either as patients, out-patients or as people visiting relatives who are in that hospital? The Minister would be well aware that the people to whom I have referred can get only as far as the Marion Shopping Centre by public transport. The Minister would be aware that all people, especially aged people, do not have their own transport, and no provision is made for them to get to the hospital. The Minister would also be aware that a bus service is provided to Flinders University. He would also be aware that many people who attend Flinders Medical Centre as out-patients and who visit the hospital are aged and over retirement age. The Minister would also be aware that a massive parking problem exists at the hospital. I therefore ask the Minister when, if ever, a bus service will be provided for these people.

The Hon. G. T. VIRGO: The honourable member's question contained several statements commencing "the Minister would be aware": I can assure the honourable member that I am aware of all the matters to which he referred, with one exception, that I do not know that a massive parking problem exists at the hospital. Such a problem could exist, but I do not know about it: it is not within my province. However, I have indicated previously to the honourable member, but I will repeat it today, that for my part the present transport system that purports to serve Flinders Medical Centre is not providing service at an adequate level. That lack of service applies to residents not only of Glenelg, Brighton and Warradale but also of many other areas, not the least of which happens to be close to my own home. Not only is my area not adequately served but the same could be said of the area of the Minister of Community Welfare, the Minister of Labour and Industry, and many other areas, too. I readily acknowledge that the public transport service to Flinders Medical Centre must be improved by the provision of an additional bus service. I gave that information to the honourable member some time ago. It is regrettable that even now I cannot say just how quickly that service can be provided.

Mr. Mathwin: You were going to do it when you provided the Morphettville bus depot. You said that that depot would overcome all the problems.

The SPEAKER: Order!

The Hon. G. T. VIRGO: That is typical of the misrepresentation into which the member for Glenelg persistently enters, because at no stage did I say that the opening of the Morphettville bus depot would overcome all the problems, and it is grossly improper for the honourable member to say that I did. I know that these are the kinds of thing he puts around his area. The plain facts are (I have persistently said it before, but I will say it again for the honourable member's benefit) that we are still desperately waiting for new buses, and I do not expect him to be even interested to know that we have only now received the second Volvo bus. This is the area of private enterprise on which the honourable member is always expounding. The Premier drove the first one off on February 23, and two days ago we got the second one. Another 308 Volvo chassis and about 70 A.E.C. swift chassis are waiting to have bodies put on them. Until those new buses come on to the road, I regret to say that it is not possible to provide the service that is so clearly needed at the centre. However, I assure the honourable member again that, as soon as it is possible to provide that service, it will be provided.

MONARTO

Mr. WARDLE: Can the Minister in charge of housing inform the House of the actual price an acre paid by the Government for all land within and outside the designated area of Monarto? I refer to the statement the Minister made (I know that he was in a rather piquish mood when he made it) on Thursday, April 21, wherein he said:

Furthermore, the cost of the purchase of the land, together with the planning studies already undertaken, amounts to a cost of less than $400 per acre.

I hope that, in considering my question, the Minister will deduct, in the case of Sturt Street Processors, the amount of assets that would be included in the sum paid to that company outside the cost of the actual land: otherwise, I

imagine that the cost per acre includes, from farm to farm, all other assets. I should be pleased if the Minister could give me that information.

The Hon. HUGH HUDSON: The figure at which I arrived arose in the following way: the total amount spent on the Monarto project, including the purchase of land, including the purchase of Sturt Street Processors—

Mr. Millhouse: And including the $40 000—

The SPEAKER: Order! The honourable member is out of order with his interjection.

The Hon. HUGH HUDSON: The amount paid was paid on the best legal advice available to the Government, and the Government does not use the member for Mitcham as a legal adviser.

Mr. Millhouse: You knew you were going to lose—

The SPEAKER: Order! The honourable member for Mitcham is out of order.

Mr. Millhouse: He was trying to insult me.

The SPEAKER: Order!

The Hon. HUGH HUDSON: It is very easy to insult the member for Mitcham. The total amount paid, including Sturt Street Processors, and including the cost of planning studies, was $18 200 000 for about 19 000 hectares within and without the designated site. The total cost of the Monarto project was something less than $1 000 a hectare, or something less than $400 an acre (at 2½ acres to a hectare). That figure, therefore, includes all of the cost of the planning studies, and the Sturt Street Processors figure as well.

Mr. Wardle: The land itself wouldn't be $100.

The Hon. HUGH HUDSON: I am unable to give that figure.

Mr. Wardle: But that's my question.

The Hon. HUGH HUDSON: The valuation with respect to Sturt Street Processors was a total valuation on the reinstatement value of the company. That was the only case in which the valuation occurred on that basis. I have detailed to this House, as the honourable member would be aware, the attempts that I made to negotiate a return of the land to Sturt Street Processors. They were unsuccessful, and I have indicated that I think that Sturt Street Processors saw an opportunity and took it. Be that as it may—

Mr. Millhouse: You gave them the opportunity.

The Hon. HUGH HUDSON: Be that as it may, and I do not intend to answer the interjection—

Mr. Millhouse: You can't.

The Hon. HUGH HUDSON: I can answer any interjection of the member for Mitcham if I want to, but I am under a ruling from the Speaker that they are out of order and they should not be answered. The total planning studies and the cost of planning studies undertaken by the Monarto commission represents, I think, something of the order of 30 per cent to 33 per cent of the total cost of the Monarto project to date; therefore, the cost of land, including all land within and without the site, is less than $230 an acre on average.

Mr. Wardle: A lot less.

The Hon. HUGH HUDSON: I said the average over the whole site. That includes the total value of Sturt Street Processors, which was $3 250 000 and which would represent some 25 per cent of the remaining costs after I had excluded the cost of the planning studies. If the honourable member wants a more detailed reply as to the average cost an acre of land on the Monarto site, excluding and including the Sturt Street Processors, I shall be pleased to get that information for him.

Mr. Millhouse: You won't get it, either!

The Hon. HUGH HUDSON: The member for Mitcham once again is saying something that is completely and utterly without foundation.

DONOVAN'S LANDING

Mr. VANDEPEER: Will the Minister of Works ask the Minister of Forests to support retired couples and pensioners living at Donovan's Landing who are concerned at the proposed planting of a Woods and Forests Department pine forest within 100ft. of their houses, and would he approach the department to have the minimum distance between the forest and the houses increased to 100 metres? I raise this matter in Question Time because it has been pursued previously and the people living at Donovan's Landing have not received satisfaction regarding their claims about the danger that would be caused to their houses by bringing a forest within such a distance of them. At present, a lane runs along the back of the row of houses at Donovan's Landing. It is said to be only 40ft. wide, and the department proposes to bring the forest within 60ft. of that lane. A distance of about 33 metres is not usually considered a sufficient distance to keep fire away from the houses. Apart from the danger of fire, the pines are inclined to block out the sun, as the Minister would well know. These couples have retired to a secluded area on the banks of the Glenelg River, and they find themselves being enclosed by our modern society, namely, by a pine forest. They are most concerned, and I ask the Minister to take up this matter with the Woods and Forests Department to see whether their concern can be allayed.

The Hon. J. D. CORCORAN: I shall be pleased to do that for the member for Millicent, and I am certain that the Minister of Forests would view the matter sympathetically. It is true, as the honourable member has said, that it is rather dangerous, particularly in summer, to be located so close to a forest. Anyone who has ever seen a block of pines catch fire will understand what I mean. I shall be pleased to ask the Minister of Forests to examine the matter and reply to the honourable member, possibly by letter, as soon as possible.

At 3.5 p.m., the bells having been rung:

The SPEAKER: Call on the business of the day.

LIBRARIES AND INSTITUTES ACT AMENDMENT BILL

Second reading.

The Hon. D. J. HOPGOOD (Minister of Education): I move:

That this Bill be now read a second time.

This short measure is intended to clarify the position of the Libraries Board in respect of the promotion and encouragement of library services. The State Librarian considers that a planned programme of publicity for libraries and library services could do much to encourage local governments to establish and improve public libraries in their areas. The Bill amends section 20 of the Libraries and Institutes Act to include in the powers of the board the general power to engage in promotional activity.

Clause 1 is formal. Clause 2 amends section 20 of the principal Act to enable the Libraries Board to promote and encourage the establishment or improvement of libraries and library services.

Mr. ALLISON (Mount Gambier): Section 20 (5) of the principal Act states that the board may, out of moneys voted by Parliament, provide such library services or book-lending services, in addition to the State Library, as the board thinks fit. The amendment before us gives an interesting turn, and I hope the significance of the Bill is not missed by the people who would be responsible for the operation of the amendment. The amendment gives the Libraries Board a chance to promote and encourage the establishment or improvement of, or provide for, library services, and it is that opportunity now to promote and encourage the extension of library services in South Australia which is a challenge.

In 1975, the Horton committee, which investigated public libraries throughout Australia and handed down what is known as the Horton report, commented on the South Australian situation and said that initiative for the establishment of service rests with local government authorities which bear capital and staff costs, although they do receive subsidies. Continuation of this prerogative of initiation is favoured by the Libraries Board, despite the fact that in rural areas particularly the existence of the subscription institute libraries (of which there are still 160) has tended to inhibit public library development.

We would hope that, with the bringing forward of this amendment to the original Act, the Libraries Board will attack the problem with a good deal of vigour and enthusiasm, certainly more than was displayed apparently when the Horton committee was examining the board's work. One would hope that it would be recognised that, having applied to the Federal Government for some $44 000 000 to be spent over 14 years and, I think, $6 000 000 to be spent over the next four or five years, they would at the same time, with similar enthusiasm, use this power to promote and encourage libraries in South Australia and to sell libraries with tremendous vigour.

There is no doubt that many people in the community, representing about the 70 per cent of people not using libraries efficiently at the moment, need to have libraries sold to them. The Libraries Board can go out into the community and tell us all exactly how libraries can help us sociologically, culturally, ethnologically, industrially, and economically. There is a whole host of things that libraries can do for us which we are not aware of until we are told or until we sample the wares. Now we see the opportunity for the Libraries Board to try to encourage the State Government and local government, in addition to the Commonwealth Government, from which it has already solicited funds, to come to the party probably on a one-third, one-third, one-third basis and to really get somewhere in selling the State library system.

I find the Bill before us encouraging in view of the measure which was brought before this House last evening and on which I spoke in a similar vein. I do not intend to repeat what I said then, although it is equally relevant to the Bill before us. I hope that the Libraries Board will encourage councils to grasp that nettle that I said last evening had not been grasped. The board must encourage councils to help the institutes and public library system to amalgamate so that, instead of having 160 fee-paying libraries, we will have that 160, plus the existing municipal libraries, giving a free service to the community. There is no doubt that fee-paying libraries tremendously inhibit the number of people who will go voluntarily to use library services. Apart from that, the State Library system is one of cataloguing, classification and quick access to books, whereas the institute libraries have had a poor system of cataloguing and classification and a poor system of retrieval. They have filled a need, particularly in country areas, but one would hope that with vigour and enthusiasm the Libraries Board will go forward to sell its product.

One would also hope that, when it solicits assistance from the State Government, it will receive help from the Minister. The Minister, in introducing a Bill of this kind, has given his approval to the whole idea, and presumably he will give more than just verbal encouragement. At the same time, as a professional librarian, one would hope that any grants made available to the Libraries Board will be untied and not propaganda grants to sell only Government departments, although I would not exclude Government departments from the list of services I would expect to see advertised extensively through Government library services.

Much work has to be done in selling library services to businesses, industry and commerce, and State and local governments, because many things can be discovered readily from a free library service system, especially if one has adequate professional staff interested in getting information over to the public quickly. I welcome this move. Although this is a small Bill, I think it can, given the correct approach from the Libraries Board, be a great step forward in pushing libraries before the public in South Australia.

Mr. MATHWIN (Glenelg): I support the Bill, but I register my objection about the way in which it has been introduced today. Within a few minutes we are expected to deal with it. The Minister's explanation is only a few paragraphs. Although it is a short Bill, we are expected to deal with it straight away.

It is expected to be passed through this House within a few minutes. I would like a few queries answered. In his second reading explanation, the Minister states:

> The State Librarian considers that a planned programme of publicity for libraries and library services could do much to encourage local governments to establish and improve public libraries in their areas.

I would agree with that to some extent. However, I would like to know who will do it. Will it be done by way of a series of propaganda films of the type referred to in Question Time today? Will the Premier be the chief actor in this area, or will it be the Minister himself? I support the Bill because there is a need in some of the outer parts of the metropolitan area and country areas for an extension in public library services, and that can only do good. When I was associated with local government some years ago, I knew that a subsidy was given to local government only after the State Librarian had vetted the list of books to be purchased. This situation may have changed since 1972, when my association with local government ceased. I support the Bill.

The Hon. D. J. HOPGOOD (Minister of Education): The previous speaker has thrown me off my stride a bit because I was all ready to thank the Opposition very much for its consideration in allowing this Bill to proceed without adjournment. I would have been prepared, as of course is natural, to allow adjournment of the measure

if indeed that had been required, but I negotiated with the Opposition and the understanding was that, in view of the straight-forward nature of the measure and the fact that it had already been debated in another place and received its approval without amendment, and because we have only one day before prorogation, we should proceed today.

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

FISHERIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from April 26. Page 3736.)

Mr. MILLHOUSE (Mitcham): It is refreshing for me to have the adjournment on a Bill. I think it is the first time since I was summarily dismissed as Deputy Leader of the Opposition that I have had this opportunity. I once did get it in similar circumstances when the Liberal Party was asleep. At that time the present member for Light, who was then Leader of the Opposition, did not blunder to his feet to get the adjournment on, I think, the Privacy Bill.

The SPEAKER: Order! I hope the honourable member will now come back to the Bill.

Mr. MILLHOUSE: Yes. On that occasion the debate did not go on because the Government, to save the face of the Liberals, did not bring it on before the end of the session, so this is the first opportunity I have had to lead for this side of the House in a debate. Even though it was fortuitous because the Liberals were asleep and did not bother to seek the adjournment in the debate, it is nevertheless refreshing to have the opportunity.

I want to say a few things about the Bill and about the Government's fisheries policy, which is the reason for this Bill. I support the second reading. I mention only two clauses in the Bill to which I take exception. It may be that the so-called shadow Minister of Fisheries will have some other detailed comments about it. Clause 9 provides one of those unpleasant reversals of the onus of proof. I notice it was not objected to in another place and certainly section 57, to which it is proposed to be an addition, already does reverse the onus of proof in many instances. I do not like any of them, and I am certainly not prepared to see another added to the list. This is what is proposed in subsection (9a), which is to be enacted by clause 9 of the Bill:

Where in proceedings for an offence against this Act it is proved that fish were in the possession or control of a person it shall be presumed in the absence of proof to the contrary that those fish were taken by that person.

I do not like that. No reason, no specific instance, has been given as to why it is necessary to change the onus of proof in this way. All that the Minister was moved to say in his second reading explanation (and this provision was commended to our particular attention: I might not have picked it up otherwise) was the following:

It proposes an evidentiary provision to the effect that fish in the possession of a person will give rise to a presumption that those fish were taken by that person. The need for such a presumption is clear, since it is very difficult to adduce direct evidence as to taking in most circumstances.

Since that Act came in in 1971 there have been, as I understand, a number of prosecutions, some of which have succeeded and others of which have been a most appalling mess. Some have succeeded, however, and it has not been necessary in those cases to reverse the onus of proof. This is simply another example of the Government's making it easy for itself with the aid of Parliament. I propose to vote against clause 9.

Let us come now to a clause which I regard as even more suspect, that is, clause 6. It is interesting that proposed new section 37 (because clause 6 of the Bill repeals the present section 37 of the Act and inserts a new section in its place), in fact, was put in in another place by amendment. There was no debate whatever on either side of the Council, and it simply went through on the voices. It is a pity that it was not more carefully scrutinised before it reached here. I suggest to honourable members that they have a close look at the proposed new section. This is what the Minister (or the draftsman, more accurately) said when he wrote the speech:

This section replaces old section 37 which gives the Minister power to revoke most important licences and authorities under the principal Act by giving him also the somewhat lesser power to suspend those licences and permits, since it is felt that a simple power to revoke is too Draconic.

That sounds beaut! It sounds as though the Government, acting in a spirit of moderation, is reducing the powers of the Minister, but not a bit of it. What this provision does is, in fact, amplify the power of the Minister, directly contrary to what the Minister of Fisheries said in another place (that it did not extend its powers). It does.

Mr. Gunn: He doesn't know what he's talking about.

Mr. MILLHOUSE: The honourable member for Eyre is right for once, certainly on this point. The significance of this is to make the revocation and suspension of licences a purely political act. It takes away altogether, as I understand the purport of the provision, from the courts any possible jurisdiction they may have in this matter. What it will mean is that if a person in future has his licence either revoked or suspended he will have no appeal whatever, except what could be called a political one. If members think that that is going to be an effective appeal, they ought to think again, because, once this gets into complete Ministerial control, good-bye appeal. There is, in fact, no appeal whatever. The Minister is fireproof: one cannot get at him. Parliament sits for about 15 weeks in the year, and one cannot even, most times, ask a question in this place about the matter, so let honourable members have a good look at clause 6 on that ground. Let us now look at the provision itself. Section 37 (1) of the Act provides:

the holder of a fishing licence or permit to take fish—

I remark on those two: only the holder of a fishing licence or a permit to take fish—

may surrender the licence or permit at any time.

That sounds like a voluntary act, and probably it is. Subsection (2) is the one to which I take very great exception. It states:

The Minister may revoke any fishing licence or permit to take fish.

He is given power to revoke a fishing licence or a permit to take fish: that is the only power he has under the section. What is he going to be allowed to do in future? His power is very much wider than that.

First, if we look at clause 6, we see that a definition of "authority" is inserted. That definition covers not only subsection (2) in the present section but also a licence, permit, certificate of registration, authorisation certificate, franchise, lease, or licence provided for under this Act. That very greatly widens the power of the Minister to take away any sort of permission that may have been

granted under this Act. Let honourable members beware of that. I must acknowledge that the Act is by no means perfect in its present form.

Mr. Gunn: Have a look at section 34, the right of appeal to a magistrate.

Mr. MILLHOUSE: I will get to section 34 later by way of amendment to put back something the old gentlemen upstairs took out. I now quote what His Honour the Chief Justice said in the *Queen v. Olson, ex parte Vahlberg and Vahlberg* as follows:

The Fisheries Act, 1971, and the regulations made thereunder set up a legislative scheme for the regulation of the fishing industry. Unfortunately, it is marked by incoherences, inconsistencies, hiatuses and ambiguities.

The Government is intent on clearing up one of them, that is, the power of the Minister alone to revoke or suspend any sort of a permission or licence, certificate of registration for a boat, whatever you like, under the Act. I do not propose to say any more about that. I want now to say something rather wider, although it is linked to this clause, I think, about Government policy under the Fisheries Act. It concerns the Raptis organisation. I first became interested in this problem when I looked at the *Advertiser* of February 1, the lead story on page 1, which was headed "A. Raptis & Sons is moving its $10 000 000 a year fishing industry away from South Australia". The report states:

Mr. Raptis has cancelled plans for a $200 000 extension to his Bowden factory which has already cost him $10 000 and has dropped a proposal to build a $100 000 workshop at the port.

Behind that story lies the deliberate expulsion from South Australia of a large, successful and still growing industry which employs at least 200 people. The member for Eyre is going to jump in, but this time he will not be right, if I understood his interjection. I cannot for the life of me understand why the Liberal Party has stood by idly and said nothing about what is, to me, an absolute scandal. As a result of seeing that newspaper report, I got in touch with members of the Raptis family. I have been down to their works at Bowden, had a look at a couple of their boats, and discussed with them at some length the situation. On March 24, as a result of that, I wrote the Premier this letter.

Mr. Gunn: "Dear Don."

Mr. MILLHOUSE: I was more formal and said, "Dear Mr. Premier."

The DEPUTY SPEAKER: Order! I hope the honourable member will link this with the clause in the Bill.

Mr. MILLHOUSE: I will. It is concerned with licensing, which is the subject matter of clause 6. I hoped you would have been able to follow that. I spent some time canvassing it. The letter states:

I have recently discussed with Mr. Con Raptis and others the future of the group of companies trading under the name of A. Raptis & Sons. I have had a look at two of their trawlers before they left Port Adelaide for the north and have been over the processing factory at Bowden. I have also seen a copy of the letter, with enclosures, of March 11, 1976, addressed to the Minister of Agriculture. As you should be aware of the facts and arguments therein, I need not set them out again.

The plain fact of the matter is that South Australia is losing a most valuable and successful business undertaking because of the doctrinaire policy of your Government that fish buyers and processors should not operate fishing vessels in controlled fisheries. Because of this policy the Raptis cannot get licences for their boats, they cannot get an assured local supply of fish, and they are likely to transfer their operations to the northern part of Australia. This will be very much to the detriment of other local industry and will affect employment in this State, as you already know. The total turnover of the group for the six months to December 31, 1976, was:

	$
Export sales	3 651 950
Melbourne sales	722 405
Local sales	964 393
	$5 338 748

Expenditure on refitting of their trawlers for the six months to December 31, 1976, exceeded $650 000. I have been shown a list of 16 local suppliers who have been paid between them $444 726. Salaries and wages paid to employees in South Australia for the financial year ended June, 1976, totalled $636 008. Wages paid for the period six months to December 31, 1976, totalled $377 803. All this will be lost to South Australia.

Why are you prepared to let this happen? This is a time when we should be doing everything to preserve local industry and employment, not destroying it. I suspect that the real reason for your obvious antipathy to the Raptis organisation is that it is private enterprise which has been outstandingly successful in a short time.

I may add that I also suspect that the Government's investment in Safcol may have something to do with it.

The DEPUTY SPEAKER: Order! There is nothing about Safcol in this Bill.

Mr. MILLHOUSE: I will not say any more about it. The letter continues:

I write to you therefore to ask, as a matter of urgency, that the present policy of the Government be altered so that the Raptis and any other processors in the same position may be able to operate their own vessels. I shall be looking forward to hearing from you at your early convenience.

Deathly silence! I put one Question on Notice about fishing policy to confirm that what I had said in the letter was correct, and I had not received an answer several weeks ago. Not having had a reply, I put a Question on Notice for this week, asking when I would receive a reply, and the reply yesterday stated, "The honourable member's letter has now been answered." It arrived at my office this morning, and this is what the Premier had to say in his reply:

Thank you for your letter of March 24, 1977. Should A. Raptis & Sons transfer its operation elsewhere, it will not do so as a consequence of the fisheries management policies of the South Australian Government.

Ha, ha, ha! That is absolutely inaccurate.

Mr. Gunn: Did he put that in?

