HOUSE OF ASSEMBLY

Tuesday 20 February 1979

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

DEATH OF MR. G. S. HAWKER

The Hon. J. D. CORCORAN (Premier and Treasurer): By leave, and without notice, I move:

That the House expresses its regret at the death of Mr. G. S. Hawker, M.C., former member of the House of Assembly for the District of Burra from 1947-56 and places on record its appreciation of his public service.

The late Mr. Hawker was one of Australia's outstanding merino sheep breeders, and at his death was the principal of the East Bungaree Merino Stud at Mount Bryan. He was a pioneer in the development of the South Australian-type merino and was a foundation member of the South Australian Stud Merino Sheep Breeders Association and its President in 1946-47 and 1961-62.

He served in both World Wars as an artillery man and in 1918 was awarded the Military Cross for action in France where he was wounded. Mr. Hawker was the member of Parliament for Burra in this House from 1947-56 and was also a member of the Parliamentary Committee on Land Settlement from 1952-56. I am certain that all members would join with me in conveying to the family of the late Mr. Hawker our deepest sympathies, and I move:

That the sitting of the House be suspended until the ringing of the bells.

Mr. TONKIN (Leader of the Opposition): By leave, I second the motion. Mr. Stanley Hawker was a familiar figure in Parliamentary circles at a time when I first took an interest in politics. He served the State as a member of Parliament in an extremely fine fashion, and his interest in all matters political, and particularly relating to the rural industry, was continued until the time of his death. Indeed, one could still see him from time to time come into this House to listen to the debates, and his difficulty with his hearing in his latter years did not in any way seem to dull his appreciation of the points that were being made, and of the concern that was being shown, or should have been shown.

I admired him particularly. He was a gunner. He won a Military Cross. He was a quiet, unassuming man unless something moved him and then he spoke with great ferocity and great conviction, and did so frequently. His background was one of a pioneer pastoralist family and he certainly specialised in the Bungaree Stud merino sheep. He was recognised throughout Australia as an authority on the merino, and was a leading member of the Stockowners Association and the Stud Sheep Breeders Association. He was a man who will be remembered long after this time, and his service to this State will be greatly appreciated in retrospect by all members of the pastoral industry and by all members of Parliament.

Mr. MILLHOUSE (Mitcham): As the only member of the Chamber who served with Mr. Hawker, and in my role representing the Australian Democrats, I support the motion. When I first came into the House in 1955, Stanley Hawker was the member for the Burra, as I think it was called. Unfortunately, the following year in a rearrangement of boundaries he found himself fighting the late Mr. Bill Quirke, and Stanley Hawker was the loser.

I agree with what has been said by the Premier and the Leader of the Opposition. As I have said, I think I am the only member in this House who has personal knowledge of him. I think the Premier and I will both forgive the fact that he was a gunner; he served in both World Wars and it does not really matter much in what corps he served.

Stanley Hawker was 35 years my senior. One vivid recollection I have of Stanley Hawker was when I first entered the Party room as a very young man. Because of my natural inclination to deference, I tended to call the older members "Sir". I was quickly told by Stanley Hawker that in this Party there are no handles to names and everybody is on Christian-name terms, and from then on it was so with Stanley Hawker and with all the members. That, of itself, was something that I valued, because I valued his friendship. He was a good member, although I am not sure that he was quite as placid and calm as the Leader of the Opposition would lead us to believe, and certainly not in the carrying out of his duties. He was a good bloke and a good member of Parliament. Despite the difference in age and the vicissitudes of politics, I have kept up my friendship with him ever since, and I mourn his passing.

Motion carried by members standing in their places in silence.

[Sitting suspended from 2.8 to 2.18 p.m.]

QUESTIONS

The SPEAKER: I direct that the following written answers to questions be distributed and printed in *Hansard*, except Nos. 679, 985, 994, 997, 999, 1000, 1016 to 1018, 1023, 1025, 1027, 1028, 1032, 1042, 1049, 1051, 1052, 1055, 1059, 1062, 1067, 1068, 1074, 1075, 1078, 1079, 1082 to 1084, 1090, 1095, 1099, 1101, 1102, 1106, 1108, 1109, 1112, 1114, 1115, 1118 to 1121, 1124, 1127, 1131 to 1133, 1135 to 1142, 1144, 1146 to 1149, 1152 to 1154, 1156, 1157, 1159 to 1166, 1168, 1169, 1171, and 1172.

LOCAL HISTORY

984. **Mr. RUSSACK** (on notice):

1. Has any Government department or person been given the responsibility of finding out what the local people of each district, town, and community are doing about recording their history and, if the local people are not carrying out the task, of trying to motivate them to do so and, if necessary, in the last resort, to carry out a systematic programme of interviewing in an area that would otherwise be neglected?

2. If no action has been taken, will consideration be given by the Government to accepting such responsibility?

The Hon. J. D. CORCORAN: The replies are as follows:

1. Not specifically.

2. Consideration is being given to the matter by the new Department of Community Development.

STUART HIGHWAY

986. **Mr. GUNN** (on notice):

1. How much money has the South Australian Government spent from its own resources on the Stuart Highway in the past three years?

2. How much has been provided by the Commonwealth for:

(a) construction; and

(b) maintenance, of the Stuart Highway?

3. How much of South Australia's own funds have gone towards construction of the new highway?

4. Does the South Australian Government intend to give the Stuart Highway a high priority when making submissions to the Federal Government for allocation of national highways funds allocated by the Commonwealth and will the State Government provide funds from its own resources towards the cost?

The Hon. G. T. VIRGO: The replies are as follows:

1., 2. and 3. The construction and maintenance of national highways is financed from both State and Commonwealth funds. Individual projects are not specifically funded from any particular source. The total expenditure on the construction and maintenance of national highways has been greater than the funds made available by the Commonwealth Government. National highways expenditure during the past three financial years was as follows:

Maintenance Year	Expenditure on Stuart Highway $'000	Total C/Wealth Receipt for National Highways $'000	Total Expenditure	
			National Highways $'000	State Govt. Expenditure on National Highways $'000
1975-76	998	2 110	2 781	671
1976-77	1 224	1 400	3 068	1 668
1977-78	1 020	1 900	3 159	1 259
	3 242	5 410	9 008	3 598
Construction Year				
1975-76	127	18 774	21 180	2 406
1976-77	59	17 300	24 082	6 782
1977-78	70	15 000	17 135	2 135
	256	51 074	62 397	11 323

4. The South Australian Government has given the Stuart Highway a high priority in applications for national highways funds. The allocation of State funds towards the project will depend on the provisions of the forthcoming Federal roads legislation.

AUSTRALIAN NATIONAL RAILWAYS

987. **Mr. GUNN** (on notice): Have final arrangements been made with the Australian National Railways as to which property is to be transferred to A.N.R. and, if not, what are the delays and when is it anticipated that a final agreement will be reached?

The Hon. G. T. VIRGO: No. Agreement between the Australian National Railways and the State Transport Authority was reached on 29 November 1977 in respect of the separation of land and some 1 380 houses in the non-metropolitan area. Recently, the disposition of a further 293 country houses was agreed by the commission and the authority. The commission is presently assessing its requirements for approximately a further 20 houses at 17 country locations. When the commission's need for these houses has been established, the certificates required under the transfer agreement will be completed for signature by the Federal Minister for Transport and myself.

SCHOOL ENROLMENTS

988. **Mr. GUNN** (on notice):

1. How many schools are currently operated by the Education Department?

2. What is the number of students enrolled in South Australian departmental schools this year?

3. What is the expected increase or reduction in the number of pupils that the Education Department will have responsibility for in the next three years, and what has been the increase or reduction over the last two years?

The Hon. D. J. HOPGOOD: The replies are as follows:

1. 632. This figure counts all schools at which children are enrolled, but excludes facilities at which children may have cause to attend, for example, the Adelaide Children's Hospital.

2. An estimate of the number of students enrolled in schools during the first school week of 1979 is 226 400.

3. (1) Expected reduction in next three years—10 200

(2) Reduction over last two years—5 900.

WATER SUPPLY

992. **Mr. GUNN** (on notice): How many projects, which have been classed as uneconomical by the Engineering and Water Supply Department for the supply of reticulated water to various districts, are currently under consideration and what stages have investigations reached for the area west of Ceduna, the Port Kenny/Venus Bay/Mount Cooper area and Terowie and surrounding districts, respectively?

The Hon. J. D. CORCORAN: With the exception of Terowie, there are no current investigations for water supply schemes to those areas to which the honourable member refers. A scheme with respect to Terowie is presently being evaluated.

EYRE PENINSULA POLICE

993. **Mr. GUNN** (on notice):

1. Is it the intention of the Police Department to increase the number of policemen at Streaky Bay or Wudinna and, if not, is the Minister aware that there has been an increasing workload in these particular areas and that requests for additional police officers have been made?

2. In view of the fact that in recent years one policeman has been removed from Port Kenny, has the department

any plans to again station police officers at either Port Kenny or Darke Peak?

The Hon. D. W. SIMMONS: The replies are as follows:

1. Ever since the opening of the Eyre Highway and the sealing of the Flinders Highway, continuing studies have been maintained in respect of policing activities at all adjacent stations in order to identify whether the increased vehicular traffic generated increased workloads at these stations.

However, on the basis of workload analyses carried out, particularly with reference to Streaky Bay and Wudinna, the results show that current staff establishments are adequate in number to cope with the volume of work. The availability of HF/SSB radio equipment at both Streaky Bay and Elliston within the next few months will allow greater mobility between stations and substantially reduce response times to incidents in the area. At the present time, the Police Department does not intend to increase the number of men at either of these stations.

2. There are no plans to re-open the Port Kenny Police Station or to post a police officer to Darke Peak, there being no justification for such action on a workload basis.

FIRE-FIGHTING VEHICLES

995. **Mr. GUNN** (on notice):

1. Will the Government give consideration to amending the necessary legislation to allow farm vehicles used for fire-fighting purposes to travel on roads to attend bushfires?

2. Will the Minister amend the necessary legislation to give these people insurance cover for which certain other vehicles now qualify?

The Hon. G. T. VIRGO: The replies are as follows:

1. There is no need to amend legislation related to the use of farm vehicles used for fire-fighting purposes. Section 11 of the Motor Vehicles Act, 1959-1978, allows the use of any vehicle without registration, for fire-fighting purposes.

2. This matter is under consideration.

LAND COMMISSION

996. **Dr. EASTICK** (on notice):

1. What was the total unimproved land value of land held by the South Australian Land Commission for each year of the years 1974-75 to 1978-79?

2. What aggregate land tax was lost to the State as a result of the non-liability of the Land Commission to pay tax on this value?

The Hon. HUGH HUDSON: The replies are as follows:

1. The South Australian Land Commission does not keep land records based on unimproved capital value. The basis of recording is capitalised value and relevant information is as follows:

	Land Stock Area (Hectares)			
	Developed and released for sale	Under development	Undeveloped	Capitalised Value of Undeveloped land ($M)
End 1974-75 ..	32	232	2 948	22·3
End 1975-76 ..	46	777	3 432	26·5
End 1976-77 ..	293	617	3 853	33·7
End 1977-78 ..	525	568	3 905	38·4

2. This question is based on an incorrect inference. The South Australian Land Commission was established with three major objectives in mind: to stabilise the price of urban land by its active participation in the acquistion, management and disposal of land for the whole range of urban uses; to divert the flow of land value increments resulting from development or statutory planning decisions to the community; and to achieve comprehensive and orderly urban development.

Obviously, the function of "land banking" as it relates both to broad acres for future development and to serviced allotments which provide a buffer against upturns in the demand for home-sites is central to the achievement of these objectives.

It would not be logical for a Government to fund "land banking" through borrowings and then tax that same function in a manner which would adversely affect the achievement of its land objectives. Accordingly, a liability for land tax was not established in the Land Commission Act.

998. **Dr. EASTICK** (on notice):

1. Who are the purchasing and development officers employed by the Land Commission and what are their salaries?

2. What role do these officers play when no development or planning is proceeding as was revealed in the recent annual report?

The Hon. HUGH HUDSON: The replies are as follows:

1.

Name	Position	Salary as at 9/2/79 $
Michael Arthur Janitz	Manager (Land Acquisitions and Land Management)	21 823
William Alan Harris	Valuer	18 586
Grant Kenneth Bolton ...	Property Officer	12 305
Maurice John Toohey	Manager (Land Development)	21 823
Rodney George Hook....	Engineer	17 325
Kym Anthony Burke.....	Planning Officer	16 016
John Stuart Cochrane	Development Officer	13 615

2. The premise on which this question is based is incorrect.

The South Australian Land Commission annual report for 1977-78 stated on page 10, under the heading "Land Development" *inter alia* . . .

> "The level of development activity in the current year was significantly lower than in 1976-77 and this reflects the commission's response to both the present number of vacant allotments and the depressed outlook for housing activity.
>
> The commission is satisfied that the existing stock of allotments in the metropolitan area will provide an adequate buffer against short-term fluctuations in demand. Accordingly, development proposals for future projects are being considered on the basis of projected demand changes within the various growth areas."

There was no statement in the annual report to the effect that "no development or planning is proceeding".

The staff of the Land Acquisitions and Land Management Branch are presently engaged in the following roles: minor acquisitions of land; inter-agency transfers of land for public purposes; administration of disputed claim for compensation cases before the Supreme Court; management of leasing arrangements for the productive use of 4 000 hectares of land bank; and planning and negotiation for the development of community and/or retail facilities.

The staff of the Development Branch are presently engaged in the following roles: management of land

development construction projects; execution of landscaping projects on various commission estates; planning of new land development projects; management of planning for the major urban extension of Golden Grove at Tea Tree Gully; and structure planning for the commission's broad acre ownership at Morphett Vale East.

McNALLY TRAINING CENTRE

1001. **Mr. MATHWIN** (on notice):

1. Has the Alcohol and Drug Addicts Treatment Board conducted a survey on boys resident at McNally Training Centre and, if so:
   (a) When was the survey commenced;
   (b) when was it completed;
   (c) have the findings been reported to the Minister or the Government yet and, if not, when is it expected they will be;
   (d) on whose authority ws the survey allowed to be conducted at McNally;
   (e) have there been any other surveys on that subject previously and if so, when;
   (f) will the information gleaned from this or any other surveys be made available to members of Parliament on request and, if not, why not; and
   (g) have any other inmates of any like institution been involved in that survey and, if so, which and when?

2. Has there been any request from any other group, groups, person or persons since January 1977 to conduct a survey of the residents at McNally Training Centre and, if so, what are the details of requests made, and:
   (a) how many requests were granted; and
   (b) how many requests were refused and on what grounds were they refused?

3. Was a request made by Dr. John Court to conduct a survey of some inmates of McNally Training Centre in relation to pornography and its possible effects on sex crimes and rape and, if so:
   (a) when was that request made;
   (b) was it granted and, if so, what were the findings; and
   (c) if the request was refused, what were the grounds and reason for the refusal?

4. Who makes the decision to refuse or allow surveys to be conducted within the correctional institutions of the State?

5. If the decision is made by an authority, board, or committee, give details of the personnel involved and their qualifications?

The Hon. R. G. PAYNE: The replies are as follows:

1. Yes.
   (a) 8/12/78.
   (b) 2/2/79.
   (c) No. A report is expected by about mid-March.
   (d) The Minister of Community Welfare.
   (e) No.
   (f) The matter will be discussed with the Minister of Health when the report is received, and a decision made about its release.
   (g) No.
2. Yes.
   (1) Validity study of the Jesness inventory.
   (2) Survey of perceptions of staff and residents.
   (3) Causes of delinquency as perceived by juveniles and their relation to perceived aspects of treatment.
   (4) Research into the link between pornography and sexual deviance.
   (a) Three.
   (b) One. Insufficient youths in the proposed target population and concern about the effects of survey material on residents.
3. Yes.
   (a) 12/4/78.
   (b) No.
   (c) Insufficient youths in the proposed target population and concern about the effects of survey material on residents.
4. Within D.C.W., survey and research proposals are normally considered and approved by the Community Welfare Research Committee. The Minister reserves the right to reconsider any proposals.
5. A. M. Duguid—Director, Management Services (D.C.W.), B.Sc., Ph.D.

P. W. Bradley—Senior Research Officer (D.C.W.), B.A.

B. G. Wright—Regional Director (D.C.W.), A.U.A., Dip.Soc.Stud.

K. Choularton—Chief Psychologist (D.C.W.), B.A. (D.A.P.P.), A.S.C.E.H. (Ass.)., M.A.P.S.

J. Healy—Field Work Instructor (Flinders Uni.), B.A., M.S.W.

B. Lindner—Professional Assistant to Director of Research and Planning (Education Department), B.Sc. Hons., Ph.D.

P. Grabosky—Director, Office of Crime Statistics (Law Department), B.A., M.A., Ph.D.

F. Richardson—Officer in Charge, Special Projects (Police), B.Sc.

A. Noblett—Research Officer (Correctional Services), B.Sc.

G. Dunne—Chief Research Officer (S.A.C.E.P.R.), B.E. (Hons.), B.Sc., M.Eng.Sc.

INSTITUTIONS

1002. **Mr. MATHWIN** (on notice):

1. What is the intention of the Government regarding the future use of Seaforth Home, Somerton?
2. What is the present use and definition of the three crisis care units, Morada, Reception Cottage, and Tintoo Cottage, respectively?
3. What is the future use of these units?
4. What is the intention of the department regarding the present use of Slade and Kandarik permanent cottages?
5. What is the future use of these cottages?
6. Are any of the above five units to be closed and, if so, where are the inmates to be placed?
7. What is the present use of Windana Remand Centre and the Glandore Unit, respectively, and:
   (a) how many inmates are in each unit; and
   (b) how many staff are employed in those units and what are their classifications?
8. What is the future use of these units?

The Hon. R. G. PAYNE: The replies are as follows:

1. Use of Seaforth Home as a community centre will continue.
2. Morada Cottage is a reception unit which provides short-term care for preschool aged children. Reception Cottage is a reception unit which provides short-term care for children between the ages of five and 18. Tintoo Cottage is closed.
3. Morada Cottage will be closed. Tintoo Cottage will remain closed. Reception Cottage will become an admission unit to provide short-term residential care for the central metropolitan region.

4. Slade Cottage provides long-term residential care for school aged boys with behavioural problems. Kandarik Cottage provides long-term care for profoundly retarded preschool aged children.

5. At this stage the current use of Slade and Kandarik cottages will be maintained.

6. Morada Cottage will be closed. Longer-term placements will be found for the remaining children. Tintoo Cottage will remain closed.

7. Windana is no longer a departmental remand facility. It has been transferred to the Health Commission. Glandore Unit is a community unit for youths between the ages of 15 and 18.

(a) Six.

(b) Nine including one Senior Residential Care Worker, six Residential Care Workers, one domestic/cook and one gardener.

8. Windana will be used by the Health Commission to provide nursing home accommodation for physically disabled patients, suffering from brain failure. It will also have a day centre for patients drawn from the surrounding areas. No changes in the operation of the Glandore unit are planned.

CONSTITUTIONAL MUSEUM

1003. **Mr. MILLHOUSE** (on notice):

1. What is now the estimated total cost of the conversion of the old Legislative Council building into a Constitutional Museum?

2. How is this cost made up?

3. When is it now expected that the conversion will be completed?

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

1. $2 550 000, which is an increase of $550 000 in the preliminary figures supplied to the honourable member in August 1978. These preliminary figures have been revised in the light of actual costs as work has proceeded.

2. $2 100 000 building restoration; $100 000 contingency allowance; $350 000 Shirley spectra-audio visual presentation.

3. The museum will be opened during the 1980 Adelaide Festival of Arts.

MINISTER'S POWERS

1004. **Mr. MATHWIN** (on notice): Has the Minister transferred his powers and functions given to him under sections 25 to 31 of the Community Welfare Act, to the Minister of Community Development and, if so:

(a) when was this delegated; and

(b) how many councils are involved, which ones are they and what are their functions, respectively?

The Hon. R. G. PAYNE: Yes.

(a) 7/12/78.

(b) 26 community councils for social development, as follows:

Metropolitan	Country
Adelaide	Barossa and Light
Campbelltown	East of Flinders
Elizabeth	Flinders Ranges
Enfield	Lower Eyre Peninsula
Kensington/Norwood	
Burnside	Lower Murray
Marion/Brighton	Lower South-East
Mitcham	Mid-North
The Parks	Millicent
Port Adelaide	Riverland
Salisbury	Upper Eyre Peninsula
Southern Areas	Upper South-East
Tea Tree Gully	West Coast
Woodville	Yorke Peninsula

Functions of the councils are as set out in section 26 of the Community Welfare Act, 1972-1976.

INSTANT MONEY GAME

1006. **Mr. MILLHOUSE** (on notice):

1. How much money has the Lotteries Commission made so far out of the Instant Money Game?

2. How is this amount made up?

3. How much has been paid to the commission by participants in this lottery?

4. What expenses has the commission incurred so far in connection with this lottery and what are the details of those expenses?

The Hon. J. D. CORCORAN: The replies are as follows:

1. See answers as under for 3. and 4.

2. See answers as under for 3. and 4.

3. Gross revenue received for completed instant money games drawn between 4 December 1978 and 31 January 1979 amounted to $7 500 000. Prize money for this period paid in accordance with the State Lotteries Act amounted to $4 500 000.

4. Capital expenses—Nil.

Operating expenses—The Lotteries Commission costing system does not attempt to segregate expenses for each type of lottery. Total expenses for 1977-78 amounted to 7.2 per cent of income, and this ratio seems appropriate at this stage for the current financial year. Using this as a basis, the operating expenses for the Instant Money Game for the period 4 December 1978 to 31 January 1979 would be approximately $540 000.

LOCAL GOVERNMENT GRANTS

1008. **Dr. EASTICK** (on notice):

1. Is the Government aware that professional consultants have recently circularised local government bodies in respect of Local Government Grants Commission allocations stating "We believe that those councils who continue to put a good case to the commission are likely to increase their share of the total grant, whilst those who don't, may suffer a gradual erosion of grant relativity", and that the further inference from the communication is that if a local government body wants increased grants, it should employ professional consultants, such inference being supported by the statement "We believe that our method of approach can assist the strength of your case to the commission", and, if so, what is the Government's attitude to such an approach?

2. Does the Grants Commission give due regard to the needs and entitlement of every local government body with due allowance being made for staff presentation of documents without resorting to what can be costly outside professional assistance?

3. Has the Government considered providing professional assistance to councils in the presentation of Grants Commission submissions and what are the details either of the consideration or the implementation?

4. Can local government bodies be assured that their relative entitlement to Grants Commission funds will not be jeopardised by their election not to employ professional consultants for the preparation of submissions?

The Hon. G. T. VIRGO: The replies are as follows:

1. Yes. No council will have an advantage over others in terms of the relative level of grants received by virtue of having paid for the services of professional consultants in preparing a submission to the Grants Commission.
2. Yes.
3. No.
4. Yes.

GOLDEN GROVE SERVICES

1010. **Mr. WILSON** (on notice):

1. What plans have been or are being made for the provision of community services in the new Golden Grove development?

2. What is the extent of public participation in formulating any such plans?

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

1. The Tea Tree Gully (Golden Grove) Development Act requires that the Development Committee, in consultation with the Minister for Planning, prepare a draft development scheme for the area. The objectives established by the Development Committee include determining the availability of community facilities and services. When a development scheme has been gazetted later this year, detailed planning will proceed which will incorporate precise proposals for community facilities and services with regard to location, type and timing.

2. By agreement with the Development Committee, community participation in the Golden Grove project has been the responsiblity of the City of Tea Tree Gully. Management of the participation has been carried out under the direction of a board of the council, the Tea Tree Gully and Golden Grove Community Involvement Board, chaired by the Town Clerk. Advisory groups, with membership drawn from community organisations, were established by the board under the leadership of elected councillors. The advisory groups have participated in the following areas of planning:

- Environment
- Transport
- Recreation and leisure
  - indoor clubs
  - playing fields
  - other leisure activities
- Social
  - health and welfare
  - aged care
  - education

LIBRARIES

1012. **Mr. WILSON** (on notice):

1. What Government subsidies have been paid to individual councils for the provision of library services in this financial year?

2. What subsidies to individual councils for library services does the Government intent to make available before 30 June 1979?

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

1.

	$
Barmera	1 687·50
Barossa	1 875·97
Burnside	14 912·47
Campbelltown	11 025·66
Cleve	274·69
Enfield	18 532·10
Millicent	9 446·26
Mitcham	19 837·85
Mount Gambier	7 905·59
Naracoorte	19 350·00
Salisbury	45 235·07
Walkerville	8 928·27
West Torrens	11 275·08
Whyalla	15 499·85
	$185 786·36

The above figures include subsidies for capital and administration expenditure only. Subsidy for books is not readily available.

2.

	$
Barmera	26 702
Barossa (3)	27 033
Berri	115 361
Brighton	55 408
Burnside	61 887
Burra	3 292
Campbelltown	54 244
Cleve	1 887
East Murray	955
Elizabeth (3)	126 650
Enfield (2)	120 344
Kingscote	18 860
Le Hunte	1 205
Lucindale	1 476
Marion (2)	212 810
Meadows	19 110
Millicent (2)	45 645
Mitcham (2)	99 700
Mount Gambier	35 204
Munno Para (2)	70 200
Murray Bridge	29 960
Naracoorte	41 541
Noarlunga	47 600
Pinnaroo	1 630
Port Adelaide	53 600
Port Augusta	69 800
Port Lincoln	37 948
Port Pirie	62 330
Salisbury (5)	273 730
Tea Tree Gully	117 893
Unley	165 450
Walkerville	93 029
West Torrens	47 165
West Torrens (Western Region)	4 000
Whyalla (2)	229 550
Willunga	39 500
Woodville (3)	84 200
Woomera	12 700
Community/School (4)	35 000
Total	$2 544 599

The above provisions have been approved by the Treasurer. The actual amounts to be paid may vary to some extent according to the amounts claimed as subsidy on actual expenditure incurred by the councils.

Further subsidies are at present under consideration.

MODBURY CORRIDOR

1013. **Mr. WILSON** (on notice): Did Pak Poy and Associates carry out a study for the Government on the suitability of the Modbury corridor for transport purposes before the commissioning of the NEAPTR study and, if so, will the Government release the Pak Poy report and ,if not, why not?

The Hon. G. T. VIRGO: In 1973, P. G. Pak-Poy and Associates prepared a report for the Director-General of Tranport on the subject of transport corridors in Adelaide. As it was prepared as a report to Government it was considered undesirable to make it public, and this position still maintains.

PAPER MILL

1014. **Mr. WOTTON** (on notice):

1. Has the Minister further information about the granting of a licence to A.N.M. Ltd by the New South Wales State Pollution Control Commission for the discharge of effluent into the Murray River from its proposed paper mill at Albury-Wodonga and, if so what is that information?

2. Has permission been granted to discharge this effluent into the Murray River and, if so, when was this given?

3. Has the New South Wales State Pollution Control Commission recently consulted with the River Murray Commission concerning the proposed paper mill and, if so, when did this consultation happen and what information can the Minister give as to the substance of this discussion?

The Hon. J. D. CORCORAN: The replies are as follows:

1. No.

2. No.

3. The most recent formal communication between the State Pollution Control Commission and River Murray Commission is a letter of 14th November, 1978 when the SPCC advised that it would be receiving detailed drawings and specifications for the effluent treatment plant from Australian Newsprint Mills over the next few months and would be in a position to consider an application to discharge waste to the Murray River by about March, 1979.

MURRAY RIVER

1015. **Mr. WOTTON** (on notice):

1. What work is being done by the Department for the Environment and/or the Engineering and Water Supply Department:

(a) to determine the environmental significance of pesticides and other chlorinated hydrocarbons in the Murray River; and

(b) to develop strategies whereby the risk of ecological degradation of the Murray River through urban development along, and adjacent to, its banks is minimised?

2. If no such studies are being done, will the Minister direct his department to immediately begin this vitally important work and, if not, why not and, if so, when will this work begin?

The Hon. J. D. CORCORAN: The replies are as follows:

1. *(a)* The Murray River is regularly monitored by the State Water Laboratories for pesticides residues.

(b) The development and implementation of control strategies are carried out in close association with the State Planning Authority and the Department for the Environment.

Since 1971 the Engineering and Water Supply Department has administered a policy on water pollution control along the Murray River which includes opposition to the subdivision or resubdivision of land within 100 metres of the river and of land below the 1956 flood levels. All river front development is reviewed in relation to possible water pollution.

The Water Resources Act, 1976 which is administered by the department, also has regard to any factors which may affect the general character of a locality, including ecological aspects.

2. Not applicable.

TORRENS RIVER

1019. **Mr. WOTTON** (on notice):

1. Has the second study report on flooding of the Torrens River and its valley and floodplain, which was commissioned by the Government after the release of the first Tonkin Report on this subject, yet been completed and, if not, why not and when will it be completed and released for public information and comment?

2. If the study report has been completed, what effects would a "50-year", and a "100-year" flood, as defined in the first Tonkin Report, have on the proposed NEAPTR scheme and on the relatively new housing areas of the north-east districts adjacent to the Modbury transport corridor, respectively?

The Hon. J. D. CORCORAN: The replies are as follows:

1. Yes.

2. It is considered that final design of the NEAPTR scheme can be done in such a way that the scheme will not be affected by flooding and that the scheme will not adversely affect the flooding situation.

With respect to the effect of floods on the relatively new housing areas in the north-east districts, the department is currently carrying out studies in order to produce flood plan maps of the north-eastern suburbs likely to be affected by Torrens River flooding.

GARDEN ISLAND DUMP

1020. **Mr. WOTTON** (on notice):

1. Does the Minister consider that considerable volumes of toxic and pollutive liquids and nutrients could leak from the rubbish dump on Garden Island in the Port River and detrimentally affect marine life in aquatic reserves in this area and, if so, what does the Minister intend to do about this problem?

2. Does the Minister consider that if this rubbish dump is increased in size to accommodate refuse from 210 000 people, as is proposed by the Western Metropolitan Regional Organization, leaching (as outlined above) may become excessive?

3. Will the report of the proposed "two pronged study" by consulting engineers be available for public comment when it is completed?

4. When is this report likely to be completed?

5. Will the Minister investigate the possibility of other methods of disposal of this urban waste such as the generation of energy by using it as a fuel for electricity generation as is done in some countries overseas?

The Hon. J. D. CORCORAN: The replies are as follows:

1. The Government is aware of the possibility of leachate and has commissioned a consultant to inquire into the matter.

2. The capacity of the dump will be assessed by the consultant.

3. A decision will be made when the report is completed.

4. It is expected that the report will be completed in the latter half of 1979.

5. The study of alternative methods of waste disposal

will be one of the roles of the proposed Waste Management Committee.

RIVER RED GUMS

1021. **Mr. WOTTON** (on notice):

1. Is there any plan to plant river red gums along the banks of the Murray River and, if not, why not and, if so, which division of a Government department will implement such a plan?

2. What are the desirable properties of river red gums in their interaction with the Murray River system?

3. Does the Minister consider that salinity problems of Murray River water would be lessened to some degree if more such trees were growing along the river banks and on the flood plains?

The Hon. J. D. CORCORAN: The replies are as follows:

1. No. Natural regeneration occurs following floods which stimulate considerable growth.

2. River red gums are co-dominant trees (with River Box) in the Murray River and as such comprise an important element in the ecosystem. They provide nesting sites for bird life and their roots assist in binding the river flats. In addition, their overall presence adds immeasurably to the attractiveness of the river.

