HOUSE OF ASSEMBLY

Wednesday 21 February 1979

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

PETITION: CANNABIS

A petition signed by 97 electors of South Australia praying that the House would on no account weaken the law which prohibits the use of cannabis was presented by Mr. Hopgood.

Petition received.

PETITIONS: MARIJUANA

Petitions signed by 121 residents of South Australia praying that the House would not pass legislation seeking to legalise marijuana were presented by Messrs. Nankivell, Mathwin, and Eastick.

Petitions received.

PETITION: ABATTOIRS AREA

A petition signed by 344 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 abattoirs area was presented by Mr. Goldsworthy.

Petition received.

PETITION: SLAUGHTERHOUSES

A petition signed by 140 residents of South Australia praying that the House would urge the Government to amend the Abattoirs and Pet Food Works Bill to ensure that local slaughterhouses were allowed to remain operational, subject to prescribed hygiene standards, was presented by Mr. Venning.

Petition received.

QUESTION TIME

The SPEAKER: Before calling for questions, I inform the House that future questions concerning the Minister of Lands and the Minister of Agriculture should be addressed to the Minister of Mines and Energy.

INDUSTRIAL LEGISLATION

Mr. TONKIN: Can the Minister of Labour and Industry say whether the Government decided not to proceed with legislation amending the Industrial Conciliation and Arbitration Act in regard to preference to unionists and the status of voluntary workers and subcontractors because of a change of philosophy or policy, or has it simply deferred its consideration to avoid damaging publicity and adverse community reaction before the Norwood by-election?

The SPEAKER: Order! The honourable member knows that he must not speak on anything concerning a Bill.

The Hon. J. D. WRIGHT: Hardly any of the reasons outlined by the Leader are correct. The Government considers the Bill to be one of the most important ever brought into this House dealing with industrial relations. It became obvious that, with only five sitting days left in this session, the Bill would take up so much time—

Mr. Tonkin: It became obvious after they called the by-election.

The SPEAKER: Order! The honourable Leader asked his question.

The Hon. J. D. WRIGHT: The Opposition would have had plenty to say about the Bill. There is much other legislation with which the House should proceed. The Government reconsidered the position and decided not to proceed with the Bill at present.

Members interjecting:

The Hon. J. D. WRIGHT: I do not know why the honourable member asked the question. He is not even listening to the answer. Was the question asked for political reasons only, or does he not want the truth?

Members interjecting:

The SPEAKER: Order! The honourable member for Glenelg is out of order. I hope the Minister will answer the question.

The Hon. J. D. WRIGHT: The Government is not proceeding with the Bill at this stage, but that is not to say that it will not proceed at some other stage. It will come on at some other time. In the meantime, I shall be pleased to receive public comment from any organisations that want to talk to me about the Bill, as I have done in the past. Most organisations have been consulted about the Bill.

Mr. Dean Brown: The Chamber of Commerce and Industry—

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

The Hon. J. D. WRIGHT: The Chamber of Commerce is not on the list of organisations with which I consult about legislation relating to industrial relations. I cannot recall a previous occasion when I have been under any obligation to send copies of my legislation to them. The only complaint I have had from that august body is that it did not receive a copy of the Bill.

Mr. Dean Brown interjecting:

The SPEAKER: Order! If the honourable member continues in this vein, I will warn him.

The Hon. J. D. WRIGHT: The honourable member knows that there were some drafting problems with the Bill, as a consequence of which it was withdrawn so that it could be properly redrafted. It was sent to the Government Printer, and it was not available until yesterday. The honourable member drew that to my attention, so he cannot say that that is not true. The only complaint I have received from the chamber is that it did not receive a copy of the Bill. There was no mention about its right to comment on it.

Mr. Tonkin: You're scared of the electorate.

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

WASTE DISPOSAL

Mr. KLUNDER: Has the Minister of Local Government seen the advertisement that appeared in yesterday morning's paper, inserted by W. J. Paul Holdings Proprietary Limited, indicating that the cost of dumping a trailer load of rubbish at the local dump will rise to $7 and the council rates will rise as a direct result of the proposed establishment of the South Australian Waste Management Commission? Will the Minister indicate whether there is any truth in the allegations made in the advertisement?

Mr. Gunn: Dear Dorothy!

The Hon. G. T. VIRGO: I saw the advertisement, and Government members have received telephone calls. I do not know whether members of the Opposition have received calls, but I imagine they would have. I should imagine that they would have been interested in the reply, unlike the Deputy Leader or the member for Eyre, who probably do not think the question is worth answering. Both have made that quite obvious. I do not know where the person advertising, Mr. Paul, got his information. I guess it was from Sydney, but there is absolutely no foundation in the claim.

Mr. Gunn: We've heard all that before.

The SPEAKER: Order!

The Hon. G. T. VIRGO: It is difficult to keep answering questions and to give members the information they seek when we have the member for Eyre interjecting like a little terrier puppy.

The SPEAKER: Order! I hope the Minister will answer the question.

The Hon. G. T. VIRGO: There is absolutely no basis of truth in the claim made in the advertisement. The working party that was set up went into the question quite exhaustively and, in its report to the Government, estimated that the additional cost to be levied on people dumping rubbish would be about 50c a tonne.

Since then, that estimate has been further considered, and the view now held by my officers is that the conclusion they reached was extremely liberal: it will probably be about 30c a tonne. I do not know where Mr. Paul did his mathematics or who helped him but, if it is now $1·20 to dump rubbish and 30c is added, I do not understand how he could have arrived at $7.

True, the rate of about $7·40 in Sydney covers the whole cost of collecting, transport, and dumping, and that is a completely different situation. It is a great pity that Mr. Paul has inserted such a misleading advertisement. Indeed, he has upset many people and, if the prediction at this stage is correct, an average household trailer load of rubbish, which would probably weigh about about one-quarter of a tonne, will cost a person about 15c or less extra to dump it. Most of us pay $1 a trailer load now, so what the establishment of the Waste Management Committee means is that that $1 would go to $1·10 or $1·15, not $7 as Mr. Paul's advertisement suggested.

Regarding an increase in rates, that is a decision for local government to make, not Mr. Paul, but I do not think that there are many people, even the member for Eyre, who does not care very much about our environment, who would suggest that something should not be done about the Wingfield tip: it is a disgrace to society and, when people like the member for Eyre suggest by innuendo that Mr. Paul should to be able to go on polluting the South Australian environment as he does, that is an indication of the attitude the member has, and I do not think that it is reflected by the rest of his colleagues.

PETRO-CHEMICAL PLANT

Mr. GOLDSWORTHY: Can the Minister of Mines and Energy say why he failed to inform the House and the public that he was warned by the Prime Minister last year that I.C.I. Australia Limited was well advanced with the examination and development of its own petro-chemical proposal and that he should urgently seek a positive answer from Dow in relation to Redcliff? On Wednesday 7 February the Minister accused the Prime Minister of deliberately delaying Loan Council approval for Redcliff. I think that every member will recall that rather heated outburst. In fact, 11 other proposals from the States were considered at the same time, and the Prime Minister, in the House of Representatives yesterday, said that there was certainly no loss of time on the part of the Commonwealth in relation to all these matters. Indeed, he said that it was a policy that had been pursued urgently and vigorously. It was then that the Prime Minister said that he had given early warnings of the urgent need to obtain an answer from Dow, because I.C.I. Australia Limited was well advanced with its own proposals.

The Hon. HUGH HUDSON: First, I say categorically that the Prime Minister is not giving a proper account of what took place. The Prime Minister's statement about I.C.I. being well advanced (which is not, I suggest to the honourable member, accepted by Dow) came last December in a message to the Premier. I suggest that the degree of advancement, or whatever it was, of I.C.I. was known to the Prime Minister many months before that. However, for the record, and to correct the false impression given by the Prime Minister yesterday, I will state again the order of events as they occurred. In May 1977, the South Australian Government submitted the Redcliff proposal, in detail, to the Commonwealth Government. That was the first detailed submission of any project that was subsequently approved by Loan Council in November 1978. At all stages, in any of the assessments of those projects, far more detail was known about Redcliff than about any other project; far more work had been done on the Redcliff proposal.

In September 1977, about four months after receiving the South Australian Government's submission of May 1977, the Commonwealth Government established an inter-departmental committee to discuss and assess the Redcliff proposition. Members of that committee met with officers of the South Australian Government on a number of occasions, and also met with me, Dow and the producers. Members of the inter-departmental committee asked hundreds of questions, which were all answered, and suggested to Dow, either towards the end of 1977 or early in 1978, that a possible price for ethane, propane or butane should be settled between Dow and the Cooper Basin producers as evidence of Dow's genuineness and to demonstrate that the project was in the ball park both in terms of giving a suitable rate of return to the Cooper Basin producers and a price for ethane, propane and butane that would be reasonable to Dow. Dow met Cooper Basin producers at a series of meetings, and a price range was set out. In, I would think, April 1978, the Commonwealth inter-departmental committee was in a position to report in detail to the Commonwealth Government, independently of all other submissions and of the infrastructure proposals. I know of no opposition from any representative on that inter-departmental committee. The project survived the scrutiny of that committee, receiving support from various departments involved and from the relevant Ministers, namely, Mr. Anthony, Mr. Lynch and Mr. Newman.

The Commonwealth was in a position to give a decision on Redcliff in June 1978, and in front of the full Loan Council the Deputy Prime Minister, Mr. Anthony, specifically requested that a favourable decision should be given. However, that request was refused by the Prime Minister, who insisted that all projects, including Redcliff, despite the fact that the Commonwealth had been involved in a detailed study on it and there had been no study on other proposals, had to go into the melting pot and be investigated by all Under-Treasurers throughout Australia and the Commonwealth Secretary of the Treasury. That process took another three months.

After some further negotiation we finally got another

meeting of the Loan Council in November. It was then that a wholesale approval was given to the whole lot. I suggest that every member of the Commonwealth Cabinet knows if he was party to any of the discussions that must have taken place, that the Commonwealth was in a position to support a decision on Redcliff at the Loan Council meeting in June 1978, but that that was not done. I suggest that the Prime Minister, in contacting the Premier of this State in December 1978 and saying that I.C.I. was fairly well advanced, was trying to protect himself against the criticism that he knew must come.

If the Prime Minister knew in December 1978 how advanced I.C.I. was supposed to be (on I.C.I's own account), does anyone suggest that Mr. Fraser did not know in June 1978 how advanced I.C.I. was? Is the Prime Minister prepared to say that he was not encouraged at any stage by any influence in June 1978 that he should not give a favourable decision on Redcliff at that stage? When South Australia submitted its proposal on Redcliff in May 1977, that submission was entirely independent of all the subsequent proposals regarding infrastructure. The Prime Minister knew early in 1978 how urgent the Redcliff proposal was and how urgent it was to get a decision so Dow could start work.

In June 1978, the Prime Minister and the Treasurer of this country received telexes from Mr. Schornstein, the head of Dow Pacific and a member of the parent board, saying that Dow's favourable decision to spend further funds on a detailed engineering study would follow immediately the Loan Council's favourable decision. That information passed from both Dow to Mr. Fraser and to Mr. Howard in June of 1978. Approval was not given until November, contrary to the advice of the Deputy Prime Minister and contrary to a specific request of the Deputy Prime Minister and the State of South Australia made in front of every member of the Loan Council.

Mr. Tonkin: Why did Dow wait until February to conduct its study?

The Hon. HUGH HUDSON: The ready answer to that (and I have a further thing to say to the Leader in particular before I finish answering this question) is that the Leader of the Dow team, Mr. Tino Giuffrida, was located in Hong Kong and had been working there as part of Dow Pacific for the last three years or more. Does the Leader imagine that Dow, having received a favourable Loan Council decision in November, could immediately arrange, and Mr. Giuffrida could immediately arrange with his family, to turn up in Adelaide early in December? What about the logistics problem within the Dow organisation created by the Christmas-New Year break, and the problems involved in transferring people from another country to a location in Adelaide? There is no criticism of Dow in the fact that it was late January and early February before members of the Dow team started to arrive.

Members interjecting:

The Hon. HUGH HUDSON: On behalf of Dow, I resent the attitude expressed by the Opposition. I publicly state, on behalf of South Australia, that I bitterly resent the fact that I.C.I. went to see the Leader of the Opposition on the day of the announcement of I.C.I.'s so-called plans. They conned him to the extent that on the same day Dr. Tonkin came out and said "Redcliff is doomed." I.C.I. told the Leader that they were going ahead and that that would be the end of Redcliff, so little Sir Echo got up and parrotted the same thing.

Members interjecting:

The SPEAKER: Order!

The Hon. HUGH HUDSON: The Leader of the Opposition and his colleagues should consult with their Federal colleagues. I am not prepared to tolerate a situation where relationships between South Australia and Dow are subject to public damage by attacks from members of the Opposition without their having at least had the courtesy to ask Dow about its logistic difficulties in getting people to come to Adelaide.

Mr. Tonkin: I simply asked you a question.

The Hon. HUGH HUDSON: The implication of the question is clear; you are supporting the Prime Minister with respect to I.C.I. You want to be in a position to cry further doom. I have no confidence in the Leader of the Opposition as being willing to support South Australia. I have no confidence in the Deputy Leader and none in the member for Davenport. They are being disloyal and, in an underhanded way, are attempting to undermine the Redcliff project. Dow will be proceeding with its studies, which involve an expenditure of $1 000 000.

Mr. Allison: What took it so long?

Members interjecting:

The SPEAKER: Order!

The Hon. HUGH HUDSON: Last Friday I had a meeting with Federal members of the Liberal Party and of the Labor Party representing South Australia. I invited the shadow Minister, the Hon. Mr. Geddes from another place, about whom I have no complaint whatever. I also invited the Leader of the Opposition, but he did not turn up and neither did the Deputy Leader.

Mr. Tonkin: You are misrepresenting the facts; you are a liar.

The SPEAKER: Order! I ask the honourable Leader of the Opposition to withdraw that remark.

Mr. TONKIN: I withdraw that remark and say that the Minister is not correct in that statement and he knows it.

The Hon. HUGH HUDSON: I mentioned specifically to the Deputy Leader of the Opposition and to the Leader that the meeting was taking place.

Mr. Goldsworthy: When did you tell me that?

Mr. Tonkin: I told you I couldn't come.

The Hon. HUGH HUDSON: You did not even send the Deputy Leader.

Mr. Goldsworthy: When did you tell me; this is the first I've heard of it?

The Hon. HUGH HUDSON: Okay. Well, the Leader does not communicate with the Deputy Leader. I spoke to the Leader about it, and he did not send the Deputy Leader.

Members interjecting:

The SPEAKER: Order! I think this question and reply have gone far too long, and have been prolonged by far too many interjections. Interjections will be out of order from now on.

Mr. Goldsworthy interjecting:

The SPEAKER: Order! I call the honourable Deputy Leader to order.

Mr. Goldsworthy: He's telling lies.

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

The Hon. HUGH HUDSON: I request that the Deputy Leader be requested to withdraw his remark that I am telling lies.

Mr. GOLDSWORTHY: I am quite happy to withdraw that remark. The first I heard about that meeting was today, and yet he said I was invited. Perhaps it is not lies and he has just got a bad memory, but I withdraw.

The Hon. HUGH HUDSON: I was incorrect; I did not speak to the Deputy Leader about this matter, but I did speak to the Leader and I said to the Leader of the Opposition that, if he could not come—

Mr. Tonkin: That the shadow Minister would.

The Hon. HUGH HUDSON: I also said that I had

already spoken to the shadow Minister. On a previous occasion the Deputy Leader turned up and I mentioned specifically to the Leader about the Deputy Leader's turning up if the Leader could not come.

However, the facts of the matter are that that meeting was held and the Federal members of the Liberal Party in the House of Representatives and the Senate are backing what we are doing.

Mr. Max Brown interjecting:

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

The Hon. HUGH HUDSON: A Liberal Party Federal member, Mr. Porter, who asked the question of the Prime Minister yesterday and who is as disturbed as I am about the time table of events that I have related this afternoon, was at the meeting.

The SPEAKER: Order! The honourable Minister has spent a long time on this matter, and other honourable members want to ask questions.

The Hon. HUGH HUDSON: I conclude by requesting formally and in public that the Opposition in this House cease its destructive activities and at least give this Government the same co-operation that the Federal Liberal members are prepared to give and that the Opposition shadow Minister is at least prepared to give.

PERSONAL EXPLANATION: REDCLIFF PROJECT

Mr. TONKIN (Leader of the Opposition): I seek leave to make a personal explanation.

Leave granted.

Mr. TONKIN: I must correct a misrepresentation made by the Minister of Mines and Energy in his reply just concluded. I have made quite clear in this House that the remarks and the attitude he attributes to me of not being concerned at the possible loss of Redcliff are not true. If he had been in the House during the debate that took place about two weeks ago when I went deeply into the subject of Redcliff, he would have learned that I am just as concerned as anyone else in South Australia at the possible loss of Redcliff. I deeply regret the fact that it was the Australian Labor Party Government that lost Redcliff for us before—

The SPEAKER: Order! I call the honourable Leader of the Opposition to order. He knows what may be included in a personal explanation.

NEAPTR

Mr. DRURY: Can the Minister of Transport say whether, if Federal funds were allocated for the proposed light railway system for the north-eastern suburbs, the rest of Adelaide would be deprived of transport funds?

This morning's *Advertiser* contains a report which quotes the Federal Liberal member for Kingston, Mr. Grant Chapman, as saying than any Federal funds sought for a proposed light railway serving Adelaide's north-eastern suburbs should be refused. The report states further that it would take badly needed funds away from the rest of Adelaide, and result particularly in the total neglect of the transport needs of the southern suburbs. That comment was attributed to the member for Kingston. Furthermore, the report quotes that member as saying:

> I believe the Commonwealth would deserve praise if it prevented the proposal being implemented.

I consider this to be a total rejection of South Australia's needs.

The Hon. G. T. VIRGO: All of us, from time to time, are misreported in the press. I sincerely hope that the *Advertiser* report is an incorrect version of what Mr. Chapman, the Federal member for Kingston, allegedly said. Notwithstanding the points made by my colleague, the Minister of Mines and Energy, I find it impossible to believe that any Federal member, irrespective of trying to gain a point by Party politics, woud advocate that South Australia should not be provided with Federal funding when in fact legislation is being enacted to make it obligatory on the Commonwealth Government to provide that money. When I get the *Hansard* report, I will read it. If in fact the member has not been misreported, I shall direct his attention to the stupidity of following such a course with the Federal Government. We have enough trouble as it is, trying to get what South Australia is entitled to receive, without some Liberal member trying to score a cheap political point at the expense of the South Australian State Government.

DEFERRED LEGISLATION

Mr. MATHWIN: Following his earlier reply, can the Premier say what other legislation the Government intends to defer until after the Norwood by-election?

The Hon. J. D. CORCORAN: I take it that the honourable member will be here for the remainder of this session, which ends on 1 March. At the end of that time, he will find out for himself.

PUBLIC TRANSPORT FARES

Mr. SLATER: Can the Minister of Transport say whether the zone fare system introduced recently is operating satisfactorily, and whether additional selling points for the sale of weekly tickets and student monthly tickets could be established in suburban areas? It has been brought to my attention that weekly tickets and student tickets are available only in the city, at the G.R.E. Building, at the depot in Victoria Square, and at bus depots in the metropolitan area. It would be convenient if additional selling points could be established in the suburbs for the benefit of the travelling public. To my knowledge, there are no bus depots in the area I represent.

Mr. CHAPMAN: On a point of order, Mr. Speaker: that question, almost to the intricate detail, has been directed to the Minister during this session from this side of the House. I asked the question about two weeks ago. I understand that, in accordance with Standing Orders, a question so similar to one asked previously cannot be asked.

The Hon. G. T. VIRGO: When was it asked?

Mr. Chapman: Two weeks ago.

The SPEAKER: I think that the honourable member ought to ask his question again from the beginning.

Mr. SLATER: I ask the Minister whether the zone fare system, introduced on 4 February 1979, is operating satisfactorily and whether additional selling points for the purchase of weekly and student tickets could be established in the suburbs. It has been brought to my notice by some of my constituents that weekly and student tickets may be purchased only at certain points in the city and at metropolitan bus depots in the metropolitan area. As there are no bus depots in my district, my constituents must go to town to buy the tickets. Can the Minister say whether additional offices could be established or whether other Government regional offices, statutory authority offices, or private persons in business could be appointed

agents for the purchase of the tickets?

The SPEAKER: I do not uphold the point of order, although in some respects it is a similar question.

The Hon. G. T. VIRGO: As far as I am aware, the new system of zone fares is operating reasonably well. We had one or two minor teething problems early in the piece but, generally speaking, the new system of fares has been widely accepted and is now operating fairly smoothly. However, I think that the point the honourable member has raised regarding selling points for student and weekly tickets is valid.

I have started discussions with the State Transport Authority to see what additional avenues for sale could be provided; for instance, the Registrar of Motor Vehicles has suggested that perhaps the branches of the Motor Registration Division in the various suburbs might be suitable outlets for S.T.A. tickets. This is being looked at to determine their suitability. There are other Government departments. The Minister of Labour and Industry has some depots, and the Premier, in his capacity as Minister of Works, has depots.

Mr. Chapman: And the Community Welfare Department?

The Hon. G. T. VIRGO: The Minister of Community Welfare has a number of offices. We are looking to see whether it would be practicable and whether the need exists for the additional selling points. In due season, I will let the honourable member know—probably by correspondence, because I doubt whether the matter will have been finalised before the House rises tomorrow week.

PETRO-CHEMICAL PLANT

Mr. BECKER: Does the Minister of Mines and Energy agree with expert opinion that a petro-chemical plant could already be operating in South Australia if the proposed signing of a contract by Dow Chemical in May 1973 had not been prevented by the policies of the Federal Labor Government and the Australian Labor Party?

The Hon. HUGH HUDSON: The position in 1973 was that Dow and I.C.I. were both involved in studies of the Redcliff proposal; they had established work in Adelaide, and various other work was being done by the Government. That work still had some time to go. The I.C.I. proposal was involved with a consortium between I.C.I., Alcoa, and Mitsubishi.

Mr. Mathwin: What about that letter of intent?

The Hon. HUGH HUDSON: A letter of intent is one thing. The honourable member's question related to a contract in relation to actual arrangements for Dow to agree with the Government on certain infrastructure items to be provided for Dow itself to contract to sell products and arrange to go ahead and make a firm commitment to proceed at that time. My understanding of the situation that applied at that time was that Dow was not near that decision. At that time, Mr. Connor, the Federal Minister, was insisting that l.p.g. from the Cooper Basin be used for the production of motor spirit. Subsequently, when Mr. Connor excluded Dow from further consideration of the Redcliff project by saying that the Commonwealth would not support its further involvement, Dow was excluded and South Australia was left to negotiate just with I.C.I. The South Australian Government has been very critical of Mr. Connor's decision. It is wrong tactics, when one is able to negotiate with two possible proponents, to exclude one and damage bargaining powers as a consequence. Towards the second half of 1975, I.C.I. determined that it would not proceed further with the project, and gave reasons.

Mr. Dean Brown: A week after—

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

The Hon. HUGH HUDSON: Lack of feed stock and high capital costs of construction were reasons given by I.C.I. When the former Premier and I met representatives of I.C.I. on 7 February, the argument put forward by I.C.I. about why Redcliff could not proceed was that it would not be possible to undertake the export of ethylene dichloride to the extent that was necessary and that, from 1973, because of the crisis in the Middle East, the export markets and expectations of further growth altered. Various reasons given by representatives of I.C.I. also have altered. I have previously said that Mr. Connor's decision was appalling and not in the interests of South Australia. In case members opposite think such decisions can be made in terms of Party politics, I point out that, in relation to decisions taken in the past, like that of Mr. Connor, the critical thing we face now is the present, and the need to prove the economics of the Redcliff project.

I am unable to explain the reasons publicly, but I believe that I.C.I.'s announced intentions are not necessarily firm, and Altona's alleged announcement on expansion is also not firm, because Altona can go ahead only if it can sell products to both Dow and I.C.I. It would be crazy to assume that Altona can go ahead at all effectively on any major change unless it has an agreement with I.C.I. and Dow, and that does not exist at present.

Regarding the Redcliff project, I have tried to approach the matter on a non-Party basis, on behalf of South Australia. I will say publicly that the shadow Minister of Mines and Energy, Mr. Geddes, and Federal members on both sides of the House with whom I have been dealing have approached it on that basis also. I hope that back-bench members of the Opposition will get the message across to the Leader and Deputy Leader that they are tackling the whole issue in the wrong way, and not in the interests of the State.

HOSPITAL INSTRUCTOR

Mr. HEMMINGS: Will the Minister of Community Welfare ask the Minister of Health whether he will ensure that an instructor of rehabilitation and physical medicine is appointed at the Queen Elizabeth Hospital as soon as possible? A constituent informed me that the former instructor left that position in December 1978. I understand that those people who attend these classes as an important process in their rehabilitation are concerned that a replacement has not yet been appointed.

The Hon. R. G. PAYNE: There certainly seems to have been a small lapse of time since the previous holder of that office vacated it. I suppose that one possibility that might explain that length of time is the holiday break which intervened and during which it can be quite awkward to get the machinery going in relation to appointments. I understand the honourable member's concern on behalf of his constituent, and I will certainly take up the matter with my colleague.

LOCAL GOVERNMENT OFFICE

Mr. RUSSACK: Can the Minister of Community Development say whether it is a fact that the South Australian Local Government Office will be transferred from the administration of the Minister of Transport to that of the Minister of Community Development? If that is so, when will this take place, and has local government

been consulted about this matter?

The Hon. J. C. BANNON: Administrative arrangements of Government are matters for the Premier, and any changes that are contemplated will be handled and announced by him at the appropriate time.

ADOPTION PANEL

Mrs. BYRNE: Can the Minister of Community Welfare say what stage has been reached in the appointment of the South Australian Adoption Panel? The Minister announced last year that the panel would be established to keep all matters concerning adoptions under continuing review and to make recommendations to him when changes were considered desirable.

The Hon. R. G. PAYNE: I can inform the House that the panel has been appointed. All members (a total of nine) have now been appointed in accordance with the legislation. They had their first meeting late last Friday. I had the pleasure of attending the early part of the meeting. Of the nine members, five have been appointed for two years and four for one year. I think members would be interested to know who the members are. The Chairman is Mr. Peter Erikson, who was appointed on a nomination received from the Law Society, and he and Mr. Geoff Pope, Dr. Colin Mathews, Dr. E. Goldblatt and Mrs. Eva Leung have been appointed for two years. Appointed for one year are Dr. Karl Laschuk, Mr. Peter Fopp, who is the departmental representative, Mrs. Chris Briscombe and Dr. Gerry Mullins. The last two named persons were appointed to the panel on the nomination put forward by the South Australian Council of Social Services as being community members. Members will recall the debate about that matter at the time the Bill was before the House.

One of the first tasks of the panel will be to appoint adoption boards to consider applications for review of Community Welfare Department decisions refusing applications made by prospective adopters. There are currently 23 such applications, 21 of which are related to the application of the additional criteria contained in the 1978 Adoption of Children Act regulations, and two related to inter-country adoptions.

I remind members that the four members who will comprise the board will be drawn from the membership of the panel. The board will consist of the legal practitioner as Chairman, one of the members of the public, the social worker member, and the specialist member most appropriate to the nature of the appeal. Members will recall that the departmental member is specifically excluded from sitting on the board whenever there is a review of such matters. I appreciate the willingness of the persons who accepted appointments to serve on the panel, and I think we would all agree that it is a sensitive area.

Some interest has been expressed in other States about the way the legislation has gone in this State in relation to the setting up of the panel. We have had a number of inquiries for copies of the legislation, and it has also been suggested by those States that have made inquiries that they will be watching very closely to see how the panel operates in practice.

S.G.I.C.

Mr. WILSON: Can the Premier say whether the State Government or the S.G.I.C. has considered a proposal or carried out a feasibility study to acquire the property owned by Freeman Motors on the corner of Magill and Fullarton Roads and, if so, for what purpose? All members have recently received numerous phone calls and representations from members of the crash repair industry. In the last couple of days it has been reported to me that S.G.I.C. is negotiating to buy the property concerned to establish a State-owned crash repair business and possibly a retail outlet for repaired cars. It was also reported to me that the Government was considering the purchase of an additional property surrounding the one I have mentioned, for use as a depot or garage by the State Transport Authority.

The Hon. J. D. CORCORAN: I know nothing of the matters raised by the honourable member. I will certainly contact the General Manager of S.G.I.C. (Mr. Peter Yelland), to find out whether or not there is any basis in the statement the honourable member has made, and let him know.

COMMUNITY ORGANISATIONS

Mr. ABBOTT: Can the Minister of Community Development say whether it is true that paid servants employed in community organisations, which are directly responsible to the Government, are an added burden to taxpayers? The Corporation of the City of Port Adelaide has written to all councils within the western region of Adelaide and to the Local Government Association about the future of local government and community organisations. The letter which was written to these organisations and which was signed by the Town Clerk, states:

> I enclose herewith a copy of a letter from the Right Worshipful the Mayor of Port Adelaide, H. C. R. Marten, Esq., which my Council has requested be forwarded to all Councils within the Western Region and to the Local Government Association. The members are concerned regarding the future of local government and feel that this matter should be discussed at the next meeting of the Regional Organisation. In the meantime, I am sure that my Council would appreciate your views and comments on this very important subject.

A submission from Mr. H. C. R. Marten, Mayor of Port Adelaide, which accompanied that letter reads as follows:

> I am perturbed by the obvious political sagacity of the State Government in its endeavour to alter the present local government system, which has worked well in the interests of all people for more than 100 years. It is increasingly evident that the Government is setting up Community Organisations which are directly responsible to them. As those employed are paid servants of the Government, they are an added burden to the taxpayers. It seems feasible that those already in operation and future ones (at present unannounced) will eventually become Community Councils, and take over the voluntary work now being performed by local government.
>
> I therefore suggest that this council elects a committee to investigate the matter, and approach the Local Government Association and Western Region No. 2 to obtain their views on a situation which to my mind is gradually being promoted on a very low key.
>
> If a Bill is being prepared to end Local Government in its present form in this State, then undoubtedly it will then be introduced by the present Minister of Local Government, hence immediate action to acquire collective opinions from all Local Government sources is vital. If council supports this submission, I recommend that a copy of this letter be forwarded to the Local Government Association and all Regional Organisations.

Does the Minister feel that the Mayor of Port Adelaide is engaging in a campaign for political—

The SPEAKER: Order! The honourable member is commenting.

The Hon. J. C. BANNON: The honourable member showed me a copy of this letter which Mayor Marten of the Port Adelaide Corporation did not have the courtesy to send it to me. I thought he might well have done so, because it quite clearly refers to the formation of the Community Development Department and the perception of it that Mayor Marten seems to have.

I must say that in reading the letter, I am extremely surprised that a man of such experience in a responsible position in one of our oldest and most honoured corporations can write a letter and draw such inferences without in any way checking as to whether or not they are correct. He has also drawn false inferences and published them in a way that makes it difficult to feel that he is doing other than simply having a shot at the Government and is not approaching this subject constructively at all. It saddens me that a responsible man in public life should take this attitude. I must admit that on reading the letter I found it really difficult to understand the thrust of his argument. In his first paragraph he says:

> I am perturbed by the obvious political sagacity of the State Government in its endeavour to alter the present Local Government system which has worked well in the interests of all people for more than 100 years.

"Political sagacity" means wisdom, which is a commendable characteristic, and, if the Government does have such wisdom and sagacity, why it should be working to displace a system which has served the interests of the people for 100 years I am damned if I know, and I do not think the Mayor of Port Adelaide knows. After that first peculiar paragraph, which seems to praise and blame us in one sentence, the Mayor also wrote:

> It is increasingly evident that the Government is setting up Community Organisations which are directly responsible to them. As those employed are paid servants of the Government, they are an added burden to the taxpayers.

I have no idea what His Worship is talking about in that instance. We are indeed encouraging the establishment of community organisations. We have in fact had community councils in operation since 1972. It seems to me quite amazing that first the Mayor has only just discovered this, and, secondly, he does not understand how they work.

The whole principle of the community councils and the other voluntary and Government-assisted organisations is that they do not consist of paid servants of the Government but are drawn from volunteers in the community who give their services on behalf of the community. The Government provides secretarial and office assistance and other kinds of help in order to make those community organisations effective. If the Mayor is saying that that is a burden on the taxpayer, I think he had better look to what sort of responsibilities local government has in his area. It seems to me that he completely misconceives the role of Government, and, indeed, the role of any funded body like local government, which is the third tier of Government, if we are not allowed to assist, stimulate and aid these community organisations.

If, in fact, he is talking about the formation of the Community Development Department, again I point out that that department brought together existing institutions and organisations within the Government from various departments. It put them together in one department in order to make those existing institutions and organisations more effective on behalf of the community. There was no added burden to the taxpayer in that respect. I am quite amazed that that Mayor should make that statement.

He also said that community councils might take over the voluntary work now being performed by local government. Is the Mayor saying that work in his corporation on the drains, the gardens and the parks is performed by voluntary labour? I did believe that Port Adelaide Council employed an outside staff and an administrative staff, that it had applied for Government money through the unemployment relief scheme and had been given quite substantial sums, and that that has improved the City of Port Adelaide quite considerably. That was not voluntary work performed by local government. Of course, people involved in local government give their time and services voluntarily. That is commendable and we encourage it; we certainly do not want to take it over.

Finally, His Worship says that a Bill is being prepared to end local government in its present form in this State. I have consulted with the Minister of Local Government, who has not heard of this proposal at all, and one would have thought that any such legislation must at least emanate from his department. Certainly, no such legislation is emanating from my department. Again, I think the Mayor of Port Adelaide simply did not bother to check, because he wanted to make some political point or attack by innuendo, and therefore to check it out with the authorities and be told it was not true would have spoiled the impact of his letter. He just simply wanted to write that letter.

I am a bit upset that such suspicion is being shown of the Government when one considers that the Corbett Report urged the Government in its community activity to get closer to local government and work in co-operation with it and when one realises that the new Director of Community Development, Dr. McPhail, who is a man highly respected among local government bodies, came from the Local Government Office. While it seems that Mayor Marten sees his appointment as some sinister take-over move, on the contrary I would say that most of the local government people to whom I have spoken applauded the move as being a symbol of the Government's desire to work in co-operation and co-ordination with local government and community development.

I hope that, when the regional organisation of local government receives this letter, it will certainly consider it and make it quite clear to Mayor Marten its conception of community development. I can only go on the meeting I had with them, which was an extremely successful meeting. Delegates from all the councils attended and at the end of the meeting they came up and said that they were pleased to hear about the new department, which gave great opportunities for local governments in their region, and that they were right behind it. Every other local government organisation to which I have spoken about the department has responded in the same way. It will be disappointing indeed if Mayor Marten leads his council off in a direction completely opposite to the rest of local government in South Australia.

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

The SPEAKER: Call on the business of the day.