Mr. MILLHOUSE: That is what the Premier said. He continued:

Such a decision would be a purely commercial one not caused by the continuation of the established policies for the issue of licences for managed fisheries in this State. As you will realise, prawn authorities are issued only after due consideration of the ability of the fish stock to bear additional fishing and of the overall economics of the fishery in question. Issue of a single prawn authority to the Raptis organisation would not have guaranteed sufficient through-put for its processing plant and granting a similar privilege to other processing concerns would threaten the established balance of the management of the resource.

That is absolutely untrue. The whole reason for this policy is a doctrinaire one, and that is why the Government stated in reply to me, as a reason for that policy, that the Government believed this to be an equitable way to distribute a common property resource amongst a large group of fishing families. The facts are that Mr. Raptis senior came to this country from Greece as a migrant. He went to the West Coast as a fisherman in 1956, that is, 21 years ago (after I was in Parliament actually) and he then bought a fish shop at Mile End or somewhere and he and his three sons and a daughter

have built up a flourishing business since then through hard work, initiative, and enterprise, but, because they have been successful, the Government is to wipe the lot and make them go to Northern Australia because they cannot get supplies of fish for their processing factory at Bowden.

The DEPUTY SPEAKER: Order! I think the honourable member is straying from the clause: it refers to revocation of authority.

Mr. MILLHOUSE: The Deputy Speaker should examine the first part of the Minister's speech in introducing the Bill. I have been complaining about the Government policy and, when introducing the Bill yesterday, the Minister said:

It represents the first stage of amendments to the principal Act, the Fisheries Act, 1971-1975, that will arise from a comprehensive departmental examination of fisheries policy in the State.

I want the Government to change this policy, and I am linking my remarks to the clause that I previously canvassed with regard to licences. The Premier knows that what he wrote to me is inaccurate, because I have a letter that Mr. Martin Baily, General Manager of A. Raptis, wrote to the Minister of Agriculture (for all that was worth) in March, 1976, in which the organisation set out why it would have to go and why the State would lose the whole of this investment, the employment opportunities in the factories and in the boat repairing works at Port Adelaide, and so on. This is what Mr. Baily said in his letter, after giving a history of the family:

As you are aware, our group was forced by your Government's policy to operate prawn trawlers in the Gulf of Carpentaria so that there would be some certainty that the South Australian factories could operate with some degree of continuity.

If we remember that, in 1971, they bought into a half-share of one trawler there and now have 11, we realise how successful they have been and what we are losing in this State. It is all very well for the Government to say that it is not going to allow a processor to have a fishing licence: that is beaut in theory, if one is a socialist. However, it means jobs and incomes are being lost in this State because of the deliberate refusal of the Government to alter that policy. It has had ample opportunity to do that, but it will not do it. The Government can explain to its followers in the area of the Bowden factory why the people there will lose their jobs, but it will be a thin and an unsatisfying explanation to them. The member for Port Adelaide or the member for Price can go down and explain to the blokes who will be put out of work at Port Adelaide because the Raptis vessels will not be maintained there any more because of the doctrinaire policy, but I doubt whether they will be well received by them. Well, that is what we have got. I now say something about this specific matter. This is what the company said in its letter to the Minister:

We believe that then, as now, such a policy was without moral or legal justification—

the policy was brought in in 1971—

We can see no reason why a fisherman is permitted to own a processing plant whereas a processor is not permitted to operate vessels in managed fisheries. Co-operative companies have been established over the last few years whose members are allowed to own vessels which can fish in managed waters. Surely this is an anomaly.

It does not work the other way. Co-operatives can do it, but because it is private enterprise and successful it cannot do it. The letter continues:

Since the advent of these additional co-operative processors, the number of vessels available to private processors like ourselves have been reduced considerably. This has meant that our group has built facilities which cannot be utilised to their maximum, due to circumstances beyond our control. In the early days of prawn fishing Safcol and our group handled the entire prawn catch. Our group was responsible for the development of the export market for processed South Australian prawns. Unless we are in a position to ensure a reasonable through-put we will have no option but to reduce the size of our operations in this State drastically. The group employs approximately 200 people in South Australia in peak seasons and has been a pioneer in the development of oversea markets for South Australian prawns and abalone. As a result of the group's export efforts it received a Commonwealth export award.

It was ironic, when I went down there, that I saw a grinning photograph of the Premier presenting the damn thing to them. The letter continues:

Gulf of Carpenteria:

As previously mentioned, prawns caught or bought by our vessels in the Gulf of Carpentaria are transported to Adelaide for further processing at our South Australian factories. This has created numerous job opportunities together with employment in ancillary industries. The vessels which operate in the Gulf of Carpentaria have undergone annual refitting in Port Adelaide at substantial costs. In the last six months we have spent very substantial sums in refitting these vessels. Last year we built a trawler in South Australia which together with the annual refitting of our trawlers has created numerous job opportunities in South Australia, particularly in the boat-building industry which is currently at an all-time low.

The Government is going to make it worse. That is what will happen. The letter continues by saying that now it is estimated that about 400 foreign vessels are fishing off Australian shores, yet a locally based group will be refused this right. We had the absurdity of the Premier visiting Poland, I think it was, and suggesting that Poles should come to Australia and fish in our waters, yet the Government will not let our own people do it. The letter concludes by giving the direct lie to what the Premier said; it states:

If your Government's policy does not change, then it is likely that companies such as ours will be forced to move their operations to areas where they are permitted to own vessels. We point out that, in the States of Western Australia, Queensland and the Northern Territory, processors are able to own their own vessels. We would like to make it quite clear that we are not asking your department to grant new licences to our company but only that our company has the right to purchase existing or new licences if and when such licences become available.

That is the position that we have as a result of the Government's refusal to take any notice whatever of that letter. The Government has not answered it: it has not done a thing about it. Let us now run through a list of the people who have been doing work for A. Raptis & Sons to see who will miss out. The list to which I shall refer relates to the six-month period ended December 31, 1976, and shows that work on the Raptis vessels exceeded $650 000. The following is a list of major local suppliers who have carried out that work:

Adelaide Fibre Box
Adelaide Steamship Industries Proprietary Limited
Beck & Jonas Proprietary Limited
Cavill Power Products Proprietary Limited
CIC Limited
Knox Schlapp, Proprietary Limited
F. R. Mayfield Proprietary Limited
McPhersons Limited
J. H. Sherring & Company
J. M. Taylors & Associates
White Engineering
Werner Electronics
William Russell
Quinns of Port Adelaide
Morton Industries
F. & T. Coatings

Accounts from those companies totalled $444 726. They are the companies I referred to before. They will all be

worse off because they will lose business that they now have. It is not intended, as I understand it, that Raptis will close either the Port MacDonnell works, which processes crayfish tails and which is now given a regular through-put throughout the year because of the supplementary work it can do with prawns, or the Port Lincoln works. It is the Bowden works that will close down. The Bowden works is the biggest; the pivotal works. A. Raptis & Sons simply cannot afford to catch fish in the Gulf of Carpentaria and bring everything down to Adelaide for processing. It is crazy that that should have to be done.

The company will have to establish a processing works in the Gulf of Carpentaria and maintain and build its additional boats up there. All that is a result of the present policy and the stubborn refusal of this Government to change that policy. I personally believe that that is an absolute shame that that should be so. A few misguided businessmen and others in South Australia believe that the present Government has done a good job. They are the sort of people who went to the Premier's Fund dinner the other evening and paid $100, out of which the Labor Party netted $10 000 profit.

The SPEAKER: Order! I cannot see how a dinner has any relationship to the Bill.

Mr. MILLHOUSE: If they were to realise just what this Government is willing to do, because of doctrinaire theory, to destroy private enterprise in this State, even those people who attended the dinner would have thought twice about doing what they did and supporting Labor Party funds in that way. This is the Government in its true colours. A. Raptis & Sons is a new, successful, growing and prosperous business in South Australia run by South Australians, people who came from overseas and made good. They are the migrants about which this Government is always prating and is saying it favours but, because these people are successful or for some other reason (God knows what it could be), the Government is driving them away. That does not mean that South Australia will get nothing and be no worse off. What it means is that other people in this State, the companies whose names I have mentioned, the people who have worked in the factory and on boat-building for A. Raptis & Sons, and those who have maintained their boats will either be out of a job or will have less work to do.

Is that sensible, at a time when South Australia is fighting to keep every bit of its industry that it possibly can, that we should have to put up with this nonsense from the Government? If ever a Government needed a second kick in the behind for the way it is going, the first was Monarto and this is another. This is a $5 000 000 or more investment in South Australia which will be lost because of the foolishness and stupidity of the Government. I hope that this policy, amongst others, will now be rethought, as the Government says it is doing and as is represented by the provisions of this Bill.

Mr. RODDA (Victoria): As the so-called shadow Minister of Fisheries, as my erstwhile colleague, the member for Mitcham called me, I could see that he got some pleasure from having control of or speaking as the lead speaker on this subject from this side. I believe that this is the first time he has been in that capacity since he lauded the virtues or lack of virtues of massage parlours. We are pleased if the honourable member is pleased to have had something to say. The member for Mitcham has cast far and wide, and got off the subject of the Bill. I listened to what he had to say about A. Raptis & Sons, but we are considering an industry that has a common resource. The first matter to be considered about the fishing industry is the preservation of that resource. The other factor to consider is that the processor has his place in the industry and the fisherman has his place in the industry.

Mr. Millhouse: You're not suggesting that you're not supporting me? Aren't you supporting what I said?

Mr. RODDA: I certainly do not go all the way with the honourable member.

Mr. Millhouse: Well, you bloody well should be ashamed of yourself.

Mr. RODDA: This debate highlights the position in which the member for Mitcham finds himself. He prattled and prated about the late Tom Stott when he was in this House, but he is far worse. The member for Mitcham can say anything; he never has to back up what he says. He accused us of being asleep. We were not asleep: a misunderstanding occurred about the arrangements for the Bill and, ever ready as he is (as an Independent must be) he, like the fox that got into the duck house, got away with a prize bird. I cannot go along with what the member for Mitcham had to say about putting processors on a large scale into a fishery that is managed and served—

Mr. Millhouse: You're not supporting me?

Mr. RODDA: No.

Mr. Millhouse: Is that your Party's policy?

Mr. RODDA: I shall come to that in a minute. There is nothing in the ambit of the Bill that allows me to canvass my Party's policy.

Mr. Millhouse: Tell us where your Party stands with regard to Raptis?

Mr. RODDA: I shall, in due course.

Mr. Millhouse: Come on!

Mr. RODDA: Unless the honourable member performs better than he is performing now, he will not be here when I am talking about our policy.

Mr. Millhouse: That's for the Speaker to decide.

Mr. RODDA: The Government has introduced a series of provisions in the Bill relating to the fishing industry, some of which we agree with and some of which we do not agree with. Clause 3 alters the definition of "waters" by including reference to straits and passages. This amendment has special reference to the management of fisheries in the gulfs of this State. The Opposition sees that provision as a necessary amendment to give the Government power to manage the fisheries in those areas. Clause 4 requires an inspector to be without an interest in a fishery, unless he has the Minister's permission. In Committee, I will ask the Minister to explain why an inspector must have his permission to hold this financial interest. The member for Mitcham canvassed clause 5, speaking about the breach to be filled by the clause. He said that part of the clause was removed in another place, and we will have it reinserted by amendment.

Clause 6 is the provision that interests the Opposition most. The Minister has said that the general thrust is towards open fisheries, and it is in this respect that we have our big row with the Bill. As I said earlier, the character of a fishery means that it must be preserved and developed. This can be done only by adequate research into fish nurseries and by strict control over the taking of fish. The Minister has pointed out that the managed fisheries, such as lobster, prawn, abalone, and tuna, stress

restrictions on the people who can fish. He is also on record as saying that scale fishing has a *de facto* management. Indeed, people in my district have been refused licences to take scale fish at a time when it appeared that there was a reasonable supply and when we could have let those people in. They would have been able to service fish shops which sell fresh fish throughout the South-East. This seems to be an area in which it would be reasonable to have strong representation to the Government to allot extra licences.

We should cast our minds back to recent times when it was announced that two prawn authorities would be allocated. I think that, of about 200 applicants, 104 were weeded out who were regarded as suitable to go into a ballot. The applicants came from a wide spectrum of the industry. For the benefit of the member for Mitcham, the Liberal Party (the official Opposition) believes that many people have made large investments in the industry and, from generation to generation, they have worked in the industry and have developed it. We have seen that, in the crayfishing industry, many people in the South-Eastern waters (and the Minister is aware of this) went in the off season into shark fishing. Because of the restrictions placed on the mercury content of shark, the industry dwindled, and that placed a great strain on the crayfishing industry. As a result of the investment in the fishing industry generally, irrespective of the fishery to which the authority is allotted, this should be the area from which a transfer to a port authority should come—not from a holus bolus open area subject to a ballot (two get in and the rest go to a hot place or get out of the industry). This matter has caused all hell to break loose in the industry up and down the coast. New section 37, enacted by clause 6, about which the member for Mitcham had much to say (and I agree with most of what he had to say), provides:

(1) In this section "authority" means a licence, permit, certificate of registration, authorisation certificate, franchise lease or licence provided for by or under this Act.

(2) The holder of an authority may surrender that authority at any time and upon such surrender that authority shall cease to have any further force or effect.

(3) The Minister may by notice in the *Gazette*—

(*a*) revoke any authority;

or

(*b*) suspend the operation of any authority for a period specified in the notice,

and upon the publication of that notice that authority shall—

(*c*) in the case of revocation, cease to have any further force or effect;

and

(*d*) in the case of a suspension, cease to have any force or effect during the period of the suspension.

The clause contains legislative power to move people out of the industry for the least misdemeanour. Clause 6 is what enables these 104 people to get into the act and take their chance in the ballot, irrespective of whether or not they have fished. Provided that they can get a boat, the authority for it, and supply the necessary credentials to prove that they can fish, they can go into the ballot. The fisherman whose family has been in the industry for many years, perhaps two or three generations, with a lifetime's investment, is missing out. Such a person will have to go into an over-fished industry such as crayfishing and take his chance there or seek other employment. We see this as a retrograde step.

It is my Party's policy, first, to perform all adequate research and then provide authorities to people in the industry who are competent to fish. Such a policy would make maximum use of the resource, but this is what the Minister does not seem to comprehend, because he said in another place, I think, that the thrust is towards an open fishery in terms of the available resource. I hope the Minister will take notice of what the industry says. I know that he is getting representatives from branches of the South Australian Fishing Industry Council right along the coast, and he is still pressing on with these new criteria on which he will base the authorities. I am not able to canvass the amendment of which the Minister has given notice. I shall do that in Committee.

Clause 7 deals with noxious fish, and the Opposition supports this clause. The carp, which has been a noxious fish, has caused trouble in the river. A use is being found for it, but there are many noxious fish and it is fit and proper that the Government and the department should have legislation with heavy penalties to ensure that fisheries are preserved and that fish preying on the fisheries should be kept to a minimum. Clause 8 deals with regulations, the foremost of which provides that fish dealers must maintain the cleanliness of their premises and a high standard of hygiene. This is necessary for any industry that wishes to progress and grow.

The Opposition opposes clause 9, which refers to the reversal of the onus of proof. The matter was canvassed by the member for Mitcham. Previously, in relation to other legislation, the Opposition has always opposed such a provision, as it does on this occasion. The Minister of Fisheries, with the proposed 200-mile limit, has an industry at his disposal which can be developed and which will bring untold wealth to this country. We heard the member for Mitcham casting aspersions on Poles who might come here to fish. The proclamation of the 200-mile limit will open a new vista for the industry, and there will be plenty of room for people, such as A. Raptis & Sons, with their big vessels, to progress and to reap the harvest of the seas. However, it must be done at all times having in mind the preservation of the resource and taking only such amounts of fish as will maintain the resource.

At present, we are dealing with State waters, zoned areas, and people operating on a restricted basis who have their lifetime's savings invested in a vessel. They should be the people who have the authority and the right to take the fish. I do not think there can be any argument about that, but we are concerned with this open slather, which is a partial opening of the gate for anyone who can get a boat and fish at the expense of someone with a lifetime of experience who has all his wealth tied up in a boat and who will not be able to get the full measure of dividend from his investment. With the reservations I have mentioned, I generally support the Bill.

Mr. GUNN (Eyre): The fishing industry is a most important part of the South Australian economy and should receive careful consideration by this House and by those involved in the industry. Over the past few years, we have seen a spate of reports and submissions. The Government recently commissioned a green paper put out by Professor Copes, entitled *Fisheries Green Paper*, January 1, 1976. The Minister (Hon. B. A. Chatterton) wrote a foreword in which he said that this was just a beginning and that we would see a number of reports and amendments to the Act. Out of all these investigations, I have yet to see any tangible benefit to the industry.

The best course of action that the Premier and this Government could take towards improving the fishing industry would be to sack the Minister. He is not only incompetent, but he has failed to honour undertakings given; he has caused a great deal of dissension and confusion within the industry. One has only to speak to

fishing groups to realise the contempt in which they hold the Minister of Fisheries. He has proved that he knows nothing about the industry. He cannot interpret advice, and he has failed to honour undertakings given. Members may say that that is strong criticism of the Minister, and I make no apology for that. I shall support those comments by quoting from two articles, although I could produce many more. In the Port Lincoln *Times* on Thursday, April 21, 1977, in a report headed "Fishermen attack prawn permit allocations"—

Mr. Whitten: You should take a message from your Leader.

Mr. GUNN: The honourable member can make a speech if he would like, but he would not know very much about the industry. I shall come to his interjection in a moment. The article states:

Fishermen in Port Lincoln and throughout the State are pressing to have a motion of no confidence passed in the House of Assembly against the Minister of Fisheries.

This report explains some of the allegations the fishermen have made against the Minister. It states:

Mr. Southwick said the other successful applicant did not even own a vessel, which made a mockery of Government policy of owner-operators in managed fisheries. "We understand that several applications were put in from one West Coast vessel, one from each crew member, nominating the same vessel. This gave the owner a greater chance of having his vessel drawn in the ballot."

The report went on to state that another boat did not comply with the criteria laid down by the Minister. I shall quote now from the *Advertiser* of Thursday, April 21, under the heading, "Withhold prawn permits: fishermen", as follows:

A storm is brewing over two prawn-fishing authorities issued last week. The licences were issued for the St. Vincent Gulf after a ballot in the office of the Director of Agriculture and Fisheries. The president of the Port Adelaide Fishermen's Association (Mr. M. J. Corigliano) said yesterday the ballot and selection of candidates for the licences had been a "debacle". "The whole State is furious about the matter," he said. The Minister was warned about this some time ago, and so was another officer. "I believe the two licences should be withheld . . . .

The president of the St. Vincent Gulf Prawnboat Owners Association (Mr. R. Walker) said yesterday one of the boats which had been granted the new prawning authority was unregistered and unsurveyed and had been sitting in the Port River for several years growing weeds.

Those are two cases, and one could quote more. That relates only to the prawn industry. One could turn to the abalone industry or to the crayfish industry. I was contacted last week by a person who holds office in the crayfish organisation on Eyre Peninsula. His organisation was intending to support a motion of no confidence in the Minister of Fisheries. Wherever one goes it is the same.

I turn now to the matter of allocating fishing licences for scale fishermen. I support the concept of a managed fishery, but I am concerned about the way in which the policy is being implemented. The Minister has laid down the criteria to be followed by the licensing officer and his department in determining whether or not persons receive licences. Unfortunately, when that officer makes an assessment to decide whether or not a person should receive a licence, he has certain terms with which to comply. For instance, the person must have had some experience in the industry. That in itself would knock out young people coming into the industry although, in any industry, continuity is necessary for success. If a son wants to follow his father, obviously he will make a good fisherman. The licensing officer also must have regard to the needs of recreational fishermen, whether the fishermen has the right equipment and whether the resource can stand the extra licence.

Recently, I was acting for a constituent on an appeal and I asked the licensing officer what surveys his department carried out into the needs of recreational fishermen. I was told it had not carried out any survey whatsoever. The department was making a judgment but it did not know what were the recreational needs of the fishermen. That makes a farce of the situation. I had a recent meeting in Ceduna with 12 people most of whom had held fishing licences in the past but they had had their requests for licences refused. I believe they deserve a licence. If they want to exercise their right under the Fisheries Act to appeal they have to come to Adelaide, and that is expensive. I have asked the Minister to allow the person appointed to hear appeals to go to country areas, but I have not yet received a reply. The last time I appeared before the tribunal I asked the Chief Fisheries Officer for the figures used to be made available to me and other members, but he said that I should contact the Minister. I have written to the Minister twice but I have not yet received that information. If people are to get justice, I believe that it is essential for that information to be available.

Mr. Nankivell: Have you received an acknowledgment?

Mr. GUNN: No. I am far from happy with the administration of the Agriculture and Fisheries Department. I believe it is time the Government should take the necessary action to solve this problem. In relation to the comments of the member for Mitcham, I do not believe he has any real understanding of the fishing industry. He has read in the press about a person who wished to enter the industry. When Mr. Story was a Minister (and the member for Mitcham was a member of that Government) a policy of managed fisheries in relation to prawn fishing was introduced and people had to qualify for a licence. Many people in South Australia would have a higher priority for a prawn permit than the organisation referred to by the member for Mitcham. It would be not only unfair but completely unjust if we were to abandon that criteria and issue licences willy-nilly. One of the complaints of fishermen is that a person who should not have a licence has been granted one, while people with a higher priority have been overlooked. I suggest the member for Mitcham should examine the situation closely. He should talk to the people I have just mentioned, and he may then have a better understanding of the real facts relating to the prawn fishing industry because, if licences were thrown open, the industry would be destroyed within a few months.

In my district, some time ago two Ministerial permits were given for two constituents to do some work out from Ceduna. They were not having much success for many months. As soon as they found an area where there were a few prawns, boats owned by the gentleman referred to by the member for Mitcham arrived. Every time these people found a few prawns these people came in and ratted their grounds. My constituents had put in much time in finding these small areas, and they were eventually forced to consider breaking the law themselves. They came to me and I introduced a deputation to the Minister, who said it would not be held against them if they used their Commonwealth licences and fished in another area. The organisation referred to by the member for Mitcham did not play the game in my district. I am concerned about what took place.

I hope the Government will take a fresh look at the way in which it is administering the managed fisheries programme, because I am concerned about the number of people who are being refused fishing licences to enter the scale fisheries, with no logical grounds for the refusal. One applicant was 17 years of age and his father had been a fisherman for 40 years, having been one of the first fishermen in the area. He was refused, and his appeal was rejected because of the restricted criteria laid down. The very day the appeal was heard it was brought to my attention that a person employed in a Government department had been given a B class licence; he was not even a permanent resident in the area. That is the sort of thing that is taking place in the industry, yet the Minister and the Government wonder why they are being criticised.