3. No.

PAPER MILL

1022. **Mr. WOTTON** (on notice): Did the River Murray Water Quality Committee, which was reformed about 1976, raise any objections to the A.N.M. Ltd. paper mill environmental impact study and, if so, what was the substance of those objections?

The Hon. J. D. CORCORAN: Yes. The River Murray Commission expressed the concern that the environmental impact statement did not adequately define the identity of the residual organic compounds, their effects on aquatic life and the possibility of health problems from these residual organic compounds. Clarification was also sought on some conflicting information with regard to salinity contributions to the River.

MURRAY RIVER

1024. **Mr. WOTTON** (on notice):

1. How necessary are the locks along the Murray River system at the present time?

2. Is it strictly necessary to maintain the Murray River as a navigable stream?

3. Could the houseboats which are used for recreational purposes operate in the Murray River without the provision of a "locked" system?

The Hon. J. D. CORCORAN: The replies are as follows:

1. The locks are necessary to regulate the flow of water for irrigation and other water supply purposes and for navigation.

2. Yes, under the provisions of the Murray River Waters Agreement.

3. Not at times of low flow.

MURRAY RIVER

1026. **Mr. WOTTON** (on notice): Are there any problems of siltation in some, or all, of the "locked" areas of the Murray River and, if so—

(a) how serious is this problem; and

(b) what does the Engineering and Water Supply Department intend to do about it?

The Hon. J. D. CORCORAN: The replies are as follows: Yes.

(a) The extent of the problem is not known at this stage.

(b) When funds are available and river flows permit, consideration will be given to conducting a survey of the navigable channel to establish the extent of the siltation.

PETROL

1031. **Mr. GUNN** (on notice):

1. Is the Government concerned at the great variation between the cost of petrol in country areas compared with Adelaide, such as super grade petrol at Leigh Creek which is 26·2 cents a litre compared with Adelaide at about 20 cents a litre or less?

2. Is the Government prepared to take any action to alleviate this problem?

The Hon. PETER DUNCAN: The replies are as follows:

1. Since the fixing of retail prices was discontinued in July 1976, the Prices Branch of the Department of Public and Consumer Affairs has accepted that a reasonable maximum retail price is the approved wholesale price plus a retail margin of 22·5 per cent as suggested by the South Australian Automobile Chamber of Commerce to its members, plus the appropriate net freight differentials (i.e. the freight differential less Commonwealth subsidy) to country centres.

Since 30 January 1979, that price has been 26·4 cents per litre in Adelaide and 27·3 cents per litre at Leigh Creek. Due to the varying effects of discounting, actual prices charged in Adelaide are in most cases below the accepted maximum retail price. Discounting is less in country areas than the metropolitan area.

2. With regard to the pricing and marketing structure of petrol, the State Government in conjunction with the New South Wales Government has made a detailed submission to the Prices Justification Tribunal in its present inquiry into the oil industry. No other action is proposed at the present time.

LAND COMMISSION

1035. **Mr. GOLDSWORTHY** (on notice):

1. How many repossessions of blocks of land were made by the South Australian Land Commission during 1978?

2. How many blocks were sold by the commission during 1978?

3. How much interest is being paid by the commission on borrowed funds?

4. How many blocks has the commission serviced for sale and which are yet to be sold?

The Hon. HUGH HUDSON: The replies are as follows:

1. The South Australian Land Commission has not repossessed any allotments from private individuals. The total number of allotments repurchased from individuals following an offer to sell was 19 during 1978. With regard to other clients, that is building companies, purchase arrangements for allotments were adjusted for a total of five companies during 1978.

2. The number of allotments sold during 1978 was 616.

3. The commission has borrowed funds made available from three sources as follows (figures are as at 30 June 1978):

Loan from	Total amt. of loan $	Interest accrued $	Interest payable in 1978-79
The Commonwealth	52 730 572	14 037 683	See note 1
The State	3 484 333	1 623 982	See note 2
Sundry institutions	7 590 710	—	$780 000
	$63 805 615	$15 661 665	

Note 1—Each loan from the Commonwealth (with capitalised interest) is repayable over 30 years with a deferment of repayments for the first 10 years. Under the terms of the Financial Agreement with the Commonwealth, capital and interest payments occur in 1983-84 and subsequent years as cash flows allow. The estimated accrual of interest in 1978-79 is $6 712 000.

Note 2—Capital and interest for loans from the State is repayable by arrangement with Treasury. The estimated accrual of interest in 1978-79 is $298 000.

4. The commission develops serviced allotments for two purposes as follows: stock for immediate release and sale; stock for a "land bank" of several years of supply of serviced allotments. The purpose of this "land bank" is to provide a buffer against upturns in the demand for home sites and consequent supply shortfalls and price increases. Stocks are released for sale from the "land bank" in response to the supply/demand situation at the time.

The number of allotments for sale in the first category is 1 200. The number of allotments not released in the second category is 2 400.

HOUSING TRUST

1036. **Mr. GOLDSWORTHY** (on notice): Has the Government any plans for the Housing Trust to absorb the Land Commission or to assume any of its present functions?

The Hon. HUGH HUDSON: No.

BIRTHLINE

1038. **Mr. GOLDSWORTHY** (on notice): Does the Government intend to make any grants to the Birthline organisation, as occurs in other States, to assist pregnant women with a view to reducing the abortion rate in South Australia?

The Hon. R. G. PAYNE: No. However, a once only grant of $1 500 was made to Birthline in 1976 to help resolve their financial difficulties. An application for a salary grant of $6 000 to employ a typist/bookkeeper in 1979 was considered by the Community Welfare Grants Advisory Committee. The committee recommended that no grant be made and that recommendation was accepted.

WATER SUPPLY

1039. **Mr. GOLDSWORTHY** (on notice):

1. What is the result of the investigation into the feasibility of filtering a water supply to northern South Australian towns and the Barossa Valley?

2. Is it intended to filter the water supply to the Barossa Valley where there is widespread dissatisfaction with the quality of water supplied?

The Hon. J. D. CORCORAN: The replies are as follows:

1. The report on the feasibility of filtering a water supply to northern South Australian towns and the Barossa Valley is currently being evaluated, prior to submission for consideration by the Government.

2. See 1.

FLUORIDATION

1040. **Mr. GOLDSWORTHY** (on notice): Has the Government investigated the possibility of the fluoridation of country water supplies and, if so, what was the result of this investigation?

The Hon. J. D. CORCORAN: Yes. However, having regard to existing priorities, fluoridation of country water supplies is not considered to be economically feasible at the present time.

RAINWATER TANKS

1041. **Mr. GOLDSWORTHY** (on notice): Has the Government investigated the possibility of the supply of rainwater tanks in the metropolitan area to assist with Adelaide's water supply and if so, what are the results of the investigations?

The Hon. J. D. CORCORAN: Yes. The proposal was not considered to be economically feasible.

PORT PIRIE INDUSTRY

1043. **Mr. GOLDSWORTHY** (on notice): What success has the Department of Marine and Harbors had in enticing industrial firms to establish on land across the river at Port Pirie, where the $510 000 Solomontown bridge has been built?

The Hon. J. D. CORCORAN: At present there are no definite proposals for land use on the eastern side of the Port Pirie River. In October last year the Director Commercial, and the Marketing Officer of the Department of Marine and Harbors visited Port Pirie and discussed the matter with representatives of the Port Pirie Council, Broken Hill Associated Smelters Pty. Ltd. and the Chamber of Commerce. An assurance has been given that the potential of the area will be promoted whenever possible and every endeavour will be made to ensure the proper utilisation of the land available.

TORRENS RIVER

1044. **Mr. GOLDSWORTHY** (on notice):

1. What investigations has the Government carried out into the possibility of the flooding of houses built on the flood plain of the Torrens River in metropolitan Adelaide?

2. Does the Government believe there is any possibility of flooding occurring similar to the Brisbane floods in 1974?

3. What plans has the Government made, if any, for such a contingency?

The Hon. J. D. CORCORAN: The replies are as follows:

1. Two studies have been commissioned from B. C. Tonkin and Associates since 1974 to investigate the possible flooding problems associated with the River Torrens.

2. It is not practicable to compare the 1974 Brisbane flood with one of a similar order of magnitude in Adelaide since the topography, shape of the flood wave, the duration of the flood and the recession characteristics would always be different.

3. The Engineering and Water Supply Department is presently considering several options contained in the working reports which have been received from the consultants to date. In addition, the State Disaster Organisations and the State Emergency Service have been alerted and are considering contingency measures.

NORTH HAVEN

1045. **Mr. GOLDSWORTHY** (on notice): What part has the Government played in the construction of the boating facilities at North Haven, and what is the Government's future role, if any, in this project?

The Hon. J. D. CORCORAN: Under the terms of the North Haven Development Indenture the Government agreed to transfer to the Australian Mutual Provident Society at cost all lands within the project boundary for development in return for which the society would construct boating facilities.

The breakwaters at the harbour entrance and the boat launching ramp have been completed for some time and accepted by the Government and the Marine and Harbors Department has been managing the boat ramp.

It is the Government's intention to establish a trust, which will have the responsibility of managing the facilities, including boat ramp, harbour, etc., which has passed or will pass to the Government in terms of the indenture.

ESTABLISHMENT PAYMENTS SCHEME

1046. **Mr. GOLDSWORTHY** (on notice):

1. How many new industries have been attracted to South Australia as a result of the Establishment Payments Scheme since it was announced?

2. What funds have been expended on the scheme so far?

The Hon. J. D. CORCORAN: The replies are as follows:

1. A total of 46 formal applications has been received from companies establishing or expanding in South Australia since the inception of the Establishment Payments Scheme. Of these applications, eight have been recommended by the Industries Development Committee and subsequently approved, and the remaining applications have either been recommended to the Industries Development Committee or are being assessed. Of the eight companies approved, two involve the establishment of new activities in South Australia and six relate to significant expansion programmes by existing companies. The estimated increased employment resulting from these projects is 140 jobs, and the estimated capital expenditure involved is $1 700 000.

2. Approval has been given for the payment of an amount estimated at $142 300 to eight companies. Under the provisions of the scheme payment is made on application from the approved companies following satisfactory achievement of their projects.

METERS CONVERSION

1047. **Mr. GOLDSWORTHY** (on notice): What is the time table for conversion to meters on Government irrigation areas on the Murray River?

The Hon. J. D. CORCORAN: Current intentions are that Government irrigation areas will be fully metered progressively in conjunction with the overall rehabilitation of headworks programme. Rehabilitation work has been completed and meters installed at the Chaffey (Cooltong Division), Waikerie, Kingston, and Loxton irrigation areas. Work is now being undertaken at Berri irrigation area with 15 per cent of the area metered. It is anticipated that the work will be completed during 1984.

Rehabilitation work has not yet commenced at Moorook and Cobdogla, but is planned for completion in 1985 and 1986, respectively. Of the remaining, Chaffey (Ral Ral Division) and Mypolonga irrigation areas, work is not programmed to commence before 1983 and 1985, respectively.

RAIL SERVICE

1048. **Mr. GOLDSWORTHY** (on notice): When does the Government anticipate work will start on the proposed light-rail transit service between the city of Adelaide and Tea Tree Gully?

The Hon. G. T. VIRGO: Work has started.

INTERSTATE CRIMINALS

1050. **Mr. GOLDSWORTHY** (on notice):

1. What steps has the Government taken, and what is proposed, to minimise the entry of interstate criminals to South Australia?

2. Does the Government intend to introduce any legislation in this connection?

The Hon. PETER DUNCAN: The replies are as follows:

1. Immediate deportation or action to prevent entry into this State in respect of interstate criminals who are not wanted for any crime is not possible both because of likelihood of offending against provisions of section 117 of the Constitution Act and because such action would offend Section 92. *(R. v. Smithers ex parte Benson.)*

2. See 1. above

CONVENTION CENTRE

1053. **Mr. GOLDSWORTHY** (on notice): When is it proposed that work will commence on the new convention centre at the Wayville showground?

The Hon. J. D. CORCORAN: There has been no finalisation of plans for the Convention, Trade Exhibition, Sports and Entertainment complex at Wayville and, at this stage, it is not possible to indicate when work will commence on the project.

CLOTHING CORPORATION

1056. **Mr. GOLDSWORTHY** (on notice):

1. How many persons are currently employed by the State Clothing Corporation?

2. What are the main markets for the products of the factory?

3. Is it anticipated that the corporation will show a profit and, if so, when?

The Hon. J. D. CORCORAN: The replies are as follows:

1. Thirty-four.

2. All work has been carried out for Public Service departments and statutory authorities. The Group Laundry and Central Linen Service of the South Australian Health Commission is the largest purchaser.

3. Yes. During 1979-80.

OVERSEAS TRIPS

1060. **Mr. GOLDSWORTHY** (on notice):

1. What overseas trips are planned for Ministers during 1979?

2. Which Ministers are planning such trips and for what purposes?

The Hon. J. D. CORCORAN: The replies are as follows:

1. At this stage three Ministers are planning overseas trips during 1979.

2. The Minister of Agriculture will travel overseas for the purpose of establishing trade and development projects with countries in North Africa and the Middle East. He will also discussions with the World Bank in Washington.

The Attorney-General and Minister of Prices and Consumer Affairs will undertake an official overseas trip between 12 April and end of May, and will visit Israel Britain, some European countries, Canada, and the United States of America. The purposes of the trip are to inquire into corporate crime, specialist juries, justice information systems, court procedures and practices, product liability, and consumer education.

The Minister of Labour and Industry will have discussions overseas concerning industrial relations, industrial democracy, and industrial safety, health and welfare matters.

HANDICAPPED PERSONS

1063. **Mr. GOLDSWORTHY** (on notice): What action does the Government intend to take to implement the recommendations of the Committee on the Rights of Persons with Handicaps?

The Hon. PETER DUNCAN: The Government does intend to implement the recommendations of the Committee on the Rights of Persons with Handicaps. Officers of the Law Department have already commenced discussions with other Government departments and instrumentalities concerned.

WILKINS SERVIS

1064. **Mr. GOLDSWORTHY** (on notice): What assistance has the Government given to the Wilkins Servis company during the past five years, and does it propose to do anything in the future?

The Hon. J. D. CORCORAN: The only assistance provided to Wilkins Servis by the South Australian Government in the past five years was the repurchase by the Housing Trust of the Wilkins Servis factory in early 1977. The factory was re-leased to Wilkins Servis and this arrangement meant that Wilkins Servis received a cash injection of about $1 000 000 at that time. The company is now in the hands of receivers and, while no specific assistance is at present proposed, the Government continues to monitor the situation closely.

CHAIN OF PONDS

1066. **Mr. GOLDSWORTHY** (on notice): How does the Government justify the acquisition of the township of Chain of Ponds to control pollution of a metropolitan reservoir when it intends to open up reservoirs for recreation purposes?

The Hon. J. D. CORCORAN: The township of Chain of Ponds was acquired to remove a significant source of pollution to Adelaide's water supply in accordance with current Government policy on water pollution control in the metropolitan watersheds.

Important considerations affecting the decision to purchase include the permanent or continuous nature of the various sources of pollution and the likely further development of the township. The recreational use of reservoirs to be permitted will be of a intermittent nature and will be subject to stringent controls to ensure that water quality is not impaired. No reservoirs will be opened for recreational purposes until full water treatment is available.

BUSES

1069. **Mr. MILLHOUSE** (on notice):

1. What were the takings of State Transport Authority buses from each of the metropolitan bus depots on Christmas Day, 1978?

2. What were the overheads and expenses of running buses from each of such depots on that day?

3. What was the net profit or loss (and which) of running buses from each of those depots on that day?

The Hon. G. T. VIRGO: The approximate revenue earned and "out-of-pocket" costs* for bus and tram services operated from each depot on Christmas Day are estimated to be as follows:

CHRISTMAS DAY—1978
ESTIMATED COSTS AND REVENUE

Depot	Out-of-pocket Cost	Revenue	Net Cost
	$	$	$
Hackney	8 880	710	8 170
City	3 100	420	2 680
Port Adelaide	3 055	270	2 785
Morphettville	3 825	300	3 525
St. Agnes	1 115	50	1 065
Elizabeth	1 610	60	1 550
Aldgate	115	15	100
Noarlunga	300	50	250
	$22 000	$1 875	$20 125

*The "out-of-pocket" costs cover the penalty payment only for bus and tram crews because if services were not operated on Christmas Day payment would be made to the crews under their guaranteed 40 hours of work per week.

PUBLIC SERVICE

1076. **Mr. BECKER** (on notice):

1. What are the reasons for the Premier; Minister of Tourism, Recreation and Sport; Minister of Works; Minister of Transport; and Minister of Health, accusing me of having spies in the Public Service and Government instrumentalities?

2. What proof has the Government to substantiate these allegations?

3. What instructions have been given to the Public Service not to disclose or discuss Government activities and financial matters with me?

4. If no proof or substantiation can be made to these allegations, will the Premier instruct his Ministers to apologise publicly to me and apologise himself for his allegations in 1977?

The Hon. J. D. CORCORAN: The replies are as follows:

1. If the honourable member will supply details of the allegations the Government will examine the details provided.

2. See 1.

3. See 1.

4. See 1.

LITTER

1081. **Mr. BECKER** (on notice):

1. How many persons have now been apprehended for littering and:

(a) how many persons have been fined;

(b) how many summonses have been issued for non-payment of fines; and

(c) what has been the outcome of such summonses?

2. Does the Government propose to increase the amount of on-the-spot litter fines and, if not, why not and, if so, to what amount?

The Hon. G. T. VIRGO: The replies are as follows:

1. The Litter Control Council has at present updated its statistics but not all local government authorities have yet supplied the information requested.

(a) Figures to hand show that up to 30 November 1978, 1 539 expiation fines have been imposed and 478 prosecutions launched.

(b) Not known.

(c) Not known.

2. No. The present expiation fee is considered adequate.

GOVERNMENT INFORMATION

1085. **Dr. EASTICK** (on notice):

1. What is the Government's policy for handling requests for information relating to Government actions, programmes, and expenditure where the request is initiated by branches of political parties?

2. Is the policy uniformly followed for all political parties and, if not, what are the variations and why?

3. If information is made available does it involve Ministerial staff and/or public servants and in what proportion of time for each?

4. Is any special attention given to the requests for information by or any limitation placed upon the information made available to political groups and, if so, what are the details in each circumstance?

The Hon. J. D. CORCORAN: The replies are as follows:

1. Each request for information is treated on its merits.

2. See 1.

3. It depends on the nature of the request. It would be very difficult to determine proportions of time.

4. See 1.

FARE STRUCTURE

1086. **Mr. MILLHOUSE** (on notice): How much extra annual gross and net revenue, respectively, is it estimated will come from the new fare structure on buses and trains, compared with the previous fare arrangements?

The Hon. G. T. VIRGO: The additional revenue expected from the new fare system introduced on 4 February 1979 is $2-$2·5 million in a full year.

SALISBURY ROYAL COMMISSION

1087. **Mr. MILLHOUSE** (on notice):

1. What was the total cost of the Salisbury Royal Commission and how is that cost made up?

2. How much has been paid to Mr. Salisbury consequent upon his dismissal as Commissioner of Police?

3. Is any more to be paid to him and, if so, how much and when?

4. What other expenses, if any, has the Government incurred as a result of dismissing Mr. Salisbury as Commissioner of Police, and how much are they?

The Hon. J. D. CORCORAN: The replies are as follows:

1.

	$
Counsel and witness fees	41 610
Advertising	1 113
Printing and stationery	1 441
	$44 164

2. $166 228·84.

3. The only entitlements which are still due to Mr. Salisbury are payments to defray the cost of first-class air fares for him and his wife, plus the reasonable cost of transporting his furniture, household and personal effects from Adelaide to the United Kingdom, provided that such entitlement is availed of before 30 May 1979.

4. None.

SUPERANNUATION FUND

1088. **Mr. GOLDSWORTHY** (on notice): Has the Premier the report of the South Australian Superannuation Fund promised during question time in the House of Assembly on 19 September, 1978?

The Hon. J. D. CORCORAN: The actuarial investigations of the South Australian Superannuation Fund as at 1 July 1974, and as at 1 July 1977 were tabled in the House of Assembly on 19 October, 1978. These reports are now available from the Government Printer.

OFF-PEAK FARES

1094. **Mr. MILLHOUSE** (on notice): Does the Government propose to introduce off-peak concession fares on S.T.A. trains and buses and, if so, when and, if not, why not?

The Hon. G. T. VIRGO: No. It is considered that the new zone system of fares introduced on 4 February 1979 already offers a considerable concession. In addition, a day tripper ticket was introduced on 4 February 1979. This ticket allows individuals or family groups comprising not more than two adults but unlimited numbers of children to unrestricted travel throughout the State Transport Authority bus, tram and train system any time after 9 a.m. on the date of purchase, for $2.

McNALLY TRAINING CENTRE

1096. **Mr. MATHWIN** (on notice): Was there a disturbance in the Sturt Unit at the McNally Training

Centre on Thursday 25 January, and if so:

(a) at what time, approximately, did it occur;
(b) at what time, approximately, was it under control;
(c) what was the nature of any damage caused and what is the estimated cost of repairs;
(d) have the repairs been completed and, if not, when is completion expected;
(e) is the Sturt Unit back in operation and, if not, when is it expected to be;
(f) did any members of the staff sustain injuries and, if so, what were they, respectively;
(g) did any members of the staff lose time from work as a result of any injuries and, if so, how many and how much time, respectively;
(h) how many inmates were involved;
(i) are any charges to be laid and, if so, what charges and by whom;
(j) is section 70 of the Juvenile Courts Act or section 82 of the Community Welfare Act to be applied in relation to any of the inmates directly involved and, if so, to how many and what is the age of those inmates, respectively;
(k) is it a fact that the superintendent, Mr. Leahy, became separated from the rest of the staff during the incident and, if so, for how long and was he released by the Police Riot Squad and, if not, how was he released; and
(l) how many residential care workers of each sex were on duty in the unit immediately prior to the disturbance, and what is the classification of each?

The Hon. R. G. PAYNE: The replies are as follows: Yes.

(a) 9.30 p.m.
(b) 4.15 a.m., 26 January 1979.
(c) Damage and breakages to walls, ceiling, windows, doors and locks, crockery, furniture, fittings, electrical appliances and some documents. Estimated cost of repairs—$5 000.
(d) Yes.
(e) Yes.
(f) Yes. Cut to hand and face; cut to leg; bruises.
(g) One residential care worker who is still on workmen's compensation.
(h) Three.
(i) Yes. Assault; assault occasioning bodily harm; malicious damage—to be laid by police.
(j) An application under section 82 of the Community Welfare Act has been made to the court in respect of one youth aged 17 years.
(k) Yes, for six minutes. No, he simply came out of the office room when he was joined by other centre staff.
(l) Two male senior residential care workers, three male residential care workers, two female residential care workers.

MODBURY CORRIDOR

1097. **Mr. WILSON** (on notice): Is there any plan in existence, or in the course of preparation within the Department of Transport and the Highways Department showing a proposed freeway along both or either sides of the proposed l.r.t. route in the Modbury Corridor?

The Hon. G. T. VIRGO: A sketch plan of an option involving a freeway and l.r.t. route being combined within the Modbury Corridor was included in the options considered in the development of proposals in the NEAPTR study. No detailed plans of such a proposal have been developed.

LONG SERVICE LEAVE

1098. **Mr. WILSON** (on notice): When does the Government intend to introduce legislation to provide long service leave for employees and agents within the insurance industry?

The Hon. J. D. WRIGHT: The provisions of the Long Service Leave Act apply wherever an employer-employee relationship is established, regardless of the industry concerned. No consideration has been given by the Government to extending the ambit of the Act beyond this relationship.

MARDEN LAND

1100. **Mr. MILLHOUSE** (on notice):

1. For what transportation purposes, if any, is the land at Marden, leased to Glenbrook Caravan Park Proprietary Limited, required?
2. When will it be required for these purposes?
3. By what proposed transportation route, if any, is that land affected?

The Hon. G. T. VIRGO: The replies are as follows:

1. The proposed l.r.t. route via the Modbury Transportation Corridor.
2. Not known at present.
3. See 1.

SUCCESSION DUTIES

1103. **Mr. WOTTON** (on notice): Did the Premier meet with the U.F.G./Stockowners Association death duty committee on 11 January and, if so, what were the results of that meeting and what is the Government's attitude following that meeting in regard to succession duties?

The Hon. J. D. CORCORAN: No, he did not.

NUTRITIONIST

1104. **Mr. MILLHOUSE** (on notice):

1. Is there a vacancy for a Public Health Nutritionist and, if so:
   (a) for how long has the vacancy existed;
   (b) why has it not yet been filled; and
   (c) when is it proposed to fill it?
2. If there is no such vacancy, is it proposed to create such a position and when and, if not, why not?

The Hon. R. G. PAYNE: The replies are as follows:

1. No.
2. A nutritionist position is included as a high priority in the manpower requirements of the South Australian Health Commission and the position will be created and advertised as soon as funds are available.

RAIL TRANSIT SYSTEM

1107. **Mr. MILLHOUSE** (on notice):

1. When, if at all, does the Government propose to make a decision whether to go on with the projected light rail transit system from Tea Tree Gully to Adelaide?
2. Has the Government yet worked out how to pay for such a system and, if so, how does it propose to pay for it?

The Hon. G. T. VIRGO: The replies are as follows:

1. The decision was made on 12 February 1979.

2. Yes, with normal sources of Government funds.

WALLAROO WHARF

1110. **Mr. BECKER** (on notice):

1. Have the owners of the vessel *Wuzhou* reimbursed the Department of Marine and Harbors the cost of reinstatement of the wharf and bulk loading facilities at Wallaroo and, if not, why not?

2. When is reimbursement anticipated to be paid, if it has not already been paid?

3. What was the total cost of reinstatement of the wharf and bulk handling facilities?

The Hon. J. D. CORCORAN: The replies are as follows:

1. No. Legal proceedings, instituted by the owners to determine the extent of the owners liability, have not been finalised.

2. After the High Court of Australia delivers its judgment, negotiations will be resumed with the owners.

3. Approximately $1 164 000.

TIP TRUCKS

1111. **Mr. WOTTON** (on notice):

1. How many hired tip trucks are presently engaged in work on the South-Eastern Freeway?

2. When is it anticipated that this work involving hired tip trucks will be completed?

3. Does the Government have any plans to engage these drivers and trucks on any other work following the completion of the freeway work and, if so, when and for how long?

The Hon. G. T. VIRGO: The replies are as follows:

1. 31 departmentally-hired trucks.

2. Late May 1979.

3. The Highways Department engages hired trucks as and when required and cannot guarantee continuity of employment. The department will not have any work for these contractors immediately following completion of their work on the South-Eastern Freeway. Consideration will be given to engaging them on future departmental projects as the need arises.

PUBLIC BUILDINGS DEPARTMENT

1113. **Mr. BECKER** (on notice):

1. Does the Public Buildings Department forward itemised statements to each Government department and statutory authority for the cost of maintenance, etc., undertaken for each financial year?

2. How and when is the department reimbursed?

The Hon. J. D. CORCORAN: The replies are as follows:

1. The Public Buildings Department provides annual statements for maintenance, etc., to those Government departments and statutory authorities where funds are voted to Public Buildings Department to provide these services.

2. The South Australian Health Commission is the only body which reimburses the department where funds are voted to the Public Buildings Department and reimbursement is made on a monthly basis. Where funds are not voted to P.B.D. for maintenance, etc., reimbursement is sought from the client body or statutory authority.

TEACHER'S RECORDS

1116. **Mrs. ADAMSON** (on notice):

1. By what method does the record of a teacher identify the date of appointment, continuity of service, and effective service?

2. By what means is the teacher's entitlement to long service leave recorded and how long after such leave becomes due is an indication of the teacher's entitlement known to Personnel Branch?

3. What register is maintained of total time due to all teachers at any given date?

4. Is the entitlement as shown on the register costed and, if so, at what frequency?

5. For how long has the present method of recording, registering and advising been operating and are any changes planned?

6. What is the Government's policy in relation to section 19 (6) of the Education Act?

The Hon. D. J. HOPGOOD: The replies are as follows:

1. Leave records for teachers are maintained by the pay-roll services section and these include sufficient information to determine entitlement to long service leave.

2. Recording is performed manually and a teacher's entitlement can be calculated at any given time.

3. No such register is maintained.

4. As no register is maintained, there is no costing of total entitlements.

5. The present system has been in operation for some considerable time and there are no immediate plans to automate this procedure.

6. Section 19 (6) of the Education Act states:

> "Any long service leave to which an officer is entitled under this division shall be taken by that person at such time and in such periods, as may, in the opinion of the Director-General, be convenient to the department."

It has been long standing policy to approve applications for long service leave where practicable.

CHIEF JUSTICE'S CHAMBERS

1117. **Mr. BECKER** (on notice):

1. Will the Premier immediately intervene and cancel the Minister of Works' recommendation to the Supply and Tender Board to order the furniture intended for a conference/reception room, additional to the Chief Justice's Chambers and, if not, why not?

2. How can the Government justify such expenditure, and will luncheons, etc., be held in the proposed new rooms?

3. Who will pay for all catering, including liquor, and what is the estimated cost this financial year?

The Hon. J. D. CORCORAN: The replies are as follows:

1. The Chief Justice is moving into different chambers and a room adjoining his new chambers is being converted into a conference/reception room, which will be used by the Chief Justice and other judges instead of the present conference room which is being used for other purposes. Apart from use for judges' conferences, this room will be used by the Chief Justice to entertain and carry out discussions with visiting dignitaries.

2. It is not proposed to provide luncheons in the room.

3. There will be no catering involved. The only cost of entertainment will be the purchase from time to time of small quantities of liquor for the entertainment, by the Chief Justice, of visiting dignitaries. This cost will be minimal.

HOPE VALLEY RESERVOIR

1122. **Mr. WOTTON** (on notice):

1. Further to the answer to Question No. 936, 3., asked by the member for Murray,what are the "trends" which have been established in the production of chloro-organic substances in the water:

(a) contained in the Hope Valley reservoir; and

(b) supplied from Hope Valley to consumers?

2. Are these trends significant and, if not, why not and, if so, in what way?

The Hon. J. D. CORCORAN: The replies are as follows:

1. *(a)* The trends referred to the treatment process and not the reservoir.

(b) It is not possible to state a time when effective means to limit the formation of chloro-organic substances can be found.

2. The significance of these trends is still being investigated.

ST. VINCENT GULF

1123. **Mr. WOTTON** (on notice):

1. Is it anticipated that an increasing amount of treated sewage effluent will be discharged into St. Vincent Gulf from the Bolivar treatment works as the population of the Adelaide metropolitan area increases and, if so, will the degradation of the seagrass nursery areas adjacent to the outfall pipe in the gulf increase as the amount of effluent increases and, if so, what effect will this have on the fishing potential of St. Vincent Gulf along its eastern waters?

2. What future plans does the Minister have for remedying this situation?

The Hon. J. D. CORCORAN: The replies are as follows:

1. Yes. An increase in volume is anticipated to 1991 and thereafter it is expected to remain stable or to decline. There should be little extra effect on the maritime environment and as most of the beds regarded as fish nurseries are outside the area of influence, no change in fishery potential should occur.

2. None, although the monitoring programme on the land based charges will continue.

WATER SUPPLY

1125. **Mr. WOTTON** (on notice):

1. When is it anticipated that effective means of limiting the formation of chloro-organic substances in Adelaide's water supply be found?

2. Is it expected that the concentration of these substances in Adelaide's water supply will increase until effective means are found to limit their formation, and to extract them on a large scale and if so, is it possible that an increase in their concentration may affect public health?

