HOUSE OF ASSEMBLY

Wednesday, November 2, 1977

The SPEAKER (Hon. G. R. Langley) took the Chair at 2 p.m. and read prayers.

PETITION: TRADING HOURS

Mr. KLUNDER presented a petition signed by 145 citizens of South Australia, praying that the House would urge the Government to amend the Shop Trading Hours Bill to retain the current trading rights of existing exempt shops.

Petition received.

QUESTIONS

The SPEAKER: I direct that the following written answers to questions be distributed and printed in *Hansard.*

SCHOOL EQUIPMENT

In reply to **Mr. ALLISON** (Appropriation Bill, October 19).

The Hon. D. J. HOPGOOD: In the past, certain lists of materials and equipment supplied by the Education Department to schools for libraries and science materials were notified to schools on computerised sheets. The information provided on these sheets was often insufficient for schools to be able to identify the material exactly when it arrived in the schools, or to allow them to take redress action where goods were not received, or were found to be incorrect or faulty on receipt. Where goods were not received their value was usually lost to the school and, as a result of these inefficiencies, this form of computerised requisitioning and, indeed, almost all requisitioning of goods by the department, has been discontinued.

Instead, schools are now paid a supplies grant in lieu of requisitions and are now responsible for the ordering of goods directly with State Supply Division or a supplier, and making payments from their own accounts. Therefore, when goods are not received or are received in an unsatisfactory condition, schools are able to take immediate action with a supplier and, where necessary, to make alternative arrangements without loss.

The introduction of the supplies grant has also meant that schools can more accurately estimate the total resources available to them through departmental and parent funds for the purchase of instructional and administrative equipment and materials. As budgets in these areas are increasingly becoming the total responsibility of schools, they will become more aware of the need to safeguard equipment and other assets.

The maintenance of inventories for capital equipment and accountability for stocktaking of that equipment is the overall responsibility of individual school principals. The School Accounts Inspectors of the Education Department are empowered to compare those inventories with equipment held in the schools at the time of the normal audit of school funds, and to question any irregularities.

The Education Department does not maintain a central inventory of equipment owned by schools. With over 700 schools involved, and as a significant proportion of equipment is purchased from non-departmental sources (e.g. school councils, parent groups, etc.) it is more convenient for inventory control to be exercised at school level. In addition, the cost of maintaining a centralised system could be prohibitive.

The spending of finite funds available to schools and the protection of the assets of schools will undoubtedly continue to be subject to closer and more effective local scrutiny within school communities.

TEACHING DUTY

In reply to **Mr. ALLISON** (Appropriation Bill, October 19).

The Hon. D. J. HOPGOOD: There is considerable variation and diversity in the functions performed by teaching staff in colleges of further education. Actual classroom teaching time varies from minimal involvement for principals, heads of school, etc., up to, and in some instances over, 24 hours a week for lecturers. In addition to this classroom teaching, teaching staff are also committed to functions in curriculum development, staff development, supervision and administration. In keeping with the professional nature of the work of teaching staff, it is extremely difficult to delineate actual hours of duty for lecturing staff in any particular college. Within colleges of further education no part-time teaching appointments are made unless full-time staff have a maximum class contact loading, which for lecturers is 24 hours a week.

PLAYGROUND SUPERVISORS

In reply to **Mrs. BYRNE** (Appropriation Bill, October 19).

The Hon. D. J. HOPGOOD: The Adelaide City Council for many years has provided playground facilities in the park lands. The Education Department is responsible for staffing these playgrounds with a supervisor. In the past few years the five supervised playgrounds have been reduced to three, those on West Terrace and East Terrace no longer justifying staffing because of reduced use. In the near future, the Princess Elizabeth Playground on South Terrace will not be staffed. The remaining playgrounds, the Glover Playground on South Terrace, close to the Gilles Street Primary School, and the Glover Playground at LeFevre Terrace, North Adelaide, near the North Adelaide Primary School, are used by the schools and the community. These playgrounds are supervised on weekdays, Saturdays, and school holidays.

SCHOOL EQUIPMENT

In reply to **Dr. EASTICK** (Appropriation Bill, October 19).

The Hon. D. J. HOPGOOD: On August 26, 1977, the Director-General of Education approved a circular to Regional Directors of Education outlining action to be taken to relocate unused or unrequired equipment in schools. This envisaged that Regional Directors and their officers should discuss with their Principals the possibility of swapping or relocating unused equipment within their region. They would then prepare lists of equipment not required and available for relocation. These lists would then be made available to all Regional Directors. Finally, a swap column for schools could be introduced into the *Education Gazette.*

HEARING-IMPAIRED CHILDREN

In reply to **Mr. WILSON** (Appropriation Bill, October 19).

The Hon. D. J. HOPGOOD: In the Education Department there are 14 centres located in primary and secondary schools: 12 in the metropolitan area and two in the country. The number of children involved is 194. The two private schools are in the South Australian Oral School, Gilberton, with an enrolment of 44 children, and Pembroke College Speech and Hearing Unit with an enrolment of 7 children.

The Education Department also has a support service for hearing-impaired children in ordinary schools who otherwise could well require placement in a speech and hearing centre. There are five full-time visiting teachers providing this service for 88 children and there is also a visiting teacher who provides educational assistance for 12 hearing-impaired apprentices attending trade schools. In addition, an Education Department parent guidance teacher is currently assisting 14 parents in language development and training programmes for their little hearing-impaired children in the 0 to three year age range.

NON-GOVERNMENT SCHOOL EXPENSES

In reply to **Mrs. ADAMSON** (Appropriation Bill, October 19).

The Hon. D. J. HOPGOOD: Operating expenses for the committee as detailed in the 1977-78 Budget estimates, line 1092, are: Estimates 1976-77—$24 200; actual 1976-77—$23 851; Estimates 1977-78—$27 400. The increase is mainly due to (1) increase in salary of the Executive Officer—$19 370 ($17 412); (2) committee members' fees—$4 500 ($2 870). There are two items which have declined: (1) executive officers' travelling expenses—$1 290 ($1 617)—less country trips envisaged in 1977-78; (2) office equipment—$330.

Although the committee's responsibilities have increased it is envisaged that in 1977-78 it will mainly increase agenda items and decisions which may need to be made. An additional five meetings have been budgeted for. It is anticipated that additional responsibilities and corresponding work load brought about by the revision of the terms of reference will be offset in 1977-78 by the completion of some developmental programmes. The position may need some revision for 1978-79.

MOBILE LIBRARIES

In reply to **Mr. MATHWIN** (Appropriation Bill, October 19).

The Hon. D. J. HOPGOOD: The Premier's statement of September 13, 1977, on libraries policy refers to plans for a mobile library to serve Lockleys, Brooklyn Park, Underdale, Netley, Camden Park, North Plympton, Plympton, Kurralta Park, Keswick, Ashford, Glandore, and part of Fulham, and another to serve Kilkenny, West Croydon, Welland, Allenby Gardens, Hendon, Albert Park, and Royal Park. Funds for these are included in the provision for subsidising local government libraries. The $3 000 referred to by the honourable member is for a motor car for the use of a field officer in the Libraries Department.

JAM FACTORY

Mr. TONKIN: My question is yet another under the heading of "accountability" and is directed to the Deputy Premier. Can he say what further steps the Government has taken to ensure that present and future accounting at the Jam Factory will enable the Auditor-General to properly investigate the areas of spending referred to in the report tabled yesterday? Accounting and budgetary control at the Jam Factory has been the subject of concern and questioning ever since the release of its first annual report. This year's report contains further specific comments by the Auditor-General, relating to inadequate stock control and fixed asset recording, and unsatisfactory budgetary and workshop costing procedures.

In a letter elaborating on the report, the Auditor-General further comments on the lack of proper record and control of precious metals and other raw materials, and the lack of a total financial stock control system, thus making it impossible to reconcile stock on hand with purchases, issues and sales over the year. Comments have been made regularly in the past, and the Government has indicated that action to correct deficiencies would be taken, but clearly the position has not improved.

The Hon. J. D. CORCORAN: I have not had an opportunity to read the report to which the Leader refers. I will certainly draw the attention of the Chairman of that organisation (Mr. Richardson) to the report; in fact, he would be aware of it, of course, and I will seek from him information about the steps that will be taken and let the Leader have details.

INTERNATIONAL AIRPORT

The Hon. G. R. BROOMHILL: Can the Deputy Premier say whether it is still the Government's policy that West Beach airport will not be developed as an international airport? I ask this question following a recent suggestion made by the Director of Tourism that perhaps it would be in the best interests of tourism for West Beach airport to be developed as an international airport. This statement has caused some concern among residents living in my district and no doubt in other districts near the airport. I think it has led people to believe that the Government approves such a change taking place. I would appreciate any information the Deputy Premier could give me on this matter.

The Hon. J. D. CORCORAN: I make clear to the honourable member and to the House that the Government's policy is not to develop West Beach airport as an international airport. If an international airport is to be built in South Australia the Government will ensure that its location will not interfere with the well-being of any citizen.

JAM FACTORY

Mr. GOLDSWORTHY: Can the Deputy Premier say when the Government will table the report of Dr. Hackett and Mrs. Karin Lemercier referred to by the Premier in this House on October 19? During the Budget debate the Premier referred to the report made by Dr. Hackett and Mrs. Lemercier which he described as being a valuable report. I think in answer to a question I asked, the Premier said that this report was available and that it would be tabled. When asked whether the cost of the report was included in the sum of more than $34 000 for an oversea trip by the persons to whom I have referred, the Premier said that the printing was not included and that it was a

separate cost. In the report on the Jam Factory workshops which was tabled yesterday the only reference by the Auditor-General to the oversea trip was:

> Although expenditure has now been accounted for, the former board's minutes did not contain specific approval of the itinerary and estimated expenditure, nor were my auditors able to obtain any detailed budget from association records.

The Hon. J. D. CORCORAN: The Deputy Leader will recall that last week or early this week I undertook to obtain for him a report on matters raised in his question about the trip overseas by Dr. Hackett and Mrs. Lemercier. That has led to a further approach to both these people for further details and evidence to support those details.

Mr. Goldsworthy: I thought you said it was ready.

The Hon. J. D. CORCORAN: I am answering the question. Following a discussion I had with an officer yesterday, I expect that the report referred to by the honourable member will be ready soon. There is no intention on the Government's part to delay it unnecessarily.

MARION ROADS

Mr. GROOM: Will the Minister of Transport give special consideration to providing funds to the Marion council for the upgrading of roads in various parts of the Morphett District? I understand that the Highways Department in formulating its annual works programme takes into account requests from councils for the provision of funds to assist in the rebuilding of roads where it is beyond the capacity of those councils to do the work from their own resources.

Many roads in my district, particularly in Glengowrie, Morphettville and Oaklands Park, have deteriorated to such an extent that reconstruction is urgently required. However, I understand that the resources of Marion council will not permit the work to proceed with the speed that the council would desire, and accordingly I ask the Minister to give sympathetic consideration to any requests that may be received for financial assistance from that council.

The Hon. G. T. VIRGO: I will certainly discuss this question with the Commissioner of Highways so that it can be taken into account when framing next year's Budget. Of course, the other factor that has an important bearing on the matter is availability or otherwise of sufficient Federal funding to enable us to continue the desired roads programme. Notwithstanding that, if there is any way to assist the honourable member we will certainly look at it and try to find a solution.

URANIUM

Mr. BECKER: Will the Minister of Mines and Energy say whether the British Government has approached the State Government seeking uranium from South Australia and whether Dr. Mabon, the British Minister for Energy, has been invited to South Australia? In last weekend's *Australian* a report, under the heading "Uren Blasts U.K. Labour Lobbyist on Uranium", states:

> The Deputy Leader of the Opposition (in the Federal Parliament), Mr. Uren, said he was making inquiries of the British Labour Party about Dr. Mabon's activities.

Dr. Mabon is reportedly visiting Australia seeking uranium deposits, and claiming that the situation in Britain is such that it will need at least 1 000 tonnes of uranium a year from 1982, when its present stocks run out, until about 1987. He is quoted in the *Australian* as saying:

> We want to assure the Australian people that Britain will observe the safeguards required by Australia in the trading of uranium and that we, as a non-proliferation adherent, will want to endorse that.

The Hon. HUGH HUDSON: The answer to both questions is "No".

MINISTERIAL STATEMENT: HORWOOD BAGSHAW

The Hon. J. D. CORCORAN (Deputy Premier): I seek leave to make a statement.

Leave granted.

The Hon. J. D. CORCORAN: Yesterday, the member for Davenport asked me a question in relation to Horwood Bagshaw. The answer to the honourable member's question is "No". The Government does not and cannot issue instructions to the State Bank, S.G.I.C., S.A.I.A.C. or any other statutory authority. These authorities are controlled by independent boards and, by implication, the honourable member has reflected upon the integrity of the members of those boards. He ought to be ashamed of himself.

The Government is informed that the unions associated with Horwood Bagshaw's employees have never at any stage considered the kind of arrangement the honourable member has described, or any other arrangement similar to it. At meetings attended by Ministers and members from both sides of the House since the retrenchments, union representatives have expressed a desire for assistance of several kinds to maintain the operations of the Horwood Bagshaw plant at Mannum. The suggestions (and they have been no more than that) floated by the union representatives included the possibility of a take-over of the foundry operation by the Government or by a co-operative. The answer given to the meetings about the possibility of a take-over by the Government was that it would not be contemplated. As to the suggestion about a co-operative, officers of the Economic Development Department discussed the matter with the Chief Executive of Horwood Bagshaw who indicated that the company had already advised the unions that it would be disposed to discuss a consortium proposal with anyone who could put forward a proposal with reasonable prospects of viability.

There have never been any official discussions between the Government and Horwood Bagshaw with regard to such a proposal as the honourable member has mentioned. There has been a series of discussions between a Director of Horwood Bagshaw acting in an unofficial capacity and the Unit for Industrial Democracy. These discussions have been in relation to the establishment of an employee share ownership trust, the kind of trust which was envisaged when amendments to the Industries Development Act were introduced, and fully debated in both Houses last financial year.

Whilst an undertaking was given by the Government that the details of those discussions would remain confidential until accepted by the company (if ever)—and the Government proposes to honour that undertaking—I do not think it would be improper for me to disclose that at no stage during those discussions has a share price been mentioned.

Members will recall that the Industries Development Act amendments related to employee share ownership trusts (and not to unions) and restricted an elegible trust to one that is precluded by its trust deed from acquiring any more than a one-third interest in the company. Therefore,

if this is the kind of transaction to which the honourable member is referring the interest to be obtained could not represent 50 per cent of the issued ordinary shares. In any case, discussions on the possibility of an employee share ownership trust ceased when the company's present financial difficulties became known.

Members will be aware that the amendments to the Industries Development Act, to which I referred earlier, to require that a proposal for an employee share ownership trust that requires a Government guarantee for a loan for its establishment be considered by the Industries Development Committee, which comprises members from both sides of Parliament.

Turning now to the other inaccuracies in the honouable member's statement, I quote a company statement made to me today, as follows:

> To the company's knowledge, there is no foundation to the suggestion of Mr. Dean Brown that any proposal was being considered for the purchase of any part of the company by anybody. Mr. Brown was further incorrect with his statement to Parliament. The facts are:
>
> 1. Manufacturing of agriculture machinery only had been deferred at Mannum and Edwardstown and both plants were continuing to operate on other work gained by the company as part of its diversification programme.
>
> 2. The auditors have not queried the valuation of stock.
>
> 3. The Mannum facilities have for many years efficiently carried out engineering work other than agricultural machinery.
>
> 4. The company has previously stated it is willing to discuss with the Government and employees at Mannum a proposal for a co-operative to operate only the foundry at Mannum.

The Hon. G. T. Virgo: He's South Australia's Judas Iscariot.

The SPEAKER: Order! The honourable Minister is out of order.

QUESTIONS RESUMED

DEPOSIT CANS

Mr. GUNN: Can the Minister for the Environment say whether the Government has considered exempting the northern parts of South Australia from the provisions of the legislation dealing with deposits on cans? I have had brought to my attention over the past few weeks serious problems associated with this legislation. A canteen operates in the western part of my district but, unfortunately, it will have to cease operating because no collection and refund depot is established in the Yalata area. Regrettably, the people who operate in the area believe that it is impracticable to establish a depot there. Therefore, they will reluctantly have to dispense with selling cans. Although the cans certainly cause a problem if they are scattered around the country, it is only a minor problem compared to the problem created in relation to the environment and the travelling public if beer bottles and other bottles are scattered about. I have received complaints of a similar nature from the part of my district on the east-west line. Therefore, I ask the Minister whether, if the Government is not already considering amending the legislation, it will give this matter its early attention.

The Hon. J. D. CORCORAN: The problem the honourable member has raised is known to the department; only last week, I think, officers of the department concerned with this legislation visited the regions to which he has referred. Certain suggestions have been placed before me in relation to establishing depots in that area to solve the problem to which the honourable member has alluded. Retailers can apply for a licence to become a collection depot. If they did that, in my view, it would solve the problem to which the honourable member has referred. However, I will obtain a detailed report for him and add to it anything I might consider necessary to clarify the situation for him.

WHYALLA CLOTHING FACTORY

Mr. MAX BROWN: Will the Deputy Premier say when it is likely that the indenture legislation, which it is necessary to bring before Parliament in relation to the establishment of a clothing factory at Whyalla, will be introduced? The Minister will be well aware that, in his policy speech during the recent election campaign, the Premier announced that such a factory would be built at Whyalla. At the same time, the Leader of the Opposition announced in his policy speech that, if his Party were successful in gaining Government, that factory would not be built. Perhaps it could be said—

Mr. Tonkin: You didn't read it.

Mr. MAX BROWN: Probably the Leader cannot read, but it was in the Adelaide *News*. The overall unemployment problem in Whyalla is intensifying, so this factory could ease at least some of the problems.

The Hon. J. D. CORCORAN: The Bill containing the indenture to which the honourable member has referred has been finalised, it has been approved by Cabinet, and it is in the hands of the Parliamentary Counsel. I expect that it will be introduced into the House before Christmas, and every attempt will be made to pass the Bill before we rise for the Christmas break.

STAMP DUTY

Mr. EVANS: Can the Deputy Premier say whether the Government intends to extend the present temporary stamp duty concessions on new home purchases so that they will apply permanently and apply also to the first purchase of any home by an individual; if it does not, why not? From detail given to me by people in the community and the points they have raised, I deduce that the present critical situation of the building industry is well recognised. The existing stamp duty concessions, which expire next month, were introduced in response to that critical situation. The difficult financial position confronting young people who wish to buy houses is also well recognised, and an extension of the concessions as outlined would help young people and, further, would help the building industry, since people selling houses often do so to move into new houses or units. Such concessions to young potential purchasers will further assist such transactions.

The Hon. J. D. CORCORAN: The answer to the honourable member's question is, "No", and the reason is that the Government cannot afford it.

SMITHFIELD LAND

Mr. HEMMINGS: Would the Attorney-General consider amending section 90 of the Land and Business Agents Act, so that would-be purchasers of subdivided land must be informed by the agent selling that land of any restrictions that might be placed on it through the regulations under the Planning and Development Act, Part III, which covers provisions regulating building and

the use of land in zones, as with the second and third schedules of that Act? A constituent has approached me concerning a recent purchase of 2·023 hectares of land in the Munno Para area of Smithfield for the sum of $12 600. He entered into the agreement for the purchase of the land with Elders-GM, at Gawler, after reading an advertisement, in the newspaper, as follows:

Land for Sale

Smithfield—Rural A land, water connected, telephone passes property. This week's bargain $12 600.

One of the reasons for the purchase of the land was that, after 20 years service with the Army, the purchaser was eligible for assistance under the Defence Services Homes Act, and wished to settle away from the city to enjoy his retirement. He tells me that he was assured that the agents told him there was no restriction on the land to stop him building a home, but on application to the Munno Para District Council he was informed that the land was subject to consent use in relation to dwelling houses, because the land was zoned rural A.

I read in part the letter he received from the District Council of Munno Para, as follows:

> As you may be aware the land is zoned rural A, and the rural A zone was introduced by council in an attempt to ensure that additional land would be available for industrial development as the urban area expands. It is not council's intention that this land be used for residential development, and council has resisted previous applications of this nature. You will appreciate that the mixing of residential and industrial land uses in some areas can create significant problems for each type of use. In short, the two land uses are generally incompatible.

I think everyone would agree that for a proper and orderly planning of an area that would be correct. His defence service home loan is now in jeopardy, as any loan is subject to council consent use. Conditions of the defence service homes legislation, under the heading "Council Certificate" are as follows:

> You must obtain a certificate or letter from the local council stating the zoning regulations which affect the property, the subject of your application for assistance. The certificate or letter should also state whether there are any road widening or acquisition proposals . . .

There is further reference to council requirements. My constituent now owns 2·032 hectares, but has no chance of building a house on it.

Mr. Evans: I've got dozens of them.

The Hon. PETER DUNCAN: I am pleased to hear that comment—

Mr. Evans: Not for that reason—another reason.

The Hon. PETER DUNCAN: —from the member for Mitcham that he has dozens—

Members interjecting:

The SPEAKER: Order!

The Hon. PETER DUNCAN: Having made that outrageous mistake and not wishing to cast a slur of that nature on the member for Mitcham, I apologise to him. I refer to the member for Fisher.

The SPEAKER: Order! I hope the honourable Minister will refer to the question asked of him by the honourable member for Napier.

The Hon. PETER DUNCAN: I refer to the matter in question and the comment of the member for Fisher that he has dozens of them, referring to cases similar to the case cited by the member for Napier. I think it is relevant that he made that comment, because certainly the Government intends to examine this matter in consultation with the various groups interested in this question in the community, and, in the life of this Parliament when we undertake amendments to the Land and Business Agents Act, this will be one matter that will receive attention.

McNALLY TRAINING CENTRE

Mr. MATHWIN: Will the Minister of Community Welfare elucidate on the other forms of treatment being used in conjunction with g.g.i. at McNally Training Centre? This is a supplementary question to my question last Thursday (reported on page 533 of *Hansard*) in which I asked about the effect of group treatment and g.g.i. on inmates at McNally and also referred to the remarks of Mr. Althuizen. In his reply the Minister suggested that several alternatives had been used for several years with considerable success.

The Hon. R. G. PAYNE: I think that if the honourable member reads *Hansard* carefully he will find that my remarks were used in a general way and referred to the whole field of juvenile rehabilitation. I am sorry if he has taken them necessarily to apply to McNally, because that is not the situation. I read *Hansard* after replying to the original question and it did not seem to me to have the connotation on it that the honourable member infers; I suggest to him that if he reads the reply again he will come to a different conclusion.

The Hon. G. R. Broomhill: He should get someone to read it for him.

The Hon. R. G. PAYNE: I will not go that far. At present one group at McNally is using a modified form of g.g.i., and we have one other group programme, which is operating in a much more flexible manner than perhaps sometimes occurs with g.g.i. I understand that the staff is satisfied that that is the best programme for the inmates. I appeal to the honourable member again to read *Hansard* because I think he will see that I was making general comment about juvenile rehabilitation. I did not imply as he has inferred.

BROAD ACRE LAND

Mr. CHAPMAN: Can the Minister for the Environment say whether the Government will change its apparent anti-burning policy in relation to broad acre lands acquired for public purposes and hence owned (although in many cases not managed, but remote-controlled) by the State, whereupon there seems to be a distinct reluctance to strip burn on a regular basis as would apply to privately owned and responsibly managed broad acres, particularly where virgin scrub growth is present?

Repeated requests of this type have been made regarding many of the State's properties, which included, as at July, 1975, eight national parks, 142 conservation parks, 16 recreation parks and seven game reserves, a total of 173 reserves and parks. However, the most recent request directed to my attention incorporates a genuine offer by local and experienced landholders to assist and advise departmental officers, if agreement could be reached, to burn off highly flammable growth within the confines of the Mount Bold reservoir reserve, the work to be done before adjacent pastures dry off.

Representations made to me in this instance request that the merits of burning off such reserves in the late spring of each year be recognised by the Government so that, in the interests of the State, personal and private property, and managed conservation, healthy regeneration of natural growth and, therefore, healthy feeding grounds for animal and bird life, would be achieved overall in order to remove some of the frightening risks which prevail among neighbouring properties and which worry familes who live adjacent to our many State-owned tinder boxes.

The Hon. J. D. CORCORAN: Obviously, the honourable member is not one who subscribes to the policy of reserving lands for national parks, conservation parks or things of that nature in this State; he would prefer (and this is an attitude unfortunately that is held by several people) that we should not do any of this, and that the land should be left to people to exploit and clear so that we would have nothing left in this State that was a representative sample of what the State was before white men came here.

Mr. Chapman: You ought to lift your game if you want to manage it properly.

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

The Hon. J. D. CORCORAN: Previously in this House I have indicated that I do not intend to review the policies that now obtain in relation to national parks, their development and management. That cannot happen overnight. I am just as aware of the problem that the honourable member has raised as he is. Indeed, only this morning I witnessed in action a parade of fire appliances owned by the National Parks and Wildlife Division of the Environment Department. I recognise that we must do more to ensure that they are better and more fully equipped and manned, and we will do that.

Regarding the strip-burning policy, I will have that examined, but I understand that the belief that wide fire breaks serve any purpose in a fire is being re-thought by authorities on fire fighting. I do not say that it is a fact, but I understand that it is being re-thought.

Mr. Venning: It depends where you are.

The Hon. J. D. CORCORAN: As the honourable member states, it does depend where one is. I shall be happy to have a look at that matter. I think the honourable member for Alexandra referred to Mount Bold reservoir reserve. If that is a reservoir reserve, it would be under the control of the Engineering and Water Supply Department. I will have the matter examined and bring down a report to the honourable member.

SCHOOL BOOK

Mr. WHITTEN: Has the Minister of Education seen a book entitled *Big Claus and Little Claus,* which I understand is used in some schools, and does he regard the violence depicted therein as excessive, having regard to the age of the students having access to it? I understand that a parent has already contacted sections of the media concerning this publication, which depicts the killing of a grandmother.

The Hon. D. J. HOPGOOD: I have the book with me. I had this matter drawn to my attention this morning when my staff discovered that a parent of a child at a particular school had gone to the media about the contents of the book. Without giving its whole contents, I can briefly say that it depicts Big Claus killing Little Claus's horse with an axe. The horse is skinned and the skin is taken to town to be sold. Eventually as a result of various other adventures Little Claus gets a bucket of gold, which has nothing to do with the sale of the skin. But when he returns home he represents the receipt of the gold pieces as having been due to the sale of the skin. Big Claus then kills his four horses and takes them to town in order to get some gold. People laugh at him, and to get his own back on Little Claus he threatens to kill Little Claus. Little Claus's grandmother dies, and Big Claus, in an attempt to kill what he assumes to be Little Claus's sleeping form in bed, hits the dead grandmother with an axe. The grandmother's dead body is taken to town on a cart.