The blame is on their own shoulders, as their administration leaves much to be desired. I hope the Minister will provide the figures used by his department when defending appeals against his decisions. I sincerely hope the Government appoints a Minister who is competent and knows what he is doing. When I became a member, Mr. Casey was Minister of Fisheries. He was pushed aside, and the member for Brighton became Minister. There was some hope that, as he was a fairly reasonable fellow, he might be able to get the department moving. He was pushed aside and the member for Henley Beach did the job for a while.

The Hon. G. R. Broomhill: He did a good job, too.

Mr. GUNN: I did not have any grounds of complaint against that Minister. Then the portfolio was handed over to the current Minister and things went from bad to worse. I do not know who will be the next Minister, but he could not be worse.

Members interjecting:

Mr. GUNN: It could be Mr. Blevins, but Heaven help us if it is. I support the second reading, and I will make one or two other comments at a later stage.

Mr. BLACKER (Flinders): I support the second reading because many clauses of the Bill are elementary to the proper management of the fishing industry. I wish to refer to the policy of the State Government. The definition of "waters" is to be extended to include straits and passages, and I believe that is necessary to enable the Agriculture and Fisheries Department to have a greater involvement in those areas. Clause 8 amends section 56 of the principal Act by inserting a new paragraph (*fa*) as follows:

Regulating any matter or thing relating to the storage or carriage of fishing gear and equipment on any boat.

It seems as if that is designed for a safety reason because equipment on board a boat should be properly lashed so that it does not move when the vessel is rolling. However, from an explanation given in a debate in the other place this appears not to be the case. A comment made on this matter is as follows:

The intention of the amendment is to give us (the department and the Minister) regulatory powers to be able better to enforce the provisions of the Act by controlling fishing gear and equipment carried on trawlers. At present, it is difficult to police this matter, because people going through the trawling ground carry gear that can be dropped over the side, thus making it difficult to catch them at the time they are trawling. If checked, they say that they are merely testing their gear. The amendment will provide that they will have to stow their equipment on their trawlers by lashing it down in such a way that it cannot be immediately usable while trawling in those areas.

I cannot see that as being an effective regulation, nor can I see it being workable. In no way can a skipper be required or asked to have equipment stored in such a way that it cannot be readily used, unless the inspectors are going to lash equipment down and seal it with sealing blocks or there is some measure of that kind. It is a totally impracticable situation. I cannot believe for one moment that this is a feasible suggestion.

I extend my opposition to clause 9 and oppose the summary proceedings suggested by the Government. By clause 6, the definition of "authority" is included in section 37 to mean any licence, permit, certificate of registration, authorisation certificate, franchise lease, or licence, provided for by or under this Act. By that wide definition one could say any document that had "Fisheries Department" stamped on it would almost come under that category. It means that the Director may withhold or revoke that authority at any time. This is unsettling for fishermen, processing factories, those licensed to carry fish stocks and those licensed to deal in fisheries management. It means that the whole industry can be brought to a stop by a snap of the fingers of the Director of Fisheries. This will cause considerable unrest in the industry. As a member who has a number of people engaged in the fishing industry in my district, many problems are brought to my notice. Some of those complaints are not justified, but many are.

I fail to understand why fishermen, potential fishermen and processors should be at such loggerheads with the department and the Minister. Of all the departments I have become associated with during this work I have encountered more difficulty with the Agriculture and Fisheries Department than with any other section in the political sphere. This causes me much concern because I do not believe that all fishermen are bad. It worries me that there is a barrier between the industry and the authoritative branches. The means of communication and discussion seems broad, but there appears to be no way there can be an equitable discussion between representatives of the industry and Government representatives.

One example of this is that on July 5, 1974, the Secretary of the Abalone Divers Association wrote to the Minister of the time making a number of suggestions that would assist in proper management of the industry. Amongst those suggestions was the amendment partially included in this Bill to the definition of "take". This matter has been of concern and has been the subject of numerous court cases: what is meant by the word "take"? The difficulty was raised by the Abalone Divers Association in 1974. It is now April, 1977, and we are seeing this small amendment take effect. Despite the fact that there have been three or four changes in the officers of the Abalone Divers Association, this lack of understanding of its problems seems to be always there and it is having difficulty in getting a round-table conference so that it can discuss the best way of dealing with its problems. The present turmoil has developed over the issuing of abalone permits that were released a few weeks ago. I have the following letter which was sent to the Minister of Fisheries and which was signed by Mr. J. R. Kroezen, Secretary of the Abalone Divers Association:

This association is concerned at the way the recent selection of applicants was made for the recent issue of abalone permits. The fisheries branch claims that relevant criteria such as experience in industry, diving experience, possession of equipment, etc., were to be taken into consideration for alloting the permits. This does not appear to be so, for we cannot understand how Mr. P. Telfer of Kangaroo Island was considered for the ballot. Mr. Telfer has had no real experience in the industry

other than a short time shelling and a few days as a relief diver, nor has he contributed anything to the industry, yet he received preference over applicants who have 6-8 years experience in the industry as shellers and relief divers,

This should make it appear that either Mr. Telfer has grossly misrepresented his claims and credentials or that the points system allotted to the criteria is unfair. Or that there are some other considerations not publicly stated. It would appear also that no steps were taken by the fisheries branch to verify the claims of any of the applicants. We feel that were there closer liaison between the fisheries branch and our association, these problems would not occur.

This is a common complaint of all sections of the industry. I point out that the South Australian Abalone Divers Association is recognised by the Agriculture and Fisheries Department, because last year, when I asked a question of the Minister about which fisheries organisations he recognised as being responsible groups in their industries, the Abalone Divers Association was on the list. Reference was made to the prawn fishermen, and I quote from a report that appeared in the Port Lincoln *Times* last week under the heading "Fishermen attack prawn permit allocations". The report states:

Fishermen in Port Lincoln and throughout the State are pressing to have a motion of no confidence passed in the House of Assembly against the Minister of Fisheries (Mr. B. A. Chatterton). They claim that the recent issue of two additional prawn authorities has brought to a head their dissatisfaction with the Minister and his department. The attack on Mr. Chatterton was launched in the South-East earlier this week. Today, the president of the West Coast Crayfishermens Association (Mr. Southwick) sent a protest telegram to the Premier (Mr. Don Dunstan) and is now writing a letter outlining the protest.

"We are seeking the suspension of the new prawn authorities until a complete investigation can be made into allegations that the criteria was too broad and that many of the applications included in the ballot for the authorities should not have been passed. We feel that certainly one of the recipients did not meet the criteria as he is not currently a fisherman, being a registered trucking contractor. Inquiries about certain matters concerning the vessel he owns have been blocked by the authorities."

Mr. Southwick said the other successful applicant did not even own a vessel, which made a mockery of Government policy of owner-operators in managed fisheries. We understand that several applications were put in from one West Coast vessel, one from each crew member, nominating the same vessel. This gave the owner a greater chance of having his vessel drawn in the ballot. "Although this might be considered good tactics by the fishermen concerned the ploy was not, I gather, rejected by the department, the criteria being broad enough to allow it, despite the Government's stated policy."

He said there were 104 applications for the authorities and 91 were stated to have fulfilled all conditions required and were therefore included in the draw. However, we feel that the applications should have been more carefully vetted.

It is fair to say that, if there were 104 applications (and I am not querying the number) and if the Fisheries Department could not have reduced that number by a mere 13, the criteria are obviously not meeting the requirements of the department. To suggest that 91 fishermen out of 104 in this State are on a totally equal basis in their eligibility for a prawn permit is being ridiculous to the extreme. I understand that, of the 13 applicants who were rejected from the draw, eight were involved in business in Adelaide that was totally outside the fishing industry and in no way connected with it. It is proper that they should have been withdrawn. Of the 91 included in the ballot, many of them had no right to be there. This means that the more people there were in the ballot the less chance the genuine fisherman had of obtaining a permit in the correct and proper way. The report continues:

"The Prawn Advisory Council disbanded by Chatterton should be reformed and any future criteria for authorities discussed with it and the Australian Fishing Industry Council."

It was a backward step when the Minister disbanded the advisory council. It was set up to advise the Minister on all aspects of the industry, and the Minister allowed it to continue for a certain period, but the council was not called together and eventually it was disbanded under the pretext that its duties could be handled by AFIC. That council is a small group and now receives Government assistance for administrative staff, but it represents only sections of the fishing industry because of the broad nature of the spectrum it covers (trawler fishermen, divers, lobster and scale fishermen), and in many cases these sections cannot be considered in parallel with the industries involved. Mr. Southwick stated that fishermen accepted the ballot system, but considered that proper criteria should be set to ensure that only the most eligible fishermen were included in the final ballot. That is a fair request and an admission by the industry that it is willing to accept the system when it gets down to equal numbers. The report continues:

Mr. Southwick said it had been the stated objective of the Government to reduce the pressure on the failing crayfishing industry and this had been achieved to a degree when crayfishermen had gained prawn authorities, for they were then required to give up their cray licence. There was little benefit to the fishing industry as a whole if authorities were not received by legitimate fishermen.

That is also a fair comment, because if the authority is given to an outsider once again we have a disgruntled fisherman and a *bona fide* fisherman wanting the right to be in the industry. The report continues:

"If an inquiry into the allocation of these two authorities is not undertaken it will mean the end of South Australia's management policies for it is just going to be open slather," he said. "Fishermen showed immense patience with the Government when prawn pirates were netting thousands of dollars of prawns a night, virtually undisturbed.

Now, despite departmental assurances that these people would not be permitted to apply for authorities, pirates' names are known to have been included in the ballot. This matter is just the latest of a series of departmental mess-ups which have increased alarmingly since the amalgamation of the Fisheries and Agriculture Departments under the one Director."

So the report continues: it contains a series of complaints and dissatisfactions from all sections of the community. Following that, the Secretary of the West Coast Crayfishermen's Association, Mr. R. W. Baker, wrote to the Premier setting out a few points that his association wanted explained, as follows:

We are requesting that they (the latest prawn permits for St. Vincent Gulf) be immediately frozen pending a detailed inquiry into the following:

1. That the criteria was set by persons not familiar with the wishes of the industry, nor familiar with the laws and policies of the Government.
2. That persons not entitled to hold prawn authorities, that is, processors were able to enter the ballot *en mass* via their hired skippers and deck hands.
3. That persons not presently actively engaged in the fishing industry were able to enter the ballot without a suitable vessel.
4. That persons without any vessel whatever, and with no financial involvement in the industry, were able to enter the ballot.
5. That persons, including processors, were able to put in multiple applications by including one from each of their skippers and crews all nominating the same vessel.
6. That "pirates" who fished the straits last year were included in the ballot, to the horror of all fishermen who patiently waited and held back from doing same, respecting State Government policies.
7. That Mr. L. Milton, who previously sold a prawn authority at great capital gain, could be eligible, and in the ballot.

We disagree with the Minister of Fisheries statement that it would have been impossible to vet all applicants before the ballot. Certainly, a very large proportion could have been eliminated at first glance. I refer to the applications from the "pirate" prawn fishermen, and to those who did not own a suitable vessel.

That is the tenor of the whole argument of the fishing industry. If rules are to be made and the department expects *bona fide* and genuine fishermen to abide by them, it is proper that the same rules should apply to all applicants for a crayfishing licence. Today, reference has been made to two Ministerial permits allocated to operate in western waters, and I believe that the comments from the member for Eyre are correct. Those two gentlemen (and I know them both) have been battling it out. Before being given that permit, they were required to sign a pledge that it would not in any way entitle them to preferential treatment: they were also required to provide statistical data for the department and to carry out various requirements as directed by the department. This effectively meant that these two skippers were doing surveys for the department and undertaking the necessary research work in areas that were known to be not viable for a commercial proposition on a large-scale basis. I say that because prawns were known to be in the area but no large-scale areas were involved. It is a hit-and-miss method when one has to operate between reefs, shoals, and weed patches.

The prawning industry operates on a knowledge of the seabed, and when these two gentlemen found a few prawns the news immediately became known and they were surrounded by outsiders and "pirates", who immediately plundered the area. Consequently, those two fishermen, who have a Ministerial right to fish those areas, were cut out from any real return.

I was talking to one of those permit holders only four or five days ago, and he said that he had been unable to catch 32 kilograms of prawns a night. One would have to appreciate that a vessel and its crew could not be maintained on that catch, but that is the condition and the requirement of the Ministerial permit. The work that those two gentlemen have done for the department and the anxiety that they have experienced does not entitle them to a scrap of consideration in the allocation of new permits. Their names go in with the other 91, so to speak; the other would-be fishermen, processors, shellers and any other person who has a desire to become a fisherman. That system is grossly unfair.

Clause 7 relates to noxious fish. I do not believe that one can argue against that provision. We are all aware of the damage that carp are doing to the tributaries of the Murray River and in other areas, so it is only right that every effort should be made to restrict the spread of these fish and, hopefully, bring about their eradication. I support the second reading of the Bill, believing that some of its provisions are necessary for the proper management of the industry. I hope, however, that amendments will be made to the Bill that will further improve it and that they will as such benefit the industry as a whole.

Mr. ALLISON (Mount Gambier): With reservations, I support the Bill. I was a little concerned to hear the member for Mitcham express the view that a multi-million dollar industry could be driven away from South Australia purely because of South Australian fishing policies. If I have been misinformed, perhaps he will set the record straight, but I was under the impression that the Raptis family's problems were partly the result of legislation which had been enacted in the Northern Territory and which prevented the movement of prawns from the Northern Territory for processing in South Australia, and that from now on those prawns had to be processed in the Northern Territory.

Mr. Millhouse: That happened quite recently.

The Hon. J. D. Corcoran: You didn't mention that, and their concern followed that legislation.

Mr. Millhouse: No, it didn't.

The Hon. J. D. Corcoran: Yes, it did.

The DEPUTY SPEAKER: Order!

Mr. ALLISON: It seems that the point I have made has some relevance. Partly because I was concerned about this matter and because I have spoken to members of the Raptis family when they have visited the South-East, I wondered whether the South Australian prawn fishing industry could not support far more vessels than it does now. To that extent I do not know whether the Raptis or any other family involved in the prawning industry is aware of vast resources about which the Government is unaware. Along that line I asked the Minister a Question on Notice about whether immediate research would be initiated into the prawn resources of South Australia and, if any research was now under way, what results had been brought forward. In reply, the Minister said that research was now under way but that the results of that research could not be anticipated. One hopes that that research will reveal greater prawn resources in South Australia than we are now aware of.

One would hope that companies and individual fishermen, like Raptis and the many fishermen in the South-East, might take advantage of any prawn resources found around the South Australian coast. One would also hope that international pirates could be precluded effectively from taking advantage of those resources over and above our own locally based fishermen. One would also hope, therefore, that a much more satisfactory outcome might be possible in the next year or so for the Raptis family and, equally importantly, for my own South-Eastern rock lobster fishermen, on whose behalf I was soliciting the inquiry, because the Copes report revealed that South-East rock lobster and scale fishermen in Spencer Gulf were undergoing a similarly difficult time. It is not only the Raptis family that may be experiencing difficulty off the South Australian coast.

As a result, I therefore asked the Minister whether priority could be given to transferring licences from the rock lobster industry. The Minister pointed out that the scale fishing industry, too, might be expected to need some special preference in the allocation of new prawn licences as and when they became available.

I share the member for Mitcham's concern on two other counts, too. I, like he, deplore any clause that puts the onus of proof on the accused. Whereas one might be caught with a haul of very cold fish, one is nevertheless deemed under this legislation to have been caught red-handed with hot fish. I oppose the clause that puts the onus on the person who has been detected with fish in his possession. The other clause to which I take some exception is that which gives the Minister the right to revoke an authority. I can understand the Minister's wishing to refer to licences and prawn authorities (and all the other various forms of permit) under a group name. He has chosen to call them all authorities—a collective noun. I can understand his wanting to have control over those authorities in a collective form.

Previously, as has been pointed out, under the principal Act his power was limited to section 37 (1), which provides that the holder of a fishing licence or permit to take

fish may surrender the licence or permit at any time, and section 37 (2), which provides that the Minister may revoke any fishing licence or permit to take fish. Obviously, the Minister wishes to extend his powers considerably. Not only does he wish to extend his powers as far as fishing and all other permits are concerned but, despite what the Minister has said in the Upper House, he is giving himself sweeping powers. He is becoming autocratic in this matter. Under this legislation the Minister can revoke any authority, a power that he had before only in relation to fishing licences. The Minister can also suspend the operation of any authority for a period specified in a notice. To all intents and purposes, that authority is deemed to take effect upon publication of the notice and, in the case of revocation, the authority that the fisherman held will cease to have any further force or effect: that fisherman's business ceases forthwith.

Regarding a suspension, likewise the authority shall cease to have any force or effect during the period of such suspension. On the surface, that may seem a fair power for a Minister to have, but that power goes into the hands of one person, and, although the Minister said somewhere in his second reading explanation in the Upper House that the right of appeal would still exist, under section 34 in the original Act the right of appeal relates not to the provisions of the new clause but to the granting of licences. My interpretation of the principal Act was that that right of appeal related to the granting of new licences. What happens when someone has his licence revoked or now, with the more flexible approach that the Minister has, his licence is suspended? Does that person have no right of appeal? I cannot find in the principal Act, nor can I find in this legislation, any right of appeal at all for a fisherman who is dealt with, as he could be dealt with, in a fairly high-handed way by the Minister. I was hoping that the Minister did not make unilateral decisions. However, to question whether or not he did, I also placed Questions on Notice at the end of last week asking whether he had exercised his Ministerial prerogative in granting, by direct grant, any prawn licences other than through the prawn authority or by the ballot system. It is interesting to note that, in his reply, the Minister did not answer the question but simply said that, hitherto, prawn authorities had been granted on the advice of the Prawn Industry Advisory Committee, which selected applicants after open advertisement, and that the system had been altered to a ballot of eligible applicants. He did not say that he had not given any prawn licences by direct grant, nor did he answer the question about how many licences might have been granted in that way. I would have liked the answer to be more specific than it was.

By inference, I assumed that it would be possible for the Minister unilaterally to take action against a fisherman. If he revoked the licence earlier in the season or suspended one for a set period, by his action he could put the fisherman completely out of business for the season, and possibly bankrupt him. The obvious assumption is that this would not be done by any responsible Minister, but there is no doubt that the fishermen right along the coast are fearful of any authority vested in one person. I ask the Minister seriously to consider giving a fisherman whose rights have been revoked or whose licence has been suspended immediate right of appeal, and that the fisherman not be put out of business forthwith from the date of publication of the Minister's withdrawal of the licence but that he be given time to lodge an appeal. That would mean that, if there were an error of judgment on the part of one person, the fisherman would have some right of redress. It is important, for a person who makes his livelihood from investing a considerable sum of capital in this field and whose licence is revoked is placed in a difficult situation in disposing of his equipment, such as boat, nets, etc. I know from personal experience in the South-East over the past year that fishermen in such circumstances have had extreme problems, even to the point of threatening to take out writs against the Minister, in disposing of their vessels. I am extremely concerned about this matter.

The Minister's intention generally is to remove the open nature of applying for fishing licences and making it into a more closed nature so that people will not think they can get into the industry merely by applying and going through a lengthy procedure, only to find that their application is refused. The Director will advertise any new authorities, for whatever industry they might be, in the press. One hopes that preference will be given, as recommended in the Copes report, to fishermen already in the industry who may be in an ailing section of the industry, enabling them to move, say, from the rock lobster section into the prawn industry should licences become available. I cannot support the onus of proof clause, clause 9. I have reservations about new clause 6, which deals with section 37 of the principal Act, in that fishermen should have a right of appeal against a unilateral Ministerial decision that could deprive them of their livelihood. I support the Bill generally, with those reservations against which I will vote, unless amendments are foreshadowed. I am assured by the shadow Minister that this matter has been discussed and that Ministerial assurance is being sought.

Mr. Millhouse: On what?

Mr. ALLISON: That the fishermen would have the right of appeal; that is what I hope for at the least.

Mr. Millhouse: What is a Ministerial assurance worth?

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

Mr. Millhouse: It's worthless.

Mr. Keneally: Ministers have changed—

The DEPUTY SPEAKER: Order!

Mr. Millhouse: Even the Liberals—

The DEPUTY SPEAKER: Order!

Mr. ALLISON: I support the legislation, with those severe reservations.

Mr. BOUNDY (Goyder): I support the measure, principally because I am the member with the longest length of coastline in the State, although the member for Eyre might argue with me over that. My district covers a considerable length of coastline on both gulfs, so I have a great interest in the scale fishing industry in the protected waters of the gulf. I read with interest that the Minister, on December 1, in his second reading explanation, said that this short Bill represented the first stage of amendments to the principal Act. Later, in the Committee stage of the Bill, as recently as April 19, he said that the main purpose of the Bill was to remedy anomalies in the scale fishing industry. I must support a Bill that sets out to remedy anomalies in the scale fishing industry, because anomalies there are in great measure. As with many short and simple Bills that come into the House for speedy dispatch, we discover that there may be something of a barbed tail attached to.

Mr. Rodda: They look like a stingray.

Mr. BOUNDY: Yes, and this Bill is no exception. It contains many provisions that cause me much concern.

I refer to the whole area of the scale fishing industry, and go even wider and refer to the prawn fishing industry and those areas in both industries that cause me concern. In Committee in another place, the Minister said that the effect of the Bill was to reverse the situation with regard to licences for the scale fisheries. Instead of its being open slather, with everyone applying for a licence and then suffering the indignity of a refusal if the present Bill were implemented, we will see the situation that no licence will be issued unless one is available. We would all have to support such a contention, but I suggest that it is not quite that easy. We have the situation in my district where there are many valid and just applications for scale fishing licences, either class A or class B, which are turned down capriciously, or apparently so. I say that because, with a port like Edithburgh, there are many professional fishermen there, but five of them have retired recently. That makes one think that the resource could stand a replacement of at least two or three fishermen, but it has been virtually impossible to get a fresh licence granted in those areas, even to replace those professionals who have gone out of business altogether. That situation pertains not only at Edithburgh but also at Stansbury, Port Turton, Port Victoria, and right around the coast of Yorke Peninsula and the Adelaide Plains.

There is a need to evaluate the industry to know what is there. I was concerned recently to discover that, in the matter of evaluating the fishery and knowing what are the returns from the fisherman (as all of us are aware, fishermen must submit a return each month showing what they have caught and where they have caught it), the department was at least six months behind. It does not know to within six months how many fish are in a given area and therefore how many are available or what are the trends in the fishery. That was a cause for much concern.