SOUTH AUSTRALIAN HERITAGE ACT AMENDMENT BILL

The Hon. J. D. CORCORAN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the South Australian Heritage Act, 1978. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The Bill for the South Australian Heritage Act Amendment Act (No. 2), 1979, is being introduced to provide borrowing powers to the trustee of the State Heritage. This will enable the South Australian Government to take a lead in actively preserving the buildings and features of the State which reflect its cultural heritage.

The principal Act established a State Heritage Fund. Payments made available to the fund so far have been $50 000 in 1977-78 and a further $50 000 in 1978-79. It is considered that the amount that could be achieved with the current level of funding would be limited. It is critical for the preservation and enhancement of our heritage that funds are available to positively promote restoration and maintenance, through the provision of finance for grants, for acquisition of registered items and for education, research and promotion. The provision of borrowing powers as proposed will provide great potential for positive financial support for the preservation of our heritage.

With sufficient funds available, the South Australian Heritage Committee through its recommendations to me, will have greater power over control of demolition by either the provision of funds to enable restoration to be undertaken or acquisition to prevent the loss of significant buildings. The Commonwealth Government, through its national estate grants programme, also provides funds for heritage purposes. Regretably, the Commonwealth Government has significantly cut back its funding of the heritage area. This is most unfortunate. The South Australian Government is concerned that the outstanding examples of the heritage of the State are not neglected. Financial assistance is important for the preservation of the buildings and features of this State which reflect it cultural heritage.

Clause 1 is formal. Clause 2 provides for the enactment of new sections 19a and 19b. New section 19a provides that the corporation (that is, the trustee of the State heritage) may borrow money from any person with the consent of the Treasurer and that repayment of any such loan is guaranteed by the Treasurer. New section 19b requires the corporation to keep proper accounts of its financial affairs and provides for an annual audit of those accounts by the Auditor-General.

Mr. WOTTON secured the adjournment of the debate.

NORTH HAVEN TRUST BILL

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

The Hon. HUGH HUDSON (Minister of Mines and Energy) obtained leave and introduced a Bill for an Act to establish the North Haven Trust; to prescribe its powers and functions; to amend the North Haven Development Act, 1972; and for other purposes. Read a first time.

The Hon. HUGH HUDSON: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill is intended to establish a trust to facilitate the development and management of the North Haven marina and associated facilities. The North Haven harbour development is already well under way. Under the terms of the A.M.P. Society's 1972 indenture agreement with the Government, the society has already excavated the harbour and has recently let a contract for final construction of the harbour edge. That contract provides for the effective completion of the harbour by the end of 1979.

Plans have been prepared for the comprehensive development of areas adjacent to the North Haven harbour. In addition to the development of marina facilities the plans provide for shops and restaurants; specialist marine service and commercial facilities; recreation areas and sites for clubs and community facilities; a caravan park and golf curse; and some residential development. Implementation of these proposals will take full advantage of the unique site and development opportunities at North Haven and result in a facility of great value to residents both of North Haven and of the metropolitan area generally. Adequate co-ordination and promotion of development will be of critical importance. There will also be a continuing need for management and supervision of the North Haven facilities upon the completion of development. The Bill proposes the establishment of the trust to fulfil these roles. It's membership would comprise nominees of the Government and of the Port Adelaide Council. The trust would have power to borrow funds to finance development and to impose charges for the use of the facilities which it provides.

The Bill defines the area which will be subject to the control of the trust and provides for the vesting in the trust of all land within that area. The trust will grant leases and licences to promote private development within the harbour area. The third schedule of the Bill provides for the amendment of the North Haven Development Act and of the indenture agreement between the Government and the A.M.P. Society so as to clearly maintain the rights of the society under the indenture to lease land in the harbour area. The development of the North Haven project has to date been based upon close co-operation between the A.M.P. Society and the Government. The establishment of the North-Haven Trust will provide a suitable focus for continued co-operation between the public and private sectors. It will enable development to be carried forward in an efficient and business-like manner and in a way which is flexible and responsive to community needs.

Clauses 1, 2 and 3 are formal. Clause 4 contains certain definitions required for the purposes of the Act. In particular, "the prescribed area" is defined by reference to schedules one and two of the proposed Act. Clause 5 makes consequential amendments to the North Haven Development Act. These amendments relate to clause 16 of the indenture under which the A.M.P. is given certain preferential rights in respect of land which will now be administered by the trust in pursuance of the new Act. Accordingly, the amendments provide that the rights conferred by clause 16 of the indenture will in future be enforceable against the trust rather than the Minister of Marine. Clause 6 establishes the trust.

Clauses 7 to 11 deal generally with the rights of membership and procedure of the trust. Clause 12 provides for disclosure by members of the trust of pecuniary interest in contracts made by, or in the contemplation of, the trust. Clause 13 provides for the prescribed area to be vested in the trust for an estate in fee simple. Clause 14 sets out the powers and functions of the trust. Generally the trust is empowered to undertake or promote development within the prescribed area and to provide services and manage facilities for the benefit of the public or any section of the public. Clauses 15 and 16 deal with officers and employees of the trust. Clause 17 empowers the trust to borrow moneys for its statutory functions. Clause 18 requires the trust to establish a fund out of which its expenses are to be paid.

Clause 19 requires the trust to present estimates of its receipts and payments to the Minister and prevents the trust from incurring expenditure that has not been authorised in an approved budget. Clause 20 provides for the keeping and auditing of accounts. Clause 21 provides for the application of provisions of the Harbors Act to the prescribed area. While in general it is not intended that Part III of the Harbors Act should apply to the prescribed area, it is envisaged that a harbormaster may be appointed in pursuance of that Act. This clause provides for that eventuality. Clause 22 exempts the trust from various rates and taxes. Clause 24 provides for summary disposal of offences. Clause 25 is a regulation-making power.

Mr. EVANS secured the adjournment of the debate.

CONTRACTS REVIEW BILL

Consideration in Committee of the Legislative Council's message intimating that it insisted on its amendments to which the House of Assembly had disagreed.

The Hon. PETER DUNCAN (Attorney-General): I move:

> That the disagreement to the amendments of the Legislative Council be insisted on.

Motion carried.

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be represented by Messrs. Abbott, Blacker, Duncan, Groom, and Mathwin.

Mr. DEAN BROWN: The Attorney-General, in dealing with the message from the Legislative Council, dealt with message No. 129. According to the file before us, the message from the Legislative Council dealing with amendments to this Bill is No. 122.

Mr. Millhouse: We've had a new message.

The Hon. PETER DUNCAN: The honourable member is not known for his attention to detail, and I suggest that explains his *faux pas* on this occasion.

The SPEAKER: Order!

Later:

A message was received from the Legislative Council agreeing to a conference, to be held in the Legislative Council conference room at 9.15 a.m. on Thursday 22 February.

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

> That Standing Orders be so far suspended as to enable the conference with the Legislative Council to be held during the adjournment of the House and the managers to report the result thereof forthwith at the next sitting of the House.

Motion carried.

MOTOR BODY REPAIRS INDUSTRY BILL

Adjourned debate on second reading.

(Continued from 14 February. Page 2637.)

Mr. CHAPMAN (Alexandra): The Bill involves licensing and Government board control of the motor body and crash repair industry. When a Bill of this magnitude is introduced one wonders first whether there is a need and, if so, tries to determine what is that need. It appears that the South Australian Automobile Chamber of Commerce has, at meetings held over a span of several years, genuinely sought to improve the lot of its members. It has recognised the need to improve the standards of practice, efficiency, and integrity within the crash repair industry. It has met with underwriters for the purpose of arriving at a schedule of fair hourly rates, to ensure that vehicle owners receive a proper job. It has sought to establish a working relationship between all segments of the industry, including the tow-truck section. I think it is fair to say from the outset that the efforts of the automotive chamber have been largely successful.

However, in recent years there seems to have been an unfortunate trend or inbuilt influence directed toward varying forms of Government intervention. Odd incidents occurring within this competitive industry, when reported by the press, have tended also to reflect undesirable practices within the industry, fully accepting of course that in all major competitive service industries there is an inescapable degree of unprofessional approach, again, perhaps more particularly, within the highly competitive area of accident scene towing. However, in the short period available, I have found it difficult to establish and to substantiate a wide range of allegations that have been made and directed towards that industry generally.

Accordingly, it seems that the chamber has been encouraged towards some form of assistance from the Government, at least in the field of guidance, towards tighter control of the practices and, where possible, stricter measures to ensure higher standards and better codes of practice, etc.

In response to that apparent fostered trend to about 1976, the Government, after a Cabinet decision on 8 November 1976, set up a joint working party to investigate and report on a scheme of licensing, regulating and controlling of the sectors of crash repair, tow-truck and motor vehicle loss assessors within the motor vehicle industry. I refer to that report, and to the comments made in the foreword, as follows:

> Further background to the appointment of this working party was the acceptance of recommendations of two reports made by separate committees. The first was a report commissioned by the Minister of Labour and Industry on the crash repair sector, and the second was a report commissioned by the Minister of Transport on the tow-truck sector—

which report was not made public. The Chairman, in writing this report, said that he believed that the work done and the recommendations made in the report would, if acceptable to the Government, go a considerable way towards correcting and regulating many, if not all, of the problems that have plagued the three named sectors of the industry for a considerable time.

My immediate question was: How? I shall come to that point later. The joint working party met on 18 occasions. Some compromise in attitude was needed to achieve unanimity on the decisions. The acceptance of this view has, however, meant that there has been some delay on the part of the joint working party in presenting its finding,

and I think members of the House will recognise what those few comments meant in the foreword. Certainly, those officers working on the investigation of the subject and the preparation of the report were not initially unanimous in their views.

The following members were appointed to that committee:

Chairman: Mr. M. C. Johnson, Deputy Director, Department of Labour and Industry; members: Mr. M. F. Burkin, Controller of Operations, Royal Automobile Association; Mr. R. E. Killmier, Senior Chief Superintendent, Police Department; Mr. P. W. Meehan, Organiser, the Vehicle Builders Employees' Federation of Australia, representing the United Trades and Labor Council; Mr. G. L. Mill, Executive Director, S.A. Automobile Chamber of Commerce; Mr. J. J. Nyland, State Secretary, Transport Workers Union of Australia (S.A. Branch), representing the United Trades and Labor Council; Mr. T. B. Prescott, T. B. Prescott & Company Limited, representing the South Australian Automobile Chamber of Commerce; Mr. R. Smith, Secretary, Tow-truck Division, the South Australian Automobile Chamber of Commerce; and Mr. D. N. Thurlow, Director, Motor Registration Division, Department of Transport and Registrar of Motor Vehicles.

Turning to page 13 of the report, we find, as background, that the terms of the Cabinet approval of 8 November 1976 required the working party (and I emphasise those words) to formulate a licensing system for three sectors associated with the motor vehicle repair industry, those sectors being the motor body repair industry, the tow-truck industry, and the motor vehicle loss assessors. The working party's terms of reference, as approved by the Ministers, were based on the findings of two reports: the Working Party Inquiry into the Crash Repair Sector, and the Report of the Committee of Inquiry into the Operations of the Tow-truck Industry. That followed separate inquiries completed in June 1976 and October 1976 by committees appointed by the Minister of Labour and Industry and the Minister of Transport respectively. The findings of these reports, subsequently accepted by Cabinet, demonstrated a need for the introduction of control measures.

In my view, this is a critical part of the overall programme of preparing to determine what was required by the industry. I would like members who are interested in this specific debate to recognise that that Cabinet approval was more than just an approval: it was a directive with special terms and with little flexibility applicable to those terms of reference. If we turn to page 15 of the report, under the sub-heading of "Submissions", we find the following:

> The working party gave every opportunity by advertisement and letter to the public and organisations connected with the industries to submit views on such issues as the kind of standards which should apply for the various licences, and functions and powers to be vested in the licensing board. The nil response from the public was a disappointment. The working party is satisfied that the scheme for licensing was not opposed by the sectors of the industry directly concerned. In making this statement, reservations from two of the organisations concerned deserve mention. The R.A.A. accepts that licensing is necessary, but is concerned about the possible increase that may arise in motoring costs. The motor insurance industry, notably the Insurance Council of Australia, appears not to favour control measures that in its opinion would inhibit free competition between workshops in the motor body repair trade.

The working party, however, went on to say on the same page of the report that it did not accept that an argument challenging the need for licensing to set a standard could be sustained. The working party really had no alternative, because it was under an instruction from the Cabinet regarding those strict terms of reference. Under the sub-heading of "Zoning", on page 47, appears the following:

> In the present circumstances, the working party does not believe the need has been established for tow-trucks to be limited to defined zones or for a centrally-based controlling body to allocate tow-trucks to as specific accident.

On that subject, and while still referring to the details of the report, I turn now to some material that has been provided for me by a research officer of the Parliament, and it is in that same specific vein. He followed up reports and other material available to him and found that Mr. Harold Shipp, Chairman of the Towing Division of the Automobile Chamber of Commerce, is reported as regarding the broad ideas as reasonable, although some aspects of the proposals did not meet with full support. He also found that Mr. G. Morrison, of the Tow-truck Owners and Operators Association, opposed the proposals, calling them an assault on private enterprise. He went on to refer them to a report he found that referred to Mr. R. H. Waters, of the R.A.A., who was also critical and who reportedly regretted the need for such far-reaching and restrictive controls (*News* of 24 January 1979).

Naturally enough, the investigation revealed a reply of criticism from the Minister of Transport to those matters to which I have already referred. However, from that working party report, I find that, although some of the joint working party members felt that the total costs of the board and counsel should be met from licence fees, other members thought that the fees would then be prohibitive. The report's recommendation is that the fees and expenses of the board members be met from licence fees, and that administrative expenses be met from general revenue (page 26 of the working party report).

The report recommends also against the widespread use of inspectors by the board, preferring industry self-regulation on the basis of an inspectorate, which would be expensive and which was unnecessary, they said. As an alternative, it is recommended that the Motor Registration Branch inspectorate's responsibilities be extended appropriately and that the board be able to co-opt other Government officers (the reference to that section of the report is on page 19).

The report is critical of the administration of current legislation dealing with crash repair shops. Reference to that is on pages 30 and 31 of the Industrial Safety, Health and Welfare Act, and the reference to loss assessors is at page 56, as to the Commercial and Private Agents Act. The report cites very little documentation in support of the system of Government control, which it proposes. Its main citation is of documents, which are appendices A and B to the report, being an annual report to the British Council for Vehicle Servicing and Repair, and a code of practices of the British Vehicle Builders and Repairers Association, both bodies being involved in industry self-regulation, albeit with some Government interest and involvement.

The report of October 1977 is a sizable distance in its recommendations from the Bill. The amendments to the Motor Vehicles Act passed in this Parliament in the latter stages of 1978, and proclaimed on 19 January 1979, were designed (in the Minister's own words) "to clean up the tow-truck industry". We of the Opposition supported those amendments, in principle, during the earlier part of this session, because at that time we accepted the sweeping allegations made by the Minister. However, those changes involving the securing of a signed contract of towing, delivering, etc., on the instruction of the crash vehicle owner have not been given a fair chance to work. They

were proclaimed by the Government only on 19 January 1979.

The new and all-embracing legislation we have now, which provides for licensing and Government board control, wide regulatory powers, zoning of metropolitan areas, police controlling the rostering of accident scene towing jobs, and heavy penalties, differs in all areas. In the meantime, the Minister of Transport has commissioned yet another committee, which has become known as the steering committee. The first official news of that committee's report (its findings, or whatever, at this stage are still secret from the public) was in a press release by the Minister which was embargoed to midnight on 23 January 1979 but which subsequently appeared in the *Advertiser* of 24 January 1979. Again, I quote the Minister in that report and, indeed, in his own press release as it emerged from his department. The release stated:

> The Minister of Transport (Mr. Virgo), who will introduce the legislation, said yesterday the industries revolving around road crashes were in need of clean-up.

It was at that point that I sought to do some specific homework, bearing in mind that it was the first opportunity, either publicly or as an Opposition, for us to gain any indication of the Minister's proposal to introduce legislation of the type he has introduced subsequently. The report, to which I now propose to refer, appears to have an uncanny connection with a tight circle of persons who seem not only to be the cartel of critics of the towing section, in particular, but also who have, in the main, served on a special committee for the Government, have a vested interest in denigrating their independent competitors in the industry, or who have been promised a job on the proposed board.

Articles have emerged in various sections of the press and, so that these may be further read by those interested, I will itemise them in order and refer to the dates and the nature of the media in which the comments appeared. I propose to go back in time, because this whole schedule demonstrates an uncanny connection between a particular section of the community, and it is fair to say that this section constitutes the cartel of critics of the towing industry.

Item 1: On 30 April 1973, an article appeared in the *Advertiser*, under the heading "All-out war between tow-truck firms feared". The only person mentioned in this report was Mr. John Whitehead, who stated that he worked for an R.A.A. approved towing service. He alleged that his firm's trucks had been rammed. It is noted from that report that John Whitehead, referring to the R.A.A. towing service for which he worked, failed to mention that that towing service was the one known as Silver and Killicoat, owned by Mr. Concannon. The second point of note is that John Whitehead was charged and convicted about three months later as a result of the incident he had alleged. In other words, it was John Whitehead who was guilty. He now works for the R.A.A. The connections are Concannon and an R.A.A. contractor.

Item 2 appeared in the *Advertiser* on 1 May 1973. The R.A.A. stated in no uncertain words that, if people did not want trouble, they should use the R.A.A. The obvious connection is the R.A.A. Item 3 appeared in the *News* of Monday 28 June 1976, in which there was an announcement of Concannon's disappearance and also statements by Concannon's wife regarding his disappearance. Concannon's wife disclosed that she and three other wives had formed a deputation to the C.I.B. weeks before Concannon's disappearance. The connections are Concannon's wife and an R.A.A. contractor.

Item 4 appeared in the *Advertiser* on 29 June 1976. Statements were made by four separate individuals, Inspector W. J. Tate being one, who said, "No definite link between tow-truck war and man's disappearance." Concannon's wife again repeated her views, and G. L. Mill, South Australian Automobile Chamber of Commerce, supported the existence of a tow-truck war. Mr. Anthony Prime made wild allegations. Members will recollect the name G. L. Mill from other statements I have made today. Mr. Prime stated he had laid assault charges. There was a court case, as a result of which Tony Prime lost, and a large sum in court costs was awarded against him. His allegations were proved before a Supreme Court jury to be false and fictitious. The article did not mention that Tony Prime worked at that time, and still does, for M.E. Dale Crash Repair, which is owned by Jeff Hendricks, who was, and still is, an R.A.A. contractor, and who also served on the steering committee and is to be the adviser on the new licensing board. Jeff Hendricks is also with the chamber. The connections are the R.A.A., Concannon, Dale Crash Repair, the steering committee and the chamber.

Item 5 appeared in the *News* on 29 June 1976. There was nothing important in this news item, as it was only a statement made by anonymous people, being drivers or their wives. I am told it is common knowledge in the industry that those wives and drivers who made the statements were employed by Concannon. However, it is important to note that the reporter stated that he spoke to Concannon before he disappeared, and that Concannon said, "Something has to be done." The connections are Silver and Killicoat, Concannon and an R.A.A. contractor.

Item 6 appeared in the *Advertiser* on Wednesday 30 June 1976. In this edition several statements were made. Harold Shipp made allegations (and it was stated that he was a vice-executive of the towing service and a representative from the South Australian Automobile Chamber of Commerce). However, he said that the views he expressed were his own personal views and not those of the board. He also said that 80 per cent of the problems in the industry could be attributed to one firm only. Another person mentioned was the Minister, Mr. Virgo, who stated that he would examine the needs for restructuring the towing industry. Mr. R. H. Waters, General Manager of the R.A.A., made allegations and then said "no evidence". He also stated that under the Secret Commissions Act in force at that time it was an offence to solicit and obtain a secret commission as an inducement for business.

The last and most interesting of the statements was made by Mr. Dennis Ryan, who was Chairman of the towing section of the South Australian Automobile Chamber of Commerce and the owner of Ryans Towing Service, which he failed to mention was then an R.A.A. contractor. He condemned the industry but did not mention how many thousands of dollars he made (and it was hundreds of thousands) from jibs which he made and sold for new tow-trucks. It should be noted that Dennis Ryan made these allegations against the industry in June 1976 with the full knowledge that he would be selling his business in September 1976. In fact, he sold his business to Tony Rocca in September 1976. The connections are: Dennis Ryan, R.A.A. contractor; South Australian Automobile Chamber of Commerce; Mr. Waters, R.A.A.; Mr. Shipp; and the Hon. Mr. Virgo. It should also be noted that Dennis Ryan became a truck salesman for Stillwell Ford. An executive of Stillwell Ford is the present President of the South Australian Automobile Chamber of Commerce. Mrs. T. Toft, the wife of Terry Toft, who also worked for Concannon, made a statement

in that edition of the *Advertiser.*

Item 7 appeared in the *News* of Wednesday 30 June 1976, which was the same date as item 6. Statements were made by five people, one of whom was Tom Howard, who was referred to in the article as having carried firearms. It is not mentioned that Tom Howard at that time worked for Australian Motors, then an R.A.A. contractor. Statements were made by Tony Prime, who as previously mentioned, worked for Dale's Crash Repair, an R.A.A. contractor. A third statement was made by Pat Meehan of the Vehicle Builders Union, condemning the industry. A fourth statement was made by Mr. G. L. Mill, from the South Australian Automobile Chamber of Commerce, who also condemned the industry. A fifth statement was made by Mr. Virgo. It is interesting to note that the three-man committee appointed by the State had only just completed a study of the crash repair industry, details of which have not been released. Mr. Virgo recommended that repair shops be licensed.

The connection is: Tom Howard, R.A.A.; Tony Prime, R.A.A. contractor; G. L. Mill, South Australian Automobile Chamber of Commerce; Mr. Pat Meehan, who somehow ended up as a member of the working party (see page 1, item E, in file on Meehan); and Tony Prime's employer ended up serving on the steering committee. His name is Jeff Hendricks. He will be adviser to the new board. Item 8 is an article that appeared in the *Advertiser* of 9 July 1977 titled "Missing tow-truck man may be in South Australia—Police". Nothing ever happened to Concannon, except he did a very well planned skip, it is claimed. However, it is important to note, first, that Concannon was in contact with his parents, according to Inspector Tate of the C.I.B., ever since his disappearance; and secondly, that Mr. Stephen Mathwin, Concannon's solicitor, had met Concannon in November 1976 regarding an affadavit from the Bank of New South Wales which stated, incidentally, that Concannon was indebted for $14 991 plus an additional $120·47 for interest. It was further claimed in that article that Concannon committed an act of bankruptcy and that he intended to defeat or delay his creditors and depart from his usual place of business. The connection there is Concannon and an R.A.A. contractor.

Upon careful reading of that news report it becomes apparent that there was an uncanny, and perhaps too coincidental, connection between all of the individuals, disregarding police or Government statements. It becomes evident that all other individuals are either members of R.A.A. contractors, of the R.A.A. itself or of the S.A.A.C.C., or employees or friends of Concannon, or wives of Concannon's drivers. I repeat that it may well be coincidental, but it appears to be an uncanny situation which embraces a specific circle of people.

I suggest that one section of this industry stands to gain monetarily from this legislation before us. For years the R.A.A. has enjoyed the privilege of having its breakdown towing done for it by private contractors for tenders as low as one-third of the normal cost applying in that field. To do that, these contractors ran at a loss. However, in the past it was beneficial to have the R.A.A. contract, because at the scene of accidents the R.A.A. badge on their trucks was a major selling point to the motoring public. I do not suggest for a moment that it is not right for a group of people or an individual to fight for some form of privileged protection, but I cannot support legislation that promotes selective favouritism, as this legislation would do if it went forward in its present form. It is widely feared in the industry that, if the proposed legislation is passed and the private contractor is unable to attend at accidents freely, the majority of accident victims will automatically contact the R.A.A. and that, consequently, those accidents will never reach the roster system.

I think that it is even more interesting to note that nowhere in any of the reports of substance are there any reports of substance from the public, which I think it is important to recognise. Members will recall my reference to the working party report—that after substantial and wide advertising there was absolutely no response from the public. In all of the newspaper reports that I have researched and read, and had others read for me, in recent days, during the progress of this Bill, I have been unable to find other than the isolated case where a member of the public has entered into this debate in any way. Quite clearly, I think one can say that there is certainly no public demand in South Australia to have licensing and Government board control as is proposed in this Bill and that it has come from this tight knit group, which may or may not have a vested interest. It all smells like hell to me.

In the meantime, the heavyweight selling programme has proceeded. In recent weeks the dominant selling of the legislation has been headed by the chairman of the final steering committee, Mr. Bill Lean. As mentioned earlier, his report has not been made public, but he has told meetings of the industry that he has been assured by the Minister of a position on the pending board and that he will be chairman of that board. All of this happened before the Bill had even come into the Parliament to be debated. This is an incredible situation. Here we have a case where the principal salesman for the Government of the day was not only on an assurance that he would be a member of the board (that was at some time later, hopefully, in the view of the Government, to be set up), but also that he had received an assurance that he was going to be the chairman of that board.

I would like the House to bear with me for a few moments while I outline one or two other assurances that have been given by salesmen acting for the Government in this matter. I know this to be true because I was present at such meetings and not only heard the statements to which I have just referred but also had the opportunity of witnessing the reaction of those present. So that I am not making wild claims and allegations (as I have accused the Minister of doing, and I and will continue to do so for the next half hour) I will cite a particular example of what did occur.

Ex-Commissioner Leane (now Mr. Lean), the committee chairman elect, when addressing a meeting of about 65 tow-truck operators and drivers on Wednesday 24 January 1979, stated:

> This type of control works everywhere else in the world and South Australia will be the first State in Australia to introduce it.

He went on to say:

> I have no doubt that New South Wales and Victoria will follow the lead set by this Government.

Later, after that address by the guest speaker addressing the meeting in the person of Mr. Lean, when questioned, he admitted that there was no such industry control in the United Kingdom and that he was not aware whether such controls existed in Asia, but certainly it existed in the United States and Europe. When questioned further (and I think this is terribly relevant) as to whether the controls operating in the United States and Europe were industry controls or Government controls, he was not sure—he did not know.

Mr. Mathwin: He had a memory lapse.

Mr. CHAPMAN: I do not think he had a memory lapse. I think he did an incredible job to handle the meeting he was addressing. I am not in any way reflecting on him; I am simply trying to demonstrate to the House matters of

fact about what has occurred during the progress of this report and the presentation of the Bill we have before us. To follow up these statements and those made by the Minister in a press release about the rostering and zoning portions of this overall proposal, and bearing in mind this Government's worker participation policy, I contacted Mr. Ralph Tremethick, Secretary of the South Australian Police Association, on 2 February 1979, to seek his views on that aspect of the proposal. He said (and this is as near as I can get from my records taken at the time):

> Neither the Minister nor any officer of his department, nor any other person, has bothered to contact me on this matter and, after all, I do represent every police officer in South Australia. We are faced with an ever-growing police workload in South Australia and at the same time the Government has a policy of nil growth rate in its Police Force.
>
> We are naturally concerned about any further loading of new responsibilities which may be placed on our members.

In that same conversation Mr. Tremethick said:

> If a roster scheme for allocating towing jobs from the scene of an accident is provided by the board, it could theoretically be operated by our central office, but I have grave doubts about such a scheme working smoothly in practice. Such a scheme would undoubtedly create a greater work load on our duty officers, cause serious delays in clearing the accident scene and not achieve any more than can be achieved by a little common sense by those in attendance now.

Mr. Tremethick said he favoured a period for consideration of the proposals and their wide implications. Like us, Mr. Tremethick is bitterly disappointed about that aspect. He also agreed that it would seem desirable to observe what effect the recent legislative changes to the Motor Vehicles Act would have on the towing industry before proceeding any further. He said that, although there was still some unpleasantness at accident scenes on occasions, the conduct of tow-truck operators had dramatically improved recently.

Since those discussions with Mr. Tremethick, he has naturally enough had a phone call from Mr. Lean's department and has had a subsequent discussion with Mr. Lean. During a phone conversation with Mr. Tremethick yesterday, since the consultation and discussion with Mr. Lean, he told me he now believed there was a police rostering scheme working in Australia after all, and that it had been working in the A.C.T. for about eight years. I immediately had that matter checked out yesterday afternoon. At this point I would like to pay my respects once again to the diligent officer in our library who assisted me in this matter. The request I made of him was in accordance with the previous finding in our discussion with Mr. Tremethick. The request was as follows:

> A roster system for tow-trucks is rumoured to have been operating in the A.C.T. for eight years or so. Is this so? If so, obtain some details, please try A.C.T. Police for this information, forthwith.

Yesterday, I received a brief paper setting out the information obtained from A.C.T. police headquarters. The following information was obtained, even though the senior officer who looks after such matters was not available, having just knocked off for the day. He is Sergeant Adrian Whiddett, Research and Planning Section: The A.C.T. Police Force does run a roster system for tow-trucks, which has been working satisfactorily for at least five or six years, in respect of accident towing. The roster system is apparently not a result of legislation, but is based on an agreement between police and towing operators.

Members will appreciate how interested I was to receive such information about that "large country town". The report reveals that the registration of vehicles in the A.C.T. involves inspection at a Government testing station. After registration, a tow-truck operator may apply to the police to be placed on the towing roster, and a Sergeant King of the Accident Squad interviews the applicant. The operator must provide a 24-hour seven-day service (and may not subcontract out jobs) to stay on the roster. There are about 20 operators on the A.C.T. roster, some doing all types of towing jobs and others doing only relatively light towing.

A further interesting point is raised in this report. At the scene of an accident in the A.C.T., the attending police ask the driver whom he wants to tow his damaged vehicle. If the driver nominates a towing firm, the police will radio in a request as "driver nominated". If he does not nominate, the police will radio for a tow-truck off the roster. The roster is kept in the police operations room, and a call is placed from there to the towing firm next on the roster. If there is no answer, the next firm on the roster is called, and so on. If a firm fails to turn up, it risks removal from the roster. Tow-trucks may take towing jobs at accident scenes only if they are called by the police or by a driver.

I repeat that this has nothing to do with the Government; nor should it. It is a case of industry-department co-operation. It is what I believe is the desirable form of assistance that a Government may give to an industry without involving itself in taking over, dictating or interfering with free enterprise.

The Hon. G. T. Virgo: You do support that sort of scheme.

Mr. CHAPMAN: If it is industry initiated and is industry controlled, indeed!

The Hon. G. T. Virgo: But if it was initiated by industry, you'd agree with the rostering system?

Mr. CHAPMAN: No fear, not if you have anything to do with it. Let me go a little further on this subject. Members will recall that the Minister claimed that this Bill was largely based on New York legislation. I have received a letter dated 27 January 1979 from Sergeant Edward J. Byrnes, the public information officer of the New York City Police Department, about that system for tow-truck operators gaining jobs at the scene of an accident. The letter is in response to a telephone conversation on 27 January 1979.

> In New York City, commercial tow-truck operators are licensed by the Department of Traffic and are subject to the N.Y. State Vehicle and Traffic Law and the N.Y. City Traffic regulations. Commercially licensed tow-trucks are permitted to respond to the scene of vehicle accidents which occur on the city's streets. The determination as to which tow-truck gets the job is made by the parties involved. The person having the accident and the tow-truck driver make whatever arrangements are mutually agreeable to them. However, the Department of Traffic sets maximum towing charges. Subsequent work on the auto is a separate agreement and determined by the amount of damage done to the vehicle. It is not mandatory that the towing company get the assignment to repair the auto.
>
> The police's role at the scene of the accident is to maintain the peace and prepare the police accident report. They cannot influence the parties involved to select a certain towing company. However, they will see to it that necessary licences are held and in good order.

In other words, the police in New York carry out the police job. They do not interfere or direct what private enterprise shall do. The letter continues:

> On the city's parkways and highways vehicle towing is handled by low-bid contracts. Interested towing companies submit bids for specific sections of roads. The company

submitting the lowest bid, which fits within the set guidelines, gets the contract for a specific period of time.

Incidentally, in New York the tow-truck operators are authorised to maintain a premise radio, capable of taking direct police calls. That piece of information came from page 2 of the New York Towing Guide which was also supplied a fortnight ago by courtesy of the New York Police Department. A letter dated 6 February 1979 from Sergeant Savarese, Supervisor of Tow Investigations, of the New York Police Department, is as follows:

> Regarding your question on rotation, at the present time New York City does not work on a rotation basis. I trust that the above information will be of assistance to you in your up and coming debate.

That makes a farce of the whole presentation of the Bill, unless the Minister has other information to give to the House. That is his form; the whole matter has been disgracefully secret so far. To establish my point further that the Minister has misled the public throughout his campaign to sell this Bill, I would now like to refer to his media statements about the ratio of tow-trucks operating in Adelaide. The Minister claimed we have a higher ratio of tow-trucks a thousand vehicles than has New York City. This point was also taken up by the *Advertiser* on 24 January 1979. A check with the South Australian Motor Vehicles Department Registrar revealed that the number of registered tow-trucks in South Australia is substantially lower than the Minister's figure, which makes his claim even more deceitful. If we take the figure of 200 tow-trucks and divide it into the 320 000 vehicles in Adelaide (at present, we see that the ratio is one tow-truck to 1 600 motor vehicles). A letter dated 8 February 1979 from the Automotive Information Council in Michigan states that in New York City the ratio is one to 900 and in Los Angeles, where there are 4 800 unlicensed tow-trucks, the ratio is one tow-truck to 1 000 vehicles. What has the Minister been trying to pull? Correspondence from Ordinex in the United States of America again confirms my argument that the Minister was talking out of his hat when he claimed that the rostering and Government regulatory system works will in New York and other parts of the United States. A letter from the United States delegate to Ordinex (Mr. Reg. Predham) dated 2 February 1979 states:

> With reference to your inquiry as to the efficacy of a bureaucratic control of towing of motor vehicles towing regulations administered in a metropolitan district.
>
> My considered opinion as a result of over 30 years in the Boston, New York, New Jersey areas would indicate that in neither of these areas have the results of such regulations produced a satisfaction or a service to the citizen and consumer. This statement is based on information that has been and is now in the public domain. It has been a subject discussed by the industry, by the media and by the government publically, in the last several years. The negative effect of bureaucratic red tape has created a well-known monster that feeds upon the consumer and his automobile.

I am not sure whether it was only the chief salesman, Mr. Lean, or the Minister who made the claim that the system worked in Germany and therefore it should work here. A letter dated 13 February 1979 from the Amalgamated German Auto Club Headquarters, Munich, states:

> According to section 33, paragraph 1, No. 2 of the Highway Code, offering goods and services of any kind on the public road is forbidden if road-users are distracted or bothered in such a way as to endanger or impede traffic . . .
>
> The Federal Administrative Court has declared the following regarding the two above-mentioned conditions:
>
> 1. It does not matter whether a towing firm goes to the scene of the accident or breakdown of its own accord and offers services there. The condition is fulfilled if the customer calls the towing firm and requests that someone be sent to the scene of the accident or breakdown. The Federal Administrative Court states that it is not decisive who "arranged" the service.
> 2. Road-users are distracted or bothered in a way that endangers traffic when the towing firm takes advantage of the opportunity to tow a vehicle in order to conduct other business transactions simultaneously at the scene of the accident. This includes, for example, accepting orders for repairs or renting vehicles.