Mr. TONKIN: I rise on a point of order. I was not of the opinion that this was the adjournment debate and a bedtime story.

The SPEAKER: There is no point of order. Only yesterday, I appealed to both sides of the House concerning questions and replies. I think the honourable Minister is going a bit far.

The Hon. D. J. HOPGOOD: I was trying to be fair to honourable members because I want to outline my attitude to the book, and it will be—

Mr. Evans: I wanted to hear the rest of the story.

The Hon. D. J. HOPGOOD: The honourable member should speak to his Leader. It will be difficult for the House to evaluate my attitude to the book without having some knowledge of its contents. In deference to you, Sir, let me say I have examined the book, which has been withdrawn at the school in question so that it can be further evaluated. I find that it is no more violent than many situations with which youngsters come into contact either through the media or in reading. It is in the tradition of Germanic folk stories. I do not like it; I find it ugly in content; however, I do not believe that it is so violent that I should by Ministerial fiat order that it be removed from school libraries. I would prefer each school to take its own decision in this matter.

MIGRANT EDUCATION

Mr. ALLISON: Can the Minister of Education say what specific plans for innovatory projects in relation to adult migrant education the department has now formulated, and has it submitted them to the Commonwealth department for additional approved funding? The recent allocation to the State of $2 300 000 included only $686 000 to States individually. The remaining sum of $1 642 000 is still to be allocated and, under the following specific headings, there is still money available to South Australia of which officers of the department may well avail themselves.

There is $964 000 for "on-arrival" English language programmes for refugees; $290 000 for English language courses to be held in December this year or January next year during the vacation period, at universities and colleges; $45 000 for experimental projects, including courses in the work place; $83 000 for existing full-time courses at tertiary institutions; and $260 000 for increased living allowances for migrants in full-time courses. I draw the Minister's attention to this because I am sure that both of us realise the absolute importance of migrant education to our State, and it is important that officers of the department avail themselves of this additional funding, which has still to be granted.

The Hon. D. J. HOPGOOD: No, the details have not yet been finalised. The information to which the honourable member has referred, if it has been made available to the Department of Further Education in South Australia, has been made available departmentally, from the Commonwealth office, I take it, in Red Cross House: it certainly has not come from Minister to Minister. The last I heard was that my officers were still trying to determine from the Commonwealth to exactly what uses the additional money could be put. I was not aware that that matter had been clarified.

Still to be clarified, of course, is the extent of indexation of costs that will be allowed by the Commonwealth department, because if there is not full indexation of costs the additional money that has been granted will, in fact, go merely to sustaining existing programmes rather than allowing for any improvement. However, we expect that

some sort of indexation will take place. It is good that there has been some belated recognition by the Federal Government that this area requires a continuing reasonable level of funding. I assure the House that my officers will be doing all they possibly can to ensure that any money that is possibly available to us will be used in this programme.

DENTAL CARE

Mr. ARNOLD: Will the Minister of Community Welfare ascertain from the Minister of Health whether the Government will now negotiate with dentists in private practice to provide free dental care on a contract basis to all schoolchildren in South Australia who are at present not covered by a school dental programme? About 12 months ago I asked the Minister a similar question and pointed out that it would be about eight to 10 years, at the present rate of development of the school dental programme, before all schoolchildren in South Australia would derive that benefit and be on an equal footing regarding free dental care. I believe it is an important programme and that it is essential that all schoolchildren, as part of the education system, should have the opportunity to participate in that scheme. The Minister, in his reply on December 15, said that the Minister of Health had replied as follows:

> At the present time the Government is not prepared to enter into negotiations with dentists in private practice to provide free dental care for schoolchildren.

I am hoping that the Government may have reconsidered the situation and will now be prepared to negotiate with dentists to try to fill the gap until free dental care is provided to all children.

The Hon. R. G. PAYNE: I will bring the honourable member's further approach about this matter to the attention of my colleague.

UNDERGROUND WATER

Mr. RODDA: Will the Minister of Works obtain a report about the proclaimed areas of the underground water basin in the South-East, and particularly in the Padthaway area? We are in the throes of one of the driest years since records have been kept, and controls are placed on certain areas in the South-East for a very good reason. Although careful monitoring of these underground water basins is carried out, it would be interesting for the House to have a report, in view of the low rainfall conditions that have obtained this year.

The Hon. J. D. CORCORAN: I shall be pleased to obtain a report for the honourable member and to let him have it as soon as possible.

HANDYMAN HELP

Mr. ABBOTT: Is the Minister of Local Government aware of the Hindmarsh council's plan to provide a free handyman service for pensioners in the Hindmarsh area, and does he know whether any other local government bodies will follow the Hindmarsh council's lead? The council's community development officer has reported that the service is part of the State Unemployment Relief Scheme and that it would continue for six months. The aim of the service is to provide handymen to do the odd jobs that pensioners and the elderly find it difficult to do themselves. There being a high percentage of pensioners in my district, I should like to see other councils provide a similar service so as to assist the elderly and the unemployed.

The Hon. G. T. VIRGO: I was not aware of the scheme until I read about it in today's *Advertiser* but, from that report, clearly there is a real need in the Hindmarsh area. To that extent, I think it is good to know that the State has got under way an unemployment scheme which, if not operating, would mean that many of these people would be left in the lurch. I am not aware of any other local government body doing the same but, if there are any, I will obtain the information for the honourable member.

LIVE-ALONG WORKSHOP

Mr. WOTTON: Last week, a full-page advertisment appearing in the *Advertiser* announced the launching by the Government of CITY (Community Improvement Through Youth). Can the Minister of Community Welfare say why, when such a project is condoned by the Government, the same Government has failed to assist a similar project, with many of the same objectives, which has been forced to disband and cease operating because of lack of support on the Government's part? At the outset, I commend any programme that would assist needy people, particularly as in this case, young people. The Live-Along Workshop, at Norwood, was established to assist young people who were unemployed, emotionally disturbed or unmotivated. Apart from two small grants (of $280, in 1973, and $500, in 1974), this project has been virtually ignored by the Government. Last week, as a result of an eviction notice served on the project by the Highways Department, this project, which has achieved much success and which has provided the opportunity for many young people to involve themselves in workshop activities, has been forced to abandon its activities.

The Hon. R. G. PAYNE: First, I wonder who wrote that load of garbage, because I have more respect for the honourable member than to suggest that it came out of his head.

Mr. Wotton: Come on, just answer the question!

The Hon. R. G. PAYNE: I will answer the question all right. Do not go away.

Mr. Mathwin: Stop shadow boxing!

The SPEAKER: Order!

The Hon. R. G. PAYNE: Having worked on a committee with the honourable member, it was my impression that he had some intelligence and that he sometimes checked the facts.

The SPEAKER: Order! I ask the honourable Minister to answer the question.

The Hon. R. G. PAYNE: The kind of question I have been asked compares a major project with a very small project.

Mr. Wotton: I'm asking why you didn't support the small project.

The SPEAKER: Order! The honourable member for Murray had the opportunity to ask his question, and I now ask the honourable Minister to answer it and to be heard in silence.

The Hon. R. G. PAYNE: I am delighted to have the question to answer: I thought I was getting that point over. The project referred to by the honourable member is one that I have visited personally on three occasions—twice when I was an ordinary member over a couple of years, and once since I have been Minister. I have inspected every aspect of the Live-Along Workshop on three occasions. To my certain knowledge, on those three

occasions I met two persons who were being assisted in any way.

Mr. Wotton: Do you think that's all the people who have been assisted?

The SPEAKER: Order! The honourable member has had his opportunity to ask the question, and now the Minister has the right to reply. The honourable Minister.

The Hon. R. G. PAYNE: I am not suggesting that that is the entire effort at all. I am simply pointing out that, on the occasions when I called at that location, those were the only people I encountered. The lady who was operating the Live-Along Workshop was also operating a coffee shop. During my inspections, that seemed quite a reasonable operation, as far as I could ascertain. The idea was quite a good one and, with the limited resources available to the lady, I thought that what she had done in the coffee shop was a pretty good operation. Speaking from memory, I encountered a gentleman who told me that he was making iron candlestick holders by hand, and I asked whether he thought there was much of a market for such items. He told me that there was some demand for them.

Members interjecting:

The Hon. R. G. PAYNE: I am not laughing at the man. I was surprised when he told me that, and I was also surprised to find that on occasion he obtained small orders, because the holders were used for ornamental work in front courtyards, and so on, in the sort of house in which one would expect to find them. My own approach to the matter was that one would normally buy a candlestick and get it out if it was needed, not have one handmade in wrought iron. I am not suggesting that this is an activity that should not be carried on. I am trying to illustrate that the honourable member perhaps should have done the sort of research I have done on the problem before asking his question, and he might have thought differently about raising it.

The CITY project came originally from oversea countries, and it is Community Involvement Through Youth (the honourable member did not state that).

Mr. Wotton: I did.

The Hon. R. G. PAYNE: It is a totally different approach. In the United States of America and in Canada similar projects have evolved directly to involve persons at college-age level. It was based on the same sort of approach that we are trying to apply to youth here. The image of some people attending colleges, and so on, in other countries has suffered because the behaviour of young people in the colleges has not been what is desired by society. It has been argued that, because they were not given proper and sensible outlets for their energy, their behaviour was not what was required. This programme has come into being as a result

To the best of my reading, it has had some success, and for that reason the Community Welfare Department and I, when it was brought to my attention, made it available to the youth work department, which is now, from memory, under the portfolio umbrella of the Minister of Labour and Industry. There is a committee which crosses departmental boundaries, with representatives from my department, from the Premier's Department, and so on. The CITY project was announced because, in simple terms, the Federal Government, which the honourable member supports, is not doing enough for young unemployed people. Someone has got to do something. I can point out to the honourable member that that is recognised everywhere in Australia except in this Chamber on that side of the House, and I cannot understand why that is so. It is quite clear that that is the case.

Mr. Millhouse: Not all of us on this side.

The Hon. R. G. PAYNE: I shall certainly withdraw the remark in relation to the honourable member who has just raised that objection; I would not suggest that it applies to the honourable member for Mitcham. The Live Along project has been evaluated on three occasions by me, twice as an ordinary member and once as Minister, in what were basically visits to see what was being done. The operation has been inspected on at least two other occasions by officers of the department. Consultations have taken place, and the advice I am receiving is such that the Community Welfare Grants Committee (which is not the Minister) is not recommending to me that grants should be made.

KINDERGARTEN FACILITIES

Dr. EASTICK: Can the Minister of Education say what are the present criteria used in determining the distribution of funds for the erection of kindergarten facilities? I seek an indication of whether a percentage of the available funds is given to each of the several groups in the community seeking to involve themselves in providing kindergarten facilities, such as the Education Department, religious bodies, and community organisations and, more particularly, how much of the determination is based on need.

The Hon. D. J. HOPGOOD: There is certainly no fixed percentage involved. For religious bodies, and other bodies outside the Kindergarten Union and the Education Department, no capital money would be involved. In the event that some sort of pre-school got going, it would be competent for this group to apply for affiliation to the Kindergarten Union. If that were granted, it would receive the same moneys from Commonwealth and State sources through the Childhood Services Council as now applies to pre-school classes in either the Education Department or the Kindergarten Union. I understand that has occurred in some cases, although it is not general, so there remain fee-paying private kindergartens outside of the Government and semi-government systems, if I can use that designation for the Kindergarten Union.

As for approval for the project, the honourable member has largely answered his question in mentioning need, because the Childhood Services Council has a subcommittee under the chairmanship of Dr. Ebbeck of the Kindergarten Union who, in his own right, is a member of the Childhood Services Council. It is the job of this committee to evaluate the various propositions put forward and consider them generally on the basis of the needs of an area, taking into account the under-five population and those facilities that are already available through the various agencies to which I have referred.

I should not let the opportunity pass without saying that there is one particular problem with which that council is now grappling. I would not suggest that it is a large problem, and it is one that can be reasonably well resolved: that is, when there is a particular school in an area a group of people is associated with it, and this tends to be the centre or *locus* of a possible new initiative. From time to time people will come forward with propositions for the use of some surplus capital facilities at the school for pre-school classes when, in fact, if the total situation in the area is considered, the combined facilities being provided are already adequate to meet the needs of that area.

Yet, pressure may well be applied: for example, the principal of a junior primary school who may see some sort of need may provide a room for part of a week for a play

group and, by normal effluxion of time, the parents will be interested in its being converted into a pre-school class. It is difficult to say "No" to a group that has gone in and got work done, yet the overall situation may be that down the road the local kindergarten can provide for these needs. Generally, there is no formula: it is up to the Childhood Services Council to respond to need and, in doing so, we could say that various groups and their clients are well and strongly represented on the council so that it is unlikely that their various claims will be lightly dealt with.

PREMIER'S ABSENCE

Mr. MILLHOUSE: I should like to ask a question of the Premier's deputy, and, before I do so, I should like to congatulate you, Sir, on the way in which you have kept the House under control during Question Time.

The SPEAKER: Order!

Mr. MILLHOUSE: I believe that we have got through more questions during Question Time today than we have for many years.

Mr. Becker: You haven't been interjecting.

Mr. MILLHOUSE: No, I have kept myself very much under control.

The SPEAKER: Order! The honourable member for Mitcham will ask his question.

Mr. MILLHOUSE: I was only paying you a compliment, Sir. Can the Premier's deputy say why the Premier is away from the House during its sittings? I understand that the Premier and his wife, Ms. Koh, have gone to Malaysia for several weeks. I appreciate that this gives the Premier's deputy a chance to have a go at running the Government in his absence, which he must enjoy.

The SPEAKER: Order! The honourable member for Mitcham is starting to comment.

Mr. MILLHOUSE: I want to make a couple of points, and I certainly will not continue with that point if you think I am commenting. I understand that the trip has been planned for some time and, indeed, that it was planned before the election. It is to some extent a reflection on Parliament, the business before the House (and this is the last point I make) and for me especially, as one who is not ashamed to say that he is a Royalist, that I very much regret that the Premier's absence means that he will be away during the visit to this State next week of the Prince of Wales. The trip must have been planned with that knowledge in mind, that the Premier would be away during that time. Therefore, it is a snub to the Prince of Wales. Members opposite may rejoice in that, and obviously from their reactions several of them do, but I do not. It is for those reasons that I put the question to the Deputy Premier.

The Hon. J. D. CORCORAN: I am bitterly disappointed that the member for Mitcham does not believe that I will be able to accommodate the Prince as well as does the Premier, because I believe that I will.

Mr. Millhouse: Well, I will make a comment—

The SPEAKER: Order! The honourable member for Mitcham has asked a question.

The Hon. J. D. CORCORAN: I would accommodate the member for Mitcham, too.

The Hon. G. T. Virgo: In what way?

The Hon. J. D. CORCORAN: In any way. Regarding the honourable member's observation that the Premier's absence will give me the opportunity to have a go at running the Government, if he wished to add up the time I have had a go at it over the past seven years he would ascertain that it amounted to a fair period.

Mr. Tonkin: I would have thought it would be quite frustrating, actually.

The Hon. J. D. CORCORAN: Not really: it is something that I do as a matter of course. It does not concern me; I just go into it. We are a very good team, which is something that our friends opposite would like to be able to say they are. I go further than that and say that if something untoward happened to me today the Government would continue without difficulty. If something happened to the Minister of Mines and Energy, again we would have no problem; we could run right down the front bench.

The reason the Premier is not here is that he is not here! That is the real reason. The invitation from the Prime Minister of Singapore to the Premier to attend an extremely important conference in Singapore was extended some while go. In fact, it was extended to him, I believe, before we were aware of Prince Charles's visit to this State.

Mr. Millhouse: What is the conference?

The Hon. J. D. CORCORAN: I do not remember the titles of all the conferences. I know that the name of the conference would be particularly important to the honourable member's little mind and that he would want to know exactly what it was. It is an important conference. Why it is important, I do not know. The honourable member could ascertain that for himself. In addition, the Premier is taking the opportunity whilst in Singapore to meet with the Prime Minister and the four Chief Ministers of the various States of Malaysia to further the enterprises that we have entered into jointly. If the member for Mitcham believes that those things are not important, I do not know what he believes.

Mr. Dean Brown: Why couldn't the Premier on October 25 give details of his visit?

The Hon. J. D. CORCORAN: Why doesn't the honourable member keep quiet? The member for Mitcham's concern about the Premier's absence touches me deeply. I assure the honourable member that the Premier has a good reason to be absent. The trip was planned some time ago.

Mr. Dean Brown: But only four weeks ago he didn't—

The SPEAKER: Order!

The Hon. J. D. CORCORAN: In the Premier's absence I am sure that everything can be handled adequately. Indeed, we are such a good team that if I am in doubt about anything I ring the Premier and have a chat with him to sort it out. I can assure the member for Mitcham and the Leader that there are no problems and that everything is O.K.

PERSONAL EXPLANATION: HILLS HOUSES

Mr. EVANS (Fisher): I seek leave to make a personal explanation.

Leave granted.

Mr. EVANS: Earlier this afternoon the Attorney-General picked up an interjection I made when I said that dozens of people in my district could not use their properties for house-building purposes.

The Hon. Peter Duncan: You didn't say that.

The SPEAKER: Order! The honourable Attorney-General is out of order.

Mr. EVANS: The Attorney took my interjection to mean that people could not use their land for reasons similar to those raised in his colleague's question. Many people in the Hills and the hills face zone cannot use their properties for many reasons which I do not wish to explain fully but some of which relate to problems associated with

the State Planning Authority, the Engineering and Water Supply Department and local councils. I do not wish to imply that all those problems relate to the same matter as was raised by the honourable member. I wish to clear up that matter so that the Attorney-General does not have misgivings about the situation.

At 3.7 p.m., the bells having been rung:

The SPEAKER: Call on the business of the day.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

PAY-ROLL TAX ACT AMENDMENT BILL

The Hon. J. D. CORCORAN (Minister of Works) obtained leave and introduced a Bill for an Act to amend the Pay-roll Tax Act, 1971-76. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

At present the Pay-roll Tax Act provides that, in calculating his liability for pay-roll tax, an employer may deduct the sum of $48 000 from his annual pay-roll. However, once his annual pay-roll exceeds $48 000, the permissible deduction reduces by $2 for every $3 by which the pay-roll exceeds $48 000 to a minimum deduction of $24 000. This has been the position since January 1, 1977.

It is now proposed that the maximum annual deduction be increased to $60 000 and the minimum annual deduction to $27 000. There is inevitably a considerable element of judgment necessary when limits of this kind are set, but honourable members will notice that the minimum deduction is to be increased by 12½ per cent, which is roughly in line with recent movements in average weekly earnings. The maximum deduction, which is of benefit chiefly to small businesses, is to be increased by 25 per cent. This means that it is to go well beyond a form of indexation and will afford such enterprises a measure of real tax relief. These changes are planned to take effect from January 1, 1978, and are expected to cost about $1 600 000 in a full year and about $700 000 in 1977-78.

In order to provide some background for the measures contained in this Bill, I will summarise briefly the latest information from other States about pay-roll tax. From the beginning of 1978, the situation will be that Victoria, South Australia and Western Australia will have a maximum deduction of $60 000, reducing by $2 for every $3 by which the pay-roll tax exceeds $60 000 to a minimum deduction of $27 000 for pay-rolls of $109 500 and above. New South Wales and Tasmania will have the same maximum deduction but, in those States, the deduction will continue to reduce beyond $27 000 and will disappear altogether at pay-rolls in excess of $150 000 a year. In Queensland the maximum deduction will be $100 000, reducing by $5 for every $2 by which the pay-roll exceeds $100 000 to a minimum deduction of $27 000. The Queensland Government has also announced that, as from July 1, 1978, the maximum deduction will be increased to $125 000.

There is one other matter contained in the Bill; the removal of the requirement for pay-roll tax returns to be submitted in triplicate. With the advent of a computerised system of handling pay-roll tax accounts this procedure is no longer necessary. Clause 1 is formal. Clause 2 provides that the measure shall come into operation on January 1, 1978. Clause 3 amends section 11a of the principal Act by providing for the new maximum and minimum amounts of the deduction that may be made under that section from pay-rolls before monthly or other periodic returns of pay-roll tax are made to the Commissioner.

Clause 4 amends section 13a of the principal Act by providing for a new definition of the amount of the annual deduction that may be made from a pay-roll liable to taxation. The formula set out in new subsection (2) provides for the annual deduction for the financial year ending on June 30, 1978, by averaging the present annual deduction based upon the maximum of $48 000 and minimum of $24 000, and the new annual deduction to have effect from January 1, 1978, based on a maximum of $60 000 and a minimum of $27 000. The same formula also provides for financial years subsequent to this financial year and for the two financial years preceding this financial year, which are now dealt with by subsections (2) and (2a) of the section.

Clause 5 amends section 14 of the principal Act to require an employer to register under the Act when his pay-roll exceeds $1 150 instead of the present $900. Clause 6 amends section 15 of the principal Act by removing the requirement that returns for pay-roll tax be made in triplicate. Clause 7 amends section 18k of the principal Act by providing for the new annual deduction in respect of pay-rolls of grouped employers. New section 18k corresponds with respect to grouped employers to section 13a, amended as proposed, with respect to single employers.

Mr. TONKIN secured the adjournment of the debate.

RESIDENTIAL TENANCIES BILL

The Hon. PETER DUNCAN (Attorney-General) obtained leave and introduced a Bill for an Act to regulate the relationship of landlord and tenant under residential tenancy agreements; to repeal the Excessive Rents Act, 1962-1973; and for other purposes. Read a first time.

The Hon. PETER DUNCAN: I move:

That this Bill be now read a second time.

It proposes a substantial revision of the law regulating the relationship of landlord and tenant in respect of premises occupied for residential purposes. It is a significant measure. It is the first attempt in Australia to legislate comprehensively for reform of the residential landlord and tenant relationship. It is the result of over two years work, involving the close study of similar Canadian legislation and overseas and Australian reports calling for long overdue reform in this area, and consultation with both landlords and tenants. The Government especially appreciates the co-operation and support of the Real Estate Institute in the preparation of the Bill.

In particular, the Bill relies on the recommendations of the report of A. J. Bradbrook, M.A., LL.M., entitled "Poverty and the Residential Landlord-Tenant Relationship" prepared for the Australian Commissioin of Inquiry into Poverty, and the Law Reform Committee of South

Australia in its thirty-fifth report relating to standard terms in tenancy agreements. Conversely, it is significant that British Columbia has just passed a Residential Tenancy Act which relies heavily on our work done in preparing this Bill.

Housing is a basic human need. In our society, all people need to obtain and to be reasonably secure in housing of an acceptable standard. It is a crucial Government responsibility to see that this need is met. The present law is not assisting the meeting of this need. From the point of view of tenants, the present law in this area does not recognise the inequality of bargaining power of landlords and tenants in respect of their agreements. A tenant has no security of tenure, his common law rights can be abrogated by standard form agreements, there is no limitation or protection of the moneys he must pay as a security bond, and the Excessive Rents Act offers little protection, because of the expensive court procedures so often involved.

Landlords, although usually in a position to require their tenants to enter into agreements that are weighted in their favour, suffer from the complexities of the present law and the time and expense involved in legal proceedings, particularly in evicting tenants.

It can be argued that the existing law is a factor in reducing the availability of rental accommodation. A potential landlord, confused as to his rights and obligations under a tenancy agreement, may be reluctant to rent his premises. If he does, he will resort to a standard form agreement which allows termination for any breach and purports to exclude or minimise his obligations, as much to clarify his situation at law, as to protect his premises. An informed potential tenant is likely to be deterred from signing such an agreement. Any potential tenant will find a substantial security bond, which is forfeited for any breach whatsoever, a deterrence, or the fact that he has no security of tenure, no ready procedure to question excessive rent increases, or no right to require premises to be in a reasonable state of cleanliness or repair. He is likely to seek home ownership in preference, often at a time when he cannot afford to do so.

The Government recognises that private tenancy arrangements are important in accommodating South Australians. It recognises that most such arrangements are entered into and carried out in a spirit of co-operation and harmony. This Bill should in no way deter parties who accept reasonable obligations, while protecting good tenants against unfair landlords, and reasonable landlords against recalcitrant and dishonest tenants. It proposes to reform unsatisfactory laws and provide—

(1) a fair and inexpensive settlement of disputes between the parties to a residential tenancy agreement; and

(2) a clarification of the rights and obligations which should reasonably exist for both landlords and tenants so as to protect the legitimate interests of both parties.

The Commissioner for Consumer Affairs is, under Part II of the Bill, given the administration of the measure and empowered to advise tenants, investigate complaints by tenants and assume the conduct of legal proceedings on behalf of tenants.

Part III of the Bill provides for the establishment of a tribunal, entitled the "Residential Tenancies Tribunal", which is empowered to determine any matter arising out of a residential tenancy agreement. The jurisdiction of the tribunal is to be exclusive in respect of any claim arising out of a residential tenancy agreement for an amount not exceeding $2 500. It is intended that the tribunal function in a manner similar to the Local Court in its small claims jurisdiction and provide a relatively informal, speedy and inexpensive means of justly resolving disputes.

Part IV of the Bill provides a statutory code of the fundamental rights and obligations of landlords and tenants under residential tenancy agreements. The amount of any security bond under a residential tenancy agreement is limited under that Part to an amount not exceeding three weeks rent under the agreement. Security bonds are to be paid into the tribunal and not retained by landlords. Rent under a residential tenancy agreement is to be subject to an increase not more frequently than once every six months and only after the tenant has been given sixty days notice of the increase.

The tribunal is to be empowered to determine, upon application by a tenant, whether rent is excessive and if so, to fix the maximum rent. This approach to the fixing of maximum rents corresponds in most respects to that now applicable under the Excessive Rents Act, 1962-1973, the repeal of which is provided for by the Bill. Statutory terms applying to every residential tenancy agreement are also set out in Part IV regulating the tenant's conduct on the premises, repair and upkeep of the premises, the landlord's right of entry on the premises, and other matters which will be explained in more detail in the explanation of the clauses included in that Part.

Part V of the Bill regulates termination of residential tenancy agreements. The provisions of this Part are designed to achieve a balance between the rights of the landlord in the disposition of his property and the rights of the tenant to be given adequate forewarning of the need to find a new place of residence. In this light—

(1) the landlord is to be able to terminate an agreement, where the tenant has breached a term of the agreement, by giving not less than 14 days notice to the tenant;

(2) where a tenant has caused or is likely to cause serious injury to person or property, the landlord may, by application to the tribunal, obtain an order terminating the agreement and an order for possession of the premises of immediate effect;

(3) the landlord may determine an agreement where he requires possession of the premises for demolition or substantial renovation, for occupation by himself or a member of his immediate family or for any of certain other specified reasons, by 60 days notice to the tenant; and

(4) a residential tenancy agreement is to be determinable by a landlord by not less than four month's notice to the tenant where there is no reason.