Similarly, I know of applications for licences that have been refused, and I know of one that has been accepted. I know of a situation in which two men went to town together for the hearing of appeals against the rejection of their applications. They wished to fish out of the same port. One man came to the area in 1973 with a physical disability that made manual labour very difficult for him. He applied for a licence to fish and it was refused. He had to look after his family, but he did not take unemployment relief. Not wanting to be a burden on society, he took a manual job, even though it was difficult for him to do it. Time went by, until recently the state of his health and his arm muscles brought him to the conclusion that he could no longer continue in his job. When he applied again for a fishing licence, he was knocked back again. As the Minister has said, it is automatic. He appealed.

He discovered that, in the same town, an unemployed man had applied for a licence, had been refused, and had lodged an appeal which was to be heard on the same day as his own appeal. Being big-hearted, he offered the unemployed man a ride to Adelaide, where the two cases were to be heard in court. The gentleman whose health had deteriorated to the extent that he could work no longer (and fishing was one thing he could do to maintain himself and his family) had his appeal refused. The unemployed man, whose gear was rather suspect, got a B class fishing licence because he was unemployed. So there are anomalies, and I trust that the practical provisions of the Bill are such as to correct such anomalies.

Mr. Millhouse: They're not.

Mr. BOUNDY: I am afraid that the honourable member is right, but I raise the matter in the hope that some notice will be taken of it and that common sense will prevail. I can quote the case of a retired man who sought a B class fishing licence. It was refused, and he appealed. A ridiculous situation arose. I understand, from representations he made to me, that the magistrate who heard the appeal said that it appeared to be a straight-forward case and that the man should be granted a licence to fish to supplement his meagre income in retirement. The officer of the Agriculture and Fisheries Department said, "Not on your life." The magistrate, the independent person charged with the responsibility of deciding whether the appeal was just, suggested that there was no problem and that the licence could be granted, but the departmental officer held the opposite view. There is a need for an upgrading of the whole business of granting licences.

The Hon. J. D. Corcoran: What happened to the appeal? Did he get his licence?

Mr. BOUNDY: No. There is a very unhappy retired gentleman living at the seaside in my area. He asked that we continue to promote the matter, but my shadow Minister and I seem to be beating our heads against a brick wall. I turn now to the prawn fishery and to the lottery mentioned by other members in the granting of the limited number of authorities available. I think 94 names were placed in a hat for two authorities. I realise the difficulties of the Minister and of the department in determining who gets the authorities, but some account should be taken of people in the industry who are granted Ministerial permits to evaluate fisheries in difficult areas and who have to withstand the restrictions that that Ministerial permit places on them. They have a departmental officer with them, keeping tab on everything they do. They are not out to do anything illegal, but it is restricting to have to make the times available and to follow the rules of the departmental officer who is on the boat. This lottery is not fair to the people who have been a long time in the industry and who have served it well, co-operating with the department, and then finding that, when two permits are available, they have to go into the lottery with everyone else, against those with no experience in the industry.

So much for my misgivings. I am not underestimating the difficulty of being fair in granting licences. I accept that fish comprise a community resource and that there are difficulties in arriving at an equitable granting of the various licences. Turning to the clauses of the Bill, I have a few misgivings about this so-called short and simple measure. Clause 6 provides for the repeal of section 37 of the principal Act, and the new section 37 will provide that the holder of an authority may surrender that authority at any time and, upon such surrender, that authority shall cease to have any further force or effect.

On the surface, that is fair and just; the Minister needs to do this. However, it means in practical terms that, if a father has fished for 40 years, building up expertise, equipment, and knowledge of the area he has worked for a lifetime, and if his boy has worked faithfully with him from the time of leaving school and has reached the stage of wanting to take over by transfer, as I understand the clause there is no opportunity to transfer the licence within a family or within a business. Surely, that is less than just.

Dr. Eastick: What if he has acquired the property by bequest?

Mr. BOUNDY: Death, I understand, would bring about automatic surrender of the licence. There is no apostolic

succession in this. I am sure that all members opposite would agree that that is hardly fair, that it is just an extension of the lottery that I referred to earlier. The point raised by the member for Mount Gambier relating to the revocation of a licence and the suspension of a licence is covered by the same clause. I take the point made by the Minister in another place that suspension grants a little more flexibility than was available in the past. The only power he had was to revoke a licence and now he can suspend it. However, I can see no provision at all for a right of appeal for the person whose licence has been suspended. Although I do not suppose the Minister would do it, it is possible, given the way the clause reads, that the Minister could capriciously suspend a fisherman's licence and the poor fellow could go broke before he had an opportunity to defend himself in the matter of the suspension of his licence. I hope something is done about this matter and a right of appeal is written into the Bill. I have not had an opportunity to discuss this matter with my colleagues but if we are unable to include a right of appeal in this Bill at present, certainly at the earliest next opportunity we must do something about it.

The Bill is less than just to those it is supposed to protect. Regarding clause 8, we all accept that provisions relating to hygiene are necessary. The whole fishing industry, from the boats to the retailer, has tried to meet properly the whole question of hygiene. I have seen action taken in my own district to ensure that fish remains fresh until it reaches the market. Whilst these regulations are necessary, I hope they will not be too restrictive and place unjust demands on the fishing industry. Like the member for Mitcham, I am most concerned about the onus of proof clause, which provides:

> Where in proceedings for an offence against this Act it is proved that fish were in the possession or control of a person it shall be presumed in the absence of proof to the contrary that those fish were taken by that person.

I shudder about this clause. It is a back-to-front clause, but in practical terms there is not much else we can do about it.

Mr. Millhouse: Oh, come on.

Mr. BOUNDY: Well, there is an onus on everyone not to be holding undersized fish. It is like receiving stolen goods. If a person receives stolen goods he is equally guilty. I think this is the implication of this clause. I do not like it but, if I were a fisheries inspector and I caught someone with undersized fish in his possession and he said that he was not to blame because he did not catch them, that they were given to him, and it was not his fault, I would want the power to prosecute.

Mr. Millhouse: I don't think you have quite understood it.

Mr. BOUNDY: Perhaps I have not. I am only talking about the practical implications of the thing at the wharf or when the inspector is out in his boat. Sometimes a person tries to thrust the responsibility on someone else. In practical terms, whoever has the fish has to suffer the effects of receiving them. Although I support this measure, I have grave misgivings about some of its provisions, and I hope that in Committee we can gain from the Minister assurances that protection will be provided where it is needed.

Mr. VANDEPEER (Millicent): I support this Bill which has apparently been introduced to clarify certain administrative problems arising from the principal Act. I have been told that the Fisheries Act requires a complete overhaul and this will probably be done soon. When I was told that I wondered whether it was absolutely necessary for the Government to introduce this amending Bill. On reading the speeches made in the other place I was somewhat confused about whether the Government has a policy of open fisheries or one of managed fisheries. I had thought that the Government had a policy of managed fisheries, but in one or two statements made it was supposedly said that this Bill intended to clarify the position relating to the Government's policy. It was said that the Minister did not have the power to refuse a licence if one was applied for. I would like to have that broadcast in my district especially to one gentleman who has been attempting to obtain a scale fishing licence for a considerable time. He has made several approaches to the Minister to obtain that licence and has been refused many times. I think probably the Minister will know very well the gentleman about whom I am talking. He can expect another visit from him in an attempt to obtain a scale fishing licence.

The Government's policy in some areas has been confusing and conflicting. In the attempt to manage the fisheries of this State some anomalies have crept in, and I believe it is an anomaly to have restrictions on scale fishing licences when quality eating fish is being used as cray bait. This is happening at the moment. Licensed fishermen are catching Lake George mullet and they are selling it to the crayfishermen as bait instead of selling it on the open market. I have no objection to that regarding the price of the fish. If fishermen can sell it as cray bait and make a living out of it it is their right but it seems disappointing to have quality eating fish being caught and used as cray bait when the Government says it has a managed fisheries policy. Basically we go fishing to provide eating fish, and yet the opposite is occurring. I think that matter should be examined by the Government, but I do not think it is covered by this amending Bill.

I believe that not enough money has been spent on fisheries research. I believe this is an essential item for the management of fisheries. Sufficient money must be supplied to provide ample information on how to manage fisheries and how far the restrictions should go. The total sum of $252 892 was allocated for fisheries research in the last financial year, and that is not enough. I realise that the Government is considering a considerably increased sum this year because of the cost of establishing a research vessel, but as the Government has surplus funds at the moment it should not be difficult to pour a considerable sum into fisheries research to ensure that the managed fisheries are managed along the correct lines. I understand that research is taking place to establish the effect on the lobster industry of the activities of amateur fishermen along our coast. Many people say that it is almost a complete waste of time and that the money would be better spent on more scientific and extended research in the deeper waters along our coast. Most of the points in this amending Bill have been canvassed by my colleagues. I agree with the statements they have made. I do not intend to repeat what has been said except, finally, to refer to the onus of proof clause, which I think is the sting in the tail of this Bill. If this Government continues to produce amending Bills with those little stings in their tail I think eventually the sting will turn about-face, the voice of the people will be heard and the people will change the Government. The present Government will then be able to look into the past and say that, if it had not included all those little bits at the tail-end of those Bills, it might still be in Government. I deplore the fact that the Government is including that sting or onus of proof clause at the end of that Bill. I support what my colleagues have said and, although I have certain reservations about this Bill, I support the second reading.

The Hon. J. D. CORCORAN (Minister of Works): I do not intend to deal with the clauses in the Bill that members have taken points on because they can be adequately dealt with in the Committee stage. I want to comment on general statements made during the course of this debate. I hope the member for Mitcham does not leave us, because it is nice to see his entry into this field. I thought there was something fishy about it when he came into it, but he was obviously set on making an impassioned plea on behalf of a person involved in the industry. It is a pity he did not tell both sides of the story.

Mr. Tonkin: Raptis.

The Hon. J. D. CORCORAN: Yes, Raptis brothers. He took their part and, if one listened to his speech and did not know the other side of the story, one could not help being impressed with what he said. The member for Mount Gambier made the first little probe that stung the member for Mitcham when he said that he thought that part of the problem suffered by Raptis brothers was the fact that legislation was introduced into the Northern Territory that required prawns caught in the Gulf of Carpentaria to be processed in that area. That did have a dramatic effect on the operation of Raptis brothers and the honourable member for Mitcham knows it full well.

Mr. Millhouse: You tell me when it came into effect. Come on, you tell me!

The Hon. Hugh Hudson: Don't be so overbearing.

The SPEAKER: Order!

The Hon. J. D. CORCORAN: I said that caused a problem for the firm the honourable member represented so well here this afternoon.

Mr. Millhouse: Come on, you tell me—

The SPEAKER: Order!

Mr. Millhouse: Come on! When did it come into effect?

The SPEAKER: Order!

The Hon. J. D. CORCORAN: I do not know when it did come into effect, but I know that—

The SPEAKER: Order! The honourable member for Mitcham is out of order with this continual interjecting. The Minister must be given an opportunity to reply to the debate that is now being concluded.

The Hon. J. D. CORCORAN: Whether or not it has come into effect, I do know that. It certainly has been mooted, if it has not already been passed. The honourable member can grin, but it had a very serious effect on the outlook of the Raptis brothers' industry. This industry has been approaching the Government for many years to obtain licences. This is not the only reason they are in trouble, but they had been approaching the Government for many years to obtain licences in the managed fisheries area. I want to emphasise those words "managed fisheries", and I want to make perfectly clear that the honourable member understands what a managed fishery is. The first thing about a managed fishery is that one protects the resource. Secondly, one protects the people involved in that industry. Raptis brothers have been involved in that industry in two ways—as processors in this State and as people who use prawn trawlers in the Northern Territory and who were supplying their processing factory very largely from that source. They were getting some of their fish or prawns, or whatever it may be, for processing from South Australia, but the bulk of it came, as I understand it, from the Northern Territory, or the Gulf of Carpentaria.

Mr. Millhouse: What about protecting the 200 jobs?

The SPEAKER: Order!

The Hon. J. D. CORCORAN: What I would like to do is take the member for Mitcham to the parliament of the fishing industry, the Fishing Industry Council, and let him say the same things as he said this afternoon. I know that he would not, because he would not be game to do so. He realises that the people who are engaged in the industry would have been seriously harmed (in fact the whole control or management of the resource would have been done great harm) if the Government had acceded to the pressures and requests placed on it by the Raptis brothers to allow them to enter into the prawn fishery in St. Vincent Gulf or anywhere else in this State. The honourable member knows that, but he does not care one hoot about that because it does not happen to suit his purpose at the moment. He did so well here this afternoon that I wonder whether or not there was some ulterior motive. I thought he might have been smelling around for some Party funds or something like that.

Mr. MILLHOUSE: I rise on a point of order, Mr. Speaker. I ask for a withdrawal of that suggestion. That was a scandalous and dishonourable suggestion to make, that I came into the House to champion someone so that my Party could benefit. I ask for a withdrawal of that remark, as it is a most dishonourable thing to say.

The SPEAKER: Order! I ask the honourable Minister to withdraw that remark.

The Hon. J. D. CORCORAN: If I have offended the honourable member, I withdraw the remark.

Mr. Millhouse: That's a disgraceful thing to say.

Members interjecting:

The SPEAKER: Order! There is far, far too much interjecting. If this continues I shall have to take action, and all honourable members know exactly what I mean by that.

The Hon. J. D. CORCORAN: What the honourable member said about this matter was grossly and completely irresponsible for a member who was a Minister in the Hall Government and who has some idea of the difficulty that that Government had with this matter. We set up, I think in 1967, a Select Committee to look at this matter. As a result of that a report was brought down and the Government of which the honourable member was a member (and a very prominent member because he was the Attorney-General, responsible for the Parliamentary Counsel) saw to it that Sir Edgar Bean was employed by the Government to draft the legislation, to formulate the policy that he is now condemning in this House. The honourable member is condemning it out of hand because it does not happen to suit the case that he put before the House this afternoon.

Everyone who is involved in the fishing industry in this State would condemn the honourable member for what he tried to do this afternoon. There is no question about that, and the honourable member knows it full well. It is not just the Raptis brothers who are involved. If we are going to treat them, because of the seriousness of this problem, in the way that he suggested, why should we not treat other people in the same way? No doubt, if members listened to the debate this afternoon, they would realise the great problems that exist in this industry. If they listened to the complexities of the matters raised by members they would see that it was a most difficult area, as the member for Mitcham knows because he was involved in trying to provide legislation and policies that would make managed fisheries work. He was no more successful than his colleague Mr. Story was at that time.

Mr. Millhouse: Tell me what you're going to do about the 200 jobs.

The SPEAKER: Order!

The Hon. J. D. CORCORAN: I am not going to destroy the managed fisheries in this State, and that is what the honourable member want to do. There are more than 200 jobs at stake in what I am talking about, and the honourable member knows that full well. The justice of the case can be seen. It is not the 200 jobs at Raptis about which I am concerned but, if we carry on like the honourable member wants us to carry on, there would not be jobs in the long term for many thousands of people, and the honourable member must recognise that. It is a short-term and irresponsible attitude.

Mr. Millhouse: You don't want—

The SPEAKER: Order! I warn the honourable member for Mitcham for the last time: if he continues to interject in this way I shall certainly name him.

The Hon. J. D. CORCORAN: I have said, and I say again—

The SPEAKER: Order! The honourable member for Davenport: I do not think you should smile.

Members interjecting:

Mr. Mathwin: You had better ask him if you can blow your nose.

The SPEAKER: Order! The honourable member for Glenelg. I warn all honourable members that, if they continue in this way, I shall take action.

The Hon. J. D. CORCORAN: Rather than the member for Mitcham—

The SPEAKER: Order! The Deputy Leader of the Opposition: I warn you for the last time. If you continue to talk in this way, I shall name you.

Mr. GOLDSWORTHY: On a point of order, Mr. Speaker. I should like an explanation of that warning, because it is the first time that you have spoken to me. I should like to know the reason for your censure and what I am alleged to have said.

The SPEAKER: It is not what you are alleged to have said. When I called "Order", you continued to turn your head and it was audible to me that you were speaking to your associates alongside you.

Mr. DEAN BROWN: On a point of order, Mr. Speaker. I do not think that Standing Orders anywhere say that a member cannot speak to a person alongside him. The only time he cannot do that is when the Speaker is on his feet. We all appreciate that, when the Speaker is on his feet, no member can stand or speak in the Chamber.

The SPEAKER: Order! I think the honourable member has made his point: he is now debating. What honourable members have missed (and this is an important point) is that the speech is not supposed to be audible enough to disrupt the House.

The Hon. J. D. CORCORAN: I believe that the stand taken by the member for Mitcham this afternoon was short-term thinking and was, to say the least, completely and utterly irresponsible and hardly becoming of a man of his experience and knowledge—except in the field of fisheries, I take it! I point out that this is a difficult and complex area of administration, and I am sure that the member for Mitcham would agree with that comment, probably, because of his abject failure, I suppose, to do anything about it when he was in office. No doubt, as the member for Eyre said, as did another honourable member, there has been some criticism of the present Minister of Agriculture in his capacity as Minister of Fisheries.

Let me say, that, for about 13 years, I was the member for a district that contains a large majority of crayfishermen in this State. I have never heard of or known a Minister, Liberal or Labor, with whom fishermen completely agreed. Perhaps it is the nature of their employment, which is a secretive type of thing. Because of the nature of their work, they are independent, hardy, and strong, and not easy to manage. This is the problem we have. If we are to conserve our resource, which is vital to the industry, we have to manage the people in the industry, and this is where the problem emanates from, generally. Every fisherman has his own idea how this department should be operated. If there were 3 000 fishermen in this State, there would be 3 000 different ideas about how it should perform and operate.

I think it is unfair of the member for Eyre to single out the Minister in the way he has done this afternoon. It may be true that people along the length and breadth of this coast have moved votes of no confidence in the Minister but, generally, they have been based on misinformation or otherwise the people have been ill-informed. Let us consider the Minister's performance during the past couple of years. In that time the budget for the Fisheries Department has doubled; there have been increases in staff and research activities that have been absolutely necessary, if we are to manage the fisheries properly.

We are nowhere near what we would like to be at this stage, but there has been an added impetus during part of the time that the present Minister has controlled the department. I believe that it is a pity that fishermen with legitimate complaints have not gone through what I described before as the Parliament of the fishermen in this State, that is, the South Australian Fishing Industry Council, so that the complaints could be put in a proper way to the Minister. There could and should be better communication among the department, the Minister and fishermen. However, that is difficult to achieve. As honourable members would know, fishermen work at odd hours, odd times, and odd parts of the year, so it is difficult to get them together and talk to them. In those circumstances, all sorts of versions are placed on what has been said, and that is another difficulty.

What I am saying is that the present Minister has shown that he can handle a difficult and complex situation in a way that shows him to be not incompetent but competent. I can say that, if the Premier had not been satisfied with the way that the Minister was conducting his portfolio (and I take it that the Government, not the Minister, is responsible), some action would have been taken some time ago to place that portfolio in the hands of someone else. God knows it has changed often enough, and possibly it has suffered to some extent because of the changes of Minister, as there has not been the continuity of administration necessary for an even flow. I need say no more, because I want to give members an opportunity to raise specific questions in Committee, so that I can deal with them.

Dr. Eastick: Does the Minister listen to the Fishing Council?

The Hon. J. D. CORCORAN: I am certain that he does. I do not know why the honourable member is suggesting that he does not. Does he suggest that?

Dr. Eastick: You have indicated that he does, but there is grave concern that he does not.

The Hon. J. D. CORCORAN: If the honourable member wishes to be satisfied, I suggest that he speak to the Minister.

I cannot answer categorically for him, but I understand that he does.

Mr. Keneally: He does.

Members interjecting:

The Hon. J. D. CORCORAN: I suggest that the honourable member find that out by asking the Minister. I am willing to stand up in this Chamber and defend the Minister's action and his work since he became the Minister.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Interpretation."

Mr. MILLHOUSE: This makes an alteration to the definition of "waters" by inserting "strait, passage" after "bay, gulf", but it is not quite as it was shown in the second reading explanation. I ask the Minister whether the reason for the amendment is to try to anticipate a result adverse to the Government in the Raptis matter. It seems to me that that is probably the reason why this amendment has been included. If I understand the Raptis litigation, I am not sure that the amendment is necessary. I therefore ask the Minister whether the reason for the amendment is to try to ensure that, even if Raptis is successful, it will be only on this occasion that that will be the case.

The Hon. J. D. CORCORAN (Minister of Works): I am not sure whether that is the reason for the amendment.

Mr. Millhouse: It is.

The CHAIRMAN: Order!

The Hon. J. D. CORCORAN: The honourable member can have his view, but I have said that I am not aware whether that is the reason.

Mr. Millhouse: The Minister—

The CHAIRMAN: Order! The honourable member for Mitcham will have ample opportunity during the course of Committee to ask questions. I will not allow him to ask three questions at once. He has an opportunity during Committee to rise three times. I hope he will stop interjecting. The honourable member has been warned already by the Speaker.

The Hon. J. D. CORCORAN: It is good sense to clear up what may have been a hairy definition. Suffice to say that that probably is the real reason behind the amendment.

Clause passed.

Clause 4—"Restrictions on interests of inspectors."

Mr. RODDA: Can the Minister clarify what was meant by the passage "without the consent of the Minister" in the Minister's second reading explanation?

The Hon. J. D. CORCORAN: I imagine that it would be possible for a person who had been appointed an inspector or who was an inspector to be embarrassed if he had a proprietary or financial interest. I cannot think of a reason, but there may be an occasion when it would not be against the inspector's ability to do his job, and I supose this covers that sort of eventuality. I suppose it could relate to a borderline case that the Minister would examine and say, "In the light of that I do not think that his interest will interfere with his ability to do his work." If it were a blanket cover it could conceivably lead to injustice.

Clause passed.

Clause 5 passed.

New clause 5a—"Decision on application for licence."

The Hon. J. D. CORCORAN: I move to insert the following new clause:

5a. Section 34 of the principal Act is amended by striking out subsections (1) and (2) and inserting in lieu thereof the following subsections:

(1) The Director may—

(*a*) grant an applicant a fishing licence or licence to employ;

or

(*b*) refuse an application for a fishing licence or licence to employ.

(2) The Director shall not grant an applicant a fishing licence or licence to employ unless he is satisfied that the granting of that licence will not prejudice the proper management of the fishery in relation to which the relevant licence is applied for.

The effect of the amendment is merely to state quite clearly the role of the Director of Fisheries in the granting of licences. Subsections (1) and (2) of section 34 of the principal Act somewhat obscure the principles on which the Director must act if the fishing resources of this State are to be properly managed.