The Hon. J. D. CORCORAN: The replies are as follows:

1. It is not possible at this stage to give a meaningful estimate.

2. There is no reason to expect that the low levels of these substances will increase.

TRICHLOROMETHANE

1126. **Mr. WOTTON** (on notice): Further to the answer to Question 947 asked by the member for Murray, has the Minister studied a paper called "Polyelectrolytes: Potential Choloroform Precursors" in *Science*, vol. 196, 10 June 1977 and, if so, does he still claim that polyelectrolytes are not suspected of being potent initiators of the formation of choloroform (that is, trichloromethane) and, if not, will he study this paper and then reassess the question?

The Hon. J. D. CORCORAN: No. The paper will be assessed at an early date.

PARLIAMENTARY SUPERANNUATION

1128. **Mr. MILLHOUSE** (on notice):

1. How many members of Parliament have renounced the benefit of the Parliamentary Superannuation Act Amendment Act (No. 2), 1978, pursuant to s. 39a of the Parliamentary Superannuation Act?

2. When was each such renunciation made?

The Hon. J. D. CORCORAN: The replies are as follows:

1. One.

2. 5/12/78.

1129. **Mr. MILLHOUSE** (on notice): Does the Government propose to make a review of arrangements for superannuation for members of Parliament and, if so, when and who is to make the review and, if not, why not?

The Hon. J. D. CORCORAN: Cabinet recently reviewed the superannuation scheme for members of Parliament and the Parliamentary Superannuation Act Amendment Act (No. 2), 1978 put into effect the recommendations of this review.

1130. **Mr. MILLHOUSE** (on notice):

1. What are the estimated additional benefits accruing to the Premier as a result of the Parliamentary Superannuation Act Amendment Act (No. 2), 1978?

2. Does the Premier propose to renounce these additional benefits pursuant to s. 39a of the Parliamentary Superannuation Act and, if so, when and, if not, why not?

The Hon. J. D. CORCORAN: It is assumed that this question related to the former Premier.

1. Total pension eligibility as at January 1979, before commutation was increased from $24 905 to $34 875.

2. No.

CURB REPORT

1134. **Dr. EASTICK** (on notice):

1. Have any further changes been effected to the recommendations of the CURB Report and, if so, what are they and the reasons for them?

2. Has implementation of the recommendations, so far effected, indicated any need for a review of the major thrust of the CURB Report and, if so, what are the details?

3. When is it expected that all major recommendations will be effected?

The Hon. J. D. CORCORAN: The CURB Report is currently being further considered.

COMMUNITY DEVELOPMENT

1143. **Dr. EASTICK** (on notice):

1. Has a decision been reached to establish a "separate grants fund" for community development purposes, and what amount is expected to be distributed from the fund in its first year of operation?

2. Will there be a Grants Advisory Committee and, if so, how will it be structured, from when will it operate, and what is expected to be its relationship, if any, with the Local Government Grants Commission?

3. Is it expected that funds to be allotted in the area of

community development will be at the expense of funds in the area of local government and, if not, by what means can the Government guarantee to local government that its funding will not be eroded by the creation of a new competitor for State revenue and loans?

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

1. Yes, it is proposed to establish a Community Development Fund. The amount of funds to be allocated to the fund in 1979-80 will be determined at the time the Estimates of Expenditure are prepared.

2. Yes. The structure and membership are under consideration.

3. No.

PACKAGES ACT

1145. **Dr. EASTICK** (on notice):

1. What consultation took place with the smallgoods industry before gazettal on 24 August 1978 of regulations under the Packages Act, 1967-1972, which alter the standardised pack sizes of smallgoods lines?

2. Were the alterations in line with previous regulations and, if not, why were the changes made?

3. Do the changes reflect the decision of the Standing Committee on Packaging as outlined in its Statement of Principles and, if not, why not, and what are the variations?

4. Has South Australia proceeded with these changes in the absence of similar alteration elsewhere in Australia and, if so, why?

5. What period of grace has been given, if any, to the industry to clear stocks of packaging or to obtain replacement units for overseas manufactured equipment necessary to produce an altered size range?

The Hon. PETER DUNCAN: The replies are as follows:

1. There was no consultation because the regulations do not alter the standardised pack sizes for smallgoods lines. There are no standardised sizes for smallgoods lines.

2. Not applicable—see answer to 1.

3. Not applicable—see answer to 1.

4. Not applicable—see answer to 1.

5. Not applicable—see answer to 1.

APPRENTICES

1150. **Mr. DEAN BROWN** (on notice):

1. Since February 1978 how many persons have applied to the Apprenticeship Commission to be accepted as adult apprentices?

2. How many of these applications have been accepted?

3. How many such applications have been rejected by each of the trade advisory committees and what are the main reasons for the rejections?

The Hon. J. D. WRIGHT: The replies are as follows:

1. Thirty.

2. Ten.

3. Seven. The advisory trade committees concerned considered that approval would unduly restrict the opportunities for school-leavers in the trades concerned.

IMPRINT ACT

1151. **Mr. BECKER** (on notice): Will the Government review the penalty under the Imprint Act, 1951, to increase the amount from $200 to $500 and, if not, why not?

The Hon. D. W. SIMMONS: The Government has recently reviewed the penalty under the Imprint Act and it has been decided to increase it from $200 to $2 000. A Bill is being drafted.

FESTIVAL THEATRE

1155. **Mr. DEAN BROWN** (on notice):

1. For what reasons have the rusty steel pipes been erected as a display on the plaza of the Festival Theatre?

2. Who authorised the erection of these vertical pipes?

3. What was the cost?

4. Who erected the pipes?

5. How long will the pipes remain?

6. Were the pipes erected as a student prank?

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

1. The pipes to which the honourable member refers are wind pipes forming part of the current exhibition on sound sculpture, and will remain on display until 18 March 1979. They were erected by Adelaide Festival Centre Trust staff at the direction of the trustees of the Adelaide Festival Centre Trust at a cost of $88.

2.-6. See 1.

PROSPECT COMMUNITY COUNCIL

1158. **Mr. DEAN BROWN** (on notice): Has the Community Development Department made a grant or loan to the Prospect Community Council for Social Development and, if so:

(a) how much money was involved;

(b) for what purpose was the money granted;

(c) who is the chairman or president of this community council;

(d) who are the members of this community council; and

(e) does this community council cover part or all of the Minister's own district?

The Hon. J. C. BANNON: There is no organisation named Prospect Community Council for Social Development.

STURT VALE

1167. **Mr. DEAN BROWN** (on notice): Has the Government purchased a property called Sturt Vale, north of the River Murray and, if so:

(a) what was the purchase price;

(b) for what purposes will this property now be used;

(c) what is the area of the property; and

(d) who is responsible currently for the management of it?

The Hon. J. D. CORCORAN: The replies are as follows:

No.

(a), *(b)*, *(c)* and *(d)*. See above.

UNLEY BUILDING

1170. **Mr. DEAN BROWN** (on notice): Did the Art Gallery Department purchase a building at Unley for use as a storage building and, if so:

(a) what was the cost of purchasing the building;

(b) what was the cost to renovate the building;

(c) for what purpose is this building being used;

(d) is the building air-conditioned and, if so, what was the cost of doing so;

(e) what is the floor area of this building;

(f) what items are currently stored in this building and what is their total value; and

(g) what is the anticipated period for which this building is expected to be used?

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

1. The Public Buildings Department purchased the property at 86 Unley Road on behalf of the Art Gallery Department in January 1976.

(a) About $165 000.

(b) About $395 400.

(c) The building is used to store items not required for display or for which there is insufficient storage space at the Art Gallery.

(d) The ground floor is air-conditioned to control temperature and humidity to prevent deterioration of stock. The cost is included in (b) and it is not possible to give a separate figure.

(e) Ground floor—591 sq. metres; upper floor—591 sq. metres.

(f) Because of the turnover of stock, the composition and value is not known as it depends on the items held at any one particular time.

(g) Indefinite.

MILLEPEDES

In reply to **Mr. EVANS** (23 November 1978).

The Hon. J. D. CORCORAN: On the basis of information provided from an appeal made to councils previously by the Minister of Agriculture, and from consultation with the Hills Millepede Committee, Mr. P. R. Birks has a fact sheet in the final stages of preparation. The fact sheet outlines the steps to be taken for millepede control, namely, clean-up, the use of physical barriers, and the limitations of chemical control, what to do when control is inadequate, and the implications of biological control.

The fact sheet will be distributed, especially through district councils. At this stage it is considered preferable to launch the fact sheet with a press release and give opportunity for that information to be tried before appealing for further information, and this will be done as soon as the fact sheet is completed.

PETITIONS: ABATTOIRS AREA

A petition signed by 685 residents of South Australia praying that the House would not pass the Abattoirs and Pet Food Works Bill until the abattoirs area was precisely defined in that legislation and would exclude the Adelaide Hills from the central abattoirs area was presented by Mr. Goldsworthy.

A petition signed by 29 residents of South Australia praying that the House would define in the Abattoirs and Pet Food Works Bill the central abattoirs area and that the Barossa Valley area be excluded from that area or alternatively allow the Barossa Valley to be served by local slaughterhouses was presented by Mr. Goldsworthy.

Petitions received.

PETITION: PORNOGRAPHY

A petition signed by 17 electors of South Australia praying that the House would pass legislation to provide for Ministerial responsibility to adequately control pornographic material was presented by Mr. Wotton.

Petition received.

WHYALLA HOSPITAL

The SPEAKER laid on the table the final report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Whyalla Hospital Redevelopment—Phase II (Revised Proposal).

Ordered that report be printed.

NO-CONFIDENCE MOTION: GOVERNMENT POLICY

Mr. TONKIN (Leader of the Opposition): I move:

That Standing Orders and Sessional Orders be so far suspended as to enable me to move the following motion without notice:

That, in view of the Government's economic policies, which prevent industry and commerce from creating employment and which have other adverse effects on South Australians, and the current Labor Party conference proposals endorsing and extending those policies for more Government intervention and control over banking and business activity, with higher taxes and an increasing bureaucracy, this House no longer has confidence in the Government and calls on it to resign, and that such suspension remain in force no later than 4 p.m.

Motion carried.

Mr. TONKIN: I move:

That, in view of the Government's economic policies, which prevent industry and commerce from creating employment and which have other adverse effects on South Australians, and the current Labor Party conference proposals endorsing and extending those policies for more Government intervention and control over banking and business activity, with higher taxes and an increasing bureaucracy, this House no longer has confidence in the Government and calls on it to resign.

The new Premier of South Australia has already failed his first test. It was a major test, and he has failed it dismally. It is a tragedy that this should be so, not only for his career but because South Australia will continue to suffer. Despite his statement last week that his number one concern was the economy, the future for South Australians looks no better than it did before. In fact, after the Australian Labor Party State Conference and the Premier's capitulation to the radical policies promoted there by the Attorney-General and his left wing extremists, it looks even worse.

Last week perhaps everybody expected a new style. There had certainly been a change, and it was thought there would be a new appreciation of what the present Government policies were doing to South Australia. That adherence to policies that were preventing the private sector from playing its part in creating employment was destroying free enterprise and individual initiative. But that new style did not eventuate. Whatever the Premier's private beliefs, he has been given instructions by his left wing masters, and it is quite clear after the weekend that he intends to abide by those instructions.

The mixed economy partnership, which is so vital a part of the activities of many other Governments, is still not to be in South Australia. That partnership is developed in all other States. It was responsible for the greater period of industrial development in South Australia. It has been well recognised and encouraged in other States, and Western Australia and Queensland in particular are obvious examples of progress. Further, I say that New South Wales, under a Labor Government with Mr. Wran in charge, is a shining example of the situation where the democratic socialists have returned to the concept of a full partnership with free enterprise.

That is in line with attitudes elsewhere—a rejection of the total collectivist theory (in other words, total socialism or total State control). It is a decision in favour of a return to a mixed economy where free enterprise can play its full part. The State has a role to play in our economy, certainly, but it has no right to demand a monopoly, a monopoly of services, and a monopoly of industrial activity, as demanded by the policies of this State Government. It has no right to demand those monopolies any more than any other business has a right to seek a monopoly, or any trade union has a right to seek a monopoly. South Australia must now be the only State left in the world with a democratic socialist Government that still adheres to the old theories.

The Hon. Peter Duncan: Huh!

Mr. TONKIN: I am sure that it must be a matter of concern to the Attorney-General that this is so. I am amazed that one so radical and extremist in his ideas should still adhere to those radical and obviously outdated policies. Elsewhere these policies of total State control have been rejected by the people or by the democratic socialists themselves, usually because of bitter and practical experience.

For example, the present situation in Britain is one that everyone must regret. There is economic and industrial chaos. The Government is being forced rapidly to change its attitudes. It is being forced to stand up to union officials who are seeking to impose a monopolistic situation in policies on that Government. That policy has been rejected in Canada, and Mr. Pierre Trudeau has now come back to the concept of providing free enterprise with a real and significant role to play in the industrial development of that nation. It was rejected in Australia during the Whitlam regime, and the rejection of that policy when Whitlam was thrown out of office by the people of Australia has now been confirmed by the present Leader of the Opposition (Mr. Hayden), who says that we must rely on the private sector to create employment again in this country. It has been rejected most recently by Mr. Wran, the New South Wales Premier, who is now using the private sector effectively indeed for the benefit of all New South Wales people.

The comments of the new Premier last week might have been taken to indicate a recognition of the fallacies of the total dependence on State activity and control, a recognition of the harm that those policies were doing to South Australia. It might have indicated a possible return to the concept of a partnership (a concept now widely accepted elsewhere), a return to the mixed economy in the true sense and a partnership with free enterprise with an ability to create jobs again. But that was not to be. The free enterprise sector has a tremendous skill in creating employment if it is allowed to compete and to expand its markets. The Government policies which prevent free enterprise from being able to compete will stop it from expanding and therefore from creating employment, and in fact might force businesses to close, creating more unemployment. That is something the State Government just does not seem to realise.

The most significant thing any State Government in South Australia could do at present is to reassess the effect of its policies, to face reality, to take firm and positive steps to correct the situation, regardless of the hard-line view advanced by the A.L.P. doctrinaire socialists. If the Government did that, it would be doing a tremendous service to the people of South Australia, and it would be doing its duty. South Australians need someone who will stand up for them against the hard-line extremists in the A.L.P. Unfortunately, after the weekend it has become quite apparent that the Premier will not do this.

The many Government intrusions into the private sector are well known, and others should be better known. I present a list of these matters: the Government Frozen Food Factory; State Government Insurance Commission; the clothing factory (Whyalla); the State Transport Authority taking over private operators; the Land Commission, forcing out private developers; the Engineering and Water Supply Department undertaking contracts from the State Railways and Highways Departments; and the Public Building Department with its Demac construction in schools and other construction activities taking work away from the building and construction industry.

Plans are currently in train for further Government intervention into the timber industry, into the field of overseas trading, into the hotel and tourist industry, into the dairying industry, into the meat industry, into voluntary charitable schools and religious organisations, and into the crash repair and tow-truck businesses. There are others.

Mr. Goldsworthy: It is a long list.

Mr. TONKIN: Yes, and there are more cases.

The SPEAKER: Order! I hope that the honourable Leader will not refer to Bills before the House.

Mr. TONKIN: I am not referring to Bills before the House, Mr. Speaker.

The SPEAKER: The honourable Leader did mention tow-truck operators.

Mr. TONKIN: The policies which actively disadvantage industry and commerce are also well known. These include workers compensation; industrial democracy, which is really trade union control under the Labor Party policy; the review of contracts; the threat of class action; long service leave provisions; and the continued State Government taxation, which we are told will be even higher; moves into the industrial conciliation and arbitration areas confirming absolute preference for unionists, moves which will include voluntary workers in charitable organisations and which will treat sub-contractors as employees.

There are many other factors, and these and others are strangling free enterprise in South Australia; they are actively discouraging industry and commerce from coming here. This must affect the community as a whole and there is no question but that it is. This a time when we must be very seriously concerned about the welfare of the people of South Australia. We must assess the effect these policies are having. The best working conditions in the world are of no value to someone who cannot get a job. The best living conditions in the world are of no value if people cannot afford to live and enjoy them. That Governments must review policies and help the private sector create jobs, is now being recognised by more and more people throughout the world.

However, at a time when the Premier clearly recognised this need (and I thus interpret his statement on Friday that his number one concern was the economy of this State), the Australian Labor Party conference on Saturday and Sunday gave him an almighty slap in the face. It did even more; it put him in shackles with its proposed economic policy for further intervention in the banking and finance industries, the expansion of the public sector and remarkably advocating higher taxation to pay for that expansion.

I should think that the Premier would have learned something from history, from Mr. Chifley's attempt to nationalise the banks many years ago, a move which brought down his Government. The Labor Party in this State apparently has not learnt anything from that move. That proposed policy of the A.L.P. conference is a sure

blue-print for economic disaster. Obviously, there remains within the A.L.P. and the State Labor Party a hard core of Whitlam sympathisers, or at least supporters, of his out-dated economic policies.

Mr. Goldsworthy: A majority.

Mr. TONKIN: I suspect a majority. What the Premier and his Government will be forced to adopt by what the Trades and Labor Council Secretary succinctly calls the progressive wing of the Labor movement (and that is a euphemism if ever I have heard one) is a policy aimed at bolstering the public sector at the expense of the private sector. Incredibly, this Government will increase taxes rather than cut back on its Public Service, which is already far too large. Almost a quarter of the South Australian work force is made up of State public servants. The State already pays out half of its more than one billion dollar budget in salaries for public servants and other Government employees. The Public Service Board report, which was examined and on which I commented in this House only a few days ago, shows that in the 10 years from 1969 to 1978, our population increased by 11·2 per cent (which is a fairly low figure), and that in the same period the South Australian work force increased by 14·6 per cent, while the Public Service grew by an amazing 82·1 per cent. The ratio of public servants to each 1 000 South Australian residents has grown from 8·3 per cent in 1969 to 12·4 per cent in 1978.

This is what the people of South Australia are being asked to pay increased taxes for, and it is only right and proper that the taxpayers should now be questioning whether or not they are really getting value for their dollar. There is no doubt that they are not getting value for their taxpayers' dollar. Money is being wasted. Not only are we expanding the public sector in the non-productive field, in keeping with the socialist thinking of the Labor Party, but these policies also suggest that public enterprises should be established in sectors of economic and social importance. In plain English, this means that the Government wants a further slice of the free enterprise cake, to do with it what it will, to take what profits it can, to let it be destroyed if it wishes, and to let it function uneconomically with an ever-growing bureaucracy.

It seems that the Labor Party will never learn. As the Premier said in a television programme only last night of the Attorney-General, perhaps it is time they grew up. Private enterprise, free enterprise, without the constraints of a mushrooming Public Service, without the burden of added taxes, and without a socialist left-wing Labor Party, could restore prosperity to this great State. All Labor members of Parliament, both State and Federal, stood in the wings while the Whitlam philosophies, undermining private enterprise and free enterprise, destroyed the Whitlam Government. The same thing will happen to the new Premier's Administration unless he and it can throw off the shackles of socialist doctrine.

I refer now to the most iniquitous tax of all, in the opinion of many people, that of succession and gift duties. We have the remarkable situation that the South Australian Government is the only Government to maintain a fixed adherence to this form of capital taxation. The Tasmanian Government has made quite significant concessions, while every other State Government and the Federal Government have made arrangements to phase out succession and death duties. In South Australia now, we have the unique and very dubious distinction of being the only State to maintain our attitude to succession duties.

Mr. Goldsworthy: And increase it.

Mr. TONKIN: "Now we are here, we are going to increase it." Is it any wonder that investors and potential investors are being driven away from South Australia? The Premier has been widely quoted as saying that the weekend convention defused a number of issues which were tipped by some to cause a split in Labor ranks. While they may have been defused to the satisfaction of Trades Hall, the electorate knows better. If they were not so concerned to cover up the colossal and ever-widening split which is occurring at present in the Labor Party, they might have paid a little more attention to the effect of the announcement of their radical policies over the weekend. It is a fact that this Government will discover when next it faces the electorate at the polls.

The Premier has proudly pointed to the unity of his Party in successfully defusing troublesome issues, such as uranium, but what about State unity, and what about the welfare of the people of South Australia? Have we seen a move to achieve an apparent unity in the Labor Party, taken at the expense of the people of South Australia and their welfare? The answer must by "Yes"; that is exactly what has happened.

On one side, we have a Government which is sticking firmly to a policy of favouring the public sector over the private sector. On the other side, we have free enterprise, desperately yearning for some help and for some opportunity to help in building this State once again to prosperity by creating jobs and creating income. It will be very interesting indeed to see the response of Trades Hall if the Minister of Mines and Energy gets the job of Deputy Premier. I find it amazing that a Party is not able to elect a Deputy Premier, obviously because of the deep divisions which exist and the uncertainty about what the result will be.

The Hon. Peter Duncan: What garbage!

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

Mr. TONKIN: The reaction of honourable members tends to support what I have said.

The Hon. Peter Duncan: This speech is another nail in your coffin.

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

Mr. TONKIN: If the Minister of Mines and Energy gets the job of Deputy Premier—and he is a most pragmatic man—it will be interesting to see what is the future of Roxby Downs and whether or not South Australia will have the benefits of Roxby Downs. The State Government has been committed by its Party at the weekend conference to continuing and promoting radical policies which are clearly contrary to the best interests of this State and its people. Only the Premier—and I will do him that much credit—has any chance of standing up to the extremist proponents of an outdated doctrinaire socialism. Such a stand is the only thing that can save South Australia from economic disaster.

The Premier has now failed in his first step. He did not even protest at the policies put before the State A.L.P. conference. He now faces a second test. He can, if he wishes, give an assurance in the House that he will not be dictated to by these policies. He can give an assurance that he will give free enterprise an opportunity to play its proper part in the development of the State again and that he will repeal the legislation which is inhibiting industrial and commercial activity, destroying business confidence, and costing us jobs in South Australia. He could give an assurance that he will withdraw similar pending legislation, as he has done with the Hotels Commission Bill in response to great pressure from the community. He could give an assurance that he will abolish succession and gift duties in South Australia, too, so that we can once again compete for investment on the same basis as other States.

He could give clear notice that he will not be dictated to by the left-wing extremists, who also caused Gough Whitlam's downfall. Those same policies (and the people of South Australia must recognise this) which destroyed the Whitlam Government and went close to destroying Australia's economic stability are now being implemented in South Australia. South Australia is the socialist laboratory of the south. My motion will be defeated on Party lines, with Government members all voting together to save their Party.

The SPEAKER: Order! The honourable Leader cannot predict the voting in the House.

Mr. TONKIN: My motion will be dealt with regardless of what that Party is doing to the people of South Australia. The action that will be taken by those members opposite will speak louder than will any of the arguments they might try to put forward in their defence.

The Hon. J. D. CORCORAN (Premier and Treasurer): At the beginning of my second day in Parliament as the Premier of this State and as the Leader of this Government, the Leader of the Opposition has seen fit to judge my performance in that brief period and to say to the people of South Australia that he is now prepared to launch a vote of no confidence in me and my Government. I take it that the leading Liberal strategists decided that they would catch me while I was young and green.

Mr. Tonkin: You're joking!

The Hon. J. D. CORCORAN: Does the Leader think that I am old and orange, or something of the kind? The Leader has decided that, because the A.L.P. convention at the weekend updated and revised its policies as a Party—

Mr. Abbott: A united party, too.

The Hon. J. D. CORCORAN: Yes, a strongly united Party. Because that happened, the Leader thinks it is time to launch an attack on me, because I failed in the counsels of that Party to speak up and change all those policies.

Mr. Venning: They're wrong.

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

The Hon. J. D. CORCORAN: If the Leader cares to go through the old platform, in which the policies are contained, and compare it with the new platform, he will see little difference as regards the important issues. The new platform is even less socialistic than was the previous one, and that should please the Leader. In the public enterprise section, about which he has spoken so much today, he will see that, of the eight public enterprises to be established under the old platform, a State brick and tile works, a State fully integrated steelworks, and daily newspapers have been deleted.

Most other things that the Leader spoke about have been in the platform for a long time. Policy, formulated as it is, serves as a guide to the Government, and the Government keeps that policy in mind when deciding on strategies and administration. There is no instruction from the Party regarding implementation of policies; that is a matter of decision for the Government.

Mr. Millhouse: They have to be implemented at some time.

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

The Hon. J. D. CORCORAN: The honourable member knows that many features of Labor Party platform have never been implemented; indeed, they have been changed.

Mr. Millhouse: The obligation has been there.

The SPEAKER: Order! I call the honourable member for Mitcham to order. He must not interject.

The Hon. J. D. CORCORAN: The Party constantly reviews and updates its policy. At least it has a policy. The Government can go to the people of South Australia and say, "This is our policy." The Liberal Party cannot do that; if it does it cannot guarantee that the policy will be implemented. The Australian Democrats hold meetings in a phone box, so how can that Party formulate policies?

The Hon. Hugh Hudson: What about Mal Fraser?

The Hon. J. D. CORCORAN: We have seen an example of how Mr. Fraser, the Liberal Prime Minister, has adhered to the policies of his Party. At least the Government can say that it makes an honest attempt to adhere to the policies of the Party, and to note them where possible, if that is within the realms of Government. There has been criticism about the way the Government is said to be attacking private enterprise. I have said in this House that I, and the Government, believe in a mixed economy.

Mr. Gunn: Why don't you do something about it?

The Hon. J. D. CORCORAN: What does the honourable member mean by that? Each time an attempt is made by the Government to assist to expand or retain industry in South Australia, its efforts are regarded as socialist interference. The Leader has referred to interference from the South Australian Development Corporation. He knows that the corporation has been instrumental in assisting the expansion and retention of industry and private enterprise in South Australia, in some cases very successfully. The Leader talked of State taxes and of what he called iniquitous succession duties. I recall Sir Thomas Playford, one of the great Premiers of South Australia and the Leader of the Liberal Party in this House for 27 years, standing in this place and telling members that succession duties must be retained. The reason given was that such duties were a tax on unearned increment. Sir Thomas Playford explained this at length.

The Leader has said that every other State in Australia has taken action to remove this iniquitous tax. However, the Victorian Premier, Mr. Hamer, said he would remove succession duties when it was possible to do so. That is not a bad sort of qualification. I wonder whether it will be possible. The Leader suggested that the Government should do away with this tax, which amounts to about $17 500 000 per annum at present. However, he has made no attempt to say from what source that money could be raised or whether he would cut services.

Mr. Dean Brown: What about cutting services?

The Hon. J. D. CORCORAN: The member for Davenport suggests cutting services. Will he sack teachers, nurses or policemen? What services would he suggest could be cut to save $17 500 000?

The State Government has made substantial concessions in recent years in relation to succession duties. I will give some figures showing what has happened in recent years in this area, because the Government is sensitive to the hardship that this tax has caused in certain cases. I will tell the House how the Government has handled that matter. I will not go back as far as 1975, although a great number of concessions were made that were operative from 20 November 1975.

In 1976, changes were made which were operative from 1 July. A full exemption was granted to surviving spouses, so, no matter how much the succession was worth to a spouse, it was not taxed in any way. Secondly, full exemption was granted for bequests for the advancement of religion, science, or education, and to benevolent institutions or societies in this State. In other words, if those bequests were made, no tax was payable.

Operative from 5 May 1977, dwellinghouse rebates were granted to unmarried brothers or sisters where a

dwellinghouse was derived by the surviving brother or sister and the surviver and deceased lived together prior to the date of death. By virtue of the indexation provisions, the rebate allowance has been increased since 1975, as follows: allowance to ancestors of descendants, increased from $6 000 to $9 000; dwellinghouse rebate allowances, increased from $17 000 to $22 000; general rebate allowance for children under 18 years, increased from $18 000 to $26 000.

I can tell the House that there will be no increase in the rates of this tax in the next financial year: I say that right now. I hope that that is an indication to the Leader that the Government can make up its own mind about whether or not rates will move. I hope that he will take notice of that statement. I will deal a little more with State taxes, because I think it is important that we know the scene, the Leader having said that people are disadvantaged in this State because of the overall tax situation. The question whether South Australia's taxes are too high relative to those of other States was discussed at length at the time of the 1977 State election. Whichever way one interprets them, the State Treasury figures published at that time showed South Australia to be nowhere near the highest taxed State in this country. New South Wales and Victoria were far out in front.

The per capita figures for 1976-77 (and they are without mining royalties and super profits from transporting minerals by rail) are as follows: New South Wales, $274·54; Victoria, $272·72; Queensland, $190·12; South Australia, $230·66; Western Australia, $205·37; and Tasmania, $167·14. If one includes royalties and railways profit the figures are: New South Wales $282·47; Victoria, $285·01; Queensland, $234·06; South Australia, $232·57; Western Australia, $248·35; and Tasmania, $169·15. Clearly, South Australia has the lowest overall State taxation base on the mainland. Even if one excludes taxation on mineral wealth (which would be a peculiar thing to do since one is including taxation on manufacturing, services and the rest of the economy) the figures show South Australia to be well below New South Wales and Victoria (in fact, some 18 per cent to 19 per cent below).

The Leader professes not to believe State Treasury officers about this matter. The *Australian*, however, in its issue of Friday 21 July 1978 published a detailed breakdown of taxation, State by State, which makes exactly the same point as that made by the State Treasury officers. I will not give the calculations, but the *Australian* supported strongly the State Treasury officers' figures.

I want to demonstrate to the people of South Australia that, in relation to taxation in any form collectively, we are well placed compared to other States. The Leader said that one of the things this Government was doing was promoting public enterprise and thereby expanding the Public Service in order to cater for that policy. It never ceases to amaze me how reckless the Leader of the Opposition can become when he talks about figures in relation to public employment.

The former Premier of this State announced at the beginning of this financial year that there would be zero growth in the Public Service of South Australia. The figures which were published in the *Advertiser* this morning, and the figures which the Leader of the Opposition has jockeyed around, are all figures from a previous time. I think we ought to talk about the present situation. The latest figures available after the quarter ended 1 October show clearly that we are well situated in relation to that policy, and I believe the figures for the following quarter will show about the same picture. In other words, no increase has taken place in the Public Service during this financial year. At 1 July 1978, under the Public Service Act, we had the full-time equivalent of 17 070 persons employed, and at the end of October 1978 the full-time equivalent employment figure in the same area was 16 852. Checks currently being made indicate that the figures at the end of January were similar and that our goal of holding Public Service employment steady will be achieved at the end of the financial year.

This situation will be maintained during the next financial year. In other words, the policy of the Government will not change next financial year: we will still be aiming at maintaining zero growth in the Public Service. Of course, the Government employs more people than those retained under the Public Service Act. At 1 July, these other employment categories accounted for a full-time equivalent of 51 327; by the end of October 1978 this had fallen slightly to 50 846, and the current trend is broadly similar.

Honourable members can see from this that it is grossly misleading to say that Government employment in South Australia is growing at an alarming rate as the Leader is trying to make out. Our policy has been responsible and responsibly exercised, and all areas of the Public Service and other Government instrumentalities have responded positively to our efforts and made this achievement possible in times which are extremely difficult and which are caused by a recession in the national economy and a tight-fisted approach by the Federal Government.

I do not think I need say anything more about employment within the Public Service other than that, whenever initiatives have taken place on the part of the Government, the manpower requirements for them have been catered for by reductions in other areas. The Leader of the Opposition talked about massive increases since 1972. This Government has since 1972 provided an extraordinary range of services that were not available before then. We were pressed constantly by the Opposition to do better and, when we provided the services and employed the manpower to service them, we were told we were wrong. They cannot have their cake and eat it too, which is what they are constantly trying to do.