Finally, the tribunal is to be empowered to terminate an agreement where the landlord is able to satisfy the tribunal that, if he is required to terminate the agreement by giving notice of the periods mentioned above he will suffer undue hardship. This scheme, which has been outlined in broad terms only, will, I believe, achieve a proper balance between the interests of the two parties to residential tenancy agreements and provide the flexibility necessary to meet the many varying situations that arise in this context.

Part VI of the Bill provides for the establishment of a fund, to be entitled the "Residential Tenancies Fund", into which will be paid security bonds and any other moneys paid into the tribunal. It is proposed that the fund will be invested and the income derived from the investment will be applied towards losses suffered by landlords through damage caused to their premises by tenants and for other appropriate purposes approved by

the Minister. In summary, this Bill, if passed, will serve as a model for other States to follow as a reasonable and moderate reform of landlord and tenant law, of assistance and benefit to both parties. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides that the measure shall come into operation on a day to be fixed by proclamation. Clause 3 sets out the arrangement of the measure. Clause 4 provides for the repeal of the Excessive Rents Act, 1962-1973.

Clause 5 sets out definitions of terms used in the Bill. "Residential premises" are defined as any premises that constitute or are intended to constitute a place of residence. "Residential tenancy agreement" is defined to include licences in addition to leases. This is considered necessary in order to eliminate a means of avoiding the application of the measure. The inclusion of licences has in turn created a problem, in that, rights of occupancy in hotels, boarding houses and other similar places are usually granted by way of licences, but clearly should not be regulated by this measure. This problem is resolved partly by the fact that the Act applies only to occupation for the purpose of residence and partly by subclauses (2) and (3) of clause 6.

Subclause (1) of clause 6 provides that the measure shall apply to residential tenancy agreements entered into, renewed or transferred after its commencement. Subclause (2) excludes from the application of the Act certain classes of residential tenancy agreement. Subclause (3) excludes from the application of the Act certain classes of premises.

Clause 7 provides that the Commissioner for Consumer Affairs shall have the general administration of the Act. Clause 8 provides that the Commissioner may delegate any of his powers. Clause 9 provides that the Commissioner may carry out research and disseminate information in respect of matters affecting tenants, advise tenants, investigate complaints from tenants and prosecute offences. In addition, the Commissioner may assume the conduct of legal proceedings on behalf of tenants. The provisions of this clause correspond to the provisions in the Prices Act, 1948-1976, setting out the functions of the Commissioner in respect of consumers generally. Clause 10 protects the Commissioner or his delegate from personal liability for acts or omissions in good faith in the course of his duties. Clause 11 requires the Commissioner to prepare an annual report for the Minister and for it to be laid before Parliament.

Part III of the Bill provides for the establishment and functions of the Residential Tenancies Tribunal. Clause 12 provides for the establishment of the tribunal and the appointment of members of the tribunal. Clause 13 provides for the remuneration and expenses of members of the tribunal. Clause 14 provides for the appointment of a registrar and deputy registrars of the tribunal. Clause 15 provides that the registrar or a deputy registrar of the tribunal may, subject to any directions of the tribunal, exercise the jurisdiction of the tribunal in respect of any matters of a class prescribed by regulation. Clause 16 protects members of the tribunal and registrars from personal liability for acts or omissions in good faith in the course of their duties. Clause 17 provides for declaration of declared areas by the Attorney-General.

Clause 18 provides for an office of the tribunal and, where declared areas are declared, an office in each declared area. The clause provides that proceedings must be instituted at the office of the tribunal for the declared area in which the premises the subject of the proceedings are situated. Proceedings of the tribunal are to be heard by members nominated by the Attorney-General and at times and places directed by the Attorney-General. Members of the tribunal may hear different proceedings contemporaneously. Clause 19 provides that the tribunal is to have exclusive jurisdiction in respect of any matter that may be the subject of an application to it. However, where the applicant claims an amount exceeding two thousand five hundred dollars, the tribunal may not hear the application unless all parties consent to it doing so.

Clause 20 provides that the tribunal may hear and determine applications relating to any dispute arising out of a residential tenancy. On such applications the tribunal may make orders in the nature of an injunction or specific performance or order the payment of compensation. Clause 21 sets out the manner and form of applications to the tribunal. The procedure envisaged is informal in nature requiring no pleadings as such other than the initial application form. Clause 22 sets out the procedural powers of the tribunal such as power to issue a summons, and power to take evidence on oath or affirmation. The clause provides that the tribunal shall not be bound by the rules of evidence. Clause 23 provides that a party to proceedings shall not, except in certain limited circumstances, be represented or assisted in the presentation of his case by another person. Clause 24 provides that the tribunal may settle matters in dispute before the tribunal by conciliation.

Clause 25 provides that the tribunal shall not award costs in respect of any proceedings unless all the parties were represented by legal practitioners and the tribunal is of the opinion that there are special circumstances justifying the award of costs. Clause 26 provides that the tribunal may reserve any question of law for the decision of the Supreme Court and that the costs arising therefrom shall be borne by the State. Clause 27 provides that orders of the tribunal shall be binding and not subject to appeal. Clause 28 provides that prerogative proceedings shall lie only in respect of lack of jurisdiction or breach of natural justice.

Part IV of the Bill, comprising clauses 29 to 57, deals with the rights and obligations of landlords and tenants. Clause 29 prohibits any requirement or receipt by a landlord of any payment by a tenant other than rent and a security bond, that is, payment of a fine or premium. Clause 30 prohibits requirement or receipt by a landlord of more than two weeks rent in advance at the commencement of a tenancy. Clause 31 provides that security bonds, if required, must be required as part of the tenancy agreement, that only one bond may be required, and that the bond must be not more than three weeks rent. Subclause (2) provides that any person who receives a security bond must pay the bond into the tribunal within seven days of his receipt of the bond or in the case of a licensed land agent within 28 days.

Clause 32 regulates the manner in which security bonds may be paid out of the tribunal to the parties to a tenancy agreement. Clause 33 regulates the manner in which the amount of the rent under a tenancy agreement may be increased by a landlord. The clause provides that the rent may be increased by the landlord every six months after giving to the tenant not less than 60 days notice in writing of the amount of the increased rent, but not otherwise. This right to increase rent applies to a fixed-term tenancy if a right to increase rent is reserved by the landlord under such tenancy and, in any case, is subject to any agreement restricting the right.

Clause 34 provides that a tenant may apply to the tribunal for an order declaring his rent to be excessive. Where the tribunal finds, having regard to criteria set out in the clause, that the rent is excessive, it may fix the maximum rent payable in respect of the premises. Orders fixing maximum rents are to have effect for a period of one year. This scheme corresponds to the scheme under the Excessive Rents Act, 1962-1973. The scheme under that Act has been rarely used, but it is thought that this has been because of ignorance of its existence and the time and expense involved in the legal proceedings necessary under it. Clause 35 provides that a landlord must ensure that his tenant is given a receipt for rent paid within 48 hours of its payment, but that a licensed land agent need only do so upon request. Clause 36 requires a landlord to keep proper records of rent paid under the agreement.

Clause 37 provides that a landlord must not require payment of rent by post-dated cheque. Clause 38 provides that rent payable under a tenancy agreement accrues from day to day and shall be apportioned upon termination of the agreement. Clause 39 prohibits distress for rent under residential tenancy agreements. Clause 40 provides that it shall be a term of every residential tenancy agreement that the tenant shall keep the premises in a reasonable state of cleanliness, notify the landlord of any damage to the premises and not intentionally or negligently cause or permit damage to the premises. It is thought that this obligation as to damage to the premises more closely accords to the understanding of parties to a residential tenancy agreement as to their moral responsibilities than the wider obligation usually placed upon a tenant to repair certain damage not caused by him.

Clause 41 provides that a tenant shall not use premises for illegal purposes, cause or permit a nuisance or cause or permit any interference with the use of adjacent premises occupied by the landlord or another tenant of the landlord in reasonable peace, comfort and privacy. Clause 42 provides that the tenant shall have vacant possession of the premises on the day on which he is entitled to enter into occupation of them. Clause 43 provides that a landlord shall not grant a tenancy knowing that during the period of the tenancy the premises will not be lawfully usable for residential purposes. Clause 44 provides that the landlord shall provide the premises in a reasonable state of cleanliness, keep the premises in a reasonable state of repair having regard to their age, character and prospective life, compensate the tenant for repairs that he makes where there is an immediate danger of injury to a person or property and comply with all statutory requirements applying to the premises. Again most reasonable landlords regard themselves as obliged to keep premises in a reasonable state of repair, even though it may be the case that their formal agreements place that obligation on their tenants. Subclause (3) provides that this obligation does not apply to premises the subject of an order under Part VII of the Housing Improvement Act, 1940-1977, fixing the maximum rent in respect of the premises.

Clause 45 extends the usual obligation upon the landlord that the tenant's enjoyment of the premises shall not be interfered with by providing that there shall not be interference by a person having superior title to that of the landlord or any interference with the tenant's use of the premises in reasonable peace, comfort and privacy. The landlord is also obliged by this clause to take all reasonable steps to ensure that other tenants of his do not interfere with the tenant's use of the premises in reasonable peace, comfort and privacy. Subclause (2) provides that it shall be an offence for a landlord to so interfere with the tenant's peace, comfort and privacy as to amount to harassment of the tenant.

Clause 46 requires landlords to provide and maintain such locks or other devices as are necessary to keep the premises secure and prohibits alteration of the locks by either the tenant or the landlord without the other's consent. Subclause (2) provides that it shall be an offence for either the landlord or the tenant to alter the locks without the other's consent.

Clause 47 regulates the manner in which a landlord may enter the premises while the tenant is in possession of the premises. The clause provides that the landlord must obtain the tenant's consent to his entry or give notice of the period specified in relation to the purpose of his entry, but that he may enter at any time in any case of emergency. This right of entry is more limited than that which landlords usually reserve for themselves under formal agreements, but at common law a landlord is not entitled to enter the premises at all without his tenant's consent unless he has reserved a right of entry under the agreement.

Clause 48 provides that the tenant may remove a fixture that he affixed to the premises unless its removal would cause irreparable damage and shall repair any damage caused by removal of a fixture. Clause 49 provides that a landlord shall bear all outgoings in respect of the premises other than excess water rates. Clause 50 continues the present rule that a tenant may assign or sub-let the premises unless there is any agreement to the contrary, but provides that assignment or sub-letting may not be totally excluded by agreement. Instead, the landlord may require that the tenant obtain his consent, but may not unreasonably withhold his consent.

Clause 51 provides that a tenant shall be vicariously responsible for any breach by any other person, such as a sub-tenant who is lawfully on the premises. Clause 52 requires that the tenant be notified in writing of the name and address of the landlord at the time of entering into the tenancy agreement and if there is any change in landlords.

Clause 53 provides that, where a landlord requires or invites his tenant to execute a written agreement, he shall ensure that the tenant has a copy of the document and a fully executed copy within 21 days of the tenant signing and delivering it to him. Clause 54 provides that the cost of a written agreement required by the landlord shall be borne by the landlord. Clause 55 prohibits discrimination against tenants with children, but excludes the case where the landlord resides in adjoining premises. Clause 56 prohibits the insertion in tenancy agreements of rent acceleration, penalty or liquidated damages clauses. Clause 57 provides that the rules under the law of contract relating to the duty to mitigate damages arising from a breach of a contract apply to a breach of a residential tenancy agreement.

Part V of the Bill, comprising clauses 58 to 80, deals with termination of residential tenancy agreements. Clause 58 sets out the various means by which a residential tenancy agreement may be brought to an end. Paragraph *(a)* of subclause (1) provides that a notice to quit, referred to in the Bill as a notice of termination, does not of itself terminate the agreement unless the tenant delivers up possession of the premises or the tribunal orders him to do so. This provision is consistent with the scheme of this Part, whereby under clause 70 the tribunal is given a discretion as to whether or not to order the tenant to deliver up possession of the premises after the period of the notice of termination. Paragraph *(d)* of subclause (1) provides that the agreement is terminated where the tenant abandons the premises, but should be read together with clauses 75 and 76 under which the landlord may obtain orders from the tribunal as to the time at which the tenant abandoned the premises and for compensation for loss arising therefrom.

Subclause (3) provides that although the agreement may be expressed to come to end automatically, as, for example, in the case of an agreement for a fixed-term tenancy, it continues until terminated by the appropriate notice or otherwise in accordance with the measure upon the same terms. The effect of this clause is, generally speaking, that unless the parties agree that their tenancy agreement is at an end, that is, a surrender by the tenant accepted by the landlord, the agreement can only be brought to an end without any liability by one of the parties giving the proper notice of termination to the other. This again is consistent with the scheme under this Part which provides, as it were, a "second chance" for the tenant who, for example, finds himself in circumstances of hardship.

Clause 59 regulates the form of a notice of termination by a landlord. Clause 60 provides that a landlord may give a notice of termination upon the ground of a breach by the tenant of any term of their agreement. The period of such a notice of termination must be not less than 14 days. Where the breach is failure to pay the rent, the rent must have remained unpaid for not less than 14 days.

Clause 61 provides that a landlord may give a notice of termination upon the ground that he requires the premises for substantial repairs or renovation or demolition, that he requires the premises for his own occupation or occupation by a member of his immediate family or that he requires the premises for a purpose prescribed by regulation. The period of a notice of termination under this clause must be not less than 60 days. A notice of termination under this clause in respect of a tenancy agreement that creates a tenancy for a fixed term cannot bring the agreement to an end before the end of the fixed term. Subclause (4) provides that it shall be an offence for a landlord to falsely state the ground for the notice.

Clause 62 provides that a landlord may give a notice of termination to the tenant without specifying any ground for the notice. The period of a notice under this clause must be not less than 120 days and, in the case of a tenancy for a fixed term, expire not earlier than the last day of the term. Clauses 63 and 64 provide that, where premises are subject to a rent order under this measure or a notice under Part VII of the Housing Improvement Act, 1940-1977, respectively, the tenancy agreement may not be brought to an end by the landlord by a notice of termination under clause 62 or by a notice of termination that has not been authorised by the tribunal. Clause 65 provides that a landlord does not waive a breach by the tenant or a notice of termination that he has given by demanding, proceeding for or accepting rent under the agreement. Clause 66 prescribes the form of a notice of termination by a tenant.

Clause 67 provides that a tenant may give a notice of termination to his landlord without specifying any ground for the notice. The period of a notice given by a tenant must be not less than 14 days and, in the case of a tenancy for a fixed term, expire not earlier than the last day of the term.

Clause 68 provides that where the purpose of a residential tenancy agreement is frustrated by events outside the control of the parties either party may give a notice of termination to the other and until termination or restoration of the tenant's enjoyment the rent shall abate accordingly. Clause 69 removes the unnecessarily complicating requirement at common law that the last day of a notice of termination must fall on the last day of a period of a periodic tenancy. The clause also provides that periods of notice provided under the measure will not be modified by the common law requirements as to the period of notices to quit.

Clause 70 provides that the tribunal may terminate an agreement, upon application by the landlord, where the landlord or tenant has given notice of termination but the tenant has failed to deliver up possession of the premises. Subclause (2) provides that the tribunal must be satisfied, in the case of a notice given upon a particular ground, that the landlord has established the ground and, where the ground is a breach of the agreement by the tenant, that the breach is such as to justify termination. Under subclause (3) the tribunal may suspend the operation of its order for termination and possession of the premises, having regard to the relative hardship that would be caused to the landlord or tenant by suspending or not suspending the orders. The hardship envisaged by this provision is, for example, in the case of the tenant, inability to find alternative accommodation, old age or ill-health.

Subclause (3) of this clause also provides that the tribunal may refuse to make the orders if it is satisfied that the notice was retaliatory, or, in the case of a notice given upon the ground of a breach by the tenant, that the tenant has remedied the breach. The tribunal may also refuse the to make the orders under subparagraph (iii) of paragraph *(b)* of that subclause if, in the case of a notice given by the landlord under clause 68 upon the ground that a part of the premises have been destroyed, it is satisfied that it would not be unduly burdensome for the landlord to rebuild.

Clause 71 empowers the tribunal to make orders of termination and for possession of premises that are of immediate effect if it is satisfied the tenant has caused, or is likely to cause, serious damage to the premises or injury to the landlord or his agent or any person in occupation of, or permitted on, adjacent premises. Clause 72 provides that the tribunal may order termination of an agreement if it is satisfied that the landlord would suffer undue hardship if he were required to terminate the agreement under any other provision of the measure. Clause 73 provides that the tribunal may terminate an agreement upon application by the tenant if the tribunal is satisfied that the landlord has breached a term of the agreement and that the breach is such as to justify termination.

Clause 74 provides that a landlord shall be entitled to compensation if the tenant fails to comply with an order for possession of the premises. Clause 75 provides that a landlord may obtain a declaration from the tribunal as to whether a tenant has abandoned premises and if so, the time at which he abandoned the premises. Clause 76 provides that, where a tenant has abandoned premises the landlord shall be entitled to compensation for any loss, including loss of rent, caused by the abandonment. Clause 77 prohibits recovery of possession of premises by peaceable entry where the premises are occupied by a tenant under a residential tenancy agreement or a former tenant holding over after termination of such agreement.

Clause 78 is designed to protect sub-tenants under residential tenancy agreements from eviction without warning where the head-landlord terminates the head-lease thereby causing the sub-lease to fall in pursuant to paragraph *(c)* of subclause (1) of clause 58. Under clause 78 any court or the tribunal when hearing an application by a head-landlord for recovery of possession of premises must determine whether there is a sub-tenant in possession of the premises and, if there is, ensure that he has had reasonable notice of the proceedings. The sub-tenant may then intervene in the proceedings and the court or tribunal may then intervene in the proceedings and the court or tribunal may vest a tenancy in him to be held directly of the head-landlord. Clause 79 provides for the appointment of bailiffs of the tribunal. Clause 80 provides for the enforcement by the tribunal's bailiffs of orders for possession made by the tribunal.

Part VI, comprising clauses 81 to 85, deals with the Residential Tenancies Fund. Clause 81 provides for establishment and administration by the registrar of the tribunal of a fund to be entitled the "Residential Tenancies Fund". Any security bond or rent paid into the tribunal is to be paid into the Fund and paid out again at the direction of the tribunal. Clause 82 provides for investment in such manner as the Minister may approve of any moneys standing to the credit of the fund and not immediately required for the purposes of the measure. Clause 83 provides that income from investment of the fund may be applied, in such circumstances and subject to such condition as may be prescribed by regulation, towards compensating landlords for damage caused by tenants, in payments towards the cost of administering the fund and in such other manner as the Minister may approve.

Clause 84 requires the registrar to keep proper accounts in respect of the fund and provides for auditing of the fund by the Auditor-General. Clause 85 requires the registrar to submit an annual report on the administration of the fund to the Minister and provides for tabling of the report in Parliament.

Part VII, comprising clauses 86 to 92 deals with certain miscellaneous matters. Clause 86 provides that any agreement inconsistent with, or excluding, modifying or restricting, the provisions of the measure, or any waiver of a right conferred under the measure, shall be void. Subclause (3) provides that it shall be an offence to enter into any agreement or arrangement with intent to defeat, evade or prevent the operation of the measure. Clause 87 provides for the recovery of amounts paid by either party to a residential tenancy agreement to the other as a result of a mistake of law, especially, of course, a mistake as to the existence, or effect, of a provision of this measure.

Clause 88 empowers the tribunal to make an order exempting a particular residential tenancy agreement or particular premises from the application of a provision of the measure. Clause 89 empowers the tribunal to make an order varying or rescinding any term of a residential tenancy agreement that it considers is harsh or unconscionable or such that a court of equity would grant relief. Clause 90 regulates service of documents required or authorised to be served under the measure. Clause 91 provides that offences against the measure shall be disposed of by summary proceedings. Clause 92 provides for the making of regulations.

Mr. EVANS secured the adjournment of the debate.

HOUSING IMPROVEMENT ACT AMENDMENT BILL

The Hon. PETER DUNCAN (Attorney-General) obtained leave and introduced a Bill for an act to amend the Housing Improvement Act, 1940-1973. Read a first time.

The Hon. PETER DUNCAN: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This short Bill makes amendments to the principal Act, the Housing Improvement Act, 1940-1973, that are consequential on enactment of the Residential Tenancies Bill, 1977. The amendments contained in the Bill all relate to the protection against eviction afforded to a tenant of a house in respect of which a notice under Part VII of the principal Act is in force. Provisions conferring protection against eviction in these circumstances have been included in the Residential Tenancies Bill, 1977.

Clause 1 is formal. Clause 2 provides that the measure shall come into operation on the day on which the Residential Tenancies Act, 1977, comes into operation.

Clause 3 amends section 60a of the principal Act which provides that a notice to quit is void where a notice of intention to declare the house substandard is given under Part VII of the principal Act. The clause provides that this section shall not apply to a residential tenancy agreement to which the Residential Tenancies Act, 1977, applies. Clause 4 makes the same amendment to section 61 of the principal Act which regulates recovery of possession of a house subject to an order under Part VII fixing the maximum rent in respect of the house.

Mr. EVANS secured the adjournment of the debate.

LANDLORD AND TENANT ACT AMENDMENT BILL

The Hon. PETER DUNCAN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Landlord and Tenant Act, 1936-1974. Read a first time.

The Hon. PETER DUNCAN: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This short Bill makes an amendment to the principal Act, the Landlord and Tenant Act, 1936-1974, that is consequential on enactment of the Residential Tenancies Bill, 1977.

Clause 1 is formal. Clause 2 provides that the measure shall come into operation on the day on which the Residential Tenancies Act, 1977, comes into operation. Clause 3 inserts a new section 3a which provides that the principal Act shall not apply to or in relation to a residential tenancy agreement to which the Residential Tenancies Act, 1977, applies.

Mr. EVANS secured the adjournment of the debate.

COMMERCIAL AND PRIVATE AGENTS ACT AMENDMENT BILL

The Hon. PETER DUNCAN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Commercial and Private Agents Act, 1972-1976. Read a first time.

The Hon. PETER DUNCAN: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill seeks to overcome sundry minor difficulties that have arisen in the administration of the Act since its inception in 1972. Clarification of several definitions is sought by the Commercial and Private Agents Board, and it is also proposed that retail store security officers should be required to hold a licence under this Act.

The Bill also seeks to provide that the board may grant a provisional (that is, interim) licence to an applicant who is

employed, or about to be employed, by a licensed agent. As the Act now stands, a security agent, for example, cannot employ a person as a security guard until that person's application has been considered by the board and processed.

The Bill creates several new offences in order to clamp down on some undesirable practices. I will now deal with the clauses of the Bill in detail. Clause 1 is formal. Clause 2 provides for the commencement of the Act. Clause 3 amends various definitions. A person who repossesses goods subject to a "consumer" mortgage is included in the definition of "commercial agent". The obtaining of evidence for legal proceedings in relation to workmen's compensation or car accident injuries is included in the functions of a loss assessor. A loss assessor performing this function therefore need not take out an inquiry agent's licence. A person who supplies guard dogs is included in the definition of "security agent". A store security officer is defined.

Clause 4 effects a consequential amendment in relation to store security officers. Clause 5 requires persons acting as store security officers to hold licences under the Act. Paragraphs *(b)* and *(d)* of this clause delete some words that could lead to confusion with respect to a person who is licensed in one category and who is thereby permitted to perform functions that also may be performed by other categories of agents. Clause 6 provides that the board may grant provisional licences to certain applicants. Such a licence is initially effective for a period of six weeks, but this may be extended by the registrar. A provisional licence may not be granted to an applicant for a commercial agent's licence. Clause 7 inserts a reference to "consumer" mortgages in the section of the Act that deals with the obligation to report to the police the repossession of certain motor vehicles. Clause 8 repeals section 28 of the Act. New section 47a deals with the employment of unlicensed agents. Clause 9 corrects a drafting error.

Clause 10 enacts two new sections. An agent who employs an unlicensed agent, or a retail store that employs an unlicensed security officer, is guilty of an offence. A creditor who deliberately assumes a different name in order to lead a debtor to believe he is dealing with, for example, a collection agency is guilty of an offence. A person who supplies a "pro forma" document to another person so that the latter can pretend to be a commercial agent is guilty of an offence. Clause 11 provides that offences shall be dealt with summarily. As the Act now stands, proceedings for offences have to be commenced within six months (by virtue of the Justices Act provisions), and this has meant that quite a few offences have had to go unprosecuted. By extending the time limit for prosecutions to two years, this Act will be brought into line with the provisions of the Land and Business Agents Act.

Mr. MATHWIN secured the adjournment of the debate.

PRICES ACT AMENDMENT BILL

The Hon. PETER DUNCAN (Minister of Prices and Consumer Affairs) obtained leave and introduced a Bill for an Act to amend the Prices Act, 1948-1976. Read a first time.

The Hon. PETER DUNCAN: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill makes a number of disparate amendments to the principal Act, the Prices Act, 1948-1976. It provides for the repeal of section 53 of the principal Act so that annual amendment of the principal Act is not necessary for the continuation of the price control provisions.

The Bill expands the definition of "consumer" so that it includes a purchaser or a prospective purchaser of land otherwise than for the purpose of resale or letting or for the purpose of trading or carrying on a business. Purchase of a home is the major transaction entered into by most consumers and expansion of the definition of "consumer" to include such purchasers will enable the advisory and investigatory functions of the Commissioner for Consumer Affairs to apply to such transactions.

The Bill inserts a provision in the principal Act providing that it shall be an offence to personate an authorised officer. This proposal has been prompted by complaints including, for example, a complaint that a businessman had been required by a personator to produce stock and pricing records and a complaint that a trader had been directed by a personator to sell an item at a reduced price.

The Bill extends the power of the Commissioner to assume the conduct of legal proceedings by or against a consumer by providing that the Commissioner may do so where the proceedings have already commenced. It removes the present restriction in the principal Act to the effect that before the Commissioner may investigate any unlawful practice he must first have received a complaint from a consumer. This restriction has tied the hands of the Commissioner to a certain extent, in that he has not been able to investigate practices or prosecute offences that have come to his attention indirectly from the complaint of a consumer or by other means. Finally, the Bill inserts certain evidentiary provisions in the principal Act.

I will now deal with the clauses of the Bill. Clause 1 is formal. Clause 2 amends section 5 of the principal Act by inserting evidentiary provisions relating to appointment of authorised officers and delegation by the Minister. Clause 3 inserts a new section providing that it shall be an offence for a person to personate an authorised officer.