I had read that English translation of the letter from Germany. It is a little hard to follow, but the message is clear that the Amalgamated German Auto Club Headquarters has put out material to keep us informed of what is going on there and its view is that it does not matter whether the towing firm goes to the scene of the accident or break-down of its own accord and offers services there.

Far too much of the Minister's support for the legislation seems to be based on hearsay. Wild allegations have been fed continually to the public about industry conduct, and scare tactics seem also to have been cultivated to stir and intimidate from within the industry and through the department itself. I cite an example of a procedure that appears to be incredible to me which emanated from the inspector's office on 16 November 1978. An allegation-interview report handed to Glen Trevor Fairman on 16 November 1978 that took place at the Tow Truck Inspectorate, M.R.D., states:

> It has been alleged that on Wednesday 20 September 1978 at the premises of Blair Athol Towing, 281 Churchill Road, Prospect, a man known as Reg stated to a number of tow-truck operators that he had been or was going to be paid $500 by Glen Fairman to smash or "write-off" a Modbury tow-truck so as to start a towing war.

That photocopied statement represents the allegation handed to Mr. Fairman at 11.15 a.m. on 16 November 1978 and the inspector was G. Duerden, who signed the allegation-interview report.

I am not aware of the practice within the inspectorate, and I have limited knowledge of the servicing of an allegation or of a threatening note of the type I have mentioned; whether it would be regarded by the department or the industry as threatening, I do not know, but I can suggest it would frighten the pants off whoever was on the receiving end of it. As far as I can ascertain, and curious as it may seem, there has been no follow-up action on that matter.

I turn now to the crash repair section, a very real and important part of the motor industry trade in South Australia. It is clear, from a weekend survey of Adelaide crash repairers of good repute, that there is wide confusion about the real intent of the Bill. I cite Trevor Prescott as one of those who is bitterly opposed to the principle of licensing and board control of his industry, but I think it is fair to say that his opinion, which I value, is that apprenticeship training in the industry is essential and that strict adherence to an appropriate code of practices is most desirable. He agrees that this could be achieved without licensing, and without Government board control; but with a little co-operation of industry, indeed, those ideals could be well on the way to being achieved in a short time. I highly respect the opinion of Mr. Trevor Prescott.

Some people in the crash repair industry have been brainwashed, I believe, into believing that the Bill will automatically cause their hourly rates of pay to increase. Because I have not sought approval from him to do so, I

will not mention the name of a gentleman I telephoned on Saturday afternoon, but when I asked whether he supported the Bill, having heard that he did, he said that he thought he supported it. I asked whether he would mind telling me why, and he said, "I have had an assurance that, if we support this Bill, we will automatically enjoy an increase in our hourly rates that will bring them up to be comparable with the mechanic hourly rates within the industry."

If the Minister or his officers want to know the name of that man, I am prepared to let them have it, but I do not intend to put it on record at this time. I asked him to tell me the other reasons why he supported the Bill and he said, "I can't stand the part that seeks to interfere with my private business, but we have to put up with that, don't we?" There is a reputable man, who employs a sizable number of employees, who is well established in the crash-repair business. I would have expected him to make himself known in the situation or to seek to be informed of the intent of the Bill. I suspect that in this case Mr. Lean and his officers have done their part. I know they made themselves available after the press report, but I do not know whether they were available after the Bill got to the House. They would have had to be quick if they had wanted to do anything about it before it was debated.

The points I have brought forward demonstrate that, as a result of the survey of reputable crash repairers, there is obviously wide confusion in the field. I believe it is extremely unfortunate that Mr. Lean's unqualified statement made on 24 January 1979 at Motor Industry House has not been upheld. As nearly as I could record it at the time, Mr. Lean said, "I will bring the final draft of the Bill back to a meeting of the industry for full discussion of its detail before the Bill is tabled in the State Parliament." At that time the Bill was being prepared by the Parliamentary Counsel and was not yet ready, Mr. Lean told the meeting. That undertaking was not honoured and, accordingly, neither the industry division concerned nor the Opposition has had a fair chance to research and to study the Bill in detail.

I make patently clear to the Parliament that I do not criticise the pending board Chairman for his situation, but I strongly criticise the Minister for his bulldozing efforts generally throughout the progress of the Bill and for the manner in which it has been mishandled in its passage to this point of the second reading debate.

I shall cite one more document relating to the undesirability of proceeding with the Bill in relation to the crash repair industry. I quote from a paper received last week from the Automotive Information Council, of Michigan, U.S.A. dealing specifically with crash repairs, and stating:

> We feel there are eight major problems with State or locally administered mechanic licensing or mandatory certification programs:
>
> 1. "Grandfather" provisions cloak all mechanics with the respectability of a government-sanctioned level of competence when none has in fact been demonstrated: [we call it Big Brother in Australia] Grandfatherism is basically illogical, whatever the details of its implementation. If all working mechanics were in fact competent, there would be no need for the legislation; if there are mechanics who are not competent, the passage of the legislation which would "grandfather" them in as mechanics would do nothing to encourage them to become competent. To the contrary, it may well give the mechanic an illusion of competence to which he has no right. Grandfatherism is a deceit against the public whom the legislation is designed to serve.
>
> 2. Testing at a minimum level of competence does not protect the consumer: Under mandatory licensing, the competence tests would in all probability be set at minimal levels in order to prevent large numbers of mechanics from becoming unemployed. Tests keyed to lowest common denominators of skills and knowledges neither assure the public of competent performance nor serve as a means for the mechanics to learn their own strengths and weaknesses. The public is thus misled to believe that the practitioner's competency has been established whereas in fact it has not.
>
> Frequently oral and/or hands-on tests are incorporated in mandatory licensing programs to accommodate mechanics who cannot pass the written tests. This ignores the fact that truly competent mechanics must be able to read and understand service manuals and technical bulletins in order to solve the problems of today's sophisticated vehicles.
>
> 3. The nationwide shortage of mechanics could be aggravated by licensing: Licensing could easily cause mechanics or potential mechanics to seek employment in other trades thus aggravating this shortage.
>
> Licensing is not necessary for protection against fraud.

These are extremely relevant passages at this time when we are debating a proposal to license a practice within the State of South Australia. Under that heading, the Michigan paper continues:

> There are enough statutes on the books in every State to adequately prosecute instances of fraud. Licensing may look like a good way to address the problem of alleged fraud in auto repair. The experience of California—

another American State I have heard mentioned in relation to the pursuits undertaken by the Minister and/or his department—

> in administering its Auto Repair Act, indicates that the problem of fraudulent practice is not a large problem. In a six-month period, complaints were filed on less than 1 per cent of the cars repaired in the State, and less than 1 per cent of these proved to be prosecutable for fraud. Licensing often becomes exclusionist and is used to restrict, rather than encourage, entry to the trade. Artificial restraints to employment in a trade will ultimately result in artificially high prices to the consumer.

There are eight specific areas that I believe are relevant in this instance, I believe that they are all relevant, but I have taken two more to make the point. The paper continues:

> The costs of developing and administering a testing and licensing program are high for any state or local jurisdiction and the ultimate consumer/taxpayer: Such legislation would generate large new bureaucracies and very substantial costs of administration, especially for jurisdictions that might sincerely undertake to develop and administer valid mechanic testing programs of their own. Tests must be changed at each administration to insure security, and re-examinations should be conducted to insure that mechanics are keeping up with the changes in engineering.

Finally, in the Michigan paper, which is as recent as one could possibly obtain from such a distance (it arrived in my office last week direct from Michigan), appears the following:

> Mandatory licensing militates against improvement of performance: Once a man is licensed under a mandatory system, there is unfortunately little or no incentive for him to study or take additional training to improve his skills and knowledge. Mechanics will not take pride in their licenses (particularly since they will be at minimal levels). It will not add the professionalism to the auto mechanics' trade which is needed.

We have now given the crash-repair industry the honourable mention it deserves.

A third section of the industry is embraced under the Bill. The third industry group is the insurance loss

assessors. In order to get the ball rolling on its behalf, I will again refer to a paper that arrived the other day from the U.S.A. An extract from a publication called *Business Week*, it deals with the subject under the heading "How licensing hurts consumers". I will not read it all to the House, because I think I have made the point that widely throughout the American States what the Minister is proposing is a lot of poppycock. They have tried it, and it has been in and out, and it is not acceptable. The report states:

> But economists since the days of Adam Smith have viewed licensing as a form of monopoly that raises prices and increases unemployment by restricting the availability of services and jobs.

The report also states:

> The conclusion drawn by Robert J. Gaston and Sidney L. Carroll—

anyone interested in the motor industry will connect up those wellknown names from America—

> who conducted the study: "The more stringent the licensing requirements, the lower the quantity and quality of service consumers received." Licensing, they say, produces a "Cadillac effect" by providing high-quality service for high-income consumers. But those on low incomes, who cannot afford to pay the higher price, are forced to go without service, do it themselves, or rely on low-priced, unlicensed "quacks".

I believe that this last quotation is extremely relevant to the situation with which we are faced in South Australia.

This has been an extremely interesting exercise to me. Until the motor vehicle amendments were introduced in the House late last year, I knew that there were such people as tow-truck operators, and I was aware that crash-repair shops were scattered throughout the metropolitan area. However, I had never thought about the role of motor industry loss assessors. I knew nothing at all about their industry, and I do not know much now. However, over the past 10 days, particularly over the past 48 hours, I have collected a fair bit of information about their function. I am grateful to the Minister, although for little else, for the opportunity to get my teeth into what has become an extremely interesting and educational exercise.

Mr. Goldsworthy: How did he help?

Mr. CHAPMAN: He introduced the Bill, and I was thus forced to do the homework, from some time yesterday until this morning in this instance. I have with me a letter from the Motor Vehicle Assessors Institute, signed by the Secretary (Lloyd Keding) and the President (Mr. Howard Macgowan). They wrote to me to express their views on the proposed legislation. I will not read the entire letter, but I will quote the opening paragraphs, as follows:

> The council and members of the M.V.A.I. Inc. seek your assistance in raising our objections to the Bill before the House in respect to the Motor Body Repair Industry Act. Our objection is based in part on the fact that the Steering Committee appointed by the Hon. Minister of Transport were not fully conversant with the duties and responsibilities of motor vehicle assessors and, accordingly, not able to submit to the Minister a fair and reasonable appraisal of our activities. That our offer of assistance was rejected by the Minister.

I will not bother to go into much detail, except to conclude my reference to the letter by saying:

> We consider the Government is already sufficiently empowered, under the Commercial & Private Agents Act 1972 and other consumer protection legislation, to control our sector of the industry.

I do not know much about the detail involved in the industry, but the principle these people express in their letter is in line with that of the Liberal Party. The letter concludes:

> We trust this information assists you in your efforts to defeat the Bill and assure you of our wholehearted support.

Mr. Howard Macgowan, the President of that worthy institute, has sent me a copy of his rules and the constitution, together with a bundle of other material, part of which I have read. I do not think, on behalf of that institute, that it is necessary to refer to the ideals of the association. The institute has wrapped it up in a few strongly chosen words in the letter I have read. Another group of worthy insurance loss assessors in the field that services our community is known as the independent loss assessors.

The independent loss assessors are free enterprise professionals and are not directly dependent for their employment on insurance companies. They are available to provide a service, for a fee, to anyone who seeks to engage them. They are already licensed under the Commercial and Private Agents Act, 1972. They say strongly that they do not want to be licensed twice, and they feel they are being burdened sufficiently under the canopy of that Act. They want no part of the proposed Bill.

The loss assessors represent 151 professionals; I do not, therefore, disregard them as a minority group, and I hope the Minister does not do so, either. Mr. Bronte Miller is the spokesman for the independent assessors. In 1971 or 1972, the then Attorney-General, Mr. Len King, introduced into Parliament the Commercial and Private Agents Bill. If one looks at his second reading speech and his speech in reply, it can be seen that he took a scare line similar to that taken by the Minister of Transport on this occasion. He sought to frighten the pants off the community, but got no reaction, as I understand from the reports of that time. Mr. King received very little reaction from members of the Opposition, who were prepared to believe him. Some Opposition members spoke against certain portions of the Bill, but it went through. I will stand up to any argument as to what occurred at that time, because I have documented proof.

Arguments were put forward by the Hon. Ren DeGaris, the Hon. Murray Hill and the Hon. F. J. Potter in the other place. The details are available to any member who wishes to peruse the extracts, which could be tabled in the House. The Attorney-General at that time bluffed the Parliament into accepting a Bill when there was no need to do so. Despite all the claims of complaints, skullduggery and malpractice, the loss assessors were embraced by the Bill and were subject to licence fees.

The following questions were put to the registrar on 2 February 1979:

> 1. Have there been any complaints against loss assessors since the proclamation of the Commercial and Private Agents Act, 1972, on 12 April 1973?
> 2. If so, how many?
> 3. What action did the board take in each case as a result?

Following the submission of those questions to the Registrar, he said that he did not think that there had been any complaints to the board about anyone in the category of loss assessors. He commented that it was possible that there might have been complaints against people holding more than one licence, including a loss assessor's licence, but not in respect of the loss assessor's licence. In view of his reponse, questions Nos. 2 and 3 became irrelevant.

The Parliament was hoodwinked then by Mr. Len King. We should not be hoodwinked now by the Minister of Transport in a situation based on unannounced and unproved allegations. Nobody knows what the allegations are, apart from the fact that a certain tow-truck group is

crook and has to be cleaned up, and that is what the legislation proposes to do.

That attitude is being extended to the industry and the public by the salesmen for the Government. I am crooked on that attitude, to say the least. It is more than unfair; it is grossly misleading. The rest of the material prepared by the loss assessors relates to minor amendments they would like to be considered, if and when the Bill is passed; they hope that is never.

No special mention has been given in the Bill to the insurance group, which is the group that pays. By implication, with respect, I suggest to those who are in the insurance industry that they have been painted lily white and let off the hook. The Opposition presumes that the Minister does not believe that the insurance fraternity is crooked, or they would have been covered by the Bill.

Mr. Goldsworthy: You certainly don't do you?

Mr. CHAPMAN: I do not, but the Minister is obviously out to snare all the crooks he can. The Bill will be used as an excuse to take over their private operations. The motives have been made crystal clear on many occasions. Members of the insurance industry are not mentioned, but they have been corresponding with the Minister of Transport and several other Ministers.

The Hon. J. D. Wright received a letter from Mr. John Griffiths, Director of the Insurance Council of Australia, based in Adelaide, which was dated July 1977 and which states:

> I have been asked therefore to ask you, Sir, if you will lend your support to correct this by providing in the Bill that there be at least two representatives of insurers appointed to the board, and by giving this council the opportunity to preview and comment upon the Bill before it is introduced.

Mr. Griffiths requested that, if there had to be legislation, at least the insurance industry should have a say. If they were denied that, they merely asked for an opportunity to examine and discuss the legislation. The Hon. J. D. Wright did not reply to that letter; a reply was received from the Hon. G. T. Virgo on 14 August which stated:

> I have given consideration to your council's request and have decided not to increase the membership of the steering committee. The committee, which already includes a representative of the insurance . . .

That representative is the senior clerk of the S.G.I.C., Mr. Daniels.

The Hon. G. T. Virgo: No.

Mr. CHAPMAN: That is what I am told. I do not know Mr. Daniels: he might be a great guy, but it curiously appears to be another case of jobs for the boys. He might be on the edge of retirement, or a bright young fellow of 40 like I am. I do not know, and I do not particularly care, but the crook part about the whole thing is that there are far too many mates in this outfit, and far too many of them have been given assurances that they should damn well never have been given. The insurance representative of this advisory council, I am told, is to be Mr. Daniels, a senior clerk (or whatever he is) from the S.G.I.C. Honourable members have all heard of the S.G.I.C. The Minister continued as follows:

> The committee, which already includes a representative of the insurance industry, is well advanced in its investigations and deliberations and, if an additional member were appointed to it, I feel its work would be impeded.

In other words, "Nick off, we don't want you."

The SPEAKER: Order! I do not think that the gesticulation of the honourable member was proper conduct.

Mr. CHAPMAN: I did not see it, Mr. Speaker.

The CHAIRMAN: I inform the honourable member that I did not think it was proper.

Mr. CHAPMAN: Mr. Speaker, I will have great difficulty in retracting a gesticulation I made. If it has offended anybody, I certainly humbly apologise. It does not alter the fact that Mr. Griffiths, the senior representative of the insurance industry in South Australia (indeed, a representative of the National Council of Insurance), got the dirty rag from the Minister of Transport back in August 1978.

Yet another Minister of the Crown was involved in the correspondence between the insurance industry and the Government, the Hon. Mr. Payne. He wrote to Mr. Griffiths. This was one matter that Mr. Virgo apparently could not handle, so Mr. Payne, as Minister of Labour and Industry, on 14 July 1978 (and it could well have been that the Minister of Labour and Industry was elsewhere and the Hon. Mr. Payne was acting for him) bought into the act. He was, I think, acting for the Minister of Labour and Industry. It was probably at the time of the sheep issue when the Minister of Labour and Industry made himself scarce.

The CHAIRMAN: Order! I hope the honourable member will confine himself to the Bill. I do not intend to let him stray from the Bill.

Mr. CHAPMAN: The Hon. Mr. Payne wrote to Mr. Griffiths on 14 July as follows:

> The original report to which you refer was considered by Cabinet. The Cabinet decision was to introduce legislation broadly along the lines of the recommendations of the report . . .

That is the working party's report of October 1977. Honourable members have heard what I have told this House this afternoon, that this blasted Bill is so far away from that report that it is not funny, yet the Acting Minister of Labour and Industry said that on 14 July, and it was totally misleading. That was demonstrated not just by the then Minister of Transport but by his colleague as well. The Minister said, at that time:

> The Cabinet decision was to introduce legislation broadly along the lines of the recommendations of the report with such legislation under the Ministerial control of the Minister of Transport.

He is right in that bit. He continued:

> This being the case—

and here is another duck shove—

> I have referred your letter of 6 July for Mr. Virgo's attention.

So the matter is then back with another Minister. Mr. Griffiths forwarded me a copy of a letter he wrote to Mr. Jack Wright. I can imagine the confusion of these fellows at that time; they would not have known whether they were coming or going. They were being piddled around from one Minister to another.

The Hon. G. T. Virgo: Why don't you speak to the Bill?

The SPEAKER: Order! I have already spoken to the honourable member about sticking to the Bill. Now he is speaking about Ministers. I hope he will stick to the Bill.

Mr. CHAPMAN: You stump me, Mr. Speaker. I thought I was right on.

The SPEAKER: I want the honourable member to speak to the Bill, but the way he is presently carrying on he is not speaking to the Bill.

Mr. Gunn interjecting:

The SPEAKER: Order! The Chair will make that decision.

Mr. CHAPMAN: I have had the greatest co-operation from the Chair during this debate and I do not propose to upset you, Sir. I think I have covered that extraordinary section of the industry not specifically mentioned in the Bill. I think, frankly, that they are a little bit hurt about that. They are a very real part of the overall operation of the motor body crash repair industry. They pay the bills,

but they have not even got a mention, let alone the pay-out they got in the process.

I have not prepared any amendments to this Bill, and I do not propose to do so. As a Party we are totally opposed to the gross intrusion into private industry that the overall application of this Bill will cause. We strongly oppose the incorporated concept of licensing and Government board control, and believe that, if the Government seriously wishes to help the industry, it will immediately set up an authority to investigate and determine an appropriate hourly rate to apply in the crash repair industry. Hopefully, that rate will be consistent with that in the mechanical repair arm of the industry so as to avoid the huge disparity between the current respective rates. In round figures, those amounts are $10 to $18.

I am grateful for the extreme co-operation received from representatives of all divisions of the crash repair industry during the few days that I have been required to prepare myself to speak to this debate. I will mention just a few of the people involved: Mr. Trevor Prescott, Mr. George Fitzpatrick, Mr. Len King (not the ex-Attorney-General), Mr. David MacDonald, Mr. Hendricks from the towing industry, Mr. Harold Shipp and his son Dennis, Mr. Graham Morrison from the loss assessors, Mr. Bronte Miller, Mr. Howard Macgowan, Mr. Keding, and Mr. Dick Waters from the R.A.A.

Incidentally, I do not recall having mentioned Mr. Waters before, but I can assure the House that his position in this issue has been made quite clear. As a principal of the R.A.A., he will not wear this legislation in a fit. I thank, also, Mr. John Griffiths from the National Insurance Council for his extreme co-operation, and Mr. Ray Smith from the Chamber of Commerce. To Mr. Lean and his immediate officer, Mr. Reg Patterson, I extend the same gratitude, and I deliberately place my thanks on record.

I have been somewhat critical of the Bill, but I believe that what I have said this afternoon is an assessment of the factual material that has been collected. In no circumstances have I considered the personality, character, colour of skin or any such things when I have sought to gain information. I am grateful to all those persons irrespective of which industry camp they have been in. Mr. Lean and his officer, Mr. Patterson, extended to me courteous co-operation and answered questions I put to them in the proper manner throughout this whole exercise. I am grateful to all of those people.

The Hon. G. T. Virgo: After you have tipped the bucket on him.

Mr. CHAPMAN: I have not tipped the bucket on him at all. What I have stated here is what was stated in front of group meetings that I attended.

The SPEAKER: Order!

Mr. CHAPMAN: If the Minister has a guilty conscience, he is demonstrating it at this point. With those few remarks, I oppose the Bill. It is not on so far as the Opposition is concerned. As a Party, we totally oppose the measure, and hope that the Government will have the common sense, courtesy and regard for the people of South Australia, and the crash repair industry in particular, to do likewise.

Mr. GOLDSWORTHY (Kavel): I oppose this Bill. I congratulate the member for Alexandra for the tremendous amount of work he has done in a fairly short time to prepare his speech. We are not unused to the Government's bringing in major Bills at the end of a session. I well recall the Education Bill, which took eight years to prepare, being introduced into this Chamber in the last five days of a session. It was my misfortune to have to handle that Bill. The experience the member for Alexandra has just been through is not uncommon to members on this side. I congratulate him on the effort he has made and the case he has put before the House this afternoon.

I am opposed to the Bill for a number of reasons. This type of measure is very dear to the hearts of socialists and bureaucrats, because it sets up—

The Hon. G. T. Virgo: Hit the old can again!

Mr. GOLDSWORTHY: We will hit the can, because the can sounds a very despondent note in the minds of the public of South Australia, particularly when they read the proposals the Labor Party has for South Australia, as enunciated at its annual convention on Sunday.

The SPEAKER: Order! I want the honourable member to stick to the Bill.

Mr. GOLDSWORTHY: This Bill lines up very well with the objectives of the A.L.P.

The SPEAKER: Order! I want the honourable member to stick to the Bill.

Mr. TONKIN: I rise on a point of order, Mr. Speaker. The honourable member said he was speaking to the Bill.

The SPEAKER: Order! The Chair will make the decision whether the honourable member is speaking to the Bill.

Mr. GOLDSWORTHY: This Bill does precisely what the Labor Party loves doing. It sets up a bureaucratic structure, in the form of a board, to further control business activities in South Australia. The Minister bucks at the word "socialist"; let him buck. If the Minister does not believe that is the experience around the world, and that socialists operate by setting up Government structures to control more and more people (and in the process diminish their freedoms), he is not as bright as I thought he was.

The rationale for introducing this Bill is pretty thin. The Minister spoke about a steering committee that was set up. However, the committee did not do much steering; it was steered. It was told to get going and set up the framework to control this industry. As was pointed out in the debate earlier, the steering committee did not do much of the steering. It was steered along the course it was to go, and it has come up with the answers now before us. It was asked, "How can we go about controlling this industry?" and it has come up with a set of fairly stringent controls.

The reasons for these controls are fairly thin, as enunciated in the Minister's second reading speech, in which the Minister said:

> The steering committee has found that a number of dubious and even illegal practices are carried out.

If they are illegal, they are breaking the law. If the operators are acting illegally, or breaking the law, it would be the Minister's function to see that the present law is enforced. The Minister said they were acting illegally, but for some reason the present law cannot be enforced. Later in his speech, the Minister went on to say:

> The overall objective of the Bill is to provide for a licensing board to license and control the members of this industry, in order that the standard of repairs can be policed, and hopefully improved.

There is no assurance that this will do any good. In fact, from the evidence presented to the House this afternoon, experience overseas indicates that it is likely to do more harm than good. It will certainly take competition out of the industry.

The Minister also complained that there was fierce competition in the industry. If that fierce competition leads to an illegal practice, clamp down on it. What is wrong with a competitive situation in this industry? I have had occasion to have work done in the city and in my own

electorate, and I know that competition is keen. I have had no evidence presented to me that indicates that these people need to be hemmed in by a system of licensing, by a board of control, or by a series of snoops who will go around with wide powers to snoop into their legitimate business activities. The Minister has not enunciated one scrap of evidence, in his explanation to the House. I have no evidence, and the member for Alexandra has not been able to obtain any evidence, to justify this Bill.

The argument of the Minister in his second reading speech has been pretty thin. The Minister has set up a committee to produce legislation to control the industry, and it has certainly done that. This legislation is typical of the Labor Government. It is the traditional board with wide powers of control, a system of inspectors, and licences. This legislation will create a closed shop situation, which, of course, is dear to the heart of the Labor Party. From my own knowledge of my electorate it will certainly affect the crash repairers and the motor-body painting businesses. I know darn well that some members of this industry will just not be humbugged with it. A representative from an establishment employing about eight people has said to me, "If we have to put up with all this nonsense, it is not worth our while." It is a general motor business, which includes a paint and repair shop. This establishment employs eight people, who work there quite contentedly, but there is no way in the world they will wear this sort of nonsense.

Clause 40 is an example of the sort of matter by which the people in the industry will be hemmed in. That clause provides:

> The board may, with the approval of the Minister, make rules prescribing or providing for any matter or thing contemplated by this part or relating to it.

A full page of those matters then follows. They include, in subclause *(a)*, the registration of painters. Subclause *(b)* provides for the standards of construction, plant and equipment, and that makes no allowance whatsoever for the special skills of the small operator; the board will be able to dictate what plant he must have. Subclause *(c)* provides for the nomination by each licensed motor-body repairer or painter for a manager for each motor-body repairs workshop or motor-body painting workshop operated by the licence holder and the manner in which they are to be nominated. Subclause *(d)* provides the qualifications and experience of the person. Subclause *(e)* provides for the display at each registered motor-body repair workshop of a sign setting out particulars of the licence holder. Subclause *(f)* provides for the standards of workmanship. Subclause *(g)* provides for the presence of nominated managers. Subclause *(h)* provides for the employment of apprentices. Subclause *(i)* sets out a code of practice. Subclause *(j)* provides for licence application fees. Subclause *(k)* provides for "any form for the purposes of this Part"; (what on earth does that mean?). Subclause *(l)* provides for the keeping of records by a licensed motor-body repairer. What will all these provisions do to the costs within the industry?

We are aware of Government intrusion into related areas, and I have had complaints from small business people time and again, testifying to the fact that they have to keep an employee occupied for most of his time in simply answering requests for statistics and paraphernalia for the Government and its bureaucrats. Subclause *(m)* covers the provision of information by licensed motor-body repairers and painters; more forms and returns to fill in. Subclause *(n)* provides the form in which quotations are to be given. Subclause *(o)* covers the general operation of motor-body repair shops and workshops. A far stronger case would need to be presented to me in this House before I would vote to put this legislation on to the already ailing business community of South Australia.

The member for Alexandra, as I have said, has done an excellent job in researching the details contained in this Bill and in talking about the various groups who are to be affected. This is not the type of legislation upon which the Liberal Party or the Opposition would embark without fairly strong evidence that there was a need to set up this further bureaucratic structure to put further restrictions and controls on industry in South Australia—in this case, on the people mentioned in this Bill. It will turn the industry into a closed shop and further increase the cost to the public of South Australia. I oppose the Bill.

Mr. EVANS (Fisher): I, too, oppose the Bill. First, in relation to tow-truck operators, I do not believe the Minister has given the present new regulations, and the powers that the department has, an opportunity to operate. He has not really given them a test since they came into operation on 19 January. The Minister should be very cautious when giving the police the responsibility of deciding who will take on any particular work.

Recently, it has been alleged in New South Wales that the police have been put in the position of being encouraged to accept inducements in certain areas of their activity and they have been suspended for doing so. The less opportunity we give the Police Force to decide priorities about who shall get a financial benefit from work that will be available within the community the better it will be for the police in the State. The police have a job to do to maintain law and order and see that people live within those laws and keep order and peace. They should not have to decide who should get the opportunity to earn money for work done. Surely, that should not be the responsibility of a police officer. That is a dangerous direction in which to move, and we should be conscious of what we are doing. I hope that as members of Parliament we will reject that as an action that we should never consider.

We all know that over the years a few operators have caused some trouble. I do not know of any profession, not even politics, in which there has not been a bad apple in the barrel every now and again. Sometimes the press is kind and sometimes it is hard, depending on how it wants to report the issue at that time. In any profession some members make it bad for others. If Parliament is to move every time to try to eliminate those bad operators by putting restrictions on the vast majority that are trustworthy operators, society will be shackled in every way.

If we introduce licensing, in particular for the crash repair group (and all sorts of crash repair work is carried out), what will happen with the new operator who wants to enter the industry? If we set up standards of equipment and building that must be used it could become impossible to enter the industry. In the past people have obtained an apprenticeship and learned a trade and then have used a little capital to establish a business. Despite difficulties with council by-laws, such people have done good quality work, been trustworthy, and looked after the client, as well as the insurance companies. Some of these people have become big operators but usually they are satisfied with a one-man or two-man operation. This Bill will make it difficult for such a person to enter the industry because such a person will not want to be humbugged by inspectors who tell them what to do. The inspectors would take up their time, and when operating a one-man or two-man business every hour lost is important, much more so than is the case for a person who is the head of an operation employing, say, 50 people.

This is what we are doing with this type of legislation. Some operators do nothing other than panel work or paint work; they do not do front-end or chassis work. They send the heavy work to other operators. Those people will not want to be humbugged. Those small operators are not doing any harm to the community. In the 11 years I have been in this House, I have had only two complaints in relation to crash repairs. In one case the owner of the vehicle involved in an accident tried to get more repairs done than were caused by the accident, and the insurance company, the assessor and the repairer were all aware of that but the man still argued that all of the work should be done, even though some of the dents in the vehicle were there before the accident. He was not prepared to meet some of the cost of the repairs himself, and wanted them all repaired by the crash repairer. The other case was a legitimate complaint against a crash repairer. It was resolved to the satisfaction of the client without his having the benefit of this legislation.

The Minister has not named nor has he given to this Parliament a list of people who have lodged complaints, what the complaints were, and how many complaints were proved to be justified after they were investigated. If Parliament is to pass laws that shackle a section of the community surely this should be backed up by documented proof of proven cases as a reason for the changes in the law. We do not want to make laws just for the sake of making them. People are tired of Government interference in their lives.

We could set up another lot of bureaucrats, another lot of inspectors, and another lot of people who sit on boards and get high salaries—another job for people who simply make judgment on others. That is easy, but what effect does it have on our people in the long term? We should encourage people to use their initiatives to progress in this State and to be successful in their trade. Those who are not doing work of the first quality will gradually be eliminated. I believe we have enough consumer protection legislation to control any bad operators in any sort of operation. I ask the House to reject the Bill.

I have three particular one-man businesses in my area, two owning a garage and one owning a small crash-repair business. They have told me that they are concerned about the unemployment problem; they have a lot of work to do and they would be interested in putting on an apprentice. However, because of all the humbug of the apprentice not being allowed to use the household toilet and there not being a washroom in the workshop, they cannot take on an apprentice. They do not want to have to go to that expense to employ one apprentice; it is not worth it in a one-man business. Under this Bill we are making provisions for the employment of apprentices in the crash-repair business. Are we going to say that operators will have to take apprentices? Will one-man operators who cannot afford it be forced to build a washroom to enable them to employ an apprentice. Special toilet facilities will have to be built when their own house is next door. In many cases departmental officers do not seem to accept this as being the right approach.

We should be conscious of what we are doing in relation to forcing apprenticeships. We may do harm to the potential for people to become apprentices within the crash repair business in this State. I do not care if it is only one job we save. It would be better to save only one job at the moment than to destroy the opportunity of a young person's obtaining an apprenticeship, because many hopes and desires can be destroyed through the lack of opportunity to become an apprentice within the community. Many one-man operators have more work than one person can do and they should be encouraged to stay in the industry and take on more apprentices, and not bring in shackling legislation that will frighten them off. I oppose the legislation.

Mr. TONKIN (Leader of the Opposition): I oppose this legislation as a matter of general principle. My colleagues, including the member for Alexandra, have summed up the matter extremely well. They have probed and ventilated the various matters that have given great concern to the industry, and I congratulate them for that. I wish to oppose this Bill not only on those grounds but on general grounds, on the general principle of the matter. Any new legislation which is brought in to control (as is said in the long title of this Bill) an industry must be justified, and to be justified it must be needed. A need for the legislation must be clearly shown. Not only must a need be shown but also the legislation which is prepared and brought in must be effective in improving the existing situation.

Clearly, we have heard from the Minister's own speech that he does not really know whether or not the proposed legislation will be effective. Hopefully, he said, it will be. That is not good enough. This legislation, in its complicated form, merely further complicates the issue. If it does anything to help—and that is doubtful, as the Minister has said—it does far more to hinder.

I totally agree, as do all members on this side, that there is a need to ensure proper standards of behaviour, proper standards of practice and of workmanship, and that is accepted by everyone in the industry. As the member for Fisher said, a few people always try to buck the rules. If they do that, and if there are infringements of the present laws, those laws must be enforced, but they are not being properly enforced at present. That is the only excuse the Minister can offer to justify the introduction of this legislation.

It is neither proper nor right to use the failure to observe and enforce the existing law as an excuse for excessive controls, because this legislation introduces excessive controls which will effectively put the industry totally in the hands of the Government. The Minister cannot deny that the legislation effectively puts the industry at his mercy and in the hands of the Government.

I never fail to be amazed at the way in which members of free enterprise businesses can be conned by this Government, hoodwinked into believing that, because they are asked to have something to do with drawing up a Bill which will effectively control their operations, that legislation must be a good thing or necessary. In no way is that so, but this is happening more and more in different spheres of business activity. No-one ever stops to ask in the first instance whether the legislation is necessary.

It is flattering to be asked by the Government to take part in drawing up legislation. Businesses may well say, "Undoubtedly, we will be able to make sure that we get into it what we want, that it doesn't go too far." They must ask themselves, whether it be with this legislation or any other legislation, whether it is really necessary.

On this occasion, as is happening in a number of other spheres lately, people are beginning to question the Government and its motives in bringing in such legislation. I have no doubt that the only reason we are seeing it is to put more and more control on business enterprise in this State. It is clearly the aim of a Government whose ultimate aim is the total State ownership and control of everything we do.

Mr. Wilson: Do you think perhaps the Premier would have withdrawn this, as well as the other legislation he has withdrawn, if he had the chance?