We are hearing constantly from Opposition members that the great cost advantage we enjoyed during the Playford era has disappeared. In fact, they are saying that the situation is far worse than it is in any other State. I think these cost advantages are best summed up in the words last Friday of Mr. Gordon Jackson, the General Manager of CSR Australia Limited, and one of Australia's outstanding business men, who said:

> The major incentive in South Australia to the potential investor is the labour cost advantage.
>
> Published information suggests that labour costs here are still some 4 per cent to 6 per cent below those of Victoria, and 7 per cent to 8 per cent below those of New South Wales.
>
> The differential is probably still comparable with that evident in the mid to late 1950's when the South Australian economy was burgeoning.

They are the words of Mr. Jackson, who also said that this State had the lowest pay-roll tax in the whole country. Bearing in mind that pay-roll tax represents about half of the State taxation here and elsewhere in the country, South Australia has the lowest rate of any State. Mr. Jackson also said:

> Workmen's compensation costs in South Australia [which we have heard condemned so often from the Opposition here for being a tremendous burden on industry] are about the average for the country as a whole. Another major plus for South Australia is its excellent industrial record. Working days lost for 1 000 employees have consistently been less than half the national average. [What a tremendous record!] For

1977, South Australia was 20 per cent of the national average and, for the first nine months of 1978, 41 per cent. I think these figures exemplify the South Australian tradition of co-operation, rather than confrontation, between employees and employers.

I think the Minister of Labour and Industry can take some credit for this. Mr. Jackson also said:

> Industrial land is also relatively cheaper than it is in Victoria and New South Wales. I understand that power costs in Adelaide are cheaper than they are in any other major city, at least for small to medium sized factories operating on a one shift basis, and the average revenue per kilowatt hour of electricity sold to industrial and commercial users in South Australia for 1976-77 was 91 per cent of the New South Wales figure and 87 per cent of the Victorian figure.

No doubt we can give the Minister of Mines and Energy some credit for that. These are important factors for industry in this State.

We have heard much about this State having the highest unemployment figures, and the knockers in this State were delighted when that cruel thing actually happened. Claims such as appeared in the *Advertiser* this morning that South Australia has the highest level of unemployment in the country are simply not true. Whichever way one looks at the figures, taking the statistician's measure of unemployment, which Malcolm Fraser says is the best measure to use, the South Australian rate is the third lowest in Australia. The figures for January 1979, released only last Friday, are as follows: Victoria, 6 per cent; New South Wales, 6·4 per cent; South Australia, 7·5 per cent; Tasmania, 7·6 per cent; and Queensland and Western Australia, 7·8 per cent each. Clearly, that shows that South Australia has been performing better than any other State in the country and, as Mr. Jackson last Friday said:

> Over the country as a whole the present trend is worse than in South Australia.

South Australia is the only State to show a drop between September and January; all other States showed an increase, some of which was substantial. So, the rate of recovery is good. The A.B.S. figures for the period between September and January last year were as follows: New South Wales, a rise of 0·4 per cent; Victoria, a rise of 0·8 per cent; Queensland, a rise of 1·2 per cent; Western Australia, a rise of 1·6 per cent; Tasmania, a rise of 1·3 per cent; and the national average was a rise of 0·8 per cent. By contrast, South Australia had a fall of 0·3 per cent.

They are the figures and they demonstrate what is happening. In other words, the rate of recovery in South Australia at the moment is more rapid than in any other State of Australia. The South Australian economy, for the nine months from late 1977 to mid-1978, was in reverse gear. In the September quarter last year the economy managed to get itself into neutral, and by the December quarter last year it was in first gear. If only the Prime Minister in Canberra would get his foot off the brake, we would soon see the economy moving at a much faster clip. However, at the moment there is so much braking coming from Canberra that the local economy is unable to get into top gear. The car industry in South Australia is recovering strongly. Chuck Chapman, the General Manager of G.M.H., will put on an extra 600 workers in the first six months of this year.

Mr. Chapman: Mr. Chapman!

The Hon. J. D. CORCORAN: Mr. Chapman, if you like. Mr. Webber of Chrysler is also very enthusiastic about his company's prospects. It is amazing to read what a leading real estate agent, Mr. Cliff Hawkins, had to say in the *Australian* of last Wednesday, as follows:

> There have been definite signs of recovery in the South Australian real estate market in the past 12 months. A recent survey indicates that architects are now getting an increased amount of planning work to the extent that an upsurge in the building industry here in 1979 is likely.

I do not need to say how many other industries are involved, ranging from manufacturing and domestic appliances to bricks, furniture and so on; I am sure that even John McLeay will find this a very welcome development. Now that the drought has broken, the food processing industry is steadily regaining lost ground and the agricultural implement manufacturing sector is also rebounding well. At the *Advertiser* seminar which was held last Friday, and which the Minister of Mines and Energy addressed, Mr. Jackson said:

> For the future, I do have confidence in South Australia. I do believe this State will continue to make an important contribution to Australian economic activity.

Dr. Brian Scott, the Managing Director of the largest Australian-owned management consultancy, W. D. Scott and Company, said:

> As for the future of South Australia, I do not hold with the doomsdayers who see nothing but stagnation ahead. What I am saying is that the development of a more optimistic attitude and a more positive approach might do much to dispel the aura of gloom which currently hangs over South Australia.

That aura of gloom has been energetically promoted by members of the Opposition and the Leader of the Opposition. If the Leader was a loyal South Australian he would see the need to get behind the sorts of statement that have been made by such eminent people as Mr. Jackson, Mr. Chapman, Mr. Hawkins and others, and see to it that confidence was instilled into business people in this State. In that way, they will take the bit between their teeth and do what they have always done before—work hard to the extent that they will be able either to expand or create new initiatives. I have every confidence in the policies of the Party I represent and the way in which the Government will interpret them and put them into effect. Over the next few months, as a result of those activities, we will instil the confidence that is needed and get on with the job and get this State moving.

Mr. GOLDSWORTHY (Kavel): We may have confidence in the future of South Australia but let me say categorically that we have no confidence whatever in the policies enunciated by the South Australian branch of the Labor Party at the weekend. The Premier has sounded forth in a fairly spirited defence of himself and his Party, but the statements made by the conference of the A.L.P. are binding on the Parliamentary wing of the Party, despite the Premier's talk about their interpretation of these policies. There is only one way to interpret policies to increase succession duties on larger inheritances, for progressive land tax, and for full competition with the banking system. It is all very well to talk about interpretation of policies, but the policies are perfectly clear. We are perfectly well aware of the fact that the Parliamentary Labor Party is bound by those policies. It is no understatement—

Mr. Abbott: Mr. Jackson didn't—

Mr. GOLDSWORTHY: I will quote a bit more of Mr. Jackson's speech, if the honourable member wants that, because it certainly was not a picture of a bed of roses in South Australia. The fact is that the policies of the A.L.P. enunciated at the weekend have been hailed as a recipe for disaster by all, except the hard left wing apologists who command the A.L.P. in this State. One of the proposals of the A.L.P is to put the press under greater scrutiny in South Australia. They may well want to do this after

reading the editorial in today's *News*. If anybody wants a summation of the present proposals, I advise him to read that editorial.

The Hon. Peter Duncan: Did they write your speech, too?

Mr. GOLDSWORTHY: They certainly did not write my speech for me. We know the sort of snide comments that come from the dirty little mind of the Attorney-General. We know the way in which he thinks.

The SPEAKER: Order! I hope the honourable member does not continue in that vein.

Mr. GOLDSWORTHY: Which vein is that, Mr. Speaker?

The SPEAKER: The honourable member referred to "dirty little mind," or something.

Mr. GOLDSWORTHY: The Attorney-General's expansive mind, then. The editorial in the *News* sums up what other editorialists have been saying for the last few days. If ever there was a recipe to frighten away all capital and business from South Australia it is that enunciated by the A.L.P. at the weekend.

The Minister of Mines and Energy has been hailed as one of the great architects of reforming legislation in South Australia, and I believe the Land Commission was cited as an example. We know perfectly well that he was the architect for the increases in succession duties in South Australia when the Labor Party came to office in 1970. We know perfectly well that the hatred built into left wingers of anyone who has accumulated any tangible assets came out from this academic economist to close the loopholes in the succession duties legislation, to aggregate successions and so on. We know very well that the architect was this economist—

Members interjecting:

Mr. GOLDSWORTHY: —late of Sydney, as someone says.

The SPEAKER: Order! I think that the honourable Premier was heard almost in silence.

Mr. GOLDSWORTHY: It is quite unrealistic for the Government to assert that it can maintain succession duties when every other State, including Tasmania, which is one of the poorer States, is in the process of eliminating them. The Premier is quite wrong when he says that Victoria is in the process of thinking about it, because the Victorians have disposed of succession duties in that State. Western Australia has disposed of succession duties, and the much-hailed Leader in New South Wales, Premier Wran, is following a moderate course. One could almost mistake him as a Liberal Premier when looking at some of his policies. From memory, he was the second Premier to say that his State would abolish succession duties.

How does the Wran interpretation of A.L.P. policy line up with the South Australian branch interpretation of A.L.P. policy? It is perfectly clear that the South Australian branch of the A.L.P. is the most radical doctrinaire left wing branch of any branch of the A.L.P. in this nation. If one examines what is happening in the other States, including the two Labor States of New South Wales and Tasmania, it is perfectly clear that Wran is doing his best to attract business.

The much-maligned Premier of Queensland set the ball rolling in relation to succession duties, but it was not long before Wran followed suit. Here, we have the A.L.P. saying that, far from relieving that burden on producers, including those in the rural sector, they intend to increase it in some areas. So it is in relation to land tax. The Premier says that we have a low level of taxation.

Mr. Mathwin: That's a laugh.

Mr. GOLDSWORTHY: It is. In all the areas which hit the householder we lead the way. I recall that the former Premier eloquently condemned the Federal Government when it proposed to increase motor taxes, but we have the highest motor tax of any State in Australia. It costs more to put a Holden on the road in South Australia than it does in any other State. We have the highest water rates and the highest stamp duty on housing transactions.

If ever there was a recipe designed to deter capital, business, and industry from coming to South Australia, it could not have better ingredients than those provided by the A.L.P. conference at the weekend. The A.L.P. intends to enter into banking in full competition with private banks. Are they saying there is not competition at present with the private banks? They are going to get into the whole range of banking, to increase competitiveness. What doctrinaire nonsense is being churned out! There are other proposals, perhaps not aimed at the business community as are the major ones, but the whole range of policies is designed to provide disincentives to the very movements we want to see.

I do not intend to speak for more than 10 minutes, because the points have been made by the Leader. The newly elected Premier said last week that his first priority would be to look to industrial development in this State. What a situation he found himself in when, the following weekend, his Party came up with this range of proposals which, far from helping industry, will drive industry, business, and investment from the State. It is a recipe for disaster. I support the motion.

The Hon. HUGH HUDSON (Minister of Mines and Energy): The Opposition, as usual, is playing its favourite game: in order to gain some political advantage Opposition members have seen it necessary to denigrate the Government. If they have to denigrate the State in order to achieve that objective, once again they have demonstrated that they do not mind doing that. The Premier said that, if the Leader were a loyal South Australian, he would not have allowed his Party to indulge in these tactics. This is not a new tactic; it has been going on, I recall, ever since the Leader took over. If he were a loyal South Australian he would not indulge in these tactics.

Basically, Opposition members are attempting to run down the State, to affect the psychology of the business community, and to affect the psychology of interstate investors, so that the recovery of the South Australian economy will be more difficult and, hopefully, the chances of the Liberal Party at the next election will be improved. Such tactics are the tactics that the Communist Party adopted in Europe when it was attempting to secure the overthrow of a Government. It is the tactic of the political group that believes that the means justifies the end. There is no difference between the attitude of the present leadership of the Liberal Party in this State and the attitude of the Communist Party in relation to the doctrine of the means justifying the end.

The Leader and his deputy are simply not concerned, if they are successful in creating all sorts of unnecessary worries within the business community here and interstate, if that will worsen the economic situation in South Australia and, hopefully, lead to the overthrow of the Labor Government. It is a power ploy of the worst sort, because it involves running down South Australia and attempting to create increased unemployment of their fellow South Australians. It is a disgraceful tactic. If there is any no-confidence motion that should be moved by the people at present, it is a no-confidence motion in the Opposition. It is the Opposition members who have adopted the disgraceful tactic. They are the people who have demonstrated incompetence and who have demons-

trated time and time again that they are not fit to govern.

The Premier, in his remarks, quoted the comments of Mr. Gordon Jackson, the chief of C.S.R. in Australia, and an interstate businessman of repute and integrity, in a speech made last Friday. Under the Australian Bureau of Statistics figures for unemployment, South Australia was the only State to experience a decline in unemployment between September 1978 and January 1979. That is based on the figures released last Friday. South Australia's figure went down from 7·8 per cent to 7·5 per cent. The Australian average increase was 0·8 per cent. Queensland went up by 1·2 per cent (from 6·6 per cent to 7·8 per cent), and Western Australia rose from 6·2 per cent to 7·8 per cent, an increase of 1·6 per cent, the highest of the lot. New South Wales increased by 0·4 per cent, Victoria by 0·8 per cent, and Tasmania by 1·3 per cent. The situation on the official Statistician's figures is that Western Australia and Queensland now have higher unemployment than does South Australia. Whom do we get thrown up at us all the time by Opposition members, and particularly by the Leader? They throw up the wonder kids, Sir Charles Court and Joh Petersen. Those are the people, and Queensland and Western Australia are the two great bastions of private enterprise that we are told about by the Leader.

Mr. Max Brown: That is the kind of thing that goes on.

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

The Hon. HUGH HUDSON: We are told that the attitude of the Queensland Government to succession duties has done wondrous things for the State of Queensland. I can only presume that unemployment in Queensland would be 10 per cent—I suppose this would have to be the logic of the Leader's argument—and not 7·8 per cent but for the policy in that respect. The figures give the lie to the Leader's statement. With one or two variations, unemployment throughout Australia moves up and down with relative movements largely in the individual States being in the same direction. The main reason for that is that national movements in the economy have the biggest impact State by State. For example, the effects of the last national Budget and the Loan Council meeting decisions taken in June last year were to have an adverse impact on South Australia of nearly $50 000 000 on our own Budget position. We could not run a deficit for one year of anything like $50 000 000.

The adverse impact of certain decisions taken in Canberra is double the kind of deficit which we in South Australia could afford to run in one year. That is quite apart from the actions of the Commonwealth Government in affecting the private sector through its taxation policies and policies with respect to interest rates, etc. How can Opposition members, unless desperate for an argument and not minding being represented to the public as a mob of incompetents, suggest otherwise than that the fundamental factor in employment throughout Australia is what kind of national Government we have? It is no good any more the Leader's saying that is it due to Whitlam, because Whitlam has been out of power for over three years.

I do not propose to argue the proposition but, even if, as the Liberals would automatically do, we accept the proposition that it is all due to Whitlam, we must have the most incompetent Government ever in Canberra at present because, in the space of three years, all it has done is to secure an increase in unemployment in every State throughout the length and breadth of Australia.

Mr. Venning: But—

The SPEAKER: Order! I call the honourable member for Rocky River to order.

The Hon. HUGH HUDSON: That is the success story of the Fraser Government: the worst unemployment figures since the great depression—increases every year since the end of 1975 (over three years ago, when it first entered Government). I do not know, but perhaps there are some people who sit behind the Leader who get a kick out of his saying, "It's all due to Whitlam," but he must surely underrate the integrity of the public of South Australia if he thinks he can now get away with that kind of statement. It really is a silly statement to make.

Mr. Tonkin: You made it; I didn't.

The SPEAKER: Order!

The Hon. HUGH HUDSON: When we look at the C.E.S. figures for unemployment again (and they are on a basis different from the official Statistician's figures), we find that all States show an increase, that South Australia has not the highest unemployment, and that the lowest increase was that in South Australia between September 1978 and January 1979. I suggest to members that there was a peculiar feature of the recession, which commenced in Australia from 1976 on, which had not been present in previous downturns. Most member will be aware that previous downturns have invariably involved a quick impact on the South Australian economy. It used to be said that, if New South Wales and Victoria caught a cold, we would get pneumonia, because of the impact of the Eastern States' markets on products produced here in South Australia.

The peculiarity of the recession in 1976-77, which is still continuing to this day, is that inflation of prices was still going on, and it was at a high rate: upwards of 10 per cent in 1976 and 1977. At that time, as a consequence of the rate of inflation, there was forward buying of the more expensive products in the Australian economy, such as motor cars and consumer durables. All kinds of people, not only in South Australia but also in the Eastern States, were saying, "Look, I have to buy a motor car. I can be confident that it will go up by 12 per cent if I wait for a year. I'd better buy it now." The same applied to washing machines, refrigerators and stoves—all of the things which are relatively concentrated more in South Australian than in any other State. The reason why we did not get the normal impact from the 1976-77 recession in the Eastern States was that that recession was associated with a continued forward buying of motor cars and consumer durables.

For most of 1976 and 1977, as a consequence, South Australia had the lowest unemployment of any State. However, as soon as the rate of inflation came down so that the expectation of further price increases was moderating, and the forward buying stopped, we felt the impact. That, fundamentally, was what was occurring in 1978 and that, fundamentally, was why the experience of the current recession, which has now gone on for almost three years, was different from previous recessions. As I said previously, we used to get the first impact of any downturn in activity in the Eastern States. However, because of forward buying, this time we were about the last to get the impact. That is the conclusion quite specifically of Mr. Gordon Jackson. I think that some emphasis on his statements is worth making, because he is one of the leading industrialists in Australia. I will specifically read some of his remarks into the record so that there can be no further argument about the matter. Under the heading of "Incentives", Mr. Jackson had the following to say:

> The major incentive in South Australia to the potential investor is the labour cost advantage.

The member for Mitcham will know that, ever since I have been a member (since 1965), the Labor Government has

been accused time and time again of throwing away the traditional labour cost advantage that South Australia had.

Mr. Millhouse: And rightly accused, too.

The Hon. HUGH HUDSON: The member for Mitcham says "rightly accused", but he is only a lawyer. He is not an economist or a statistician. He cannot be relied on to deal with figures, whereas we can rely on Mr. Jackson's figures to give the lie to the accusation. Mr. Jackson continued:

> Published information suggests that labour costs here are still some 4 per cent to 6 per cent below those of Victoria and 7 per cent to 8 per cent below those of New South Wales. The differential is probably still comparable with that evident in the mid to late 1950's, when the South Australian economy was burgeoning.

Mr. Millhouse: But the Premier—

The SPEAKER: Order!

The Hon. HUGH HUDSON: No Australian State has a burgeoning economy today. Mr. Jackson continued:

> Let me explain briefly. Taking "Average weekly earnings per male unit" (which despite the name also takes account of female employees), the seasonally adjusted figures for the September quarter 1978 were $207·70 in South Australia, compared to $226 in New South Wales, and $222 in Victoria, giving a wage cost advantage for South Australia over those States of 8·1 per cent and 6·4 per cent respectively. But looking at the median weekly earnings of male employees as surveyed by the statistician in August last year, the differences are reduced to 7·1 per cent and 4·2 per cent respectively.

Then he made the following statement:

> While the numbers quoted do include overtime payments, and there might have been a tendency for more overtime to be worked in the Eastern States recently, it is interesting that ordinary time hours worked in South Australia are higher than elsewhere.

The average working week is a little longer in South Australia than it is elsewhere: yet, when a productivity agreement was reached between the Electricity Trust and its employees last year, we were accused of disadvantaging South Australia. Mr. Jackson continued to make the following important point:

> Furthermore, it is worth noting that the differentials referred to are no doubt reduced by a few large employers, including G.M.H. and Chrysler, I understand, who pay wages in South Australia only marginally below those they pay in other States.

So, I believe that investors should find wages in South Australia about 7 per cent below those in New South Wales and at least 4 per cent below those in Victoria.

The Premier referred to Mr. Jackson's remarks on pay-roll tax, and I quote his conclusion again:

> Nevertheless, South Australian pay-roll tax rates, combined with lower average weekly earnings, mean that this State has the lowest pay-roll tax in the country.

Regarding workers compensation, the Government has often been accused of doing dreadful things to the South Australian economy. The report continued:

> In talking about labour costs, I should also mention workmen's compensation insurance. While comparisons in this field are difficult, Australian Bureau of Statistics figures show that the average premium paid per worker in South Australia in 1976-77, the latest year for which figures are available, was $182, compared to Victoria at $252 and New South Wales $191.

Again, the figure is lower than those for New South Wales and Victoria. He concludes that South Australia's workers compensation costs are about the average for the country as a whole.

Mr. Tonkin: You have missed out the middle section.

The Hon. HUGH HUDSON: If South Australia is about the average for Australia as a whole, and below New South Wales and Victoria, it must be above some other States. Even an idiot like the Leader of the Opposition ought to be able to work that out.

The SPEAKER: Order!

The Hon. HUGH HUDSON: I always get frustrated with students who are poor at arithmetic. Everyone knows, and it cannot be disputed, that South Australia's industrial record is much better than that of other States. Cheaper industrial land is available. Regarding electricity costs, the report states:

> I also understand that power costs in Adelaide are cheaper than in other major cities, at least for small to medium sized factories operating on a one shift basis. And the average revenue per kilowatt hour of electricity sold to industrial and commercial users in South Australia for 1976-77 was 91 per cent of the New South Wales figure and 87 per cent of the Victorian figure.

The revenue obtained per kilowatt hour for electricity sold to industrial and commercial users in South Australia was significantly lower than that in New South Wales and Victoria, and all other States have higher charges than those two States, so our franchises for electricity are the lowest in the country. Mr. Jackson makes it clear that incentives to industry are offered by the South Australian Government. That matter has been dealt with before, so I will not deal with it now. Regarding the disincentives that Mr. Jackson claims exist, the report states:

> The disincentive that comes first to mind is remoteness from the major eastern markets. Manufacturers here have to pay more to distribute around Australia. The least impact is on those producing high value, low volume products. Nevertheless, I was encouraged to hear from one manufacturer of white goods that their net cost disadvantage attributable to transport costs would be about 0·5 per cent on sales, an amount more than compensated for by labour cost advantages. Lack of adequate overseas shipping facilities is a major problem.

That is certainly the case, and no-one can gainsay that. The report continues:

> Despite significant investment by the South Australian Government in recent years in improving port facilities, including construction of a container terminal, dredging of channels, and reclaiming of back blocks, more than three times the container cargo going to or coming from South Australia is handled through eastern ports, mainly Port Melbourne, than is handled through Port Adelaide. South Australia also has a very narrow employment base which can concern potential investors. In October 1978 about 34 per cent of the State's manufacturing employment was in the motor industry, domestic appliances, and associated component suppliers. This is an extraordinary level of dependence for a State with about 1 300 000 people. It has meant a great vulnerability in local employment conditions and business activity to changes in the economic policies and tariff policies of the Federal Government. For example, changes in the level of sales tax on motor vehicles have in the past been made as an overall economic regulator, perhaps without sufficient regard to the impact on South Australian employment, and the business fortunes of those companies dependent on this State's economy.

Regarding tariffs, he says:

> The Federal Government report last year suggests that, next to Victoria, South Australia would suffer the most from an across-the-board tariff cut; that is in terms of employment and production levels. The dryness of South Australia, the dependence on the Murray River for much of Adelaide's water, and the limited catchment areas near Adelaide, and

relatively low rainfall in this small watershed area, can also be a factor inhibiting investment in certain types of industry.

Regarding industrial democracy, the Government has had to explain precisely what would and would not be involved, and has been subject yet again to the most extensive misrepresentations by the Leader of the Opposition and his colleagues. There has been no letting up, despite repeated statements made by the Government and its representatives. Any opportunities the Opposition gets to misrepresent Government policies, to scare people off, and to put misleading statements to the people, it takes with glee, even with abandon. The time has come when one way or another someone had to convince the Leader of the Opposition and members opposite that their performance has to be improved.

Not only the Labor Party believes this but comments have been made by the public. The Opposition is not assisted by the continual denigration of South Australia indulged in by the Leader. He would be better to shut his mouth on these issues rather than continue with the statements he is making. Regarding Labor Party policy, almost all of the things contained in the convention policy document that were agreed to last weekend were contained in previous policy documents.

Mr. Millhouse: Who are you kidding?

The Hon. HUGH HUDSON: The member for Mitcham can say what he likes, but his account would not be any more trustworthy than that of any other member opposite. Banking policies have always been in force. A previous policy dealt with the amalgamation of the State Bank and the Savings Bank, and that policy has now been discarded.

Mr. Tonkin: But—

The Hon. HUGH HUDSON: The Leader will misrepresent policy if he can. He has just given the game away yet again.

Mr. Millhouse: Isn't that economic policy?

The SPEAKER: The honourable member for Mitcham has been interjecting quite a lot. Would he please cease?

The Hon. HUGH HUDSON: There was a policy regarding amalgamation of the State Bank and the Savings Bank. We maintain policies with respect to the active involvement of those two banks: those policies were there previously. We are told the policy is the same. The Leader of the Opposition says that in no circumstances will he give an even-handed interpretation of Labor Party policy. By that remark he is saying that, if he sees any opportunity to misrepresent and fool the public, he will take it.

Some members on this side of the House, when considering taxation (this point of view is expressed in Labor Party policy, and I do not make any apology for it), also consider the purposes for which taxation revenue has to be used. In other words, the services that are provided by the Government are also considered.

There is always a temptation for an Opposition to be irresponsible. I can recall that in the two years I spent in Opposition in this House that temptation was present, but I never succumbed to it on the budgetary issues. I even supported gift tax proposals which were introduced by the Hall Government and which involved aggregation of those dreadful things the Leader talked about. They were introduced here by Mr. Pearson and voted for by every member of the Hall Government, including the member for Mitcham who was still, at that stage, a "loyal" member of the Liberal Party. There is always a temptation in Opposition for members to say that the Government should spend more, tax less and balance the Budget and hope that the stupidity of that statement will not be detected by the public at large. They hope that the public at large will not see the connection between spending more, taxing less and having an unbalanced Budget.

This Opposition, I must say, with all due deference to previous Oppositions, including the one of which I was a member, must hold the cake as the worst of the lot. That is saying something, because in the period until the 1968 election, as the member for Mitcham will remember, Mr. Steele Hall was one of the worst offenders in recent years in the doctrine of spend more, tax less and balance the Budget. He tried to fool the public at that time. He improved somewhat later on, and I have not seen statements in the years since 1968 that have come at that sort of line.

As the member for Mitcham well recalls (and he may well have tried to stop him before the 1968 election), a continuous theme of Mr. Hall's was one that this Opposition has now made a prime plank of its policy. This Opposition moves no-confidence motions as fast as it possible can. If it could think of one every day, it would move one every day. Diminishing returns set in months ago. If one talks to somebody outside and they say, "What happened in Parliament today?", and one answers, "Dr Tonkin moved a no-confidence motion," they say, "Oh, not again!" I plead with the Leader—will he consult with his Party colleagues and improve the situation?

The SPEAKER: The honourable Minister's time has expired.

Mr. MILLHOUSE (Mitcham): I congratulate the aspiring Deputy Leader on his filibuster. I am pleased that the Liberal Party has moved this motion today. I was not sure that it would be sensible enough to move it and, if it had not I proposed, as you know, Sir, to offer a motion of urgency in the following terms:

> This House views with deep concern the policies of the Australian Labor Party, binding on the Government and adopted at the Special State Convention over the last weekend, because those policies demonstrate a definite move to the left by the Labor Party and a reinforcement of its socialist objective and accordingly the House calls on the Government, in the best interests of the State, to repudiate those policies forthwith.

As I had given notice of my intention to move that motion, there can be little surprise among members to know that I propose to support this no-confidence motion. There is no doubt whatever that over the weekend the moderates and right wing members of the Labor Party, for the sake of unity and to avoid rocking the boat, allowed the left wing to take control of the Party, the very danger people have prophesied would happen now that Mr. Dunstan is no longer the Premier and the Hon. Mr. Corcoran is.

The real question (and the answer was given partially on Saturday) is whether or not the present Premier is strong enough to control the left wing of the Labor Party. If what happened over the weekend is any example, he will not be strong enough to do that, and we will see this Government (despite the moderation of the Premier personally) lurch to the left in South Australia. The question which I was preparing to ask the former Premier and which I asked the present Premier 10 days ago is whether the Government would not, in the interests of this State, abandon its socialist policies so as not to frighten away what industry we have here and attempt to attract industry to this State. He refused to do it. That was, in my view, a most unfortunate attitude to take. If it is the attitude the Government proposes to take in the future, it will mean disaster for South Australia—nothing less. I strongly support this motion. I believe that some of the new proposals in the new economic policy which were—

The SPEAKER: Order! The time for this debate has now expired.

The House divided on the motion:

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

Noes (25)—Messrs. Abbott, Bannon, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Corcoran (teller), Drury, Duncan, Groom, Groth, Harrison, Hemmings, Hopgood, Hudson, Keneally, Klunder, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Majority of 6 for the Noes.

Motion thus negatived.

LEGAL PRACTITIONERS ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

SECOND-HAND MOTOR VEHICLES ACT AMENDMENT BILL

In Committee.

(Continued from 15 February. Page 2711.)

Clause 14—"Repeal of ss. 24 to 29 of principal Act and enactment of sections in their place."

Mr. CHAPMAN: I move:

Page 9, line 41—After "any" insert "motor".

All we are seeking to do is identify the vehicle as a motor vehicle. If we do not make the amendment, these requirements will automatically apply to caravans and motor boats and a new provision will have to be drafted to cover the relevant provisions, at least for boats. The concept is premature until a satisfactory standard of design and manufacture is achieved for new crafts, and it would be reasonable to require dealers to repair crafts which had an established history, design and standard of manufacture. That standard of control is not expected to be achieved on a new craft for several months and it would be unfair, in our opinion, to require secondhand dealers to give warranties to old craft, in any event.

If the requirement is to operate it should be retrospective from the time of the introduction of a system with regard to new crafts and it should be limited to those crafts which are controlled at manufacture. Accordingly, we seek to identify our position in relation to vehicles as they apply under this legislation and specifically seek the support of the Committee to have the word "motor" inserted to differentiate between motor vehicles in the ordinary sense and boats and caravans under this Bill.

Amendment negatived.

Mr. CHAPMAN: When I put an amendment forward I hope that, if the Attorney-General has any objection to it, he might have the courtesy to explain briefly what is his objection.

The CHAIRMAN: The matter of debating whether or not "motor" should be inserted was debated at length on an earlier occasion.

Mr. CHAPMAN: I move:

Page 9, after line 43—Insert:

(ga) occurring in any caravan the year of manufacture of which was eight years, or more than eight years, before the year in which the sale took place;

(gb) occurring in any motor boat the year of manufacture of which was three years, or more than three years, before the year in which the sale took place;

(gc) occurring in the tyres, battery or any prescribed accessory to the vehicle;

Quite clearly not only the accessories but also the vessels and the vehicles in the form of boats and caravans we have insisted should be separated from the Bill. We were not successful in the early stages in doing that but hopefully, as they now appear to be incorporated in the overall warrantee system, they will be dealt with in a realistic fashion. It is my understanding that the Government is sympathetic towards that view with respect to this amendment.

The Hon. PETER DUNCAN (Attorney-General): We are not prepared to accept this amendment. The honourable member is right in his assumption that the Government is prepared to look at some amendment along the lines that has been suggested. However, we believe that the arbitrary figures of eight years and three years are in fact not satisfactory, and we want to give further consideration to that aspect. In another place, the Government will be prepared to look at accepting amendments along these lines but with varying periods.