Mr. RODDA: I seek clarification, because of argument that ensued in another place. I believe that subsequent discussions were held with the Minister and the department about the matter. I understand that the amendment relates to administrative difficulties with the Act as it stands and that, if this provision were removed from the legislation, it would be inoperative. In fairness to the Chamber, the Minister should explain in further detail what is meant by the amendment.

The Hon. J. D. CORCORAN: I cannot explain to the honourable member more than I have, that it is to clarify the Director's position in relation to the issue of a licence. If we were to study carefully subsections (1) and (2) of section 34 we would probably ascertain that they were not clear enough regarding the Director's exact responsibilities. This amendment does not add to or subtract from the meaning of section 34, but it makes clear what is the role of the Director.

Mr. MILLHOUSE: Unlike the Minister, I have looked up subsections (1) and (2) of section 34 and, on my first reading, what the Minister has said is not borne out. I know, as do all honourable members, that this provision was originally contained in the Bill in another place, that it was debated and that members of the Liberal Party voted against its inclusion and removed it. The Government is now trying to put it back. I am surprised at the mild attitude taken so far by the so-called shadow Minister on this matter.

The Hon. J. D. Corcoran: You seem surprised.

Mr. MILLHOUSE: I suppose that I should not be surprised. The Liberal Party is divided into two Parties.

The CHAIRMAN: Order! Nothing in this clause relates to the Liberal Party.

Mr. MILLHOUSE: I did not read the debate on this matter in another place. Anyway, I could not refer to it, because it is against Standing Orders to do so.

Mr. Gunn: Go on with it; don't dilly-dally.

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

Mr. MILLHOUSE: Subsections (1) and (2) are not, on the face of it, ambiguous or difficult to interpret, but I will bet that a trap is hidden somewhere and that someone is getting power out of this provision that is not being disclosed. In light of the history of this amendment (and the Liberals might be pleased to go along with the Government), I would certainly like to know the real reason behind the amendment; that is, if the Minister can give us the reason.

The Hon. J. D. CORCORAN: The honourable member is sparring at shadows, as he always does, just to make things difficult not only for the Minister but for everyone else. I have given an explanation and I do not intend to enlarge on it. I, like the member for Mitcham, have read section 34, and the amendment clarifies the situation. If the honourable member disagrees with me, that is too bad.

Mr. Millhouse: That hardly leaves—

The CHAIRMAN: Order! The honourable member for Mitcham is out of order. This is the last time that I will warn him. The next time I shall name him.

Mr. RODDA: As the member for Mitcham has said, this matter was debated in another place and this provision was defeated. I was given to understand by my colleagues in another place that at a subsequent discussion with the Minister and the department it was stated that, by taking out this provision, the Act would virtually be unworkable. My colleagues in another place have agreed that the clause should be reinserted, thus enabling the Act to work.

Mr. MILLHOUSE: The Liberals, apparently, are prepared to go quiet. I have done my best to find out what is behind the amendment. If no-one is interested in it, it is not much good my flogging it. Not many of my constituents are interested in this matter, but I would have thought that many constituents of the member for Eyre, the member for Millicent, and others, would be interested in a provision such as this.

Mr. GUNN: The member for Mitcham has again clearly demonstrated that he knows nothing about the industry, nor is he concerned about it. All he is interested in doing is making cheap political capital out of an industry which it is always difficult to administer. The amendment is necessary for the proper functioning of the managed fisheries programme.

Mr. Millhouse: Why?

Mr. GUNN: If the honourable member cannot understand the amendment, he should go to the Agriculture and Fisheries Department and have someone there fully explain it to him.

New clause inserted.

Clause 6—"Surrender and revocation of 'authority'."

Mr. BOUNDY: New section 37 (2) provides that the holder of an authority may surrender that authority at any time, and upon such surrender that authority shall cease to have any further force or effect. Does that mean that there is no right of transfer as between fathers and sons? Does it mean that the death of the fisherman immediately cancels the licence and that it cannot go, by bequest, to his successors, thus putting an arbitrary end to a family's opportunity to fish, so that reallocation is by ballot? The whole of such a person's assets could be rendered worthless.

The Hon. J. D. CORCORAN: The provision with which the honourable member is dealing deals with the powers of the Minister to revoke and, if the amendment is carried, to suspend a licence. My understanding is that the new subsection does not deal with the administration of a licence in the case to which the honourable member has referred. It deals with the revocation of the licence of a person in a managed fishery where the Minister considers that he has been involved in some act detrimental to the management of the fishery. He may have been caught taking under-size crays, and be fined. The Minister may revoke under clause 37 of the principal Act but not suspend. The purpose of the amendment is to give the Minister more latitude by enabling him also to suspend. Although the severity of a revocation may lead to a person's going bankrupt, any person involved in what is a closed industry should be careful to comply with the laws and regulations that manage the industry. If foolish enough to take under-size crays, for example, he must realise that the consequences could be serious to his livelihood. It means that the Minister could, in addition to the fine through the normal procedures, decide that it was proper to suspend the licence for a period. I do not think that it has anything to do with the Minister's revoking a licence on the death of a fisherman, although the power is there, as has the fisherman the power to surrender it at any time. The provision has not, I think, been used in that way. The revocation or suspension of a licence has more to do with breaches of regulations and controls in the managed fisheries.

Mr. MILLHOUSE: Let the member for Goyder be under no misapprehension; the clause is meant to increase the powers of the Minister to suspend or revoke, and there are no bounds on that power. Undoubtedly the amendment will go through, because it has already been passed by another place without debate.

Mr. Gunn: It must go back.

Mr. MILLHOUSE: They cannot touch it now: they've passed the damn thing.

Mr. Gunn: There's an amendment to go back.

Mr. MILLHOUSE: But not to this clause. It is too late now. The fools let it through. What it does is put it completely in the power of the Minister, just as he likes, to cancel or suspend any permission, licence, or certificate of registration under the Act. It is very much wider.

Mr. Nankivell: That's in section 37 (2) now.

Mr. MILLHOUSE: No wonder the member for Mallee is no longer the shadow Minister of Fisheries. You should look at the Bill.

The CHAIRMAN: Order! The honourable member knows that "you" should not be used; it should be "honourable member".

Mr. MILLHOUSE: I should not allow the honourable member to provoke me, but it is difficult, when we get such an asinine interjection as we had from the honourable member, not to lose one's temper just a little, and I am sorry that I have done so. Let us look at section 37 (2), which merely provides that the Minister may revoke any fishing licence or permit to take fish. It is restricted to those two things. What does this do?

Members interjecting:

The CHAIRMAN: Order! There are far too many interjections. The honourable member for Mitcham has the floor.

Mr. MILLHOUSE: It widens the provision to a power over any licence, permit, certificate of registration, authorisation certificate, franchise, lease or licence provided for by or under this Act. In other words, the draughtsman has gone out of his way to think up every possible permission and type of permission that could be given under the Act and said, "Right, we will put all that in the total and absolute discretion of the Minister". I have heard a few unpleasant and unkind (but perhaps true) things said about the competence of the Minister this afternoon. What we are being asked to do, and what inevitably will happen, is to give him absolute power, without appeal, on any grounds he likes, or with none, to revoke or suspend a licence. The gall of the Government to say that, because the present position is Draconian, it will be watered down so that he can merely suspend as well as cancel, is so misleading as

to be a dishonest explanation of the provision. I apologise to you, Mr. Chairman, and even to the member for Mallee for losing my temper, but it is obvious to me (and I do not know much about fisheries), as it must be to anyone who reads the Bill, that we are giving enormous power to the Minister, quite unfettered. It is no good asking for an undertaking that he will do this, that, or the other thing. Even the member for Goyder should know that that is not worth the *Hansard* paper on which it will be printed tomorrow. I do not like the clause, and I intend to oppose it, because no proper explanation has been given for increasing in this drastic way the powers of the Minister.

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

Mr. RODDA: Clause 6 gives the Minister considerable power. The Opposition has had private discussions with the Minister during the passage of the Bill, and I seek from the Minister some assurance (or perhaps he can discuss the matter with the Minister of Fisheries to obtain such an assurance) that there will be an appeal in future after a certain time.

The Hon. J. D. CORCORAN: If this clause does not pass, the power in the existing Act will be greater than is this power. The member for Mitcham talked of authorities and registration, but if the Minister has the power to revoke a permit or a licence, what is the use of a registration or an authority? I suggest that the Parliamentary Counsel in this case was simply tidying up the matter. He allowed the Minister also the right to suspend. That provision is not as severe as is revocation. The member for Mitcham knows that, but he is trying to suggest that we are extending the power.

Mr. Millhouse: I am trying to suggest—

The CHAIRMAN: Order! I said that next time the honourable member for Mitcham interjected I would name him. I am extending a courtesy to him at this time. He has just walked into the Chamber. If he interjects in future, I will name him.

The Hon. J. D. CORCORAN: Before the dinner adjournment, the member for Mitcham suggested that we were granting the Minister more power under this amendment than existed in the principal Act. I refute that. He does not know very much about fishing and he does not know about the revocation of a licence or a permit. What would be the good of a registration or an authority? It is tidy drafting to cover everything that could happen. The honourable member can grin in his idiot fashion if he wants to, but those are the facts. The power of the Minister has been extended to provide for a far lesser penalty than is the case under the existing Act. He could now opt for a suspension. He does not have to put a man out of business by revoking his licence.

The member for Victoria made the point, as Opposition spokesman, that he was concerned that there was no right of appeal against this power of the Minister. I do not blame him for raising that issue, which was raised by other Opposition members. It was raised with me privately and, as quickly as possible, I explored with the Minister of Fisheries the possibility of including in this Bill some provision for an appeal. He expressed interest in the matter but suggested to me, because he was not certain of the ramifications that could flow from an appeal at this stage, that we leave it, with the undertaking that, when the total review of the Act takes place, which is expected to be in the next session, we will look at the matter and the opportunity will be given then to include something that does not actually lie within the Act at present. There is no provision for an appeal at the moment, and I suggest that the provision in the existing Act is far more severe, if it has to be used, than is the power of suspension which this Bill provides for the Minister. If the Committee fails to accept this clause, and if the Act remains as it is, fishermen will be worse off than they are at the moment.

Mr. GUNN: I accept what the Minister has said; it is necessary that the Minister should have power to suspend. Recently, some constituents of mine who are crayfishermen brought to my attention that people were deliberately flouting the law. It is most difficult to apprehend people who poach cray pots. A person was apprehended and a small fine imposed. The association representing crayfishermen has recommended to me and to the member for Flinders that the only way in which to deter people from such illegal acts is for the Minister to have a power of suspension for weeks or months. In that way, unfortunate courses of action such as poaching will be stamped out. Nothing else is satisfactory; therefore the Minister must have power to suspend.

Mr. MILLHOUSE: Quite rightly, I suppose, Mr. Chairman, you would not let me interject when the Minister was replying, but he did try me sorely by what he said and it was hard not to be provoked into an interjection. I do not know much about fishing, but one need not know much about fishing to see how strong is this proposal. It is all very well for the Minister to say that the power of suspension is a lesser penalty than is revocation, but it also retains the power of revocation. In future, every fisherman in the State who needs any sort of permit or licence will be beholden to the Minister and will be in the Minister's power absolutely. There is no question of appeal. How one can get an appeal from a Ministerial decision, I do not know. If we were giving the Director this power, with appeal to the Minister, we could properly have an appeal to the man above. We are putting this on the Minister's shoulders, and there can be no appeal from that unless it be to the court.

We are deliberately taking away any vestige of appeal to the court when we repeal section 61 by the passage of clause 10. It is unreal to talk about appeal or fairness. There will be no opportunity to test out the Minister. In future, every fisherman will have to toady to the Minister; if the Minister wants to wipe him out, he will be wiped out all right. The Minister can suspend him as well. It does not take away the power of cancellation, but adds a lesser power as well. The Minister can throw as much mud at me as he likes, but he cannot get away from the fact that this is an unsatisfactory provision.

The Minister admitted that he talked to his colleague about it, and I am not surprised that his colleague is not willing to do anything. No Minister likes to lose power, as that is against human nature. We all like power when we get it, and we like to exercise it. He has admitted that the provision is not good, but I cannot accept the suggestion that we should wait to see what is washed up when the Act is revised again. We are dealing with the matter now, and it is now that we should be considering it, not later.

The Hon. J. D. CORCORAN: Members of the Opposition and of the Government are concerned to see to it that in order to properly manage the resource and to protect the people in this industry we have powers that mean something.

Mr. Millhouse: My word! You're going to get them, too.

The Hon. J. D. CORCORAN: They are now in the Act. The member for Mitcham said it was not possible

to appeal against this provision. The Minister told me this afternoon that in a couple of cases there have been appeals to the court—

Mr. Millhouse: There won't be any.

The Hon. J. D. CORCORAN: —in the case of revokation. I am not going to argue the legalities of this with the learned gentleman. He loses three cases every week now and I do not want to go into it any more with him. I cannot believe that he does not really see that the Minister will now be able to be less severe. Rather than revoking licences, the Minister can more effectively manage this area and penalise people by a suspension, but the Act does not allow him to do that now. The Opposition has questioned me about the right of appeal (irrespective of what the member for Mitcham is trying to do to the Opposition tonight), and I have told Opposition members frankly that we do not have time to consider the matter at this stage, but we have given them the undertaking, which I hope they will accept, that we will examine the matter. Frankly, I would not want to see the opportunity for an appeal missed if it is possible to provide it. The honourable member knows as well as I do that to say something off the top of the head would be very foolish because we have to examine the ramifications of any such decision. That will be done and in due course the Opposition, which has requested this information, will be given that information.

Question—"That clause 6 be agreed to"—declared carried.

Mr. Millhouse: Divide!

While the division was being held:

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

Clause passed.

Clauses 7 and 8 passed.

Clause 9—"Evidentiary."

Mr. RODDA: The Opposition is opposed to this clause, which reverses the onus of proof. The Opposition has opposed similar provisions in other Bills. The Crown should have to prove that a person is guilty of an offence. This provision is directly against British justice and the Opposition opposes it.

Mr. TONKIN (Leader of the Opposition): This matter has already been ventilated during the second reading debate. It is an obnoxious clause. It comes into the category of reversal of onus of proof. I can envisage the ridiculous situation in which fish could be found in the possession or control of somebody, for instance, who is a quadraplegic in a wheelchair. It would be absolutely absurd to have to go through all the fuss of proving that that person did not in fact take the fish. That is not likely to happen often, but similar situations can occur. It is not common in my view, according to the normally accepted practices of justice and the dispensation of justice in this State, this country, or in the British Commonwealth, that people should have to prove they are innocent. That is exactly what this clause requires.

The mere possession of fish does not prove in any way that those fish were taken by that person. One individual could catch a number of fish and, as is frequently the case with fishermen, he could distribute them to his friends, so there could be a number of people being penalised simply because they were in possession of fish without knowing any of the circumstances of the taking of those fish. They would be placed in the invidious position of having to prove that they did not take those fish. It might be easy for five out of the six people to prove that they did not take the fish, but it may not be easy for the sixth person to prove that. The point is that it should not be a burden on those people so to prove. I oppose the clause.

Mr. MILLHOUSE: I think that the proof required to rebut the presumption in the case of a quadraplegic in a wheelchair (if quadraplegics are in wheelchairs) would be very slight indeed. It is some relief to know that at least on this matter the Opposition is willing to oppose a most obnoxious proceeding. I point out to the Minister and to Opposition members that this clause is to join other most obnoxious provisions in section 57, which we are amending by this clause. When we have the wholesale revision of the Fisheries Act, we should delete some of these utterly obnoxious provisions, of which this is one.

The Hon. J. D. CORCORAN: I can understand why the member for Mitcham opposes this clause, but not why the Opposition opposes it. The member for Mitcham sees a threat in it to the wealth of his kith and kin, because in practice this is the greatest "out" of all time. How can a fishing inspector travel in every boat that goes to sea? How can we prove that the fish were taken by a person, when he is at sea? This is the reason for the amendment.

Mr. Millhouse: Whom will you charge?

The Hon. J. D. CORCORAN: The person in possession, unless he can prove that he did not take the fish. At present inspectors are in an unreal situation when trying to effect a prosecution. It seems that the member for Mitcham is trying to make it as easy as possible for the wrong people involved in this industry to get away with everything, but that is not what the Government or the Opposition wants. We want the power to ensure that people who are strongly protected in the industry behave in a way to deserve that protection. The provision is as simple as that; whether honourable members think it is justified or not is another question. The Government stands by this amendment, and I hope that it will be supported.

Mr. TONKIN: I cannot accept the Minister's argument. Why not put a policeman in every motor vehicle in case people break the law? It is impossible to do that, but should we assume that all motorists have broken the law and have to prove that they did not? That is a ridiculous example, but the Minister's argument is just as ridiculous. I know the provisions are difficult to enforce, but that is no reason to take away the fundamental principle of justice on which our society is based. I cannot find any reason to support the clause.

Mr. GUNN: Normally, I would oppose such a provision, but this provision is necessary in this legislation. If an inspector wants a successful prosecution concerning abalone, he has to go to the bottom and catch the person actually taking abalone there and, obviously, it is impossible to obtain such evidence. Even with abalone in a boat, the inspector cannot prove that a certain person has taken it. I believe that this clause is necessary, and I will have to support it.

Mr. BLACKER: The question of a court case involving lobster has been referred to in which it was a matter of proving that certain people caught the lobster. I know that there is a principle involved but, from the point of view of policing this industry, this is a desirable aspect of the Bill.

Mr. RODDA: Notwithstanding what my colleague and the member for Flinders have said, this is a bad principle and the Opposition cannot agree to this clause.

The Committee divided on the clause:

Ayes (25)—Messrs. Abbott, Blacker, Boundy, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Connelly, Corcoran (teller), Duncan, Dunstan, Evans, Groth, Gunn, Harrison, Hopgood, Hudson, Jennings, Keneally, Olson, Payne, Simmons, Slater, Virgo, Whitten, and Wright.

Noes (17)—Messrs. Allen, Allison, Becker, Dean Brown, Coumbe, Eastick, Goldsworthy, Mathwin, Millhouse, Nankivell, Rodda (teller), Russack, Tonkin, Vandepeer, Venning, Wardle, and Wotton.

Pairs—Ayes—Messrs. McRae and Wells. Noes—Messrs. Arnold and Chapman.

Majority of 8 for the Ayes.

Clause thus passed.

Clause 10 and title passed.

The Hon. J. D. CORCORAN (Minister of Works): moved:

That this Bill be now read a third time.

Mr. NANKIVELL (Mallee): I think that I should say something, because I came under criticism earlier this evening by the member for Mitcham. This has been not an effective debate but a debate about an industry which we should consider in the light of its being an industry and not on Party political lines. I thank the Minister for what I believe was an assurance that he gave, an assurance that we have on record, the dispute on which the Minister was kind enough to arrange for a discussion this afternoon that included the member for Victoria, the Minister of Fisheries, me and Parliamentary counsel, on the question of an appeal against the Minister's decision under clause 6 of this Bill. I also accept the Minister's assurance that this matter will be considered seriously when the Bill is redrafted, which is long overdue. In many senses the Bill is far from perfect. It leaves much to be desired as a consequence and, if it is to be redrafted, it would definitely be in the interests of the industry. It is the responsibility of this Parliament to make this Bill workable because, as I said earlier, it is an important industry: it has problems, but it must be made to work effectively and functionally in the interests of people engaged in it. That is this Parliament's duty regarding this sort of legislation.

Mr. MILLHOUSE (Mitcham): This is a bad Bill. I do not support it. All we will do in passing it is increase the power of the Government over the fishing industry. That power will be used just as the Government likes and without any safeguards at all. That is the sum total of the effect of the clauses we have passed. The Bill satisfies the Government and its followers. It may not always satisfy the Government's followers if the Government should go out of office one of these days. Everyone likes power, and Governments are no exception. All we have done is give more power to the Government and therefore reduce the freedom of the community, particularly those engaged in the fishing industry. The undertakings about which the member for Mallee talks are worth absolutely nothing, and he knows it. I will wager that the Fisheries Act will not come back before this House for a long time, whatever was said to him in conning him this afternoon.

Mr. RODDA (Victoria): The member for Mitcham has made a damaging indictment on an excellent industry.

Mr. Millhouse: It's not a reflection on the industry at all.

Mr. RODDA: Of course you have.

The SPEAKER: Order! I must remind the member for Victoria that he must talk to the Bill as it came out of Committee.

Mr. RODDA: I do not agree with the member for Mallee that this was not an effective debate: it was an awkward debate, because we were considering an amendment that was wrong in the first place. I was privy to discussions with the Minister on this Bill, and I appreciate what he told me this afternoon. The most important factor regarding this industry is that it involves a resource and, the resource having been established, the provision of this Bill will ensure that only properly authorised people fish in the respective fisheries for which they hold appropriate authorities. If someone transgresses, he pays the piper. It is an important industry, and it will be even more so with the advent of the 200-mile limit. I support the Bill as it comes out of Committee.

Mr. GOLDSWORTHY (Kavel): I support the third reading. Probably the truest thing that the member for Mitcham has said during the course of a long second reading debate and again on the third reading is that he does not know anything about fisheries. The Bill, as it comes out of Committee, reinforces the necessity in South Australia for a managed industry. The days of an open go (the free enterprise which the member for Mitcham espoused and which we espoused philosophically) is all very well as far as it goes. This is a limited resource, however, and this Bill tries to conserve that resource in a sensible fashion so that people who owe their livelihood to the industry can maintain that livelihood. I admit that I have not had first-hand knowledge of the industry concerned, but I have had discussions with the people concerned, with the Raptis family, and with other fishermen involved in co-operatives, and I am convinced on the balance of argument I have heard today and the information I have been given that the Bill seeks to conserve that resource in a sensible fashion. I agree with the member for Mallee on the need for the Bill to be redrafted (and I believe that that will happen), but the overall philosophy of the relevant legislation is to conserve a valuable resource in South Australia from which many people derive their livelihood. In these circumstances, anyone who views the matter dispassionately would agree with the need for a sensible management of the resource. For this reason, I support the third reading.

Mr. EVANS (Fisher): I did not speak in the second reading debate, and I took the opportunity to vote in a certain way in the final vote taken on a clause. I supported the action I took because of my interest in the recreational area of fishing. I believe that those who belong to angling clubs believe in acting in a proper way, and would support the move we have taken this evening, even though they may not agree that it is a perfect move. They will judge the Government in the future if it does not meet its committment, and I believe that we should accept the Government's guarantee. I believe that recreational fishermen, in the main, act responsibly, and for those who do not act responsibly the department is given the opportunity to act against them.