Mr. TONKIN: Undoubtedly, this matter has gone too far for the Government to consider withdrawing it, as it

has withdrawn other contentious legislation before the Norwood by-election.

The SPEAKER: Order! There is nothing in the Bill about the by-election.

Mr. TONKIN: There is a changed mood in the community at present. People are beginning to question the true aims and ambitions of this Government, and there is a strong concern to stand up to the Government and to stop it from imposing unnecessary controls. I recommend to the Minister that, even at this late stage, he could well consider withdrawing this Bill and letting it slip away with all the others that will slip off the Notice Paper, and forget it. Let us see whether the existing legislation can be made to work properly. If he does not believe it is worth a try, and if he persists in this legislation, the people of South Australia will have one more confirmation of what they are beginning to learn at first-hand is happening in this State. They will learn that basically the Government wants to take over and control everything it can get its hands on. I oppose the Bill.

Mr. GUNN (Eyre): In the short time available to consider the 113 clauses in the Bill, anyone of reasonable intelligence who can read could not help but be greatly perturbed at the Draconian provisions included in it. It is one of many documents laid before us in this Chamber in the past few months setting out to take over and run South Australia. It is a thoroughly bad piece of legislation and there is no justification for its having been brought before the Parliament.

We have not been given any lists of people who are undesirable, nor have we had put before us, as we should have had, cases where the public has been robbed, and cases of malpractice. We have had a smokescreen put up by the Minister and his colleagues, but we have had no cases laid before us. Such arguments would not stand up in a court. We are fully aware that another group of A.L.P. members of Parliament are about to retire, and they have to find some more boards for them to sit on.

The SPEAKER: Order! There is nothing in the Bill about retired politicians.

Mr. GUNN: I take exception to that, Mr. Speaker, because there is plenty about boards. Would you like me to read through the document?

The SPEAKER: I am not concerned about the boards, but the honourable member reflected on retired politicians, and the Bill does not mention them.

Mr. GUNN: I could not reflect on them, because they have been given the golden handshake.

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

Mr. GUNN: Of course; I think I have made the point. It is obvious to anyone who has observed the matter what the situation will be. I hope the Minister will reply in detail to the arguments advanced by the member for Alexandra. Clearly, that member went into the measure in great detail and has put much work into it. I believe the Minister has an obligation to answer the queries.

Mr. Chapman: Do you think we'll finish up with —

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

Mr. GUNN: I hope the Minister will indicate clearly why appeals must be made to the Industrial Court, and why the steering committee report has not been tabled in this House or made available to members so that they can have the benefit of it in considering this legislation.

The Hon. G. T. Virgo: Here it is.

Mr. GUNN: The Minister is referring to the working party report, but what about the secret report? He knows what I am talking about.

Mr. Mathwin: Perhaps he'll table it.

Mr. GUNN: Perhaps he will. I would like him to explain why there has been such great haste in bringing in this legislation. Most members want to circulate it to their constituents, so that the people concerned can have some time to consider it and to make representations to their members, as is their democratic right. Obviously, those of us who got the Bill last week have not had that opportunity. I have done my best to circulate it to my constituents, because I am most concerned about how some of the clauses will affect them. It is unfair and discourteous, and it demonstrates the arrogant attitude of the Government when it does not allow people, particularly those in the isolated parts of the State, an opportunity to make representations to their members, so that their viewpoint can be put to the House. It is a clear case of arrogance and bad manners on the part of the Government and the Minister. This measure should not proceed past the second reading stage.

Mr. Mathwin: Is it going to cost your constituents money?

Mr. GUNN: Of course it will. I will come to that in a moment. I strongly oppose the legislation, and I strongly protest at the haste with which it is being dealt. Having had the Bill sent to me only last week, I have not had the chance to hear from my constituents, and I think that I ought to be given that opportunity.

What will happen to the little garage in the country town that has one or two mechanics who do some touching up spray painting, knocking out of dents, or putting on a new bumper bar? Will they have to fill out the forms and obtain a licence? The Minister has not had the courtesy even to say how much the licence will cost. Country people have already had examples of the heavy-handed attitude of inspectors who operate under this Government and of the way in which they treat people who own small engineering factories. The inspector just marches in and says, "Either you'll comply or you'll be closed down." They have already cost many of my constituents their jobs, because of their heavy-handed and arrogant attitude, and the same position will no doubt apply under this legislation.

The Bill will set up another bureaucrats' paradise. This State has far too many Government boards and committees. They are becoming a complete burden on the taxpayer and on the community, and I look forward to the day when there will be a change of Government (and it is getting closer every week), so that we can set about repealing some of this undesirable and heavy-handed legislation. I could go through every clause and object to them all. I have raised only one or two of them. The member for Alexander should be commended on the amount of work he has put into the Bill in so short a time. I hope that the legislation never sees the light of day, but that it is pitched out when it goes upstairs. I oppose the Bill.

Mr. MILLHOUSE (Mitcham): I have not listened to the debate.

Mr. Max Brown: You haven't missed much.

Mr. MILLHOUSE: No, but I gather that the Liberals are against the Bill. That is the only thing I have got so far, and it is probably the only thing I would have got out of the debate.

Mr. Mathwin: You missed a good speech by the member for Alexandra.

The SPEAKER: Order! The honourable member has been doing a fair amount of talking by interjecting this afternoon.

Mr. MILLHOUSE: I will answer some of the things the

member for Eyre said. I do not think he really need worry about the Bill's going through quickly. It may be that the Government will get it through this House today. As I understand the time table of the Government, we are sitting the the rest of this week and next week, and that is the end of the session effectively, because we are all going out to Norwood to get stuck into the by-election campaign.

The SPEAKER: Order! I hope that the honourable member will get back to the Bill. There is nothing about an election in the Bill.

Mr. MILLHOUSE: No, but it is on everyone's mind, and I guess that it is on yours, too.

The SPEAKER: Order! I hope that the honourable member will get back to the Bill.

Mr. Whitten: Everybody's mind is on what you did two nights ago.

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

Mr. MILLHOUSE: What I suggest to the member for Eyre (and he may have been here long enough to realise it) is that a Bill as controversial as this Bill must be, from the length of time the Liberals have taken to debate it, is unlikely to get through the Upper House in the course of the next week, especially if there is resistance, amendments, etc. While we are debating it now (and there will apparently be amendments and that sort of thing), I believe that the Government is probably content to let the session run down on a Bill like this, knowing that it will not get through, and leave on the Notice Paper a good deal of far more controversial (without minimising the effect of this Bill on certain people) and economically more significant measures that will be quietly forgotten. We have reached the stage of the session where the Government does not seriously expect to get any controversial legislation through that is still being debated in this House. I propose at this stage to vote against the Bill.

Mr. Becker: You think you're on safe ground, do you?

Mr. MILLHOUSE: I do not normally admit that the Liberals have convinced me of anything, and they have not really.

Mr. Whitten: Come on!

Mr. MILLHOUSE: The honourable member for Price may come to the aid of the Liberals and be indignant because I say that; it is uncharacteristic of him.

The SPEAKER: Order! The honourable member for Mitcham has the floor, and I hope that he will stick to the Bill.

Mr. MILLHOUSE: I will quote from the Minister's second reading explanation because, to me, this is simply not a justification for setting up another board and another set of controls on people. The Minister said (and apparently this is the only justification for the Bill):

> The industry for which the Bill is intended to cover—

that is a bit ungrammatical, but we will let it go—

> is a multi-million dollar industry within this State and has reached a stage where operational controls are necessary.

Apparently, if anything is big and successful, we have to control it, just as a matter of course or principle. To me, it does not follow at all, and I do not think that it is a good enough reason for control of the industry. The other thing I simply for the life of me cannot understand is that, if my memory serves me correctly, in November we spent enormous time fooling about with legislation for tow-truck operators that was fought, and I took some part in the fight, but now the whole thing is being gone over again, because the Minister says (unless I have made a mistake):

> The Bill, amongst other things, provides for amendments to the Motor Vehicles Act (Tow-trucks). Certain clauses of that act will be re-enacted in the new Act.

It was only about three sitting weeks ago that we spent our time arguing and fighting about this very matter. Now we are going over it again.

Mr. Becker: Yes.

Mr. MILLHOUSE: It does not make sense. For a Government to say that it has a heavy legislative programme to get through, it goes about it in a funny way indeed. Those are my thoughts, and perhaps there are a few more things I will say in Committee. As of now, I oppose the Bill, because I believe that it is unnecessary, and I think that the Government is simply using it to take up time until the session ends.

The Hon. G. T. VIRGO (Minister of Transport): A good deal has been said this afternoon about the problems of tow-truck operators. I think that we got them from the member for Alexandra for about 1¼ hours of his 1½ hour speech.

Mr. Mathwin: It was a good speech, though, wasn't it?

Mr. Whitten: You're a poor judge, you are!

The Hon. G. T. VIRGO: I will deal with that in a moment.

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

Mr. Gunn interjecting:

The SPEAKER: Order! The honourable member for Eyre is out of order, too.

The Hon. G. T. VIRGO: One of the points the member for Alexandra made was that the Bill had been brought on without due warning and that he had not had the opportunity to do the research he would like to have done, but somehow or other he was able to have amassed for him material from the library that was good enough for a 1½-hour speech. I think that his claim about the Bill being rushed on is somewhat hollow, as, indeed, is the statement of the member for Eyre, who said that the Bill had been brought on hastily, and he had not had time to examine it. If the member for Eyre was honest, he would say that, if the Bill had been brought in and left to lie for another 12 months, he would still vote against it, because his Party has taken a decision. Let us not kid ourselves.

Mr. Gunn: You didn't want to hear what the people outside wanted to say about it. You didn't give them the opportunity to consider the legislation.

The SPEAKER: Order! The honourable member has already spoken. He is out of order.

The Hon. G. T. VIRGO: The fact of the matter is that the joint working party—

Mr. Gunn interjecting:

The SPEAKER: Order! The honourable member has already spoken, and I do not want to have to take action.

The Hon. G. T. VIRGO: The report of the joint working party for the licensing, regulation and control of tow-trucks, as is contained in this legislation, was made public in October 1977. If the member for Eyre and other honourable members have not done their homework since October 1977, it is absolute poppycock for them to stand up and say they have not had time. The truth is that they have not been interested. They are merely trying to put on an act in front of an audience. Nobody should kid himself otherwise. The honourable member talks about a smokescreen; he should tell us what he thought of the smokescreen in the *Advertiser* of last Saturday. The honourable member should be honest. Much has been said in the interests of the tow-truck operators and the crash repair industry. The honourable member cried a few tears for the loss assessors, but he did not tell the truth about that.

Mr. Chapman: I beg your pardon? Fair go!

The Hon. G. T. VIRGO: I will get to that in a moment. The honourable member made a few sounds for the insurance industry, but he forgot the most important sector—the general public. That is what the Bill is all about. Members opposite are prepared to bow to the dictates—

Members interjecting:

The CHAIRMAN: The honourable member for Alexandra must not interject. He was heard in almost complete silence.

Mr. CHAPMAN: I rise on a point of order, Mr. Speaker. I take exception to the Minister's last remark. On the only occasion on which I gesticulated, I was asked to retract my statement.

The CHAIRMAN: That is not a point of order.

Mr. Chapman: What is the Minister doing now?

The CHAIRMAN: Order! The honourable member for Alexandra must resume his seat. He was heard in almost complete silence, and I hope that the Minister will be accorded the same respect.

The Hon. G. T. VIRGO: This legislation has been introduced to protect the public.

Mr. Chapman: Rubbish!

The Hon. G. T. VIRGO: That is exactly what the honourable member thinks of the public—rubbish! I do not care what he thinks of the public. The Government is legislating to ensure that the public is not exploited. It is not true to say, as the honourable member has done, that there is widespread dissent among the industry. That is a lot of poppycock. Only those who are not playing the game straight are concerned. I can inform this House, on the authority of the chamber, that 95 per cent of the members of the industry support this legislation in its entirety. The honourable member can laugh, but he is the one now being caught out, and finding he has a hell of a lot of egg on his face. I do not believe many of the claims that the honourable member has made. He made a claim about the situation in New York. I intend to table a letter from the City of New York Police Department, together with the Police Department printed ordinance, dealing with the police supervision of the tow-truck industry. The honourable member said that that supervision did not exist.

Mr. Chapman: Incredible!

The Hon. G. T. VIRGO: That is right. The honourable member made wild claims, and when he is caught out he says, "Incredible". In other words, he can tell lies with impunity.

Members interjecting:

The CHAIRMAN: I have already spoken to the member for Alexandra and I call him to order once again.

Mr. CHAPMAN: I rise on a point of order, Sir. I ask you to call upon the Minister of Transport to withdraw the remark in which he referred to my telling lies or to my being a liar.

The Hon. G. T. Virgo: I did not say you were a liar; I said you told lies with impunity.

The CHAIRMAN: I ask the Minister to retract his statement, because statements such as this are not allowed in the House.

The Hon. G. T. VIRGO: I am happy to accede to the honourable member's request.

Mr. Chapman: Go on.

The CHAIRMAN: If the member for Alexandra does not keep quiet he will be warned.

The Hon. G. T. VIRGO: I intend to table a letter from the Californian Highway Patrol, dealing with the tow-truck industry and its control. A second letter from that body, in contradiction to what the honourable member said, states:

> Rotation tow-truck company operators are required to sign a tow service agreement in which they certify the minimum requirements of the service.

According to the information given by the honourable member, that does not happen. Why are research assistants employed, and paid with taxpayers' money, if their services are not used properly? The honourable member is laughing; he has been caught out again.

The SPEAKER: The Minister should come back to the debate.

The Hon. G. T. VIRGO: I think the honourable member told us that he had received a communication from Canberra stating that there was no Government control of the towing industry in that area. I think he also said that no roster system applied.

Mr. Chapman: You had better have another think.

The SPEAKER: I have given the honourable member every opportunity this afternoon. This is his last chance.

The Hon. G. T. VIRGO: I intend to table a report from the Australian Capital Territory police, which is a standard letter, and states:

> I acknowledge receipt of your application for inclusion on the police towing roster.

According to the honourable member, there is no Government control of the towing industry in Canberra. However, this standard letter relates to an application to the Police Department from the towing industry. The Deputy Leader can laugh if he likes. I know that it is embarrassing for the Deputy Leader to believe his shadow Minister, who gets bowled out all three stumps in one operation.

Mr. Goldsworthy: I think this is becoming more of a circus.

The CHAIRMAN: The Deputy Leader must stop interjecting. This debate is not a circus.

Mr. Allison: The Minister does not use his brains enough.

The CHAIRMAN: I call the member for Mount Gambier to order.

Mr. Becker: Tell us what happened in New South Wales.

The CHAIRMAN: I call the member for Hanson to order.

The Hon. G. T. VIRGO: I refer now to information which the member for Alexandra gave and which he said had come from the Secretary of the Police Association, Mr. Tremethick, claiming that the Government had not consulted him. The honourable member did not give sufficient emphasis to the fact that subsequently he had a discusion with Mr. Tremethick, and Mr. Tremethick's view changed.

It is true that, before we went ahead with this proposal, we did not confer with Mr. Tremethick. We thought it was principally a matter for the Police Commissioner, and we conferred with him. He, in turn, referred it to a group of senior officers to look thoroughly at the scheme to determine whether the Police Department should involve itself, whether it was desirable in the interests of the police image to do so, whether it would be an impediment to its ordinary work, and the like.

The police were told quite clearly and simply that if they raised objections, if they felt that it would be an impediment to their activities, we would not go ahead with this legislation in this way, that we would still go on with the law of the jungle that presently exists. The answer from the police must be patently clear to every person in this House at the moment: the Police Department supports what we are doing, because it believes that this will clean up many of the undesirable things that are happening now. Members opposite who are opposed to

this change and are advocating a continuation of it are advocating a continuation of putting the public at risk, and they ought to be ashamed of themselves for that.

A suggestion was made, I think by our departed friend from Mitcham, that we had spent a lot of time (I think he used the term "three sitting weeks ago", although I prefer to say that it was last October and November, when we were sitting) amending the Motor Vehicles Act in relation to tow-truck operators. The improvements and alterations we made were made on the basis of experience that had been gained, and we are endeavouring to close many of the loopholes that were there and were being exploited. I made the comment then (and I suppose one should not criticise the member for Mitcham for not knowing I made the comment, because he is so rarely in the House), and I repeated it in the second reading explanation, that we were simply lifting out those provisions that we improved last year in the Motor Vehicles Act and putting them into this Act. It is not a matter of giving them a go to see whether they work; it is a matter of putting them into this Act where they will work—the proper place for them. We do not want people running around to half a dozen Acts to find out what they need to do, or do not need to do. The member for Alexandra took umbrage at my comment about the veracity of his statement in relation to the loss assessors.

Mr. Chapman: It will take—

The SPEAKER: Order! The honourable member knows that he is not allowed to interject when he is out of his seat. I will warn the honourable member if he continues.

The Hon. G. T. VIRGO: I apologise, Mr. Speaker; I probably provoked the honourable member. It has been made abundantly clear to all concerned who have sought the information that the present licensing arrangement that applies to loss assessors will be revoked when this legislation comes into effect. There will not be two licences, as was suggested by the member for Alexandra. An arrangement has already been reached with the Attorney-General who administers the Commercial and Private Agents Act, that at the appropriate time, when licensing of loss assessors becomes operative under this new legislation, it will be removed from the other Act. Why people should go around trying to misrepresent the position by saying that there will be dual licences is beyond me. It is obviously the act of a person who is trying to create a smokescreen.

Mr. Chapman: Why didn't you mention it in your second reading?

The Hon. G. T. VIRGO: Why didn't the honourable member ask, if he was interested in it. I want to touch on only one other matter, because I think the points I have made have covered the majority of them. The Leader took the normal course that one expects of him; he rattled the can about the Government's taking over industry, the same thing that he, his deputy and one or two others have been doing now for months to try to denigrate South Australia and to destroy confidence in South Australia.

The Leader did not even take the trouble to look at the Bill to find out who was going to be on the board. Once he did that he would have realised how absolutely ridiculous his statement was, because the constitution of the board is set out in clause 10, as follows:

> *(a)* One shall be a person nominated by the Minister to represent the Royal Automobile Association of South Australia Incorporated;
>
> *(b)* One shall be a person nominated by the Minister to represent the South Australian Automobile Chamber of Commerce Incorporated.
>
> *(c)* One shall be a person nominated by the Minister to represent the United Trades and Labor Council of South Australia.
>
> and
>
> *(d)* One shall be a person nominated by the Minister to represent the interests of the insurance industry.

There will be four people appointed out of a board of seven, but somehow or other the mathematics of the Leader suggest that I am going to manipulate things so that the other three people that I have the responsibility of appointing will be able to dominate the vote of four. No wonder he is in Opposition, and I think he had better stay there, because if by chance he got to be Premier presumably he would become Treasurer, and what a task the Under-Treasurer would have then if that is the best effort of his arithmetic. I conclude by making one important point.

Mr. Mathwin: It will be the first one you have made.

The Hon. G. T. VIRGO: I know the honourable member does not understand much, and he certainly will not understand the point I am about to make. This Bill has been designed and introduced, after long and careful consideration, to protect the interests of those people in the public who are unfortunate enough to be involved in an accident. Those members of this House who do not give a damn for the public will vote against the Bill. Those members who care for people will support the Bill.

The House divided on the second reading:

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

Noes (17)—Mrs. Adamson, Messrs. Allison, Arnold, Becker, Blacker, Dean Brown, Chapman (teller), Eastick, Evans, Goldsworthy, Gunn, Mathwin, Millhouse, Rodda, Russack, Wilson, and Wotton.

Pair—Aye—Mr. Klunder. No—Mr. Tonkin.

Majority of 7 for the Ayes.

Second reading thus carried.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Interpretation."

The Hon. G. T. VIRGO (Minister of Transport): I move:

> Page 3, lines 6 and 7—Leave out "but does not include any other form of motor body repairing".

This is a drafting amendment which attempts to put beyond all possible doubt the definition of the term "motor body painting", so that it is quite clear that it does not include any form of motor body repairing.

Amendment carried.

The Hon. G. T. VIRGO: I move:

> Page 3, lines 12 and 13—Leave out all words in these lines and insert:
>
> "motor body repairing" means any part of the process of repairing damage to the bodywork or structure of a motor vehicle or part thereof (including motor body painting):

Once again, this is a question of drafting interpretation.

Amendment carried.

The Hon. G. T. VIRGO: I move:

> Page 4, line 28—Leave out "or part thereof".

This amendment ties in with the earlier description.

Amendment carried.

Mr. RUSSACK: "Declared area" is defined under this clause, and it includes Adelaide and many other municipalities. Part *(e)* of that definition states:

> any part of the State declared by proclamation declared under this section to be within the declared area.

What is the Government's intention regarding other country areas? Will they be included in the declared area

in the near future if this Bill goes through?

The Hon. G. T. VIRGO: Obviously, there will have to be a phasing-in stage. The provisions dealing with tow-trucks will not operate beyond the metropolitan planning area. The provisions dealing with motor repair shops apply to the whole of the State, but they will be phased in gradually.

Mr. CHAPMAN: I have received a request to move an amendment to this clause. Since Question Time this afternoon I have been out several times to try to see the Parliamentary Counsel, but he was not present in the House. He is probably very busy.

The CHAIRMAN: I point out to the honourable member for Alexandra that he should not refer to the Parliamentary Counsel during debate.

Mr. CHAPMAN: I apologise for that, Mr. Chairman. I was seeking to indicate the slight problem that I have in acting on behalf of the licensed loss assessors in the industry. I will raise the matter again after dinner.

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

Mr. CHAPMAN: Before the adjournment, I raised the matter of our intention to amend paragraph *(j)*. I thank the Minister for his co-operation. I understand that the Government will consider the ramifications of this matter and, at the appropriate time, the Minister will inform his colleagues in another place. My amendment has not been prepared, but I place on record that it is our intention to pursue the matter, with the co-operation of the Minister and his colleagues in other place. At this stage, I indicate that, although I had intended to move to amend clause 71, I should like that treated in the manner I explained a moment ago.

Clause as amended passed.

Clauses 6 and 7 passed.

Clause 8—"Powers of inspectors."

Mr. BECKER: I should like a further explanation from the Minister on the powers of the inspectors. I am most concerned that we are writing into legislation the power of an inspector, without a warrant, to enter upon and search any premises whilst they are open for business, or any motor vehicle or thing contained therein. The word "thing" concerns me. What is the reason for requiring any person to answer any question, whether put to him directly or through an interpreter? I query the need for such wide powers, bearing in mind that a person involved in an accident must report that fact to the police within 24 hours. Upon the authority of a warrant issued by a justice, an inspector may at any time break into, enter upon, or search any premises. I do not like the phrase "break into". As I considered that the Minister's introductory speech was not satisfactory in this regard, could the Minister now give a more detailed explanation of why it is necessary for inspectors to have such sweeping powers?

The Hon. G. T. VIRGO: All the points raised were debated extensively in this Chamber in November, and the issues involved in this question were discussed at the conference that took place, as a result of which subclause (3) *(c)* was inserted, providing for the rights of a person in relation to answering questions. This is simply a lift-out from the Motor Vehicles Act, which was thrashed out last November.

Mr. MATHWIN: I oppose the clause, for many of the reasons just stated by the member for Hanson. Inspectors still have more powers than the police, and they are able to break into or enter upon, search and inspect any premises or motor vehicle or thing contained therein.

The Hon. G. T. Virgo: With a warrant.

Mr. MATHWIN: Then let us see what they can do without a warrant. If the Minister has forgotten so quickly, let us remind him. Without a warrant they can enter upon, search, and inspect any premises whilst they are open for business, or any motor vehicle or thing contained therein. They can require the driver of a tow-truck or any other motor vehicle being used for any purposes connected with the industry to stop the vehicle, and they can enter upon and search the vehicle. They can require any person to answer any question, whether put to him directly or through an interpreter.

Inspectors may require the production of and they may inspect and take copies of any book, paper, or document, or any record of any kind. They can seize any book or paper or document, or any record of any kind, on any motor vehicle, or any thing of any kind.

The inspectors can give such directions as are necessary for, or incidental to, the effective exercise of their powers. A person may be punished if he does not submit to this type of strong-arm action.

Mr. Hemmings: If he has done nothing wrong, he has nothing to worry about.

Mr. MATHWIN: It is all right for the ex-Mayor of Elizabeth to say that he has never done a thing wrong. Under subclause (3) *(b)*, a person who refuses or fails to comply with a direction or requirement of an inspector may be fined $5 000: we are not talking about chicken-feed. The inspector's powers are far too wide, and the penalty is much too harsh. I oppose the clause.

Mr. BECKER: All members are not privy to the discussion that takes place in a conference of managers of both Houses. I am surprised to see that it is necessary to include such wide and sweeping powers which, to the best of my knowledge, I do not recollect having been passed in any previous legislation. The inspector's powers are far too wide. This appears to be a provocative clause. An over-zealous inspector, accompanied by a "heavy" as a witness, might make threatening comments; yet the person being investigated cannot do a thing. It is similar to Gestapo tactics, and I oppose the clause.

The Hon. G. T. VIRGO: So that there is no misunderstanding, the provisions mirror, but are not identical to, the conciliation and arbitration powers an inspector has in connection with national parks and wildlife, fisheries, and other similar legislation. If we are to have inspectors, they must be given powers. If we are not going to give them powers, let us not have inspectors or legislation; it is as simple as that.

Mrs. ADAMSON: I, too, oppose the clause. These are Draconian and obnoxious provisions. On reading the clause, I recalled the words of Sir Winston Churchill when he outlined the seven points that identified a free citizen. One point was that a citizen shall be free of the fear of a knock on the door and forced entry in the night. It seems that under this legislation in South Australia our citizens are not free in that sense. This is Gestapo technique in relation to the powers given to inspectors. The Minister said that the Opposition did not care about protecting people, but that the Government did. This provision gives a strange notion of protection, because any private citizen could have his house or premises entered and inspected.

The Hon. G. T. Virgo: He can't. Read the Bill!

Mrs. ADAMSON: Without a warrant, an inspector can enter and search any premises whilst open for business or any motor vehicle or thing contained therein. If that is not an intrusion on privacy, I do not know what is. An inspector may require the driver of a tow-truck or any motor vehicle being used for any purpose connected with the industry to stop the vehicle, and he may enter and

search it at any time or place. If that is what it calls protecting the public, the Government has a strange idea of what constitutes protection. The Committee should vote against the clause.

Mr. BLACKER: Subsection (1) *(b)* (iii) could mean that any person who happened to be a client of long standing could be called on to provide certain information, even though he was totally unrelated to the offence committed, say, a year previously.

The Hon. G. T. VIRGO: We are talking about the premises in which the business is being conducted; that is understandable. I suppose that, in order to meet the point the honourable member has raised, we could say, "provided that he is not a client, or a former client", or something of that nature. Obviously, we cannot go spelling out the finer details to which the honourable member has referred. I refer him to paragraph *(c)*, which provides the avenue whereby a person can seek protection from the requirement to answer. That is the provision we inserted when the matter was debated between the managers of this House and the managers of another place. It would not be improper if I were to say that that provision was inserted as a result of representations made at the conference by the Hon. John Burdett. It was accepted by the managers, and it is quite reasonable.

Clause passed.

Clause 9 passed.

Clause 10—"Establishment of Board."

Mr. CHAPMAN: This clause refers to the establishment of the board. The Opposition objects to the establishment of a Government board. Every item of material that I referred to during the debate is available for tabling in the House, and I am prepared to do so.

Mr. BECKER: In reply to the second reading debate, the Minister commented on a statement made by the Leader of the Opposition. I support what the Leader said about the four members of the board being nominated by the Minister to represent various organisations. How many nominees will be required from each individual organisation to enable selection of a person to represent that organisation?

The Hon. G. T. VIRGO: The normal procedure in most legislation is that a person shall be appointed from a panel of three persons submitted. That provides a safeguard in case one nominee is patently unacceptable, for any reason. The whole works will then not be jammed. It is normally expected that nominations will be received from the R.A.A., the Automobile Chamber of Commerce, the Trades and Labor Council and the insurance industry.

Mr. CHAPMAN: This is a classic opportunity to ask the Minister what were the terms of the understanding that he gave to the Chairman of the steering committee, Mr. Lean, which allowed Mr. Lean to state publicly that he would be the Chairman of the board?

The Hon. G. T. VIRGO: I am pleased to answer this question because it gives me the opportunity to say that I did not appreciate some innuendos in the honourable member's earlier speech. The Government accepted the recommendations in the reports about the tow-truck industry and the crash repairers and loss assessors. A working party was requested to produce a document, which has now been produced. Obviously, there was no sense in this being done without the Government showing sincerity and an intention to proceed. The Government decided that, of the people available, there was no better person for the task of chairing the working party and subsequently doing the work necessary to establish the authority than Mr. W. C. Lean, who at that stage was a very highly respected Commissioner of the State Industrial Commission.

Mr. Lean was the first of two people who were virtually simultaneously appointed some years ago. At that time, it was arranged that one person should be appointed from the employee area and one from the employer area. The employee nominee was Mr. L. H. Johns, who was the Secretary of the United Trades and Labor Council. From the employer area, Mr. Lean was appointed; he was then the Personnel Manager of Philips Industries. His record in that area was outstanding, as it was in the State Industrial Commission. He has been one of the greatest industrial commissioners, and I do not say that to reflect on any other commissioner. The Government believed that Mr. Lean was ideal for the position and, because he was required to discuss matters with the chamber and other groups, he had to be given some standing.

It would be ludicrous to expect him to attend a meeting of the Automobile Chamber of Commerce and propose the appointing of a board without knowing who was to be appointed to the board. He had to have authority as Chairman of the steering committee, charged with the responsibility of effecting the working party report, which had been adopted by the Government in principle and was made public. There should be no innuendo about jobs for the boys. I asked Bill Lean if he would retire ahead of time to do this work because the Government considered it of highest priority to have someone beyond reproach in this position.

Mr. CHAPMAN: There is no question in the minds of any member on this side about the credibility of the person referred to. However, the eligibility of that person to make the claims he has is questioned. Many people have asked how a person can declare his position on a board that does not yet exist. How can he have received assurances from the Government regarding legislation that has not been put before Parliament? There have been no implications or criticisms in my comments about his credibility.

The matter has rested entirely on who is eligible and who has given that person the power to be eligible. I know of no other place where one can get these things straightened out than in Parliament. It is set up for that purpose. I do not wish to have to tolerate any duckshoving or avoiding of the question by the Minister. I want to be perfectly frank and hope that he will be perfectly frank with me. Will the Minister say what other undertakings he has given to persons with respect to their potential position, either on this board or on the council ceded to this board in an advisory capacity, if the Bill is passed?

The Hon. G. T. VIRGO: No other undertakings have been given.

Mr. MATHWIN: I was delighted to hear the Minister say that the usual procedure of having three names submitted to him from which he will pick one will be used. Has any particular area or company the special support of the Minister? I refer particularly to the person who is to represent the interests of the insurance industry. I suppose that one of the submissions will be from the S.G.I.C., the Government's nationalised industry. Of the three submissions there is no doubt, I suppose, that the Minister will support the submission from the Government insurance company. If the S.G.I.C. has been nominated, has the Minister seen fit to choose it to represent the insurance industry in this State?

The Hon. G. T. VIRGO: No.

Clause passed.

Clauses 11 to 13 passed.

Clause 14—"Remuneration."

Mr. BECKER: Will the Minister state the amount of remuneration and allowances that members of the board and the Chairman will receive?

The Hon. G. T. VIRGO: The clause states that the amounts they will be paid will be determined by the Government.

Mr. BECKER: The Minister's answer is not satisfactory. He must have some idea what the amounts will be. As the Bill stands it appears to be an open cheque. I believe the Committee should be given some idea (and the Minister would know now exactly what the amounts will be) of the amounts to be paid.

The Hon. G. T. VIRGO: After legislation is enacted and it contains a clause such as this (and there is nothing unique about this clause; plenty of legislation is passed with this sort of standard clause in it), the matter is referred to the Public Service Board for consideration and recommendation. The board takes into account the likely workload, the number of sittings, and those sorts of factors. It then comes back with a recommendation, which can be used as a recommendation to the Governor. We are following that procedure on this occasion in exactly the same way as with every other piece of legislation.

Mr. BECKER: I think it is high time that the Parliament started to insist on being informed in advance of the estimated amounts of payment if an accurate figure cannot be given. We are asked to approve legislation such as this, which is wide and sweeping—

The Hon. G. T. Virgo: You know that the amount will be in the Budget, and you can talk to it then.

Mrs. Adamson: After the event.

Mr. BECKER: Yes, after the event. That is not good enough. We have to take a responsible attitude to the financing of all legislation. As the Minister has said, the amounts have never been disclosed in the past. Certainly we can go back to the previous Budget and look at similar legislation, but I think Parliament has a duty, not only to the taxpayers of South Australia but also to the industry involved and all the organisations that come within the ambit of this legislation. By getting some idea of the amount involved we can get an idea of what the licence fees are going to be and whether the board will be able to work within its budget. Governments must be made to be more accountable to the people and the Parliament.

Clause passed.

Clauses 15 to 20 passed.

Clause 21—"Interpretation."

Mr. MATHWIN: What does the Minister estimate the licence fee will be, and will it be calculated by the same system as in the builders' licensing legislation—

The CHAIRMAN: Order! I wonder whether the honourable member can explain to me how the matter he is now raising refers to this clause.

Mr. MATHWIN: I am questioning the Minister about the cost of a licence. The licence, I assume, will be issued to a person or a person, and I assume that they will have to pay for it. I assume that it will not be free.

The CHAIRMAN: Order! There is no need for the honourable member to get excited. There is no way that his right to discuss any clause will be taken away from him. I point out to the honourable member that it might be more appropriate to raise this matter under clause 23 if he wishes to do so.

Mr. MATHWIN: I was going to raise it under that clause as well.

The CHAIRMAN: The honourable member will not get the opportunity. He cannot debate the same point under a number of clauses.

Clause passed.

Clause 22—"Motor body repairers to hold licence."

Mr. GOLDSWORTHY: This clause brings in the closed shop situation for motor body repairing. The penalty for infringement is $5 000. The default penalty (about which I am not perfectly clear) is $100. The Minister said that the member for Alexandra spent most of his time talking about the tow-truck business. The Minister must have tuned out for a good portion of that speech. The point that I dealt with in my fairly brief remarks referred to this question of motor body repairing. In my view, no evidence has been produced at any stage which has indicated that these places should, in fact, be licensed. The Minister talks about competition, but competition in this sort of situation leads to efficiency and to the best price for the public.

Setting up this closed shop situation will cause some difficulty in my own electorate where there are a number of small crash repair places. These businesses certainly do not welcome this legislation. In my view, this licensing system is not warranted, certainly not in their case, and, from my experience of the larger repair shops in metropolitan Adelaide, it is not warranted there either. I am totally opposed to this clause, because it is really the crux of the licensing section. A local garage man will not be able to knock out dents and he will not be able to allow his staff to carry out motor body repair work without a licence. If he does any motor body repair work he is up for a $5 000 penalty for his trouble.