Mr. CHAPMAN: I would like to make clear that in our view the standards of manufacture, the conditions and use and extent of use of the separate categories of car, motor boat and caravan make it appropriate that different periods of exemption should be granted and particularly because of the intermittent and uninformed use to which the two latter categories are so often subjected.

I recognise the comments that the Attorney has made and I would hope they are not upheld in the other place and that the points in support of placing these different types of vehicles in their respective categories will be taken account of and dealt with in the appropriate way.

Amendment negatived.

The Hon. PETER DUNCAN: I move:

Page 10, line 1—Leave out subclause (7) and insert new subclause as follows:

(7) This section does not apply to or in relation to the sale of any vehicle where the proposed purchaser has been in possession of the vehicle for a period of not less than three months immediately preceding the date of the sale.

In response to many representations this amendment ensures that motor auctioneers continue to bear the same warranty obligation as other dealers.

Mr. CHAPMAN: I take it that my amendment on file for line 9 will be deleted altogether if this amendment of the Minister's is supported.

The CHAIRMAN: No. I point out to the honourable member that, once we have voted on the Attorney-General's amendment, we will then be able to discuss the honourable member for Alexandra's amendment.

Amendment carried.

The Hon. PETER DUNCAN: I rise on a point of order. The amendment proposed by the member for Alexandra after line 9 cannot fit in there because it is couched in terms which would have fitted in with the old subclause (7). It proposes to add a paragraph *(c)*. However, the amendment just carried removes paragraphs *(a)* and *(b)*, so it would be completely unsatisfactory to add paragraph *(c)*.

The CHAIRMAN: I appreciate the point of order the honourable Attorney has raised. We would all agree that this has been a very complex and difficult Committee stage, and it has been difficult to cope adequately with all the amendments. However, I gave the honourable member for Alexandra an undertaking that he would be able to debate his amendment, and I will have to honour that undertaking. The amendment may well be irrelevant, but it is still in order for the honourable member to move it and then the Committee can vote on whether they will accept it.

Mr. CHAPMAN: I recognise the assistance given me when we have had amendments from both sides to common clauses of the Bill. I also recognise the point made by the Attorney-General that the specific drafting of this Bill, which refers to my amendment as paragraph *(c)*, is no longer appropriate. I am a little disappointed that this point was not properly considered in the preparation stages, because it has been understood by the counsel and by both sides that, where we both have an amendment on the same clause, the Government amendment would take precedence. Accordingly, now that the Government amendment has taken precedence and we have agreed with the amendment, my amendment just does not fit in. However, that does not alter the content of the amendment which I am now technically unable to move, and I propose to speak to it.

Although we have supported the Attorney's last amendment to delete subclause (7) and insert a new subclause, my amendment is still relevant and should apply. In those circumstances, I would like inserted in the proper form, the words "the sale of any motor boat by a dealer acting as a disclosed agent for an owner other than a trade owner". If those words cannot be incorporated, I would seek an undertaking that they may be incorporated in another place. I believe the Minister recognises the value of this amendment, and at the same time recognises that it is impossible technically to proceed with its presentation at this time.

The Hon. PETER DUNCAN: I am willing to give an undertaking to the honourable member that I will look at the possibility of endeavouring to draft something to overcome the difficulty that he sees in this matter. However, I point out to him that we have looked at this matter in the past and there are a number of difficulties associated with dealers who could seek to use this provision to get around the provisions of the Act, and we will need to look at this aspect of the matter.

Clause as amended passed.

Clauses 15 to 17 passed.

Clause 18—"Repeal of s. 32 of principal Act and enactment of sections in its place."

Mr. CHAPMAN: I move:

Page 12, line 24—After "dealer" insert "unless the contrary is proved".

I move this amendment because I believe that dealers should be able to protect themselves against unscrupulous persons operating at or near their premises, particularly after hours. With that in mind, it would seem only reasonable that we extend to those dealers an opportunity to be proved guilty rather than be guilty and be required to prove their innocence. From advice I have received on this matter, I understand that the words "unless the contrary is proved" are essential to protect the dealer from such practices.

Amendment carried.

The Hon. PETER DUNCAN: I move:

Page 13, line 1—Leave out paragraph *(c)* and insert paragraph as follows:

(c) where applicable and reasonably ascertainable, the make, model designation, body type, registered number, engine number, year of manufacture and year of first registration;.

Amendment carried.

Mr. CHAPMAN: In this instance we have an amendment on file which is identical to that of the Government and there is no need to speak on it. This matter was obviously lacking in the Bill.

The CHAIRMAN: Order! The honourable member knows that, once an amendment is voted on, he is unable to speak to it. He can speak to the clause as amended, but he cannot speak to the amendment.

The Hon. PETER DUNCAN: Obviously, where this clause is concerned, great minds think alike.

Clause as amended passed.

Clauses 19 and 20 passed.

Clause 21—"Prohibition of certain misrepresentations."

Mr. CHAPMAN: This clause amends section 35 rather extensively. Before a dealer can alter, remove, replace, or render inoperative an odometer on a vehicle, or before he can tamper with it in any way, for maintenance or oherwise, he shall be required to obtain written approval from the Commissioner. Whilst I recognise the importance of preventing dealers from tampering improperly with odometers on vehicles, I wonder whether some more flexible arrangement can be made, bearing in mind that the Bill covers dealers throughout the State. The requirement could be cumbersome and could cause undue delay to dealers in country areas.

Ordinarily, I would think that common sense would prevail, but the penalties for infringement are such that it will cause people to comply with the legislation and, in doing so, they would be caused undue delay and expense. Surely, the Commissioner's discretion about the nature of the approval given might be incorporated in the Bill to promote flexibility.

The Hon. PETER DUNCAN: The Government has included this provision because of the serious problem in the motor trade of the winding back of speedometers. The legislation we have had in South Australia for some years has improved the situation dramatically. If one wants to look at the situation in a State that does not have laws to protect consumers against this practice, one has only to look at page 23 of today's *News* to see a story concerning Queensland, the land of the last frontier, where the rapacious car dealer is able to go about his business without any requirements of the type applied in South Australia. The report states that an estimated 70 000 used cars which have had the kilometre reading turned back are sold annually in Queensland, according to two university lecturers. That is the magnitude of the problem, and the difficulty with the present South Australian legislation is that it is often difficult to prove who interfered with the odometer and at what stage.

This provision will make the situation much clearer. Where an odometer has been tampered with recently, the Commissioner will have been advised in advance. Whilst it might be a matter of some slight inconvenience to dealers, it will also be a matter of considerable protection to them. Their position will be protected because, unlike the previous situation where allegations were made against them and where it was difficult for them to refute those allegations, they will be able to claim that they did whatever alterations were undertaken with the approval of the Commissioner.

Mr. CHAPMAN: How does the Minister intend to apply the provision in practice? If an application was made by a distant dealer to replace an odometer in a vehicle, and assuming that permission was granted, especially where a new odometer was fitted, unless some other provision is intended in future, how is it possible to determine the distance that the vehicle has travelled? It seems to be superimposing technical and detailed legislation on what might otherwise be a commonsense practice. How can a proper record of the mileage of a vehicle be kept if, after application and subsequent approval, a new odometer is fitted?

The Hon. PETER DUNCAN: The clause is intended to operate by ensuring that, where an odometer is tampered with, that information becomes available. The Commissioner would probably grant approval on the basis that, in

any subsequent sale, the date upon which the odometer was changed and the nature of the change be made available to the subsequent purchaser.

Clause passed.

Clause 22—"Repeal of s. 37 of principal Act and enactment of sections in its place."

Mr. CHAPMAN: I move:

Page 16, line 19—After "dealer" insert "knowingly".

The amendment is self-explanatory. The proposed offence applicable is absolute in its present terms, and it would be unfair to provide for a conviction where a dealer is genuinely attempting, although ineffectively, to limit his liability. It is fair that one should be branded guilty only if he knowingly performed an act outside the terms of the legislation.

The Hon. PETER DUNCAN: The Government cannot accept this amendment. We have found that, particularly in consumer legislation, it generally becomes almost impossible to prove that a person knowingly undertook a task. Secondhand motor vehicle dealers are part of a trade, and to some extent there develops in any such trade folk lore information as to the best way to operate in the market place. It soon becomes well known that, in any instance of this sort, an inquiry officer is told that you did not knowingly do it, that it happened accidentally. Once that statement was made, the provision would be quite useless. This type of provision must be proved beyond reasonable doubt. It is not a civil onus, not simply on the balance of probabilities. The prosecution must prove the offence beyond reasonable doubt, so there is a heavy onus on the prosecution to prove the elements of the offence. We do not believe that the clause would be of any use if the word "knowingly" was put in, because in most instances it would be quite impossible to prove.

Mr. CHAPMAN: If it is that difficult to prove that a person is guilty, I believe that it is not the responsibility of the dealer to carry out the defence work. If a person is to be placed in that position and charged with an offence under the Act, I think it is reasonable that it should be established that the dealer knowingly set out to defraud or otherwise.

Amendment negatived; clause passed.

Clause 23 passed.

Clause 24—"Enactment of ss. 39a and 39b of principal Act."

Mr. CHAPMAN: I move:

Page 16—

Line 36—Leave out "person concerned in the management" and insert "director or other officer or the manager".

Line 38—After "proves that" insert "he did not know and could not be reasonably expected to have known of the commission of the offence or that".

We believe that the proposed section 39b, as it stands, is far too wide, and that, particularly in bigger organisations, the individual knowledge of transactions is necessarily limited. To change the onus of proof to the extent proposed in this instance and to incorporate liability without the requirement of knowledge to the extent proposed is unnecessarily harsh. While the section may be a "prosecutors' dream", it could be most unfair in its practical operation. For that reason, we hope that it will be modified at least to apply to those persons directly involved in the management, but not be as wide as in the Bill.

The Hon. PETER DUNCAN: I am prepared to accept both amendments. I presume that, if problems arise, members will be more than happy to accept amendments in the future.

Mr. CHAPMAN: The whole object of discussing these matters in Committee is simply to arrive at a successful and workable situation with respect to the operation of this new, all-embracing law. If any anomalies arise, I am certain that the Opposition will co-operate with the Government in bringing them into line.

Amendments carried; clause as amended passed.

Clauses 25 and 26 passed.

Clause 27—"Regulations."

The Hon. PETER DUNCAN: I move:

Page 17, after line 20—Insert word and paragraph as follows:

and

(d) by inserting after subsection (2) the following subsection:

(3) Any regulations made under this Act may be of general or limited application according to the persons or classes of persons, the vehicles or other things or classes of vehicles or other things, the times, the places or the circumstances to which they are expressed to apply.

My amendment seeks to enable flexibility in the designing of forms and the varying of dollar and distance amounts and the other requirements between the class of vehicles should that become necessary.

Mr. CHAPMAN: We support the amendment. In relation to the future prescribing of licence fees to be applied to the various categories of dealers, can the Minister explain precisely whether the fee applicable to partners in a dealer partnership will be an equal share and collectively the same sum as the licence fee to apply to a corporate body?

The Hon. PETER DUNCAN: Such shares as to be paid as between partners would be up to the partners themselves to negotiate.

Mr. CHAPMAN: If each of the partners is not necessarily a licensee, does the licence therefore apply to the business?

The Hon. PETER DUNCAN: No.

Mr. CHAPMAN: If it is to apply to the persons in the business, what is the proportionate fee that each of the licensees shall pay? If the licence fee to a total partnership is to be the same as that applying to a corporate body, I have no further questions on the matter.

The Hon. PETER DUNCAN: Then the honourable member may sit down.

Amendment carried; clause as amended passed.

Bill recommitted.

Clause 5—"Definitions"—reconsidered.

The Hon. PETER DUNCAN: I move:

Page 2—

Line 2—After "persons" insert ", but does not include any such trailer for the time being declared by proclamation not to be included within the definition of caravan for the purposes of this Act".

Line 14—Leave out definition of "dealer" and insert:

"dealer" means a person who carries on the business of buying or selling second hand vehicles, but does not include any person who carries on that business only in the capacity of financier, liquidator, executor or trustee:.

The first amendment is designed to enable classes of caravans to be exempted from the Act, as is already possible under the Bill in relation to cars and boats. The second amendment removes the difficulties involved in the drafting of the exceptions for auctioneers who, apart from motor auctioneers, will be exempted by proclamation.

Amendments carried.

Mr. CHAPMAN: I move:

Page 2, line 41—After "engine that is" insert "an outboard

motor".

The Committee is well informed about my attitude towards this matter.

The Hon. PETER DUNCAN: The Government is not prepared to accept the amendment. We believe that outboard motors ought to be included in order to ensure that all power boats for sale in secondhand dealers' yards are included.

Mr. CHAPMAN: In talking about outboard motors, particularly in this respect when they are likely to come under the category of warranty, we could be talking about, say, a $500 outboard motor that was completely clapped out. Its new price might be $5 000 or $10 000.

It is unfair to expect dealers to be responsible for warranty provisions of an outboard motor simply on the basis of its price. By inserting the words "outboard motor" in this clause, there is some protection to those dealing in boats and boats with outboard motors. In practice, there will be problems regarding the application of the Bill if this amendment is not included.

The Hon. PETER DUNCAN: This legislation is to ensure that people who buy boats, caravans or cars get reasonable value for money. If an outboard motor is completely clapped out, it should be thrown away and not sold in the way that the honourable member suggested, that is, claiming it is a boat with an outboard motor. Dealers will have to examine that aspect. The Bill would be deficient if outboard motors did not come under the provisions dealing with power boats.

Mr. CHAPMAN: As odometers are installed in a car, there is a way of measuring the degree of work the engine has done. Also, the appearance of a motor vehicle indicates the way in which an engine has been treated. An outboard motor, however, can be transported from one boat to another. Outboard motors should not be covered by this Bill, and should not be subject to warranty clauses and the fines and penalties imposed by the regulations. I was surprised to hear the Attorney say what he did, because I thought he was starting to recognise the flaws in the Bill. The Opposition cannot support the passage of the Bill if the Attorney proceeds in that way.

Amendment negatived.

Mr. CHAPMAN: I move:

Page 2, line 47—After "an engine" insert "or any such vessel that is a sailing vessel equipped with an engine the horsepower of which expressed as a number does not exceed one-twentieth of the number of square feet of sail for which the vessel is fitted".

That is a formula on which the boating fraternity has worked and seeks to have inserted. I can give no lengthy explanation in support of its inclusion, but I appreciate the work that that section of the community has done regarding boat dealing practice. The proposal was prepared with the co-operation of the Parliamentary Counsel. The Attorney's staff, if not he personally, is aware of the intention of the boating fraternity. I hope the Government will agree to the amendment.

The Hon. PETER DUNCAN: I cannot support the amendment. The honourable member is correct in saying that my staff has examined the proposal, and the Government sees some merit in it. However, a class of vessel such as is dealt with in the proposal can be exempted under the regulations. Without examining the horsepower and the square footage of canvas that should apply, I would not be prepared to accept the amendment. However, I assure the honourable member that, when the regulations are drawn, whether or not this class of vessel should be exempted will be considered.

Amendment negatived.

Mr. CHAPMAN: I move:

Page 38, after line 38—Insert:

"motor cycle" means a vehicle (not being a trailer)—

(a) that is used or capable of being used for transportation on land;

(b) that is designed to be wholly or partly propelled by an engine;

and

(c) that moves upon only two wheels, or where a side car or side box is attached, upon not more than three wheels:.

I have been presented with a paper by a reputable motor cycle dealer in South Australia, Cornell Suzuki, which states:

> The motor cycle industry in general is concerned that due recognition is given to the fact that, where the life span of a big motor cycle rarely exceeds 50 000 kms, and smaller machines have a relatively shorter life, a motor car is expected to last for 150 000 kms. It is believed, therefore, that a used motor cycle could not be expected to give the same trouble-free service for a three-month or 5 000 km period, as could a motor car. In this respect, I would point out that it would be normally a requirement under the 5 000 km for the chain and sprockets to be replaced even on a new motor cycle, and whereas motor car tyres are normally expected to last for 15 000 km, a rear motor cycle tyre rarely exceeds 5 000 kms.
>
> With the foregoing in mind, it is quite impractical to provide warranty for motor cycles as prescribed for motor cars, and in fact it may even be impractical to provide a warranty for, say, six weeks and 2 500 miles. It can be readily seen that motor cycle engines and transmissions do not have the strength and durability of motor cars, and that a "bikie vandal" could mechanically destroy a motor cycle in a very short time. It is also pointed out that most motor cyclists are "mechanics" and with their basic knowledge of their machines it would be relatively simple for them to swap faulty parts such as generators, starter motors, transmissions, etc., and make claims under the warranties. There is also an increasing use of non-road machines. Many of these machines, although registered for road use, are used off-road and thoroughly thrashed at weekends.

On that basis I think that the Committee would find that the motor cycle trade generally is convinced that there should be no statutory warranty on any machines other than standard production road machines—that there should be no warranty on trail bikes, enduro bikes, competition bikes, farm bikes, or any machine that has been modified outside the manufacturers' standard specification.

The CHAIRMAN: The honourable member can speak to his amendment to line 10 whilst speaking to this amendment. I take it that he is speaking to both.

Mr. CHAPMAN: Yes, I do not want to repeat what I have just said. Since I lost the opportunity of speaking to clause 5 during the early stages of the Committee, I put on record not simply an attitude—

The CHAIRMAN: Order! The honourable member at this stage can speak to the amendment only. He will have an opportunity to speak to the clause as amended before the final question is put.

Mr. CHAPMAN: I will not exercise that right, because the effect of my amendment embraces the subject material about which I am speaking now. I urge the Government to support the amendment I have proposed.

The Hon. PETER DUNCAN: The honourable member knows that the Government cannot accept the amendment. Apart from the enthusiasts to which he referred, of which there are considerable numbers, there are many quite ordinary citizens, and even mechanics, who have little or no knowledge of motor cycles. Therefore, we

believe that these people need protection. I have already given honourable members an undertaking that we will exempt off-road vehicles, farm bikes and the like under the power to proclaim various categories of vehicle exempt from the legislation, and we will be doing that. As for normal road bikes, the Government believes, on the basis of complaints that have been received and general information available, that it is desirable that these be brought within the ambit of the legislation.

Mr. MATHWIN: I was pleased to hear the Attorney say that off-road bikes and farm bikes would be exempted, but he did not mention competition bikes.

The Hon. PETER DUNCAN: And competition bikes.

Mr. MATHWIN: That is important. It may be a small matter for the Minister, but it is important, because a number of competition bikes are raced, and I think they ought to be given the same consideration. It is a disappointment that the Attorney does not see fit to include all motor cycles for the reasons given by the member for Alexandra. The honourable member mentioned the life expectancy of a motor cycle compared to that of a motor car. There is no comparison. He also mentioned the terrific wear on the driving parts of a motor cycle. Even if a bike is shaft driven, the wear is considerable, and it could not be expected to stand up to wear for the same period as a car transmission. I support the amendment.

Mr. CHAPMAN: I think it is reasonable to place on record that the material to which I was referring did not come from the Chamber of Commerce, as implied by the Attorney; it came from a reputable motor cycle company, Cornell Suzuki. I have material from the Chamber of Commerce, and its concern is consistent with that to which I referred before. Because of an undertaking I gave to the Acting Deputy Premier today, I do not propose to deal with that material now.

Mr. Millhouse: Aspiring Deputy Premier.

The CHAIRMAN: Order! The honourable member for Mitcham will be aspiring to leave the Chamber if he continues.

Mr. Millhouse: I was only encouraging him.

The CHAIRMAN: The honourable member has already been given a statutory warning today. I do not want to take the matter any further.

Mr. CHAPMAN: I have information from the dealer I spoke of, the chamber, and other dealers that is consistent. The chamber knows what the Government has in mind, and is far from happy about it. The Government has had the power under the Second-hand Motor Vehicles Dealers Act to proclaim motor cycles but has not done so, and in this Bill it is proposed to exercise that proclamation power. We do not think it should be exercised in relation to motor cycles, nor should the Bill extend to boats and caravans.

Amendment negatived.

The Hon. PETER DUNCAN: I move:

Page 3, after line 34—Insert subclause as follows:

(3a) The Governor may by proclamation declare any specified trailer or class of trailers not to be included within the definition of caravan for the purposes of this Act and may by proclamation vary or revoke any such declaration.

This amendment is consequential on my amendments to this clause which have already been carried.

Amendment carried.

Mr. CHAPMAN: Having lost the first amendment, I will not proceed with others I have on file, but I will oppose the Bill.

Clause as amended passed.

New clauses 5a and 5b.

The Hon. PETER DUNCAN: I move to insert the following new clauses:

5a. Section 7 of the principal Act is amended by striking out subsection (4) and inserting in lieu thereof the following subsection:

(4) The Governor may appoint a suitable person nominated by the Minister to be a deputy of a member, and such a person, while so acting, shall be deemed to be a member of the Board and, shall have all the powers, authorities, duties and obligations of the member of whom he has been appointed a deputy.

5b. The following section is enacted and inserted in the principal Act after section 7 thereof:

7a. On the commencement of the Second-hand Motor Vehicles Act Amendment Act, 1978, the offices of the members of the Board shall be hereby vacated.

These amendments will reconstitute the board so that, through a system of standing deputies, industry groups not currently regulated will be represented without the size of the board being increased to unwieldy proportions. A spill of positions is provided for so that the new appointments may be made in consultation with trade and consumer groups before the expiry of the current board in September 1980. Administrative arrangements will be made to ensure that the appropriate deputy sits on the board when the proceedings require it. In other words, when the board is dealing with the affairs of a particular sector of the industry (for example, caravans), we will have someone on the board from the caravan sector.

Mr. CHAPMAN: I believe that new clause 5a as introduced by the Minister is not exactly the same as the one I have on file. We do not believe that in any circumstances there should be fewer than two to be nominated by the Minister as persons who, in the opinion of the Minister, are competent to represent the interests of dealers in the secondhand dealers' field and that is not exactly what is intended.

The Hon. PETER DUNCAN: I am prepared to give the honourable member an undertaking that that will be the case in all instances.

New clauses inserted.

Title passed.

Bill read a third time and passed.

ROAD TRAFFIC ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 7 February. Page 2442.)

Mr. CHAPMAN (Alexandra): When this matter was first drawn to my attention I assumed from the newspaper reports that accompanied the introduction of the Bill that the amendment to the Road Traffic Act was intended to increase police powers within the community and enable our police officers to demand a breathalyser test be undertaken by motorists, and on that basis we supported the principles incorporated in this Bill. On reading the second reading explanation, I found that his claim that the amendments were of a disparate nature was the understatement of the session because the Bill proposes to embrace not only the matter to which I have referred but also matters relating to local government expenditure, the heavy transport industry and seat belts, as well as a whole range of incidental matters that the Minister seems to have collected and bundled into this one Bill.

This Bill was introduced on 7 February and it is difficult for us at such short notice to absorb all the material incorporated in it. Clause 3, which proposes to amend section 19 of the principal Act, sets out to avoid the distribution of costs of installing and maintaining signalling

on roads in South Australia. When he introduced the Bill the Minister said that the apportionment of the cost between the Commissioner and each council involved had become too laborious and too costly a task to carry on, and that he proposed in the Bill to apply the costs of installing, maintaining, altering, operating, or removing of traffic devices to those authorities in which the care, control, and management of the road to which the device relates is vested.

I first saw this proposal in the second reading explanation given by the Minister. Indeed, local government has not heard a thing about it from him. I telephoned the Local Government Department, bearing in mind that it was obvious that this sort of action could cause local government much expense. The department sent me a reply, which arrived only today. Quite clearly, from the notes provided to me by Mr. Hullick, the proposition is that the authority responsible for the particular road should bear the cost of installing traffic lights and other control mechanisms. This would mean that the Highways Department would bear costs for their roads and that local government would bear the cost for theirs. Under the present system, the Highways Department bears two-thirds of the costs of all local government authority expenses and local government itself bears one-third. It was indicated by local government that the present system appeared suitable, particularly as this aspect of funding was covered by the Federal Government allocation to MITERS (a scheme under the Commonwealth-State Roads Agreement) and supplemented from State Government funds. The understanding of the assistant is that detailed discussions on section 19 would take place.

As I understand it from these notes from Mr. Hullick, the department did write to the Local Government Association and indicated it wanted to enter into discussions. I do not know when that letter was sent but the indication from these notes is that it arrived only in the past few days and that no discussion or consultation has taken place with local government people. The first they heard of the Bill was when I brought it to their attention after it was presented in this place. Therefore, I am rather concerned that the Minister should, in an effort to introduce a fairly major issue in relation to the policing of drink driving in this State, introduce these additional matters which he obviously has not discussed at local government level. I telephoned a few district council clerks about this and they had not heard of it at all. I hope during the Committee stages the Minister will explain at least how he has determined "that councils should benefit financially from these proposed arrangements" (to use his own words) and, particularly, how he has determined that situation, obviously without consultation with councils or their association.

Clause 4 seeks to amend section 35 and simply extends the powers to those under the Highways Department. We support the explanation given by the Minister in relation to the inspectorial powers being extended in the direction proposed. I will deal with the clauses separately, as that seems the only way to handle this Bill, which refers to so many issues.

Clause 5 seeks to amend section 43. It is intended to retain the major portion of the section but there is a change in the wording to make clear what "except for the prescribed amount" means. I believe that should be in the Act. By the "prescribed amount", I refer to the degree of damage that a vehicle shall have before that vehicle accident is required to be reported. Subsection (3) of that section deals specifically with the failure to report an accident within the time required, and I wonder whether the Minister really has done his homework in this matter or whether he is working in conjunction with other Ministers in trying to make these road traffic laws consistent with those applying in other States of the Commonwealth.

If he is, I cannot understand why he still seeks to preserve this right to prescribe the amount of damage to a vehicle before it has to be reported. For example, the sum is in the Act in Western Australia; the sum of $300 is in the Act in New South Wales; and in Queensland it is still in the regulations. In the National Road Traffic Code, regulation 1714, it is clearly recommended that the amount should not be prescribed in regulations but should be in the Act. For these reasons it would seem sensible, in order to achieve uniformity between the States on traffic law, to delete, at the appropriate time, the provision to which I have referred.

Clause 6 seeks to amend section 46 and produces clarification of when an offence takes place. We have no objection to this provision. Clause 7 proposes to amend section 47, which deals with drink-driving offences. It is here in the Bill that we commence to discuss those areas which provide greater powers to the Police Force. Section 47 is a lengthy section in the Act, and I do not propose to deal with it all. However, it is reasonable to point out those parts that apply to excessive alcohol content (section 47b), the refusal to blow (section 47e), and the refusal to have a blood test (section 47i). This clause seeks to clarify when the five-year period for a previous drink-driving offence is to be taken into account for the purpose of imposing penalty. All of those parts of section 47 are relevant when seeking to determine when that five-year period commences.

Clause 8 amends section 47b to include reference to section 47i, which relates to refusing to have a blood test. This has not been the case to date and, if one agrees with the concept of apprehending drink-drivers, one must agree with the overall intent of these clauses. I indicate to the House that it is our general view that the opportunity for the police to apprehend and to have wider grounds on which to do so is a step in the right direction and we support the Government in that part of the proposal.

Section 47e previously applied only to those sections that I referred to in the Act. Clause 9 proposes an extra ground on which a police officer may require an alcotest. That extra ground is set out in the proposal of subsection (1), and there is a long list in the Bill setting out the basis on which a police officer may have reason to apprehend a driver and so demand a test. All of the offences listed in paragraph *(a)* are relatively serious motoring offences. The offences in paragraph *(b)* are referred to under the respective sections and all apply to speeding offences. This clause and the preceding clause seek to make any of the drink-driving offences inter-related so that a prior offence for any one of them will result in a more severe penalty on the current conviction.

It is only proper that the Government should try to tidy up the situation that prevails. It was made clear in the *Advertiser* on 26 January 1979, in an article headed "Police study judgment in drink case", where Mr. Justice Zelling upheld an appeal on behalf of Michael Jorgen Petersen, that it is high time the law was administered. Even though we support the rewording of this Act, this is only as a result of deficiencies in the administration of the law to date, rather than the law itself. We can only seek to give it a go after the amendments go through both Houses, and hope that with the extended powers, referred to in this Bill although not as far as random breathalyser testing or demanding blood testing, we will be better protected as a community at large from those who seek to drink and

drive.

Clause 10, dealing with section 47f, proposes to delete the word "three" and insert "two" in subsection (3). This reduces the number of blood test certificates that are required at the time of testing. I wonder why three have been necessary before if only two are necessary now. I do not wish to pursue that; there is nothing in the second reading explanation to indicate the reason for this, but hopefully the Minister will explain that at a later stage in the debate. Clause 11 will mean that the breathalyser test will be evidence of the blood alcohol reading. This amendment changes subsection (1) of the Act slightly to allow for changes in other parts of section 47g. The breathalyser reading will be conclusive evidence, unless the accused produces a blood test which goes against the breathalyser. However, since most blood tests show higher readings than the breathalyser, this dispute is not likely to occur. I can hear the member for Mitcham moaning away, and I do not know if he is unable to keep up with me or if he is simply tired.

The SPEAKER: Order! There is nothing in the Bill about the honourable member for Mitcham.

Mr. CHAPMAN: No, I have been through the Bill with a fine-tooth comb and I can see no mention of a member for Mitcham.

The SPEAKER: Order! In a second reading speech it is normal to talk about the Bill, and not the clauses.

Mr. CHAPMAN: Whether it is normal or not, on this occasion I propose to go into great detail and refer to the clauses during the second reading speech, because no-one in this place knows anything about the Bill. The Bill came in last week and the explanation which accompanied it was a disgrace. It did not explain what the Bill was about and it has taken an incredible amount of homework and research to determine the background of what is intended here. I do not believe it is improper in any circumstances to refer to the clauses in the Bill when I am speaking to a Bill in debate. I would like to know where I am prevented in Standing Orders from doing so.

The SPEAKER: Order! Perhaps I have been somewhat lax. It is proper, in the second reading debate, to discuss the principle of the Bill. The opportunity to speak on the clauses comes in Committee.

Mr. CHAPMAN: I don't know—

The SPEAKER: Order! I intend to uphold that ruling in future.

Mr. CHAPMAN: I do not want to fight about this, and I have not got a written speech, because I understand that is not acceptable, either.

The SPEAKER: Order! Copious notes have been seldom used while I have been Speaker.

Mr. MATHWIN: On a point of order, Mr. Speaker, I should like a direction from the Chair as to how the Bill is to be handled. If we are not allowed to speak to the clauses, would you direct what we are allowed to speak about?

The SPEAKER: Order! I have already spoken. The second reading debate deals with the principle of the Bill, and the clauses are discussed in Committee. I intend to uphold that procedure.

Mr. CHAPMAN: I recognise what is normally done, but this is not a normal Bill. It does not touch on a subject so that we can refer to the principle of the Bill. It deals with a whole range of material, rats and mice matters that have been lying around the Minister's department for years. He has finally bundled them together in a Bill and, because they all fall within the ambit of the Road Traffic Act, they are in one big bundle. If it is not reasonable in those circumstances to speak to the clauses, I do not know what we can speak to. There is no principle other than the subject to which I have referred in some depth. All the rest are rats and mice matters. Unless I touch on them in the second reading debate, my Party will not be aware of the contents of the Bill.

The SPEAKER: Order! I am sure the honourable member received a copy of the second reading explanation.