Bill read a third time and passed.

Later:

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

RENMARK IRRIGATION TRUST ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

FENCES ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

SOUTH AUSTRALIAN MEAT CORPORATION ACT AMENDMENT BILL

The Hon. J. D. CORCORAN (Minister of Works) obtained leave and introduced a Bill for an Act to amend the South Australian Meat Corporation Act, 1936-1976. Read a first time.

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

That this Bill be now read a second time.

The Bill is introduced because it was discovered, only today evidently, that, in a Bill to amend the South Australian Meat Corporation Act, an error was made in relation to the number of certain allotments that had to be transferred. It so happens that one of the numbers involved private property and the person concerned has been embarrassed because he is seeking, evidently, to raise finance on his property and cannot do so because of the inaccuracy.

Mr. Nankivell: He's being misappropriated.

The SPEAKER: Order!

The Hon. J. D. CORCORAN: It was a genuine and simple error, and the only way in which it can be rectified is by the passage of this short Bill. I seek the co-operation of the Opposition (including the member for Mitcham) in this matter, because it is not the Government's wish that this person should be prevented from exercising his due rights in this matter. The only way in which the matter can be rectified is in the way in which I propose to do it.

Mr. GUNN (Eyre): I support the Bill, which is a necessary piece of legislation if we are to avoid having a grave injustice perpetrated against a citizen of this State. It is fortunate that the House is in session, but it would have been unfortunate if the error had not been discovered until two or three weeks time, in which case he might have had to be compensated by the Government. When the original Act was passed in the House to transfer the works at Port Lincoln to the South Australian Meat Corporation, I had much to say about the corporation. Subsequently, when the official handing over took place, some members received invitations to attend the opening. I was disappointed, as one of the two members representing Eyre Peninsula (and at least 50 per cent of the stock that goes to the abattoirs comes from my district), that I was not invited. I understand that the Hon. Mr. Creedon received an invitation, and he would not know a duck from a donkey. The Opposition is pleased to support the Bill.

Mr. MILLHOUSE (Mitcham): One cannot do other than support the second reading of the Bill, but I entirely agree with what the member for Eyre has said. This must be (or, if it is not, it should be) a cause of great embarrassment to a number of people that a mistake such as this should have been made. If this error had been picked up next Friday instead of on Wednesday, some citizen would have been severely embarrassed, and for a long time.

Mr. Tonkin: He's been embarrassed already.

Mr. MILLHOUSE: Perhaps so. It is lucky for us, as members of Parliament, for those who are concerned in drafting, and for the person whose rights have unwittingly been interfered with, that it was picked up today, and not later. The Minister of Mines and Energy said quite unreasonably that we all had to take the responsibility for this mistake. How can we be expected to check the references to certificates of title? That is absurd to say that, and the Minister knows it, but he wanted to make a political point or to take me down. I know I am fair game in this place for both sides, but it does not worry me. It is quite unreasonable to expect members of Parliament to check certificate of title references. We cannot do it. There are two mistakes, not one, that I can see.

The Hon. R. G. Payne: The lawyers are supposed—

Mr. MILLHOUSE: Right, and they should be very embarrassed indeed if this does happen. I am glad to say that it does not happen often. There are two mistakes. One is obviously a typing error, because the volume is right, but the folio is 186 instead of 136, showing inadequate checking on the part of someone. The other is a completely wrong reference: volume 3417, folio 146, instead of volume 4036, folio 369. That was a straightout mistake in the identification of a piece of land. Perhaps someone in the Lands Titles Office picked it up today when the owner went to lodge a document or, having lodged a document, to check a certificate of title. It will be whizzed through; no-one will know much about it, and probably it will not get reported.

Mr. Becker: Look at the commencement, clause 2—it's retrospective.

Mr. MILLHOUSE: Even with my high principles, I cannot but agree to retrospectivity in this case.

The Hon. Hugh Hudson: He's not completely stupid.

Mr. MILLHOUSE: If the Minister likes to put it that way, I accept it. It will all be forgotten by tomorrow, but this is the sort of mistake that should not happen. Having said that, there is nothing more I need to say.

Mr. BLACKER (Flinders): As it is one of my constituents who has been affected by this measure, I support the Bill. I thank the officers of the House who have consulted me on this matter. From what I can find out, the correction has been made in accordance with the wishes of all concerned.

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

Later:

Returned from the Legislative Council without amendment.

STATE GOVERNMENT INSURANCE COMMISSION ACT AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 1, line 4 (clause 1)—Leave out "1974" and insert "1977".

No. 2. Page 1, line 8 (clause 1)—Leave out "1974" and insert "1977".

No. 3. Page 1—After clause 2, insert new clause 2a as follows:

2a. Section 2 of the principal Act is amended by inserting after the definition of "insurance" the following definition:

"Life Fund" means the fund kept under section 20 of this Act in relation to the life insurance business undertaken and carried on by the commission:

No. 4. Page 1—After clause 3, insert new clause 3a as follows:

3a. The following section is enacted and inserted in the principal Act after section 12 thereof:

12a. (1) In the exercise of its powers and authorities the commission shall not, without the approval of the Treasurer—

(*a*) make a contract or arrangement or enter into an understanding in restraint of trade or commerce; or

(*b*) give effect to a contract, arrangement or understanding to the extent that it is in restraint of trade or commerce whether or not the contract or arrangement was made on the understanding entered into before, on or after the commencement of the State Government Insurance Commission Act, 1977.

(2) In the exercise of its powers and authorities the commission shall not, without the approval of the Treasurer—

(*a*) supply any service;

(*b*) charge a price for any service;

(*c*) give or allow a discount, allowance, rebate or credit in relation to the supply of any service,

on the condition, or subject to a contract, arrangement or understanding that the person to whom the commission supplies the service will not, or will to a limited extent only, obtain services of a similar kind from a competitor of the commission.

(3) In the exercise of its powers and authorities the commission shall not discriminate between purchasers of like services in relation to—

(*a*) the price charged by the commission for that service;

(*b*) any discounts, allowances, rebates or credits given in relation to the supply of those services;

(*c*) the method of payments for those services,

if the nature of that discrimination is likely to have the effect of substantially lessening competition in the market for services of a similar kind.

(4) Where the Treasurer gives an approval under subsection (1) or subsection (2) of this section he shall forthwith publish in the *Gazette* notice of that approval setting out with reasonable particularity the matter approved of.

No. 5. Page 1, lines 18 to 20 (clause 4)—Leave out the whole clause.

No. 6. Page 1—After clause 4 insert new clauses 4a and 4b as follow:

4a. Section 20 of the principal Act is amended by striking out from subsection (1) the passage "for each" and inserting in lieu thereof the passage "for the life insurance business and each other".

4b. The following section is enacted and inserted in the principal Act after section 20 thereof:

20a. The commission shall ensure that any surplus arising from an actuarial valuation of the Life Fund shall not be applied otherwise than for the benefit of holders of life insurance policies issued by the commission who in the terms of their policies are entitled to participate in the profits of the Life Fund.

Amendments Nos. 1 and 2:

The Hon. D. A. DUNSTAN (Premier and Treasurer): I move:

That the Legislative Council's amendments Nos. 1 and 2 be agreed to.

They relate to the date applicable to the Bill. In the original Bill as it passed this place, we had to use the term "1974" because the Bill had to be sent to the other place in the same form as it had left this House at that date. It is therefore a necessary correction.

Mr. MILLHOUSE: I was aware of this. I think frankly, that deliberately putting in an error, as we did last time, so that we could say that the Bill was in precisely the same form as the Bill previously passed by this House is carrying Parliamentary procedure to an utter absurdity. If people outside knew that we had done this or that the Government, out of an abundance of caution, had done this, it would cause some degree (probably not much, because it is trifling) of ridicule. If Parliament has to go to this extreme to say that the Bill is in exactly the same form as the Bill previously submitted, it is time we changed our procedure. It sounds to me like a bush lawyer gone mad.

Motion carried.

Amendment No. 3:

The Hon. D. A. DUNSTAN: I move:

That the Legislative Council's amendment No. 3 be agreed to.

This is not an amendment of substance. It provides that there be a life fund, being the fund kept under section 20 of the Act in respect of life assurance business. The Act already provides that there shall be such separate and distinct funds for each class or combination of classes of insurance business undertaken or taken on by the commission as the Minister, after consultation with the commission, may determine. Quite obviously, for actuarial purposes, there must be a separate life fund. That would happen under the existing Act anyway. This amendment makes no amendment of substance, but it is not inconsistent with the existing provisions of the Bill and the practice of the commission, so I see no reason to disagree.

Mr. TONKIN (Leader of the Opposition): The Opposition is pleased indeed that the Government has seen the wisdom of accepting this amendment. Members in another place obviously have considered the Bill most carefully on its merits, as presented to them. Because of that, they have taken the opportunity of moving amendments which they believe will improve the Bill. The Premier may say that this is not a matter of substance or a change of substance. Opinions may differ. In my view, anything that will improve this Bill is well worth having, and I believe that this is a decided improvement.

Mr. MILLHOUSE: As the Leader of the Opposition has said something generally about the attitude of people in another place, I should simply like to add a word. I support the motion. What has happened, of course, is that all the hoo-hah we had about opposing an advance in socialism has gone by the board, and effectively Liberal Party members in another place have given in. I agree that every amendment which will make for competition between the State Government Insurance Commission life assurance division and the private or non-Government societies and companies is a good thing, but we have been told that we were not going to get it at all, and now we are going to get it. That is really what I prophesied during the second reading debate.

Mr. GOLDSWORTHY: It is not surprising that the member for Mitcham takes every opportunity to have a dig at the Liberal Party. He was happy with the Bill as it left this Chamber, because he supported it.

Mr. Coumbe: He voted for it.

Mr. GOLDSWORTHY: Yes. After having two bob each way, the member for Mitcham thought the Bill was worth supporting. These amendments have been moved in another place, and they have come to us. We were not happy with the situation in which the Government office would have unfair advantages over the private companies. That was well to the fore in the arguments advanced in this Chamber by the Liberal Party, but it was conveniently ignored by the member for Mitcham. I am pleased that he has seen the wisdom of supporting this amendment, which is the first of a

series that will increase the competitive nature of the operation and overall, of course will improve the Bill. I support the remarks of the Leader.

Motion carried.

Amendment No. 4:

The Hon. D. A. DUNSTAN: I move:

That the Legislative Council's amendment No. 4 be agreed to.

Amendment No. 4 in effect writes into the Bill the provisions of the Trade Practices Act, or provisions that are substantially similar to that Act. The Government is not in any way opposed to doing that. The provisions of the Act as it stands are that, in relation to the business of the insurance commission, it is "to undertake and carry on in the State such general business of insurance or any class or form of insurance (the words excepting life insurance will now be removed) according to the practice, usage, form and procedure which is, for the time being, followed by other persons engaged in the like business or to undertake and carry on such business in such manner and form and according to such procedure as may be considered necessary or desirable".

The Government has pointed out that in accordance with the provisions of that section the S.G.I.C. has constantly considered itself to be subject to the Trade Practices Act and, in fact, in one measure about which some query was raised in relation to the activities of the S.G.I.C. it went to the Trade Practices Commision to get an interim authorisation in respect of its business, so it clearly considered itself to be subject to the provisions of the Trade Practices Act. This simply repeats those provisions in the State Government Insurance Commission Act. The Government does not consider that that makes any substantial alteration to what previously obtained and what would have obtained in any event, but it sees no reason to disagree with the provisions going into the Act.

Mr. TONKIN: The amendment as it has been sent down does, in fact, formalise the claims often made by the Premier regarding the activities of the S.G.I.C. It puts into the Act quite clearly that the commission is subject to the provisions that apply under the Trade Practices Act. I therefore support the motion.

Motion carried.

Amendment No. 5:

The Hon. D. A. DUNSTAN: I move:

That the Legislative Council's amendment No. 5 be agreed to.

This amendment leaves out clause 4 of the original Bill and the question of the investment in relation to this area is otherwise covered in what is now proposed. In the circumstances, I see no reason to oppose the amendment.

Motion carried.

Amendment No. 6:

The Hon. D. A. DUNSTAN: I move:

That the Legislative Council's amendment No. 6 be amended by leaving out the proposed new clause 4b and inserting in lieu thereof the following new clause:

4b. The following section is enacted and inserted in the principal Act after section 20 thereof:—

20a. (1) The Commision shall not pay, apply or allocate any part of the assets of the Life Fund—

(*a*) pursuant to section 18 of this Act; or

(*b*) as bonuses to the owners of any policies of life insurance,

otherwise than in accordance with this section.

(2) There shall be an actuarial investigation of the state and sufficiency of the Life Fund as at the thirtieth day of June in every year.

(3) The Commission shall ensure that following each actuarial investigation of the state and sufficiency of the Life Fund the sum of—

(*a*) the amount paid or allocated from that Fund to a reserve referred to in section 18 of this Act (not being a reserve established for the purposes of that Fund); and

(*b*) the amount, if any, paid into Consolidated Revenue pursuant to that section,

arising from that part of the surplus in the Fund, which is derived from policies issued by the Commission which in their terms provide for sharing in the surplus or profits of the Fund, shall not exceed one-quarter of the amount paid or allocated from the Fund by way of bonuses to or for the benefit of the owners of those policies.

The Legislative Council proposed that the S.G.I.C. be required to provide that the whole of the surplus arising from an actuarial valuation of the life fund should not be applied otherwise than to the benefit of holders of life assurance policies issued by the commission who, in the terms of their policies, were entitled to participate in the profits of the life fund. As I understand the argument, the proposal there was to put the commission in the same position as life assurance companies registered under the Commonwealth Act, but that is not what this amendment does. It goes further in minimal restrictions than the provisions of the Commonwealth Life Insurance Act. I have consulted the Actuary about this and his advice is that to put the S.G.I.C. in the same position as life assurance companies registered under the Commonwealth Life Insurance Act as to distribution of surpluses on life assurance business to policyholders, the terms of whose policies entitle them to participate in profit, the amendment that I am now moving would do the job, whereas the amendment, as passed by the Legislative Council, would not.

The position clearly should not be that the S.G.I.C. in South Australia is subject to restrictions in relation to the distribution of surplus that are greater than those that apply to the life companies registered under the Commonwealth Act. It may well be that the S.G.I.C. in fact decides to go further than the provisions in the Commonwealth Act. Some mutual companies voluntarily do, but it is certainly not the case that in law we should require the commission to be subject to restrictions that are not those that in law apply to the life assurance companies. So, with the advice of the Actuary, I have carefully devised, (of course with the assistance of the Parliamentary Counsel), an amendment which in effect puts into our Act the same provisions applying to life assurance business as apply under the Commonwealth Act to life assurance companies.

Mr. TONKIN: The Premier's amendment was circulated some considerable time ago. I have taken much advice on it to make certain it does do what he hopes it will do, not because I do not trust him or the Parliamentary Counsel, but because I wanted to be certain of the situation. The amendment does what the Upper House members sought to do in this regard. The amendment as it stood does require that the whole of the surplus should be transferred. The Commonwealth Life Insurance Act requires that three-quarters of it be transferred. One of the major arguments throughout this entire debate has been that the S.G.I.C., in life assurance or anything else, should be acting under no more favourable conditions than any other insurance body.

By the same token, if we are to be consistent, we must accept that the S.G.I.C., if it is to go into this field, should operate under conditions that are less favourable than those applying to any other body. Competition should be equal, and it is then up to the individual companies to work on their merits. As the Premier said, it is open to the S.G.I.C. to go further than the requirements, and I sincerely trust that it will. I am not at all sure that that was an assurance that we had from the Premier, but I would like to think

that it is an assurance that the possibility will be considered in the future, if nothing else. Bearing that in mind and having taken advice as to the intention of members in another place, I have no hesitation in supporting the motion and, therefore, the amendment in its amended form.

Motion carried.

Later:

The Legislative Council intimated that it had agreed to the House of Assembly's amendment to the Legislative Council's amendment No. 6.

INDUSTRIAL CODE AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 2, line 4 (clause 4)—After "kind," insert "other than motor vehicles".

No. 2. Page 2, lines 10 to 16 (clause 4)—Leave out all words in these lines.

No. 3. Page 3 (clause 12)—Leave out the clause.

No. 4. Page 3—After clause 12 insert new clause 12a as follows:

12a. Section 221 of the principal Act is amended by striking out subsections (1), (2) and (3) and inserting in lieu thereof the following subsections:

(1) Subject to this section, until and including the thirtieth day of June, 1978, the closing times—

(*a*) for every shop other than a hairdresser's shop, shall be 5.30 p.m. on every Monday, Tuesday, Wednesday and Friday, 9 p.m. on every Thursday and 1 p.m. on every Saturday;
and

(*b*) for every hairdresser's shop, shall be 6 p.m. on every Monday, Tuesday, Wednesday and Friday, 9 p.m. on every Thursday and 1 p.m. on every Saturday,

and after the thirtieth day of June, 1978, the closing time for every shop shall be 1 p.m. on every Saturday.

(2) The Governor may by proclamation, amend subsection (1) of this section in its application to any shop or any shop of a class or kind by substituting in paragraph (*a*) or (*b*) of that subsection a day other than Thursday on which the closing time shall be 9 p.m. and may by subsequent proclamation amend, vary or revoke that amendment.

(3) Any amendment, variation or revocation referred to in subsection (1) of this section shall have effect as if it were enacted by an Act.

No. 5. Page 3 (clause 13)—After line 32 insert—

(*aa*) by striking out subsection (1) and inserting in lieu thereof the following subsection:

(1) Except as otherwise provided in this Act, where in relation to any day a closing time has been prescribed, a shopkeeper shall at or before that closing time close and fasten his shop and keep it closed and fastened against the admission of the public for the remainder of that day.

No. 6. Page 4 (clause 13)—After line 24 insert—

(*da*) by striking out from subsection (3) the passage "after the closing time" and inserting in lieu thereof the passage", in relation to which a closing time has been prescribed, after that closing time";

No. 7. Page 4 (clause 13)—After line 40 insert—

(*fa*) by striking out from subsection (4) the passage "after the closing time on any day" and inserting in lieu thereof the passage "on any day, in relation to which a closing time has been prescribed, after that closing time";

No. 8. Page 5 (clause 13)—After line 7 insert—

(*ga*) by striking out from subsection (5) the passage "after the closing time on any day" and inserting in lieu thereof the passage "on any day, in relation to which a closing time has been prescribed, after that closing time";

No. 9. Page 5, line 27 (clause 15)—Leave out "sections".

No. 10. Page 5, lines 29 to 42 (clause 15)—Leave out all words in these lines.

No. 11. Page 6, lines 1 to 27 (clause 15)—Leave out all words in these lines.

Amendment No. 1:

The Hon. J. D. WRIGHT (Minister of Labour and Industry): I move:

That the Legislative Council's amendment No. 1 be disagreed to.

The Legislative Council's amendment, which was moved by the Hon. Mr. Cameron, is confined to motor vehicles only. The Government's proposal was not to provide for motor vehicles in the exempt goods in the area of the legislation at all: it was to include them in regulations to be dealt with later. I displayed the details to members so that everyone would know exactly where the Government intended to go and so that everyone would have an opportunity to examine the proposal as a whole. I wanted everyone to know about the liberalism and freedom that we were offering South Australian consumers, but the Hon. Mr. Cameron has evidently misunderstood this, because he opposed the regulation provision. He has not included trailers or caravans. The amendment is rather irregular, and it has not gone to the extent that I would have thought someone would go if he was opposing the situation. If I had been opposed to it, I would have included caravans and trailers.

Mr. TONKIN (Leader of the Opposition): I strongly believe that motor vehicles, caravans and trailers should be included in the goods that are subject to restriction; in other words, they should not appear in the exempt list. We are looking ahead to the time when the Liberal Party's policy will be in effect. Therefore, the exempt goods will apply only to Saturday afternoons and Sundays. I can see no justification for putting motor vehicles in the list of exempt goods to be sold particularly on Sundays; that is not warranted. The only stores that ought to be open on Sundays are convenience stores. I say that not for religious reasons but because people respect Sunday as a day for leisure and relaxation. I am grateful to the Minister for pointing out what seems to be a slight deficiency. I therefore move:

After "motor vehicles" to insert "caravans and trailers".

The CHAIRMAN: I rule the Leader of the Opposition out of order. The question before the Chair is that the Legislative Council's amendment No. 1 be disagreed to.

Mr. TONKIN: Instead, I move:

That the Legislative Council's amendment No. 1 be amended by adding "caravans and trailers" after "motor vehicles".

The CHAIRMAN: This Bill has been before both Houses, and we are discussing the Legislative Council's amendment No. 1 only. The honourable Leader cannot move that amendment.

Mr. GOLDSWORTHY: It seems to me that we are now in the same kind of situation as we were in when the Premier moved an amendment in connection with the State Goverment Insurance Commission Bill earlier this evening.

The CHAIRMAN: In this case the motion before the Chair is that the Legislative Council's amendment No. 1 be disagreed to.

Mr. TONKIN: I can understand your dilemma, Mr. Chairman. It is because of the wording of the motion that you cannot accept my amendment. I accept your decision.

Mr. RUSSACK: I have previously opposed the inclusion of motor vehicles in the schedule, and I said that I had been approached by many people in my district and elsewhere asking that motor vehicles be excluded. At that time the Minister said that he had received telegrams mainly from my area. Has the Minister received communications from anyone in the metropolitan area concerning their objection to the inclusion in the schedule of motor vehicles?

The Hon. J. D. WRIGHT: Yes, I have received some telegrams, and I told the member for Gouger that his district was leading nine to one. I have received other telegrams from country areas, but I have not received any communication from Encounter Bay, Victor Harbor, Whyalla, or Port Pirie, where agents are entitled to sell cars. On inquiring about the situation, I ascertained that they have an agreement among themselves, and do not open. That is the key to the situation. These people have organised themselves, and use a certain telephone number. I repeat, I have received some telegrams.

Dr. EASTICK: Following the Minister's reference to caravans and trailers, I believe they are more specialised and somewhat different from motor vehicles. Representations have been made to me (and I believe to other members) that persons involved in the motor vehicle industry are concerned that this regulation will provide the opportunity for motor vehicles to be traded at all times. The narrowness of this amendment is not unreasonable, and the Minister's reference to caravans and trailers is drawing a red herring across the trail. The intention of the member in another place in moving the amendment was clear, and reflects the representations made to Opposition members here and in another place and in the telegrams received by the Minister. I support this amendment and, if it is considered necessary to widen the concept later, further consideration can be given to it.

Mr. MILLHOUSE: When the Bill left this place, it was intended that motor vehicles would be exempt goods, but the crowd upstairs have moved to exclude them.