Clause 4 amends section 18a of the principal Act by removing the restriction upon the powers of investigation of the Commissioner that he must first have received a complaint from a consumer. The clause amends that section by providing that the Commissioner may assume the conduct of legal proceedings on behalf of a consumer where the proceedings have already commenced. The clause also inserts evidentiary provisions relating to the fulfilment of the conditions upon which the Commissioner may assume the conduct of legal proceedings on behalf of a consumer. Clause 5 repeals section 53 of the principal Act which provides that the price control provisions of the principal Act shall cease to have effect at the end of this year.

Mr. GOLDSWORTHY secured the adjournment of the debate.

SHOP TRADING HOURS BILL

In Committee.

(Continued from November 1. Page 601.)

Clause 4—"Interpretation"—which Mr. Dean Brown had moved to amend by leaving out all words in lines 12-14 on page 1.

Mr. TONKIN (Leader of the Opposition): This amendment has been covered thoroughly by the member

for Davenport. I see no reason for there to be any difference in the nights allotted between the two areas. It would be much easier for everyone concerned if a single night were chosen at this stage. This would not only make the administration of the Act easier but also it would make the task of storekeepers, shop assistants and everybody else easier, too. The member for Davenport said that shop assistants who, under the roster system, would enjoy a long weekend period would much rather be able to leave work at the normal closing time on Friday evening to start their long weekend than to have to delay their departure until after 9 p.m. From every point of view Thursday evening, in the first instance, seems to be the best night to start this exercise. I thoroughly support the amendment.

Mr. DEAN BROWN: I have received further confirmation this morning from a number of retailers in country towns close to the Adelaide metropolitan area that they would prefer to see one night of trading throughout the entire metropolitan area of Adelaide. They have made this point strongly, and I raise it because last night during the debate the Minister had the gall and inaccuracy to say that it was only the retail traders who were lobbying for this, and in supporting this the Opposition was simply being the mouthpiece of the retail traders. In light of these further facts, perhaps the Minister can see the folly of his statements, and perhaps he will reconsider his opinion and consider whether one night rather than two nights of trading would be preferable.

The Committee divided on the amendment:

Ayes (19)—Messrs. Allison, Arnold, Becker, Blacker, Dean Brown (teller), Chapman, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Millhouse, Nankivell, Rodda, Russack, Tonkin, Venning, Wilson, and Wotton.

Noes (24)—Messrs. Abbott, Bannon, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Corcoran, Drury, Duncan, Groom, Groth, Harrison, Hemmings, Hopgood, Hudson, Klunder, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright (teller).

Pair—Aye—Mrs. Adamson. No—Mr. Dunstan.

Amendment thus negatived.

The CHAIRMAN: Does the honourable member intend to proceed with his consequential amendment to that key amendment?

Mr. DEAN BROWN: No, Mr. Chairman.

Mr. BECKER: I move:

Page 1, after line 18—Insert—

"declared shop" means a shop that is, for the time being, a declared shop under section 4a of this Act:.

Page 2, after line 40—Insert—

(da) a declared shop;.

The CHAIRMAN: Does the honourable member intend to take his first amendment as his key amendment?

Mr. BECKER: Yes. The reason for moving this amendment is to spell out what is a "declared shop", and the consequential amendment revolves around retaining existing exempt shops, convenience stores, etc. Nowhere in the terms of reference of the Royal Commission can I find where the Commissioner was asked to give an opinion on convenience shops. As he did give such an opinion, I think that he exceeded his authority. The Commissioner states:

> Since 1971, there has emerged within the metropolitan area about 25 so-called convenience shops.

Although the department would certainly be aware of these shops, I have received no evidence of where they are located. The report continues:

> The definition of a delicatessen as drafted by the department reads as follows:
>
> A delicatessen is a shop whose normal stock in trade consists of ready to eat food products (such as confectionery, cool drinks, ice-cream, cooked meat, eggs, milk, butter, cheese, pies, pasties, cakes, sandwiches, bread and biscuits) and cigarettes. It may also stock groceries (which must be less than 50 per cent of the total stock in the shop) and greeting cards, papers, periodicals, fruit and vegetables.

The report continues:

> Mr. Lloyd told the commission that in 1973 when there was a threatening proliferation of convenience stores a meeting was convened at which were present associations representing the food industry, and officers of the Department of Labour and Industry. After some debate it was agreed by the parties attending the meeting that the following proviso would be added to the department's definition of a delicatessen:
>
> Provided that any shop which complies with the above statement will not be classified as an exempt shop by the Secretary for Labour and Industry unless the floor area of the shop (excluding stock rooms) is not more than 186 square metres (2 000 square feet).
>
> As far as the department is aware there have been no further convenience stores which are larger than 186 square metres established since 1973, but I have grave doubts about this position. It is difficult to find many of these 25 convenience shops that do not exceed the agreed shop area or adhere to the 50 per cent of grocery stock provision in the department's definition of delicatessen.
>
> The title "convenience shop" is a misnomer. They are nothing more than privileged supermarkets that have been allowed to trade during unrestricted hours on seven days a week to the detriment of their competitors particularly those competitors trading in the immediate vicinity.
>
> I am requested in your terms of reference to recommend whether or not an extension of the exempted shops list should be made. From evidence placed before me and from my own inspections it is apparent that few if any of these "convenience shops" come within the common meaning of the word "delicatessen" or within the department's definition. If there are stores now trading illegally (and it seems to me that most if not all of them are) I can see no reason why they should be permitted to now trade legally.

I find it difficult to accept that statement, in view of the Minister's comments last evening.

Mr. Chapman: They could hardly be called consistent, could they?

Mr. BECKER: The approval of convenience stores was left in the hands of the Secretary for Labour and Industry and, if we are to accept a certain marketing term, the Commissioner's statement has been shot to pieces. The report continues:

> If they are now trading legally I regret that my terms of reference do not permit me to recommend that they be closed because it seems to me that their current trading advantage, though accepted by the community, is not in the best interests of the trade and in any event would not now be needed if the general extensions to shop trading hours which I have recommended are implemented.

I believe that, if the Commissioner has not made certain hypocritical statements in his report, he at least acknowledges that convenience shops are accepted and needed, and he then makes the bold statement that they should not be operating, anyway.

It was not in the terms of reference for the Commissioner, and I believe he should not have made any comment. I am not prepared to accept the situation of any

Commissioner bringing down a report and saying, "We will give you something, but someone is going to suffer." That is what this Bill is about: we will get late night trading in one area and people in other areas will suffer.

In this instance, those who have established and are operating convenience stores quite legally will suffer. The people who have become accustomed to using those convenience stores and who have benefited from the service and the discount prices, and thus have been able to maintain a lower cost of living (which the Government wants to take away) will also suffer. In my area alone, 6 871 persons signed petitions in just over a week, demonstrating the support in that location.

West Beach is bounded to the west by the beach and to the east by a part of Adelaide Airport. The southern boundary is the West Beach recreation reserve area, and the northern boundary is the Torrens River, with a small outlet of two roads leading to other shopping centres. The shopping centre at West Beach is isolated and is not harming any outside trading organisations. Jetty Road has learnt to live with any competition that is likely to come from the West Beach Foodland store. No complaints have been received from the Henley Square area. The square is being redeveloped, and I am not aware of opposition from any other locality within a reasonable distance from West Beach. The people of West Beach will be disadvantaged. They will be told that their food prices will increase, and they will be inconvenienced by the statement of the Commissioner, because the Government has decided to accept what he has said. In my opinion, however, he had neither the need nor the authority to make such a statement.

When the West Beach Foodland store was first planned back in 1972, permission was given verbally to build the store, then costing $200 000, as long as it was registered as a delicatessen and all non-exempt goods were locked up. The proprietor informed me that, after trading several months, difficulties arose with chain stores regarding trading hours. At a meeting between all concerned and the Minister of Labour and Industry, it was agreed to allow the store to continue to trade as previously for seven days a week. If the business were sold, it would revert to normal trading hours. The operation of the store was planned around the number of hours during which it was allowed to trade.

I am told that the store at present has a staff of 106 employees, including managers, permanent staff, and casuals. Of this number, only 16 are permanent staff who work for 40 hours on a five-day week. The remainder are casuals who work all after hours, at night, at weekends, and on public holidays. On figures carefully kept over the past two months, 43 per cent of the store's business is done in normal trading hours and the remaining 57 per cent of the business is increased considerably in warmer weather and during Christmas holidays by holidaymakers in the flats and the caravan park at West Beach.

That is another reason why this business should be allowed to continue. We are doing all we can to encourage tourists to come to South Australia. The area is within a short distance of Adelaide Airport and has the largest caravan park in South Australia, on which $500 000 is to be spent on further extensions. The need for extended trading hours by the store has been proved. People arrive in caravans and others come to the holiday flats. They book in advance, and they often contact the manager of the Foodland store to be sure that the store will be open at the time of their arrival, at whatever hour.

Mr. Venning: Who gave them that right?

Mr. BECKER: The Labour and Industry Department gave it. We can prove that a need exists. I would be most reluctant to do anything, no matter how small, to upset our tourist industry. Any move by the Government to upset tourism and to create unemployment is not on. I fail to see how the Government can say that the Royal Commission report has got it off the hook and that it will accept that situation. I have a copy of a press release forwarded to me by Mr. Ritchie, the Managing Director of Central Provision Stores, which operate the Big Heart operation. The profits from this organisation go to the Children's Hospital and to Minda Home Incorporated. Their stores are vitally affected by this clause. I do not know how anyone can deny the children in those institutions the benefits of the Big Heart operation. The press release is dated June 14, 1973, and states:

> Press statement: Convenience Stores
>
> The size of convenience stores in the Adelaide metropolitan area is to be pegged. Agreement on this step has been reached this week following some objections to the recent dramatic increases in the number and size of these stores. Associations representing small traders approached the Labour and Industry Department complaining of the inroads into their sales being made by these stores, which, in some instances, have grown to near-supermarket size.
>
> Convenience stores—in essence super-delicatessens—have been selling a wide range of goods, from bacon to batteries, from flour to frozen foods, from tea to toothpaste. These are items contained on an extensive list of "exempted goods" and they may be sold from "exempted shops" at any time. "Exempted shops" include delicatessens. They may remain open 24 hours a day and seven days a week, if they wish.
>
> As a result of the representations made to the Labour and Industry Department conferences were held between the interested parties. Final agreement on the "ground rules" was reached this week. A firm peg was put on the size of any new convenience store. This was achieved by the administrative definition of a delicatessen as providing (among other things) not more than 2 000 square feet of selling space (186 m^2). It was agreed that existing stores with greater selling space can continue in business. However, if they change hands the size limit will be enforced. Legislation requires the department to determine exactly what constitutes a delicatessen. So those already determined will be allowed to continue. However, no further premises will be authorised that exceed the new size limit.

Since the West Beach Foodland store was planned in 1972, the press statement covers its operation. To clarify the situation, let me refer to a similar store known as the Red Owl Foodland, Main South Road, O'Halloran Hill. I shall read to the Committee a letter to that store from the Secretary for Labour and Industry (Mr. L. B. Bowes), dated July 29, 1975, as follows:

> I refer to your letter of May 6, 1975, addressed to the Minister of Labour and Industry in which you advised that because of your age you proposed to relinquish your business at the above address and asked whether permission could be given to your successor to continue trading without any restriction.
>
> I have given further consideration to the position of your convenience store and others that were classified as exempted shops in 1973. I have decided to continue registering your shop as an exempted shop irrespective of any change of ownership, provided there is no extension in the size of the shop. Your successor will thus be able to continue trading without any restriction, other than the necessity to lock away at the normal closing times any non-exempt goods which are stocked in the shop.

Dr. Eastick: What was the date?

Mr. BECKER: It was July 29, 1975. It proves that in 1973 it was reaffirmed and in 1975 it was confirmed that convenience shops should be allowed to continue. It seems

that the Government, which should be concerned with providing facilities for people who put it here, will deny these people the right to trade when they want to trade. I am asking that this store be allowed to continue, so that 106 people employed will be able to continue their employment, otherwise probably 85 young people will be out of work because someone does not seem to care for the ramifications of what is contained in the report. Ironically, this matter was not included in the terms of reference.

Mr. CHAPMAN: I support the amendment, because I believe the matter to which my colleague has referred cannot be ignored by the Government. A previous Minister and the departmental head (Mr. Bowes) have approved the transfer of premises and the continuing of existing trading hours for convenience shops, and this is the key to our support for this amendment. Whilst the Commissioner and the Government intend to increase trading hours, I do not believe there is any reason for them to restrict the hours of businesses like restaurants, convenience shops, and delicatessens, now trading on a more flexible time basis.

The whole principle of free trade and the right of the individual to trade when he desires is part of the long-term policy of my Party. Before the recent election we announced clearly that we would support late night trading on one night each week for businesses throughout the State and that, ultimately, we would introduce free trading hours for those who wished to practice them. Nothing has been said to conflict with that policy, and the remarks of the member for Hanson with reference to convenience shops dovetail firmly and squarely into that policy.

The Government should use common sense and recognise this industry. Many times Bills have been introduced and the respective Minister has stated that the Government has consulted the industry and those concerned about the Bills before they have been drafted. In this instance it is patently clear that the Minister has taken account of the Commissioner's view only, and has not recognised the consumers' attitude towards convenience shops, or the attitudes of proprietors and operators. He has prepared the Bill on the basis of a remark by the Commissioner, and that seems to have come off the top of his head. He did not have the authority or the role to produce the findings: they were an addition and a bit of a side issue that he popped in in order to comment. He had no official request to do so. I think South Australians will respect the Minister and the Government if they recognise that there is an error in the Bill and that it should be corrected by the amendment introduced by the member for Hanson.

Mr. MILLHOUSE: I, too, support the amendment. The stark fact is that you do not go back on your word. That is something we all accept as individuals, and I am sure that, when the Minister gives an undertaking to do anything, he does not go back on his word.

The Hon. J. D. Wright: I've never given one on this.

Mr. MILLHOUSE: The Minister says that, but the fact is that his predecessor did, and so did his departmental head, according to what I heard a few minutes ago. We should all observe the principle of honouring undertakings given and, if the Minister says that he did not give any undertaking, he is ignoring the basis of that principle, which is the basis of continuity. When the Minister comes into office he takes the job as he finds it, and does not start afresh and abandon every position taken up by his predecessor. It is well known that a Government does not undo everything another Government has done. In this instance, we have the undertaking given by Mr. Bowes in the letter of July, 1975, and a previous undertaking given in June, 1973. It is wrong for this Minister to say that he did not give those undertakings and therefore he is not going back on them.

The Hon. J. D. Wright: It's not wrong; it's true.

Mr. MILLHOUSE: It is true that the Minister did not give those undertakings but it is quite wrong in every way for the Minister to say that he is therefore not going to honour something that his predecessor did because he did not give that undertaking.

It is morally wrong and I am surprised, if the Minister had advice from his officers to do this, that they gave him such advice. It will reflect on the Minister if he takes it. I have always found the Minister honourable and believe that he has stuck to his word. I will think less of him if this time he does not stick to the undertaking given. It is not only the theoretical or moral argument that I have just put to him that a man should be bound by what a predecessor has done or has undertaken to do. In this case, there is also the utter unfairness to people (whether they number one or 25 does not matter) who have ordered their affairs on the basis of an arrangement that was made recently (in July, 1975, in one case). It is terribly unfair to tell people one thing, let them spend money setting up a business, employ staff and have customers who come to depend on the services offered, and then at the stroke of a pen say, "We are not going to honour that. We are going to change the arrangement and do something else that will be to your detriment."

Mr. Chapman: It will create unemployment.

Mr. MILLHOUSE: Yes, it has many unfortunate effects. The two salient points are that the Government, through its then Minister, gave its word when it made an arrangement, and that arrangement has been broken. Secondly, apart from that, it is unfair to change the ground-rules when people have already acted in accordance with those rules in the expectation that they will be maintained.

The Hon. J. D. WRIGHT (Minister of Labour and Industry): I have given this matter much consideration. Both the Premier and I went on record before the report of the Royal Commission was issued (in fact, at the time the Commission was appointed) indicating that we would go along with the report. We have gone along with 99 per cent of the recommendations of that report. Let me make clear that the power entrusted in the Industrial Code to grant exemptions to shops was never in the hands of the Minister.

Mr. Millhouse: Why did the Minister put out the press release?

The Hon. J. D. WRIGHT: I have no idea. Today is the first I have heard about it. I am not aware of press releases that were issued in 1973. I was not a Minister then.

Mr. Tonkin: When did you become Minister.

The Hon. J. D. WRIGHT: June, 1975.

Mr. Chapman: When did Lindsay Bowes sign the letter?

The Hon. J. D. WRIGHT: In July, 1975, but he had the authority to do so. If the member for Alexandra is going to carry on like a schoolchild and not understand that the Act never entrusted power to the Minister, he does not know what he is talking about. I gave members a pretty fair go when they were speaking, but if honourable members keep on interjecting I will do so later. The purpose of the amendment is to exempt existing shops known as "convenience stores" from the new trading hours provisions. As indicated in my second reading explanation, the Royal Commissioner, in his report, considered that such shops should cease to be exempt. In particular, he stated:

> . . . it seems to me that their current trading advantage, though accepted by the community, is not in the best

> interests of the trade and, in any event, would not now be needed if the general extensions to shopping hours which I have recommended are implemented.

Even if an agreement or decision was made by the previous Minister (whether it was made by the Minister or his permanent head), the situation has since changed dramatically. The Government did not then have the report of a Royal Commission to abide by. Surely that breaks down any situation to which the member for Mitcham refers when he said that I am breaking my word. I am not breaking my word; I am sticking strictly to what I said to the public of South Australia when I said that I would, as near as practicable, introduce the recommendations of the Royal Commission.

By way of interjection, the member for Alexandra said that many people would be unemployed because convenience stores would be closing down. Nothing is further from the truth. Shops trading two nights a week throughout the metropolitan area will increase casual staff twentyfold. That is the figure given by the Retail Traders Association. I would regret anyone being put out of work because of this action, but I do not believe that will happen. I believe that more casual work than ever will be created in the industry.

With the acceptance of the Royal Commission's recommendations in respect to extended trading hours, as embodied in the Bill, the need for any special arrangements for such shops no longer exists. The Bill, as drafted, will place all supermarket-type shops on an equal footing, instead of some having the competitive advantage they now enjoy. No purpose can be served by perpetuating the existing anomaly.

Petitions have been tabled supporting the continuance of the present arrangements, and I have received one telegram and three letters supporting them, one from a man who has claimed he has purchased a unit so he can live near a late-closing supermarket. That was probably instigated by the member for Hanson.

Mr. Becker: I don't know him.

The Hon. J. D. WRIGHT: I have had three letters supporting the Government's decision to adopt the view of the Royal Commissioner. One was from the Secretary of the Mixed Businesses Association, an association that represents, in the main, small shopkeepers. The other two are from Pete's Serv-Wel Store at West Beach and Independent Traders Proprietary Limited (that apparently operates Tom the Cheap stores at Henley Beach and Grange). Both make the point very strongly that hours and restrictions of any kind be applied equally to all stores, and that everyone must fall into line.

No doubt the present situation is an anomaly which advantages some and disadvantages others. It should not be retained and I oppose the amendment. Let me now deal with some of the letters I have received. The Secretary of the Mixed Businesses Association of South Australian states:

> The operation of convenience stores has eroded the trade of members of the association and the value of their businesses.

He is an employers' representative. He continues:

> It is considered that a fresh start ought to be made to bring both large stores and small shops into line under proposed new legislation. Any attempt to allow concessions to some sections of the trade will cause discontent not only amongst small shopkeepers but also chain stores.

When the Retail Traders Association saw me on Monday morning, it was made clear to me that it believed that the advantage should be given to no-one, that a parallel situation should exist throughout the State.

Mr. Becker: Regiment consumers.

The Hon. J. D. WRIGHT: What about consumers? I have just introduced legislation to provide two nights shopping in South Australia, and the Liberal Party has voted against it and so has the member for Mitcham, who has continually argued for no restrictions. The Leader can smile, but he knows that what I am saying is true. Again, he is carrying on a political exercise, as he did before the recent election.

Mr. Venning: One night in one place.

The Hon. J. D. WRIGHT: The honourable member's policy is supposed to be to have total restrictions taken away, yet he will not support two night's trading. The Secretary of Independent Traders Proprietary Limited (again an employers' organisation) stated:

> The new legislation will bring all supermarkets on an equal level. Convenience stores have had an advantage in being permitted to trade for longer hours.

Even if a decision was made in 1972 or 1973 that was wrong, why should it be continually honoured? If we now have further proof that that decision was wrong, why should the Government live with that decision? The member for Mitcham would be the first to criticise the Government if it did.

Mr. P. J. Mansfield, proprietor of the Serv-Wel store at West Beach, supports the Bill because restrictions of all kinds will be applied equally. The member for Hanson has put up one proposal for the West Beach area, while the proprietor of a Serv-Wel store in the area supports the Bill because restrictions of all kinds will be applied equally. The member for Hanson has put up one proposal for the West Beach area, while the proprietor of a Serv-Wel store in the area supports the Bill. Mr. Mansfield pointed out that, although convenience stores claim there will be dislocation to a number of their staff employed casually, with late night trading supermarkets will be looking for extra staff and people could be absorbed in this way. That statement did not come from me: it came from a storekeeper who is supporting the legislation.

The member for Hanson sent me a telegram on behalf of those young people who will be made unemployed by the shopping hours. Mr. J. C. Ritchie of a Central Provision Store sent me two letters. He said:

> The proposal to enforce the restriction of the total area of convenience stores to 2 000 square feet excluding storage space and the recommendation that no more than two persons be engaged at any one time, would interfere with efficient trading. Their selling area will be too small to offer a good range of products; convenience stores would be disadvantaged and forced to close.

It has been pointed out to Mr. Ritchie by both telephone and letter that he has misrepresented the Bill. First, the small shop is quite different from the exempt shop selling foodstuffs. The size of the latter shop is limited to 186 square metres (2 000 square feet). This is exclusive of any storerooms as at present. These shops are not limited to two staff. Messrs. I. and M. E. Ekis proprietors of a supermart in the Central Market requested a continuation of their present extended trading hours and they have been advised that this will be possible under this legislation. Mr. R. M. Holloway of Henley Beach claims he has purchased a unit at West Beach so as to live near a supermart. I believe that is so much rubbish I can discount that letter altogether.

The Government has examined this situation closely, and it has not made any decision lightly. It has been considered by Cabinet and Caucus. It has been examined by officers of my department whom I commend for the way in which they have drawn up this Bill. They have had many years experience in this particular field and they

have drawn up the Bill as closely as possible to the recommendations of the Royal Commission. The Government did not make this decision lightly. I have listened with much interest to the member for Hanson because he has put forward some points, but they are not acceptable to me and the Government cannot accept them.

Mr. TONKIN: I always enjoy listening to the Minister of Labour and Industry because he epitomises the form of debate which is so often used by members opposite. He is absolutely consistent in his ability to stick to one point at a time and not to maintain principles as they apply to a series of related points. I repeat what I said yesterday when talking about this Bill. To me it is totally anomalous that we are considering a Bill to extend shopping hours that results in a reduction in shopping hours and the closing of certain businesses. It just does not make sense.

The Minister said that he had considered the consumers, and he said that when it came to the setting of two nights, too. Obviously he has not considered consumers in the area concerned because they want the extended hours, as they have proved by their patronage of the service which has been offered. They enjoy those trading hours and find the service necessary. How can the Minister say he has considered the consumers in this regard? His action shows he has ignored them. He talks about a wrong decision that was made in the first instance. It has taken quite a time to get him to admit that it was a wrong decision, but he is on record now as saying it was a wrong decision.

The Hon. J. D. Wright: I said "if" the decision was wrong.

Mr. TONKIN: I am sorry the Minister is back-tracking on that because I was going to give him credit for finally accepting the fact that the decision was wrong. If he accepts that it was a wrong decision, will he offer some compensation to the proprietors of those convenience stores which, if this legislation is passed in its present form, will be seriously disadvantaged and in some cases brought to the brink of financial ruin because of their investment in this type of business? Is he prepared to give that undertaking? Obviously, what has been revealed now by the Minister's statements is that it was probably a wrong decision.

We are prepared to accept the fact that it was a wrong decision but, as it has been made, the Minister has two courses of action open to him. First, he can let the present situation stand and that would be totally consistent with the whole tenor of this Bill in extending trading hours and the community would admire him for that decision. Secondly, he can bring in a restriction on trading hours in this instance and the community can see exactly what is his commitment to extended shopping hours. He is taking away the rights that people freely enjoyed up to this time, just as the Government previously took away the rights that people enjoyed in the Districts of Playford, Tea Tree Gully, Salisbury and Elizabeth.

If the Minister is now to persist in restricting trading hours for these stores, I believe that the Government has a moral if not a legal obligation to provide compensation to those people to cover their expenses and the loss of trading profits they undoubtedly would otherwise have enjoyed over the next 12 months. The Minister cannot have it both ways. The trading hours must stay as they are now, or the Minister must make a handsome sum available in compensation instead. I am sure the traders and the consumers would prefer to see the convenience stores remain open. The Minister has to make up his mind on that.

The Hon. J. D. Wright interjecting:

Mr. TONKIN: I think the Minister says that he does not have to do anything. That basically sums up the entire attitude of Government members. They pay lip service to extended trading hours, but they will not budge one iota from the contradictory position they have now adopted. The people of South Australia can judge for themselves.

Mr. GOLDSWORTHY: I support the amendment, and I make no apology for saying that on first reading the Commissioner's report I believed that what he said was reasonable. Since I have become more familiar with the facts surrounding the establishment and the continuance of the convenience stores, I have changed my mind. I think it reflects poorly on the Cabinet and Caucus of the Labor Party if they endorse the Minister's decision.

I wonder whether members opposite have been apprised of the full facts in relation to the establishment of these convenience stores. The Commissioner, in his report, stated:

> I am requested in your terms of reference to recommend whether or not an extension of the exempted shops list should be made.

The Commissioner was asked to consider whether there should be any further extension or, in other words, an expansion of these convenience stores. Instead, without any specific term of reference, the Commissioner has concluded that they should be closed. From the report, I do not believe that the Commissioner was aware of the full details surrounding the establishment of these stores. It is said that Mr. Lloyd of the Labour and Industry Department explained some of the guidelines in relation to establishing these stores. The report states that, since 1973, no more convenience shops have been established. The department apparently feared there could be an escalation in the number of these types of shop. Apparently this has not happened. For the Minister to suggest the responsibility is not his is a completely unsatisfactory stand for him to take and an abrogation of Ministerial responsibility.