Mr. CHAPMAN: It was not worth the paper it was written on.

The SPEAKER: Order! I call the honourable member to order. When the Speaker is on his feet, the honourable member must remain silent. I am saying what should happen in the passage of a Bill, and in future I intend to abide by that procedure.

Mr. CHAPMAN: All right. We will have a go, but there is no point in my referring to the second reading explanation, because the Minister said very little.

The SPEAKER: Order! The second reading debate has always dealt with the contents of the Bill. The honourable member can be against the Bill or in favour of it, but the main subject in the second reading debate is the principle of the Bill. It is not dealt with clause by clause.

Mr. CHAPMAN: We have a mixed bag here. Let me demonstrate how mixed it is. In line with the direction I have had from the Chair, we will leave the matter of drunken driving.

The SPEAKER: Order! There is nothing to stop the honourable member from talking about drunken driving, but he should address himself to the principle of the Bill, not to the clauses.

Mr. Goldsworthy: Don't name the clauses, and you're all right.

Mr. CHAPMAN: I will not name the clauses any more, but on page 6 of the Bill, about three inches down, the Bill seeks to amend the principal Act by taking from it—and this is a new subject altogether—

The Hon. G. T. Virgo: What's three inches down?

Mr. Goldsworthy: He's allowed to talk about the Bill, and the clauses are the Bill.

The Hon. G. T. Virgo: Are you making up Standing Orders?

Mr. Goldsworthy: No, I'm not.

The SPEAKER: Order! The Minister and the Deputy Leader of the Opposition are out of order. I have given a ruling and I intend to uphold it.

Mr. CHAPMAN: The Bill presented by the Minister proposes, among other things, to extend the opportunity for a farmer to traverse roadways in daylight with his farm machinery, and the situation is now clarified as to what is agricultural machinery. The section is to be extended to allow over-width tractors, as well as other wide agricultural machinery, on roads between properties and in daylight, without registration.

That is covered by section 12 of the Motor Vehicles Act, and in this connection an interesting question has been brought to my attention. How far does the Minister intend to go in widening the terms of the section to allow pieces of equipment to travel on roads? He talks now about tractors. Previously, the legislation referred only to agricultural machinery. Next time, he could be talking about other items of equipment. The point drawn to my attention is the legislation applying to farm trucks with wide loads. I wonder whether we should be using individual machinery terms in the Act. Perhaps we should simply be referring to all primary producing machinery. No doubt there is a need for the Act to cover the shifting of farm machinery between properties and without registration, but I do not think we should be talking about specific widths and specific items of equipment.

The Bill amends the principal Act by striking out the

passage which refers to a vehicle being weighed or being directed to be weighed by the police or by a Highways Department inspector. If an inspector requires a vehicle to be weighed, he may redirect it to a weighbridge up to a distance of some five miles or eight kilometres away. The Bill proposes to delete that provision from the Act. I presume that, from here on, there will be no limit to the distance of a weighbridge to which a police officer or an inspector can direct a vehicle to be reweighed. That is unreasonable, and no doubt the Minister will indicate, at the appropriate time, what is in his mind.

Several other members wish to speak to the Bill, and I appreciate the impatience of the member behind me, who is banging things around and who wants to get on with what he has to say. I recognise your direction, Sir, on how we should deal with a Bill of this nature. As a result of that direction, I shall have to go into great detail in Committee. I had not proposed to do that, but we oppose several clauses in the Bill. Without moving amendments, I did not intend to make a fuss about them in Committee, but simply to touch on them during the second reading debate. However, since that has been disallowed, I have no alternative but to refer to them at a later date.

Clause 21 is totally unacceptable. The Minister intends to exempt from inspection vehicles owned by the Government. If the Government's vehicles, whether they belong to the State Transport Authority, the Police Department, or any other department, cannot be sufficiently roadworthy to withstand inspection, they should not be on the road. Any vehicle, whoever the owner may be, should be subject to the law of the land and should not be exempt simply because it may belong to the Government.

The Bill will give the Government power to waive a court order or, in accordance with the example cited, to waive the disqualification of a driver's licence in relation to certain persons in the community. I do not know whom the Minister has in mind to protect, but I do not believe that any such exemptions should apply, whoever the person may be, whether he be a Minister of the Crown, a senior officer of the department, or anyone else whose licence has been suspended as a result of a court order. That court order should stand.

The opportunities for appeal are there through the ordinary system, and in no circumstances do I believe that the Minister, his Government, the Governor, or anyone else in that category should be able to apply the law as to his own direction. I do not agree with that kind of power, and I do not know that it applies in any other Act on the Statute Book. I would be interested to hear from the Minister on that matter also, and other Opposition members may want to explore the matter.

Mr. MILLHOUSE (Mitcham): There is only one matter I want to raise, although, as the member for Alexandra has said, the Bill contains a number of disparate amendments. I draw attention to clause 9, which has the side heading of "Amendment of principal Act, section 47e", and which states that the police may require an alcotest or a breath analysis. This is the closest thing one can get to random breath testing, without saying it in as many words. This has not been set out in the Minister's second reading explanation but, if one looks at the list of prescribed offences, one will see that they are not serious offences. Some of them are the least serious offences that one could imagine. I will go through the list, so that there will be no doubt about this matter. If the Liberal Party is against random breath testing, it will be against this clause. It would have been more honest of the Minister if he had admitted that this was random breath testing, because that is what it is.

The Hon. G. T. Virgo: You'd never earn a living as a lawyer, if that's how you interpret the law.

The SPEAKER: Order!

Mr. MILLHOUSE: In his second reading explanation, the Minister said:

> The Bill proposes an amendment to section 47e of the principal Act, the effect of which would be to empower a police officer to require a breathalyser test where he has reasonable grounds to believe that a serious driving offence has been committed. At present, such power exists only where an accident has occurred or there has been some indication of impairment of driving ability.

Undoubtedly, the reason for the Bill is the judgment of the Hon. Mr. Justice Zelling in Petersen's case a few weeks ago, in which he held that, because a person was slow in getting away from traffic lights or had screamed the tyres, that did not mean to say that his driving was necessarily impaired.

The Hon. G. T. Virgo: If the amendment had been in the Act, would it have applied?

Mr. MILLHOUSE: Undoubtedly it would.

The Hon. G. T. Virgo: It would not. You know that.

The SPEAKER: Order! The honourable Minister will have an opportunity to reply.

The Hon. G. T. Virgo: I won't answer such tripe.

The SPEAKER: Order!

Mr. MILLHOUSE: Now that the Minister has been called to order, I will continue with what he said, as follows:

> The Bill sets out a list of those driving offences that are clearly of a serious and not merely technical nature.

Speeding offences must be over 20 kilometres an hour above the limit. Let us look at the prescribed offences, which are not described in the Bill. Only the section numbers are set down so that, unless one goes to the trouble of looking to see what the section means, one does not know what are the prescribed offences. Section 43 relates to failing to stop after an accident, and I acknowledge that that is a serious offence. Section 45 applies to careless driving. It used to be called (and the member for Morphett would undoubtedly agree with me on this matter) driving without due care; it is now called careless driving.

It is said that not one of us goes out the front gate in his motor vehicle on a journey of even one-quarter of a mile without at some stage on that journey committing the offence of careless driving. Even the slightest degree of negligence is sufficient to establish that offence. That is one of the prescribed offences. All that the police officer will have to do in future is to say, "I thought he had been guilty of careless driving." He does not have to prove it. The original section is being grafted on to this provision. Section 47e (1) provides:

> Where a member of the Police Force believes on reasonable grounds that any person while driving a motor vehicle or attempting to put a motor vehicle in motion . . . *(aa)* has committed a prescribed offence.

In other words, if he goes along to the court and says, "I believe that this man (or woman) has been guilty of careless driving," he is entitled to take a breathalyser test. The slightest degree of negligence is sufficient to prove careless driving. The police officer does not have to prove it; all he has to say is that he believed on reasonable grounds that the person was guilty of it. How the Minister can say that I am, therefore, talking tripe, when I say that this is the closest you could possibly get to random breath testing, without saying it in as many words, I do not know.

Let all members and members of the public be warned, because I do not believe, from the way in which the

Minister put his second reading explanation, that it could possibly be picked up that this is the effect of the amendment he is moving. I have got only to the second of those offences, but it is the catch-all offence. The member for Morphett will know that, and I shall be interested to see whether he will try to defend his Minister. I would be grateful if he did. He is loyal to his Government, but he will find it difficult to deny the effect of what I am saying now.

Mr. Wilson: They say he'll be a Minister.

Mr. MILLHOUSE: I hope that he will be, because he would be better than some of the Ministers we have now. Good luck to him! This is, in effect, if not in as many words, random breath testing. The Government is being dishonest in introducing it in this way, without admitting what it is.

Mr. Goldsworthy: Are you for it?

Mr. MILLHOUSE: I am for it. I have always advocated random breath testing, because I think that it would be the quickest way of reducing drink-driving charges. The only danger about it (and the amendment compounds that danger) is that, in the past few months, I have become unhappy about the attitude of certain police officers. I have had three or four separate instances in which the police have acted in an overbearing or oppressive way, quite unreasonably.

The Bill, and random breath testing, may be open to individual abuse by officers. I believe that the overwhelming number of members of the Police Force are decent, conscientious, and efficient, but, in a big group of people such as the Police Force, one will always get people who abuse their position. They are the rotten apples in the barrel who cause the trouble and who, in my view and in the examples I have had in the past few months, have been doing that. The Bill will be open to abuse.

Let us have a look at some of the other offences. If an officer says he reasonably believed that these offences had been committed, those causing them can be given a breathalyser test. Reckless or dangerous driving is serious. Section 55 relates to passing oncoming vehicles; one has to pass vehicles on the left. Section 57 relates to driving to the left of barrier lines. Section 63 relates to giving away to the right, and section 65 relates to giving way at cross-overs. Section 68 provides that turning vehicles must give way to pedestrians, and section 70 relates to the mode of making right-hand turns. Section 72 provides that turning vehicles must give way, and section 75 relates to obeying traffic lights. Section 76 relates to obeying signs prohibiting turns. If a U-turn is attempted, where a sign says "No U-turn", that is sufficient to permit a police officer to perform a breathalyser test. Under section 78i, if a person does not stop on a stop line, he can be given a breathalyser test. Section 78a relates to obeying traffic signals, and section 80 to crossing level crossings.

Regarding speeding offences, a police officer has merely to say that he believed a person was driving at least 20 kilometres an hour above the appropriate speed limit. Some of the offences are serious, and some are not. The significant offences are those that are not serious. Careless driving is not necessarily a serious offence at all. Nearly everyone is guilty of this on every journey, and is liable to be subjected to a breathalyser test. Some members of the Liberal Party are opposed to random breathalyser tests, and they should realise what the effects of this clause will be. They, and the public, should not be hoodwinked into thinking that random breathalyser testing is not provided for in the Bill. I think random breathalyser testing is necessary, in view of the magnitude of the drink-driving problem, although it is an infringement of rights.

I am suspicious about other things, and I have not had a chance to study the effects of amendments to 47g and 47i. The amendment in clause 11 to 47g inserting 1*(a)* is pretty drastic. Some members have reproached me for going to court from time to time, but this practice occasionally helps in my deliberations. I appeared for a man who was charged with causing death by dangerous driving. The Crown relied on section 47i, which is the compulsory blood testing clause. The member for Morphett may be interested in this. The Crown tried to rely on subclause (13), which allows the Crown to put in a document or a certificate as to the blood level. The member for Morphett, if no-one else, should be interested in the expressions of disapproval expressed by Senior Judge Ligertwood about taking away a person's rights. Section 47i is to be amended. I suspect 48g takes away a person's rights to contest the accuracy of tests and the equipment used. Whether these amendments are good or bad, I cannot tell. I did not hear clearly, if it came at all from the member for Alexandra, that clause 9 provides, in effect, for random breath testing.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Commencement."

The Hon. G. T. VIRGO (Minister of Transport): I move:

Page 1, after line 9—Insert subclause as follows:

(2) The Governor may, in a proclamation made for the purposes of subsection (1) of this section, suspend the operation of any specified provisions of this Act until a day fixed by the proclamation, or a day to be fixed by subsequent proclamation.

The purpose of this amendment is to ensure that, in relation to proclamation issued to take care of the transitional period of the change from the present arrangement to the new arrangement, there will be a clear cut-off date and there will not be a situation where a set of traffic signals was commenced under the old cost-sharing arrangement but not required to be paid that way, or vice versa. This is the machinery clause to ensure that no problems arise.

Amendment carried; clause as amended passed.

Clause 3—"Cost of traffic control devices."

Mr. CHAPMAN: Could the Minister explain how he proposes to implement this clause, bearing in mind that if the costs are directed to those authorities in which the road and the device are vested, on district roads or council roads that lead up to a main road where lights are installed for the purposes of protecting traffic on the main road?

The Hon. G. T. Virgo: Like where?

Mr. CHAPMAN: Every intersection where the district roads have lights installed adjacent to a main road. Who pays for them?

The Hon. G. T. Virgo: You mean at the intersection?

Mr. Chapman: Yes.

The Hon. G. T. VIRGO: I hope that the clause is clear.

Mr. Chapman: That is the part that local government has been unable to understand.

The Hon. G. T. VIRGO: I do not know to whom the honourable member has spoken in local government.

Mr. Chapman: The Local Government Association and West Torrens council.

The Hon. G. T. VIRGO: I have had no inquiries from people in all areas to whom I have spoken, and I am surprised at what the honourable member says. Where the road is under the care, control and management of the Commissioner of Highways, he will accept full responsibility for the cost of equipment, and local government bodies will not be asked to join in on a two-thirds and one-third basis, as applies now. The intersections referred to by the honourable member are mainly school crossing lights on

roads under the care, control and management of a local government body. In that case, the local government body will be the authority to take full responsibility for the cost. Local government will benefit considerably from the new arrangement.

Mr. CHAPMAN: Section 19 (4) provides:

> This section shall not apply in respect to traffic control devices within any area of the Corporation of the City of Adelaide.

Section 19 deals specifically with cost sharing. The Minister proposes to delete subsection (4) altogether. Does that mean the Government will now accept responsibility for the total cost or will the City Council be responsible?

The Hon. G. T. VIRGO: This clause provides that the cost shall be borne by the authority in whose care and control it is. That should answer the honourable member's question.

Mr. CHAPMAN: Can I take it, therefore, that all of the streets and roads within the City of Adelaide are vested in the control and authority of that city council, and therefore that council will now pay for the lot?

The Hon. G. T. VIRGO: It does now; there is no change regarding the City of Adelaide.

Mr. CHAPMAN: Therefore, in all other cases, councils will have to pay the total fee rather than the one-third they pay now.

The Hon. G. T. VIRGO: I repeat that the Highways Commissioner will pay 100 per cent of the cost of installing and maintaining traffic devices on roads that are under his care and control. Perhaps if I take it a stage further I might make the matter a little clearer in the honourable member's mind. If there are two roads that intersect—

Mr. Mathwin: Brighton Road and Whyte Street.

The Hon. G. T. VIRGO: Brighton Road and Whyte Street is the classic example, which I hope will convey the message in a clearer fashion. Whyte Street is under the care and control of the Brighton council. Brighton Road is under the care, control and management of the Commissioner of Highways. If lights are required at that intersection, the cost will be borne 100 per cent by the Commissioner of Highways. Now members can see how well local government is doing out of this.

Mr. BECKER: At the intersection of Henley Beach Road, Rowell Road and May Terrace a school crossing is involved. I understand that the cost of the lights at the junction of those roads with Henley Beach Road is estimated at $53 000. The information I seek from the Minister is whether the West Torrens council approached him for an explanation of the cost of establishing the lights? It is all very well to say that the lights on Henley Beach Road will be paid for, but there is work on the other two roads, which are council roads.

The CHAIRMAN: Order! I will allow questions in a general sense, but it is not appropriate for members to ask specific questions about specific roads. The Minister gave a specific example so that he could make it clearer to honourable members who wanted a clear example. This does not mean that we can have a debate on the matters related to any specific road. The honourable member can discuss the matter in general terms but I will not allow him to discuss specific roads.

Mr. BECKER: Forget it.

Mr. MATHWIN: I appreciate that the Minister is trying to help local government by the Highways Department providing crossings and lights at junctions of highways with local government roads and paying 100 per cent of the cost. I understand that on some roads owned by councils the Highways Department comes to the party and the council does not pay 100 per cent of the cost for crossings at the present time.

The Hon. G. T. Virgo: That is right.

Mr. MATHWIN: If that is the case, the new clause will mean that the cost of installing, maintaining, altering, operating, or removing any traffic control device shall be borne by the authority in which the care, control or management of the road to which the device relates is vested, so what the Minister is doing is providing councils with crossings where the Highways Department is concerned, but in areas where the council controls all the roads he is now making councils responsible for the full cost of those installations.

The Hon. G. T. VIRGO: That is quite right.

Mr. MATHWIN: So it is not quite as simple as the Minister explained in the first place. The Minister was saying that the department was the benefactor of local government, but unless a council wants traffic lights installed on roads controlled by the Highways Department, in areas where it needs lights for school and pedestrian crossings, or safety signs for its ratepayers, the council must bear 100 per cent of the cost, not one-third or thereabouts as it used to do.

The Hon. G. T. VIRGO: They pay two-thirds now.

Mr. MATHWIN: But after this Bill is passed they will pay 100 per cent of the cost.

The Hon. G. T. VIRGO: That is right for those, but they will pay nothing on the bulk of them.

Mr. MATHWIN: It means that the clause is not as good as it was thought to be originally.

The Hon. G. T. VIRGO: It means that you do not understand it.

Mr. MATHWIN: I understand it much better now, and I thank the Minister for his explanation. It was only because of help from the member for Light, when he reminded me that councils already received some assistance from the Highways Department, that I saw that Highways Department assistance to councils was to be wiped out. Councils that are not fortunate enough to have a number of highways through their areas will be in trouble. Where there are many semi-major roads that are not controlled by the Highways Department, councils will be responsible for the lights. That will be a direct and heavier charge on ratepayers. I am disappointed that that is to be the outcome of this clause.

The Hon. G. T. VIRGO: I wonder whether I can explain this again for the honourable member so that there is no misunderstanding. At the present time, where a traffic control device is installed on a road where the Highways Commissioner is involved, the Highways Department pays two-thirds and the council pays one-third of the cost. Where a traffic device is installed on a road which is not controlled by the Highways Commissioner, the council pays two-thirds and the Highways Commissioner one-third of the cost. The new proposal is that the Highways Department will pay 100 per cent of the cost for traffic control devices at intersections and junctions where that department is concerned at all, and the councils will pay 100 per cent of the cost in other cases.

I said that in total councils would benefit quite extensively as a result of this arrangement. What the honourable member is not taking into account is that, where there are roads that are entirely in the hands of councils, those roads rarely have more than school crossing lights or something of that nature installed. The number of full traffic control devices that are installed at intersections entirely in the care and control of councils is very small.

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

Mr. EVANS: In his second reading explanation, the Minister said:

> Accordingly, the Bill proposes the cost of such work be borne by the authority having the management of the road to which the traffic control devices relate. It has been determined that councils should benefit financially from these proposed new arrangements.

Was that determination made by the Minister's department, or was it made after consultation with local government or other authorities likely to be affected?

The Hon. G. T. VIRGO: It was made by the Highways Department.

Mr. MATHWIN: We know that the Highways Department is to pay the full amount for its areas and local government is to pay the full amount for its areas. Although the Minister says that local government has a great deal to gain by this proposal, it will not be that much. One of the big problems that concerns me is the setting of priorities. If local government is to handle all the traffic signals and the other matters affecting its roads, it can set its own priorities, providing they go before the Road Traffic Board and are passed. Local government can then have them installed in a fairly reasonable time. If we are going to leave all the priority roads and Highways Department roads, where the Highways Department will have the full say, the priorities will get years behind.

This situation already applies in a number of areas where the priorities were given by the Minister or by the Highways Department. I have asked questions regarding the installation of traffic lights in the Oaklands Road and Whyte Street area and areas such as Jetty Road, Brighton, which is urgent but which has not even been given any priority at all as yet. Brighton Road, which is administered by the Highways Department, has a number of areas requiring urgent attention.

Under this Bill, the department will be responsible and will be obliged to install traffic lights at Jetty Road, Brighton. It will also have to put in pedestrian crossings at the shopping centres at Brighton and Somerton. It will also have to provide lights at Whyte Street, and it will set the priorities. I can see a situation arising where there will be a vast increase of traffic on Brighton Road and yet the priorities for the pedestrian crossings could well be five or six years hence. This would be entirely in the hands of the Highways Department.

I have great confidence in the department, but if it is setting its priorities State-wide for the work it is to do, it will be a problem as far as local government is concerned. If the councils, when they own the roads, are to pay 100 per cent for the installation of the lights, at least they will be able to lift the priorities and get the lights installed.

Mr. RUSSACK: Can the Minister give a reason for the change? In answer to the member for Fisher the Minister said that the Highways Department promoted this change. In relation to the MITERS money for minor traffic engineering and road safety improvements, has consideration been given to this category?

I know the Minister has said that he does not like categories, and that they should not exist.

Will councils still be able to apply for a grant if they have to pay 100 per cent from the MITERS scheme, or will that money not be available to local government for the establishment and maintenance of safety devices?

The Hon. G. T. VIRGO: If the job meets the criteria of MITERS, I would expect that it would be capable of being submitted and considered first by the department and then, subject to application to the Federal Minister, approved.

Clause passed.

Clause 4 passed.

Clause 5—"Failure to stop and report in case of accident."

Mr. CHAPMAN: Why does the Minister require the amount in new paragraph *(b)* to be a prescribed amount and not an amount uniform with the rest of the States? I refer to the amount of money which determines whether an accident should be reported or not.

The Hon. G. T. VIRGO: This is simply so that the legislation does not get hopelessly out of date. It is not always possible to find legislative time to bring in an amendment. If it is a prescribed amount it can be varied from time to time by regulation.

Mr. CHAPMAN: I raised that question because Western Australia and New South Wales have sought to become uniform on this matter and have written the actual figure into their Acts. In those circumstances, I would have thought it was a classic opportunity for the Minister to do likewise and there would then be three of the mainland States that would be uniform in this respect.

The Hon. G. T. VIRGO: The amount can still be uniform, but it is simply set by regulation. It is then capable of adjustment in this time of high inflation.

Mr. CHAPMAN: I cannot agree that it is a time of high inflation; that has nothing to do with the Bill.

The Hon. G. T. Virgo: That is why we change it from time to time.

Mr. CHAPMAN: Wherever possible, there should be an attempt by the Government to write into the Act what is meant and what it intends, rather than hide behind regulations.

The Hon. G. T. Virgo: Regulations come into this Parliament, you know that.

Mr. CHAPMAN: They come into this Parliament, but the position is that the people depend on being abreast of the Road Traffic Act which they use and which they are required to comply with every day of the week. These matters should be cited in the Act rather than left to regulation.

Clause passed.

Clauses 6 to 8 passed.

Clause 9—"Police may require alcotest or breath analysis."

Mr. GOLDSWORTHY: This clause was the subject of comment during the second reading debate. The member for Mitcham, who is not with us now, was quite eloquent—

The Hon. G. T. Virgo: We are not sad that he's not with us. We're not keen on despicable people.

Mr. GOLDSWORTHY: I do not feel one way or the other about that. We are so used to his not being with us that it does not affect me either way.

I have looked up the relevant sections of the principal Act to see to what offences this clause applies. I support the clause wholeheartedly, although I do not know that every other member of my Party feels the same way. The road toll is quite appalling. Future generations will believe that one of the big puzzles of our age was that we killed more people on the roads than in wars. Alcohol is a major contributing factor to the road toll.

In Victoria, the law has been tightened and the police have been given greater powers in relation to breath testing. The Hamer Government has been criticised for its legislation, which allows random breath testing, and which allows for a charge to be laid against the driver when the level of alcohol in the blood is ·05 per cent, as compared with ·08 per cent in South Australia. The Hamer Government has had the courage of its convictions. Although it is being criticised by the hotel trade in Victoria, statistics indicate that that State's road toll has fallen. I am interested in saving the lives of our citizens, including the many young people who seem to have problems with our relaxed liquor laws. I was aware of the

implications of this clause, despite the lecture read to us by the member for Mitcham.

Clause passed.

Clauses 10 to 17 passed.

Clause 18—"Determining mass."

Mr. CHAPMAN: Why does the Minister propose to amend section 153, which preserves the opportunity for a driver to be required to take his vehicle only eight kilometres to be weighed following an inspector's direction? The explanation of the Bill touched on the subject but in no way explains the reasons behind the deletion of this distance.

The Hon. G. T. VIRGO: It has been found in practice that in some instances there is not a suitable weighbridge within eight kilometres but that there is a suitable one a greater distance way, although not so far away that it would inconvenience the person concerned, because he is travelling in that direction. We are removing that prohibition. Whilst it is there, the only way in which a vehicle can be weighed is by using portable scales, and it may be preferable, rather than using such scales, to ask the driver to pull in to a weighbridge 16 kilometres down the road in the direction in which he is travelling.

Mr. CHAPMAN: The explanation does not convince me that it is reasonable to accept this amendment. The Minister is saying that, if the driver is apprehended by a police officer or an inspector any distance from a weighbridge, he can be directed to whatever weighbridge the inspector likes. There must be some other good reason for this.

The Hon. G. T. Virgo: Would you rather we used the portable scales?

Mr. CHAPMAN: No. I would rather the Minister set up his inspectors at sites within a reasonable distance of or adjacent to the weighbridge, so that they could do their job accordingly.

The Hon. G. T. Virgo: When they are not near a weighbridge, a truck can carry anything with impunity.

Mr. CHAPMAN: No-one is suggesting that, and this Party does not condone overloading. We object to extending the powers of the inspectors or the police which would enable them to direct innocent people, to cause them expense, with no chance of redress or right of appeal against the department for expenses incurred, with the inspectors simply exercising authority in outlying places. I do not say that they should not apprehend people, but they should do it within a reasonable distance if they want the vehicle or the load to be reweighed. I do not agree that we should delete this provision.

I am aware of the Government's hurt in the action taken in order to try to clean up the practices of inspectors and their application of a law in relation to weighing various vehicles, particularly heavy transports. I know the Minister was disturbed by the action we took, but it was proper to take it. Since that action was successful, it seems that this is one way of reinstating these powers in the hands of inspectors. I do not agree, and I know that the attitude of my Party is along those lines. Unless the Minister can authorise the installation of proper and adequate weighbridges at appropriate sites, he should not take it out on the industry, particularly the heavy road transport industry, in the manner in which it will occur if this protection is taken away.

Mr. BLACKER: I, too, oppose the clause, because I see considerable difficulties in this situation, giving inspectors powers which could be quite unreasonable. We have a weighbridge between Tumby Bay and Port Lincoln, the bulk of the traffic being in the Port Lincoln area. Inspectors could ask heavy transports to go back to a licensed weighbridge at Tumby Bay. No-one is suggesting that any excess weight should be allowed or that any operator should be exempt or should be allowed to get away from the law by this provision, but it does create an inconvenience.

Most of the heavy transports are travelling on designated routes, and therefore weighbridges are available in the greater part of South Australia within eight kilometres of the destination or of the point of loading. I cannot think of a case in which a heavy load would be going from A to B without coming within close proximity of a weighbridge. I think the distance of eight kilometres is reasonable and within the practicalities of the operation of the law as it stands. I appreciate that the Minister believes that operators in some cases have been able to get around the law, but more and more bridges are being installed, and there are licensed weighbridges which can be used.

The Hon. G. T. Virgo: A number of them have been withdrawn, too, you know.

Mr. BLACKER: I accept that, but I am looking at it from the point of view of what I know, particularly as regards major licensed weighbridges for general weighing. A weighbridge is not difficult to find. It is unreasonable to expect a heavy transport driver to turn around, when inspectors could be placed in such a position where offenders would have to be caught. They cannot proceed past point X without being close to a weighbridge.

Mr. VENNING: Some weighbridges withdrawn previously as bulk handling weighbridges were used throughout the State. Considerable loads were being put on those weighbridges, thus causing damage. Terminal weighbridges are still open to the Highways Department's inspectors. There are five terminals in the State, so there are five points at which inspectors could operate close to weighbridges. I also believe that the department is developing its own electronic equipment for the weighing of vehicles. To ask transport operators to return so many miles to a weighbridge is unreasonable.

The Hon. G. T. VIRGO: I refer members to section 153, which authorises a member of the Police Force or an inspector to cause a vehicle to be driven to a weighbridge to permit the unladen mass of the vehicle to be determined. We are not talking about a vehicle that is travelling with a load of stock or grain. We are deleting the eight-kilometre provision from the Act.

Mr. CHAPMAN: I do not agree that the Minister is on the right track here. Section 153 provides:

> (1) A member of the Police Force or an inspector may, by notice in the prescribed form, signed by the member or inspector, and by a justice of the peace, and served on the owner of a vehicle, direct that owner to do the following things within a reasonable time specified in the notice, namely—
>
> *(a)* To cause the vehicle to be driven to a weighbridge or other instrument for determining the mass specified in the notice and situated not more than eight kilometres from the place where the vehicle is at the time of service of the notice;

Whatever the amendment to the principle Act was in 1976 (I do not have it here), it does not take away from the powers of the police those unamended portions in paragraph *(a)*.

That is the point of argument. We do not agree that powers should be given to an inspector wherein following notice on the prescribed form he may direct the driver of a vehicle to travel greater than the distance specified to be weighed. Whether the vehicle is laden or unladen, or whether simply the unladen mass is sought to be determined, the powers of the inspector should not extend that far in any circumstances. At the time of first

registration, a provision in the Motor Vehicles Act provides for the requirement of the original mass of the vehicle before it can be registered but, beyond that, I do not believe that the powers should extend to the field inspectors. If the Minister persists with this provision we will oppose it.

Mr. RUSSACK: It would be left to the discretion of a member of the Police Force or an inspector to decide the distance. A difficulty has been created, because certain regulations have been withdrawn. I know one owner who had to travel about 140 km to a weighing station to have his vehicle registered. Inconveniences to vehicle owners, have thus been caused. To delete the provision, as clause 18 does, would leave the matter wide open. The present Minister will not always be the Minister, and this legislation will stand for a considerable time. If it is not amended, the inspector and those responsible could oblige transport operators to travel excessive distances. Until some specific distance is specified, or unless the Act is retained as it stands, I will oppose the clause.

The Hon. G. T. VIRGO: In an endeavour to try to protect some people (and I appreciate that that is exactly what members are trying to do), they are continuing a hardship, and I hope that they realise it. Section 153 gives authority to a police officer or an inspector to issue an order to a person to have the unladen mass of his vehicle determined.

The order that is issued requires the owner to do certain things. This clause relates to determining the mass of an unladen vehicle and does not encompass what the honourable member says it does. It simply determines the unladen mass and removes restrictions that many operators want removed because of the difficulty the eight-kilometre provision causes.

Mr. BLACKER: The Minister is really asking inspectors under the weights and measures legislation to verify the writing on the side of the truck.

The Hon. G. T. VIRGO: Some alterations could be made to the truck and the mass would have to be redetermined.

Mr. BLACKER: The inspector would be acting for the Motor Registration Division and not merely determining weights and measures?

The Hon. G. T. Virgo: Yes.

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, Hopgood, Hudson, Klunder, Langley, McRae, Olson, Payne, Slater, Virgo (teller), Whitten, and Wright.