The Hon. G. T. Virgo: If he is running a motor body repair business, he gets a licence.

Mr. GOLDSWORTHY: He gets a licence only if he can comply with all the paraphernalia set out later in the Bill. It is not simply a matter of sending in a letter and then receiving a licence. If we look at subsequent clauses (and I know we cannot discuss them)—

The CHAIRMAN: The honourable member is doing a very good job of discussing them nevertheless.

Mr. GOLDSWORTHY: The Minister asked me a simple question, Mr. Chairman, and I am giving him a simple answer.

Mr. Harrison: There is no difference between a licensed bookmaker and a backyard repairman.

Mr. GOLDSWORTHY: This is a different ball game. A fellow running a repair shop in one of the towns in the Barossa Valley, or in the Adelaide Hills, is in a different type of business from bookmaking. In fact, I am hard pressed to find any similarity between the type of work that a bookmaker does and the work that a chap knocking dents and spray painting in the Barossa Valley does.

It is all very well for the Minister to say that he just has to get a licence. A prospective licence holder has to fill in forms, he has to comply with conditions *(a)* to *(z)* which go with the licence, and he must get over the first hurdle and satisfy the board that he is worthy of having a licence. If he does not satisfy the board, he does not get a licence. It will be hard for somebody just starting up in this industry. The people I know who are operating in this business will be precluded from doing so unless they have the authority of a board and pay a licence fee. This clause indicates just what this Bill is all about. It is totally unnecessary, in my view. It will certainly cut out competition and create a closed shop. I will be very surprised if in the long term it does not lead to increased costs to the public generally.

The CHAIRMAN: Would the honourable member for Eyre like to continue his remarks?

Mr. GUNN: Yes, Mr. Chairman. Can the Minister simply and briefly explain how a person who normally carries on a business such as a small country garage will be placed if someone drives into his premises with his mudguard hanging from his car and certain motor body repairs have to be carried out?

I point out that the average garage operator could not be designated as a motor body repairer.

The Hon. G. T. Virgo: Then he does not need a licence; it is as simple as that.

Mr. Gunn: Will the Minister explain how he interprets this clause?

The Hon. G. T. VIRGO: The Opposition is trying to make a mountain out of a molehill. This clause will require a person who carries on the business of a motor body repairer to be licensed.

Mr. Mathwin: Solely that business?

The Hon. G. T. VIRGO: If the honourable member for Glenelg keeps interrupting, I may not get the message through to his colleague. Obviously, if there is a fellow in Lock or Rudall or one of the towns in the honourable member's electorate who is running a garage and as a sideline of his business he straightens a fender which maybe bent by a kangaroo or a wombat, that is not the business that he is running. He is running a garage. This Bill does not require garages or service stations to be licensed. If he is running the business of a crash repairer and he is advertising himself as a crash repairer, he is in the business. If he is not, this board will not be interested in him.

Mr. GOLDSWORTHY: That prompts me to ask a further question. A large dealer in the Barossa Valley sells motor vehicles; he runs a garage and a repair shop, and he also runs a mechanical repair shop, a service bay and a body repair shop. He employs eight people in the body repair and spray paint shop. I surmise that, if he was asked what he was running, he would say a dealership, because he probably makes most of his return from the sale of new vehicles. The other sections of his business contribute to the overall profitability of his enterpise, but I would be surprised if they form the major part of his occupation or the major part of his turnover. If he was asked what business he was running, he would say "I am not running a motor repair shop; I am running a motor business with sales and service." In terms of the answer the Minister has given, he would not have to have a licence. That is the logical extension of the answer given to the member for Eyre. Am I correct in that assumption, or would this fellow be running a repair shop?

The Hon. G. T. VIRGO: It is very difficult to get into the specifics of what the appointed board will be required to do. However, the extension the honourable member has put on my answer to the member for Eyre, from the information supplied by the Deputy Leader—I do not know why the Leader is looking so perplexed.

Mr. Tonkin: I am rapt in attention.

The Hon. G. T. VIRGO: You do not always look like that when you are rapt in attention, do you?

Mr. Tonkin: This is a repeat performance of the other night.

The Hon. G. T. VIRGO: I do not know what the other night has got to do with this debate. I will ignore the Leader and get back to the reply sought by the Deputy Leader with his hypothetical case.

Mr. Goldsworthy: A real case.

The Hon. G. T. VIRGO: A real case, then. I do not know the details of it, because I am not the board, but the Deputy Leader said that this organisation was running the business of a motor body repair shop, as well as other businesses.

Mr. Goldsworthy: Part of the premises.

The Hon. G. T. VIRGO: It does not matter whether it is part of the premises. He is running a business and holding himself out for business purposes as a motor body repairer.

Mr. Goldsworthy: I don't think he advertises.

The Hon. G. T. VIRGO: Now we are getting into the fine print.

Mr. Goldsworthy: He wants to know how he's affected.

The Hon. G. T. VIRGO: He is not affected until the legislation is passed and until the board determines—

Mr. Gunn: I hope it's never passed.

The Hon. G. T. VIRGO: No wonder some members have difficulty, when they go to their districts, explaining the information given to them when we have so many stupid interjections. If this person is running the business of a motor body repair shop and is employing eight people in that business, obviously he is running a business and as such would be involved. The case I understood the member for Eyre to refer to was the local garage proprietor, who is principally running the business of repairing tractors and cars and selling petrol. Every now and again, someone comes in and asks him to weld up a mudguard, because they have hit a kangaroo or something of that sort. He is not in the business of motor body repair, but is running a business as a garage and doing other things as a very minor part of being a garage. Obviously, those people are not involved.

Mr. TONKIN (Leader of the Opposition): Once again, I must explain the remark I made a few minutes ago. On a previous occasion in this Chamber in Committee the Minister moved a series of amendments which he was not able to explain. At the time, I said that I thought it was totally wrong that the Minister should not be able to explain those amendments, and that it was wrong for the Committee to be asked to consider them without adequate explanation, especially since the Minister was the only person who was in a position to get any sort of explanation.

I note with some alarm that the Minister has said again tonight that it is hard to get to the details of what the board will be doing. In answer to the Deputy Leader, the Minister has said that the person mentioned will not be affected until the legislation is passed, and for that reason he cannot explain how that person will be affected by the legislation. That seems extraordinary, because we should be looking at the effects of the legislation on people before we agree or disagree. We want to know what it is all about and what effect it will have on people before anyone in this Chamber says "Yes" or "No", and it is a shocking indictment on back-bench members opposite, if they really care for their constituents, that they should be prepared to go along with such sloppy legislation, introduced without any real understanding of what it will achieve and what it will mean to the people of this State.

The Hon. G. T. Virgo: Don't play to the gallery.

Mr. TONKIN: I am playing not to the gallery but to the people of South Australia.

The CHAIRMAN: Order! Neither the Minister nor the Leader of the Opposition should refer to the gallery.

Mr. TONKIN: And neither should the Minister interject from his place. I am speaking for the people of South Australia, because I am sick and tired of having such legislation introduced into this Chamber, without any consideration for Parliament and for the people. If the Minister is so incompetent that he has to bluster and use abusive language to get his point across, he is not doing his job properly, nor is he worthy of the high office which he holds. He probably does not hold it very high.

The CHAIRMAN: Order! Is the Leader of the Opposition making a second reading speech, or is he speaking to the clause?

Mr. TONKIN: I am speaking of the Minister's dealing with the clause under consideration.

The CHAIRMAN: I ask the honourable member to be more specific in his remarks.

Mr. TONKIN: I again challenge the Minister to tell us exactly how this clause will be applied, what it will mean, and where the line will be drawn. It is one thing to say that

someone who is carrying out an occasional crash repair in the course of a wider country business as a motor garage will not be caught by this Bill, but how far must he go? How many repairs can he do each year before he comes under the legislation and has to get a licence? Who will decide? Does this mean that the army of inspectors who will be necessary will go around and inspect every motor garage in the country and ask how many crash repairs have been done in the past year, and whether any dents were knocked out?

Mr. Goldsworthy: They have to send in returns.

Mr. TONKIN: That is what we want to know, and that is what the Minister is not telling us.

The CHAIRMAN: It is also irrelevant under this clause.

Mr. TONKIN: It is most relevant, because the Minister is not telling us anything. He has answered the Deputy Leader in terms so vague and so ridiculous that it does not matter. If he does not know, he should admit that he does not know, report progress, and find out exactly what he means, and then come back and tell us.

The Hon. G. T. Virgo: You don't want to understand, because I've already explained it to you.

The CHAIRMAN: Order! The Minister is out of order.

Mr. WILSON: There is no doubt that the example cited by the member for Eyre comes under the provisions of the Bill and that the business would need a licence. Obviously, the Minister is not familiar with his own Bill. The definition of a motor body repairer means a person who carries on a business of—and as far as it goes that agrees with the Minister's reply—

The CHAIRMAN: Order! We are getting into a difficult situation. We are discussing clause 22, and I do not believe that the honourable member should refer to a previous clause in such a specific manner. That clause has been dealt with and passed by the Committee.

Mr. WILSON: On a point of order, Mr. Chairman, clause 22 covers the licensing of motor body repairers, and I am trying to explain to the Minister how, because of the previous clause that has been passed, the Minister is incorrect in his assessment of what type of business comes under the ambit of this clause.

The CHAIRMAN: The honourable member can continue.

Mr. WILSON: A motor body repairer means a person who carries on a business of, or a business that includes, motor body repairing. If the type of garage cited by the member for Eyre repairs two fenders a year, it includes the business of motor body repairing. The board has no discretion.

Mr. Tonkin: Would it be defined in that way—

The CHAIRMAN: Order! The Leader of the Opposition will get the call if he so wishes.

Mr. WILSON: The definition of motor body repairing means the repairing of damage to the bodywork or structure of a motor vehicle or part thereof. There is no discretion for the board to omit such situations.

Mr. GUNN: It would appear that the Minister should give this matter further consideration and, if necessary, amend the clause. It would be quite ludicrous if people found themselves in a position where every person who took a hammer and knocked out a dent on a motor car had to have a licence. I have had some experience with the types of people who are acting as inspectors in other fields. It is one of the quirks of human nature that, if a person is given a little bit of power, it goes to his head, and he goes marching around the country making a nuisance of himself.

The Hon. G. T. Virgo: We're getting an example of that now.

Mr. GUNN: The Minister says that I have no right to speak on behalf of the people I represent and of thousands of others, to seek a clear undertaking from the Minister in relation to his own Bill.

The Minister has given me an incorrect answer. It is a good thing that he is about to retire as Minister, if he cannot do a better job than he is doing tonight. Is he prepared to give an unqualified undertaking that the kind of people to whom I have referred will not be caught in the net of these provisions?

The Hon. G. T. Virgo: I've already given that undertaking.

Mr. RUSSACK: Towards the end of last year, I rang a Government department, not the Transport Department, and said that the Minister had said a certain thing. The inspector to whom I spoke said, "I'm sorry, but I can't help what the Minister said. The Act says this." An inspector will abide by the provision contained in the legislation.

The Hon. G. T. Virgo: I administer only the Transport Department.

Mr. RUSSACK: I know. If the provision is not clearly spelled out in the legislation, the inspector will interpret it as he sees it.

The Hon. G. T. Virgo: Are you saying it wasn't my department?

Mr. RUSSACK: It was not the Minister's department. Under this clause, no person shall carry on a business as a motor body repairer unless he holds a licence. Most body repairers also have a paint repair shop. Therefore, does the one licence cover the two, or will it be necessary for that workshop to have two separate licences?

The Hon. G. T. VIRGO: There are two provisions: there is motor body repairing, and later in clause 28 we get to the motor body painting, which is separate. Obviously, they can be separate.

Mr. TONKIN: Returning again to the Minister's so-called assurance, I point out that he is unable to give an assurance of any kind on this matter, because the Bill as it stands in definition and under this clause gives him no discretion.

The Hon. G. T. Virgo: It might be in another clause.

Mr. TONKIN: We are not dealing with another clause. In terms of the definition, anyone who carries on a business that includes motor body repairing must be caught by the provision. The income tax commissioners will no doubt classify the income such a person makes from repairing motor bodies equally as part of the income, even if it is only a small proportion. There is no way in which it can be divided from the total income of the motor body repairer or garage proprietor. I cannot see where the line can be drawn if it is not drawn at the cut-off period, and that means no motor body repairing. For the Minister to give me that assurance seems to be worthless. I do not think he knows what he is talking about, or that the Bill is worth much.

The Committee divided on the clause:

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

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

Majority of 4 for the Ayes.

Clause thus passed.

Clause 23—"Applications for licences."

Mr. MATHWIN: Will the fee be similar to that in the

builders' licensing legislation, whereby more than one licence is necessary for a partnership? If it is a husband-and-wife business, must they both be licensed? If it is a company, does the same situation exist? Is it envisaged that any person in any way connected with the business must pay a separate licence fee?

The Hon. G. T. VIRGO: If it is a joint business there would a licence for carrying on that business.

Mr. MATHWIN: Both?

The Hon. G. T. VIRGO: I would not expect so.

Mr. Mathwin: It is with a builder's licence.

The Hon. G. T. VIRGO: I would be surprised to hear that.

Mr. Mathwin: That's right. I have to sign them quite often.

The Hon. G. T. VIRGO: The level of licence has not been determined, and will be in the regulations. My understanding is that there will simply be a licence for the business, whether in the name of an individual person or a partnership, or whatever. The licence would be issued to the business.

Mr. CHAPMAN: If the business is to be licensed, what powers will the board have over the fitness of any individual in that business? One of the functions of the board is to determine whether a licensee is fit and proper to hold a licence. If the business itself is licensed and not the person, the whole concept of the board's function will break down. The Minister can shake his head but I am sure that he is confusing registering with licensing. The business will obviously be registered, but surely licensing shall apply to the corporate body citing the principal acting for that corporate body or, in the case of a partnership, the parnters of that organisation, who will be joint or singular licensees. There will not be a licence applicable to the business. Is what I have said right?

The Hon. G. T. Virgo: I don't think so.

Mr. CHAPMAN: The Minister should be sure. What the hell is the point—

The CHAIRMAN: Order! There is no need for that kind of unparliamentary language. Does the honourable member wish to continue?

The Hon. G. T. VIRGO: Before the honourable member became agitated, I noticed him looking across at me. However, I could not answer his question while he was still on his feet, and he knows that. Now, settle down. There will be a requirement for an organisation running a business to hold a licence. The provision is that no person shall carry on a business unless he holds a licence. I trust, and I have no reason to believe otherwise, that the licence will be issued to the person or persons or business name carrying on that business. The suitability of individuals in a business to hold a licence will be examined by looking behind the business name in exactly the same way as would happen with a business in the name of T. Chapman.

Mr. CHAPMAN: I fail to understand the Minister, and I question his whole attitude when he says a person shall not carry on a business at all unless that person is licensed. About a quarter of an hour ago the Minister, in answer to a similar question under another clause, asked by the member for Kavel, said that a person would be able to carry on a part-time business, repairing bumper bars or other things. This Committee should be assured about whether a person can successfully apply for a licence to carry on a business. The situation relating to part-time work should be clarified before this Bill is proceeded with.

Clause passed.

Clause 24—"Grant of licences."

Mr. BLACKER: The emphasis during this debate has been on the control of improper practices and protection for the community. Clause 24 (2) *(b)* provides that, before granting a licence, the board may have regard to other such matters as the board considers relevant. That is a sweeping clause and would give the board and the Government power to restrict the number of licences applying throughout South Australia. A similar situation to that applying in the fishing industry could arise, since there might be a closed shop and the income of motor repairers could be controlled. The motive of the Government to prevent improper practice has some merit, but if the legislation is to be used to control the livelihood and income of people, I oppose it. Why was this provision included?

The Hon. G. T. VIRGO: This provision gives flexibility to the board in dealing with applications so that it is not necessarily strictly confined to those matters in clause 24 (2) *(a)*. A later clause provides a right of appeal if the board acts improperly.

Mr. BLACKER: I appreciate the Minister's explanation regarding the right of appeal. The same thing applies in the fishing industry, and it is not worth a cracker. The appeal has to be gone through at the expense of taxpayers, but it is totally impracticable and inoperative. Even though there is a right of appeal, the Government has power over the number of licensed operators and can thus control income.

Clause passed.

Clauses 25 to 39 passed.

Clause 40—"Rules applicable to motor body repairing."

Mr. RUSSACK: This clause gives the board the power to consider certain prescribed rules concerning the conduct of a body repair and paint workshop. The clause provides:

> The board may, with the approval of the Minister, make rules prescribing or providing for any matter or thing contemplated by this Parliament or relating to—

It then sets out 15 separate matters to be considered by the board. Those 15 points will be expanded upon greatly. This clause follows preceding clauses which also prescribe certain conditions under which a workshop must be run. These are the things causing concern for businesses, particularly small businesses. This is the sort of thing that is a humbug so far as businesses are concerned. It discourages people from going into business and in doing that it discourages employment. We are concerned about employment, yet these are the sorts of conditions that make it difficult to carry on businesses today. By doing this I am sure that this State is making it more difficult for the business people in this industry, along with other industries.

In a country area recently a crash repair and painting business proprietor desired to take his son on as an apprentice. Certain conditions were laid down so that he had to get the landlord to renovate the premises in which he was situated or get premises of his own. He bought a brand new cyclone shed. He purchased it at a reduced figure and was looking for the easiest way to erect it. However, he was refused permission to erect it, despite the fact that adjacent to his site was a similar workshop or storage shed that had been erected by the council only two or three months before.

This man had to modify the workshop and have additional struts put in it at added expense, and now he is faced with an inspector coming along and saying, "This is a condition of the board: you must comply with all these provisions, otherwise you cannot get a licence to carry on this type of business." There is a comprehensive set of guidelines or rules to be prescribed by the board, and it will prove most difficult and costly for business people to adhere to and comply with these provisions. I suggest that there should be greater liberty for trading. There are

provisions now to protect the public. If somebody is not doing the right thing there is a way in which he can be apprehended and dealt with. When legislation works to the disadvantage of businesses, it is time we spoke up and said to this Government that enough is enough. I know about this, because I have had the experience. It is unfortunate that, because of the minority, the majority has to have all these things imposed on it. For those reasons, I do not support this clause.

Clause passed.

Clause 41 passed.

Clause 42—"Tow-truck operators to hold licence."

Mr. GUNN: Will the Minister say what criteria will be used to determine a person's eligibility when issuing licences to tow-truck operators? If a person has been convicted of an offence, will this prevent his holding a licence?

The Hon. G. T. VIRGO: Clauses 43 and 44 govern how the board will determine the necessary standards. I am not able to say what level of standard it will require, other than in a generalised way to say that it will be looking for a business, or a person running a business, or a partnership to be of reasonable repute. Whether the board will consider that a person who had a conviction should be granted a licence will be a matter for determination. I would hope that the board would adopt a reasonable approach to this question. I would not imagine that the fact that a person may at some stage have had a minor offence would be of great note. I would think that a recent conviction for a major offence would certainly detract from a person's gaining a licence.

Mr. GUNN: I take it from the Minister's comment that a person who as a juvenile was convicted of a fairly minor offence would not be impeded from gaining a licence. The Minister may think that this matter is trivial, but I want clarification because we are setting up a number of different classes of licence, and I think that it is important that it is placed on record just what is intended by this legislation.

In his reply to me, the Minister was far from clear. I think that is unfortunate. When the Parliament is asked to make a judgment, we are the ones who will have to carry the responsibility for that decision. For the Minister to say that the board will be reasonable is not good enough because there is nothing in the Bill to say that the board will be reasonable. I do not particularly like boards unless they are elected by the people involved.

The CHAIRMAN: Order! I do not believe that the honourable member ought to be discussing his views of boards under this clause.

Mr. GUNN: I hope that the Minister can give a far more definite undertaking to me about this matter, because I have been approached by people who are concerned about the sorts of conviction that may be taken into consideration when considering a person's application for a licence. Why has it been considered necessary to fix a maximum penalty of $5 000? Very little legislation has passed through this House with a penalty as high as that. I can think of other areas that require far higher penalties. For a first offence, this appears to be a very substantial maximum penalty.

The Hon. G. T. VIRGO: I appreciate your tolerance, Mr. Chairman, but it will be necessary to refer to more than the clause now before us. If adopted in its present form, clause 43 will give the board power to grant a licence and will require the furnishing of information, papers and other material. In other words, the board will be empowered to determine the very questions raised by the honourable member. If the honourable member wanted this type of information laid out in the legislation, obviously we would not then be setting up a board to do it. It is far better to set up a board and give it the task of doing the very things referred to by the honourable member. If the board was found to be acting in an unreasonable fashion, the person offended by it could exercise his right of appeal as provided in a later clause.

Clause passed.

Clauses 43 to 58 passed.

Mr. GUNN: I wish to speak to clause 58, Mr. Chairman.

The CHAIRMAN: We have voted on clause 58. I put the question twice, and the honourable member did not rise.

Clause 59—"Tow-truck drivers at scene of accident."

Mrs. ADAMSON: The member for Alexandra in the second reading debate, said that the Police Association was not consulted. What consultation, if any, took place with the Police Department, and what was the response of the Police Department to the proposals in this Bill?

The Hon. G. T. VIRGO: If the honourable member had been in the Chamber when I replied to the second reading speech, she would have received that answer, but I am happy to repeat it for her. At that time I said that the Chairman of the committee had discussions with the Commissioner and the Deputy Commissioner of Police on the rostering proposals and this whole arrangement. I understand that they then referred the matter to senior members of the Police Force to evaluate the benefits and otherwise that would arise from the introduction of this scheme. They came back to us and told us they would be very pleased if the legislation were enacted.

Mrs. ADAMSON: Accepting that assurance from the Police Force, I am still concerned, as are members of the Police Association and the general public, that the extra workload on the Police Force, which the Minister dismisses lightly with a nod of his head, will result in a great deal of additional responsibility. Presumably, the Police Force will not be given additional manpower to cope with this extra workload, because of the freeze on the expansion of the force.

A further aspect which concerns me arises out of a report in the *Sunday Mail* of 18 February 1979. This report related to 13 policemen in New South Wales who were suspended from duty and who are facing serious departmental charges following a four-month investigation into allegations of a massive racket involving tow-truck drivers. The report states:

> New South Wales Premier and Police Minister, Mr. Wran, said yesterday that the 13 were suspended without pay on Friday. This was following the investigation by an Upper House Select Committee into crime last August. In evidence to the committee, a tow-truck operator (identified only as Mr. P.) claimed that $80 000 had passed to police in bribes from tow-truck operators over 2½ years. He said that selected tow-truck operators were summoned by police immediately after accidents were reported.

Before the Minister fires off on all sixes, I say that the roster system is, presumably, designed to prevent anything like that happening under this legislation. However, it seems to me that the police are there to maintain order, to enforce the law and to apprehend offenders, and they should never be put in a position where they are open to bribery or corruption. As the Minister said in his second reading explanation, the tow-truck business is a very lucrative business.

The CHAIRMAN: The honourable member will not refer to second reading debates.

Mrs. ADAMSON: I simply point out that, by setting up the police and giving them the responsibility set out in clause 59, the legislation may place members of the Police Force in an untenable situation. There appears to be nothing in the Bill to protect the police from charges that

the police had responded to requests from tow-truck operators. As another example, in an accident involving several vehicles, the police might inadvertently call two tow-truck operators when three are needed. It would then be possible for the police to pass on that extra towing job to one of the other operators. It would be naive to believe that this could never happen.

Whatever high regard we have for the Police Force in this or any other State, we must ensure that the law is framed in such a way that no police officer is ever open to a charge of bribery or that he could be put in a position where he could be bribed. Will the Minister comment and give an assurance on this matter, because it is very serious, as evidenced by the report in the *Sunday Mail* of the situation in New South Wales. I make it quite clear that I am in no way imputing any dishonourable attitudes to any member of the South Australian Police Force. I am concerned to see that the law puts them in a satisfactory position.

The Hon. G. T. VIRGO: I was very pleased to hear the last few words spoken by the honourable member. I was reaching a stage where I doubted whether in fact that was what she was doing, and I am very pleased to hear her give that assurance. As I have said, we consulted the Police Commissioner and received his assurance and agreement on the introduction of the Bill in this form. Obviously, the honourable member is not *au fait* with that. However, once the scheme comes into operation I think she will have cause to review the fears she has expressed tonight.

Great play was made on the opposition expressed by Mr. Tremethick, but is it is being ignored that he has subsequently reversed that position, once he found what it was all about. We are not at variance with the Secretary of the Police Association.

From the information, scant though it is, that I have regarding the New South Wales problem, it seems that that was a private arrangement, certainly not one that is operating as we propose this one will operate. It was a proviso of an agreement added by the police that there should be an auditing of the activities of allocating tow-trucks on the roster system through the police network. That will become public information for all to see, to show that the scheme has operated in a fair and proper fashion.

Clause passed.

Clauses 60 to 80 passed.

Clause 81—"Commencement."

Mr. GUNN: When will this section of the Act come into operation? When will each of the sections of the Act come into operation? It would seem that they would have to be staggered, as much work would be involved in setting up the necessary administration, printing the licences, and so on. I am sure the industry would like to know when the sections of the Act will come into operation.

The Hon. G. T. VIRGO: This clause, like a number of others, is worded so that the rule-making or regulation-making provisions may become operative with the establishment of the board, after which the other provisions will come into operation. It must be a phasing-in operation, and that is what is intended.

Clause passed.

Clauses 82 to 87 passed.

Clause 88—"Secretary's powers of investigation."

Mr. GUNN: I do not object to the secretary being authorised to carry out investigations on behalf of the board, but I object fairly strongly to his being able to make wide-ranging investigations of his own motion. He has only to have a difference of opinion with someone—

The Hon. G. T. Virgo: It could be regarding an application.

Mr. GUNN: I have had some experience with the builders licensing authorities, and other organisations. It is unwise to give people more power than is necessary. It goes to their head, and they have little regard for common sense. Once this provision is passed, it will be a couple of years before Parliament can look at the matter again. I am concerned that the secretary has these powers.

Part VI deals with investigation, inquiries, and appeals. Does the Minister consider that it is necessary for the secretary to have such power to determine for himself what sort of inquiries he will make?

The Hon. G. T. VIRGO: I do. I am not unsympathetic to the sentiments expressed, but the honourable member will find that he is defeating the very thing he wishes to do. As the provision is drafted, if a person makes an application, the secretary may pursue that application to the extent that, when the board next meets, he will have obtained for the board all the details necessary to be put in front of it. Without that power, the application would come in, it would have to wait until the next board meeting, the board would say there was not sufficient information and would ask the secretary to get that information, thus delaying the matter until the next board meeting. The secretary must report to the board on anything he does. He is a servant of the board, and the board must take responsibility for what he does. Although I am sure the person I expect to be elected secretary will not need disciplining, I would hope that, if any inspector, secretary, or board member exceeded his authority or did not carry out the provisions of the Act in the spirit in which it was written, he would be dealt with promptly and severely.

Clause passed.

Clauses 89 and 90 passed.

Clause 91—"Investigations and inquiries into quality of motor body repairing and painting."

Mr. GUNN: Earlier, I raised the matter of the small garage operator who might carry out other work on occasions. Obviously, that work would not meet the criteria laid down in this clause. I seek an assurance from the Minister that common sense will be the basis for determining the standards set for various levels within the industry. I have had an assurance that common sense will apply and that the board will not pursue the small operators, but I wonder whether the same common sense will be used in looking at quality, because there could be no comparison between the little operator, doing repairs on an occasional basis and helping a person in a difficult position, and a large operator, probably at Port Adelaide.

The Hon. G. T. Virgo: There's going to be a licence fee.

Clause passed.

Clauses 92 to 94 passed.

Clause 95—"Appeal Tribunal."

Mr. CHAPMAN: We are concerned about the Government's intention simply to provide an opportunity of appeal. I think that the Parliament would be aware of the concern my Party always expresses with respect to the right of appeal. Wherever possible, we seek to preserve the full and open right of an individual to go before a court at which he may lodge an appeal. I am grateful to have obtained an undertaking from the member for Mitcham for at least the tacit approval he has given to assist. We opposed the Bill at the second reading, and we will oppose it at the third reading.

Mr. MILLHOUSE: After that introduction, I find it difficult to remind the member for Alexandra that I frequently have to come to the Liberal Party's rescue.

The Hon. G. T. Virgo: No wonder they're in such a mess.

Mr. MILLHOUSE: And occasionally of the Labor Party. This clause is not in a very good form. In my view, the appeal should be not to the Industrial Court but to a

Local Court judge. Therefore, I move:

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Line 10—Insert "Local Court" before "Judge" and omit lines 11 and 12.

Line 17—Insert "Local Court" before "Judge".

There will be some consequential amendments later on in this clause, but I will take my amendment as a test and, if the Minister opposes me, I will not have to do the drafting. It is inappropriate to nominate a judge of the Industrial Court as the appellate tribunal. I know that Mr. Bill Lean has had some association with that body, and it is obvious from his presence in the Draftsman's enclosure in the Chamber earlier today that he has a bit of a guernsey in this matter. Naturally, it would suit him if his old colleagues were among those who could sit in judgment. A more appropriate body is the Local Court judges, who have had wider experience than have judges of the Industrial Court.

The Hon. G. T. VIRGO: I appreciate the views the honourable member has put forward, but they are unacceptable. We looked at what would be a suitable tribunal, considered the various levels, and concluded (I believe on sound ground) that the appeal should lie with the Industrial Court, because of the affinity that court has with the purpose of the whole Bill.

Mr. Millhouse: What does that mean?

The Hon. G. T. VIRGO: I am sorry for the honourable member. He has not been present for all of the discussions. It is understandably difficult for him to understand it right at the end.

Mr. Millhouse: We're not right at the end; there are 20 clauses to go yet.

The Hon. G. T. VIRGO: The last speech from the honourable member was not very helpful, and his interjections are even less helpful. We see the desirability of having an appeal tribunal constituted of an Industrial Court judge so that that judge may have a continuity of application with the various appeals lodged. We will not be getting one judge on a certain appeal and another judge on another appeal, thus having various strains of thinking, but we will have a common strain. The view we came down with quite soundly, after considering the matter for some time and seeking what I believe to be some expert advice. Having obtained it, we elected to make the appeal tribunal an Industrial Court judge. For those reasons, I am unable to accept the amendment.

Mr. MILLHOUSE: The Minister seems to think that there is only one Industrial Court judge. There are five or six judges, and they do not all think alike. Sometimes they disagree with each other violently. There is, even in the way in which the clause is drawn, certainly plenty of likelihood of divergence of opinion amongst the judges if several of them are used for this function.

I cannot believe that the Minister really wants to have one judge sitting constantly and not other judges. It sounds a little bit like a cosy closed shop to me, which is the antithesis of justice.

The Hon. G. T. Virgo: The Planning Appeal Board?

Mr. MILLHOUSE: How many judges sit on the Planning Appeal Board?

The Hon. G. T. Virgo: It has expanded now, but it started with one single judge.

Mr. MILLHOUSE: It did not stay with one single judge for long, as the Minister well knows. That is neither a realistic argument, because there are already a half dozen Industrial Court judges, nor is it desirable that the outlook of one man or woman should decide all these things so that one can be tolerably certain before an appeal whether the appeal is likely to succeed.

Mr. Gunn: It's quite improper.

Mr. MILLHOUSE: The member for Eyre is right on this occasion. It is better to have about 30 Local Court judges, as now, to deal with this. I point out that South Australia has set its face against having a permanent court of appeal in the Supreme Court. All judges take their turn with appellate work, because it is felt undesirable that members of the profession, and other people, should be able to gauge what the likely result of an appeal will be because they know who the judge will be. If the same judge sat on appeals all the time, it would be much easier to make that assessment. As with the Full Bench of the Supreme Court, so with the appellate body of this tribunal. It is quite undesirable that it should be known in advance—

The ACTING CHAIRMAN (Mr. McRae): I trust the honourable member is not reflecting on the judiciary of the Industrial Court.

Mr. MILLHOUSE: No. I give you my absolute assurance that I would not reflect on any of Their Honours in the Industrial Court and I would be glad if you would convey that message to them next time you appear before them, if you would be so kind.

The ACTING CHAIRMAN: Such remarks are quite unnecessary.

Mr. MILLHOUSE: Very well. I do not accept the Minister's explanation in defence of this clause and I propose to persist with my amendment.

The Committee divided on the amendment:

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

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

Majority of 4 for the Noes.

Amendment thus negatived: clause passed.

Clause 96—"Appeal."

Mr. GUNN: Under the provisions of this clause, a person has one month to lodge an appeal. That is hardly long enough when one's whole livelihood is involved.

Mr. Millhouse: It can be extended.

Mr. GUNN: Would the Minister undertake that an extension of time would be granted?

Mr. Millhouse: He doesn't have to give an undertaking; it is the law already.

The ACTING CHAIRMAN: Interjections are out of order. Discussions between the honourable member for Eyre and the honourable member for Mitcham are also out of order.

Clause passed.

Clause 97 passed.

Clause 98—"Exemptions."

The Hon. G. T. VIRGO: I move:

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Line 3—leave out ", upon application by a licence holder,"

Line 4—leave out "in writing, exempt the licence holder" and insert "published in the *Gazette*, exempt any specified person, or persons of a specified class".

Line 10—leave out "in writing to the licence holder" and insert "published in the *Gazette*".

Line 13—leave out "licence holder" and insert "person."

The purpose of the amendment is to put, beyond all shadow of doubt, the right of the board to exempt any person or business from complying with all provisions of the legislation. At present, the clause uses the term "by a licence holder" and presupposes that only a licence holder

could be exempted from some of the provisions. That is not the intention as I tried to convince the member for Eyre. I think the member for Eyre was convinced, but I do not think the Leader was so convinced. I hope there will be no misunderstanding that the clause as amended will authorise the board to exempt any specified person, or persons of a specified class.

Amendment carried; clause as amended passed.

Clause 99 passed.

Clause 100—"Licences, etc., not transferable."

Mr. GUNN: This clause provides that licences and permits shall not be transferable. I take it that if a person wishes to sell his business he has no right to sell his licence. He can only sell the premises, and there is no guarantee that the purchaser will be entitled to obtain a licence. In other industries we have seen what discrimination there can be and what quite undesirable courses of action can be taken by departments, with disastrous effects on people's livelihood. Why is this provision in the Bill? It appears to me that if a person advertises his crash-repair business and premises he ought to be able to sell the licence with it.

The Hon. G. T. VIRGO: If the honourable member turns back in the Bill he will find that in issuing a licence the board will consider a number of factors not the least of which is details of the person running the business. Obviously, the character of one person cannot be transferred with the business to another person. The licence is issued to a firm on the understanding that a certain person is running that business. There is no reason to believe that a licence would not be issued to a person who purchased a business, but obviously no guarantee can be given.

Clause passed.

Remaining clauses (101 to 113), schedule, and title passed.

The Hon. G. T. VIRGO (Minister of Transport): I move:

That this Bill be now read a third time.