We know that Mr. Bowes is the permanent head of the Labour and Industry Department and is held in high regard, but to suggest that he would make a decision that the Minister does not support is an insupportable stance for the Minister to take. The letter referred to that was sent out influenced me as much as anything in the decision I reached about this matter. At first it appeared there was an element of reason and sense in what the Commissioner said, but after looking at the evidence presented, particularly by the member for Hanson, and having regard to the fact that a senior Government officer said, in July, 1975, that a person could sell his shop because things would not be changing and the shop would be able to trade as it was, I changed my mind.

For the Minister to suggest that it is not his responsibility is completely unreal. If it was a decision made by Mr. Bowes, the Minister would have been aware of it, although I understand that the Minister assumed office only a month or so before that letter was written. It was, in effect, a Government decision.

The Hon. J. D. Wright: I never said I was unaware of the letter.

Mr. GOLDSWORTHY: The Minister must accept responsibility for the department and its decisions.

The Hon. J. D. Wright: I never had the power.

Mr. GOLDSWORTHY: The Minister says he did not have the legal power to do anything. If he had gone to the permanent head of his department and said that the Government did not agree with what was being done and told him not to send the letter because it was time to close those shops down, it would be a different situation, but that did not happen. A genuine inquiry was made of the

Government by someone who said that they wanted to sell a business and asked what the situation would be in the future. An undertaking was given on behalf of the Government, a decision for which the Minister is responsible, that the person could continue to trade.

I do not know whether Cabinet and Caucus were aware of these facts, but I believe it is a complete abrogation of the Minister's responsibility if he is not willing to reconsider this matter. The Minister's predecessor may not have enjoyed a high reputation as a debater, but I had occasion to take deputations to that Minister and if he said something I could assume he would stick by his word. The Hon. Mr. McKee was basically an honest man.

Maybe there was a change of Minister a month before this undertaking was given, but it shows the Goverment, Caucus, and Cabinet in an extremely poor light if they were apprised of all the facts surrounding the establishment of these stores and then followed the present course. I have never found the present Minister to be dishonest.

The Hon. J. D. Wright: That was the implication you just made.

Mr. GOLDSWORTHY: No.

Mr. Millhouse: The implication was there.

Mr. GOLDSWORTHY: If it was, I withdraw it. I have not had any contact with the present Minister by way of deputation. I do not think that the Royal Commissioner has been apprised of all the facts of this matter, and he was not given the responsibility of coming down with this sort of determination, anyway. I understand that about 6 500 people have now signed petitions to keep these stores open, so the Minister cannot say it is not a matter of particular local interest and concern in relation to at least one of these convenience stores. It is a matter of considerable concern in one or two other areas, too, yet by the introduction of this legislation these businesses will be closed, and that is grossly unfair.

Mr. MILLHOUSE: I want to answer one thing that the Minister said, in defence of a point I put. He said today was the first time he had heard about the press release. In fact, I canvassed it in the second reading debate yesterday. Far more significantly, it was sent to me (and I received it two or three days ago) attached to a copy of a letter written to the Minister and dated October 28. I find it hard to understand why the Minister has not had that letter, which was sent to him. This letter was sent by Mr. Ritchie of Central Provision Stores. I would have thought the Minister ought to have been given a document such as that and I cannot understand why it was not given to him.

This was requested by the *Sunday Mail* of June 14, 1973. It is headed "Minister of Labour and Industry—Press statement—convenience stores", and it says, in part (and this is why I think the Minister should stand up to the undertaking given):

> As a result of the representations made to the Labour and Industry Department, conferences were held between the interested parties. Final agreement on the ground-rules was reached this week. A firm peg was put on the size of any new convenience store. This was achieved by the administrative definition of a delicatessen as providing, among other things, not more than 2 000 square feet of selling space.

The press statement then goes on to state what was agreed. The Bill refers not to "selling space" but to "total floor area". I mention that matter, because the Minister cannot use as an excuse that he did not know or that he should have been made aware of this matter. If he were not made aware of it, I am sure that his officers were.

Mr. EVANS: I do not believe that I would be supporting the amendment if the letter and the press statement were not available. I believe that these stores have been operating at an unfair advantage over other operators, but I suppose that one could argue that, during those five years, any other proprietor could have sought to be allowed to operate in some other area if he so chose. So, in that sense, the convenience stores have not been operating unfairly.

I wonder whether we have double standards, as Parliamentarians or as a Government, because I believe that virtual agreement was reached and permission given for these stores to operate, particularly in the 1975 letter. If that is the case, what would happen if I, as a private citizen, agreed in some form of contract to allow a person to operate on a part of my property and I said overnight, "You can no longer do it"? If he were financially disadvantaged, what would be the Attorney-General's or the Government's approach? Would there be a pay-out in the House in terms of abuse and criticism of a person exploiting the situation? We have given a guarantee to someone that, if he invests his money, that is it. Until I saw the letter, my attitude was entirely different.

I do not believe that the Minister could say that, during an inquiry by a Royal Commission into shopping hours, particularly as regards convenience shops, he did not take the trouble to seek all the information he could seek from within his own department. I am sure that, if he had asked for all the information, he would have received it. Therefore, the Minister should have seen the 1975 letter, the 1973 press release, and any other relevant correspondence. I believe that he has received complaints from other operators that convenience stores were operating at an unfair advantage over other operators. If representations were made, he would have requested from his officers all the detail relating to the situation. If the Minister had received that detail, the letter and the press release would have been before him. I believe that it would have been his own fault if he did not see the letter or the press release. If that is the case, he had the opportunity long before the Royal Commission was set up to say that the decision was wrong, to correct it by making those provisions available to all who wished to operate in this field, or to close the others down. Undoubtedly the Government, through the Minister, has given the opportunity for this operation to continue. I believe that to close it down after guarantees have been given would be morally wrong.

Mr. BECKER: I am bitterly disappointed that the Minister has not been willing to take to Cabinet my requests on behalf of various organisations that have approached me in relation to exempt shops, the 6 800 consumers out of the 11 000 people in that part of my district, or the 85 young people who will lose their part-time employment. I hope that the Government by reconsidering this issue, if not here then in another place, will prove that it is humane. The Minister's reply to the letter written by Mr. Ritchie, the Managing Director of the Rogerson Trust, which is the operating organisation for Central Provision Stores and Big Heart, states, in part:

> Basically, your letter asks that Big Heart Convenience Stores be permitted to continue to trade on an unrestricted basis, that is, as exempt shops after the proposed new trading hours legislation comes into force. In the report of the Royal Commission into shop trading hours, Commissioner Lean stated that he regretted that stores known as "convenience stores" could not be dealt with by him because in his opinion his terms of reference did not permit a recommendation to be made.

The Minister has told Mr. Ritchie that he regretted that convenience stores could not be dealt with by the Commissioner because, in his opinion, the terms of reference did not permit a recommendation to be made. The letter continues:

> He stated that had they so permitted he would have recommended that they cease to be exempt shops.

It was totally unfair of the Minister to include that statement in his letter. The Minister told us earlier that he and the Premier had stated that the Government would adopt the Royal Commission's recommendations. Obviously, the Premier and the Minister made a commitment on the conditions of the Commissioner's report. The Minister had no case to incorporate such a provision in the Bill.

In the second reading explanation, the Minister stated:

> In his report the Royal Commissioner specifically referred to shops known as "convenience stores" which, in his view, had an unfair trading advantage and which he considered should cease to be exempt shops. The Government agrees that, with the extended trading hours that will be available, there is no need for any special arrangements for these shops: they will be exempt only if they come within the definition of an exempt shop.

A business, established in 1972 with a capital of $200 000 (and what would that be worth today on the inflation that has occurred in that period?), with 5 233 sq. ft. of selling area (486·2 sq. metres), is to be wiped out. It cannot trade any longer. The people of West Beach will lose six nights of trading as well as Saturday afternoon and Sunday trading.

The Hon. J. D. Wright: Why will the business be wiped out?

Mr. BECKER: Because 43 per cent of the business is done in normal trading hours and 57 per cent after hours. The after-hours percentage increases during the summer because of the high density of holiday flats at Glenelg North, West Beach and Henley South. The 800-site caravan park also contains tents and other vehicles with camping facilities, and 140 more en-suite caravans are to be provided. The caravan park is a huge operation. People from other States and the country who come to the area on holidays are to be denied this trading. People on holidays do not shop during the day. They take tours in the day time and do their shopping after hours. Is that not how we want to boost tourism? We are not doing it through this legislation.

The member for Henley Beach lives within a stone's throw of the store, and I live a short drive from it. We enjoy the benefit of the convenience stores. I can understand the attitude of the Mixed Businesses Association. I had to get 250 grams of tea for my wife the other night and I went to the local deli and paid $1·30 for it. The West Beach Foodland was selling it at 79c. Mr. Mansfield, of Pete's Serv-Wel Store, is a fine gentleman who runs a successful business. He has written to say that he should have the same advantage as has the West Beach Foodland. The last paragraph of his letter reads as follows:

> I personally do not particularly care what happens. We have learnt to live with unfair trading, and in fact have increased our share of the West Beach business. How much we would have benefited if Foodland had to close at 5.30 p.m. one can only presume.

The ironical part is that Pete's Serv-Wel Store, to the best of my knowledge, is less than 2 000 sq. ft. in area. If this Bill goes through as drafted, the store will be able to open on the basis of unrestricted hours. Pete's Serv-Wel Store, which must close now, will be able to open, and his competitor will have to close.

More than one issue is involved, apart from the consumers and the local people. Employment is important. The Minister has said that late night trading will create additional jobs. Someone has said that 45 jobs will be available at West Lakes, but that does not help West Beach. If it will cost people more to go from one point to another to obtain alternative employment, they will be worse off. The Minister has represented workers, as I have done. One does not put one's supporters to extra cost so that they can keep earning their wages. A union representative makes sure the employee is covered and is not disadvantaged.

If we are representing people, we will not add costs to them. We want to give them something. The Bill indicates that we have taken one step forward and two steps back. I am disappointed. I appeal to the Minister, to Cabinet, to his supporters, and to members of the Government to reconsider this clause and to consider what they are doing. What I am proposing will allow these people to continue. There will be no further extensions of these types of business, but we cannot take away something that the people have learnt to live with.

Mr. DEAN BROWN: I should like a straight-forward answer from the Minister as to whether or not he has read the letter sent to him on October 28, 1977, from Mr. Ritchie, the Managing Director of Central Provision Stores, and the press release attached to it. I believe the Minister has an obligation to inform the Committee whether or not he has seen and read that letter.

The CHAIRMAN: The question is that the amendment be agreed to. For the question say "Aye"; against "No." The honourable member for Davenport.

Mr. DEAN BROWN: I am still waiting for a reply from the Minister.

The CHAIRMAN: Order! The Minister does not have to speak unless he wishes to do so.

Mr. DEAN BROWN: I again challenge the Minister to answer my previous challenge. Has he or has he not seen the letter of October 28, 1977? The very fact that he is not prepared to stand up and say that he has seen it, I believe, is an admission that he has not seen the letter. If he has not, I have grave doubts whether he has seen the many other pieces of correspondence sent to him on this Bill. If that is the case, it is a disgrace. He tends to wipe aside what people say. He has little time or regard for any point of view expressed to him by way of correspondence. It is up to the Minister: either he admits that he has seen the letter—

The Hon. J. D. WRIGHT: On a point of order, Mr. Chairman, how can this member be allowed to continue? We have already taken a vote on this amendment.

The CHAIRMAN: I cannot uphold the point of order. The Chair put the question, but it was not completely voted on, and I did call the member for Davenport. I ask the honourable member to confine his remarks to the amendment.

Mr. DEAN BROWN: I am referring to the amendment, because the letter of October 28 refers specifically to the amendment now before the Committee. I challenge the Minister to stand up and admit to the Committee whether or not he has seen that letter and taken any account of it. If he has not, it is a slight on the Committee and on the many South Australians who have written to him on this issue, and it is up to him to admit it.

The Hon. J. D. WRIGHT: I am not accepting any challenge from the member for Davenport, because he is the last member in this Chamber I would consider worrying about a challenge from. I have told the member for Mitcham that I shall make an explanation tomorrow after I have checked the correspondence.

Mr. TONKIN: Until that time, I take it that the Committee can draw its own conclusion, and so can the people of South Australia, and the only conclusion that can be drawn is that the Minister has not read the letter.

The Committee divided on the amendment:

Ayes (18)—Messrs. Allison, Arnold, Becker (teller), Blacker, Dean Brown, Chapman, Eastick, Evans, Gunn, Mathwin, Millhouse, Nankivell, Rodda, Russack, Tonkin, Venning, Wilson, and Wotton.

Noes (24)—Messrs. Abbott, Bannon, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Corcoran, Drury, Groom, Groth, Harrison, Hemmings, Hopgood, Hudson, Klunder, Langley, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright (teller).

Pairs—Ayes—Mrs. Adamson and Mr. Goldsworthy. Noes—Messrs. Duncan and Dunstan.

Majority of 6 for the Noes.

Amendment thus negatived.

The CHAIRMAN: Will the honourable member for Hanson indicate whether he wishes to proceed with his further amendments, which seem to be consequential?

Mr. BECKER: No, there is no point.

The CHAIRMAN: I advise the Committee that there will be discussion on clause 4 after all amendments have been dealt with, but there is still an amendment on file from the honourable member for Victoria.

Mr. RODDA: I move:

Page 3, line 3—Leave out all words in this line.

This amendment refers to meat and to butcher shops closing at 5.30 p.m. I speak on behalf of both producers and consumers, because the best market for the producer is the home market. Despite what has been said during the debate, the sale of red meats will be disadvantaged by butcher shops closing at 5.30 p.m. The Minister has had a long association with the rural industry and he would be aware that, although the beef industry has been undergoing a crisis throughout Australia, there seems to be an upward trend in meat production. The Australian Meat Board reports that for the quarter ending September, 1977, 365 000 tonnes of meat was produced in this country, and that was 46 000 tonnes, or 14·5 per cent, more than was produced in the corresponding period last year. However, the home market will be limited by the provisions of this Bill. Generally, I agree that the Commissioner has brought down an excellent report, but it is not completely acceptable to the interests that I and my colleagues on this side represent. In his report the Commissioner states:

> The merchandising of meat differs from general merchandising, and I have reached the conclusion that the retail trading of meat must be isolated from my general recommendations regarding extension to shop trading hours.

Despite the learned observations of the Commissioner, usually a housewife will try to do all her shopping in one area but, if butcher shops have to close at 5.30 p.m., she will be prevented from buying her meat with her other goods. This will close off a most important market to the producer. The export market dictates prices, and the producer, who is involved in a jacked-up economy, has to accept world parity prices. Obviously, the cream of his production is being lost, and it seems that processed meat will make major inroads into the sale of what we call red meats. Whilst meat prices have remained low, many people have taken advantage of the deep freezer. After all, nothing takes the place of the weekend joint that the housewife buys for her family. This source of supply will be shut off.

I understood that 86 per cent of the people surveyed opted for late night shopping and, if this is to apply across the board, the last thing that we want to see is discrimination regarding what is available to the public. The Minister pointed out that butchers were tradesmen. Although that may be so, many people who are not tradesmen are cutting up nice joints of meat. If the roster system is to apply, it should apply in this area, too.

Butchers start work early in the morning. However, greengrocers and many other people also do so. I come to the city from my rural district at all hours of the night, and I see many people moving around. I am sure that they are not all butchers. This matter is indeed causing grave concern.

It has been stated that grower organisations did not give evidence before the Royal Commission. In their defence, I should state that, as the Royal Commission was investigating the matter of shopping hours, the grower organisations did not expect discrimination in this regard. Mr. Wallace, to whom reference has already been made, is a company operator trading in the metropolitan area through the medium of 12 butcher shops and a bulk meat discount shop, and the letter to which the Minister referred yesterday highlights the concern of grower organisations and producers throughout South Australia. These people are suffering a down-turn in the marketing of their products, and that is the last thing that we want to see.

I ask the Minister, being the fair man that he is, closely to examine what I am putting to him. I know that, with his rural background, the Minister will realise that what I am saying is true. We are not asking for something that is unreasonable. I therefore have much pleasure in moving this amendment, which will be a test amendment for the series of my amendments that are on file.

Mr. NANKIVELL: I support what the member for Victoria has said. When the Minister said yesterday that grower organisations had made no representations to Commissioner Lean during the course of the Royal Commission, I was concerned. I therefore immediately contacted these people this morning to see why they did not give evidence before the Commission. As the Minister indicated in the letter that he read out, these people were expressing concern and belatedly suggesting that the matter of red meat sales should be referred to a special inquiry. However, the Minister stated, properly I think, that the inquiry had already been undertaken.

The grower organisations' reply to my question was simple: they said that the Royal Commission related to shopping hours and that they represented not people who ran shops but producers. They said, "We had no inkling that the sale of our people's produce would be in question, and we were not called by Commissioner Lean." I think it is strange that, if the Commissioner was concerned about this matter, he consulted only one section, the selling section, of the industry. I am concerned about this unfair discrimination against a certain type of meat, as the Bill refers specifically to the exclusion of red meat sales only. We in this place have always tried to avoid unfair discrimination and, in fairness to the Minister, I do not think he believes in it, either. I represent farming communities, and I have been in touch with representatives of farming organisations. Like me, they are concerned about this aspect, and about how the meat is sold.

I suggest to the Minister that a butcher does not have to be present when meat is sold. There are a number of ways in which this problem can be solved. What are a butcher's normal working hours? At what time must he start work in the morning? It would also be interesting to know at what time the first customer enters the butcher's shop and how much preparation the butcher needs to make beforehand. The problem of having shops open until 6 p.m., with meat sales not being permitted after 5.30 p.m., could perhaps be solved by shifting forward the time for commencing work each day. This could be done to meet the needs of the consumer and not just those of butchers, who over a long

period have adjusted their hours to those that now obtain. Also, everyone's working hours need not be changed if that is contrary to the interests of the industry; certain people could be rostered to work an extra half hour in order to provide this facility. This is an internal arrangement which will not affect shopping hours but which will permit the sale of red meat.

I refer also to the matter of allowing butcher shops to remain open without a butcher having to be present, so that pre-packed meat can be sold. We are discriminating against butchers, as they also sell smallgoods, rabbits and chickens. Butchers can sell such produce only if their shops are open. However, if butcher shops are not permitted to remain open, such sales will be lost to them. These sales, which are not an insignificant part of a butcher's trade, may have been overlooked. Is there any reason why we must put a blanket restriction on the sale of red meats? We could restrict sales to pre-packed meat only.

Mr. Millhouse: Why must we restrict it at all?

Mr. NANKIVELL: We are fighting a battle against unions which are worried not about the consumer but about the time clock. Red meat can be sold, anyway, with or without a butcher present, in a butcher shop or in pre-packaged form. The Bill provides for unfair discrimination against the small butcher and those whose livelihood depends on the sale of red meat. I ask the Minister to consider the matter seriously from the point of view of the producer, not only the person who is concerned about the hours he works in the shop.

Mr. EVANS: I support the amendment. The Bill discriminates unfairly against three types of meat, namely, meat from cattle, pigs and sheep. Has the Minister thought of the next stage in retail marketing? In Europe, computers are used and people are not employed, except to pack shelves. There is no worry about keeping goods under refrigeration or in deep freeze. There is a number for every type of article, and a person puts money into the slot of a machine. They can buy any item they need as a normal requirement, particularly food, including eggs.

In the next 10 years, Australia will have computerised retailing. With that system, there is no problem with unionists, because they are no longer required. If we do not give job opportunities to people, at whatever hour, in terms of the Bill in areas other than meat people will be able to operate for 24 hours and employ people only during the day, perhaps to load shelves. The only area that we are excluding is meat. Why can fresh pre-packed meat not be sold?

Mr. Nankivell: You need only a shop assistant to sell that.

Mr. EVANS: Yes. Why are we going to close butcher shops at 5.30 p.m., while other places can open until 6 p.m. and 9 p.m.? When we impose restrictions or controls, we create other problems. If shopkeepers so desired, they could have butchers preparing the meat during normal hours and have only sales people selling it after 5.30 p.m. If a person wants a cut that is not available, that person will have to be told that the store cannot supply it. Most supermarkets have a butcher available to provide special cuts if requested.

By the Bill, we are forcing the introduction of computerised retailing. At Munich railway station, at all hours of the night, such as after theatres close, people buy a week's supply of groceries without anyone being in attendance at the machine. Let us sell meat at the same hours as we sell other goods, particularly poultry, fish and rabbits.

Mr. MILLHOUSE: The purport of the amendment, if I have understood it correctly, is to remove the distinction between the hours for selling meat and the hours for selling other goods. To that extent, I support it. I do not support it on the basis of the rural arguments advanced by the member for Victoria and the member for Mallee. I prefer the arguments advanced by the member for Fisher.

I see no reason for making a distinction between selling meat and selling other goods. I believe that we have the distinction in the Bill because there was a good lobby by the union, and the Government put the provision in. It illustrates something that I have said many times, namely, that, regardless of whatever we do by legislation, we will create anomalies and injustices. The fact that meat could not be sold after 5.30 p.m. in a shop that was open until 6 p.m. would be a reason for supporting the amendment, if there was no other reason.

The CHAIRMAN: The honourable member for Alexandra.

Mr. CHAPMAN: Incredible! Absolutely unbelievable!

The CHAIRMAN: Order! I hope that the honourable member is not reflecting on the Chair.

Mr. CHAPMAN: I am expressing gratitude to you for giving me the call, Mr. Chairman. Following the remarks made, particularly by the members for Mallee, Fisher and Victoria, I ask the Minister whether he would care to reply to those comments before I make further ones.

Mr. BLACKER: I support the member for Victoria and supporting speakers. It has been said that the provision regarding meat seems to have been made as the result of a fairly intensive lobby by the meat industry employees, not only the initial processors of meat but also those engaged in reprocessing, pre-packaging, and the labour-intensive aspect of the packaging of meat. I support the amendment, because the Bill makes a distinction between the meats available.

The predominant product in this State is red meat, certainly in the fresh meat field. The value of mutton, beef and pork to South Australia lies in that aspect. There will be a loss of trade in those areas if the Bill passes as it is, because the measure automatically turns the selling from the meat aspect to the smallgoods and other aspects. If people cannot get fresh meat at a shop after regular hours, they will look to a substitute. Therefore, there will be a loss to the fresh-meat trade that we should not have.

The matter of synthetic meats has been raised with me, and I wonder whether those meats are in the same category. In America, there are artificial meats based on soya bean, and they are identical in appearance and, I believe, taste to other meat. Certainly, they are claimed to be more nutritional. These are direct competitors to fresh meat, and I am concerned that this legislation will create a dividing line to give preference to one group of producers at the expense of another. Will the Minister revise the provision to include fresh meat? Although I voted against the legislation, it will obviously proceed. If we are to have extended hours, it is only fair that all trades have the same hours.

Mr. VENNING: I, too, voted against the Bill, but I intend now to try to improve it. I support the amendment. Both country and city members have referred to demand by consumers and producers for this provision. The Minister knows that people get tired of eating too much chicken. The alternative to chicken is red meat. In the country, chicken is normally considered to be a delicacy, while red meat is traditional fare. Therefore, to discriminate in favour of one product is not fair and I hope that the Minister, despite the shortcomings of the Bill, will think of the meat industry, which is presently in dire straits, and allow red meat to be sold on the same basis as other meats. Although butchers do not have to open their

shops, if there is sufficient demand, they will do so, if the Minister enables this through the legislation.

Mr. GOLDSWORTHY: In respect of meat, the Royal Commissioner referred to the position in New South Wales, as follows:

> . . . that award was varied with consent of the parties resulting in five chain stores being permitted to trade in fresh meat on Thursday nights to 9 p.m.

In respect of Western Australia, he made the following statement:

> Item 3 of the regulations allows the sale of fresh pre-packed meat in 1 lb. packs after normal hours as exempt goods.

He made the following statement in respect of Victoria:

> No sale of fresh meat is permitted after 5.30 p.m. on the late shopping night in Melbourne and advice from the Victorian Department of Labour and Industry is to the effect that this regulation is strictly policed.

In the country edition of the *Advertiser* of October 24, 1977, a report headed "No late meat sales unfair —graziers" states:

> The exclusion of fresh meat sales from the proposed extended shopping hours legislation discriminated against producers and consumers, according to the President of the Stockowners Association of South Australia (Mr. K. R. James).

That report goes on to refer to the attitude of producers in relation to meat sales. If the Government is extending shopping hours, it is anomalous to exclude meat sales. The Commissioner's main argument concerned the shortage of staff but, in this time of high unemployment, there could be an expansion in the meat trade and, although problems could occur in the first couple of months, in the long term it does not seem to be an insurmountable problem. Therefore, I support the amendment.

The Hon. J. D. WRIGHT: It was refreshing to hear country members of the Liberal Party supporting themselves. They are all interested in meat production. The general effect of these amendments is to remove the special position of butcher shops in the legislation by treating them in all respects as other shops. First, the legislation would apply only to butcher shops in shopping districts, whereas at present it is intended to apply to butcher shops wherever situated; secondly, there would be no special closing hours for butcher shops; thirdly, there would be no restrictions on the sale of meat outside the hours at which butcher shops could be open; and fourthly, it would be possible for a butcher shop of particularly small size to become an exempt shop. The Royal Commissioner specifically recommended against meat shops being open until 9 p.m. one night a week. That recommendation was as a consequence of the Commissioner's journey around Australia, especially in Victoria.

I stated in my second reading explanation that the Government considered that there should not be any extension in the present hours of shops in which meat is sold. I received a letter of congratulation from the Meat and Allied Trades Federation, and a second letter, which was from the United Farmers and Graziers, I dealt with yesterday. That letter revealed a lack of interest by that organisation. It was proper for that body to have made application for representation before the Commission. I do not think it had to be called.

Mr. Nankivell: It did not realise that you were dealing with items: it understood you were dealing with hours for shops to be opened.

The Hon. J. D. WRIGHT: That is its business, and I am not being too critical. As far as I am concerned, that organisation could have taken the opportunity to make representation but it did not do so. The important fact is, as I have indicated, that the Conciliation and Arbitration Act will be amended next year. I could not take action in this legislation. The situation will be that there will be machinery established within the Conciliation and Arbitration Commission for anyone to approach the commission to seek any desirable changes. Irrespective of what happens now, it is not a permanent feature. We are getting it out of the legislative area so that this matter can be determined elsewhere. That is the most sensible arrangement.