Noes (17)—Mrs. Adamson, Messrs. Allison, Arnold, Becker, Blacker, Dean Brown, Chapman (teller), Eastick, Evans, Goldsworthy, Gunn, Mathwin, Rodda, Russack, Venning, Wilson, and Wotton.

Pair—Aye—Mr. Wells. No—Mr. Tonkin.

Majority of 6 for the Ayes.

Clause thus passed.

Clause 19 passed.

Clause 20—"Wearing of seat belts is compulsory."

Mr. GUNN: Does the Bill make the wearing of seat belts compulsory in commercial vehicles?

The Hon. G. T. VIRGO: If a seat belt is fitted in a commercial vehicle, it is compulsory to wear it. There are design rules under which vehicles first registered after a certain date must be fitted with belts. Irrespective of whether it is compulsory by law for a vehicle to be fitted with seat belts, if a belt is fitted it must be worn. In some vehicles seat belts are fitted in some positions and not in others. If a car with a bench seat had two seat belts fitted in the front, it would be illegal for a person to sit in the middle without wearing a seat belt.

Mr. CHAPMAN: That is a subtle way for the Minister to say that he intends to destroy cuddling by lovers.

The Hon. G. T. Virgo: They should not do it on the road anyway. They should pull into a side road.

Mr. CHAPMAN: If there is a seat belt fitted in the driver's position and another fitted on the extreme left, with no belt fitted in the centre, a girl is forced to sit on the left-hand side, divorced from her lover. It is cruel that the Minister should destroy such a practice.

Clause passed.

Clause 21—"Prohibition against driving a vehicle not subject to a certificate of inspection."

Mr. CHAPMAN: This clause gives power to the Minister to exempt certain vehicles from a road-worthiness inspection. The Government should not have that power. A law regarding safety should apply to all vehicles travelling on public thoroughfares. Under this clause the Minister has power, by a notice published in the *Gazette*, to exempt a vehicle, and he probably has in mind to exempt State Transport Authority buses, Police Department vehicles and the like.

If they are travelling on private property or away from thoroughfares traversed by the public, fair enough, but if they are on public thoroughfares they ought to be embraced by the requirements of the Act. I look forward to the Minister's explanation so that we can determine whether we should oppose the clause or not.

The Hon. G. T. VIRGO: The definition of "omnibus" is "a vehicle that carries more than eight people". If a person like the new Premier decided a few years ago to buy a mini bus that had seating for nine, he was roped in by the legislation. It was never intended or desired that that sort of vehicle ought to be involved. The purpose of this clause is to provide flexibility to the Minister so that in those sorts of cases the existing arrangement of inspection need not go through. We do exercise Ministerial jurisdiction now when those vehicles are examined to waive the charge for doing so. There is no more reason for a requirement on a vehicle that has nine seating positions and is driven by a person driving his own family around than there is for a car with six seating positions.

Mr. BLACKER: It was suggested earlier that this provision was to enable the Minister to exclude Government fleet vehicles and similar vehicles from the Act. Do I have the Minister's assurance that that is not the purpose?

The Hon. G. T. VIRGO: That is not the intention. The Minister could, if he wished, do that. The Committee has my complete assurance that this is not an attempt to try to get around anything. The Government is probably more stringent regarding its own vehicles than it is with other vehicles.

Clause passed.

Clause 22—"Offences by employees."

Mr. CHAPMAN: Will the Minister explain what is intended by this clause? It is proposed to strike out the words "maximum masses" from section 166. Little was said about this in the second reading speech except that the words "maximum masses" apply to straw companies.

The Hon. G. T. VIRGO: It is in part referring to straw companies. Section 166 provides a defence for an employee. It is proposed to remove that defence in the case of maximum masses, for two good reasons. The first is that the real owner of the vehicle involved in straw companies parades as the driver. They use section 166 to say, "You cannot ping me because I am 10 tonnes overloaded; you have to ping the company."

Mr. CHAPMAN: You go back to the company and you cannot find it.

The Hon. G. T. VIRGO: Exactly. The second reason is that instances have been recorded where an employer has required an employee to take a given load weighing only 15 tonnes on a 20-tonne vehicle. The driver then goes to some of his mates and says that he has spare capacity, so they put another 10 tonnes on the truck and it is five tonnes overloaded. It is quite immoral under those conditions to say that the employee, who was earning a dollar on the side, should not be charged with an offence and that the employer who had nothing at all to do with it ought to be charged with an offence.

Mr. CHAPMAN: How does the Minister think the deleting of the words "maximum masses", which were introduced into the Act in 1976, will have the effect of pinging the driver?

By simply removing the words "maximum masses", how does the Minister explain that the driver of the vehicle is going to escape the rest of the penalties that apply under section 166?

The Hon. G. T. VIRGO: I did not say that.

Mr. CHAPMAN: What do you hope to achieve, then?

The Hon. G. T. VIRGO: What this will do is remove the defence for the person overloading. We are concerning ourselves simply with overloading.

Mr. CHAPMAN: If you are going to take away from that section the opportunity to ping him, where will you put it?

The Hon. G. T. VIRGO: We are not going to put it anywhere. We are taking away his right to say, "Notwithstanding that I am overloaded, I will call on the provisions of section 166, and on that basis I cannot be pinged." If the person is charged with overloading, notwithstanding that he is an employee, he can be charged and not be acquitted, as he would be on any of the other matters.

On weight he will be able to be charged, and in practice what will happen is that, wherever we are able to lay the charge successfully against the owner of the vehicle, as a matter of policy that will always be followed. We will proceed against the driver only if, in the case of the straw company arrangement (although that may be reduced in the future, but let us assume that it will continue) he is the owner, and also, in the case of an employee, if he is overloading contrary to the instructions of his employer.

Mr. CHAPMAN: I am pleased to have that assurance from the Minister that this section of the Act will be applied only in cases where the employee is the only identifiable person with that overloaded vehicle, that it will be applied only in cases as put forward by the Minister where the employer is in fact the owner but hiding behind the straw company practice, which we know a little bit about in this place.

Clause passed.

Clause 23—"Power of court to disqualify."

Mrs. ADAMSON: I am very strongly opposed to this clause. The marginal note describes this clause as the power of the court to disqualify. In fact, it is no such thing. The clause gives the power to the Government to override the courts.

The Hon. G. T. Virgo: I do not write the legislation.

Mrs. ADAMSON: The Minister may not write the legislation, but he supports this clause. The clause means that the Government can override and revoke decisions made by the courts. That is absolutely wrong and is contrary to all the principles of justice. It strikes at the very heart of our system of justice, because it means that a politician can override a judge and say, "I do not like the judgment; I think that person should get off." Who will be in the special class of person protected under clause 23 of this Bill? Who will the people be who have been convicted by the courts and who can be let off by the Government presumably because these people are special? It seems that we will have three classes of citizens in South Australia; the innocent, the guilty and a special protected species of people who have the Government to thank for their protection. What is the reason for this protection?

One cannot help asking whether this clause is put there especially for the benefit of Ministers who may have been disqualified from holding a licence. If not, for whom was it put there, and what is the justification for a Government's overriding the decisions of a court in relation to the disqualification of a driver's licence?

The Hon. G. T. VIRGO: I am very sorry to hear the honourable member for Coles descend into the areas which she did. It was not becoming of her.

Mrs. Adamson: It is a low clause.

The Hon. G. T. VIRGO: If the honourable member had asked why we were putting it there and had then delayed her speech, she might not have made the speech that she did. I shall be very pleased to tell her why this clause was put there.

Mr. Venning: Go on, proceed.

The CHAIRMAN: Order! I call the honourable member for Rocky River to order.

The Hon. G. T. VIRGO: About 12 years ago (and the Attorney-General will undoubtedly help me on dates) an identity of Point Pass, or somewhere in that area, went before two justices of the peace sitting as a court in Eudunda charged with driving under the influence of liquor. He was found guilty; indeed, I believe he pleaded guilty. A fine of about $200 was imposed and his licence was disqualified for 10 years. The man said, "You might as bloody well take it away for life." The justice of the peace said, "Right, I will." Under our existing laws, that man cannot get his licence back. Is the honourable member saying that, because a J.P. was so stupid—

Mr. Mathwin: He could appeal.

The Hon. G. T. VIRGO: He did not exercise that right.

Mr. Millhouse: He should have exercised it.

The Hon. G. T. VIRGO: Well, I do not want to speak to that despicable character opposite. Would any honourable member suggest that he should not get a licence again for the rest of his life because of that decision by a J.P.? It was a stupid decision, and the law is quite definite that we are not able to do anything about it, except expunge the whole of the case, and that can be done now. However, surely it is not sensible to wipe out a decision by which he was found guilty and fined, simply to get around the stupidity of some J.P. That is exactly what this amendment is for. If members opposite want a decision of a J.P. who says, "You have lost your licence for life" to stick, and for such a person to have no redress at all, they are more inhumane than I thought.

Mrs. ADAMSON: The Minister's explanation is by no means satisfactory. We are discussing a principle when we deal with this clause, and, if this is the way in which the Minister thinks that injustice can be overcome, I suggest that he is taking the wrong way. This clause opens the way for further injustice and for outright abuse. If a J.P., magistrate or a judge has made a decision which is manifestly unjust and unreasonable, there is room for appeal.

The Hon. G. T. Virgo: What if he does not exercise that right of appeal within the 21 days time limit, or whatever it is?

Mrs. ADAMSON: Obviously, a defendant has an option to exercise that right of appeal, but, if he is content to allow a conviction and sentence to rest, that is his choice.

The Hon. G. T. Virgo: So he has to cop it for life.

Mrs. ADAMSON: Surely, three weeks is sufficient time

for anyone to appeal against a sentence he believes to be unjust. Surely, the Minister can see that it is very wrong to enact a political power to override the power of a court. If redress is needed for injustice, it should be done through an appeal. The situation should never arise where a politician can revoke the decision of a court, and that is exactly what we are talking about in this clause. It is wrong and should be opposed. Members opposite who vote for this clause are virtually saying it is all right to have a special kind of citizen who can be protected by the Government from the decision of a court. That is not my idea of how our courts or Government should operate, and I oppose the clause wholeheartedly.

Mr. CHAPMAN: I listened with interest to the Minister's explanation. It is amazing to me that a case which occurred in Eudunda about 12 years ago has not been followed up by the Government in the 10 years it has been in power. It is incredible that such an incident could occur, but equally incredible is that part of the explanation by the Minister which ignores the opportunity for appeal. If the Government is serious about being humane, I suggest that it should seek to have power to revoke the expiry time for an appeal and allow a person to go through the ordinary process and lodge that appeal.

Overriding the decision of a court seems to be an unbelievable course to pursue, and in those circumstances we as a Party cannot agree to that sort of power. I do not want to carry on with this subject at great length, but every sitting day we find one occasion or another where the Government is seeking to obtain wider powers in the community. In our own interests as a community and in acting on behalf of the ordinary citizen who has to suffer the laws that emerge from this place, it would be quite wrong of us to allow the widening of the power to this extent. We propose to divide on this clause to show our contempt for it.

At the beginning of his second reading explanation, the Minister said that the Bill consisted of a number of matters of a disparate nature. This clause in itself demonstrates that point. The Minister collected up bits and pieces around his department and lumped them together to try to justify a Bill for debate. On this occasion, he has gone back to Eudunda 12 years ago—much too far back and far too wide for us to accept.

Mr. MILLHOUSE: The Minister mentioned my name in a disparaging way a few moments ago. I want to say something about this. It springs out of what the Minister said. It seems extraordinary that, to justify such a departure, the Minister goes back 10 years or 12 years. I was Attorney-General 10 years ago, and I do not remember the case, although it sounds so extraordinary that it is a wonder that it did not come to light earlier than this. Although the Minister did not mention this, perhaps the Attorney-General will agree with me. I have a hazy recollection that, while there was a Royal Prerogative of Pardon which could be exercised by the Governor, we had an opinion that it did not extend to disqualification of licence, for some reason. If that is so, there is some justification for this.

The Hon. Peter Duncan: The Royal Prerogative can be used to remit portion of a fine or sentence, but it cannot be used to remit portion of a licence suspension. However, it can be used to expunge the whole of the offence, and therefore—

The CHAIRMAN: This legal discussion is interesting, but I am sure it is difficult to record, and it is out of order.

Mr. MILLHOUSE: Whether it is out of order or not, it is not only interesting but relevant, and I am appreciative of the Attorney's reminding me of that. I had a hazy recollection of something like that. Nevertheless, members should know that there is, as the Attorney has said, ultimately the Royal Prerogative which can be used by His Excellency to pardon persons who are convicted of offences. In our day, it was used very sparingly, and it was difficult to do all the paperwork, although I cannot remember the reason for that. Eventually, the Queen, as the head of the system, has the power to override anything else that has happened.

I cannot let the Minister brush aside the question of appeal as he did. He says the person in this case did not appeal—damn fool that he was not to appeal. There is a period of 28 days to appeal, either against sentence, or, if there has been a plea of not guilty and a finding of guilty, against conviction. I cannot understand how any sensible person who had been punished in this way would not appeal.

What the Minister did not say, and what is entirely relevant, is that now, although it was not the case 10 years ago, the time for appeal of 28 days can be extended by the court. If this sort of thing were to happen in the future, even if the fool (and I use the word advisedly) did not appeal in time, the time could be extended even six months after it happened, so we do not need this to get to the court to get an appeal on the sentence. To me, all this adds up to a most imperfect explanation to support what I think should not be allowed through without a very good explanation.

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, Hopgood, Hudson, Klunder, Langley, McRae, Olson, Payne, Slater, Virgo (teller), Whitten, and Wright.

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

Pair—Aye—Mr. Wells. No—Mr. Tonkin.

Majority of 5 for the Ayes.

Clause thus passed.

Remaining clauses (24 and 25) and title passed.

Bill read a third time and passed.

CONTRACTS REVIEW BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 1 (clause 3)—After line 5, insert definition as follows:

' "contract" means a contract—

(a) under which a person (not being a body corporate or a person acting in the course of carrying on a trade or business)—

(i) purchases any goods, or services;

(ii) take goods on hire;

or

(iii) acquires by any other means the use or benefit of goods or services;

and

(b) under which the consideration to be paid or provided by that person does not exceed in amount or value fifteen thousand dollars:'

No. 2. Page 1, lines 7 and 8 (clauses 3)—Leave out all words in these lines.

No. 3. Page 1 (clause 3)—After line 10 insert "or".

No. 4. Page 1, lines 12 and 13 (clause 3)—Leave out all words in these lines.

No. 5. Page 2, lines 19 to 29 (clause 5)—Leave out all words in these lines.

No. 6. Page 2, line 36 (clause 5)—Leave out "or".

No. 7. Page 2 (clause 5)—After line 38 insert paragraphs as follows:

"(c) a contract for the sale or supply of goods where—

(i) a party to the contract is domiciled or resident outside Australia;

and

(ii) the goods are to be delivered, or transported upon delivery—

(A) from a place outside Australia to a place within Australia;

(B) from a place within Australia to a place outside Australia;

or

(C) from a place outside Australia to another place outside Australia;

or

(d) a contract (not being a contract of employment) for the provision of services where a party to the contract is domiciled or resident outside Australia."

No. 8. Page 3, lines 21 and 22 (clause 6)—Leave out "(or, in the case of land, the reconveyance of the land)".

No. 9. Page 4, line 3 (clause 6)—Leave out "title to" and insert "an interest in".

No. 10. Page 4 (clause 6)—After line 7 insert "or".

No. 11. Page 4, lines 17 to 20 (clause 6)—Leave out all words in these lines.

No. 12. Page 4, line 25 (clause 6)—After "practicable" insert "and, in any case, within six months after performance of the contract was completed".

No. 13. Page 6, lines 7 to 9 (clause 8)—Leave out all words in these lines.

No. 14. Page 6 (clause 9)—Leave out the clause.

No. 15. Page 7, lines 34 to 37 (clause 14)—Leave out all words in these lines.

Amendment No. 1:

The Hon. PETER DUNCAN (Attorney-General): I move:

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

This proposal by the Legislative Council is intended to ensure the limitation of the Bill to so-called consumer contracts. The Bill was never intended simply to deal with the problems of the consumer in the market place; it was intended as a law reform measure. Throughout the debate and deliberations on the Bill, it was pointed out that it was intended as a law reform measure across the breadth of the law. By limiting the Bill simply to so-called consumer contracts, the great benefits that flow from the Bill would be markedly reduced.

Many people will benefit greatly from the legislation, if passed. In particular, I cite service station proprietors in their lease agreements with oil companies. Those agreements are well known for the fact that they place heavy and unreasonable burdens on service station proprietors. It is well known that the contracts themselves have Draconian clauses in them that are, from time to time, exercised by the oil companies, causing great distress and financial hardship to the proprietors. I also cite many small businessmen who urgently need the protection of legislation of this kind. As I believe that the amendment would completely gut the Bill, I oppose the amendment.

Dr. EASTICK: I am not going to weep with the Attorney-General, because I cannot accept the thrust of much of his argument. He was wrong in suggesting that there had been no debate on this issue. An amendment to this effect was moved in this Chamber. It was refused by the Government, and the other consequential amendments that would have been necessary were not proceeded with. I believe that the action taken in another place was completely legitimate and reasonable. The insistence by the Government on this measure is out of character with what is best for the business community in South Australia. Indeed, I support wholeheartedly the amendments from another place.

The Committee divided on the motion:

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

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

Pair—Aye—Mr. Wells. No—Mr. Tonkin.

Majority of 5 for the Ayes.

Motion thus carried.

Amendments Nos. 2 to 15:

The Hon. PETER DUNCAN: I move:

That the Legislative Council's amendments Nos. 2 to 15 be disagreed to.

Motion carried.

The following reason for disagreement was adopted:

Because the amendments are intended to emasculate the Bill.

TRADE STANDARDS BILL

Returned from the Legislative Council with amendments.

EDUCATION ACT AMENDMENT BILL

In Committee.

(Continued from 6 February. Page 2393.)

Clauses 2 and 3 passed.

Clause 4—"Interpretation."

Mr. ALLISON: Clause 4 (2) *(b)* refers to officers' effective service. Under the previous legislation, the time spent at a teacher's college was considered when long service leave and other benefits were calculated. There is a possibility that, if that is not considered under the present legislation, there could be a deduction of four times six days, if a college student served four years before entering the teaching profession. Is that still relevant to the provision of long service leave?

The Hon. D. J. HOPGOOD: The department's policy has been that those teachers who were bondees during their time in a college of advanced education will have their service so counted. This gives legislative effect to that practice, but it will not apply to those who were unbonded scholarship or private students. The Government is legislating for what is the current practice.

Clause passed.

Clause 5 passed.

Clause 6—"Long service leave."

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

Page 3, line 42—After "number of" insert "additional".

There was some comment in the second reading debate about what seemed to be an anomaly in the operation of the formula. The formula as drafted is correct but, because the word "additional" did not appear, teachers could have taken the Government to the cleaners.

Mr. ALLISON: The Opposition supports this amendment. The new formula had already been worked out and it was discovered that it covered the number of additional

days of long service leave, rather than the base number of days of long service leave, to which an officer would have been entitled. This would have meant a considerable increase in money paid to an officer had he claimed under the former definition. The Opposition agrees with the formula and the new definition.

Amendment carried.

Mr. ALLISON: The Opposition opposes this clause because it does not equate the teaching service with the rest of the Public Service. Teachers would be placed in a more advantageous position since the teaching profession already is entitled to 12 weeks leave a year. To add another six days for each year after 15 years of service is tending to gild the lily. In the present economic circumstances, the time is inopportune to implement the provisions of the clause. In fact, there might be some follow-on applications from public servants so that they will be equated with teachers regarding long service leave. The Minister assured the Opposition that the amendment is the result of an election promise, but this promise, if made, was not made wisely.

Mr. EVANS: I oppose the clause for the same reasons as stated by the member for Mount Gambier. Most teachers are dedicated. However, they are not in the same category as other public servants. Teachers have at least 12 weeks leave in any one year, without accrual of long service leave after 15 years of service, when they are entitled to 18 weeks. After July 1975, teachers gain for every year after 15 years of service an extra three weeks each year. If a person, aged 22, becomes a teacher, at the age of 37 he would be entitled to 18 weeks long service leave. At the age of 52 he would be entitled to another 45 weeks long service leave, totalling 63 weeks long service leave in all. This is not desirable at a time when South Australia has about 2 000 qualified young people who have been encouraged to enter the teaching profession through training colleges and who want to move into the teaching field.

We do not at this stage ask those teachers who are entitled to long service leave to take that leave so that we can put some of these young people on contract and give them the opportunity to find out whether they are capable as their qualifications suggest they should be, in other words, to weed out those who are not the best and encourage those who are the best so that we can give them permanent employment at the first opportunity. Instead, we are allowing people to accrue their long service leave, to pick it up at the end of their career, or late in their career, if they wish, and thus take out more in salary than they would do if they had taken it at an earlier time in their working life when they had not reached the status of senior master or head master.

That is one objection. I do not believe the Government asks people to take their long service leave when it is due. Also, we are not providing people who are in a position to get some experience in a higher position as, say, a deputy principal or principal, an opportunity to do so, because the principal or deputy principal stays on until the end of his career before taking long service leave. If they were asked to take it when it was due, people would gain experience in higher positions, and those who assess their ability would know whether they were being promoted outside their capacity or whether they had the capacity to fill that position in the future as a permanent position. That is another problem.

I cannot see why we should be saying to the members of a profession, which has 12 weeks leave a year now and which is entitled after 15 years to 18 weeks leave, that for every year after 15 years we are going to give them another 3 weeks leave. That means that for every year after their 15th year they are going to be given the normal 12 weeks, which does not include public holidays that fall in between those times, plus another three weeks. That amounts to 15 weeks in any one year from the 16th year onwards, plus public holidays and sick pay. I am not saying that all teachers would manipulate the system: I do not believe they would, but I believe that, if the Minister used the right approach, many people in the teaching profession would take their long service leave, as long as the Minister gave them a guarantee that nobody else could manipulate the system and let his leave accrue until the end of his career or a later stage in his working life.

The principle behind long service leave is to give time off to people who become jaded and tired in their jobs, and the argument used by union advocates over the years was that these people needed a break from the tedious effort of the job, whatever job they were doing. Now we find that, when long service leave is due, people do not take it. They let it accrue, and the State has a bigger debt when they move into a higher income group. They should be asked to take their leave when it is due, because it was given to them on the basis that they would be tired and jaded and that they could take it and come back to the job rejuvenated, invigorated, enthusiastic, and keen to get on with the job again.

That was the purpose of long service leave, and I believe that this Parliament is wrong in saying that the Government can continue with its present practice. The Minister refused to answer a question I asked about what was the Government policy on this matter. Four times I got up and asked this question, and he deliberately avoided answering on each of those four occasions. I am saying that I believe that the teaching profession in the main is a dedicated group that works outside of normal working hours in helping and looking after children engaged in sporting, cultural and music training. Maybe some modification of their present long service leave is justified, but I believe that this is taking it too far when one takes into consideration the time that they have off during the year.

I say that people in the responsible section of the teaching profession, if we asked them whether they thought they should take their long service leave when it was due, would agree with me. If asked whether they should have this sort of entitlement after 15 years, I believe they would say that they should not. I oppose the provision, because it is a move in a direction that the State cannot afford, and we are neglecting many of those young people who are trained and waiting for the opportunity to move into the teaching field. We are saying that they are not worth considering and that we will leave them out in the wilderness, when we have the opportunity to do something by asking people to take their long service leave when it is due.

Mr. GOLDSWORTHY: I oppose the clause. I do not believe for a minute that the rank and file members of the teaching profession are seeking the extra handout which is the substance of this clause. I believe that there is a growing awareness in the profession that all is not well. I have heard teachers say that they believe that the 17½ per cent leave loading is not warranted. I am sure that a large number of teachers are saying this. I would be surprised if the majority of teachers did not believe that the time is not opportune for the passing of this sort of provision. It will add to the salary burden of the Education Department, and a direct consequence will be that the Minister in the future will not be able to employ extra teachers.

I know it is the cause of great concern in the profession that literally hundreds (indeed, thousands) of highly trained young people of excellent quality just cannot get

jobs. I believe that the whole philosophy behind this clause is fundamentally wrong. Long service leave is peculiar to Australia on the world scene. It is a big deal with unions in this country and, once the principle of long service was established in Australia, pressure from unions and associations such as the Institute of Teachers brought about an increase in benefits. This is part of the industrial scene. Once the door has been opened part way, union leaders see their job as increasing benefits for their members. Of course, what happens in relation to long service leave is that benefits increase and the pressure for benefits increase.

I know that the explanation and rationale behind this clause was that Parliament has enacted similar provisions for the Public Service in South Australia. I believe that, when those conditions went through the House, things were not quite as bad economically in the State as they are at the moment. Even then, I certainly was not enthusiastic about long service leave provisions which had been agreed to between the Government and the Public Service at election time. The Government agreed that the Public Service long service leave provisions in South Australia (in fact, all conditions) would be equal to or superior to those obtaining anywhere else in the Commonwealth. That might be a convenient way of buying votes, but it is not a particularly responsible way of conducting the finances of this State.

That is the past history in relation to the generous long service leave provisions, which in the first instance were introduced into the Public Service as the result of an election promise. Now, public servants in South Australia have the most generous long service leave provisions in Australia, and the Government is trying to provide for teachers in South Australia the most generous long service leave provisions, to line up with the provisions of the Public Service. I was not enthusiastic about what we were doing for the Public Service then, because we were on a downslide in South Australia. We are in even worse shape now than we were then.

Anybody who does not think that South Australia is in economic difficulty is living in a fool's paradise. The present Premier and the former Premier used to claim that we had a balanced Budget. That is complete nonsense. The fact is that $5 000 000 was transferred from Loan Account to pay wages and expenses such as this.

The Hon. D. J. Hopgood: Come on, speak to the clause!

Mr. GOLDSWORTHY: I am. How will the Government finance this? It will do so out of general revenue. It says that the Revenue Budget is balanced, but $5 000 000 will be taken out of Loan Account, and we will be paying interest on that at about 10½ per cent for umpteen years to finance provisions such as this. We are now on the last, I think, $17 000 000 from the sale of the country railways, so in fact we are running a $22 000 000 deficit this year in South Australia. It is all very well for the Government to say it is running a balanced Budget. That is a complete fabrication and distortion of the facts.

It is in that climate we approach this sort of measure. It is certainly inopportune to pass this sort of legislation, and to be handing out absolute luxuries to people who are lucky to have a job when hundreds and thousands of excellent young people are seeking work in this profession and just cannot get it. Whether it is popular or unpopular, I make no apology for saying that I am adamantly opposed to this clause. We are living in a fool's paradise, and the Labor Party in this State has contributed markedly to this situation. I oppose the clause.

Mr. WILSON: I seek information from the Minister as to whether his departmental officers worked out the extra costs that will accrue to revenue for these provisions. It has always been my opinion that, when legislation of this type is brought before this House, a cost benefit should be supplied with it. In this case, it is particularly important. I know it is not quite as simple as saying it will cost so much per head, because different numbers of people will come under the provisions of this clause at an increasing rate over the next few years, but does the Minister have a projection?

The Hon. D. J. HOPGOOD: I do not have a projection with me, but of course the Government looked at the general cost situation, both for teachers and for the Public Service, when the committment was originally made.

Clause passed.

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

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

Motion carried.

Clause 7—"*Pro rata* long service leave."

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

Page 5, line 16—Leave out "1978" and insert "1980".

Although the general tenor of the amendment is to improve benefits for teachers, it was pointed out to me that, in one particular detail, the movement to parity with the Public Service would mean that some people could lose benefits, because under certain conditions laid down in the parent Act these benefits become available after five years, and the effect of these amendments makes them available after seven years. I agree with the suggestion made by members of the Institute of Teachers, who said that this amendment should be prospective rather than retrospective. January 1980 was the date agreed upon. I urge the Committee to support this clause.

Amendment carried.

Mr. GOLDSWORTHY: I ask the Minister why it is not the policy of the department to insist on teachers taking leave when it falls due, or within some reasonable period of its falling due. The Minister has possibly answered this, but I have not heard it if he has. It would save the public of South Australia a large sum of money if the Government was prepared to see that public servants and teachers took their leave when it was due. The Government has that authority and power, so why does it not exercise it?

The Hon. D. J. Hopgood: This matter was aired when the Appropriation Bill was before honourable members in Committee. I have nothing further to add to what I said at that time.

Mr. GOLDSWORTHY: It is all very well for the Minister to say that he discussed it in the Appropriation Bill, but my question is relevant to these clauses. The Minister could tell me to look up *Hansard* of 1956 because he answered a like question at that time.

The Hon. D. J. Hopgood: It was only a week ago.

Mr. GOLDSWORTHY: I am asking a question about the clauses in this Bill, not about something which happened in the Appropriation Bill or something that happened in the year dot. If the Minister knows the answer he should give it. The Minister can say that he talked about this matter during the Appropriation Bill debate, but it is just as relevant to say he answered this question in 1970.

Mrs. ADAMSON: How does the Minister square what he said when speaking on the Appropriation Bill with the answer he gave me today to a Question on Notice in which I asked how the department enforced section 19 (6) of the Education Act? His answer was, "It has been long-standing policy to approve applications for long-service leave where practicable." That may be what the department does, but that is not what section 19 (6) of the Act requires. The Act requires that teachers take their leave when it is due. Teachers could apply for leave three

years after it is due, when they are on a salary level which is considerably in excess of what they were on when the leave fell due. Members on this side want to know why the department does not insist that leave be taken when it is due, thus enabling the department to plan ahead with the certainty of knowing who will be on leave, when, and for how long, so that contract positions will be available to unemployed teachers to fill in the time available because teachers are taking their leave.

The Hon. D. J. HOPGOOD: Setting aside for a moment the honourable member's explanation, which was a rehash of what her Deputy Leader had to say, her actual question was how do I square the answer I gave to her in writing today with what I said before the Appropriation Committee. In fact, I said virtually the same thing to the Appropriation Committee as I said in the answer that I have just given.

Clause passed.

Clause 8 passed.

Clause 9—"Interpretation."

Mrs. ADAMSON: I oppose this clause, because it gives the Minister unfettered power to determine what is and what is not an independent school. I do not believe that that power should be given to the Minister. I know that he has amendments on file which will place that power under regulations, but nevertheless it does exist in this clause, and that should not be so. I want to make it quite clear that I am not opposing the principle of registration for non-Government schools, because it is quite obvious, in a system where we have compulsory education, that the Government has a responsibility to see that minimum standards of education are maintained in all schools, whether they are run by the Government or by private independent bodies.

That responsibility no doubt is even heavier when taxpayers' money is used to subsidise the non-government schools, but to give one person, the Minister, the power to determine what is and what is not a Government school puts far too much political power in the hands of one person, and means that the whole future and character of independent education in South Australia is subject to the discretion of the Minister.

I do not wish to canvass again the arguments I put in the second reading debate, which appeared on page 2389 of *Hansard,* but I shall move an amendment at the appropriate time in order to qualify this power of the Minister and of any future Minister, and to make sure that it is never used without due consultation with the people who are to be affected by it. That is only common justice. I do not think that justice is being done to the independent education system of South Australia by clause 9 as it stands; therefore, I oppose it.

The Hon. D. J. HOPGOOD: I ask the Committee to support this clause. I regret that, when the legislation was introduced, I did not have prepared the amendment which I shall move later. The honourable member has already referred to this amendment, which will enable regulations to be brought down. I do not know whether I am in order in saying anything about it. It is my intention—and I have already spoken to people from the non-government schools—that a small working party be set up which will consist of people from the non-government school sector who will draft the regulation under which they are to be licensed.