Mr. MILLHOUSE (Mitcham): I oppose the third reading. As I said in Committee, if it had not been for the fact that this Bill cannot get through in this session in the circumstances in which we find ourselves I would have fought it much harder and delayed it much longer. Even as it is, it has taken all day to get through. I hope that of itself will ensure that it cannot pass the other place before the end of next week because it is a thoroughly bad Bill in many ways, and it traverses the same ground that we went over in November.

I thoroughly disapproved of the tow-truck provisions in the Motor Vehicles Act Amendment Bill, and now we have all this claptrap put in for no reason at all. I only desire to make a protest about it and to register my protest against one more piece of unnecessary legislation the only effect of which would be, if it did go through, to bind people even more tightly when they were trying to earn a living and provide a few more jobs for public servants.

Mr. BECKER (Hanson): I accept the remarks of the member for Mitcham and his cynical attitude. It is regrettable he has not been with us for the whole debate. There is no guarantee that the Government will not attempt to force this legislation through another place.

Mr. Millhouse: What are your colleagues going to do up there, go to sleep on it?

The ACTING SPEAKER (Mr. McRae): Order! The honourable member for Mitcham is thoroughly out of order.

Mr. BECKER: The member for Mitcham knows the Government has control of the legislation and can attempt to do what it likes. We cannot answer for what goes on in another place.

Mr. Millhouse: Bosh!

Mr. BECKER: It is all right if the member for Mitcham wants to sit on the independent fence in this House and play nonsense with any legislation he likes and have no responsibility to people, but we have a responsibility. I do not believe that any industry deserves the type of legislation envisaged under this Bill. As it comes out of Committee, the legislation places undue reflection on the honesty, integrity and credability of those who have served the motorist well in this State under trying conditions. The legislation is a reflection on the whole of the free enterprise system and, if enacted, will deprive many of a livelihood and employment. It can only add to the costs of the hard-hit taxpayers and motorists in South Australia. I believe that the Government has singled out this section of industry for undue attention that it does not deserve. For this reason, I strongly oppose the Bill.

The Hon. G. T. VIRGO: I move:

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

Motion carried.

Mr. GUNN (Eyre): I want to place on record my total opposition to this measure. I also want to indicate clearly that, when the new Government takes over in this State, if this legislation happens to become law I will have it high on my list of priorities for action.

Members interjecting:

Mr. GUNN: The Government does not like us referring to what will happen.

The Hon. G. T. Virgo: You've been predicting that for so long.

Mr. GUNN: We know that the Minister and many of his colleagues will not be here, either.

The SPEAKER: The honourable member must stick to the Bill as it came out of Committee.

Mr. GUNN: Legislation of this nature will guarantee that there will be a change of Government.

The SPEAKER: Order! The honourable member is getting back to the same line as he was on before.

Mr. GUNN: It is, in my view, placing unnecessary restrictions on people who are attempting to make a livelihood, and setting up another unnecessary board, with more permits, more licences, more humbug, more controls and taking us further down the socialist road to economic doom and despair. I oppose the Bill.

The House divided on the third reading:

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

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

Majority of 4 for the Ayes.

Third reading thus carried.

CHILDREN'S PROTECTION AND YOUNG OFFENDERS BILL

Returned from the Legislative Council with amendments.

COMMUNITY WELFARE ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL, 1979

Adjourned debate on second reading.
(Continued from 15 February. Page 2704.)

Mr. DEAN BROWN (Davenport): The Bill before the House relates to the Moore and Doyle case. As it has been well debated in this House before, there is no point in debating it any further, except to say that the purpose of the Bill is to extend further the time in which the unions and various committees (the member for Light is the Chairman of one such committee) have to resolve the problem. I therefore support the Bill.

Dr. EASTICK (Light): The member for Davenport has alluded to the fact that this is a matter which has been considered over a considerable period of time. In fact, it came forward and was identified at the very first plenary session of the Constitutional Convention in Sydney in September 1973 as being one of the major problems. Indeed, working parties since then have been looking at section 51 (35) of the Australian Constitution which refers to "the power with respect to industrial relations". Those discussions have been assisted by the Minister of this State and his officers. Regrettably (and this information has been provided by the Minister recently), the debate at Federal Ministerial level has failed so far to resolve the situation which exists.

The matter is well identified in the reports of the Constitutional Convention. In particular, I refer members to Standing Committee Report to Executive Committee, a paper delivered on 13 August 1975. At paragraph 16 on page 7 of that document there is an indication of the work done up until 1975. Indeed, in further documentation which has been placed before the Constitutional Convention (and this was a working paper of 3 June 1977), the working party noted the following:

(*a*) The recommendations contained in the report of Mr. Justice Sweeney on the steps that should be taken to overcome the problems arising out of the decision of the High Court in the case of *Moore v. Doyle;*

(*b*) That Commonwealth and South Australian Parliaments had legislated in an endeavour to overcome those problems; and

(*c*) That State Ministers of Labour and Industry had expressed doubts as to the feasibility of implementing the Sweeney report.

As I understand the situation (and indeed as reported by the Minister when presenting this Bill to the House), that position still prevails.

The then Senator J. McClelland, who was a member of the working party at the critical time associated with consideration of this matter, very forcibly indicated to the members of the subcommittee that, once the problem of Moore and Doyle was resolved, there would then be a multitude of other difficulties lying in the background of industrial relations which would loom up to take its place. Actually, he was making the point that the Moore and Doyle situation had been argued before the court. That case has been the basis of the attitudes of industry and of the union movement over a great number of years. It is a situation still filled with contention and argument.

However, if and when it is finally resolved (and I certainly hope it will be satisfactorily resolved by all Parliaments in Australia, for the good of industrial relations) there is likely to be a series of other industrial problems that will arise to take its place. The Government has been quite frank in its handling of this matter. On previous occasions when it has been before the House there has been a clear indication of the Government's desire to solve the problem, and I am certain that members on this side will in due course be pleased to play any part that they can to make sure that this position is resolved and that industrial affairs may progress without difficulty. Let us not feel that the resolution of that matter will necessarily completely answer all the industrial problems that beset the industrial scene.

I now comment briefly on the retrospectivity aspect of the Bill. Members on this side have consistently indicated that they are not interested in retrospective legislation. This is a matter of convenience. I suppose one cannot have a principle and walk away from it, but it relates to the problems of the sittings of the House. It is continuing a practice which is in existence, and on this occasion I could not argue against the minimum period of retrospectivity involved. I support the Bill.

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

MEMBERS OF PARLIAMENT (DISCLOSURE OF INTERESTS) BILL

Returned from the Legislative Council with amendments.

MINORS CONTRACTS (MISCELLANEOUS PROVISIONS) BILL

Returned from the Legislative Council with amendments.

SOUTH AUSTRALIAN TIMBER CORPORATION BILL

Adjourned debate on second reading.
(Continued from 8 February. Page 2504.)

Mr. DEAN BROWN (Davenport): The Bill deals with the establishment of the South Australian Timber Corporation. The purpose of establishing this corporation, as outlined in the Bill, is to allow the corporation to trade in any timber products, including timber pulp, wood chip, related products, commodities from timber, any prescribed commodity, and, in addition, related commodities, which includes any product or commodity that may conveniently be traded in association with timber or timber products.

I think the House would agree that that is a very broad scope, in fact the broadest possible scope, to give any Bill. The corporation is drafted in the Bill, and I refer to clauses 4 and 13. The corporation could trade in nails, doors, metal framework, any building products, housing products, tiles, or raw timber or wood chip. I was disappointed when I saw the grave difference between what was contained in the Bill and what was contained in the second reading explanation. I am tired of Ministers presenting dishonest second reading explanations to this House. The Attorney-General, particularly, does it, but we find here a Bill introduced by the apparently Deputy Premier to be, the Minister of Mines and Energy, on behalf of the Minister of Agriculture in another place. The second reading explanation bears little or no relationship to the powers of the corporation in the Bill.

I draw to the attention of the House what the Minister said in his second reading explanation. I am referring not to the explanation of the clauses but to the speech and the justification for the Bill. In his brief second reading explanation, the Minister indicated that the main purpose of establishing the corporation was to allow a corporation to be established to carry on functions that really could not be carried on by the Woods and Forests Department for the export of wood chips and wood pulp from South Australia, and also perhaps to allow the services of advisers in the silvicultural area, particularly overseas.

The purpose of setting up the corporation was outlined in the speech as giving the advantage of additional security to long-term contracts negotiated and the spreading of the funding load. The Minister stated:

> The Bill does go beyond the present Forestry Act in that it gives additional flexibility.

Apart from that rather narrow outline given by the Minister for the export of wood chip and wood pulp from this State, very little was indicated except that it was expected that a joint venture would be established between an overseas buyer and the South Australian Government, with the State Government holding the major shareholding. The purpose of this was to establish ship-loading facilities at Portland, Victoria, so that the wood chip and wood pulp can be exported. The Minister stated:

> The Bill also provides for the corporation to hold shares in other ventures, with the intention of promoting markets for products produced by the South Australian Woods and Forests Department. In this regard, the Government proposes to transfer to the corporation its shares in Shepherdson & Mewett Pty. Ltd. and Zeds Pty. Ltd.

That was all the Minister indicated about the purposes for which the corporation was being established. The Bill, drafted in legal terms, allows the corporation to go well beyond that. I have no objection whatever, and in fact I would encourage the South Australian Government to ensure that all wood resources in this State were used to the maximum benefit of this State. I understand that many pines which are too small to be properly milled could be used for wood pulp or wood chip, and to obtain a suitable market for those we need to look overseas. I understand that many of the forests have not been thinned because there is not a suitable market at present and, until loading facilities are provided and until long-term contracts are signed, much of the thinning that could be done has not proceeded.

In South Australia, the Woods and Forests Department is the major grower of pine forests in the South-East. I understand that about 250 000 acres of trees is run by the department and 100 000 acres by the two larger private organisations Sapfor and Softwood Holdings. I have no objection to the South Australian Government's doing that; I would encourage it.

However, I would reject any legislation which goes well beyond that function, and it is up to the Minister to make sure that he presents to this House a Bill which is in a form suitable to carry out that function, and that is all. I believe that this House has an obligation to make sure that this type of differential between the second reading explanation and the contents of the Bill does not persist, and that the Bill is brought back to what the Minister originally requests and tries to justify in the second reading explanation.

My first objection to the Bill as it stands is that it is an obvious encroachment on the traditional area of free enterprise. Much has been said recently about the attempts of the South Australian Government to encroach on free enterprise. I do not object to the South Australian Government's setting up in a truly competitive form to compete against free enterprise but, unfortunately (and we have found this in previous ventures), it has not set itself up on a competitive basis. It is well known that the Government has certain advantages of which private enterprise cannot avail itself. Despite the claims made, particularly by the former Premier, that he would give certain guarantees that the Government would compete on a fair basis, those guarantees have not been met. I could quote cases such as the S.G.I.C., and there are many others. Therefore, unless the Government is prepared to give an undertaking in the Bill that the corporation will pay all of the taxes, charges, and overhead costs, etc., that a private company is forced to pay, I will not support it, because the Government will be encroaching on an area of what is traditionally private free enterprise with an unfair advantage.

The Minister cannot give that sort of guarantee, because the Bill, as drafted, clearly states certain advantages favouring the corporation over free enterprise. I refer to the clause relating to superannuation and also to a letter the Minister has sent to the industry, indicating that the personnel to operate the corporation will come from the Woods and Forests Department but will remain employees of that department. There is no way in the world, therefore, that the corporation will be able to operate on the same sort of basis as does free enterprise. I oppose the Bill on that philosophic basis. I do not object to the corporation's operating in an area that is not covered currently by free enterprise.

The area to which I am referring is the area of the general sale of wood products in this State and the general sale of related commodities as given in the Bill. However, if the Government wishes to use the corporation simply for trading in wood pulp and wood chips, particularly for export (an area not currently supplied by free enterprise), I do not object. Anyone who did object would be narrowminded.

My second objection is that I believe that the basis on which the corporation will be able to trade (and I refer here to the general timber products and mechandising area, not necessarily to the wood chipping area) will give the corporation an unfair advantage compared to other buyers of timber from the department. I believe it would be a grave breach of the principles laid down under the Trade Practices Act. What could be regarded as an unfavourable restrictive trade practice would develop. Each year, the department sells to major timber merchants in this State about $5 000 000 worth of timber. As the major supplier of raw timber or milled timber selling to private companies, it would be putting itself in an unethical position to equally establish its own mechandising company where the corporation, managed by the same or similar people, would also be a major buyer of raw timber from the department.

There would be no guarantee that the same conditions, prices and practices were adopted in selling the corporation's timber from the department as would apply to other private companies. That is a second and very good reason why the Bill should be opposed. I also believe that is should be opposed for the very reason I have mentioned, namely, that the Minister of Mines and Energy in this Chamber and, no doubt, the Minister of Agriculture must really take responsibility as being less than honest in presenting the Bill, especially when one compares the Bill with the Minister's second reading explanation. The Minister of Agriculture has again been dishonest, but not the Minister responsible for the Bill in this Chamber.

In recent weeks, the department has asked private

merchandising companies to sign long-term contracts for the supply of raw timber and milled timber to those companies. I have a copy of the contract, dated 1979, and, in reading through the clauses, it is obvious that the department was attempting to assign these long-term contracts, which bound the private companies to wood suppliers for a 12-month period. I refer particularly to page 3 of the contract, the title stating that it is a deed between the Minister of Forests, a body corporate pursuant to the provisions of the Forestry Act (the Minister of Agriculture and Fisheries in this State) and the client company, which is the private company. Clause 2, on page 3, states:

> Forthwith upon the execution hereof the client shall provide to the Minister orders for timber products specifying the total volume of timber products it requires the Minister to deliver to it in each and every month of the twelve complete months first occurring after the date hereof and thereafter on or before the last day of each and every month until notice of termination of this deed shall have been given by either party to the other in accordance with the provisions of paragraph 10 hereof the client shall provide to the Minister an order for timber products specifying the total volume of timber products the client requires the Minister to deliver to it during the month next following the expiration of twelve months from the month in which the order was provided.

It is an unwieldy sentence for any contract. Undoubtedly it has been prepared by a lawyer. Only in recent weeks, the Minister of Agriculture has been trying to get private merchant companies to sign a contract which would bind them to fixed orders 12 months in advance and which could not be opted out of in under 12 months. Within weeks, he has introduced this Bill, to set up his own merchandising corporation to sell exactly the same timber products. I think that that is far less than honest. I believe that the Minister should have indicated to the companies, when trying to get them to sign such a contract, that he was intending to introduce this Bill to set up his own corporation so that he could merchandise the products.

Mr. Mathwin: Very underhand methods.

Mr. DEAN BROWN: Yes. One can imagine the embarrassing situation in which those companies, which I understand did not sign the contract, would find themselves if they had signed it and the Bill was passed in its present form. The corporation could become a major supplier to the building industry, which is already in a depressed state. I know that the supplying industry to the building industry is also in a depressed state. I am opposed to the Bill, which allows the setting up of yet another supplying company to the industry, which is already largely over supplied.

Another point I make against the Bill is that it creates no new employment within the industry. It is likely to have an adverse effect on employment. The fear is that the Bill will scare away the private companies, particularly the private forestry companies and the private merchandising companies in this State, so that they will operate from interstate. We have had other cases of this kind: because of the dogmatic stand taken by the State Government against free enterprise in this State, it is destroying the confidence in the remaining sector of that industry. As a result, employment in many cases has been reduced. The same could result if this Bill were passed in its present form.

Another reason why I will not support the Bill is that no evidence was tendered by the Minister in this place, or by the Minister of Agriculture, indicating that competition amongst the existing merchants is not extremely competitive. Another important reason is that there has been no consultation with the industry (the Timber Merchants Association) before this Bill was introduced. If the Government was sincere in its statements, it should have consulted the industry.

Several Ministers have said that the Government works for a consensus and it likes to work with a mixed economy co-operating with free enterprise. This is a classic example of the Government's failing to do so. The member for Alexandra has related other cases where there has been no consultation with members of the industry before Bills have been introduced. How can the Minister stand up and claim that his Government supports the principle of industrial democracy, when the Government has failed to consult with the industry involved in this measure. The Government is two-faced in that regard.

There was no consultation between the Minister and private industry regarding this Bill. I would like to relate some events that have taken place since this Bill has been introduced. The Timber Merchants Association of South Australia, which represents the timber merchant companies, consulted with the Minister of Agriculture and me as the opposing members responsible for the Bill. The timber merchants put their case to the Minister of Agriculture, and part of their submission about why they wanted the Bill amended is as follows:

> They will allay the fears in the established timber industry that this Act is a vehicle for increased Government ownership and control within the industry. As the Act was brought out into the House without any discussion or forewarning within the industry, and was introduced with the "widest possible objectives", the fears of the private sector of the industry are very understandable.
>
> The recommended amendments will in no way hinder or restrict the primary purposes of the corporation as they are set out in the first part of the Minister's letter to the Timber Merchants Association dated 15 February 1979. The Timber Merchants Association of South Australia fully supports these purposes and the further development of this State's timber resources.

The Liberal Party also supports the objectives regarding wood pulp and wood chip. The submission continues:

> As the established timber trade are major clients of the South Australian Government through their timber purchases from the South Australian Woods and Forests Department, their continuing goodwill must be of great value to the Government. It should be pointed out that the trade currently spends in excess of $5 000 000 per annum with the Government, and this must be a major revenue item to the State Treasury.
>
> At a time when increased investment and employment is vital to the future of the State of South Australia, it is essential that any new Government legislation does not discourage further private sector investment in this State or lead to divestment of funds and their redeployment in other States. We contend that the private sector of the timber industry in South Australia is not only a vital industry, but its importance in terms of investment and employment are such that its future should not be tampered with through wide definitions in this proposed Act.

The Timber Merchants Association put a case to the Minister for amending the Bill, or rejecting the Bill in its present form. The Minister, in discussions with the timber merchants yesterday, gave the merchants certain assurances. I met with the merchants almost immediately after they had seen the Minister, and they told me of the assurances made. This was done quite openly. Later that day the merchants received a statement which indicated what had previously been verbally agreed, and which stated:

> The timber merchants delegation was received this morning by the Minister of Forests, the Hon. Brian

> Chatterton. Following discussions, the Minister gave sureties that the powers and functions of the proposed corporation set out in clause 13 would be amended to limit them to those powers and functions currently permitted under the provisions of the Forestry Act, 1950-1974.

The Minister gave an assurance that the functions of the Bill would be limited by the introduction of certain amendments. I cannot discuss those amendments in detail at this stage, except to say that they should be examined by all members. The Minister has obviously breached the understanding he gave to the timber merchants yesterday. When the proposal put forward by the Minister is examined—

The Hon. Hugh Hudson: I understand they agreed to the draft.

Mr. DEAN BROWN: The Timber Merchants Association, I understand, did not agree to the draft and did not even know what the amendment was until I gave them a copy. I imagine an official comment will be forthcoming regarding the amendment, which I understand, cannot be given until tomorrow. I have examined the amendments and conclude that the undertaking given by the Minister has not been met. When the amendment is debated, I will prove that it is not worth a pinch of salt.

The South Australian Timber Importers Association has indicated to me its total opposition to the Bill as it stands. Again, I refer to a copy of the letter sent to the Minister of Forests (Hon. B. A. Chatterton), copies of which have been sent to several members, so it is a public document. The association represents a significant number of companies importing and exporting timber in this State.

For these reasons the Opposition is opposed to a timber trading corporation as presented in the Bill. The reasons are numerous, but the principal reasons are that the powers given to the corporation are so wide and general that it can carry on any function whatever, even becoming simply a hardware store and timber merchant operating throughout South Australia. Is the Minister willing to deny that there has been some negotiation between certain Government representatives and a private company in an attempt to purchase either that company's entire holding or a portion of it? That company is a major merchant in timber. Although I will not name the company concerned, can the Minister deny that allegation? People in the industry believe that is the case, and the Minister should clarify the position.

If the Government is negotiating to purchase one of the companies, it significantly affects this Bill and its operation. All the assurances given by the Minister to the Timber Merchants Association and this House in the second reading explanation would immediately fall apart and be negated.

As I indicated at the beginning of my speech, the Government is attempting slowly to stifle and strangle the free enterprise sector of South Australia. It is encroaching on the activities that have been so viable and efficient in the past. The Government has no justification for doing so, other than its own socialist philosophy. The Opposition will oppose it to the bitter end, but our opposition will be rational and sensible. Not at any stage will we prevent the Government from trading in any area not adequately covered by private companies. We have no objection to that; in fact, we would support it. However, we will certainly not allow the Government to set out with unfair advantages to trample, tread and squash private companies that have for so long tried to build up and maintain a respectable business in this State.

I oppose the second reading because the Bill, as it is presented, is totally unacceptable. If for some reason we do not win this vote, in Committee we will attempt to restrict the corporation's powers. We are certainly opposed to the corporation as presented.

Mr. EVANS (Fisher): I oppose the Bill for the same reasons as the member for Davenport. It is not an accident that the Bill, as it is drafted, provides powers to the corporation enabling it to deal with timber products or any related products. I have no doubt that it is not a mistake that the definition of "related commodities" is as follows:

> . . . includes any products or commodities that may conveniently be traded in association with timber or timber products.

That means that the Government seeks an opportunity in future to put into practice any of the directions that have been placed before it, in particular, last weekend, by its own Party convention, enabling public enterprise to compete with free enterprise at every opportunity.

If we stop and think about that, what does "related commodities" mean, when we talk of something that can be conveniently sold with timber or timber products? There is one operation in the South-East already, Z, a hardware store, in which the Government has a substantial interest. Anyone who believes that the Government will not try another operation in another part of the State through the corporation it is setting up would be a fool. I am happy to name the company that the Government has been having discussions with (and I do not know whether it is the same company that the member for Davenport was talking about). I understand Kauri Timber has sold some of its outlets. I believe it has sold the outlet opposite my office in Blackwood in the past month or so, and I understand that its main store west of Adelaide is for sale if a suitable price can be achieved.

I am led to believe that the Government of South Australia has been discussing, through one of its agencies, the terms and conditions under which that business could be taken over. I ask the Minister to deny that, because I believe that Kauri Timber is one of the projects being looked at.

What happens if we give a Government this power? Can it set up hardware stores anywhere in the State? Can it set up a furniture factory? Does it give the Government the power to say that timber or timber products will include furniture and for that reason, if it wants to, it can establish a furniture factory or a furniture retail outlet?

I know that persons connected with the Woods and Forests Department would say that that is something they would not consider, but they must remember that they can be in the position of agents of a socialist Government. The Government of this day, if it is allowed to continue, would not hesitate to direct any authority that it has the power over to move into any area of free enterprise that the Government could force it to move into. It is no good people denying that that is the case. If people's jobs are on the line (if they are on boards, or if they are directors), and if they are in a position where the Government can relieve them of their duties, and if money is important to them for survival, they will bend to the pressures brought to bear by the Government. We have seen it happen when businessmen have not even been part of the Government arm. They have done it for their own financial gain.

The Premier said yesterday that the Government is no longer interested in a brickworks, but one could say that timber products could conveniently be sold with bricks in the housing industry. There is no doubt that the Government could move into any sector of the housing industry. It could move into the transportable home field and compete with those producing transportable homes. It is not an accident that this provision is in the Bill. It is there in a deliberate attempt to implement whatever

socialist philosophy that the Government wants to implement in the building and associated industries in the future, if it is allowed to stay in power.

Let us look at some of the areas in which a Government could bring pressure to bear if it is allowed to move into this field. Take the Housing Trust; could the Government of the day not say to the Housing Trust that it must buy all of its goods from a particular area? Can we believe that that would not be the case? Is that not what happened with the State Government Insurance Office? Would the same thing not apply in the Public Buildings Department?

I have said previously that, regardless of what Government is in office, the heads of these Government authorities put pressure on Ministers and say, "We are an arm of your Government and we want you to buy from us." Often, any Government will bend to that pressure. That is why we do not want that in any area of the timber or building industry, but the Housing Trust and Public Buildings Department are two places where pressure could be brought to bear. The member for Davenport has said that Government enterprise does not complete fairly with free enterprise. It never has competed fairly, and it never will, especially when a socialist Government is in office. Even a Government that believes in free enterprise can be pressured.

The Government sees a possibility of establishing a project near Portland costing about $25 000 000 by setting up a corporate body with other groups. The Government has been negotiating with people in India or South Korea for a 15-year contract. It believes that the profits from wood chip or pulp would be sufficient to wipe off the $25 000 000 in 15 years. Wood chip, some of which is unsuitable for milling and includes the tops, is being wasted. The benefit to the people from using this would be considerable. No royalty is being received from it at present and, if the Woods and Forests Department received royalty, there would be a gain. There also would be a small gain in employment for people collecting the wood chip and getting it into proper condition for transport. However, I suppose that the biggest percentage of labour employment gain will be in Victoria.

The Hon. Hugh Hudson: No.

Mr. EVANS: I said that I supposed that would be the case. I do not know how many will be appointed to the Portland plant, and those figures would be of benefit to the House. I do not object to a Government enterprise moving into an area in which at present material that can be of benefit to the State and the country is being wasted. I believe that there is a world-wide shortage of wood chip for paper production, and the project also would benefit other parts of the world. I do not think that anyone could complain about that operation. If free enterprise has found it impossible to set up such a process and build such a plant, I do not believe that we should oppose it.

However, I would go no further than that. The Government should not move into the field any more. Woods and Forests Department timber is more expensive than imported New Zealand timber. I am not arguing about quality: I understand that the quality of the timber here is good, and have heard conflicting statements about New Zealand timber. However, I know that New Zealand can beat us many times on price. It may be that, because that country has a surplus, it can offer a subsidy so that the timber can be put on our market, making the position more difficult for our operators. Recently, when I referred a problem to the Woods and Forests Department, I was satisfied with the reply that I received and with the methods that the department used in marketing products. I consider that it is operating in a proper business way. The person who complained to me may have had a genuine reason for complaining, but I think he needed to understand the department's system. As I have said, I thought that the department was operating in a business-like way.

I acknowledge that this is a large industry, and the State already has a big investment in it. I also acknowledge that when the Liberal Government was in power it help set up many forests and it bought land that is being planted or is to be planted. The Woods and Forests Department has proved to be reasonably successful. However, I am not prepared to allow it to move into other fields although, I will support wood chip and pulp. I will not support the Bill through the second reading because of the other provisions contained in it.

Mr. RODDA (Victoria): My two colleagues have dealt at some length with the ramifications of this Bill, and have made the point about the intrusion of the Government into private enterprise. As one of the three representatives from the Lower South-East I would like to make some further points. As such a representative, I acknowledge the great impact the forestry industry has had on the economy of that area. I do not have any significant argument against the fact that it will spread its benign influence to the town of Portland.

As has been pointed out by the honourable member for Davenport, there is a surplus of wood chip, and that points out how times change. It was not long after I came into this House that timber was considered as being a commodity in short supply and in fact it was the second most important import. It emphasises either the lack of demand or the high increase of productivity that has come out of these pine forests. Those who established the radiata forests in the South-East of this State and in the Eastern States were certainly pioneers with a great vision for Australia.

A few weeks ago, the former Premier published the report on the green triangle, and the timber industry and the tourist industry figure largely in the expansion that will come from that report. Recently, a group of people in Victoria, I believe from Beaufort, made a strong plea to the Governments of Victoria, New South Wales, and South Australia, and the Commonwealth Government for a review of the transport situation in this area.

I am not debating the point about private enterprise *versus* the socialist Government on this issue. There are other areas in the South-East that can use this sort of development. As a representative of this area, I wanted to make some comments about the overall impact of development in this part of the State. The honourable member for Mount Gambier and I are mindful of moves being made to form another State in this area. Although it is not likely to get off the ground, many people in the South-East would not see it as a bad thing.

Mr. Dean Brown interjecting:

Mr. RODDA: I think that we will be having a lesson on 5 March. We are not looking forward to that sort of quick action.

Opposition members do not aspire to such things as that. We are humble people who are grateful for small mercies. Like my colleagues, I wonder at the initiative and enterprise of this Government, which, with its taxation measures, has made it so uncomfortable for private enterprise in this State. I refer in this respect to the impact that capital taxation has had on the small and not-so-small family companies in South Australia and, when one sees this type of legislation before the House, it puts the fear of the Almighty into any plans that one may have.

For those reasons, I join with my two colleagues who have preceded me in the debate on this Bill. As a member representing a part of the South-East of this State, I did

not want the debate to conclude without my making a contribution thereto and expressing some interest therein.

Dr. EASTICK (Light): Much has already been said in the debate. It is obvious that the Bill involves a vexed matter, which will not be satisfactorily resolved by the Government's seeking to bulldoze this legislation through the House. This matter was before Parliament previously, in about 1966 or 1967, at which time the Public Works Standing Committee had much to do with a project which was to be based at Mount Gambier and which was called, I think, Harmac. That project was to involve an arrangement between certain parties, including a Canadian principal. The scheme was being advanced on the basis of an indenture Act. I should like the Minister, when he has finished counting the numbers—

The ACTING SPEAKER (Mr. McRae): Order! There is no reference to numbers in the Bill.

Dr. EASTICK: I merely said that the Minister was counting numbers, although I agree that there is nothing in the Bill about that matter. I should like the Minister to say why we are debating this type of legislation when it seems that it would be more in keeping with attitudes expressed previously and with activities undertaken by this House to have an indenture Act arrangement establishing the facilities that we are trying to provide.

I realise that the work being done in relation to the chip industry is not based on the development of a factory in South Australia. Certainly, much material is to be taken from South Australia and exported overseas, initially as chips, and possibly in future as pulp. Indeed, having been made into pulp, the product could be transformed into paper. That involves a much larger project than that which is now being considered. However, I understand that the industry that is the basis of this Bill is a chip factory located at Portland, Victoria.

Indeed, the undertaking would be to utilise trimmings and tops and unusable logs from South Australian and Victorian forests, convert them into chips at Portland, and then convey the chips to the ships at Portland. I am completely in accord with any project that will advance the industrial base of South Australia. Heaven only knows that we need projects that will advance our cause. However, I question just how much advantage South Australia and South Australian workers will receive from the project which is the basis of this legislation when the major works is to be at Portland, Victoria.

Certainly, if it is going to help Australia it is a plus, but we are looking for a situation that will help South Australia and, beyond making provision for the use of what otherwise would be waste materials from the South-East, I cannot see the immediate major advantage to this State. If the Minister has some contrary evidence that he would be prepared to pass on to the House when he replies to the second reading debate, I would appreciate it, because to this time there has been a dearth of genuine information made available to the Opposition.

We recognise that some activities which take place from time to time must be kept under wraps. It is not possible willy-nilly to talk about major projects costing millions of dollars when they are in the formative stage, but we have to ask, in relation to this project, whether it has any relationship to the visit that the Minister of Agriculture made during the latter part of 1978 to India, and whether in fact it is intended that the arrangement forthcoming from this legislation, if it is passed, would be an arrangement between South Australia and India, the factory being in Victoria. However, if the Indian personnel were unable to proceed, we should know whether we would be looking at an arrangement between South Australia and South Korea, with a factory being established at Portland, Victoria.

Many of these matters should have been made known in greater detail to the Opposition. We should not have had to fossick around for information. More particularly, as my colleagues have indicated, the breadth of the final content of the terminology expressed in the Bill is completely contrary to the first principles of the project which is being put before us. I shall be most disappointed to have to vote against this legislation if it means the loss of tangible benefits to the State. However, there is no clear indication that South Australia will benefit markedly from it, and the breadth of the provisions means that eventually, by further destruction and further inroads into private industry, to organisations other than bureaucratic Government organisations, it will be to the disadvantage of South Australia. I believe that the Minister owes it to the House to answer many of these questions before we are asked to vote on the second reading.

Mr. ALLISON (Mount Gambier): I wish to speak briefly regarding the opposition expressed to me personally by timber companies in the South-East, in the logging, milling, and manufacturing sections of the industry. They object, less because of the implied intention of the legislation than because of what they fear will happen because of the very broad definition already referred to by the member for Davenport, who led this debate for the Opposition.

In clause 4, the wood pulp and wood chip portion of the legislation is considerably expanded to include a variety of other commodities; in fact, any prescribed products or commodities. Of course, the timber industry generally, having been wallowing in the depths of a depression, because of the recession in the building trade, is rather fearful that this potential incursion into what it already considers to be its preserve might retard its emergence from that depression, in favour of the Woods and Forests Department, which is already making quite good progress. In particular, the industry is worried that the private enterprise forests already have a proportion of timber thinnings which they are unable to market at present.

They believe that, if the Woods and Forests Department should corner the market in the wood chip industry, they, too, might not benefit and might even be handicapped by the Woods and Forests Department becoming a monopoly organisation having control of the wood chip industry and therefore being in a position to offer the private enterprise forests a less than satisfactory market price for their surplus wood chip. These are points that simply have to be answered by the Minister, because he has implied that there is nothing sinister in the legislation, and I am sure that his Director would back him up on that. On the other hand, the potential for considerable Government expansion into the field that is already not being adequately provided for by private enterprise because of the recession is a very substantial threat.

I would like to hear from the Minister because, like my colleague from the South-East, the member for Victoria, I am mindful of the importance that the Woods and Forests Department has for the South-East. It has been responsible for a fantastic amount of development and is really part of the life blood of the South-East. On the other hand, that is no reason why this department should at the same time strangle other branches of the forestry industry, those operated by private enterprise, in this latest move, which has tremendous potential for expansion by that Government department.

If, in fact, the fears of private enterprise are not justified, I very much hope the Minister will explain to us

not only how he can remove that negative impression that private enterprise has but also how he can give more positive reasons why this Bill has been brought forward. There may be reasons why this Government department may absolutely need to have these clauses in, so that it can perform what are even now under the Forestry Act considered to be legitimate enterprises. If this Bill is designed to cover them, the Minister should explain to the House precisely the nature of those and to what extent the Woods and Forests Department intends to expand outside what we consider to be at present its normal field of activity.

The ACTING SPEAKER (Mr. McRae): The honourable Deputy Premier.

Members interjecting:

The ACTING SPEAKER: I am sorry. The honourable Minister will resume his seat. That was a Freudian slip. If the honourable Minister speaks he closes the debate.

Mr. DEAN BROWN: I rise on a point of order. Should we, Mr. Acting Speaker, congratulate the Minister at this stage, or is that to be left until later?

The ACTING SPEAKER: That is quite beyond Standing Orders. The honourable Minister.

The Hon. HUGH HUDSON (Minister of Mines and Energy): First, I do not think that the fears expressed are justified. We should recognise that the Forestry Act gives the Woods and Forests Department a fairly extensive charter already. The powers of the board of the Woods and Forests Department relate not only to matters concerning forests, the milling of wood, and the sale of timber but also to machinery required in any plant.

It has powers in relation to dealing in property; and powers relating to the management of forests and prevention of fire, together with a series of ancillary powers. The Minister under the Forestry Act, for example, can buy, take on lease or other tenacy or hire any property; sell, let or otherwise dispose of any property; enter into any transaction and do or execute any act, matter or thing which it is necessary or convenient to enter into, do or execute.