Members interjecting:

The CHAIRMAN: Order! There is no need to refer to the "crowd upstairs", as this comment does the honourable member little credit.

Mr. MILLHOUSE: The honourable members in another place have moved this amendment, but I support the Minister in opposing it. I received one telegram from Brents Trade Autos, with whom I have never dealt and I know only the name. I believe that trading hours are not a matter for legislation, and we should not waste our time discussing this matter. How members of the Liberal Party, whose policy is to have open trading except Saturday afternoon and Sunday, can accept this amendment, I do not know, unless it is out of loyalty to the Leader in another place. Other crucial amendment will not be accepted by the Government.

Mr. GOLDSWORTHY: The member for Mitcham believes in any open slather at any time of the day or night during the week, but the Liberal Party policy falls short of that, since we do not believe it should be an open go on Saturday afternoon and Sunday. By removing the sale of motor vehicles on Saturday afternoon and Sunday we are being consistent with our policy. How on earth the member for Mitcham can contend that we are inconsistent, I do not know. If he had really come to grips with what the Liberal Party is saying and with what he is saying, I should have thought that he would have the wit to understand that we are being entirely consistent in supporting this amendment.

Mr. MATHWIN: I support the amendment. I understood when the Minister replied to the first question asked in Committee that his only reason for not supporting the amendment was that it did not include caravans and trailers. I am disappointed that he cannot accept the amendment as it stands. I do not know why the Government chose the motor vehicle industry; may be it was for its own political reasons. The Government must have picked out of the hat this industry to be given open-slather trading. The Government is victimising one industry. I would prefer the Government not to pursue that course. I agree with the Minister that caravans and trailers should be included, but we cannot do that here; however, it could be done elsewhere. The tirade from the member for Mitcham against the Liberal Party was made because he does not wish to understand that the Government is picking out one industry and victimising it so that it will take the brunt of seeing what will happen in time so that other industries can be plucked out of the hat later. That situation is not good enough. The Liberal Party has a policy on the matter. I oppose the motion.

Mr. RUSSACK: I support the amendment, for another reason: it will create a new procedure. If the Bill is passed, that will remove the right of this Parliament to discuss exempt goods, as it will then be considered by regulation.

The Hon. J. D. Wright: That's not true.

The CHAIRMAN: Order! The honourable Minister will have an opportunity to reply to the honourable member.

Mr. RUSSACK: The Minister interjected before I had had an opportunity to complete what I was saying—that regulations lay on the table of Parliament for 14 sitting days and that, during the interim, immediately they are *gazetted* they become effective. In a fortnight's time the Government could say, "Let us include furniture or anything else on the schedule of exempt goods." This Chamber would not have an opportunity to say anything about that until it met several months later. Such an important commodity as motor vehicles should not be exempt. This amendment was included in another place so that the position can be amended only by amendment to the Act. If motor vehicles are placed on the exempt list, the Government has a lever to include other major commodities such as furniture by regulation. This amendment will offer a deterrent to such large items being exempted whilst Parliament is not sitting and does not have the right to consider the matter. I support the amendment.

The Hon. J. D. WRIGHT: The member for Glenelg obviously has not read my second reading explanation or did not understand it, and he did not understand or read my reply about why the Goverment took this action in the first place. The Government took the action because the sale of motor cars, particularly secondhand vehicles, is out of control. I make no apologies for saying that, and do not resile from it. Between 15 per cent and 20 per cent of secondhand motor vehicle dealers sell vehicles on Saturday afternoon and Sunday, and at times when it suits them. My inspectors have done an enormous job in trying to control the situation. The Government is limited in the number of staff it can use because of Public Service regulations. Therefore, the Government has been unable to prevent this misdemeanour by these people. I have no doubt that they are trading in motor vehicles on these days, but if inspectors can get into the yards and find customers they must, to enforce the law, see those customers signing a contract. I

can produce evidence to that effect. The speech made by the member for Gouger is accurate in some ways but inaccurate in others. I can recall regulations having been held up in this place by the member for Alexandra for seven weeks before they were ratified.

Members interjecting:

The CHAIRMAN: Order! This is the third time that I have asked honourable members to cease interjecting. I hope that this practice will not continue, because otherwise I will warn honourable members.

The Hon. J. D. WRIGHT: Ample opportunity exists for members to delay regulations coming into operation. It has been done in the past and could be done in the future. Motor vehicles were included because it was believed that to exempt them would be in the best interest of the community and would enable a situation that has got completely out of hand to be controlled. In our view it has been demonstrated that a demand exists for cars to be sold on the days to which I have referred. I do not deny that there is some rebellion in the industry. Members opposite are obviously taking notice of telegrams that they are receiving. I am considering them, too. The Leader of the Opposition tried to amend my proposition after I explained that motor vehicles, caravans and trailers should be in the same category. It is strange that I have not received a telegram from anyone about trailers or caravans —not an objection. I have received objections only from secondhand car dealers. I cannot identify the people concerned, however.

Mr. BOUNDY: The Minister's latest explanation forces me to join this discussion. The reasons that he has used to justify his action regarding motor vehicles are why the amendment regarding motor vehicles has been framed and why I support it. The thrust of this Bill has been to put the onus on the Industrial Court to deal with trading hours, except for motor vehicles where, because that situation is out of hand, the Minister has abrogated his responsibility on it. The paternalism he wishes to show in other areas, he does not wish to show regarding motor vehicles. The Rundle Street traders have also demonstrated that they want to trade out of hours. They have been a bit out of hand, too, but the Minister has not seen fit to exempt them. I think that the amendment is worthy of support. The Minister ought to support it, because it is consistent with his other actions regarding the Bill.

Mr. MATHWIN: Obviously, the Minister was incorrect in what he said about regulations, which must be laid on the table for 14 sitting days, during which time any member may move for their disallowance. However, once gazetted they become operative. If the regulations are disallowed—

The CHAIRMAN: I do not think that any honourable member does not know the procedure regarding regulations. I allowed the Minister to continue in that vein. I think that the member for Glenelg has done a good job in explaining the matter, but I hope that he will now return to the motion before the Chair.

Mr. MATHWIN: If Parliament were in recess, it could be as long as 10 months before the regulations were laid on the table. That is the danger of governing by regulation. I hope that the Minister will have second thoughts on this matter and agree to the amendment.

Mr. BLACKER: I support the amendment and oppose the motion. I have been contacted by motor vehicle retailers, in Port Lincoln, who have expressed their concern. If I am right in my assessment of the debate thus far, it is those areas in which the old Act has been adhered to that are objecting to the amendment. In other words, where the past system has been abused, that is the area from which pressure has been applied. I support those who have complied with the regulations in the past, and they do not want an extension of trading hours.

The Committee divided on the motion:

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

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

Pairs—Ayes—Messrs. McRae and Wells. Noes—Messrs. Arnold and Chapman.

Majority of 2 for the Ayes.

Motion thus carried.

Amendment No. 2:

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

That the Legislative Council's amendment No. 2 be disagreed to.

This amendment simply removes from the Act the definition of "the Industrial Commission". If we have no definition to explain what the Industrial Commission can or cannot do, or what it stands for, the Bill cannot operate. The Government rejects the amendment.

Mr. TONKIN: It comes as no surprise that the Minister does not accept the amendment. This, of course, is the first of a series of amendments relating to the Industrial Commission, and they are similar to the amendments moved in this place when the Bill was before it. On that occasion, in Committee, we treated this as a test clause and, with your permission, Sir, I intend to treat this as a test clause. It is deleting reference to the Industrial Commission, and it simply gives effect to the principle to which we hold of keeping the Industrial Commission out of the setting of trading hours and of bringing in a system that will allow one late night for shopping each week followed by unrestricted hours except between 1 p.m. on Saturday and 12 midnight on Sunday.

In this Chamber, when talking about motor vehicle dealers, the Minister said that it was amazing that they did not have this sort of worry because they had come to an agreement among themselves, in Whyalla, Mount Gambier and Victor Harbor. He said it; no-one else said it, and no doubt it is in *Hansard* for the record. It is what we have been saying all the time. It is possible for traders to come to an agreement, and the Minister has admitted that. It is possible for traders to reach agreement with employees and unions, and the Minister knows that.

It is essential that the consuming public should have a say in what goes on. I have said many times that there is no point in having this clause in, because there is no point in handling the responsibility to the Industrial Commission when we know, from experience in other countries and other States of this Commonwealth, that the removal of restrictions results in orderly trading, the reaching of agreements, and perfectly satisfactory arrangements which suit everyone—retail traders, shop assistants and, most important, the consuming public. We are quite adamant about this. The Liberal Party has a policy on which it is quite adamant. It will not budge, because we do not believe there is any justification in trying to pass the buck to the Industrial Commission, which is what this legislation is doing. No way will we agree to that.

The Minister knows the arguments. He came back from abroad convinced that this was the thing to do. He has changed his mind, and now we have this legislation, with this key clause. I can imagine how embarrassed the Minister must be. I want this amendment in; I want the words left out. Therefore, I cannot possibly support the motion.

Mr. MILLHOUSE: I am disappointed in the attitude of the Liberal Party over this amendment. I think it has been an open secret that it proposed to take this attitude. It will mean that the Bill is lost and we will be back to square one. I know that, from an electoral point of view, members of the Liberal Party think it will help them. They hope this will be an election issue next time and that they will be able to line up the Government and say, "You have not done anything about trading hours; everyone wants something better than this, and we are going to allow unrestricted trading except on weekends." They want to lose this Bill, and the words of the Leader that he he is adamant confirm what I have said.

Those are their tactics and, perhaps from a narrow Party political viewpoint, they are not bad tactics, but I am disappointed because, although I would go further than they would (and this Bill goes nowhere near as far as I would like to go), it is at least some improvement on the present situation. I should have thought that, narrow Party politics aside, the people of South Australia should be entitled to have some improvement in our trading laws. That is why I supported the Bill and why I shall continue to support it. At least it is some improvement. The provision regarding exempt shops is a great step forward. I think the Minister knows privately how far it is, although it has not been said publicly. It would mean that any shop that sells mainly exempt goods could remain open, and that would be a great step along the road that a great majority of us in this House would like to see.

Then there is no question of the Industrial Commission. My view is that Parliament is the place where this matter should be thrashed out, but we have failed to thrash it out. Successive Governments have failed to get anywhere.

The Industrial Commision cannot do worse, and it may do better. If it does not, Parliament can take the power back. It does allow some opportunities for progress in the relaxation of the present idiotic exemptions in trading. We know, beyond that, that this is the first time on which the union and the retailers are agreed that this step should be taken. All these things (that agreement and all the improvements, modest though they may be) are being thrown away deliberately by the Liberal Party in its insistence on open slather except at weekends.

I regret that, and I think it is something Liberal members should not be doing. It is only as a matter of Party tactics that they are doing it. Having said that, and having made this criticism, mild though it is meant to be, of the Liberal Party, I want to say one thing about the other side of politics. The reasons why the Government will not accept open trading, either as the Liberals want it or as I do, which would be completely open, is sheer union pressure, and nothing else. If ever we had an example of the way in which this Government is dominated by the union movement, it is on this question of trading hours. I hear an interjection from Mr. Goldsworthy, who is in the gallery. It is not the first time—

The CHAIRMAN: Order! The honourable member will resume his seat. At no stage are people in the gallery allowed to interject. I hope that the person concerned will refrain from doing so in future. The honourable member for Mitcham.

Mr. MILLHOUSE: Mr. Goldsworthy is the Secretary of the shop assistants union. He has exercised a very great influence on the Government in the matter, and we know why.

Dr. Eastick: Did he write the legislation?

Mr. MILLHOUSE: I do not know, but he has certainly dictated the limits to which the Government has been allowed to go in this matter. It is an open secret (and I was going to say this before he interjected) that many members on the other side would like to go much further than this legislation. I do not intend to embarrass any members of the Labor Party by naming them. We all know who they are. However, they cannot do so, because Mr. Goldsworthy and his union happen to be strong supporters of the Premier and, because Goldsworthy has said, "Thus far and no further", the Premier says it, and the whole Government has to follow suit. The Premier can look pained if he wishes. He can get up and deny it if he likes, but I will not believe him if he does. It is well known—an open secret.

Mr. Max Brown: Have you done your homework?

Mr. MILLHOUSE: Will anyone on the other side suggest that Mr. Goldsworthy has not been a supporter of the Premier? Of course not. Which union was it that came out—

The CHAIRMAN: Order! The honourable member will resume his seat. He knows as well as I that when the Chair speaks he must resume his seat. I hope the honourable member will stay away from personalities and get on with the matter before the Chair.

Mr. MILLHOUSE: Which union was it that supported the wage freeze 10 days ago? It was that union and no other.

The CHAIRMAN: Order! The honourable member is out or order. There is nothing in this provision concerning the wage freeze. During the course of the day he has had ample opportunity to deal with that matter, and I warn him on this occasion for the last time.

Mr. MILLHOUSE: I do not need to say any more; I have made that point. The fact is that the Government is not able to go further than this, even though it would like to, because it is being dictated to by the Shop Assistants Union, which is a very strong supporter of the Government and wields many votes in the Labor Party.

The CHAIRMAN: Order! The honourable member is out of order. I will have to take action. The question is that the Legislative Council's amendment No. 2 be disagreed to. The Honourable Deputy Leader of the Opposition.

Mr. MILLHOUSE: May I finish what I was saying?

The CHAIRMAN: Order! The honourable member will resume his seat.

Mr. MILLHOUSE: Am I being sat down for some reason?

The CHAIRMAN: Yes. The honourable member is out of order and has been out of order on many occasions, and I have called on the honourable Deputy Leader of the Opposition.

Mr. MILLHOUSE: I desire to raise a point of order. I ask you what is your power to sit me down? Perhaps I have transgressed, I certainly did not intend to transgress. What power has the Chair, when a member is speaking, to sit him down and say that he must not speak any more?

The CHAIRMAN: At all times when the Chairman or the Speaker speaks honourable members must resume their seats. In this case perhaps I have made a slight error. I say to the honourable member that when the Chair speaks, if he does not resume his seat, action will be taken. The honourable member for Mitcham.

Mr. MILLHOUSE: Thank you, Mr. Chairman. I appreciate your acknowledgement that I can go on speaking. I do not want to develop that point any more. It is painfully evident that that is the reason why the Government is hamstrung on this matter. I greatly regret that it is, and that it is not able to follow its own convictions and go further than it has gone in this Bill—even as far as the Opposition would go. This is one of the most eloquent examples we could have, and members know it, of the way they are bound hand and foot to the unions, irrespective of the public interest.

Mr. GOLDSWORTHY: That was an interesting contribution, as usual, from the member for Mitcham. I am often of the mind that the member for Mitcham talks himself into a certain course of action because the last thing he wants to do is agree with the Liberal Party. I think it has been made abundantly clear that this referral to the Industrial Court is a ruse that the Government has adopted simply to shelve the matter. If we look at experience elsewhere, this can be seen to be an effective ploy for shelving for a long time this thorny question of shopping hours. As far as late-night shopping goes, nothing has happened in Queensland for a long time.

The member for Mitcham claims that he holds a more liberal view than the Liberal Party in relation to shopping hours, and that there should be open slather. How he can line up that view with this amendment, which relates to the referral to the Industrial Court, I do not know. Either he is particularly naive or he is compelled to take this course of action because he hates to be seen to be supporting the Liberal Party. It is completely illogical for him to castigate the Government and suggest that it is under the domination of Mr. Goldsworthy and the union hierarchy, and then line himself up and vote that way. It seems a complete farcical stance to adopt.

The Leader has made our position perfectly plain. We believe, that this is the Government's way of effectively shelving this problem. Of course it has union support, and the support of people not interested in extending shopping hours. That has been the effective outcome of the referral in Queensland. I think it is perfectly consistant for us to take the stance that we have adopted in this matter and not see it shelved in this way. I politely rebut the remarks of the member for Mitcham in the same benign tones that he affected in addressing his remarks to us and say with all charity that for one who has been in this place for so long he is adopting a particularly illogical and naive stance in relation to this amendment.

The Committee divided on the motion:

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

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

Pairs—Ayes—Messrs. McRae and Wells. Noes—Messrs. Arnold and Chapman.

Majority of 2 for the Ayes.

Motion thus carried.

Amendment No. 3:

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

That the Legislative Council's amendment No. 3 be disagreed to.

This refers to the clause that confers the power on the commission to do all the things that the Government expects it to do. The clause is really the essence and power of the Bill, in which the control of the situation is defined. I have the authority to say that the Retail Traders Association of South Australia, and the shop assistants' union support the Bill, and that may be a unique situation. Numerous consumers and many individual traders who have seen me, especially the Melbourne Street traders, support the legislation. The only organisation of any significance (if one could say that) that does not support the legislation is the Liberal Party of South Australia. The Government has no option but to disagree to this amendment.

Mr. TONKIN: The Minister's arguments are so specious that it is hardly worth rebutting them. Of course the union supports the legislation, because it suits the union, and the legislation was introduced at its instigation. That proves nothing. I can believe that individual groups of traders may believe that they will be better off with this Bill than they have been until now. They may mistakenly think that there is some chance of the Industrial Commission listening to an application for extended hours. No doubt the commission will listen, if the matter were in its hands, but I am certain that Mr. Goldsworthy will say that such an extension should not be granted. The Minister said that numerous consumers have seen him, but I know that many thousands of people who are shoppers, consumers, and members of families in the metropolitan area want late night shopping and the control of the legislation should not be transferred to the Industrial Commission. Surveys have shown unequivocally that more than 75 per cent, and in one case 80·4 per cent, of people want late night shopping. The Minister is in a cleft stick and cannot change his mind, because he is under direction, but it does him no credit.

Motion carried.

Amendments Nos. 4 *to* 8:

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

That the Legislative Council's amendments Nos. 4 to 8 be disagreed to.

No doubt amendment No. 4 is the main one, the remainder being consequential, but they are not consistent with Government policy. I listened to the Hon. Mr. Laidlaw make some striking and positive points in the debate in the Upper House that were similar to those I commented on when replying to the remarks made by the Leader of the Opposition when he spoke in October or November about the possibility of costs, without a proper examination having been conducted. The Hon. Mr. Laidlaw explained in more detail than anyone else has, and came to the conclusion that there was a strong possibility of the difference in the hourly rate for shop assistants in South Australia, compared to the rate in other States, being as much as 38 per cent. That is not the only reason, but is a good one, why this legislation should pass, because we believe that it is a rational and orderly way of approaching this situation, in which the court can examine any proposals by retail traders, consumers, or any other interested party, including the unions. Consequently, the court can take into acount any of those cost factors which were not referred to by me but which were certainly referred to by

members of the Opposition and only yesterday referred to by the Hon. Mr. Laidlaw. The Government opposes the amendment.

Mr. TONKIN: It is almost monotonous listening to the rubbish churned out by the Minister about costs. Costs will be considered; they will be taken into account when agreement is reached between retail traders and members of the union concerned, and consumers will certainly have much say in the matter. Penalty rates are probably the biggest barrier to any change in shopping hours and they must be examined carefully in future. If costs are to be greater they will have to be taken into account, not by the Industrial Court or this Parliament but by the people who must reach an agreement when to open and to work, and they will do that by rational and reasonable discussion. That is the best way to do it. Neither Parliament nor the Industrial Court has any place in the discussion. Why cannot the Minister get that through his head?

Motion carried.

Amendments Nos. 9 to 11:

The Hon. J. D. WRIGHT moved:

That the Legislative Council's amendments Nos. 9 to 11 be disagreed to.

Mr. TONKIN: The Opposition has not divided on other motions relating to this measure not because of a lack of conviction but simply to facilitate the passage of this measure. However, on this motion we shall divide, because it is our last opportunity to register our strong support for the amendments as they have been brought into this Chamber.

The Committee divided on the motion:

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

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

Pairs—Ayes—Messrs. McRae and Wells. Noes—Messrs. Arnold and Chapman.

Majority of 2 for the Ayes.

Motion thus carried.

The following reason for disagreement was adopted:

Because the amendments are contrary to the objects of the Bill.

The Hon. D. A. DUNSTAN (Premier and Treasurer) moved:

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

Motion carried.

Later:

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

Consideration in Committee.

The Hon. J. D. WRIGHT (Minister of Labour and Industry) moved:

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

Motion carried.

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be represented by Messrs. Abbott, Dean Brown, Mathwin, McRae, and Wright.

Later:

A message was received from the Legislative Council agreeing to a conference to be held in the Legislative Council conference room at 9 a.m. on Thursday, April 28.

LAND COMMISSION ACT AMENDMENT BILL (No.2)

Consideration in Committee of the Legislative Council's amendment:

Page 1 (clause 2)—After line 9 insert:

"(*aa*) by striking out from subsection (7) the passage 'two years' and inserting in lieu thereof the passage 'four years'.

(*ab*) by inserting in subsection (7) after the passage 'of those particulars,' the passage '(whether that service occurred before, on or after the comencement of the Land Commission Act Amendment Act (No. 2), 1977.)"'

The Hon. HUGH HUDSON (Minister for Planning): I move:

That the Legislative Council's amendment be disagreed to.

The amendment extends the time during which commencement can be made on any project where the Land Commission has issued a notice of intention from two years to four years. The amendment is completely contrary to the purpose of the Bill because it succeeds in leaving entirely unchanged the gap of one year between the time substantial commencement has not occurred and the time that the commission can acquire in terms of prices ruling at the time of the notice of intention. In effect, that means that the opportunity for litigation, where no chance of obtaining substantial commencement exists, is maintained.

Moreover, two additional years are given for anyone who has a planning unit (and it is easy to have a planning unit under the Land Commission Act) to show substantial commencement. So, we now have a four-year period instead of a two-year period. The overall effect of this is to make the commission's position so much more difficult, and that position is completely unacceptable to the Government and would be quite contrary to the objectives of the commission.

The amendments are therefore designed to make it more difficult for the Land Commission to achieve its objectives. It is important that I remind members what those objectives are. They are, first, the lowering of land prices through consolidation of development and the elimination of speculative gains; secondly, securing the better planning and development of new communities; thirdly, assisting in the provision of community facilities in new communities; and, fourthly, lowering the extent to which the rest of the community subsidises those new areas through a more effective utilisation of expensive public services.

I believe that the members of another place have demonstrated by these amendments that they are straight-out opposed to those objectives and that they will, seemingly, do anything in their power to restore a situation in which the highest speculative gains are made by a few individuals at the expense of the rest of the community, which ultimately must pay. Furthermore, I believe that members of another place have by these amendments demonstrated their desire to maintain a situation in which the maximum encouragement is given to litigation by maintaining the one-year gap to which I referred earlier, to the enduring profit of certain members of the legal profession. For those reasons, I ask the Committee to disagree to the amendment.