Consumers, storekeepers, butchers and anyone else can make a representation and, by then, we will have had three or four months experience of late hour shopping. The court will then be in a much better position to assess the situation. As a Government we are bound to accept the Commissioner's report as closely as we can. This is the only area in which there has been a departure. The Commissioner recommended that 6 p.m. be used as closing time for meat sales. Representations from the meat industry unions proved to me conclusively that butchers would then have to work 48½ hours to 49 hours a week. In some cases they work even more now. Because I notice the member for Mallee shaking his head, I point out that shopkeepers would have to alter the spread of hours that they expect employees to work.

Mr. Nankivell: What about self-service?

The Hon. J. D. WRIGHT: That could be done, I suppose. It was explained to me that butchers get up at 4 a.m. on Fridays and Saturdays to prepare their window displays. That is a difficult starting time, and the amount of overtime might increase. The Government cannot move from its position, but it is not a permanent position. The position can be argued in the industrial sphere next year and, if the Industrial Commission sees fit to change it, it will have the opportunity to do so.

Mr. TONKIN: It is of little value the Minister's ducking his responsibilities again. Now he has said that the matter will be referred to the Industrial Commissioner and so, according to him, we need not bother about it at all. This is not good enough, and it does not convince anyone. What I resent more than anything else is the Minister's imputing motives of self-interest against Opposition members, simply because they happen to be connected with country districts. Those members have every right to put the viewpoint that has been put to them. To impute the motive that they have something to gain, I presume financially, for themselves is absolutely scandalous. The Minister says that primary producers had every opportunity to put their viewpoint to the Royal Commission.

Mr. Chapman: The Minister used the term "protecting themselves".

Mr. TONKIN: In doing so, he imputed motives. The Standing Orders that applied 50 years ago made this Chamber a far more gentlemanly place to be in than it is today. The Minister has said that primary producers had every opportunity to put their case before the Royal Commission. Why should they have done so? There was no thought at that stage that meat sales would be treated in any other way.

Mr. Millhouse: I think the meat producers were unwise in not putting their case before the Royal Commission.

Mr. TONKIN: I agree. Nevertheless, there was no compulsion on the producers to do so, and there was no urgent indication that they should do so at that time. Even the detailed survey that was commissioned did not touch on the matter of meat sales, yet the Minister says that, because some people have not appeared before the Royal Commission, he must be right and they must be wrong. What a ridiculous situation. The Minister has taken much notice of what the meat employees have said. What the

Minister has recently said is a repetition of what was said many times by the shop assistants, through Mr. Goldsworthy. Such arguments were demolished completely by the Royal Commissioner in his report. That is all that the Minister has said. The argument that shop assistants would be required to work longer hours has been put and answered. In his report, referring to the contention that an extension of shop trading hours would mean additional working hours for shop assistants, the Royal Commissioner says:

> This contention lacks validity . . . It is not a difficult task for employers and employees in the industry to work out rosters to suit the wishes of the industry. It is unlikely that any one roster would suit all segments of the industry; the requirements of the industry, its trading habits, the size of the industry, and the wishes of the employees are all factors that arise for consideration. Let each trader work out his own roster with some sample rosters to guide him. Examples of rosters could be included in the award.

For some reason the Minister is willing to accept that statement, yet he is also willing to accept from the meat employees, without any of the arguments that the Commissioner has advanced, the case that they will be required to work longer hours. There is no reason why rosters cannot be worked out. I appreciate that there may be difficulties in the case of one-man shops, but a sole proprietor is not compelled to open his shop; perhaps he will want to work during the later trading hours, and he may be able to take time off during slack periods to make up for the later hours.

I cannot understand the Minister's point, and I cannot understand how he can then say, "It does not matter, anyway, because we will put the matter before the Industrial Commission." That is begging the question and pre-empting a decision that is yet to be made in this Parliament. The Minister will have to put more cogent arguments if he is to convince Opposition members.

Mr. RODDA: I stress that Opposition members are interested in the meat producers and also the consumers. The Minister should accept his responsibility to make decisions. The Minister is putting a further strain on meat producers. This legislation will throw more supplies on to the export market, and I hope the Minister will reconsider the point made by the Opposition.

Dr. EASTICK: If the intemperate comment made by the Minister that we were "supporting ourselves" were true, I would be pleased to accept that statement, but the Minister has failed to recognise that members on this side are supporting the meat producers. The Minister should not be so politically naive as to believe that those people do not play a significant role in the employment and living standards of many people in the community. It is extremely important that we do not create further downturn in the rural economy which is now seriously affected by the drought and low prices, many of which are dictated by oversea demand. If there is a further deterioration of the capacity of the rural community to sell its products, particularly on the home market, every member opposite will scream, because it will affect seriously the lifestyle of the people they represent. I hope that the Minister will not again impute to members on this side such a base reason for supporting the amendment.

Mr. CHAPMAN: I support the amendment and the remarks made by the member for Light, who I believe has raised the most significant point in this debate, namely, the importance of rural industry being an employment base for a vast section of the community. The Minister reflected on several members on this side when he claimed that they were protecting themselves. Shortly after that remark he said that the stockowners organisation failed to protect itself by giving evidence to the commission.

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

Mr. CHAPMAN: The Minister made it clear that it had an opportunity and failed to do so. Perhaps it was United Farmers and Graziers but, even if those organisations are not one and the same now, they stand for the same principle and will ultimately be one and the same. The Minister can play with words if he wishes to do so, but he was reflecting on members on this side and on grower organisations outside. I make no apology for supporting members on this side and the grower organisations outside. Whether or not the organisations have come forward to give evidence to the commission is irrelevant, because they have made their voice heard through the media. The Opposition is making its voice heard on behalf of growers outside, but obviously the Minister is not interested in the red meat producers of South Australia. The Opposition is the only section of this Parliament that properly represents those producers.

The plight of red meat producers generally in this State must be considered. If the Minister does not accede to this amendment a floundering industry will be struck yet another blow. For the past few days we have heard about the steps taken by the Government to try to restore a secondary industry that is producing equipment hopefully to be used by the producers in question. However, because producers cannot afford to buy the equipment, Horwood Bagshaw must go to the wall. That is only a sign of what will happen generally across the State from now on.

If ever the Government was genuine and consistent in its attitude towards South Australians it would exercise consistency in this instance and accede to the amendment. What the Government has done is to deny yet another opportunity to market a vital basic product—meat. We hear about it every day of the week. Today's *News* reports that the Swedes have refused to continue to buy their quota of about $27 000 000 of the $300 000 000 Australian beef export trade on which we depend heavily. We have been losing markets for meat outside this country and now, by a stroke of the Government's pen, we are losing yet another market in our own metropolitan area, apparently extending to butcher shops across the State. Whether it is an extra half an hour's trading or an extra four hours trading, any opportunity to market our product is vital to the future of the industry.

Every chop, piece of steak or leg of lamb that can be passed over the counter to a customer, rather than a dozen eggs or a chicken, is important to the beef industry of this State and nationally. It is most unfair that the Minister should reflect on organisations outside this place that operate in a voluntary capacity on behalf of their growers. It is also unfair that he should reflect on members for seeking to represent their constituents. If the Minister wishes to accept a fair and sound argument on behalf of the red meat producers of this State I hope he has now got the message.

I appreciate that the Minister is in trouble in the Government ranks. The Minister is under pressure from the Meat Employees Federation, which, obviously, has lobbied him and secured his support. It is clear from his reply that he is committed to that union and is unable to sell it down the drain, irrespective of the backhander he has given to the customers, who require the service, and the growers of red meat in this State, and irrespective of the argument put up by the Opposition. In this instance, it is clear that he is committed to that section of the community which invariably wags the tail of the Labor dog.

Mr. BECKER: Again, we find that the consumer has not been considered. The Government is regulating the consumer as regards what he can do and when he can do it. If we are going to create late night shopping facilities, we must supply all the services. Page 404 of *Hansard* of October 25 records the presentation by the member for Davenport of a petition signed by 16 241 residents of South Australia praying that the House would urge the Government to include meat sales in this Bill, thereby allowing purchases of fresh meat during all hours in which stores would be open for business. That indicates the support for this amendment, and proves again that this commodity is an extremely important part of the housewife's purchases. Butcher shops could roster their hours of business, thus solving the whole problem. We could settle two issues, and create a greater demand for meat than has been the case hitherto. It is in the interests of Samcor to see that consumer meat-processing is kept at maximum capacity, and consumption encouraged.

Mr. Venning: Rather than curtailed.

Mr. BECKER: That is right. I appeal to the Minister and the Government to consider this matter further.

Mr. DEAN BROWN: Can the Minister explain to me the reason for the distinction between, on the one hand, steak, corned beef and any other kind of red meat and, on the other hand, some of the other kinds of meat permitted to be sold? Bacon, cooked meat, fish, poultry, rabbits, sausages and other smallgoods and other prescribed items may be sold after 5 p.m., but not steak or a chop. Why the great distinction? The Minister has not justified drawing that important line. I believe that it indicates that the Minister has reached his decision as a result of pressure from a sectional interest group, whereas he is the first to accuse others of trying to support sectional interest groups. There is virtually no difference between some of the meats permitted under the Act to be sold after 5.30 p.m. and those which are excluded. The Minister does no credit to himself or to his Party in drawing a distinction.

Mr. GOLDSWORTHY: It is completely unreasonable, when shops are to be open until 9 p.m., that the full range of domestic goods will not be available to housewives. We know that the Minister is well attuned to the dictates of the union, which has had much to say about this provision in the Bill. At a time of high unemployment, it is not unrealistic to believe here that more people are to be attracted into the meat trade.

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

Mr. ALLISON: I support the amendment. In South Australia, we seem to have been having some difficulty in getting rid of the red meat we have been producing. There is no doubt that Samcor, for example, would welcome an opportunity to sell much more red meat than it has been selling over the past few months. The Naracoorte abattoir has been in the doldrums and only recently was reopened after 18 months of closure. No doubt the member for Victoria was aware of this in moving his amendment; that part of South Australia is very dear to his heart. The two abattoirs in Mount Gambier would like access to metropolitan markets. Both have been selling red meat in other States in an attempt to remain viable.

Some months ago, a public opinion poll was taken in Adelaide, and indicated that 84 per cent of South Australians in metropolitan Adelaide said that they would prefer to have access to butcher shops during periods of late night closing. The Minister said that he had considered the consumer in arriving at his decision not to accept this amendment, but with figures such as I have just quoted, obviously the consumer does not appear to have been considered too much.

One recent publication of which I am aware, the *Pastoral Review* points out that, despite a lot of killing of cattle in Australia over the past 18 months, the over-supply is expected to run well into 1978. It has been estimated that some 7 000 of Australia's 50 000 producers of beef will be forced to quit the business. It seems a rather discriminatory move to close butcher shops while all others are to remain open and to permit alternative meat supplies to be sold during that open shopping period.

The Australian sheep industry is reported as emerging from a similar period of over-supply and depressed prices due to low wool prices and low mutton and lamb prices. The Australian journal, *The Land,* of October 27, at page 19, says that the New South Wales State Land Committee members expressed concern that Australians are eating only half the lamb that they did six years ago. With an over-production of cattle—

Mr. MILLHOUSE: I take a point of order, Mr. Chapman. We are debating an amendment concerning the hours of trading in red meat. I suggest that the honourable member is now talking about rural matters, in which no doubt he and his Party are well versed, but the relevance to the amendment before the Chair escapes me. I suggest that he is out of order.

The CHAIRMAN: I uphold the point of order. I have listened closely to the member for Mount Gambier and I have been waiting for him to relate his comments to the amendment before the Chair. I should like him to do that. If he continues in his present vein, I shall have to rule him out of order.

Mr. ALLISON: I do not see any difficulty in countering the complaint of the member for Mitcham. The red meat supplied is no doubt obtainable from country sources. It is an Australia-wide problem as well as a South Australian problem that we have an over-supply of meat. Much of the meat sold in South Australia comes from other States, because interstate trading is permissible. Because we have an over-supply of red meat, and because people are eating far less mutton than they were six years ago, as reported in this journal, the Minister's move to further restrict sales of red meat, as he is doing, seems strange and discriminatory.

The whole essence of the plea from the member for Victoria is that butcher shops should be allowed to be open at the same time as other shops. I produce these statistics for the benefit of the member for Mitcham, who probably thought that red meat came out of shops, and not from sheep and cattle, just as milk probably comes from cartons! The Minister's refusal to permit butchers to open late, as do other shops, and his refusal to permit the sale of red meat in competition with fish, bacon products, and processed goods, is simply preventing the red meat industry from being truly competitive at a time when it needs all the assistance it can get. I should like to see the Minister supporting the sons of the soil who are in favour of selling more of their red meat.

Mr. WILSON: During the dinner adjournment, I found the results of a survey which I should like to put to the Minister. The report appears in the *Standard* of November 2, under the heading, "Shoppers want to buy meat at night", and states:

> Adelaide shoppers want to be able to buy meat when late trading comes into force. A survey conducted throughout the metropolitan area has revealed that 73·5 per cent of the 627 people questioned wanted to be able to buy fresh meat during late night shopping hours. It also showed that 82·4 per cent of those aged between 18 and 24 wanted meat to be available.

The report also contains quotations from the State Manager of G. J. Coles & Company Limited and the State Manager of Woolworths. I realise that both gentlemen would have interests to protect on their own behalf, but I believe that what they say is correct. The report continues with a quotation from Mr. David Guild, State Manager of G. J. Coles & Company Limited, as follows:

> Upon the introduction of late night shopping, Coles believes the general public has the indisputable right to purchase any retail product available in the store. G. J. Coles is therefore unable to understand the Royal Commissioner's reasoning in making a special exemption and prohibiting the sale of meat during late night trading. He said the sale of poultry, fish, smallgoods and rabbits would be permitted and, as a result, meat producers would suffer a further loss of market share.

Later, the report states:

> Woolworths State Manager, Mr. R. L. Clifford, said his company found it difficult to understand the reasoning behind the stopping of meat sales during late night trading. "I understand fresh meat is not exempted in New South Wales and because it is available at all trading times, it is a popular seller during the extended hours," Mr. Clifford said.

There is little need for me to comment. What I have said merely backs up the remark of members on this side. I should like to finish on the point made quite forcibly yesterday by the member for Mitcham: there is no equitable basis to separate the sales of meat from those of any other goods.

The Committee divided on the amendment:

Ayes (19)—Messrs. Allison, Arnold, Becker, Blacker, Dean Brown, Chapman, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Millhouse, Nankivell, Rodda (teller), Russack, Tonkin, Venning, Wilson, and Wotton.

Noes (23)—Messrs. Abbott, Bannon, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Corcoran, Drury, Duncan, Groom, Groth, Harrison, Hemmings, Hudson, Klunder, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright (teller).

Pair—Aye—Mrs. Adamson. No—Mr. Dunstan.

Majority of 4 for the Noes.

Amendment thus negatived.

The CHAIRMAN: I assume that the member for Victoria will not wish to proceed with his consequential amendments?

Mr. RODDA: I have taken this as a test, and acknowledge the feeling of the Committee.

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

> Page 3, line 17—After "Mitcham," insert "Noarlunga,".

The definition in the Bill is a repeat of the definition at present in the Industrial Code. As Noarlunga is now a municipality, this is therefore a drafting amendment to show Noarlunga as a municipality rather than as a district council.

Mr. EVANS: I assume that the Minister is trying to bring this area under the same control as is the rest of the metropolitan area.

The Hon. J. D. WRIGHT: Yes, and it was a drafting error in the first place.

Amendment carried.

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

> Page 3, line 21—Leave out "Stirling and Noarlunga" and insert "and Stirling".

This is a consequential amendment.

Amendment carried.

Mr. MILLHOUSE: I oppose this clause. In my second reading speech I supported the Bill to the second reading stage and also clauses 1, 2 and 3. These were passed in my absence last evening, but that is as far as I want to go. If we stop now, we will effectively do what I want to do; that is, to get rid of all the stupid controls on trading hours. I want no restrictions and, therefore, will regard the vote on this clause as a test of that policy, which I have espoused for several years. The debate on this clause confirms what I have said for a long time, that you cannot get any system of regulation that is fair to everyone and will be wanted by everyone.

This is not the job of Parliament. We have wasted many hours in the past two days talking about something that should not be the work of Parliament. Trading hours for shops should be left for those who are concerned with them: that is, the traders, the staffs and the unions who represent them, and the general public. If we were to leave this alone, the time of Parliament could, I hope, be far better used on other things in which we have some legitimate interest. Perhaps the Minister is in a position in which he can do nothing else but what he is doing now. We have wasted hours arguing about the selling of meat, and whether it is fair or unfair to a certain small group of traders to stop them trading as they have traded in the past few years, with plenty of custom, too.

The other matter on which we spent much time was whether there should be two late shopping nights, one in the central business area and one in the outer metropolitan area. When one thinks of these things, which have taken our time and, therefore, the taxpayers' money, it shows the utter absurdity of trying to control shopping hours by law.

We have all experienced this and, as I said yesterday and repeat now, there is no way in which we can achieve fairness by legislation. This Bill should not therefore be proceeded with; it should not be in the legislation field. What the Minister let out of the Ministerial bag before the dinner adjournment confirmed that. I said yesterday (and I think he scoffed at me) that this would not be the end of the matter and that we would be fiddling about from time to time with the matter in future as we have in the past. However, this afternoon the Minister said that there was to be an amendment to the Industrial Conciliation and Arbitration Act.

The Hon. J. D. Wright: If you had been here yesterday you would have heard that then, because I said it yesterday.

Mr. MILLHOUSE: I do not think I could have been any less impressed if I had heard it yesterday than I was this afternoon. The Minister said there was to be an amendment to the Act to give the courts the job of doing what we have tried to do and failed. The Minister wants to shuffle that responsibility off from this place. At least that is something, I suppose. It shows that he realises that this is not a satisfactory piece of legislation and that people will realise this. Instead of leaving it to the market force, to which I have referred, the Minister intends to shuffle them off on to the courts. That will be no more, and probably even less, satisfactory than the way in which we are doing it now. We should vote against this clause and the rest of the Bill, having passed the three clauses that have already been passed. Then we would effectively have got rid of this stupid problem that so bedevils Parliament.

Mr. EVANS: I do not necessarily oppose what the member for Mitcham is advocating except in one area on which I hope he will give me his views. I should be concerned, if we voted against this clause and the rest of the Bill, that we would automatically encourage the opening of all stores that wanted to open on Sundays. I do not believe that would help in the type of society in which we live today, because many people would have to work on Sundays. In certain professions, employees know that this is part of the conditions of their employment. I refer,

for instance, to the police, nurses and other people who serve the community.

Perhaps it could be argued that shop assistants serve the community. I should like to hear whether that is what the member for Mitcham thinks. During the election campaign my Party advocated late night shopping on one night a week initially and, if the need existed, we could go to late night closing on the five days described in the amendment as weekdays, and until mid-day on Saturday; then, shops would not be open Saturday afternoon or Sunday.

The Hon. G. R. Broomhill: Would you object to Saturday afternoon trading?

Mr. EVANS: Not as much as I would to Sunday trading. for instance, I go to the football and see people serving the public on the gate there. Also, the football umpire is being employed. If I go to the football by bus, I see the bus driver, who is also serving the public. This argument could therefore apply to those sorts of person.

The member for Mitcham may not be willing to comment on what I had said. However, he knows that we in Parliament are involved in a numbers game, and that the chance or our winning on this side of the House is usually remote. If this clause is passed, a hairdressing shop will be exempt if it employs no more than one person, who could be the proprietor. Such a shop could have no-one else working on the premises. The same applies to any other shop, which could open at any time provided that no more than two persons were working therein. I would not mind if that applied outside normal trading hours. Therefore, between 9 a.m. and 5 p.m. or 6 p.m., if a shop proprietor wanted to employ five or six people, he could do so. However, if he operated after 6 p.m., he would be limited to two employees and, if a shop had more than two people working in a shop, it could not open after normal trading hours. That is disappointing, and I would prefer to see it worded in another way. In this respect I may perhaps speak to honourable members in another place to ascertain their views on this matter.

The other matter that is hard to accept is the area of $186m^2$ that will apply. I suppose this depends on the display area and the type of shop operation involved. This may be the simplest method of drawing an arbitrary line in regard to the size of operation. However, the type of merchandising must also play a part in relation to the turnover that can occur. So, that does not cheer me up much, either.

Other than that, I am disappointed that we are discussing another set of restrictions, when we could be releasing the community from many of the controls and restrictions that now apply. I should appreciate hearing whether the member for Mitcham advocates open slather on Sundays, because that is an area that also concerns me.

Mr. MILLHOUSE: The member for Fisher does not know me very well if he thinks that I may not care to answer what he has said. I stick by what I have said publicly that there should not be any restrictions on trading at any time. I do not believe we should say that there shall be no Saturday afternoon or Sunday trading, because we are again getting into the area of imposing restrictions.

Mr. Gunn: What about massage parlours? Do you think that they should be restricted?

Mr. MILLHOUSE: No. As the honourable member knows, I think that they should be licensed.

The Hon. J. D. Wright: I thought you made yourself clear on that.

Mr. MILLHOUSE: I thought I did, too. The honourable member made one good point: that all these restrictions are against my philosophy of personal freedom. If nothing else appeals to me, that does.

The argument that I have concentrated on is the unfairness to the community in saying who will do what and when. I will not say that there should be restrictions on Saturday afternoon and Sunday. We cannot make people good by legislation. Keeping the shops closed on Sunday will not get more people to go to church. I do not think that whether shops are opened or closed makes any difference to the religious attitude of people. We have gone a long way from the traditional English Sunday. We can say that we have a continental Sunday, and regret it, but the fact is that most people do on Sunday what they want to and regard it as a secular holiday.

A high and increasing number of people must work on Sunday, for the amusement of the others. We have gone a long way past the time when there was force in the argument that Sunday was a day of rest, a day for religious observance, and that as much as possible should be closed. We should not make any regulation about Sunday or any other day. Community forces and outlook will decide, if there is no regulation by law, what opens and what closes, and what is wanted and what is not.

The member for Fisher has said something about the incredibly complex Liberal policy for the recent election. I have done my best to follow him, but it is hard to do so. What seems apparent is that there is an attempt by the Liberal Party, first, to serve those wealthy backers who would like a restriction for their own sake. That is the only reason that I can think of why they have gone to such a crazy policy. It is as crazy as the Labor Party policy, and that is dominated by the trade union movement. Secondly, the Liberal Party would like to try to improve its image by saying, "open slather". The compromise that that Party has made, like all compromises, is incredibly complex and rather absurd. This is not an area for regulation by law, and I do not subscribe to this part of the Liberal Party policy.

Mr. GOLDSWORTHY: I am surprised that the member for Mitcham finds the relatively simple policy of the Liberal Party incredibly complex. I find it hard to accept that the honourable member cannot understand that the Liberal Party was, first, for open shops on one night a week and then, if that worked satisfactorily, to remove restrictions. In Victoria, the Liberal Party (I think it was the Hamer Government) went to an election with a policy of open slather, and there were many difficulties. There was much confusion when the flood gate was opened and legislation was passed to allow shops to open at any time. Then agreement was reached and the position settled down to one night a week, being Friday night.

The member for Mitcham could not resist his tendency to have a bet each way and criticise both sides. I think his motives were similar to the motives that have led him to some of his utterances here. The question is whether, if the Government's Bill is passed, Liberal Party support for the amendment moved by the member for Mitcham brings us any nearer to what we desire than does the Bill. My judgment is coloured by the view of this Bill taken by people in my district, which is a close country one. What happens in the metropolitan area will have an effect on my district. My district will be concerned about shopping hours and the number of nights on which the shops are opened.

Approaches made to me show that the people in the district would favour late trading on one night rather than open slather. We in the Liberal Party enjoy a measure of freedom and, if some colleagues vote in a different way from me on an issue, that will show the strength of the

Party. As I pointed out in the second reading debate, that situation was denied to the member for Playford.

The CHAIRMAN: The honourable member should not discuss the second reading debate.

Mr. GOLDSWORTHY: It is germane to the point I am making. I am indicating how Liberal Party policy applies to the provision we are discussing.

The CHAIRMAN: Order! Comment has been made about the Liberal Party policy by the member for Mitcham and that comment has been answered by the Deputy Leader. This Committee's discussion will not be reduced to deciding whether that policy has relevance or otherwise, and I hope that the Committee will get back to the clause, and not discuss Liberal Party policy.

Mr. GOLDSWORTHY: I am explaining how the Liberal Party policy applies to the clause. Although I have not had discussions in the past few minutes with my colleagues, it could be that some members of the Opposition may support the member for Mitcham if they believe they are voicing the opinion of their district. However, I believe I am voicing the opinion of my constituents in supporting the clause in order to prevent an open slather in respect of shopping hours. I am not willing to support the member for Mitcham because the Bill, unamended, would be closer to the needs of my district. It is not a wide departure from Liberal Party policy, although I would prefer to see one night of late shopping.

Mr. EVANS: I wish to correct one point. In seeking the views of the member for Mitcham about trading on Saturday afternoon and Sunday I made no reference to church or church attendance. Indeed, if we had Sunday trading more people might attend church in order to obtain divine guidance to determine how to get their money to spin out in this State. I am not willing to support the honourable member's going as far as this. Before the election he said he did not support either extreme. He has now gone to one extreme and the Labor Party is at the other. I am asking him to take a central course. As he will not do that, I cannot support him.

Mr. BECKER: I cannot support the clause, but I reiterate that this matter should be left between employers and employees. I am disappointed about exempt shops which were established in good faith and which should be allowed to continue. By disallowing exempt shops we are regulating consumer opportunities. We have not considered tourism, the Rundle Mall, or whether we will swing into a cosmopolitan society. The Government's attitude towards exempt shops is tragic. The overall increase in costs of operating the West Beach Foodland between 9 a.m. and 9 p.m. seven days a week, varies between 1 per cent and 1½ per cent. Liberal Party policy initially was for one night trading, and I supported that. There was no necessity to absorb any great increase. Our policy was for one night shopping for 12 months and then to review unrestricted trading.

Mr. Millhouse: Incredibly complex.

Mr. BECKER: It is not. There is only one thing I can do to protest my disappointment that exempt shops have been severely dealt with—I abstain from the vote in protest.

The Committee divided on the clause:

Ayes (40)—Messrs. Abbott, Allison, Arnold, Bannon, Blacker, Broomhill, Dean Brown, and Max Brown, Mrs. Byrne, Messrs. Chapman, Corcoran, Drury, Duncan, Eastick, Evans, Goldsworthy, Groom, Groth, Gunn, Harrison, Hemmings, Hudson, Klunder, Langley, Mathwin, McRae, Nankivell, Olson, Payne, Rodda, Russack, Simmons, Slater, Tonkin, Venning, Virgo, Wells, Whitten, Wotton, and Wright (teller).

Noes (2)—Messrs. Millhouse (teller) and Wilson.