The miscellaneous provisions, in section 19 of the Forestry Act, provide that the board or the Conservator, with the approval of the Minister, may on terms and conditions approved by the Minister afford technical advice and assistance on forestry and operations and problems allied therewith to any municipal or district council, or to any other public authority or to persons engaged or about to engage in production or commerce. Consultancy power rests in the Forestry Act.

If we were concerned purely with matters within South Australia, the Bill would be entirely unnecessary even in the terms in which it is drafted, because the powers are in the Act for the department to do all the things to which honourable members have objected. To deal with one canard spread around, over 12 months ago the department was approached to assist a company that was seeking to sell assets. On approaching the department, the company was informed that it was not Government policy to be involved in such transactions under current conditions, and no further negotiations have taken place.

Dr. Eastick: Is there any significance in "current".

The Hon. HUGH HUDSON: Nothing happened. It was over 12 months ago, and there are no negotiations of any description I know of going on at present. The principal purpose of the Bill is to enable the department, through the Timber Corporation, to engage in exports so that export grants can be made available (the department is not eligible for export incentive grants from the Commonwealth) and to improve the borrowing position of the Government so that not all of the investment costs, which are much less than the member for Fisher has suggested, do not have to be met out of Loan funds. The Bill has these two principal purposes. The wood chip proposal is clearly of great benefit to all those involved in the forestry industry in the South-East, not just the department, but Softwood Holdings and Sapfor have considerable extra revenue to be gained as a consequence of being able to sell wood chips as part of the proposed export project.

Not only are there gains for the department and for Sapfor and Softwood Holdings in being able to sell the thinning and pulpwood (and that is a major factor to all forest owners): in addition, by being able to sell those thinnings and pulpwood at an appropriate price, those forest owners also avoid the costs of thinning to waste, and that is important. I am sure that the member for Mount Gambier would be aware of the support of Sapfor and Softwood Holdings for this overall project. They have expressed the view to the Government that they see no way of effectively proceeding with this project other than the way proposed.

Mr. Dean Brown interjecting:

The Hon. HUGH HUDSON: I do not know what representations the honourable member has had from Sapfor or Softwood Holdings. If he has had any, I would be interested to hear them, but I do not believe that he has had any from those two companies.

There are significant advantages to the State, for example, in employment. The main additional labour will take place in the forests as a consequence of a wood-chip project, and not at Portland at all. Indeed, all that may end up being in Portland is a loading facility and the employment there may be absolutely minimal, but we have no alternative if we are to get involved in export other than to use the most convenient and the most economical port, and that obviously is Portland.

We should recognise the fact that the involvement in export creates opportunity in the provision of consultancy services in relation to forest projects, and that along with consultancy services that relate to forest projects, questions will rise in relation to fencing, irrigation equipment, and equipment for processing. If the Timber Corporation gets involved in an export situation, and has to give consultancy services to some overseas project, it has to be able to deal in related commodities. It is a ridiculous situation for the Timber Corporation to be in a position where it can give certain sorts of consultancy services in relation to wood, or wood chip, or wood pulp products *per se* in some sense, and then when the overseas company or Government concerned asks for help through the timber corporation in providing related commodities and consultancy services, it has to say, "I am terribly sorry; the South Australian Parliament passed legislation which meant that we can only talk about wood and anything else that is not entirely wood we have to have nothing to do with." That puts the corporation into a ridiculous situation, and I point out once again that to be eligible for an export grant you have to be a corporation.

Mr. Dean Brown: You really want Federal Government money.

The Hon. HUGH HUDSON: I hope that even the member for Davenport would like South Australia, if there is a Federal Government grant money available, to secure eligibility for that and I hope that at least he, in the absence of his Leader, will be able to take the initiative and say, "Yes, that is good".

Mr. Dean Brown: Why didn't the Minister mention that in the second reading explanation?

The ACTING SPEAKER: Order! Interjections are out of order.

The Hon. HUGH HUDSON: It is very difficult for a Minister in preparing a second reading explanation to be able to work out all the wild imaginings that the member for Davenport will indulge in (and if he tries to guess at them he will miss some) and will still be subject to criticism and the usual furore that the honourable member carries on with. We recognize the fact that, as far as the member for Davenport is concerned, one cannot win and one will be subject to abuse.

Mr. Venning: He's too good for you.

The ACTING SPEAKER: Order! Interjections are out of order.

The Hon. HUGH HUDSON: I am glad you said that, Mr. Acting Speaker, because you restrained me from saying something to the member for Rocky River that I am sure I would have regretted.

Any negotiations for long-term contracts, in relation to timber (and the member for Davenport made some play about this) are initiated at the request of the merchants, because that is the way in which they purchase oregon in particular. The long-term contracts obviate the need for the merchants to merchandise direct, and there are significant economic advantages to be obtained.

Mr. Dean Brown interjecting:

The ACTING SPEAKER: Order! Interjections are out of order.

The Hon. HUGH HUDSON: Where negotiations are going on in relation to any contracts, it is generally inappropriate to try to raise debate on contracts in relation to those matters in this House which may, as a consequence, be put to the disadvantage of one party to the contract. It is not generally advisable practice.

Most businesses, if they are involved in any kind of contractual negotiations, do not want publicity about the details of those negotiations.

Mr. Nankivell: They don't negotiate without authority, and you haven't got that authority yet.

Mr. Dean Brown: Is your Government negotiating—

The ACTING SPEAKER: Order! Will the Minister please resume his seat? While I have been in the Chair tonight I have adopted what I consider to be a reasonable interpretation of Standing Orders. I now consider that some honourable members are over-straining the limits of Standing Orders, which will now be enforced strictly.

The Hon. HUGH HUDSON: The Woods and Forests Department has authority to do these things under the existing Act.

Mr. Nankivell: Not directly.

The Hon. HUGH HUDSON: I am sorry; the department does have that authority. The department is not eligible for export grants. Any investment required has to come directly out of Loan money. That is the fundamental problem. The Woods and Forests Department can give consultancy services now outside the bounds of South Australia. Why should we establish the South Australian Timber Corporation in order to obtain certain other advantages and not provide these same powers to the corporation?

Regarding an alleged agreement between the Minister and representatives of the timber merchants, when the amendment to the Bill was proposed, it was read in the presence of representatives of the Timber Merchants Association or importers, the Minister, the Director and another officer of the Woods and Forests Department—in all, five people. The exact wording of the amendment was read and agreed to.

The honourable member says they do not agree. However, I have been assured by the Director that agreement was reached on the wording, and the Minister has also confirmed this. Members should check the Forestry Act and the wide powers that that Act gives the Woods and Forests Department. These powers will not be extended, in the light of certain proposals, by the Timber Corporation, but certain other advantages will flow. The process of establishing an effective wood chip industry will be assisted as a consequence. Members opposite should reconsider their position and support the Bill.

The House divided on the second reading:

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

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

Majority of 5 for the Ayes.

Second reading thus carried.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Interpretation."

Mr. DEAN BROWN: I believe that this is the appropriate place to raise a couple of matters. The Minister criticised my reference in the second reading debate to a certain contract, suggesting that discussion of that contract may prejudice other contracts.

The Hon. HUGH HUDSON: On a point of order, Mr. Chairman, what has that to do with this clause?

Members interjecting:

The CHAIRMAN: Order! Members of the Opposition are out of order. A point of order has been raised, and the member who raised that point of order is entitled to have it judged. When the Chairman speaks to the Committee, it is proper for the member for Davenport to resume his seat. The Minister's point of order is that the member for Davenport's comments are not relevant to the clause. I was about to draw the honourable member's attention to that point.

I uphold the point of order unless the member is able to relate his comments to the clause, which is clause 4 "Interpretation."

Mr. DEAN BROWN: I accept your ruling and will raise the matter under clause 13, which is the appropriate place. I move:

Page 2—

Lines 1 to 6—Leave out definition of "timber products" and insert definition as follows:

"timber products" means wood pulp or wood chips for export:

Lines 7 and 8—Leave out definition of "related commodities".

The reason for these amendments is obvious: they give the corporation the power it is looking for and allows it to export wood chips and wood pulp. I believe that the advisory services referred to by the Minister, that they are also requesting, can be dealt with in other ways, particularly under the existing Forestry Act. The Minister pointed out that the power exists under the Forestry Act for advisory services; therefore, I believe that the other broad areas covered by these definitions are not required and can be covered elsewhere.

The Hon. HUGH HUDSON (Minister of Mines and Energy): The amendments cannot be accepted. If we were not concerned about the borrowing position and were happy to borrow all the funds necessary for any wood chip projects, provision of consultancy services, or what have you, under the Loan funds as they stand at present, and if the Woods and Forests Department was eligible for Commonwealth export incentive grants, I suppose one

could say that all the powers that are required are in the Forestry Act.

The Timber Corporation is necessary as a body, first, because investment even of a scale half the size that the member for Fisher mentioned earlier would have a serious impact on the Loan position. It is advisable to set up a Timber Corporation that has independent borrowing power. Secondly, why should the State and people of South Australia not benefit from export incentive grants that are available from the Commonwealth? Why should we not make ourselves eligible for those, if we get involved in export arrangements or consultancy services provided overseas?

As I have pointed out before, the basic objective is to provide the same sort of powers as are available in the Forestry Act to engage consultancies and to provide services to other companies. Obviously, if one is involved in the establishment of a wood chip project in another country, there will be a demand for consultancy services. It is stupid to say either that we shall not provide them through the Timber Corporation and provide them instead through the department and, by doing them through the department and earning export income that way, render ourselves ineligible for Commonwealth export incentive grants. That is crazy. The amendments are not acceptable.

Mr. DEAN BROWN: If what the Minister has said is the purpose of the Bill the Government has not drawn the measure so as to meet that. I would be pleased about that sort of purpose, but the word "export" is not mentioned in the definitions. The Bill allows the Government to trade, as it is doing, with Zeds and another firm in which it has a shareholding. If the Minister amends the Bill to cover the areas he has mentioned, I will support him. However, that is not what the definition is about, as the Bill is drafted.

The Hon. HUGH HUDSON: The member for Davenport is a debater of some medium merit, but he plays with words. If we are involved in consulting services with someone in another place (and the Woods and Forests Department could do this anyway) and in the process of establishing something we are asked to provide materials (related commodities), is it necessary to spell out everything? The member has not given my original reply its full meaning. If we are involved in these things, we are involved not only in consultancy but also in other things, particularly if the other country is one of the undeveloped countries.

Amendments negatived; clause passed.

Clause 5 passed.

Clause 6—"Constitution of Corporation."

Mr. DEAN BROWN: I move:

> Page 3, lines 19 and 20—Leave out all words in these lines and insert paragraphs as follows:
> *(b)* two shall be persons appointed by the Governor on the nomination of the Minister;
> and
> *(c)* two shall be persons appointed by the Governor on the nomination of the South Australian Chamber of Commerce and Industry.

It has been stated that not only the Woods and Forests Department would like to use the wood pulp and wood chip facilities if they are established: SAPFOR, Softwood Holdings, and possibly some smaller companies would like to use them. Therefore, it is reasonable that the private groups should have equal representation with the two members of the corporation appointed by the Government. The amendment should not be against the sort of objective that the Government has, and the Government should not object to it.

The Hon. HUGH HUDSON: The amendment is not acceptable. The member for Davenport wants to take control from the Government and give a veto to the South Australian Chamber of Commerce and Industry. It is nonsense for the honourable member to suggest that the amendment is reasonable, and if he was in Government he would not put it forward.

Mr. DEAN BROWN: We have been told by the Minister that there was consultation with the industry in the area and that the private companies were in favour of setting up a corporation. I might add that I consulted with the personnel involved in the private companies and I received a fair indication from two of the major companies that they did not like the Bill as it stood. I was in the process of giving that assurance to the Minister but he enticed me away from it by way of interjection. From what I have heard, the personnel involved do not like the Bill as it stands. They are all in favour of exporting wood chip and wood pulp, but this Bill goes well beyond that. I again urge honourable members to support this amendment.

Amendment negatived; clause passed.

Clauses 7 and 8 passed.

Clause 9—"Quorum, etc."

Mr. DEAN BROWN: In view of my previous amendment being defeated, I will not proceed with this amendment, which is consequential.

Clause passed.

Clauses 10 to 12 passed.

Clause 13—"Powers and functions of the Corporation."

Mr. DEAN BROWN: This clause is the real guts of the Bill. It is where the powers and functions of the corporation lie, and it is the area related to clause 4 where the Opposition takes its greatest offence to the Bill.

The CHAIRMAN: The honourable member can speak to the clause before the amendment is moved, or speak to the clause after the amendments are dealt with. If he is now moving the amendment he has to speak to the amendment.

Mr. DEAN BROWN: I have not moved any amendments yet. I am speaking to the entire clause. I raised the point under clause 4, and I admit that was the wrong place to raise it, in relation to existing contracts being negotiated. If my reading of that contract should cause any embarrassment, it would suggest that some selective negotiations are going on in terms of contracts.

The Hon. Hugh Hudson: Who is the contract between?

Mr. DEAN BROWN: The contract is between no parties, because it was not signed. A contract is not a formal contract between parties until it is signed and approved by the relevant parties.

The Hon. HUGH HUDSON: I rise on a point of order, Mr. Chairman. I am troubled about the relevance of a contract to this clause, because, as the Timber Corporation has not been established, the contract can involve only the Woods and Forests Department or the Forestry Board, and not the Timber Corporation. As it does not involve the Timber Corporation, it cannot be relevant to the powers and functions of the corporation.

The CHAIRMAN: I uphold the point of order. The matter of a contract is not relevant to the clause. If the honourable member wishes to pursue this matter, he has to relate it directly to the clause.

Mr. DEAN BROWN: I am only too willing to do that, Mr. Chairman. Under clause 13 (2) *(e)* the corporation may enter into contracts and agreements. My comments related to the contract, I referred the House to the amendment that I presume the Minister will be moving.

It also relates to the Woods and Forests Department and its aims and objectives. I realise that the Minister is touchy about the contract aspect, but the amendment, which I presume the Minister is about to move, bears significantly on the whole area of contracts proposed

either by the corporation or by the department.

The CHAIRMAN: Order! The honourable member cannot discuss an amendment that has not yet been moved, even though it is on file.

Mr. DEAN BROWN: I do not wish to pursue that point. However, I ask whether the powers and functions being given to the corporation under this clause are really necessary. I remind the Committee that in 1961 this Parliament passed an indenture Act and agreement to establish a wood pulping and chipping facility in the South-East. That Bill (which became Act No. 36 of 1961) was a Bill to approve and ratify and indenture made between the State of South Australia and Harmac (Australia) Limited relating to the establishment of a pulp and paper mill in the State of South Australia and to provide for carrying that indenture into effect, and for other purposes.

I am interested to see that this point has really got under the Minister's skin, because it is clear that the power that the Government is seeking for the corporation already exists and, indeed, has been given to someone else, although it has not yet been exercised. If it is to be established, it should happen by way of an indenture agreement and not by setting up such a corporation. The Minister should a least say why that type of indenture agreement has not been exercised and, if has not been exercised, he should say why the Government could not conduct a similar exercise in conjunction with other countries which apparently want our wood chip and wood pulp, which are willing to enter into a similar agreement to form a separate corporation, and which are also willing to enter into a similar agreement with private forestry companies in the South-East that I presume want to use the facilities.

If the demand that the Minister has suggested exists for this pulp and chip one wonders how much effort the Minister has made in this respect (I bet that he has made no effort) to ascertain whether any company is willing to enter into a similar sort of indenture agreement and to establish such a facility.

Members know the Government's philosophy: it does not like private enterprise in this State and would rather do something itself if it could. Obviously, the Minister would not have made any effort to find a private company to do something that it was considered the Government could do itself. We should be looking for a similar indenture agreement with another new company.

I refer also to the wide functions of and powers being given to the corporation. These go well beyond what the Minister in this place or the Minister of Agriculture in another place (who obviously prepared the documents for this debate) has outlined as being necessary. The Minister has said that those involved would like simply to process timber into wood chip and wood pulp and to export it. However, he has said nothing about selling the commodities inside Australia or about consulting services in South Australia. He said merely that the consulting services were intended solely for overseas purposes, although those involved have power under the Forestry Act to consult within the State. If one looks at the powers that are outlined one sees that they go well beyond the sort of powers that are necessary. I ask the Committee to reject the clause as it stands. I move:

Page 6, line 4—Leave out "timber, timber products or related commodities" and insert "timber products".

"Timber products" relates purely to timber pulp, wood pulp or wood chips.

The Hon. HUGH HUDSON: We did not accept the honourable member's amendment to the previous definition of "timber products", and in broad terms this is partly a consequential matter on what was dealt with earlier. However, the honourable member obviously wants to test it again. He wants to limit the powers of the corporation. He is really saying that the corporation should have very narrow powers and, where there is a necessity in relation to some project outside the State of South Australia to involve other services, we will have to call on the department to provide them rather than on the Timber Corporation, although the overseas country concerned, for example, could well be dealing directly with the corporation. It is a very messy suggestion and an unnecessary arrangement. The 1961 indenture has no validity other than as an agreement between the State of South Australia and Harmac. It never came to reality.

Mr. Nankivell: It was a signed indenture.

The Hon. HUGH HUDSON: It has no relevance to this at all.

Mr. Dean Brown: Except that we could set up a similar sort of indenture—with someone else.

The Hon. HUGH HUDSON: If you were getting someone to establish something in South Australia. I know the Leader of the Opposition does not like getting a bath and has to get even, but it would be better for everyone concerned—

The CHAIRMAN: Order! I am sure that is not relevant to the clause.

The Hon. HUGH HUDSON: No, but it is to the kind of interjection he makes. If you had an overseas or an interstate company, or a company willing to establish a facility in this State and wanting to reach a detailed agreement, you could well end up with an indenture. If we could guarantee investment that way, that would be fine, but we will not be having an indenture if we are involved in arrangements with some other country. They might require some sort of agreement that has to be ratified by their Parliament as to what goes on in their country. It depends on what we are doing. The point made by the honourable member is not appropriate, and I am afraid the amendment cannot be accepted.

Mr. DEAN BROWN: I do not accept the Minister's argument. It would be possible for the overseas country, through a company registered in Australia, to sign an indenture agreement with this State, and to set up a plant so that they could export the chip from South Australia. There is no reason why the overseas country could not set up such a plant.

The Hon. Hugh Hudson: If there were such a possibility we would no doubt have an indenture and present it to Parliament for ratification.

Mr. DEAN BROWN: Can the Minister say what attempts have been made by the Minister of Agriculture to seek out companies which are willing to set up such a facility? Has he promoted the concept amongst the appropriate companies that might wish to do so? If so, can he produce some proof that that has been done? I have heard no such publicity, and I doubt whether the Minister has. We have heard what the Minister has outlined as the purposes and functions of the corporation, but clause 13 gives power to import into Australia—not to export, but to import. That is certainly not the area covered by the Minister.

The CHAIRMAN: Order! We are getting into difficulties again. The honourable member has discussed the clause in a general sense. He has now moved a specific amendment, but he is getting away from it.

The Hon. HUGH HUDSON: I rise on a point of order, Mr. Chairman. The member for Davenport has a series of amendments, one of which deals with the reference to importation. It may be convenient if this amendment is treated as a test amendment. I am happy for the honourable member to refer to anything else that he wants

to amend later in the clause.

Mr. DEAN BROWN: I have already exercised that right, and I thank the Committee. The Minister still has not explained why the power is now needed to import under subclause (2) *(a)*. He has not mentioned importing at any stage, but he has referred to exporting. That shows how the Bill, as drafted, completely goes beyond the sorts of function and power that the Government has referred to.

Amendment negatived.

The CHAIRMAN: I take it that that was a test vote.

The Hon. HUGH HUDSON: I move:

> Page 6—After line 10, insert subclause as follows:
>
> (1a) The corporation shall carry out its functions under this Act in a manner consistent with the aims and objectives of the Woods and Forests Department.

The purpose of this amendment is to provide some assurance to the people involved in the timber industry in South Australia that the Timber Corporation will not do anything different from what the Woods and Forests Department has power to do, anyway. The activities of the Timber Corporation will, in effect, be related to interstate activities and overseas activities, where it is appropriate that we should be involved. For example, if we build a loading facility at Portland, it is hard to use some of our scarce Loan funds to do it. It is much better to have this corporation, which can then borrow to do it, if money has to be invested in another State. The purpose of the meeting between the Minister, departmental officers, the Director, representatives of the Timber Merchants Association, and representatives of the importers was to say, "The Timber Corporation is a vehicle that will make for a more convenient way of doing the things that the Woods and Forests Department already does when we want to get involved in interstate activities or overseas activities. There are advantages from our viewpoint in doing it in that way." I have given an assurance to members, and I have been informed by the Minister of Forests, that this amendment was read out to the people at the meeting. That has been confirmed to me by the Director, Mr. South, and representatives of the timber merchants and of the importers agreed that that was a suitable wording.

Mr. DEAN BROWN: I hate to stand in this place and say, "My people have told me something different from what the Minister's people have told him," but I am afraid I will have to do that. Since the Minister's reply to the second reading debate, I have checked with someone who was at that meeting, and certainly what that person said to me agreed with what two people said to me yesterday immediately after leaving the meeting with the Minister; that was that there was no specific amendment put down on paper and handed to them with the statement, "Here! Do you agree with this specific amendment?"

I understand that some general wording was talked about and, from what I was told, it specifically referred to the Forestry Act. The Minister's amendment in no way restricts the powers and functions in the Bill. Where in any Act do we ascertain what are the aims and objectives of the Woods and Forests Department? It is a nebulous and ill-defined provision that no-one could take to court and challenge because, legally, it would have no standing whatsoever. That is why the people at the meeting agreed, as I understand, that it was to be limited to the powers under the Forestry Act.

Mr. Tonkin: What are they?

Mr. DEAN BROWN: They are not as broad as the Minister has tried to suggest. The powers are fairly restrictive, and I refer particularly to the area that gives the broadest power of all, namely, section 13. The Minister, on the recommendation of the board, may sell or otherwise dispose of any tree or timber produced in forests under the control of the Minister and any milled products produced in the milling or treatment of such trees or timber. That is not as broad as the powers given to the corporation.

The Hon. Hugh Hudson: Read the other provisions.

Mr. DEAN BROWN: There are other provisions, such as the consultancy services, but it does not give the Minister the power to import, export, buy, sell or otherwise deal with timber or timber products or related commodities. Under the Forestry Act, it can deal only with timber from its own forests, whereas under the Bill it can import timber from Canada or elsewhere. The powers of the corporation do not equate with the powers under the Forestry Act. I will read the following statement by the Timber Merchants Association, regarding what it said it had agreed to with the Minister. The association states:

> The timber merchants' delegation was received this morning by the Minister of Forests (Hon. Brian Chatterton). Following discussions, the Minister gave sureties that the powers and functions of the proposed corporation as set out in clause 13 would be amended to limiting them to those powers and functions currently permitted under the provisions of the Forestry Act, 1950-1974.

The amendment does not achieve that. Can the Minister outline what are the aims and objectives of the department as laid down by an Act? I do not believe that he can find any. Even if he said they were the aims and objectives of the Forestry Act, legally I believe it would have no meaning whatever.

The amendment does not restrict the existing powers one iota. I am sure that the Timber Merchants Association and the timber importers, both of which bodies objected to the Bill because of its broad functions, would never have agreed to an amendment that did not restrict the powers as they currently stand. We know what the Minister of Forests is like. The fishermen of South Australia know what he is like, and other groups do, too. He makes assurances, and does not back them up.

Mr. Gunn: A double-crosser.

Mr. DEAN BROWN: He is a double-crosser. He is well known throughout the State as being a double-crosser. He is a man who has little honour when it comes to this type of agreement.

The CHAIRMAN: Order! The honourable member should know better than to reflect on a Minister in another place. I ask him to withdraw the words "double-crosser".

[Midnight]

Mr. DEAN BROWN: I withdraw the statement that the Minister is a double-crosser, but we all know what the Minister in another place is. The editorials of the newspapers have referred to him, and interested groups that he has dealt with have talked about him and he has a reputation throughout this State for it.

Dr. Eastick: Do you think he is one of the Minister's the article referred to, and the Premier had to take the work home and sort it out.

The CHAIRMAN: Order! The Minister of Forests or any member in another place is not the subject of this clause.

Mr. DEAN BROWN: The Minister's actions are. The Minister in another place gave an undertaking, and I believe that that has been breached. If the undertaking as proposed by the Minister in this place is involved, I think it is relevant to the clause and I certainly oppose the amendment. Frankly, it does not matter whether it goes through or not, as it does not add or detract from the Bill, and does not restrict it in any way.

The Hon. HUGH HUDSON: I object to the honourable member's remarks about the Minister. Secondly, I have already said that the nature of the agreement was confirmed to me personally by the Director as well as by the Minister. The honourable member's remarks are a reflection on the Director as well.

Mr. Dean Brown: Two people confirmed what I have said.

The Hon. HUGH HUDSON: We all know what the honourable member's reputation is as compared to that of the Director, and I will leave that open to judgment. I find it embarrassing to have to include the Director and the Minister in the same sentence with the honourable member, but I add that the Director of Woods and Forests has spoken to a leading member of the timber industry tonight who was not at the meeting (and I have no doubt that the Director will be willing to give the name of the person concerned confidentially), who confirmed in detail with the Director that the words of this amendment were the words agreed to at that meeting and according to the report that had been given to him by people who were at the meeting.

Mr. Dean Brown: Who was it?

The Hon. HUGH HUDSON: If the honourable member wants to ask the Director, he may be willing to tell him.

The CHAIRMAN: Order!

The Hon. HUGH HUDSON: The honourable member for Davenport has not said one word about whom his sources are. He has just said that he has been told by two people who were there. I have specifically named my sources and have also said that the Director spoke to a leading member of the timber industry, and would be willing to confirm on a confidential basis who it was, and who confirmed tonight the basis of the agreement that was reached, and that is the exact terms of the amendment that has been moved. I do not know how to satisfy the honourable member, but I am satisfied that this amendment reflects the agreement that was reached.

Mr. DEAN BROWN: I do not wish to prolong this indefinitely, but I am prepared to name the two people who came to see me. They told the Minister at the time that they were to see me. One was Mr. Lloyd and the other was Mr. Childs. They informed the Minister that they were to see me and they would report on the meeting. Furthermore, Mr. Lloyd put out a public statement that was released for the press that clearly indicated what they understood was the agreement reached, and this public statement backs up what I have said and certainly does not back up what the Minister has said.

The Hon. Hugh Hudson: They did not agree to those words. The matter can be taken up in another place.

Mr. DEAN BROWN: I will not reflect upon the Director.

The Hon. Hugh Hudson: But you will if you have to.

Mr. DEAN BROWN: I am willing to reflect on the Minister, because I have had previous experience. I have checked with someone who attended that meeting. If there is misunderstanding, it is important that this agreement be clarified. If those involved are unhappy with the amendment as proposed, the Minister should amend it so that the parties who attended that meeting with legal advice accept the amendment. I am not satisfied. The Forestry Act is not an adequate safeguard. The Government should justify the establishment of the corporation, and this has not been done. I do not propose to proceed with a debate on who is right and who is wrong. Another conference should be called and the parties should reach a new agreement, suitable to the solicitors of all parties.

Dr. EASTICK: The Minister indicated that a wharfside facility at Portland might be established for the delivery of wood chip to a vessel. He gave the distinct impression, and said earlier, that the chipping facility could be established in South Australia. The Committee should consider the situation of timber being carted from Victoria to South Australia to produce chip, which is then carted back to a loading facility at Portland. Any person with an ounce of nouse, when considering the feasibility of the project, which would run into millions of dollars, would recognise that the chipping facility would need to be as near as possible, if not at, the site of delivery. I do not want this Bill to pass with the belief expressed by the Minister that South Australia will benefit because of the establishment of a chipping facility in South Australia.

The cards should be put fairly and squarely on the table. The feasibility of the whole process is on the basis that the $25 000 000 will be spent in Victoria and that timber will be taken from both South Australia and Victoria for the production of chip, which will either go overseas as chip or may ultimately become pulp and paper at Portland or thereabouts. Large loads of material could not be brought back to South Australia to produce chip, and then carted back for export from Portland.

The Hon. HUGH HUDSON: It is expected that the wood will be chipped in the field, both in South Australia and Victoria, and the chips carted to Portland. If that is not feasible, a chipping facility will be established at Portland, but at this stage it is expected that it will be feasible. It is not a question of the kind raised by the honourable member. Luckily, there are people involved with more than an ounce of nouse.

Amendment carried; clause as amended passed.

Clause 14 passed.

Clause 15—"Employees."

The Hon. HUGH HUDSON: I move:

> Page 7, after line 4—Insert subclause as follows:
>
> (1a) The terms and conditions of employment of any employee appointed in pursuance of subsection (1) of this section shall be determined by the corporation with the approval of the Public Service Board.

The amendment gives employees of the corporation a status and salary similar to those of employees within the Government service. There will be a procedure to ensure reasonable relativity between the wages, salaries and conditions that apply in the corporation and those within the Woods and Forests Department. We are not putting the Government in a position where differential conditions applying for similar categories for people between the corporation and the department would apply and result in trouble.

Amendment carried; clause as amended passed.

Remaining clauses (16 to 25) and title passed.

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

> That this Bill be now read a third time.

Mr. DEAN BROWN (Davenport): I oppose the third reading. As the Bill comes out of Committee, it is in similar form to the form in which it went into Committee. The powers of the corporation have not been restricted or cut back. It still has the chance not only to export products but also to import them. It has the chance to establish itself as a major retailer not only of timber products but also of related commodities. The corporation could move into areas, as suggested by the member for Fisher, as a major retailer of hardware in South Australia. That area is well beyond that outlined by the Government as a need, and I therefore believe the House should oppose the third reading.

Mr. TONKIN (Leader of the Opposition): The member for Davenport has ventilated most of the deficiencies of the Bill (and they are clear) as it comes out of Committee. The Bill is just one more in what is becoming an ever-increasing line of legislation designed to intrude more and more into the private sector.

The DEPUTY SPEAKER: The Leader should relate his remarks to the Bill as it comes out of Committee and not move into what is a second reading speech.

Mr. TONKIN: You are right, Deputy Speaker; I am talking of the Bill as it comes out of Committee, and by its provisions it presents the most appalling potential for intrusion into the private sector of industry, particularly the timber industry. I put on record the Opposition's total opposition to this legislation and all similar legislation. In the past there has been a tendency for Bills to be introduced and to be passed through Committee with amendments that have caused—

The DEPUTY SPEAKER: Order! The honourable Leader is now relating to previous legislation that has come before the House. He must direct his remarks to this legislation as it comes out of Committee.

Mr. TONKIN: I had not finished my sentence: I said that in the past Bills have been introduced in exactly the same way as has this Bill, and have come out of Committee in exactly the same way as has this Bill, with amendments to have supposedly improved it, to limit its power or whatever.

As it comes out of Committee it has done none of those things. We have been through a meaningless exercise. I am strongly opposed to this Bill, and we will be strongly opposed to any other Bills that do exactly the same thing. The Opposition will not stand in any way for an intrusion into the free and private enterprise section in this State which is at present providing a service which is quite adequate, and perfectly satisfactory, and which will not be in any way improved by the introduction of this Bill. I oppose the third reading.

The Hon. HUGH HUDSON (Minister of Mines and Energy): I reply only to put on record the fact that the Leader had once again misrepresented the position in relation to the Timber Corporation proposal. This proposal will assist private enterprise. It will assist all forest owners in the South-East of South Australia to sell their products and operate their private enterprises more efficiently. Those benefits to private industry and the State as a whole should not be ignored or lost sight of in the midst of the doctrinaire attitude of the Leader and the member for Davenport. I ask members to support the Bill.

The House divided on the third reading:

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

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

Majority of 5 for the Ayes.

Third reading thus carried.

ABORIGINAL HERITAGE BILL

Adjourned debate on second reading.

(Continued from 15 February. Page 2697.)

Mr. ALLISON (Mount Gambier): The Bill repeals the 1965 legislation which covered Aboriginal and historic relics in South Australia. The present move by the Government separates the two branches of historical preservation and heightens the emphasis being placed currently on the need to preserve Aboriginal relics, items, artefacts, and so on, and the more westernised historic relics are dealt with in legislation that will be debated later this evening.

The Opposition supports the principle of the Aboriginal heritage legislation and is mindful that the committee to be appointed by this Bill will specifically consider Aboriginal sacred beliefs and ritual and ceremonial usage. In so far as these can be ascertained, they will be regarded as the primary consideration when the committee is making any form of recommendation to the Minister for preservation, acquistion, declaration, etc., of Aboriginal relics.

We therefore support the principle of the legislation, whilst at the same time foreshadowing amendments, the majority of which are minor, that will be moved in the Committee stage. One or two points in the Minister's second reading explanation are particularly worthy of note. One is a rather illogical suggestion that inherent in this Bill is the unquestionable right of Aboriginal people to have a say in what happens to their heritage. A westernised concept is being introduced and, normally, the Aboriginal people have not been particularly concerned about the preservation of artefacts and about personal possessions but have been far more concerned about the land itself. This point of view has been put forward by several experts on Aboriginal matters, including the late Professor Strehlow, who some years ago remarked on the particular affinity that the Aborigines had for the land and on their lack of concern about possessions.

We agree that both for the Aboriginal people and for Western culture, the preservation of any form of historical relics is desirable, because it represents an exchange of culture and a link with the past, and it is very important to have some knowledge of one's cultural roots. With Aborigines moving across the entire length and breadth of Australia, there may be some problem confronting the committee in trying to establish the precise nature and exact value of land sites, in particular, and their totemic and religious significance. It has been said rather cynically in debate recently that some totemically significant land forms have been "discovered" fairly close to recently developed mining areas in Central Australia. This simply highlights the problems the committee will have in defining areas before it makes recommendations to the Minister.

It is quite significant that the Minister highlighted a major deficiency in the previous legislation. This was the fact that there was no Aboriginal representation on the board under the 1965 Aboriginal and Historic Relics Preservation Act. The Minister foreshadowed that Aboriginal representation would be included on the new committee. However, the Bill completely omits to specify any groups of people who may be included on the committee. For that reason, we shall be moving an amendment to specify that three Aborigines should be included on that committee. This is precisely in line with what the Minister indicated he intended to do.

It is also significant that nominated as members of the board under the original legislation were representatives of the Adelaide University, the Museum Department, the Aboriginal Affairs Department, the Lands Department and the Pastoral Board. In particular, the Director of the South Australian Museum was specifically nominated to be not only the Director but also the protector of relics. Although there has been no reference to it in this Bill, we are wondering whether Aboriginal heritage will be partly

or wholly divorced from the present South Australian Museum and, in fact, placed under completely separate control. I should like the Minister to comment on the Government's intentions regarding the disposition of currently held relics, and to say whether they will remain with the South Australian Museum, or whether a completely separate museum will be established in Adelaide or elsewhere. It has been rumoured, for example, that a museum might be established in the North, say, in Port Augusta.

Mr. Tonkin: Did anything come of the Wellington proposal?

Mr. ALLISON: I have not heard any more about that. I have not heard of any confirmation of moves in any particular direction, and we would ask the Minister to comment on this when he replies.