Mr. EVANS (Fisher): I must oppose the motion. I have no desire to encourage people to speculate in land or to give them an opportunity to make more use of the legal processes. However, the Minister is trying to put the blame in this area entirely in the one court, when he has said inside and outside the Chamber that this State's planning laws need to be upgraded. One of the biggest humbugs and costs to the community is the slow processes by which people can have plans approved for subdivision and subsequently get their allotments on the market.

This costs those persons and developers (which is not a nasty word; developments are a means by which we obtain our homes, farms or factories; and it is how we have got our standard of living) much time and money. The Minister has had committees set up and, if he rectified the problems involved in these areas, and then returned to this House and asked it to agree to a reduction in the time in which substantial development should take place before the Land Commission moved in, one could perhaps support his argument. However, he wants to attack one section only and not have the other area rectified first. Even though we have the planning unit, it does not necessarily involve a form A development. A developer can have a planning unit established, and justify it by saying that he has got the surveyors in to start creating a subdivision or development. It could take up to 2½ years to go through all the processes involved. Indeed, in some cases it has taken 3½ to four years to do this.

The Land Commission has a decided advantage. It gets a better reception from Government departments in obtaining approvals for their subdivisions, and that is acknowledged by all associated with the industry. It can therefore say, "We can get ours through in 12 months, 18 months or two years." However, the Housing Trust says that at least 28 months to 30 months is needed to have its own subdivisions processed. That is reported in *Hansard* in reply to a question that was asked.

The Upper House has recognised something that possibly was not recognised in this place: that there is a long delay in the planning process in this State. The Minister has also recognised this, having set up committees and given Mr. Hart the job of reviewing and improving the overall situation. Let us amend the Act at the time we rectify the initial problem, and not before. The Minister is really saying that the Land Commission will be the only body that can, in a practical way, work in the development field. As there is nothing wrong with having fair competition, I ask the Committee to reject the motion and to accept the Legislative Council's amendment. The four-year period should not be unacceptable at this stage, especially if, later, the Minister and the Government of which he is a member are still in office and solve the problems that exist.

The Hon. HUGH HUDSON: I think it needs to be pointed out that the only situations in which this case has arisen so far relate to rural A land, that is, land that is designated to be developed in 1981. The argument arose over a notice of intention that was issued in 1974, seven years prior to the development plan's dating of the development of that land. There is no possible case for the honourable member's argument. There was no way in which the planning approval could have been achieved within 2½, three, four or five years in that case.

All that the Legislative Council's amendment does in this regard is make it more difficult for the Land Commissioner to do the job with which it has been charged, to create greater opportunities for delay to be imposed, and to push up prices which the commission must pay and which ultimately must be met by the community. It is important that the honourable member recognises this. The only situations that have arisen so far relate to rural A land. I point out that all of the rural A land in the Modbury and Golden Grove area is already in commission ownership, so the case will not arise there in future. The bulk of rural A land in the south, apart from Morphett Vale East, is again in the Land Commission's ownership. The same applies in the Munno Para area, in which the commission is acquiring land.

It is easy for anyone to demonstrate a planning unit. They must merely show that they bought land with an intention to do something with it. That is all they must do; they do not even have to employ someone. The original form of the legislation was that substantial commencement in that case had to take place within two years of the planning unit's being recognised. We do not intend to alter that. The Legislative Council is now trying to alter that to four years, and in no way can that be agreed to, because it is contrary to the objectives of the Bill and of the Land Commission, and it is designed simply to increase the commission's costs. It is designed, in cases where a planning unit can be demonstrated, to increase the commission's costs and therefore ultimately to charge the people who come in and buy land from it, the builders, and the developers who act as project managers for the commission. It is designed to make all those people pay more than they should otherwise pay.

Mr. EVANS: The Minister admits that the bulk of rural A land has already been acquired by the commission. Secondly, he claims that this has arisen only in the case of rural A land. It does not mean that it could arise only in those circumstances, because it could arise in the case of any land. It does not mean only rural A land, because that is the only case that has ever come to the court or has caused a problem. It could apply to any land.

The Hon. Hugh Hudson: No, because on other land the developer would have had an opportunity to get planning approval before a notice of intention went to the Land Commission. The honourable member's argument about the time of getting approval simply does not apply.

Mr. EVANS: I am not arguing that the person would not have had the time to go on with the subdivision. If the person had chosen not to go on in the early part, but to move later, he would face this short period and all the delays with the department, the Mines and Health Departments, local government, etc. Regarding the other point with which the Minister should also be concerned, originally when members thought of substantial development, they thought that roads and sewers would have been made. However, substantial means when the actual building of a house or factory has commenced. I do not believe that anyone ever dreamt that that would be the interpretation of substantial, but that is what has happened. To take it from the time of initial planning to the actual commencement of a house (the period that the Upper House intends to make it, if it can) is not unreasonable, considering the delays we have in the planning department and in the other departments in the State. If the Minister argues that a minority should be disadvantaged unfairly, because he cannot solve the problems in his own planning department quickly enough, I say to him that he should leave the provision until he rectifies the faults in the other departments, and then give the commission the extra freedom, but not to disadvantage a minority, which he is trying to do, before solving problems in other departments.

The Hon. HUGH HUDSON: All I am saying is that the policy of the Upper House, and now supported by the member for Fisher, is against the objectives of the commission. It is designed to continue a situation in which huge speculative gains are made by individuals, as a consequence of development, at a cost to the rest of the community. Millionaires are created (several have occurred already) as a result of the extension of the development of Adelaide. The increment in value that comes from land that was rural land being brought into residential land goes purely to private interests, and the community pays. The private interests that the honourable member is protecting in this way are those large interests that are concerned with the large speculative gains that are completely and utterly unjustified.

Mr. EVANS: I do not intend to take that from the Minister. I agree to his reducing the time to a year, if he will solve the problems in the planning department so that it does not take 2½ or three years to get subdivisions through. I put it in the Minister's court that, if he recognises them, as he has, and solves the problem in that area (realising that for more than four years we have been raising the problems of the delays in that department and the creation of titles), I would support coming to a lesser time than he has in his own original amendment. I do not object to that. It is unreasonable to solve the problem for one area and try to stop speculation but, at the same time, they are not all rich people in that field. He has disadvantaged other smaller landholders. If he will solve the problem, I shall be pleased to cut out all the opportunity for speculation to which he is referring. His own planning department, apart from the commission, is where the problems lie. We cannot kick one group in the teeth and put it in an impossible situation, and at the same time support the planning department, the Mines Department, the Electricity Trust, and the Engineering & Water Supply Department, from all of which approvals have to be obtained. We all know what the problem is: solve it first, and there is no argument with me about reducing the time to 12 months instead of four years.

The Hon. HUGH HUDSON: That amounts to an element of blackmail. Two years is what exists at present with respect to an Act that was previously agreed to by the Upper House. There is no way that I will alter that in any circumstance. Wherever it is not rural A land but is all residential land, and if no notice of intention has come from the commission, previous owners of the land have had the opportunity to get it subdivided. They have had substantial opportunities already to get approval for that. Concerning the rural A position, that is designated as 1981 land.

Mr. Evans: I'm not arguing about that.

The Hon. HUGH HUDSON: That is the area in which the commission's acquisitions are taking place and where the provisions of the Act can be used against the interests of the commission, where development is known not to be possible anyway, because the land is described as rural A. I am unable to accept the argument the honourable member has put forward.

The Committee divided on the motion:

Ayes (21)—Messrs. Abbott, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Connelly, Corcoran, Duncan, Dunstan, Groth, Harrison, Hopgood, Hudson (teller), Jennings, Keneally, Olson, Payne, Simmons, Slater, Virgo, Whitten, and Wright.

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

Pairs—Ayes—Messrs. McRae and Wells. Noes—Messrs. Arnold and Chapman.

Majority of 1 for the Ayes.

Motion thus carried.

The following reason for disagreement to the Legislative Council's amendment was adopted:

Because the amendment is contrary to the purposes of the Bill.

Later:

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

Consideration in Committee.

The Hon. HUGH HUDSON (Minister for Planning) moved:

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

Motion carried.

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be represented by Messrs. Evans, Gunn, Olson, Slater, and Virgo.

Later:

A message was received from the Legislative Council agreeing to a conference to be held in the House of Assembly conference room at 9 a.m. on Thursday, April 28.

SUCCESSION DUTIES ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

NARCOTIC AND PSYCHOTROPIC DRUGS ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

LIBRARIES (SUBSIDIES) ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

INDUSTRIES DEVELOPMENT ACT AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 1, line 16 (clause 2)—Leave out "to acquire" and insert "to create a prescribed trust fund to acquire".

No. 2. Page 1, line 22 (clause 2)—Leave out "is" and insert "has".

No. 3. Page 1, lines 23 and 24 (clause 2)—Leave out "that the trustees are properly representative of the employees" and insert "that a prescribed trust fund will be created".

No. 4. Page 2 (clause 2)—After line 8 insert—

(2a) In this section a "prescribed trust fund" means a trust fund which in the terms of the trust deed creating it—

(*a*) provides that at least one trustee has had experience in financial matters and is approved of by the person engaged or about to be engaged in the relevant business;

(*b*) provides, subject to paragraph (*a*) of this subsection, that the trustees are properly representative of the employees who are or may be beneficiaries of the trust fund;
(*c*) provides that each employee engaged in the relevant business shall be eligible to be a beneficiary of the trust fund;
(*d*) provides that it shall not be possible for the moneys in the trust fund to be used to acquire more than one-third interest in the relevant business;

The Hon. D. A. DUNSTAN (Premier and Treasurer): I move:

That the Legislative Council's amendments be agreed to. The amendments Nos. 1, 2, and 3 are consequential amendments on the major amendment contained in amendment No. 4. In that there is spelt out that the trust fund requires that there should be one trustee who has had experience in financial matters and is approved of by the person engaged or about to be engaged in the relevant business. One of the trustees representative of the employees must be someone with experience in financial matters. The Government sees no difficulty about that.

The second provides that the trustees are properly representative of the employees who are or may be beneficiaries of the trust fund. That was already included in the original Bill in a different form. The third provision is that each employee engaged in the relevant business shall be eligible to be a beneficiary of the trust fund. Any employee of the business, without exception, has the right to enter such trust fund.

The fourth provision is that it shall not be possible for the moneys in the trust fund to be used to acquire more than a one-third interest in the relevant business. That is a restriction which goes further than some companies which have approached the Government for this measure would wish to go. A specific company which had originated this proposal to the Government concurrently had proposed that 50 per cent of the interest in the operating company should be held by the trustees of the superannuation fund. However, the Government's policy in respect of participation by workers in boards and companies has been that a third of the boards of companies, at maximum, should normally be workers' representatives and, in consequence, the proposal of the Legislative Council does not run counter to the general policy expressed by the Government. After discussion with the officers of my department, I am prepared to accept the Legislative Council's amendment in this respect.

Mr. DEAN BROWN: I am pleased that the Government has seen fit to accept these amendments. They are marginally different from the amendments put up by the Opposition in this Chamber when the Bill was before us. We tried to insert the various conditions that must apply to the trust. The Upper House has amended those conditions. I am still not satisfied that some of the amendments put in by the Upper House are satisfactory. I believe that the superannuation fund is still exposed to a great amount of risk by allowing a high percentage of those funds, up to 70 per cent, to be invested back into the company. However, I am prepared to accept the amendment of the Upper House, even though I am not entirely happy that it produces the sort of guarantee that employees deserve.

I will support the amendment for the sake of allowing employees to set up such a trust and for their superannuation funds to be used by the company to purchase shares. It would be unfortunate if this became the accepted method whereby employees had ownership in the company. Because it is a superannuation fund, employees are unable to obtain any benefit except by way of superannuation. The employee receives no profit, no dividend, no other payment from the superannuation fund until he retires from the company or from work.

Mr. Mathwin: Or until he dies.

Mr. DEAN BROWN: Or until he dies. He receives no benefit from the company until he retires. The whole purpose of employee ownership of shares is to allow them to share in the profits of the company and the profits of their hard labour. Unfortunately, this will not allow that to occur. All that will happen is that eventually they will receive their superannuation which had been promised earlier and to which they and their company have contributed.

It may be that if the company, towards the end, was forced into receivership or liquidation, there is every possibility in liquidation that the employees may lose part, if not all, of their superannuation funds, except for 30 per cent held in Commonwealth bonds or Government securities. I believe that is most unfortunate. The Bill is not entirely satisfactory, and I do not believe it will achieve the sort of employee ownership in companies that the Premier, I suspect, thinks it might, and certainly not that I would support, and that is direct ownership of the employees in the shares of the company so that they benefit on a six-monthly or 12-monthly basis from any dividend payments made by that company. Unfortunately, I think the employee will be far removed from any ownership in the company and he will not realise that he is receiving any benefit whatever.

Motion carried.

PIPELINES AUTHORITY ACT AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 2, line 7 (clause 4)—Leave out "or without or partly within or partly without the State" and insert "the prescribed area".

No. 2. Page 2, line 22 (clause 4)—After "arrangement" insert "(including, without limiting the generality of the meaning of the expression, an arrangement to make or pay a subsidy)".

No. 3. Page 2 (clause 4)—After line 37 insert—"(4) In this section 'the prescribed area' means all that area bounded by a line commencing at a point that is the intersection of the coastline at mean low water by the boundary between the States of South Australia and Western Australia that runs thence northerly along the line of longitude 129° to its intersection by the parallel of latitude 23° 30′, thence easterly along the parallel of latitude 23° 30′ to its intersection by the line of longitude 144°, and thence southerly along the line of longitude 144° to its intersection by the coastline of Victoria at mean low water, and thence along the coastline of Victoria at mean low water to a point that is the intersection of that coastline at mean low water by the boundary between the States of South Australia and Victoria thence southerly along the meridian through that point to its intersection by the parallel of latitude 38°10′ south, thence southwesterly along the geodesic to a point of latitude 38° 15′ south, longitude 140° 57′ east, thence southwesterly along the geodesic to a point of latitude 38° 26′ south, longitude 140° 53′ east, thence southwesterly along the geodesic to a point of latitude 38° 35′ 30″ south, longitude 140° 44′ 37″ east, thence southwesterly along the geodesic to a point of latitude 38° 40′ 48″ south, longitude 140° 40′ 44″ east, thence southwesterly along the geodesic to a point of latitude 44° south, longitude 136° 29′ east, thence westerly along the parallel of latitude 44° south to a point that is the intersection of that parallel by the meridian passing through the intersection of the coastline at mean low water by the boundary between the States of South Australia and Western Australia, thence northerly along that meridian to its intersection by that coastline at mean low water."

The Hon. HUGH HUDSON (Minister of Mines and Energy): I move:

That the Legislative Council's amendments be agreed to.

The amendments Nos. 1 and 3 go together and are designed to limit the additional powers given to the Pipelines Authority under this Act to a prescribed area, which I will explain in a moment. The purpose of the amendments was to say that, in areas in which the Pipelines Authority might be conceivably developing an oil and gas interest for South Australia's benefit, these appear to be the areas in South Australia and those basins lying immediately adjacent to South Australia. If the Pipelines Authority wants to go further than that, to Alaska or the North West Shelf, it ought to come back to Parliament for further authority. It seems to me that that is not an unreasonable proposition.

The effect of the amendment in defining the prescribed area is to define an area which includes all of the off-shore area of South Australia. Its western boundary is the Western Australian border running northwards along the longitude 129 degrees, which is that border to the latitude of 23 degrees 30 and then running easterly into Queensland. By selecting that latitude we include the Amadeus Basin, which is where Meereenie and Palm Valley are located, and that part of the Pedirka Basin that lies in the Northern Territory. The Pedirka Basin lies in the Northern Territory and in South Australia. We exclude a portion of the Officer Basin that lies in Western Australia, but that is a portion that is of no conceivable interest. The boundary of the prescribed area then goes east into Queensland, so that the portion of the Cooper Basin that lies in Queensland is included in the prescribed area.

That will enable the Pipelines Authority, having an interest in the consortium that is involved in the Cooper Basin, if the whole Cooper Basin is ever unitised, to take part in that process, provided the Queensland Government agrees. The eastern boundary of the prescribed area runs southerly from the eastern boundary of the Cooper Basin right through to the Victorian coastline and includes in the on-shore area that part of the Murray Basin which lies in Victoria, which is a conceivable area of interest and which again is a basin that extends over State boundaries. The boundary then runs westerly along the Victorian coastline at the low water mark to the South Australian border, and then includes all of the off-shore area. One conceivable difficulty there on which we may have to ultimately come back to Parliament is that the Ottway Basin is cut in half by the boundary of the prescribed area. Part lies in South Australia offshore and part lies in Victoria offshore. At this stage there is no immediate prospect of discoveries in that area. Should it ever be necessary to come back to Parliament we can do so.

Mr. Tonkin: There will be a fight.

The Hon. HUGH HUDSON: I do not think so, because the legislation determines the offshore boundary.

Mr. Tonkin: There will be still be a fight, I reckon.

The Hon. HUGH HUDSON: I think that the methods of the oil explorers are such now that they can effectively define the geology of the areas below the surface of the sea in such a way as to make a reasonable determination as to how much of any oil and gas discovered lies in South Australia and how much lies in Victoria. Anyway, exactly the same problem would occur, if we ever struck an oil or gas field on the border of Queensland and South Australia, on the royalties question, apart from anything else. The point is that this seems to be a reasonable proposition in relation to the Pipelines Authority and I am happy to accept it.

Amendment No. 2 is designed to assist possible tax problems of the producers. The exploration arrangements that we make with the producers may involve a subsidy, an outright grant, or a contribution by way of a long-term loan at a very low rate of interest. There are several ways, depending on what the producers want, but if it goes the subsidy route then, in order to have that payment devoid of any tax by the Commonwealth, the fact that there is a legislative authority for the payment of subsidies will be of assistance, or may be of assistance in any arguments that might subsequently develop with the Commonwealth Income Tax Commissioner. For that reason, and in the hope that it might ease some of those future problems, again we drafted an amendment and proposed it in another place.

Mr. DEAN BROWN: I support the amendments. The purpose is to outline clearly, as the Minister has said, the areas under which the Government can participate in both exploration and ownership of energy resources. I think those energy resources are important to the future of this State. When one looks at the importance, particularly of natural gas, but also of any liquid hydrocarbons, to South Australia and its industrial development in the future, it is essential that every encouragement be given to increase the exploration, particularly to ensure the future supply of gas to South Australia after about 1987, because there is a very dangerous period from 1987 until, I believe, about the year 2001 plus another two or three trillion cubic feet to New South Wales beyond there. South Australia will have a very serious problem on its hands finding sufficient gas, and it is important that that gas be found now rather than wait until there is a shortage and then try to commence a large exploration programme. I support the motion.

Motion carried.

LEGAL SERVICES COMMISSION BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 4, line 17 (clause 6)—After "Crown" insert "and shall be independent of the Government".

No. 2. Page 4, lines 39 to 41 (clause 7)—Leave out all words in these lines and insert—"hold office for a term of three years, except in the case of a member of the commission appointed on the commencement of this Act who shall be appointed for a term not exceeding three years specified in the instrument of his appointment, and in either case a member shall be eligible for re-appointment."

No. 3. Page 6 (clause 10)—After line 27 insert new subclause as follows:

(1a) In determining the criteria upon which legal assistance is to be granted in pursuance of this Act, the commission shall have regard to the principles—

(*a*) that legal assistance should be granted in pursuance of this Act where the public interest or the interests of justice so require; and

(*b*) that, subject to paragraph (*a*) of this subsection, legal assistance should not be granted where the applicant could afford to pay in full for that legal assistance without undue financial hardship.

No. 4. Page 8, lines 23 to 26 (clause 15)—Leave out all words in these lines.

No. 5. Page 8, lines 27 and 28 (clause 15)—Leave out "immediately upon the commencement of this Act" and insert "upon the commencement of this Act or within one month of the cessation of his service in the Australian Legal Aid Office".

No. 6. Page 10, line 17 (clause 19)—After "the commission" insert "after consultation with the Law Society".

No. 7. Page 13, line 10 (clause 27)—After "arrangement" insert ", if made with the concurrence of the commission,".

Consideration in Committee.

Amendments Nos. 1 to 4:

The Hon. PETER DUNCAN (Attorney-General) moved:

That the Legislative Council's amendments Nos. 1 to 4 be agreed to.

Mr. GOLDSWORTHY: I am pleased that the Attorney has moved this way, because he made clear earlier in the debate that there were some omissions to be corrected, and was relying on the Upper House to move the appropriate amendments so that the Bill would be in line with the wishes of those concerned. Amendment No. 3 goes to the heart of the Bill, and we had complained originally that the Bill did not contain enough detail. It is designed to give legal assistance to people who cannot afford to pay for it, and this amendment spells out with some particularity what the Bill is all about.

Motion carried.

Amendment No. 5:

The Hon. PETER DUNCAN: I move:

That the Legislative Council's amendment No. 5 be disagreed to.

In his enthusiasm, the Chief Secretary in another place accepted this amendment, which is unnecessary.

Mr. GOLDSWORTHY: I agree, because it does not make sense.

Motion carried.

Amendments Nos. 6 and 7:

The Hon. PETER DUNCAN moved:

That the Legislative Council's amendments Nos. 6 and 7 be agreed to.

Motion carried.

The following reason for disagreement to the Legislative Council's amendment No. 5 was adopted:

Because the amendment is not in the best interests of the people of South Australia.

Later:

The Legislative Council intimated that it did not insist on its amendment No. 5 to which the House of Assembly had disagreed.

FIREARMS BILL

Returned from the Legislative Council with the following amendment:

Page 12, lines 22 and 23 (clause 37)—Leave out paragraph (*b*) and insert new paragraph (*b*) as follows:

(*b*) for a second or subsequent offence—to a fine of not less than five hundred dollars but not more than two thousand dollars or imprisonment for a period of not less than one month but not more than six months.

Consideration in Committee.

The Hon. R. G. PAYNE (Minister of Community Welfare): I move:

That the Legislative Council's amendment be agreed to.

This amendment refers to the penalty for the second or subsequent offence.

Motion carried.

CONFERENCES

The Hon. HUGH HUDSON (Minister for Planning) moved:

That Standing Orders be so far suspended as to enable the conferences on the Land Commission Act Amendment Bill (No. 2) and the Industrial Code Amendment Bill to be held during the adjournment of the House, and the managers to report the result thereof forthwith at the next sitting of the House.

Motion carried.

ADJOURNMENT

At 11.15 p.m. the House adjourned until Thursday, April 28, at 2 p.m.