Majority of 38 for the Ayes.

Clause as amended thus passed.

Clause 5 passed.

New clause 5a—"Prescribed shops."

Mr. DEAN BROWN: I move:

After clause 5, page 4—insert new clause as follows:

5a. (1) Until the expiration of the sixth month next following the commencement of this Act nothing in this Act, other than this section, shall apply to or in relation to a prescribed shop and the Industrial Code, 1967 as in force immediately before that commencement shall apply to and in relation to that shop in all respects as if this Act had not been enacted.

(2) In this section "prescribed shop" means a shop—

(a) the business of which is mainly or predominantly the retail sale of foodstuffs;

(b) the business of which was being carried on on or before the commencement of this Act;

and

(c) the business of which after that commencement continued to be the same as or substantially similar to the business of that shop before that commencement.

This new clause is related to convenience shops. As the Bill stands at present, once the legislation comes into effect on December 1, convenience shops will be immediately outlawed. This new clause gives convenience shops a further six months in which to operate to ensure that the lessees have a chance of overcoming some of the economic disadvantages of suddenly being outlawed. The member for Hanson has made some points related to this matter. To my knowledge, at least the C.P.S. shops are franchised to individual operators on a 90-day lease. I understand that in some cases the rentals for these shops are exceedingly high, being set on the basis that they can operate 24 hours a day seven days a week. If suddenly, in perhaps 15 days time, these shops are not allowed to operate on a 24-hour basis and are allowed to operate only within the prescribed hours, the lessees would have to pay the high rental for at least another three months, but they would not have sufficient trade to meet that high rental. So, they are destined to a three-month period during which their income would be considerably below their rental and other costs, resulting in a substantial loss. This new clause does not alter the Government's intention to abolish convenience shops altogether, but it gives the lessees the six-month period of grace that they need to cancel their existing agreements and enter into new agreements. I seek members' support, particularly since the member for Hanson moved an amendment that was rejected.

The Hon. J. D. WRIGHT: I oppose the new clause. I have spoken on this matter two or three times. The only difference in the present attempt to amend the situation is that the member for Davenport has inserted a period of six months, for which the convenience shops can operate. I do not see any difference between the honourable member's argument and that of the member for Hanson, except that the member for Hanson made out a better case. The Government has made clear where it stands as regards the Royal Commissioner's report, and the Government cannot consider this deviation. I therefore oppose the new clause.

Mr. DEAN BROWN: I am disappointed at the Minister's attitude, because this new clause does not change the intention underlying the Bill, except to give lessees of convenience shops six months in which to change their leasing agreements so that they are not faced with financial hardship. That is a commonsense approach,

and I am disappointed that the Minister is so hardheaded and blind on this issue that he cannot accept even a minor change to reduce the hardship that would be caused. He has not touched on the issues of the terms of leases and the hardship. The Minister should speak to the lessees, because he would then find out about their high rentals and the hardship they would face. I think the Minister is being bloody-minded on this issue.

Mr. GUNN: I support what the member for Davenport has said. The Minister has not only adopted an unreasonable attitude but also shown no regard for the lessees of convenience shops, of whom there is only a small number. They are entitled to have time to make different arrangements to protect their large investment. We know the Government's attitude: it does not like free enterprise. The Minister has revealed this attitude in rejecting the proposal of the member for Davenport. I ask the Minister to reconsider his attitude in view of the fact that the new clause will not affect other provisions in the Bill. It would be a proper and reasonable course of action.

Mr. BECKER: I appreciate the efforts of the member for Davenport to reach a compromise, and I reiterate my disappointment at the Minister's attitude. I must again protest on behalf of the 85 young people who will lose employment and on behalf of the thousands of my constituents who have signed the petition and who will lose a facility that they have come to appreciate. I cannot support the new clause. I will abstain from voting in protest.

The Committee divided on the new clause:

Ayes (17)—Messrs. Allison, Arnold, Blacker, Dean Brown (teller), Chapman, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Nankivell, Rodda, Russack, Tonkin, Venning, Wilson, and Wotton.

Noes (23)—Messrs. Abbott, Bannon, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Corcoran, Drury, Duncan, Groom, Groth, Harrison, Hemmings, Hudson, Klunder, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright (teller).

Pair—Aye—Mrs. Adamson. No—Mr. Dunstan.

Majority of 6 for the Noes.

New clause thus negatived.

Clause 6 passed.

Clause 7—"Powers of Inspectors."

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

Page 4—

Line 32—Leave out "structure or place" and insert "yard, place, structure, stall or tent".

Line 34—After "shop" insert "or in connection with the business of a shop".

Line 35—After "inspect the vehicle" insert "or anything drawn by the vehicle".

These are merely drafting amendments, the first amendment making the clause consistent with the definition of "shop" in clause 4.

Amendments carried.

Mr. GUNN: I oppose the clause because it is objectionable. Similar provisions have appeared in legislation over the past few years. It is improper for inspectors to have such wide-ranging powers. It is not logical for inspectors to have the powers that the Government intends to grant them under this clause. If a shopkeeper has his residence adjoining the shop, an inspector at any time can, under clause 7 *(a)*, enter that residence, and the shopkeeper has no right in his own house to ask the inspector to leave.

In a democracy that is a course that is not only undesirable but also against the very principle of the British system of justice to which we should all subscribe. Every time a clause of this nature is included in legislation I intend to protest about it. It is my aim, on this Party's being elected to Government, to do something about clauses of this nature.

Any fair-minded person in the community who was asked to examine this or a similar clause in other legislation would regard it as being too wide. One inspector openly bragged that he had power to enter a person's house and to see what he had in his refrigerator. How many other inspectors could abuse that right?

The Hon. J. D. Wright: Name the inspector.

Mr. GUNN: It is all right for the Minister to say that. You are the one who has included this clause in the legislation, and you are the one who must accept the responsibility for it.

The CHAIRMAN: Order! It is not "you": it is the "honourable Minister".

Mr. GUNN: The honourable Minister is a bit dishonourable if he is to legislate in this fashion. The Minister is the one who must—

The CHAIRMAN: Order! The honourable member for Eyre should not impute dishonesty to any honourable member.

Members interjecting:

Mr. GUNN: I did not want personally to—

The CHAIRMAN: Order! I suspect that I heard the honourable member for Davenport say "That ruling was pathetic."

Mr. DEAN BROWN: I rise on a point of order, Mr. Chairman. No, I did not say that; I groaned.

The CHAIRMAN: I will accept the honourable member for Davenport's statement that he did not say it. However, I would point out to the honourable member that the comments he makes are invariably heard by the Chair, and whilst I am in the Chair notice will be taken of them, and they will be drawn to his attention. The honourable member for Eyre.

Mr. GUNN: In addition, an inspector is given the right virtually to take with him anyone he wishes. A shopkeeper may have committed a minor offence yet the inspector could take two or three people along with him at any hour of the day or night. If anyone thinks that that is a reasonable provision, I am a Dutchman. Subclause (3) provides:

> A person shall not refuse or fail to do all things necessary to facilitate the exercise by an inspector of the powers conferred on him by this section.

Clause 9, which is linked with this clause, provides:

> No liability shall attach to an inspector for any act or omission by him . . .

The inspector is completely immune and can virtually do what he likes under this clause. This is a thoroughly disgraceful course of action for any Government to adopt. I shall never support this type of provision in any Act of Parliament, and I intend to test members' attitude at the appropriate time.

The Hon. J. D. WRIGHT: It is interesting to know that at last the member for Eyre has woken up. He has been a member for seven years, to the best of my knowledge—

Mr. Allison: And complains about this sort of provision every time.

The Hon. J. D. WRIGHT: Perhaps, but I point out that section 207 of the Industrial Code contains a similar provision—

Mr. Gunn: I'm fully aware of that.

The Hon. J. D. WRIGHT: —as does section 19 of the Industrial Safety, Health and Welfare Act, as well as the Industrial Conciliation and Arbitration Act. Similar provisions may also be found in section 8 of the Prices Act, section 12 of the Fisheries Act, and section 10 of the Mines and Works Inspection Act. I should like to know what the

honourable member said in *Hansard* about those provisions.

Mr. Gunn: Get your researchers to look up *Hansard* tomorrow.

The Hon. J. D. WRIGHT: Another matter I refute is the accusation made by the member for Eyre about one of my inspectors. The honourable member does not have the courage to get up and name the inspector, because the incident did not happen. Not one of my inspectors would make such a statement. I challenge the member for Eyre to give me the inspector's name privately, and I will take the matter up with that inspector. It is one of the most shocking things ever said in this Chamber about a person who is unable to defend himself. Anyone who criticises a public servant in the House is a coward. He has not enough courage to do it outside. It is easy to do it in coward's castle, where a public servant is unable to defend himself.

Members interjecting:

The CHAIRMAN: Order!

The Hon. J. D. WRIGHT: I have here a letter from Mr. Justice Zelling, Chairman of the Law Reform Committee, addressed to the Attorney-General, who forwarded it to me. The letter states:

> The Early Closing Bill has just reached my desk and there are two matters that I desire to draw to your attention. The first is merely a matter of drafting in clause 7 which I would not have troubled you with if I had not needed to write on a matter of substance. Under clause 7 (1) *(b)* if there is a reasonable suspicion that a vehicle is used as a shop an inspector may stop, enter and inspect the vehicle. I think it would be wise to put in a definition of "vehicle" to include any trailer or other thing capable of being used as a shop which is drawn by the vehicle. Vehicles are not frequently used as shops these days. Usually the mobile shop is hitched up to the vehicle and the vehicle simply acts as tractor for the mobile shop.
>
> The other and important one is in clause 9. My recollection is that it was agreed some years ago that clauses in that form would not be used in future. For example, an inspector will almost certainly have to drive a car in the discharge of his duties. If he drives a car and is negligent and someone is injured, that someone has no cause of action against the inspector which is outrageous. I see no reason at all for protecting inspectors against civil liability. There is every good reason for protecting them against harassment by way of criminal process and I think the word "criminal" should be inserted between "no" and "liability" if the clause is to remain as part of the Act. If the inspector is sued for a civil liability the State will stand behind him provided it was in the exercise of his powers or the discharge of his duties so that he needs no protection from that. What he does need protection from is spiteful prosecution for some technical offence by way of trespass or the like.

Not one word was raised in that letter about the matter to which the member for Eyre referred. In my view that speaks volumes, and supports the Government's Bill. I oppose the amendment.

Mr. DEAN BROWN: This type of clause regarding inspectors' powers has been raised here numerous times. I recall numerous occasions, no doubt when the Minister was asleep or doing other things, on which we have argued and divided the Chamber over this type of power for inspectors. The Minister is wrong to suggest that the Opposition has not consistently opposed such clauses, and I do so on this occasion.

Mr. GUNN: I cannot allow the arrogant Minister to get away with his accusations about my making statements here under the cover of coward's castle. He obviously needs a hearing aid, because I did not refer to his department. The case to which I referred involved a different department. The Minister must have a guilty conscience to put on such a performance. We are aware that he can bully his own colleagues and the trade union movement, but he does not frighten the Opposition. He can make all the personal accusations he likes, thump the table, and carry on, but no Opposition member takes much notice of him. The Minister will rue the day that he included a clause like this in legislation.

I said the other evening that Governments in other parts of the world have used clauses of this nature to carry out undesirable courses of action and to enter people's homes to arrest them because foolish so-called democratic Governments have passed legislation of this nature. I will not embarrass the person involved by naming him here, unlike the Attorney-General and some Government backbenchers who get up at random and name companies and people, who have no opportunity to reply. We have had some of the most disgraceful courses of action adopted in the House by the Labor Party. A company was referred to only today by a member who did not know what he was talking about, but I would not resort to such gutter tactics. I may tell my colleagues who the person was, but I will not indulge in the type of tactics in which the Minister and his colleagues indulge.

Mr. RUSSACK: I oppose the clause because I have always understood that, if a member of the Police Force questions a person, that person does not necessarily have to answer incriminating questions. Yet, we find that paragraph *(d)* requires any person to answer any questions put to him by the inspector, whether that question is put to that person directly or through an interpreter. Subclause (4) provides:

> A person to whom a question is put pursuant to paragraph *(d)* of subsection (1) of this section shall not refuse or fail to answer that question to the best of his knowledge, information and belief.

To me, that spells out clearly that the shopkeeper or whoever is confronted by the inspector and those with him is obliged to answer the question, irrespective of what it might be. Because of this, because of the consistent manner in which this side of the House has opposed similar clauses in other legislation, and because of the detail and direction given in this clause, I oppose it.

The Committee divided on the clause:

Ayes (23)—Messrs. Abbott, Bannon, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Corcoran, Drury, Duncan, Groom, Groth, Harrison, Hemmings, Hudson, Klunder, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright (teller).

Noes (18)—Messrs. Allison, Arnold, Becker, Blacker, Dean Brown, Chapman, Eastick, Evans, Goldsworthy, Gunn (teller), Mathwin, Nankivell, Rodda, Russack, Tonkin, Venning, Wilson, and Wotton.

Pair—Aye—Mr. Dunstan. No—Mrs. Adamson.

Majority of 5 for the Ayes.

Clause as amended thus passed.

Clause 8 passed.

Clause 9—"Protection for Inspectors."

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

Page 5, line 15—After "No" insert "criminal".

This amendment has been proposed by the Chairman of the Law Reform Committee. To explain the reason, I shall read from his letter to the Attorney-General, as follows:

> . . . an inspector will almost certainly have to drive a car in the discharge of his duties. If he drives a car and is negligent and someone is injured, that someone has no cause of action against the inspector, which is outrageous. I see no reason at

all for protecting inspectors against civil liability. There is every good reason for protecting them against harassment by way of criminal process, and I think the word "criminal" should be inserted between "no" and liability" . . .

Amendment carried; clause as amended passed.

Clause 10 passed.

Clause 11—"Variation of Proclaimed Shopping District."

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

Page 6, lines 25 to 30—Leave out all words in these lines and insert:

(6) If the Minister is satisfied that the application is supported by a majority of interested persons he shall give a certificate under his hand to that effect.

(6a) In subsection (6) of this section:

"Interested Persons" means persons resident in the area of the council and shopkeepers and shop assistants resident outside the area of the Council but employed or engaged in shops within that area:.

This is a drafting amendment to maintain the intent of the current provision in the Industrial Code which was that the application must be supported by a majority of the persons, namely, residents, shopkeepers and shop assistants affected by the application. However, shopkeepers and shop assistants who work in a particular shopping district need not be residents of that district. It has been found that the clause, as drafted, would mean that, unless there was a majority of each of the three groups who supported the application, it could not be granted. The intention was to be sure that shopkeepers and shop assistants who do not reside in the district should have the opportunity of expressing an opinion.

Mr. DEAN BROWN: I seek information from the Minister as to how he would determine this. Would he carry out a poll of the area? Would he accept petitions signed by an appropriate number of people which is clearly a majority? His definition of "interested persons" includes minors. That is rather astounding. I should have thought that "persons on the electoral roll" or something of the sort would be an appropriate definition. Perhaps the Minister could look at this. Certainly, he has referred to the small number of shop assistants and shopkeepers who may live outside the residential area. It is a small number to be considering, and yet he is prepared to throw into this ballot all the minors who live in the area, who could easily make up a third of the numbers. We need clarification on that point.

The Hon. J. D. WRIGHT: After a thorough examination of the Bill, we found that the shop assistants living in the district could have vetoed the vote of the shopkeepers and the public. It was unsatisfactory that one section could veto the situation. The reason for the change is to make sure that there is a total vote within that area and that no particular section has any right to veto the provisions of the whole Act.

Mr. RUSSACK: I understand the definition of "interested persons", but some people are not employed in shops that would be affected by early closing. Will these people who live out of the area but work in an exempt shop qualify to vote in the poll for the proclaimed shopping district?

The Hon. J. D. WRIGHT: There is no reason why such a person should not have a vote if he resides or works in that district. He could change his job and work in a shop that was not exempt. They would not be barred from voting.

Amendment carried.

Mr. RUSSACK: In country areas there are proclaimed shopping districts and some that are not proclaimed. Will this situation continue, or will every area in the State be a proclaimed shopping district so that any district will have to reapply to be free from early closing provisions?

The Hon. J. D. WRIGHT: No: these provisions make no difference to declared or undeclared shopping districts.

Clause as amended passed.

Clause 12—"Closing times for shops."

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

Page 7, lines 24 to 30—Leave out all words in these lines and insert—"satisfied that a majority of interested persons desire that the proposed proclamation be made.

(8) In subsection (7) of this section "Interested Persons" means persons resident within the relevant Proclaimed Shopping District and shopkeepers and shop assistants resident outside that District employed or engaged in shops within that District."

This is a similar amendment to that moved to clause 11, and is consequential.

Amendment carried.

Dr. EASTICK: Clause 12 (1) provides:

Subject to this section, the closing time for a shop situated within the Central Shopping District shall be 6 p.m. on every week-day other than a Friday, 9 p.m. on a Friday and 12.30 p.m. on a Saturday.

Subsequent inquiries indicate that there is no offence if a person closes before the given time, but it has been drawn to my attention that clause 13 (1) specifically provides that the shopkeeper may close "no later than the closing time on each day". It is clearly not mandatory for a shopkeeper to remain open until the time stated in clause 12. We should present legislation that the public can clearly understand, and should include the words "no later than" in clause 12 (1). This will indicate that it is intended that shopkeepers do not have to open unless they want to. Whilst it is not unusual to refer to other clauses to obtain the full meaning of the intention of Parliament, I find it strange that these words are not included in clause 12, the first time they are used. It is possible that later a penalty could be included in the legislation, and that it could also be altered elsewhere and that the closing time would, by use of the word "shall", be mandatory, as has been included in the Licensing Act to apply to the opening of hotels at given times. As this matter has caused concern to the public, I am sure that these simple words should be included before 6 p.m., 9 p.m., and 12.30 p.m., in clause 12 (1).

The Hon. J. D. WRIGHT: I do not strongly oppose the suggestion, because it is reasonable. However, the Parliamentary Counsel has pointed out to me that if clause 13 is considered in conjunction with clause 12, it would be difficult to change the wording. Clause 13 (1) provides:

Except as otherwise provided in this Act, every shopkeeper shall cause his shop to be closed and fastened against the admission of the public by no later than the closing time on each day and for the remainder of that day after that closing time.

I think that covers the situation.

Dr. EASTICK: I appreciate the Minister's comment, but I hope the matter will be reviewed elsewhere, not necessarily for the purpose of making change, but in order to allay any public disquiet in relation to a difficulty as seen by a layman.

Clause as amended passed.

Clause 13—"Shops to be closed at closing time."

Mr. GUNN: I move:

Page 7—

Line 38—Leave out "not less than one hundred dollars and".

Line 41—Leave out "not less than two hundred and fifty dollars and".

Line 45—Leave out "not less than five hundred dollars and".

Page 8—

Line 7—Leave out "not less than one hundred dollars and".

Line 10—Leave out "not less than two hundred and fifty dollars and".

Line 14—Leave out "not less than five hundred dollars and".

Line 22—Leave out "not less than one hundred dollars and".

Line 25—Leave out "not less than two hundred and fifty dollars and".

Line 29—Leave out "not less than five hundred dollars and".

Line 36—Leave out "not less than one hundred dollars and".

Line 39—Leave out "not less than two hundred and fifty dollars and".

Line 42—Leave out "not less than five hundred dollars and".

Page 9—

Line 2—Leave out "not less than one hundred dollars and".

Line 5—Leave out "not less than two hundred and fifty dollars and".

Line 9—Leave out "not less than five hundred dollars and".

I intended to quote from the first report of the Mitchell committee, but I understand that the Government has seen the wisdom of these amendments and will support them.

The Hon. J. D. WRIGHT: In my usual reasonable fashion, I have decided to accept the amendments.

Amendments carried.

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

Page 9, line 13—Leave out "fifteen" and insert "thirty".

This amendment will permit supermarkets and other self-service stores adequate time to clear their premises of customers. The existing 15 minutes grace has been found inadequate in a large supermarket if there is a substantial number of customers in the shop at closing time and 30 minutes is considered to be a more realistic requirement. This matter was raised with me by the Retail Traders Association.

Dr. EASTICK: I am a little surprised that the Minister is not giving due regard to other representations which have been made and which indicated the real difficulties that will be experienced in supermarkets in relation to meat sales. Certainly, under the original provision, a person who purchased meat at a supermarket meat counter just before 5.30 p.m. would have had to pass through the check-out within 15 minutes; otherwise, the sale could not have been concluded, notwithstanding that the person could perhaps have been carrying the meat around the supermarket for 15 minutes while procuring other commodities.

This extension of time will markedly benefit meat sale transactions at the cash register, while not affecting the actual sale at the meat counter, after 5.30 p.m. supermarkets would have been placed in a difficult situation, having people presenting meat at check-outs more than 15 minutes after it had been procured from the appropriate counter before 5.30 p.m. I am pleased that this amendment will overcome this difficulty.

Amendment carried.

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

Lines 20 to 24—Leave out all words in these lines and insert:

(11) In any proceedings in respect of an offence under this section, it shall be a defence for the defendant to prove that at the time at which it is alleged the offence was committed, and—

(a) throughout the period of seven days immediately preceding that time;

or

(b) in the case of a shop that was established within that period of seven days, throughout the period immediately preceding that time during which the business of that shop was carried on,

the shop, in relation to which it is alleged the offence was committed, was an exempt shop.

The value in giving interested parties the opportunity to peruse and consider the Bill is indicated by the comments I have received. Solicitors for Trash and Treasure Australia Proprietary Limited pointed out that, although the stalls in Trash and Treasure Markets are within the definition of exempt shops contained in the Bill, in accordance with the recommendation of the Royal Commission, subclause (11) of clause 13 does not cover the situation of a new shop or one that is set up on each trading day. Paragraph *(b)* in the new subclause (11) in this amendment remedies that deficiency.

Amendment carried; clause as amended passed.

Clause 14 passed.

Clause 15—"Prescribed goods."

Mr. GUNN: I move:

Page 10—

Line 9—Leave out "not less than one hundred dollars and".

Line 12—Leave out "not less than two hundred and fifty dollars and".

Line 16—Leave out "not less than five hundred dollars and".

The Minister has graciously indicated that he will accept the amendments. It is not therefore necessary for me to say how desirable it is not to have minimum penalties prescribed in legislation, and that the matter should be left to Their Honours who sit in other places to decide.

Amendments carried; clause as amended passed.

Remaining clauses (16 to 18), schedule and title passed.

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

That this Bill be now read a third time.

Mr. TONKIN (Leader of the Opposition): I support the third reading but only, I want to make clear, because the Bill represents the establishment of a principle. It represents, after a long period of prevarication and dodging of the issue, and after much pushing, pulling and prodding by the Opposition, a final acceptance of the clearly expressed opinion of the large majority of the population. There is no question in my mind that extended shopping hours have been wanted, and the figures show that at least 67 per cent of the people desire late night shopping. Indeed, some polls have indicated that as much as 82 per cent of the people desire an extension of trading hours.

The Bill, as it comes out of Committee, represents the acceptance by the Government of a principle, an acceptance that has been forced on the Government by the activities of the Opposition. The question still remains unsolved whether there should be one night or two nights of late closing. However, decisions have been taken by this House, a fact that we must accept. The questions whether we should have one night or two nights of late trading, of convenience stores, and of red meat sales, which have been eloquently raised during the debate by my colleagues, are still matters that have caused disquiet and concern, a concern that has been expressed.

The Opposition's attitude on these matters has been made clear in the amendments that have been moved. The

Minister, as frequently happens, has been quite adamant. I can only say that, the sooner the Bill gets to another place where it can be further considered, the better it will be. The potential for improvement is considerable.

The fact remains that the State Council of the Liberal Party, at its annual meeting held 12 months ago, agreed almost unanimously to a policy of extended shopping hours. As a result of that clear expression of general Liberal Party philosophy in favour of extended shopping hours, the Parliamentary Party made its own investigations. It went to the polls as the last election with a policy supporting late night shopping on one night a week, with the real possibility of our being able to remove all restrictions, except those relating to the weekend, as time passed.

As it comes out of Committee, the Bill is obviously not exactly as the Opposition would like it. The points of difference have already been referred to with great force and eloquence by my colleagues. However, because the Bill represents a break-through and an acceptance in principle by the Government that extended shopping hours are necessary, I must support that principle. I support the third reading, although with considerable reservations, and I wish it a good passage in the Upper House.

Mr. EVANS (Fisher): I have grave doubts about the Bill. I do not really believe it achieves what many of us would like. Having Thursday night shopping for the outer metropolitan area and Friday night shopping for the inner area is wrong, and I object to that. That is a bad error of judgment by Parliament. I do not know why the Commissioner made those findings. I know the printed reasons, but I will never know whether they are the real reasons, because sometimes the weight of evidence put by an individual or individuals can have a greater effect than that of other persons who make representations.

Regarding the sale of red meat and forcing shops to close at 5.30 p.m., I think that is laughable. I cannot support it as being satisfactory. The convenience shops are not so important in my mind, except that the department, through the Minister, gave these people a guarantee and it concerns me that, in the end result, that guarantee has no basis or security. If that is so, many letters, guarantees and directions from Government departments must always leave people in doubt. That gives them no peace of mind or feeling that what they have been told is practicable.

I have been informed that, in another place, attempts may be made to amend the Bill and that it may come back here. I predict that it is doubtful that it will come back here, and that concerns me. I should like to see extended hours and this Bill offers a form of extended hours that is acceptable to me. However, if I thought that there was a way, in the other place, to get agreement with the Government to have more acceptable hours for my community, I could see merit in letting it go to the other place.

Members around me see merit in letting it go there. The Opposition in this Chamber is not likely to have any effect and, on that basis, I support letting the Bill go to the Legislative Council, knowing that probably we will end up with what is in the Bill now. I can see that we will have amending legislation some time next year to give the Minister and his department power to make variations of what we are talking about now. I will give the opportunity for that to happen through the court, if that suits the Minister better. I support the third reading for no reason other than that some people believe we may achieve a compromise with the Government in another place.

Mr. BLACKER (Flinders): I oppose the third reading. I do not believe that the Bill has been amended sufficiently to alter my attitude which I made clear when I opposed the second reading. The Minister has referred to the Royal Commission and to how members on this side commended the Commissioner for its findings. I commended it in the second reading debate, but one point of difference is that the recommendations were based on criteria set down by the Government in regard to the metropolitan area. Because of that, the Bill is based on the metropolitan area and does not relate to all country districts. I believe that the people in my district are against the Bill, because it cannot assist that area. I intend to divide the House on the third reading.