I believe that this is perfectly acceptable to the non-government schools. It is inconceivable to me that a committee which will have a majority of people from the non-government sector and which will have only one of my servants on it, the rest being only from the non-government sector, would come up with a regulation that was not satisfactory to their schools. If it were not, it would still be open to the honourable member or to her colleagues in another place to disallow the regulation, which would mean that the system could not operate. Although I am prevented by Standing Orders from saying anything more about the amendment I will move later, I urge the Committee to support this clause.

Mrs. ADAMSON: Nothing the Minister has said has convinced me that this clause, as it stands—and that is what we are debating, not something that might be said in the future—is satisfactory from the point of view of the independent schools. I am aware that the Minister has discussed the matter with the independent schools, but I wonder how many people involved with the schools realise the difference between regulation and legislation.

The Hon. D. J. Hopgood: Most of them; they are not stupid.

Mrs. ADAMSON: But they may not be aware that the regulations can be changed at any time at the whim of the Government. If Parliament is not sitting, all kinds of decision could be made to affect independent schools, by the Minister, under the protection of the law, and there is no come-back for the people affected. I want the law itself to be right. Obviously, the regulations are important, but the law in the first place must be right, and I say it is not right to put this sole power in the hands of the Minister to decide what will be and what will not be a non-government school.

At the moment, we are discussing legislation, and that is what I am opposing: legislation that puts in the hands of the Minister power to declare non-government schools. All the talk in the world about regulations does not alter the fact that the Bill itself is not right in respect of this very important power, which will affect about 40 per cent of schoolchildren in South Australia who attend non-government schools, hundreds of thousands of parents and families and, more importantly still, the whole nature of independent education. How can anyone be said to be independent when they have a threat hanging over them, the possibility that their independence will be jeopardised, that they will have no right of appeal, no redress of any kind, and that their fate will hang in the balance of a regulation which, at any time, can be disallowed by Parliament and which, if Parliament is not sitting, can be revoked at the whim of the Minister? It is not satisfactory, and I oppose the clause.

Clause passed.

Clauses 10 to 12 passed.

Clause 13—"Disciplinary action."

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

Page 7, lines 13 to 15—Leave out all words in these lines.

The effect of clause 13 is to amend section 26 of the principal Act to provide a wider range of penalties which can be applied to teachers who are found guilty of misdemeanours of one form or another. The penalty we are now striking out is the one which would allow for an officer to be placed on probation or to have his probation extended as a disciplinary provision. The problem that has emerged is that, in the normal course of events, where a person is no longer on probation but is permanent, and where that person is sacked, there is a right of appeal. In the situation where, if this original draft were to proceed, they were placed on probation as a disciplinary measure, they would have lost the right of appeal which they originally had as a permanent officer in the event of the probation being terminated and their being discharged from the service.

The Institute of Teachers would prefer that we allowed the right of appeal to all officers on probation. This we are not prepared to do, because it virtually obliterates the

distinction between those on probation and those who are permanently on staff. There were only two ways around this. One was a rather clumsy legislative scheme to provide that, where persons were on probation for disciplinary measures, they would still have the right of appeal. The other way was to strike out this provision. This I have decided to do, if the Committee supports me. It still leaves a reasonable range of penalties that can be applied.

Amendment carried; clause as amended passed.

Clauses 14 to 16 passed.

New clause 16a—"Approval of non-government schools."

Mrs. ADAMSON: I move:

Page 7, after line 36—Insert new clause as follows:

16a. The following section is enacted and inserted in Part V of the principal Act immediately before section 72:

71a. (1) An application for approval as a non-government school shall be made in writing to the Minister by the person or body administering the school or institution.

(2) The Minister shall not decline to approve a school or institution as a non-government school, and he shall not withdraw his approval in respect of a non-government school, except upon the advice of the State Advisory Committee on non-government schools.

This amendment is designed to provide some balance to the power of the Minister, as outlined in clause 9. I believe that those powers are far too wide to be vested in one person, and I think it would be best if they were balanced by an advisory body which had the power to guide the Minister in his approval or decision not to approve an independent school and have it registered as a non-government school.

The Committee is no doubt aware of the function and existence of the State Advisory Committee, appointed originally in 1970 by the then Minister (Hon. Hugh Hudson). The committee's purpose was to advise the Government on the distribution of State grants to non-government schools. On 15 August 1977, the terms of reference of the committee were amended and its title was changed. Originally, the title was lengthy, but it has now been shortened to the Advisory Committee on Non-Government Schools in Australia. That is the ideal body to advise the Minister on the registration of schools, and to be included in the Act as having that function. That committee's terms of reference state:

1. The committee shall be known as the Advisory Committee on Non-Government Schools in South Australia.

2. The committee shall be the advisory body to the Minister of Education on matters concerning non-government schools and the welfare of the children they serve.

3. The committee shall be sensitive to both the educational and financial needs of non-government schools in South Australia.

4. Liaison shall be maintained between the committee and the South Australian Education Department with a view to co-ordinating educational activities on behalf of all children within South Australia.

5. The committee shall determine the needs of non-government schools and hence make recommendations to the Minister of Education on the total annual allocation of funds to such non-government schools, including per capita grants, recurrent grants on a needs basis, book allowances and such grants as may be determined from time to time.

The sixth term of reference demonstrates that the committee is an ideal body to be the advisory body on registration. It states:

6. In assessing the needs of schools the committee shall consider the following criteria:

(a) The recurrent resource use per student in an school, including contributed services.
(b) The ability of schools to obtain funds from private sources.
(c) Expenditure commitments on capital projects which should be related to the total recurrent income of the school.
(d) Likely demand for places in schools due to changing populations in particular areas.
(e) The requirement for appropriate curricula, especially in disadvantaged areas.
(f) The recurrent deficit (including the boarding house contribution), which should be related to the income of the school.
(g) The size of the school.
(h) The changing situation in a school brought about by amalgamation, introduction of co-education, diversification of curricula, etc.
(i) Any other criteria which the Minister of Education deems to be relevant.

The terms of reference also include the distribution of funds made available to non-government schools; presentation to the Minister of submissions on subjects which, from time to time, may affect non-government schools; and the committee shall be responsible for the administration and execution of those matters of Government policy affecting non-government schools, as determined by the Minister from time to time.

In other words, the committee is ideally set up for this task. Its composition means that it is appropriate to act as a registration body for any school that wishes to be deemed a non-government school under the Act. The composition at present is three persons from the South Australian Commission for Catholic Schools, two persons from the Independent Schools Board of Headmasters and Headmistresses, two persons from the South Australian Institute of Teachers, an executive officer who is a public servant, and a Chairman appointed by the Minister. The present Chairman is Mrs. Diana Medlin, the Principal of Pembroke School and a member of the Independent Schools Board.

If the Committee accepts my amendment, it will build into the Education Act a provision for proper regulation of the registration of non-government schools in South Australia. Without such a provision, the powers of the Minister have no check or balance whatsoever other than what the Minister may propose by regulation, and I believe that this is unsatisfactory to the schools. I urge the Committee to accept my amendment, because I believe that it is in the interests of independent education in South Australia that the existence of those schools which have served the State for many years should be safeguarded and that the rights of anybody who seeks to establish an independent school should also be safeguarded. I believe that my amendment is the best means of safeguarding those rights, and I urge the Committee to accept it.

The Committee divided on the new clause:

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

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

Pair—Aye—Mr. Tonkin. No—Mr. Wells.

Majority of 6 for the Noes.

New clause thus negatived.

Clauses 17 and 18 passed.

New clause 19—"Regulations."

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

Page 8—after clause 18 insert new clause as follows:

19. Section 107 of the principal Act is amended by inserting after paragraph *(s)* of subsection (2) the following paragraphs:

(sa) Regulating the granting, or withdrawal of approval in respect of non-government schools;

(sb) Providing for the inspection of non-government schools, or of schools or institutions in respect of which approval as a non-government school is sought;.

It may be that the scheme that the member for Coles canvassed will come about in that way. I do not know whether the advisory committee is the appropriate committee to examine that matter or whether certain members of the advisory committee will examine it. This advisory committee may not want the responsibility foisted on it by legislative action. The working party that will determine the regulations under this clause draws membership from members of the advisory committee. I am certain that the regulations brought down will be satisfactory to the non-government sector.

Mrs. ADAMSON: I wish that I shared the Minister's certainty, but I do not. Despite the Minister's statement that independent school representatives will be very much involved in the framing of the regulations, the regulations will not be worth a cracker if any future Government decides to revoke them. The Minister knows that, and I want to make certain that independent schools know it, too. This legislation will give any future Minister of Education the power, if he wants it, when Parliament is not sitting, to wipe out any of the independent schools in South Australia that he or she chooses. The Minister of Mines and Energy may smile, look annoyed, mimic and mock me, but the statutory power is there, and that cannot be denied. That power should not be contained in the Bill and the Committee should have accepted the amendment I proposed.

These regulations modify, on paper, the power that the Minister has given himself, but they do not improve a situation that is wrong. Independent schools in South Australia can no longer feel that their independence is safeguarded. The time may come, depending on the idealogical nature of any future Government, when independent schools will be at risk. Those risks can be traced back to this night, when the Minister refused to write safeguards into law for the existence of independent schools. I oppose the new clause.

New clause inserted.

Bill read a third time and passed.

FURTHER EDUCATION ACT AMENDMENT BILL

In Committee.

(Continued from 6 February. Page 2393).

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

That the Standing Orders be so far suspended as to enable me to move an instruction without notice.

Motion carried.

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

That it be an instruction to the Committee of the Whole House on the Bill that it have power to consider new clauses relating to the administration of the Act, the application of the Act, disciplinary action against officers, transfer, variation or revocation of licences and regulation-making powers.

Mr. WILSON: I do not oppose the motion but I wish to put on record the protest of the Opposition that this Bill, which has been before Parliament since before Christmas, has at this late stage been vastly widened. The Opposition has only just received notice of this in the past two hours, and it has been extremely difficult to examine the amendments required. I protest on behalf of the Opposition.

Motion carried.

Clause 2—"Commencement."

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

Page 1—

Lines 9 and 10—Leave out all words in these lines and insert—

(1) Subject to subsection (2) of this section, this Act shall come into operation on a day to be fixed by proclamation.

(2) Part II of this Act shall be deemed to have come into operation on the first day of January 1978.

After line 10, insert heading as follows:

PART II

AMENDMENTS RELATING TO LONG SERVICE LEAVE

No-one regrets more than I that the legislative scheme has been considerably extended. Once a Bill is on the Notice Paper, because there is only an opportunity about once every two years for a bite at the cherry, there is a tendency for people to find amendments that they have been wanting to urge on the Government for some time. By and large, the additional amendments that I will be moving will relate to long service leave. It is intended that this Bill will come out of the Committee stage in a similar condition as did the previous Bill.

Thus, the Further Education Department will be on the same footing as the Education Department. Certain of the other amendments relate to regulatory powers, and so on. I would not imagine, with the exception of long service leave, to which the Opposition took exception in the previous Committee, that there would be anything in these amendments that it would find particularly controversial.

Mr. WILSON: I appreciate the Minister's remarks. Certainly, the amendments that have been put forward are fairly non-controversial. Nevertheless, the situation is that most of these additional amendments do relate not to long service leave but to other things.

Amendment carried; clause as amended passed.

Clause 3 passed.

Clause 4—"Application of Act."

The Hon. D. J. HOPGOOD: We are shunting these provisions into a different part of the Bill by deleting this clause. We are not altering the intention of the Bill.

Clause negatived.

Clause 5 passed.

Clause 6—"Long service leave."

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

Page 3, line 30—After "number of" insert "additional".

This is the same amendment as applied to the Education Act Amendment Bill and is applied for the same reason.

Mr. WILSON: Once again, this involves additional expenditure for the Government and taxpayers of this State. Will the Minister provide the Committee with the additional cost to revenue that the passing of this clause will incur? If he cannot provide that information now, will he get it later (and that applies to the provision in the previous Bill)?

The Hon. D. J. HOPGOOD: I will endeavour to do that.

Amendment carried; clause as amended passed.

Clause 7—"*Pro rata* long service leave."

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

Page 4, line 38—Leave out "1978" and insert "1980".

This again is an amendment I moved to the Education Act

Amendment Bill and is moved for the same reason here.

Amendment carried; clause as amended passed.

Clause 8 passed.

New clause 9—"Application of Act."

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

Page 5—After clause 8, insert heading and new clause as follows:

PART III

OTHER AMENDMENTS TO PRINCIPAL ACT

9. Section 5 of the principal Act is amended—

(a) by striking out from paragraph *(b)* the passage "any non-government school" and inserting in lieu thereof the passage "any school (not being a college of further education)";

(b) by striking out the word "or" between paragraphs *(c)* and *(d)*;

and

(c) by inserting after paragraph *(d)* the following paragraph:

or

(e) instruction or training provided by any theological college, seminary or religious body.

This, of course, was canvassed in the second reading explanation. It relates to making clear that theological colleges, seminaries and religious bodies do not come within the licensing provisions of the Further Education Act.

New clause inserted.

New clause 10—"Administration of Act."

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

10. Section 6 of the principal Act is amended by striking out paragraph *(c)* of subsection (2) and inserting in lieu thereof the following paragraph:

(c) the Tertiary Education Commission;.

This replaces the earlier, now outdated, verbiage so far as the Commonwealth is concerned.

Mr. WILSON: The outmoded verbiage it replaces are the words "Australian Commission of Advanced Education".

New clause inserted.

New clause 11—"Appointments to the teaching service."

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

11. Section 15 of the principal Act is amended by striking out from subsection (4) the passage "such period not exceeding two years" and inserting in lieu thereof the passage "such period of effective service (not exceeding two years' effective service").

This brings it in line with the new verbiage, again, which we have employed in the earlier parts of the Bill, now amended.

Mr. WILSON: This refers, I suppose, to a probation period, which is one way of putting it. How will this clause be administered? Why, in fact, was "such a period not exceeding two years" in the Act before and why is it necessary to remove that provision?

The Hon. D. J. HOPGOOD: We have to allow for teachers who may be on leave for a proportion of the probationary period and the earlier wording of the Act did not allow that to happen.

New clause inserted.

New clause 12—"Disciplinary action."

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

12. Section 26 of the principal Act is amended by striking out subparagraphs (i) (ii) and (iii) of paragraph *(a)* of subsection (2) and inserting in lieu thereof the following subparagraphs:

(i) reprimand the officer;

(ii) impose a fine on the officer not exceeding the amount of one week's salary of the officer;

(iii) reduce the classification of the officer;

or

(iv) suspend the officer from duty (without pay) for a period not exceeding one year.

This brings the Further Education Act into line with the Education Act so far as disciplinary provisions are concerned.

Mr. WILSON: The amendment to the principal Act also involves the substitution of the word "classification" for "status". Will the Minister explain that?

The Hon. D. J. HOPGOOD: By and large "classification" is the word that is used, for example, in the award and generally throughout the department. I am not aware of "status", in fact, being generally used anywhere else except in the Act as we have it, so this simply brings it into line with practice.

New clause inserted.

New clause 13—"Term and renewal of licence."

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

13. Section 37 of the principal Act is amended by striking out subsection (2) and inserting in lieu thereof the following subsections:

(2) A licence may, if the Minister so determines, be granted in the first instance for a period of less than three years.

(3) If the holder of a licence fails to comply with this Part, or any regulation relating to this Part, the Minister may cancel, suspend or decline to renew the licence.

(4) The Minister shall not exercise his powers under subsection (3) of this section unless he has given notice in writing to the licensee of his intention to do so at least twenty-eight days before he does so.

(5) A licensee to whom a notice is given under subsection (41) of this section may, within twenty-eight days of the date of the notice, make representations to the Minister in relation to the proposed cancellation, suspension or non-renewal of the licence.

(6) The Minister shall, before he cancels , suspends or declines to renew a licence, consider any representations made in pursuance of subsection (5) of this section.

Under the present legislation, licences for private colleges controlled by the Act must be issued for three years. This is unsatisfactory in the case of new establishments whose actual performance cannot be judged. The new subsection allows the Minister to issue what is in effect a provisional licence. Section 37 (3) is the same as the present section 37 (2) allowing for a cancellation or suspension of a licence. Section 37 (4) and 37 (6) introduce standard natural justice provisions to regulate the cancellation or suspension of a licence.

Mr. WILSON: I take it that the Minister means by his last statement regarding natural justice that there is really an appeal provision put into this clause. Subclauses (5) and (6) are really appeal provisions.

The Hon. D. J. HOPGOOD: That is correct.

New clause inserted.

New clause 14—"Variation and transfer of licences."

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

14. Section 39 of the principal Act is repealed and the following section is enacted and inserted in its place:—

39. (1) The Minister may, on the application of a licensee, vary the terms of a licence.

(2) A licence may, with the approval of the Minister, be transferred.

At present there is no power for the transfer of a licence,

and this is inconvenient in the case of the sale of a college, the death of the owner of a college, or something like that.

New clause inserted.

New clause 15—"Regulations."

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

15. Section 43 of the principal Act is amended—

(a) by striking out paragraph *(d)* of subsection (2) and inserting in lieu thereof the following paragraph:

(d) the courses of instruction to be provided under this Act and the awards to be conferred upon those who successfully complete any such courses of instruction;

(b) by striking out paragraph (i) of subsection (2) and inserting in lieu thereof the following paragraphs:—

(i) prohibiting trespass upon the grounds of any college of further education;

(ia) regulating, restricting, or prohibiting the driving, parking or ranking of vehicles on the grounds of any college of further education.

(ib) providing evidentiary presumptions in relation to offences against regulations made under paragraph (ia) of this subsection and providing for the expiation of such offences;

(c) by striking out from paragraph (1) of subsection (2) the word "specified";

(d) by striking out subparagraph (iv) of paragraph *(m)* of subsection (2) and inserting in lieu thereof the following subparagraph:—

(iv) empowering the Director-General to fix the maximum fees to be paid or received by a licensed person, or licensed persons of a particular class, in respect of a prescribed couse of instruction and to fix the times or intervals at which and the instalments in which, fees for the prescribed course of instruction are to be paid;

and

(e) by striking out from subparagraph (iv) of paragraph *(m)* of subsection (2) the word "prescribing" (secondly occurring).

This provides certain regulatory powers. Present Section 43 (2) *(d)* allows for the making of regulations concerning courses of instruction, but needs additional wording to allow for the making of awards to be given at the completion of such courses of instruction.

Present section 43 (2) *(i)* is concerned with parking on college grounds but suffers from certain technical deficiencies. The new regulation contains "expiation" and "evidentiary presumption" provisions (the latter meaning that it may be assumed that the car's owner is the parking offender) which would allow the adoption of a "parking ticket" system.

I have agreed to a request by the Institute of Teachers that there should be a further education regulation specifying a general ground for appeal against administrative decisions. To do this it is necessary that the word "specified" be deleted from the regulation-making power.

Present section 43 (2) *(m)* (iv) allows the Minister to set maximum fees for courses of instruction in private colleges. This has always been done on a college-by-college basis and this is considered preferable to attempting to set hypothetical fees for a range of subjects. Some doubt has arisen whether the present wording justifies this approach and the amended wording is designed to validate regulations which allow the fee proposals of each college to be considered on their merits. I urge the support for this clause.

New clause inserted.

Clause 1—"Short titles"—reconsidered.

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

After line 2, insert heading as follows:

PART I

PRELIMINARY

This is necessary, first because of the altered scheme of the Bill and, secondly, because we originally passed clause 1 in Committee.

Amendment carried; clause as amended passed.

Title passed.

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

That this Bill be now read a third time.

I want to make clear that I owe a debt of gratitude to members opposite for their co-operation in this matter, and I regret the fact that it was not possible to give earlier notice of some of these amendments. However, by their general support they have shown, that, largely, they have been non-controversial.

Mr. WILSON (Torrens): I would like to make the point, somewhat whimsically perhaps, that the Minister may indeed be quite relieved to see the passage of this series of Bills.

Bill read a third time and passed.

TERTIARY EDUCATION AUTHORITY BILL

In Committee.

(Continued from 6 February. Page 2396.)

Clauses 2 to 4 passed.

Clause 5—"Definition."

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

Page 2—

Line 14—Leave out "extending over a period of at least one year" and insert "involving at least one year's, or the equivalent of one year's, full-time study."

Lines 17 and 18—Leave out the definition of "Informal post-secondary education" and insert definition as follows:

"non-formal post-secondary education" means post-secondary education that is not intended to lead to an academic award and includes recurrent education:

Line 20—Leave out "full-time."

Members will note the words "recurrent education" crop up from time to time. There is a recurrent education working party which comprises representatives of education, business and trade unions and which for some time has been looking at the problems of recurrent education. It has urged on me that there be specific reference to recurrent education in the Act. The request is reasonable, and I ask for the support of the Committee that it be granted. Secondly, there has been some criticism of the earlier term, "informal post-secondary education", on the grounds that that suggests something that is untidy, disorganised or simply not organised, whereas "non-formal" would be a better way of expressing what we are trying to get at.

Amendments carried.

Mr. WILSON: I move:

Page 2, line 33—After "university," insert "or the South Australian Institute of Technology."

I am prepared to use this as the test amendment to expedite the deliberations of the Committee. I canvassed most of the reasons for this amendment in my second reading speech so I will not go into them in any great detail

at this stage, other than to say that this amendment has the effect of allowing the South Australian Institute of Technology to accredit its own courses. For about 80 years the South Australian Institute of Technology has accredited its own courses, until the formation of the Board of Advanced Education. When the board was formed the accreditation was done by a subcommittee of that body.

It has been explained to me in quite definite terms that the Board of Advanced Education, if it had still been in existence in 1980, would have given the institute the power to accredit its own courses. The institute believes that it has suffered as a result of this legislation, and makes the point that, although it accepts the principle, it feels it should have the right to accredit its own courses. I have been into the arguments in detail before, but I will quote one paragraph from the submission of the South Australian Institute of Technology, as follows:

> Behind this request for special treatment lies [the Institute] Council's belief that actions taken over the past few years have shown a lack of understanding of the nature and value of the Institute's contribution to the State. It is important at any time, but essential during periods of economic strain, that the highest level of trained intelligence should be applied to the problems of business and financial management of enterprises, to improving the quality of industrial products and the processes of production, and so on.
>
> It is the specific objective of the institute to prepare young people for useful careers over the whole range of industry, business, commerce, the public service, and the health and welfare services. Other countries have recognised the value of institutions akin to the Institute by either recognising them as universities (e.g. the major Institutes' of Technology in the U.S., such as M.I.T., California Institute of Technology, etc.) or by recognising them as a separate category of institution (separate, that is, both from the Universities and the liberal arts or teacher education based colleges; as in the U.K. where the Polytechnics correspond closely to the Institute). Each State has an Institute similar in nature to S.A.I.T., and a case could in fact be made for the whole group of major technological institutions receiving some special national recognition. But the opportunity at least exists at this time, through the TEASA legislation, for South Australia to make its own act of recognition.

I have said before, and it probably will not hurt to say again, that the institute has great pride in the courses it provides and the way in which it teaches its students, with very practical applied direction in relation to future employment. Except, perhaps, for one or two courses —and I think surveying may be one of them—graduates or diplomates coming from the institute find little difficulty in obtaining employment. At this time, that is most important.

I do not wish to cast any reflection on the teacher orientated colleges of advanced education, because the teacher training colleges of advanced education have very little say in the number of students they enroll. I commend the amendment to the Committee.

The Hon. D. J. HOPGOOD: I urge the Committee to reject the amendment. I have given this a great deal of thought, I listened carefully to what the honourable member said in the second reading debate, and since that time I have discussed the matter further with a deputation from the Institute of Technology. The Bill is an interesting mixture of co-ordinating provisions and autonomy provisions. The effect of the amendment would be to water down the co-ordinating provisions in favour of the autonomy provisions. Perhaps that does not matter if one can justify that that is what should happen. The feeling of the Government is that at this stage of setting off a new co-ordinating authority it should not have co-ordinating powers which are substantially less than were enjoyed by the board which this will replace.

Reference to the board brings up the point that the honourable member raised as to whether or not the Institute of Technology would have become self-accrediting in 1980. The institute has suggested as much to me. I do not know that that is necessarily the case, nor could we necessarily say that, if the mechanisms which are within the legislation are carried through, the Institute of Technology will become self-accrediting significantly later than if there had been no change of legislation. It is possible under the legislation for the Institute of Technology to become self-accrediting. Assuming that the legislation comes into force some time during this year, the new mechanisms will be off and running. I imagine there will have to be provisions for continuity of the accreditation mechanism as between the old board and the new authority.

In the early stages, substantially the same sorts of people, if not the same people, will be looking at accreditation as served the board with such distinction in the same capacity. I do not think that, if the institute felt that it was in a position to be able to establish its rights in this matter to the board by mid-1980, and it is right in that contention, in fact it is significantly penalised, but the mechanism is there, and it is for them to win their spurs. If the amendment is accepted, no further winning of spurs is involved. We do it for them.

The Committee divided on the amendment:

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

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

Pair—Aye—Mr. Tonkin. No—Mr. Wells.

Majority of 6 for the Noes.

Amendment thus negatived.

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

> Page 2, after line 43—Insert definition as follows:
>
> "recurrent education" means education designed to provide an opportunity for members of the public to expand their knowledge, intellectual faculties or manual skills at any time of life:

I think that I have already canvassed the reasons for our writing recurrent education into the Bill.

Amendment carried; clause as amended passed.

Clauses 6 to 10 passed.

Clause 11—"Quorum, etc."

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

> Page 5, lines 12 and 13—Leave out "and shall, not more than fourteen days after the date of a meeting of the Authority, forward a copy of the minutes to the Minister".

There is no real need for this requirement in the legislation as such.

Amendment carried; clause as amended passed.

Clause 12—"Delegation."

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

> Page 5, lines 18 to 20—Leave out paragraphs *(a)* and *(b)* and insert paragraphs as follows:
>
> *(a)* to any member of the Authority;
>
> *(b)* to a committee established by the Authority; or
>
> *(c)* in so far as the power or function relates to a post-secondary institution—to that post-secondary institution.

I think that it was said earlier that the powers of delegation as originally provided were wide, and my amendment brings the powers more into line with the spirit of the Bill itself.

Mr. ALLISON: We support the amendment. The original wording of the Bill was loose, and the authority could have empowered almost anyone in the world to act on its behalf, unlikely though that would be. The amendment delineates the persons to whom the authority may delegate its powers.

Amendment carried; clause as amended passed.

Clause 13 passed.

Clause 14—"The functions of the authority."

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

Page 6, line 36—Leave out "informal" and insert "non-formal".

Amendment carried.

Mr. WILSON: I draw the Minister's attention to the wording "in relation to the planning, organisation, co-ordination or administration of post-secondary education in this State." Can he tell the Committee how the South Australian Council for Educational Planning and Research will mesh in with the provisions of the Act? Will it still remain a separate entity?

The Hon. D. J. HOPGOOD: The council has a charter, which is wider than simply post-secondary education. I imagine that a good deal of what occurs in relation to planning areas would be subsumed under the new authority, but there remains a good deal presently done by the council as regards schools and non-government schools. There is no organic connection between the two, but there would be co-operation.

Clause as amended passed.

Clause 15—"Collaboration by Authority with other bodies."

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

Page 6, line 47—After "affected" insert "and shall inform those institutions of any action that the Authority intends to take in the matter".

I think that the reasons for this insertion are reasonable in terms of the interests of the institutions affected.

Amendment carried; clause as amended passed.

Clause 16—"Duty of post-secondary institutions to furnish information."

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

Page 7, line 17—After "require" insert "for the purpose of carrying out its functions under this Act".

My advice was that, in effect, that was the way in which the Bill read, but some people were concerned that all kinds of exotic and extravagant demands might be made on the institutions if these words were not included. I do not think that it matters either way, but I shall be pleased if the Committee puts in these words.

Amendment carried.

Mr. ALLISON: Clause 16 provides that a post-secondary institution shall—

(a) inform the Authority of any representation that it proposes to make to the Tertiary Education Commission.

The word "any" implies that even the smallest submission to the commission shall be reported to the authority. Does the Minister believe it absolutely necessary that this should be the case, or that universities might get into the habit of making hundreds of minor submissions in the hope that these might amount to major sums of money?

The Hon. D. J. HOPGOOD: That could happen. We have consulted fairly closely with all of the institutions that might be affected. I do not think that anyone is particularly uptight about the way in which it would operate. I considered at one stage the possibility of including the word "significant", but I do not think that that is really necessary to improve the operation of the clause.

Clause as amended passed.

Clause 17 passed.

Clause 18—"Functions of standing committee."

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

Page 8—

Line 2—Leave out "with a view to accreditation".

After line 8 insert "with a view to accreditation".

My amendment removes an ambiguity by which the Act could have read that I wa doing the accrediting. We are remedying that, because I have no intention or desire to accredit.

Mr. ALLISON: Am I to assume that there will be a comma after "subsection", and on the next line will there be the words "with a view to accreditation"?

The Hon. D. J. HOPGOOD: We are probably in your hands, Mr. Chairman, as to a ruling. My intention is that the words "with a view to accreditation" should apply to the whole of the subclause and not simply to paragraph *(c)*. I assumed that, in moving as I did, I would obtain what I required.

The CHAIRMAN: I have been informed by the Clerks that the amendment will cater for the situation the Minister wishes. There will be a comma after "subsection", and on the next line the words "with a view to accreditation".

Amendment carried; clause as amended passed.

Clause 19—"Restrictions on providing courses and conferring academic awards."

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

Page 8—

Lines 31 and 32—Leave out "for a period determined by the Authority".

After line 32 insert subclause as follows:

(4) This section shall not apply to:

(a) the instruction or training provided for apprentices in accordance with the provisions of the Apprentices Act, 1950-1978, or related instruction or training prior or subsequent to apprenticeship; or

(b) any award conferred on a person upon completing, or otherwise in respect of, any such instruction or training.

This provision replaces clause 26 in the original Bill, but it has the same effect.

Amendment carried: clause as amended passed.

New clause 19a—"Duration of accreditation."

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

After clause 19 insert new clause as follows:

19a. The accreditation of a course shall be effective for a period determined by the Authority.

This reflects present practice and also the policy of the Australian Council on awards on advanced education, under which courses come up for reaccreditation after a period, which is usually five years.

New clause inserted.

Clauses 20 to 23 passed.

Clause 24—"Report of Authority."

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

Page 9, lines 37 and 38—Leave out "on or before the thirty-first day of March in each year" and insert "as soon as practicable, and not later than the thirtieth day of June in each year,"

This seems a more practical way of approaching the matter.

Amendment carried; clause as amended passed.

Clause 25 passed.

Clause 26—"Non-application of Act to training of apprentices."

The Hon. D. J. HOPGOOD: The Government has already legislated for the contents of the clause earlier in the Committee stage.

Clause negatived.

Clause 27, first, second and third schedules, and title passed.

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

That this Bill be now read a third time.

I would like to thank honourable members for their consideration of this Bill. This legislation will guide the destiny of tertiary education in South Australia for the rest of the century, and therefore it is a significant measure.

Bill read a third time and passed.

APPROPRIATION BILL (No. 1), 1979

Returned from the Legislative Council without amendment.

CONTRACTS REVIEW BILL

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

EVIDENCE ACT AMENDMENT BILL (No. 2)

Returned from the Legislative Council without amendment.

EIGHT MILE CREEK SETTLEMENT (DRAINAGE MAINTENANCE) ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

ADJOURNMENT

At 10.35 p.m. the House adjourned until Wednesday 21 February at 2 p.m.