Mr. GOLDSWORTHY (Kavel): I am disappointed that amendments that we believed essential to make the Bill more workable and fair have not been accepted. I refer particularly to amendments in relation to shopping on one night a week, in line with Liberal Party policies in the first instance, and to the convenience stores and the ability of shops to sell a range of red meat. Having said that, I agree that the Bill goes a along way towards Liberal Party policy as expounded at the recent election. That policy was adopted by the Party some time ago.

Although I am far from content about the fact that certain amendments have not been accepted, the Bill is an opening up of shopping hours. It is a freeing of some of the restrictions on shopping hours. The Liberal Party policy was to provide for late night shopping, and for that reason I support the third reading.

Mr. BECKER (Hanson): I support the Bill, under strong protest. My constituents will never be allowed to forget the uncompromising attitude of the Minister and of the Government. Those who will be made redundant or who will be affected in another way will not be allowed to forget what has happened. A business that is operating legally now, or thinks it is doing so, can be put out of business tomorrow, so no business in the State is safe any longer.

I hope that I have done everything I could do to protect the convenience store and the benefits given to my constituents. I also hope the Government will still have time to reconsider the situation, but my constituents, while they will benefit from late trading on one night, would prefer what they have now with the convenience store.

Dr. EASTICK (Light): I do not oppose the principle of the Bill but I am gravely disappointed at how it has come from the Committee stage. It shows a complete lack of humanity about the problems of the people who have, as the member for Hanson has related, been permitted by the Labour and Industry Department to trade over a period of time to enter into contracts, and to provide employment and service to the community.

I am also aware of the failure of the Minister and the Government to give due consideration to the requirements of the meat producers of this State. The failure of the Minister to give any inch at all in the measure should bring about complete opposition to the Bill. Because I believe that sanity may yet prevail in another place, I intend to vote for the third reading, but I assure the Minister that provisions in this Bill are discriminatory, and it will make fish of one and fowl of the other. This legislation will not be acceptable in many areas of South Australia, and falls far short of the more rational trading programme that members from this side have espoused over a period. Because I believe that sanity will prevail in another place and that, hopefully, the Minister will take heed of that sanity between now and when the Bill goes to another place, I will support the third reading.

Mr. RODDA (Victoria): In the 13 years I have been in this place the question of shopping hours has continually plagued me and the Labor Party. The Government would

have perhaps deserved more marks had it introduced legislation on its own initiative instead of relying on the report of the Royal Commission. Certainly, if anything has confused the issue in this debate it has been that report. I am not saying it is not a good report, but it has been swallowed completely, and therein lies the contention and argument.

I thank all members who supported my amendment on behalf of the producers and consumers of South Australia. In 1968, we made much noise, and we are all familiar with the result. The Minister is the goalsneak on this occasion.

The SPEAKER: Order! The honourable member should get back to the Bill.

Mr. RODDA: I am linking up my remarks. The Minister is in charge of the Bill, which will give effect to night shopping in South Australia when 86 per cent of the people want it. That is an overwhelming number, but a large proportion of the 14 per cent of people against this change seem to live in my district. That is my situation and, brave fellow that I am, I will support the Bill. However, I hope that the chink in the Minister's armour that was evident this afternoon, when he forecast additional legislation next year, will remain in respect of some of the matters we were worried about. However, we will be back next year to see that those matters are given effect to. I support the Bill.

Mr. WOTTON (Murray): I support the third reading and, as other members have said, I do so very reluctantly. I support it because it allows more flexibility in trading hours, and the Liberal Party has shown its support for extended trading hours. I commend members on this side who have moved amendments in a forceful manner. I am extremely disappointed that the Minister has not seen fit to accept the amendments. Surveys in my district show mixed feelings regarding extended trading hours. With other honourable members I am supporting the Bill to enable it to be considered in another place, and I hope that a sane decision will be made there.

Mr. CHAPMAN (Alexandra): The member for Victoria stated that in the 13 years he has been in this place the shopping hours issue had bobbed up from time to time. In the 4½ years I have been here, on no other issue can I recall similar discomfort and disturbance to that which I am experiencing on this occasion. I do not recall ever having missed a division on any subject, or on any of those occasions being reluctant to act directly and positively.

The SPEAKER: Order! There is nothing to do with divisions in the Bill. I hope that the honourable member will speak to the Bill.

Mr. CHAPMAN: With just a little indulgence, I will be right on it. In a few moments we will be dividing on this Bill.

The SPEAKER: Order! There is nothing in the Bill concerning divisions. I hope the honourable member will stick to the Bill.

Mr. CHAPMAN: I am speaking to the third reading of the Bill, on which in a few moments this Parliament will be dividing.

The SPEAKER: Order! The honourable member will resume his seat. That will be a decision of the House, and I hope that he will speak on the third reading of the Bill. What will happen in future, the House does not know. I want the honourable member to speak to the Bill before the House.

Mr. CHAPMAN: I appreciate the concern expressed by the Chair on this occasion, but it is to the third reading of the Bill that I am directing my remarks. I am not talking about what has happened so far in the debate, or about what will happen in future. I am concerned about the position I am in with regard to the vote on the third reading, and I am not kidding when I say that I am concerned about it.

The SPEAKER: Order! The honourable member has to speak on the Bill as it comes out of the Committee, and I hope he will do that.

Mr. Mathwin: Read the whole Bill out.

The SPEAKER: Order! The member for Glenelg is out of order. I indicate to the honourable member that I heard him interject, and I assure him that I would not have called him had I not heard him.

Mr. TONKIN: I rise on a point of order, Mr. Speaker. I submit that the member for Alexandra is correct in addressing himself to the considerable discomfort he feels in considering the principle of this Bill as opposed to the various matters that have gone on in Committee. I submit that, with every respect, you are being a little harsh on someone who is obviously giving the matter much consideration.

The SPEAKER: I have asked the member for Alexandra to speak on the Bill as it came out of Committee, and I stick to that ruling. The honourable member has been talking about divisions, which have nothing to do with the Bill as it came out of Committee.

Mr. CHAPMAN: I am not at all happy about the way in which the Bill came out of Committee.

Mr. WILSON: I rise on a point of order, Mr. Speaker. With respect, other members have told the House how they are going to vote on the third reading, and I suggest that the honourable member for Alexandra should be allowed to do the same thing.

The SPEAKER: The honourable member for Alexandra has been speaking about divisions, but I have not heard other members speaking about divisions. I hope the honourable member for Alexandra will deal with the Bill as it came out of Committee.

Mr. CHAPMAN: The Bill as it came out of Committee is in an extremely disturbing and disappointing condition. While supporting the Opposition's policy as regards greater flexibility in trading, I am concerned about the present form of the Bill. I am not willing to rely on whether the Minister is honest as to what might happen in the future. I am trying to view the present situation, as you, Mr. Speaker, have properly requested. At present it is unacceptable to me and to a wide section of the community, particularly since the Government has insisted on the clause excluding red meat sales during certain hours. The Government has also rejected the amendment dealing with the retention of convenience shops. Having two separate nights for late shopping is ludicrous, and the people will make their views felt in due course.

I cannot support the stand of the member for Mitcham in relation to an open slather. I support the policies of my Party in relation to this matter that have been put forward before the election, after the election, and hopefully until we get our way if not in Government at least with the co-operation of the Government of the day; that is, to provide ultimately for flexible trading between midnight on Sunday and midday on Saturday, or at least the opportunity for traders throughout the State to decide whether or not they will trade. With extreme concern and the utmost dependence on the other place to do the right thing, I support the third reading. This Bill has undesirable features, not the least of which is the restriction of trading in a product on which people in my district and other districts are very dependent; I refer to the red meat producers.

Mr. GUNN (Eyre): I support the third reading of the Bill, but very reluctantly. I am most perturbed about some of the clauses, about the people to whom the member for

Hanson referred, and about the restrictions which will be placed on the sale of red meat. I believe that appropriate action will be taken in another place to improve the Bill. I would not be supporting the third reading if I did not believe that serious efforts would be made in another place to rectify its undesirable features. Unfortunately, the Minister's attitude has been unbending. He has not shown any common sense in examining obvious anomalies in the Bill. It is necessary to allow traders greater flexibility in their operations. Unfortunately, this Bill does not meet the necessary criteria.

Mr. NANKIVELL (Mallee): Having listened to my colleagues, I can enjoy the luxury of saying that I will oppose the third reading. I do so as a matter of principle. My Party is bound to support the concept of a closing time for shops as set out in this Bill; that is, late night closing on one night a week. The principle on which I oppose the Bill is that the Minister has not been willing at any time to consider or accept reasonable arguments and amendments. I was charged with speaking with self-interest, and I may have spoken with self-interest because, as a producer, I am concerned about the Government's slavish attitude in adhering to the recommendations of the Royal Commissioner, who gave a one-sided hearing in connection with the sale of red meat. I therefore express my concern and that of my constituents about the Government's unreasonable attitude. Had reasonable amendments been passed, the Bill would have been acceptable to me and those I represent.

Mr. VENNING (Rocky River): I opposed the Bill originally, but I had hoped that the Minister would consider the Opposition's amendments. In connection with the statement that grower organisations did not give evidence, I quote the following passage from the Royal Commissioner's report:

> It became apparent early in the proceedings before the Royal Commission that it would be impracticable to inquire exhaustively into every aspect of the relevant matters and this necessitated the work of the commission in public sessions being substantially reduced.
>
> This was accomplished by:
>
> *(a)* requiring submissions and arguments in writing prior to parties or persons appearing to give oral evidence.
>
> *(b)* restricting the examination of witnesses almost entirely to those whose statements were similarly submitted in writing. Whilst counsel or parties wishing to cross-examine witnesses were restricted to some degreee by my not permitting the normal rules of evidence on cross-examination to be carried out in full, I am convinced that their purpose was not inhibited and they were allowed to test statements and opinions given by witnesses effectively.

That, in itself, is a contradiction. I am disappointed that the Minister did not consider red meat producers. For that reason I will continue to oppose the Bill.

The Hon. J. D. WRIGHT (Minister of Labour and Industry): Unlike members of the Opposition, I am pleased that the Bill has passed through Committee almost unscathed because it is the Bill to which the Government committed itself after having set up the Royal Commission. Any divergence from the Royal Commissioner's report would have been improper for the Government to consider. The Commissioner's report has been commended by members opposite many times throughout this debate. The Opposition has tried to stir up all sorts of drama to gain political propaganda against the Labor Party. It would have been quite wrong for the Government to adopt any course other than to accept the total report of the Royal Commission.

Whilst the Government has that in its favour and whilst it has not diverged from that report I believe the South Australian people (and I am more concerned about them than I am concerned about members opposite) would support the Government and say that the Government had honoured its obligation. This has been a difficult Bill, as has been proved by the grandstanding of some members and the stonewalling this evening by the member for Kavel. Nevertheless, we have debated the Bill for 11 hours, about which I do not object, because it is my job to be here. I could not have performed my duty without the astute assistance of officers of my department who have done a tremendous job on a technical Bill, which has been a worry for some weeks, ever since the report of the Royal Commission was released. I congratulate all my officers, for a job well done.

The House divided on the third reading:

Ayes (38)—Messrs. Abbott, Allison, Arnold, Bannon, Becker, Broomhill, Dean Brown, and Max Brown, Mrs. Byrne, Messrs. Chapman, Corcoran, Drury, Duncan, Eastick, Evans, Goldsworthy, Groom, Groth, Gunn, Harrison, Hemmings, Hudson, Keneally, Klunder, McRae, Olson, Payne, Rodda, Russack, Simmons, Slater, Tonkin, Virgo, Wells, Whitten, Wilson, Wotton, and Wright (teller).

Noes (4)—Messrs. Blacker (teller), Mathwin, Nankivell, and Venning.

Majority of 34 for the Ayes.

Third reading thus carried.

Bill passed.

ADJOURNMENT

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

That the House do now adjourn.

Mr. HEMMINGS (Napier): I will confine my remarks this evening purely to one part of the Auditor-General's Report which so far members opposite have chosen to ignore. I do not think that I am being uncharitable but, perhaps because the Opposition has been so obsessed with the so-called scandal at the Northfield Wards of the Royal Adelaide Hospital, it has tended to overlook the many sections of the report which are extremely favourable to the Government and its many departments. The part of the report to which I will refer is the section dealing with the State Government Insurance Commission. I think (and I am sure that my colleagues on this side will agree with me) the Opposition's reluctance to highlight the report concerning the commission's operations is principally because the commission has been such an outstanding success since its inception, especially so in the year ended June 30, 1977. I refer members to page 480 of the current report where, under the heading "Profit and Loss Account", they will see that the commission made a profit for the year of $1 274 380, as against $698 916 in 1976, an increase of $575 000. I congratulate the commission's officers on achieving such a good result, and I am sure that next year the results will be even better.

Reading on, we see that the total underwriting loss of about $8 452 000 was due primarily to a loss of $10 470 000 on compulsory third party bodily injury insurance. I remind honourable members that all other categories were extremely profitable; bringing into account investment income of $9 726 000, which is almost double that of 1976, we have the profit to which I have previously referred. Before returning to the underwriting

loss of $8 452 000, let us have a look at the table on page 482 of the report, dealing with the results by classes of insurance. I will not read out all the figures in the table, only sufficient of them to show that, apart from compulsory third party, all other classes certainly showed a profit. Of the total earned premiums for 1977, which amounted to $58 484 000, $53 659 000 involved motor vehicle insurance; employers' liability amounted to $2 692 000; fire insurance, $1 595 000; accident, $439 000; and marine, $99 000. As one can see, motor vehicle insurance provided the bulk of the earned premiums.

Coming down to claims and expenses, we get much the same kind of figures, as follows: for motor vehicles, $62 422 000; employers' liability, $2 434 000; fire, $1 563 000; accident, $430 000; marine, $87 000, making a total of $66 936 000. Coming to the underwriting results, we find, as I have said previously, that motor vehicle insurance was the only class which suffered a loss, namely, $8 763 000 but, because of investment income, there was a profit of $145 000. That can be somewhat misleading because, if people look at the underwriting losses, they may say that the commission is a bind on South Australia. Although there is this huge underwriting loss on compulsory third party insurance, we have had responsible investment in interest-bearing deposits amounting to $57 524 000; debenture investments of $32 689 000; and housing loan mortgages, a staggering $30 210 000, which, I might add, has helped many young married couples in my district to purchase their first houses in the newly-developed subdivisions of Napier.

The Auditor-General's Report states that this Government approved 2 158 separate loans, meaning that 2 158 South Australian couples have benefited from the State Government Insurance Commission. The figures I read out relating to interest-bearing deposits, debenture investments, and housing loan mortgages all stayed in this State.

One wonders what the profit might have been, talking of compulsory third party insurance, if the private sector had not voluntarily withdrawn from the field. The private sector abdicated its responsibility in order to concentrate its efforts only on the more lucrative fields of insurance and left it to the S.G.I.C. to provide an essential but unprofitable service for the people of South Australia. This withdrawal from the compulsory third party field is an indictment on the private insurers, and an act that one day they may regret.

That withdrawal by the private insurers is not unique to South Australia. In Victoria, the private insurers have opted out altogether. In New South Wales the Government Insurance Commission undertakes 97½ per cent of third party insurance, whilst in Western Australia and Queensland the respective State Governments carry more than 70 per cent of the compulsory third party business—altogether a dismal record for the private insurers throughout Australia.

Finally, I refer to the passing of the State Government Insurance Commission Act Amendment Act in 1977, which gave the commission power to enter the life assurance field. I feel sure that the people of South Australia will fully support that side of the commission's business, as they have supported the commission in the past, and that the S.G.I.C. will go on to provide the most comprehensive field of insurance available to the citizens of South Australia.

Dr. EASTICK (Light): I want to highlight a real difficulty in which many aged people in this State are finding themselves. I refer to those people who are living in what one might call company title flats or units. Prior to the 1940 period, when strata titles became a fact of life, many flats or units for aged people were built on the basis of the creation of a company. Two methods were applied and the Acting Principal Drafting Officer of the Registrar-General's Department says that one method devised by developers was to form a company under the Companies Act. That company would build the home units and, on completion, issue a certain number of shares in the company to a prospective buyer who would, by virtue of the articles of incorporation and the number prefix of the shares, enjoy the right to occupy a certain unit. In some cases this was the occupant's only title. However, in other cases the company would not only issue shares but would also lease to the occupier the relevant unit.

Another method devised involved the transfer of an interest in the title to the land upon which the units were erected. For example, if 10 units were erected, each purchaser would obtain a title to one undivided tenth part of the whole. In most instances, this was accompanied by a lease or an under-lease of the unit to be occupied, and the leasing arrangements, which I shall not elaborate on here, varied considerably from agent to agent.

Many people entered into this method of living because it offered an opportunity not previously available but many others, particularly aged persons who would like to move from that accommodation into a smaller unit, to an infirmary, or somewhere else, find themselves in grave difficulties, being unable to sell the unit unless they get the approval of the other tenants.

Other members of the company must give approval before the unit can be sold or, more particularly, before another person can enter into ownership. The other real issue is that no lending institution, either governmental or private, will lend money for the cost of purchasing one of these units. The aged people have two hurdles to jump: first, they must obtain the approval of the company to permit the sale of the unit to another person and, secondly, they must wait for another person to come along who has funds to make the purchase. This situation depresses the value of the property and has kept many of these people in the isolation of a unit for many years.

I am not suggesting that the Government has been tardy in any way. It is a scheme into which the people entered with their eyes wide open, although many would claim that they were not advised of the full ramifications of the issue before they made the purchase. Further, these people find themselves in some difficulty because of the attitude of one or two of the other tenants or, more particularly (and I make this charge), the attitude of some of the secretaries of the units who obtain a fee for managing the whole of the property and who are loath to see their hold on the activities within the units decreased in any way.

I believe that the Government could address itself (and it would have the support of Opposition members) to the need to find an alternative way of transferring these company title flats or units to a strata title, or at least make it possible by way of a reduction in stamp duty that applies, to more readily entice several of the aged people who are worried by the cost factor to enter into an agreement to create a strata title, the end result being the opportunity for them to have a negotiable asset and be able to leave the premises and go into a home unit, an infirmary, of have some other way of living that more suits their age and their attitude to life. I believe that this matter warrants the attention of this Parliament, and I hope that the Attorney-General and/or other Ministers involved will give some thought to it.

The other matter to which I refer was raised in the debate earlier today and concerns the difficulties of the rural situation. In particular, I refer to an article which appeared in the *Australian Country Magazine* and which

was prepared by a Melbourne rural commentator, Trevor M. Johnston, who admits to doing some crystal-ball gazing on the future of farming and the trends that are likely to be followed during the next 10 years in Australia. The article is headed "Will anyone be farming in 10 years?" and was made available by the Parliamentary Library service. I direct it to the attention of all members, as it is pertinent, and its cypher number is 104/12. The report, having indicated the major difficulties in which many people in the rural community find themselves, continues:

> The Future: Who will be farming in 1986? What will be the structure of Australian agriculture? With the advantage of hindsight and history, it is probably safe to conclude the obvious:
>
> Some small country towns will disappear, other small country towns will get larger.
>
> Few farms will actually disappear, but many will be aggregated to form larger holdings.
>
> The political muscle of rural inhabitants will lose most of its tension and the farmer's control over his political destiny will be limited.
>
> Both farmers and their families will be better educated, but dialogue between country and city people will continue to be difficult.
>
> Markets will continue to be elusive, as will stable incomes.
>
> Governments will continue to hold a large equity in the rural debt.
>
> The surviving farmers will tend to be of two types: smaller farmers who will earn income from other occupations as well as from their farms, and larger diversified farmers, probably with fingers in several production pies.

Certainly, I accept and agree, as any member who represents a rural area would, that, if it were not for the income of the wives of many members of the farming community who have turned their skills in the nursing or teaching fields, undertaken shopkeeping duties, or returned to the performance of telephonist duties, etc., many people in the agricultural community would have no weekly income. Indeed, they would be well and truly below the pension rate. That is a statement of fact, and I am thankful to those members opposite who acknowledge that statement. The report continues:

> We will probably see the growth of floating farm labour with more use of the contract system—this will contribute to the growth of country towns.

I say without hesitation that the floating farm labour situation will also increase the number of social problems that we experience. The report continues:

> The luxury of individual properties providing accommodation for farm labour will not be possible, nor will it be sensible. As properties become larger and as labour continues to be replaced by capital, money will become harder to get and much more will be required. New skills will be needed to manage those borrowed funds to produce with them and to market primary products.

There are other comments in the report of which I believe members could well take heed. There is a major problem in the rural area, the effects of which have not yet been felt in the city.

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

Mr. GROOM (Morphett): Before getting into the substance of the matter that I wanted to raise this evening, I should like to refer to a statement made by the member for Fisher. I commend him for this statement, if he has been reported accurately. The honourable member is reported as saying at the declaration of the poll (and this report is in the October 27, 1977, issue of the Mount Barker *Courier*) that the election result clearly showed that either the majority of people in South Australia supported socialism (he did not say what sort of socialism, although I presume that he meant the social democratic policies of the Labor Party) or that the new-image Liberal Party was not as impressive as many reformers had envisaged. Finally, someone from the Opposition has had the courage to state the plain facts of the situation. While on this point, I should like briefly to refer to a statement made by the member for Hanson, as reported in *Hansard* of August 13, 1975, as follows:

> We are a much more progressive Party—

he was referring to his own Party—

> than the honourable member's Party will ever be, and that is what frightens me.

Well, the member for Hanson need not be frightened any longer. He can take assurance from the words of the member for Fisher that the Liberal Party is just as conservative now as it has always been.

I want this evening to refer to a matter on which the Liberal Party tried to frighten the people of this State during the last election campaign. I refer to the law and order issue. Honourable members will recall that this issue was sandwiched by the Liberal Party between the Northfield Hospital matter (or "Sausagegate", as it is now known) and the anti-unionism of the final few days of the campaign. As a lawyer, I found it particularly distasteful that the Liberal Party sought to bring the legal system of our State into disrepute purely for short-term political ends. It is certainly true that in many countries of the world violent crimes are increasing (I might mention at this point, not without significance, so is unemployment), and South Australia is no exception to this general trend. However, in relation to other States and countries, South Australia has a very low crime rate indeed.

I think this is wholly or in part due to the policies of the Labor Party in this State since it came to office. Change may be necessary in some areas of the law in South Australia, but this should be done in the proper way, not at the risk of public loss of confidence in a system that has served South Australian society well. I object to the way the Liberal Party, during the recent State election campaign, sought to promote a law and order campaign that served little purpose other than to frighten people, particularly elderly people. Undoubtedly, the Liberal Party hoped that the people of this State would be so frightened by this propaganda that they would vote against the Government. Crimes of violence do frighten people. Crimes against persons, particularly those involving violence, may cause loss of life or bodily harm, and the consequences for victims and their families in terms of human suffering are enormous. It is easy to see why people become frightened.

The Leader of the Opposition went on television, striding down the beach with his family, decrying what he said was an alarming increase in crime and violence. He said it was no longer safe to walk the streets at night. I believe he had with him on the occasion a dog that was not on a leash, and he may explain that on a future occasion. More recently, the Federal Minister for Construction (Mr. McLeay) was reported in the *Advertiser* of October 22, 1977, as saying:

> In South Australia there is more concern for the criminal than the victim under the Dunstan Government. There is no other State where things are as lax and as slack as South Australia. We need a toughening of the laws relating to rape and violent crime and the courts can only do what the legislators do.

In simplistic terms, that was exactly the platform of the Liberal Party during the recent State election campaign. Now, let us look at the facts. The report of the Commissioner of Police for the year ended June 30, 1976,

shows that the number of crimes dropped by ·79 per cent in that year, and criminologists say that preliminary information available so far shows that there has been no significant increase in the crime rate for 1976-77. It is certainly true that there were increases in armed robbery, common assault, and assault occasioning actual bodily harm but there were decreases in robbery with violence, larceny from a person, and assault and robbery.

Let us compare our crime rate with that in other States. Police statistics of reported major crime over the period from 1965 to 1976 show that South Australia has a reported violent crime rate significantly below the Australian national rate. For example, in 1976, South Australia had 39 armed robberies, compared to 382 in Victoria and 492 in New South Wales. The police clear-up rate for armed robberies here is well above that in other States. In this State the clear-up rate was 47·4 per cent in 1975 and 53·9 per cent in 1976. In Victoria the rates in those years were 40·7 per cent and 39 per cent respectively, while in New South Wales they were 28·5 per cent and 25 per cent respectively.

As Winston Churchill once said, "You cannot take sides against arithmetic: you cannot argue with the obvious." However, members opposite seem to have done that during the recent election campaign, because the figures that I have given also were available to them. Those figures hardly show that there was an outbreak of criminal activity in South Australia.

Let us now look at another matter. I refer to penalties. The maximum penalty for robbery is 14 years and it is life imprisonment for robbery with violence. For common assault, the maximum is one year imprisonment and it is three years for assault occasioning bodily harm. Life imprisonment is the maximum penalty for rape. How much tougher can the law get? The only thing that has been done in recent years, I think, is that whipping has been abolished for the crime of rape.

Mr. McLeay went on to say that in South Australia, there was more concern for the criminal than for the victim. However, the Labor Party in this State piloted the Criminal Injuries Compensation Act. The present maximum amount payable is $2 000 and I understand it is soon to be increased to $10 000.

Let us look at what he said about the laxness of the law. I am not sure what he meant by this, but if he meant laxness in enforcement it is an unmitigated slur on the Police Force of this State. South Australia has the best Police Force in Australia. If he was referring to the burden of proof, perhaps he was suggesting that there should be a change from our present system of reasonable doubt to the French system, where one must go before the court and prove one's innocence. Sentences applied by the courts are determined by long established principles of justice, and these sentences are invariably seen as just when all the circumstances are known. True, there have been some notable exceptions. The truth is that South Australia has the best Police Force in Australia. Our courts deal justly with criminals, punishing heavily those who deserve it and giving another chance to those who can be rehabilitated.

The Labor Government supports the police, as it always has done, supports the courts, and stands for fair and equal treatment under the law. It has been said by a reputable authority that the politics of law and order is the politics of dishonest manipulation. I hope that members of the Liberal Party take notice of those words.

Mr. Abbott: Where are they?

Mr. GROOM: I am sorry that they are not in the Chamber to hear this debate. In fact, it brings to mind a quotation from Disraeli, who said that a conservative Government is an organised hypocrisy. Indeed, we have the reverse situation in this State in relation to the Opposition. If members of the Liberal Party were sincere in their campaign, they would have made some reference to white-collar crime, and that was notably absent in their election campaign. The Liberal Party dealt with one aspect of violence and, with some sensationalist reporting on the part of the media, it attempted to frighten the people of South Australia.

Motion carried.

At 10.26 p.m. the House adjourned until Thursday, November 3, at 2 p.m.