The Bill centres on the Aboriginal heritage and places on Aboriginal collections an emphasis that has previously been missing. In his second reading explanation, the Minister said he was hopeful that the adverse effects of recreation (we assume that he meant recreation of Western-oriented people), of exploration (in particular, minerals) and of the problems of remoteness and isolation would be cured by the Bill.

I suggest that this is probably an optimistic point of view on the Minister's part and that, in fact, unless there is considerable policing of this legislation, problems will still be experienced because of the remoteness of many Aboriginal sites of totemic, sacred and religious significance. There is still a possibility that irreparable damage might be inflicted on totemic sites despite this legislation. There is provision, for example, for sign-posting and fencing totemic areas. Whether or not that provision is exercised, it could be questioned whether it is desirable, as this would highlight the areas from which people might be excluded in order to protect the site. They might be excluded more effectively from the sight if fences and sign-posts were not erected.

Then, one is faced with the problem that this Bill provides heavy penalties, that ignorance is not (and never has been under the law) an excuse under this Bill, and that someone might be convicted for damaging or trespassing on a site or an artefact in ignorance without knowing that it had been declared in the *Gazette*, which few people read in any case.

I can see a problem, first, of advertising unnecessarily and probably creating the damaging situations and, secondly, of someone's being punished for his ignorance. I do not know of any way out of that, although I suggest that a person might be able to claim a defence somewhere under this legislation through not knowing or through unwittingly trespassing, whereas, in fact, there is no provision for appeal, other than for the matter to go to court to be summarily dealt with and for the person concerned to appeal to a higher court if he considers he has been wrongly accused and sentenced. Any person taken to court has that right. However, it is an ultimate appeal rather than an early one. The Opposition has therefore foreshadowed another amendment under which a right of appeal may exist a little earlier, probably when land is being declared, although that still would not cover the whole situation.

This is a problem area, and we realise that the preservation and protection of Aboriginal sites, relics, artefacts and areas of totemic significance are the main concern of the legislation, and the Opposition supports that concept.

I intended to refer specifically to the Strehlow collection of tjuringas, which were extremely personal objects given to Professor Strehlow. Each Aboriginal in possession of the tjuringas has a right of disposition of them. I understand that the member for Torrens will refer to this matter, so I will not take up the time of the House in duplicating that argument.

I find it somewhat ironical that this is a westernised concept of preservation of artefacts. Probably, the significance of the Strehlow argument is that these tjuringas may have been completely lost to the Aboriginal heritage had not one person collected together and protected them, so that they were still available to be further protected and cherished for what they are.

I understand that there is some area of dispute since, being useless to anyone other than the original holder, they may have been disposed of and regarded by Aborigines as being absolutely worthless. I am not able to confirm or deny that. Perhaps the Minister may be able to comment on it from knowledge rather than my doing so in ignorance.

I am concerned that no appeal has been built into the legislation, and that the matter is arbitrarily and unilaterally dealt with by the Minister. We would like to see some form of appeal other than through the courts of summary jurisdiction. We believe that that is a rather belated appeal and could be quite costly.

We recognise that some substantial penalties have been built into the legislation—far more substantial than the 1965 penalties—but, while it may be conceived that this form of heavy penalty is directed against Western intruders, it might also be conceived that Aborigines themselves might infringe against this legislation, either knowingly or unwittingly, and that these heavy penalties might be inflicted on Aborigines. We believe that both sides of the argument should be considered. I have considered an amendment to the legislation, involving a straight-out nomination of a sum; for example, the sum of $1 000 is mentioned as a punishment, without referring to a specific clause, and a sum of $500, $1 000, $10 000, or imprisonment for three months. They are not light penalties. I am assured by the Parliamentary Draftsman that these are maximum penalties. I was under the impression that we had to insert the words "not exceeding" in order to provide that these were maximum penalties, but I have been assured by the draftsman that the penalty is the maximum and that the court of summary jurisdiction would be able to fine anyone convicted a sum much less than the maximum sum named in the legislation. Perhaps the Minister would give his affirmation of that policy.

The onus of proof is on the trespasser, the transgressor of this legislation, and we believe that the onus of proof is similar to that which was built into the racial discrimination legislation, and that it is not a desirable element to build into the law. We have always assumed that in Western legislation—and this is Western legislation irrespective of the subject matter—the onus of proof should be on the accuser and not on the accused. It places the expense of proving innocence upon the accused, and we think that is incorrect. It has been built into previous legislation in probably two or three matters brought before the House over the past couple of years, and it seems to be an increasingly useful form of removing expense from the Government's door and placing it at the public door—not a desirable element.

Most of the matters which I shall deal with more specifically can be dealt with in Committee. In principle we support the legislation. I foreshadow some amendments, which I hope the Minister will accept.

Mr. WILSON (Torrens): As the member for Mount Gambier has said, we support the legislation, and certainly

I support the principle behind it. The concept of the protection of items of Aboriginal heritage is a most important one, and I should like to amplify that principle by reading to the House a couple of extracts from a report of the Select Committee on the Native and Historical Objects and Areas Preservation Ordinance 1955-1960 of the Legislative Council of the Northern Territory. This submission to the Select Committee was made by the late Professor T. G. H. Strehlow, when he was Reader in Australian Linguistics at the University of Adelaide. The first extract supports the principle of this type of legislation, but points out certain dangers in it.

I ask members to bear in mind that Professor Strehlow is referring to a Northern Territory ordinance which was being drafted for these very purposes and which was not all that dissimilar from this Bill. Professor Strehlow states:

> The ordinance, as is stands, gives no indication that it recognises the fact that all sacred sites were once regarded as being owned by all members born into the appropriate local totemic clan, and that all other persons—unless expressly invited to visit them by the headman of the totemic clan—were regarded as trespassers meriting the death penalty. Similarly, the exact locations of sacred caves could not be divulged to any outsiders on pain of death.
>
> While the death penalty has been removed by our modern Australian laws, it is surely proper that in a country professing to guarantee religious freedom, the religious rights of the indigenous inhabitants should be expressly protected in an ordinance which deals, among other things, with sacred sites and sacred objects. If not only Christian churches, but also Jewish synagogues, Moslem mosques, and Masonic temples are protected against unauthorised entry and despoilation, why should not these ancient Aboriginal sites be granted similar privileges? If any "outsiders", such as missionaries, Government officials, or anthropologists wish to know something about them, surely they should carry out their researches only after they have been invited in the traditional manner by the appropriate totemic clansmen. They should then be content—as I have been—to be shown and to be told only what the Aboriginal owners were willing to show and to tell them.
>
> On no account should outside persons who have been given such information abuse their trust by going to these sites again uninvited on subsequent occasions and by taking other uninvited visitors there.

The member for Mount Gambier has canvassed this Bill thoroughly but I draw attention to clauses 24, 25, and 26, which provide for penalties for persons who remove or otherwise interfere with an item of the Aboriginal heritage or who do not take reasonable measures to protect any item of the Aboriginal heritage. Clause 24 (4) provides:

> A person shall not sell any item of the Aboriginal heritage unless the sale is to the Minister or with his written consent.

Clause 25 (1) provides:

> Where the Minister has reason to believe that items of the Aboriginal heritage may be lying upon or under any land, he may, by instrument in writing, authorize any person to enter and excavate the land (either within or outside a protected area) and to remove any items to safe storage.

Clause 24, especially, uses the word "person". Professor Strehlow has something to say about the use of the word "person". Of course, he is referring to similar clauses in the Northern Territory ordinance. Professor Strehlow states:

> The term "a person" embraces not only the white folk in general, but also the Aboriginal clansmen who own these objects. To demand that an Aboriginal clansman owning a sacred object which is, in the Aboriginal law, his most intimately personal property "shall not knowingly conceal" it, or that he "shall inform the authorised officer or a member of the Police Force" of the Northern Territory where it is situated, would be a most unreasonable order, and might be at variance even with the laws of the land, which do recognise the rights of private individuals both to carry out their religious observances freely and to own private property.

There, Professor Strehlow is referring to both whites and blacks. He continues:

> Neither can white persons who have been entrusted with tribal secrets of this kind divulge it to outsiders on peremptory demand without breaking their word of honour.
>
> Again, an Aboriginal owner must be given the right to entrust his property to whatever guardian he has personally selected. I do not for a moment doubt that the framers of this ordinance had no intentions whatever of crushing Aboriginal religion by force or of confiscating private property.

I make that point, because I believe that, when legislation of this type is drawn up, it must be drawn up carefully. There are certainly differences between the Bill and the Act. The Bill contains no power of compulsory acquisition concerning artifacts by the Minister, whereas the power exists in the original Act.

Having mentioned the late Professor Strehlow, I now move on to the question of the private collection now in the possession of his widow and of the Strehlow Foundation. It is extremely important for the future study of anthropology, not only in this State but elsewhere in Australia and throughout the world, that the Minister and the Government are aware of the importance of this collection. The late Professor Strehlow's father started collecting at the Hermannsburg mission in 1898, having been intimately connected with the Aboriginal people. Professor Strehlow, having lived with the Aborigines for all of his younger life, started his personal collection in 1932. So, since 1898, the collection has been built up on the basis of mutual trust between the Strehlow family and the Aborigines amongst whom they lived.

The collection consists of several items. First, it consists of books and films, many taken pre-war on the old-fashioned type of celluloid film, which is subject to deterioration and which must be stored correctly. There is the danger that these will be lost foreever unless something is done about them. The collection also consists of artefacts, both sacred and non-sacred, and there has been publicity about them over the past year. The collection also consists of paintings, but the most important thing in the collection is the professor's notebooks, which could be deciphered by him, and now by his wife. The key to the whole of the collection is the notebooks, because they co-ordinate the collection. If the collection is to be an entity, the notebooks must be deciphered, thus requiring many hours of research, and it will be a costly exercise.

The real point of all this is to make plain to members that the collection should not be broken up, but should remain as a single entity. Not only do I say that, but Aboriginal experts throughout Australia and overseas maintain that the collection is so priceless in its historical and anthropological value that it should remain as one entity. Two or three years age, the Strehlow Foundation was founded for the purpose of maintaining the collection as a single entity. The foundation is not just a foundation of partly interested people, but it contains amongst its members Pastor John Sebel (and I am sure that the Minister would know him) from the university; Mr. Vincent Serventi, a member of the National Heritage Commission; Dr. Harold Medlin; Professor Donald Stranks, of the University of Adelaide; Professor Alex Castles; and Professor Behrndt, of the University of Western Australia, Pastor Albrecht, and Professor Levi Strausse, of France, and many others, both within South

Australia, Australia and in Europe.

All of the members of the Strehlow Research Foundation are adamant that the collection must be kept as a single entity. That is the point that is worrying me about this Bill, because there is a possibility (although there are no powers of compulsory acquisiton) that this priceless collection could be dispersed. In about August or September last year I asked the then Premier, the Hon. Don Dunstan, in this House whether he would investigate what help the Government could give to the Strehlow Research Foundation to pursue its objectives. The Premier said that he would look into the matter, and I understand that investigations are continuing, although I have not been told officially. I hope the Minister of Community Development may be able to enlighten the House as to how far the Government has got in its investigations. I understand that Dr. Ling from the Museum was involved at one stage, and I think the matter is now under the control of the Minister of Community Development. I have much pleasure in supporting the Bill, and I will support the amendments to be moved by the member for Mount Gambier.

Mr. WOTTON (Murray): I support this legislation and congratulate the member for Mount Gambier and the member for Torrens for the contributions that they have made to this debate. I believe that every person in this House recognises the importance and the need to protect Aboriginal relics in this way, and we welcome the legislation that is before us now. Many significant sites, important to Aboriginal culture and to the cultural heritage of Soth Australia, are well known, and some are yet to be discovered. It is vitally important that we protect these areas.

The member for Mount Gambier has foreshadowed amendments, and I will just touch briefly on one matter he has raised, because it concerns me. I was pleased to see that the Minister proposes that some three members of the Aboriginal Heritage Committee will be Aborigines, one of whom will be a member of a tribal group. In November last year I asked a Question on Notice of the Minister for the Environment (now the Premier) as to the possibility of Aboriginal representation on the Aboriginal and Historic Relics Advisory Board, and the Minister in reply said that such recommendations had been received and were being studied by officers of the Environment Department. It is gratifying to see the intention of the Minister included in his speech. However, I note that specific qualifications for certain members of the proposed committee are not written into this Bill. Therefore I believe the good intentions of the present Minister need not necessarily be followed through by subsequent Ministers, and I believe that this situation should be clarified and consideration given, as will be the case, to amending this legislation.

About three weeks ago I put a Question on Notice asking when it was anticipated that the Aboriginal and Historic Relics Preservation Act would be amended or redrafted. I also asked whether the people of South Australia would have the opportunity to contribute to, and/or comment on, any draft Bill or amendment. Those questions have not been answered, but I suppose they have now been answered by the introduction of this Bill. I understand from those people involved that a great deal of contact has been made with people qualified in this area. I support the Bill.

Mr. GUNN (Eyre): One of the reasons why this legislation is currently before the House is the concern expressed by people in the northern part of my electorate and by people in the opal mining areas of Mintabie. Those people were concerned that areas of significance to the Aboriginal people at Indulkana could be damaged or interferred with by mining operations, and the Minister was prompted to introduce this Bill. During one of my regular visits to that part of my electorate, this matter was brought to my attention. I told concerned constituents that they should approach the Minister of Mines and Energy, because it was unrealistic to consider a total ban on mining operations in that part of the State. The miners were operating within the law, and had been doing so for a long time.

It is also reasonable, proper and necessary that those areas of significance to Aborigines be protected, and they should be designated on a map and set aside. This Bill will enable that action to be taken. Unfortunately, after seeking expert advice, I was informed that there are no provisions, as there were in the previous legislation, to appoint local managers or landholders as inspectors or wardens. Could the Minister explain the reason for this? Owners and managers of properties do not want the general public to have open access to their properties. They should be given certain rights under Statute to protect areas under their control, and they would be the most qualified to do this.

These people would know if an unauthorised person drove across their property. I know of a case in my district where an inspector was enthusiastic about looking after certain sites under his control. It is unfortunate that this provision has been deleted, particularly in the absence of adequate arguments. I was a farmer in the northern part of the State, and I always knew when somebody had been driving around my property. If people are interested in these areas, they should be given an opportunity to protect them.

No sane person would allow members of the public to visit such sites if Aborigines did not want them to be there and there was any likelihood that the sites would be damaged. I draw the Minister's attention to clause 23, under which it seems the Minister has powers of compulsory acquisition. I suppose this legislation should be read in conjunction with the Bill now being considered by a Select Committee which gives the Pitjantjatjara people title to land that they have occupied for many years. Certain provisions in this Bill will dovetail into that Bill.

I know of cases where people in my electorate have gone to much trouble to collect material which, but for their initiative, would not have been collected and preserved. Therefore, I hope that the Minister will not take action to acquire compulsorily such material. It is right and proper that, if the people concerned wish to dispose of it, the Minister should be in a position to purchase it, especially to ensure that it does not leave the State and that it is looked after by the appropriate experienced body with suitable buildings, etc., to house such material.

In supporting the second reading, I emphasise how essential it is that we ensure the protection of the heritage of Aboriginal people. It is also essential that we give property owners who have sites of great significance to the Aboriginal people the opportunity to assist in ensuring that irresponsible elements and vandals do not damage those sites. That can be done only by giving them power under the Act.

With more and more people using four-wheel drive vehicles and trail bikes throughout the State, if we are not careful they could invade and damage significant areas, and landholders could find themselves in a difficult position. I understand that holders of pastoral leases do not have the same power as others to remove people who

may be causing damage to significant areas.

As the Minister is aware, many significant areas are isolated, and in those areas the landholders cannot call on the services of a police officer or an inspector established under this legislation. In replying to the debate, I hope the Minister will take my comments as being constructive and not destructive or advanced on the basis of opposition. I make these comments as one who, although having only a limited knowledge of this matter, has a reasonable knowledge of the northern parts of South Australia.

The Hon. J. C. BANNON (Minister of Community Development): I appreciate the constructive and positive manner in which the Opposition has approached this Bill and the support which has been shown, obviously with some reservations that we shall be able to consider more closely in Committee. The question of Aboriginal representation on the committee, as was pointed out by the member for Mount Gambier, was alluded to by the Minister and singled out for special reference in his second reading explanation. It is also something that concerned the member for Murray in his contribution. That can be covered in Committee, and I understand that an amendment is foreshadowed.

The member for Mount Gambier referred to currently held Aboriginal items of which the State has a rich collection mainly held in the South Australian Museum. I think those particularly were the items he was referring to. There has been criticism going back many years about the way in which those objects are held, stored, displayed and looked after. It is something that the Government is aware of and is taking action to do something about.

I have previously announced that the Government has commissioned, with the consent of the Australian Council and the Federal Minister, the services of Mr. Bob Edwards, who is the Chairman of the Aboriginal Arts Board of the Australian Council and who worked for some years in the South Australian Museum, to do a special study of the collection and its situation and to make recommendations to the Government. We have, in fact, already begun tackling the accommodation problem at the museum which we hope will improve the storage. I will be making a Ministerial statement on that matter during this session.

As well as the Edwards study, reference was made to other proposals, for instance, the one emanating from the north, which relates to a special ethnographic museum sited either at Port Augusta or in the ranges. A detailed submission is being presented to me as Minister of Community Development by the member for Stuart, who represents that area. That will be taken into consideration, along with other proposals for regional local museums, in the form of a study I will also be announcing shortly. I assure members opposite that the Government is aware of the situation of those Aboriginal items held by the State in the Museum collection and is taking action as a matter of urgency to ensure that that collection is properly assessed, housed and made (where possible) accessible to the public and accessible for its research function. An announcement will be made concerning that shortly.

The problem of policing the Act was alluded to by the member for Mount Gambier and the member for Eyre. Obviously, that is a great difficulty, particularly with sites in remote areas. Substantial penalties are provided in this Act so that people who trespass, destroy or damage are doing so at great risk, provided they can be caught. The problem of signposting is a valid one. Does one erect signs that draw attention to a site and perhaps attract vandalism or something of that nature, or does one leave areas unsignposted, which involves the problem of somebody stumbling on to the area and inadvertently causing damage and thus being subject to the penalties prescribed in the Act? That is the sort of decision that will have to be made in the administration of the Act when it comes into force. There are problems, and any constructive suggestions about how those problems can be solved will be welcomed by the Government, from what ever quarter they come.

We appreciate the support and concern that members opposite have shown. The member for Torrens has referred to the penalty clause dealing with persons and he was concerned that this would include Aboriginal persons who may have some legitimate reason to use certain items or be on particular sites. He was concerned that this provision may put people at risk under the Act. I draw his attention to clause 6, which is specifically drawn to cover that eventuality.

The honourable member's concern about the Strehlow collection being properly housed and preserved for the benefit of the State is certainly shared by the Government. The honourable member referred to Professor Strehlow's father, who began the collection in the 1890's. Most of the elder Strehlow's material is held by the State in the museum and much of our fine ethnographic material comes from that source. However, important material in the current Strehlow collection is under the aegis of the research foundation, although I am not sure of the foundation's powers in relation to the collection and its disposal. That is a somewhat murky area.

The Government is aware of the importance of the collection, the need to keep it together, and the need to get it properly evaluated and assessed (that has not been done yet). In the case of Professor Strehlow's notebooks, that will not be an easy task. They are written in Arunta and German and scholars will need to work on deciphering, translation, and so on. Mrs. Strehlow has indicated her interest in being a part of that process. Professor Stranks, of the university, and the head of my department have had discussions on the Strehlow collection. There have been no direct negotiations with Mrs. Strehlow on the subject, as she has been absent from Australia. At one stage she was in Germany, where there has been interest in the collection.

We are anxious that that collection be kept for the benefit of the people of South Australia, most importantly the Aboriginal people. Therefore, negotiations will contine. The Bill gives us some powers that at present we do not have so that we can make sure that ultimately the Government will be able to ensure that the collection remains with us. However, I do not think the position will come to that.

The member for Eyre has referred to the fact that under the Bill inspectors can only be police officers or Aboriginal inspectors and that there is a lack of the landholder inspector, the honorary warden, that we have had in the past. That situation was considered carefully by the Minister in drawing up the Bill, and he decided against the inclusion of non-Aboriginal inspectors, mainly because experience has shown that, with such wide-ranging powers and semi-police powers, often difficulties can arise about what wardens should or should not be doing.

It certainly is not intended that property owners and other concerned people should not involve themselves in the protection of Aboriginal sites and items. That should go on. If a property owner is aware that someone is trespassing on a site, damaging it, and so on, one would hope that he would inform the authorities. However, our experience is that, in enforcing the Act, it is better to have persons who have been trained for that work. That is why we have excluded the honorary warden.

That is not done with the intention of excluding people from taking an active interest in preserving the heritage,

and we would not discourage landowners and others from doing so. The compulsory acquisition powers in the Bill are governed by the Land Acquisition Act, which sets down stringent procedures as to notice of acquisition, powers of acquisition and compensation for acquisition. All the protections that are present in any acquisition procedure will apply in this instance, because the clause makes specific reference to that Land Acquisition Act.

Mr. Wilson: There's no compulsory acquisition of artefacts though—only for the four months cycle so that they can be registered.

The Hon. J. C. BANNON: That is right. The reference is in clause 23. The member for Eyre reiterated that we should ensure that collections, items and sites should be properly preserved and protected. I believe the honourable member was echoing the sentiments of his colleagues and the Government in that context. I conclude my remarks by saying once again that we appreciate the support given to this Bill by the Opposition, and I commend it to the House.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Interpretation."

Mr. ALLISON: I move:

> Page 2, lines 13 and 14—Leave out "for the purpose of sale for a monetary consideration" and insert
> (i) for the purpose of ordinary domestic use; or
> (ii) for the purpose of sale for a monetary consideration.

The amendment relates to paragraph *(a)* of the definition of "item of the Aboriginal heritage" or "item". At the beginning of last year, I was visiting Aboriginal settlements in the North of the State. There were a number of what one might term artefacts, but they were in fact things of a utilitarian purpose and fairly common, many of them thrown on the ground and rejected. In fact, they were being chewed over by dogs. On a couple of occasions I picked some of these things up and instantly they had a monetary value, because I was asked if I would like to buy them for up to $4, depending on the condition of the particular item. I did not acquire any of these items, but they did instantly assume a monetary value.

They could have been traded or bartered, but they were not specifically made for sale or for monetary consideration. Any unwitting traveller in that area (and Dr. Coombs himself turned up within five minutes of our arrival there), might have acquired such an item which is of no intrinsic value and something which is quite outside the provisions of this legislation. That person could be trekking off over the desert and subsequently be arrested for possession. The introduction of this very minor alteration would cover such an occurrence. There was no other intention in this amendment.

The Hon. J. C. BANNON: I appreciate the honourable member's motives in moving the amendment. However, drawn as it is the amendment is too wide and, in fact, might be misconstrued to put at jeopardy items of considerable value. Simply because an item was used for ordinary domestic purposes does not mean that it is not of great cultural or other significance. In fact there may have been only a few items of a certain type that came from a specific area, and those items could have some rarity value, even though they were ordinary domestic items.

If someone has an item in the circumstances described by the honourable member, and it has no intrinsic value, it is most unlikely that the procedures of the Act will be invoked or that arrests will be made. Common sense is bound to prevail in these circumstances. However, to include the amendment as drawn by the honourable member could make the Act subject to misuse. The Government is therefore not willing to accept the amendment.

Amendment negatived; clause passed.

Clause 6 passed.

Clause 7—"Duties of the Minister."

Mr. ALLISON: Is it possible that subcluase (1) *(c)* may enable the Minister to provide funds for the preservation of the Strehlow collection and other major private collections so that they may assume even greater importance, value, and significance for Aborigines?

The Hon. J. C. BANNON: Yes.

Clause passed.

Clauses 8 to 10 passed.

Clause 11—"Constitution of the committee."

Mr. ALLISON: I move:

> Page 4, line 13—After "Governor" insert "of whom at least three must be Aboriginals".

I stated during the second reading debate that the Minister intended to have precisely such an interpretation placed on this clause. At the same time, I queried why the other nominees had been left out of this Bill, whereas they were included in the Aboriginal and Historic Relics Preservation Act. In fact, that legislation, which this Bill seeks to repeal, included a reference to members of the Aboriginal Affairs Department.

The Hon. J. C. BANNON: I should like to deal first with the second part of the honourable member's question. The Minister's intention in appointing this committee is to ensure that those sorts of interest are represented. It involves the problem of the committee's having a number of nominees named in the legislation. This reduces considerably the Minister's flexibility in relation to appointments. However, he will certainly be looking for people from the Aboriginal Affairs Department, the Museum, and other expert areas. Regarding the first point, the Minister made clear in his second reading explanation that he intended that at least three of the board's members should be Aborigines. As I can see no objection to this provision being included in the Act, I accept the amendment.

Amendment carried; clause as amended passed.

Clauses 12 to 19 passed.

Clause 20—"Protected areas."

Mr. ALLISON: I move:

> Page 7, after line 21—Insert subclauses as follows:
> (6) The owner or occupier of any private land may appeal against a declaration under this section affecting the land.
> (7) Upon an appeal under this section, the Land and Valuation Court may—
> *(a)* if not satisfied that the declaration is justified by the need to protect the Aboriginal site—quash the declaration;
> or
> *(b)* vary or revoke any restrictions upon access to, or use of, the protected area.

The reason for the amendment is in light of the considerable penalties to be imposed by the court for any breach of this provision. Apart from that, we are not particularly concerned with the declaration by the Minister of a specific totemic, religious, or sacred site. Generally, such sites would represent a relatively small area, and we have declared our support for the preservation of precisely such sites.

There is a possibility that an application may be made for the declaration of a site that may cover some considerable area and, as the Minister has compulsory powers of acquisition under the Land Acquisition Act, and as there is no provision for appeal built into the legislation, we think this should be dealt with differently from other

provisions of the Act, where we have expressed concern at the lack of a right of appeal. This could cover a considerable area of land, because the Minister might be making a unilateral decision upon a recommendation by a committee, and we think that the landholder affected should have the right of appeal.

The Hon. J. C. BANNON: The amendment is not acceptable. The whole emphasis of the legislation is on the protection of these sites. The onus is on those seeking to establish that, after the process has been gone through, these items should not be protected, and that is how the legislation has been drawn. Allowing this provision will open up delaying procedures or a loophole that may prove quite crucial if orders cannot be sustained to prevent a particular action from taking place—the bulldozing of a section of land, for instance. There are appeals and further procedures that have to be gone through. It could render the legislation in some way inoperative.

The Minister will declare the land. He is taking advice from an expert committee. The committee's intention to declare would probably be known to the landowner before the recommendation being made to the Minister. If that was not so, the Minister is required to give notice to the landowner that that is what he intends to do, and at that stage it is open to the landowner to make representations to the Minister, to ask him to reconsider his decision if there is some dispute, or to get the matter referred back to the committee. There will be a time between the notice and the gazettal.

There is an ultimate safeguard through the form of a prerogative writ alleging that the Minister has exceeded his authority. That kind of action can be taken. Other provisions are contained in the Land Acquisition Act that provides certain safeguards, if that procedure is invoked. We believe that there are sufficient safeguards for landowners, and the onus must be kept on the preservation and protection of the site, once declared.

In addition, the choice of the Land and Valuation Court seems rather odd; perhaps it is an appropriate court. This may well have come from the Parliamentary Counsel but, in choosing that court, he showed the real problem we have in the Bill, because the Land and Valuation Court would have no particular skills or means of assessing the expert opinion of the Aboriginal Heritage Committee and the other technical advice. Is there another appropriate court? I doubt that there is. So, in a sense, this procedure, which is aimed at sending an appeal on to some body that could expertly look at it, would probably break down, anyway. For that reason and for the reason in principle, we oppose the amendment.

Amendment negatived; clause passed.

Clauses 21 to 23 passed.

Clause 24—"Land not to be excavated without permit."

Mr. WILSON: The remarks that I want to make about this clause also relate to the next four clauses. These prohibitive clauses worry me as regards the Strehlow collection. The situation with regard to the Strehlow foundation and the Strehlow collection is not good at present because of the lack of funds; further, the collection is not in its ideal storage environment. I would be perturbed if these clauses were invoked by the Minister on the advice of his committee without the most far-reaching and delicate negotiations going on beforehand. This certainly applies to some of the later clauses, too. The eighth recommendation of the Select Committee that inquired into the Northern Territory Ordinance states:

> That the Administrator use his powers under section 5 of the Ordinance to exempt Mr. T. G. H. Strehlow from the provisions of the Ordinance.

That is a rather remarkable recommendation to have written into a Select Committee report. I do not know whether, in fact, the Administrator and the Northern Territory Legislative Council acted on that recommendation, but it is an important pointer to the value of the collection. The Minister has already admitted that he agrees with thoughts expressed on the value of the collection. I would like him to comment on what he sees as the future actions by the Minister, on the advice of his committee, regarding this collection. If the storage conditions were not at their best, possibly the foundation or Mrs. Strehlow could be liable for a fine of $500, because of inadequate storage facilities. This is putting the cart before the horse, because they cannot get the adequate storage facilities until they raise the money in some way.

The Hon. J. C. BANNON: I cannot add to what I said earlier concerning the Strehlow collection, the Government's interest in it, and the state of negotiations. I point out that it is provided that a person shall take reasonable measures to protect the Aboriginal heritage. In the case of removal, interfering, or selling, it is again a question of the Minister's consent. So, discretionary elements are deliberately written into the clauses, so that each situation can be looked at on its merits. I do not know whether in future the question of the Strehlow collection will come before the Minister for him to take action, but, in some way or other, it may well do so. These clauses provide sufficient flexibility for him to deal with that situation.

Mr. WILSON: Under a later clause, it is inherent on Mrs. Strehlow to notify the Minister of the existence of the collection, I imagine heavily itemised at that.

Clause passed.

Clauses 25 to 28 passed.

Clause 29—"Proceedings."

Mr. ALLISON: I move:

> Page 9, lines 9 and 10—Leave out paragraph *(a)*.

We do not object to paragraphs *(b)* and *(c)* but we object to the onus of proof clause. The onus is on the person to prove that an object was not an item of Aboriginal heritage, even though it may have been gazetted, but the *Gazette* is rarely read by the average person. The onus of proof provision places a heavy burden on the accused.

The Hon. J. C. BANNON: The whole emphasis of the Bill is to reverse the onus of proof to ensure that there is a basic protection in an Act providing a framework of protection to the Aboriginal culture and heritage of the State. Therefore, the onus on those people who seek to interfere with or remove objects is on them to justify that action in terms of the Act. The Minister's second reading explanation states:

> This Bill represents the Government's resolve to strengthen the measures for protection and preservation of that culture.

The clause does that in a determined and unequivocal way, and I do not think that, in the context of the Act or what it deals with, exception can be taken to it on some broader principles. Therefore, we cannot accept the amendment.

Amendment negatived; clause passed.

Clause 30—"Forfeiture and seizure of items related to the Aboriginal heritage."

Mr. ALLISON: Under the Police Offences Act, the police are not empowered to anticipate crime. They can rarely act against a person in anticipation of what is about to be done. They can act only after a crime has been committed. Subclause (2) is an anticipatory power for someone who is not a policeman but may be an Aboriginal who is empowered under the Act to act as an inspector.

The question arises as to what sort of training and background the inspectors will have. We appreciate that

there are few policemen in this area, and therefore the onus is going to be placed on the Aboriginal population to police this Act in the strictest sense of the word. Here again, we have an anticipatory power: can the Minister explain precisely what that is?

The Hon. J. C. BANNON: The intention is clearly stated, and I think one will find this power in a number of similar Acts. The point is that, with items of Aboriginal heritage, the inspector can, if he has reasonable cause, and that is not an airy-fairy notion: it is something that is judicially defined, and there are certain rules attaching to what is reasonable and what is not, take pre-emptive action. Unless he does, an item of this sort could vanish forever.

I am not sure what training is envisaged for the Aboriginal inspectors under the Bill, but one would assume that they are knowledgeable people in their culture and the items that surround it and are able to ascertain rapidly whether or not an item is of Aboriginal heritage. Members of the Police Force are trained in these matters and are bound to obey the judicial rules on reasonable cause, and so on. I think the honourable member's question has really highlighted our reason for omitting from the Act the non-Aboriginal inspector, the old type of honorary warden. Where one confers wide powers on inspectors, one must ensure that those inspectors know what they are doing, and I think that both the police and Aborigines appointed under the Bill will know what they are doing.

Clause passed.

Clause 31 and title passed.

Bill read a third time and passed.

SOUTH AUSTRALIAN HERITAGE ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 15 February. Page 2699.)

Mr. WOTTON (Murray): We support this Bill and, while it contains a fairly small amendment, it is of major importance to this State's heritage. South Australia is particularly well endowed with shipwrecks, which are a legacy from the days of surveying the coast at about the time of Matthew Flinders and thereafter, and particularly from our early Australian time when our contact with the rest of the world was primarily made by sea. These wrecks are an important part of and an important link with our past and should therefore be safeguarded in every possible way.

As with fossils and Aboriginal art, once they are vandalised or disappear, they can never be reproduced. The South Australian section of the coast along the Great Australian Bight and the coast of Kangaroo Island and the South-East, from the Coorong through to Cape Northumberland and beyond, is virtually littered with interesting and historic shipwrecks, which are important to South Australia's history. South Australia has control over its territorial waters, and many wrecks are located within this defined area. Therefore, at this time of the morning, I do not intend to go into any more detail. However, I am pleased to support the Bill, which will extend protection to valuable relics.

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

PREVENTION OF POLLUTION OF WATERS BY OIL ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 22 November. Page 2249.)

Mr. WOTTON (Murray): The Opposition supports the Bill. One of the most damaging pollutants in modern times is oil on the sea, lakes and rivers. Since the early 1960's, when the use of petroleum for transport and other needs of the industrial world began to accelerate at an alarming rate, the number of accidental and occasionally deliberate oil spills has greatly increased. Tragedies have occurred such as the *Tory Canyon* disaster off the south coast of England in March 1967, the Santa Barbara Channel blow-out off the east coast of the United States in 1969, and the shocking disaster of the *Amoco Cadiz* off the coast of Brittany in March 1978. These huge oil spills released hundreds of thousands of tonnes of oil into the ocean.

Some oil spills have occurred in Australian waters but, fortunately, none was anything like the magnitude of the disasters already mentioned. To my knowledge, Australia has had only two large oil spills, one off the Western Australian coast and the other in Torres Strait. However, the chances of a major disaster are growing all the time, and that must be recognised. The oilfield in Bass Strait, for example, which supplies about 70 per cent of Australia's liquid fuel has, fortunately, not experienced a blow-out, but there have been many oil leaks in ports and harbors. Since 1975, there have been 617 reported oil spills in Sydney Harbor.

This was reported to the House of Representatives Standing Committee of Environment and Conservation last year by the Harbormaster, Captain Dodswell. In South Australia oil spills that have been reported in our newspapers have occurred mostly at the Port Stanvac area and have affected the beaches to the north, particularly Hallett Cove, under the influence of our prevailing south-westerlies. A large spill from a snagged underwater oil line from the tanker *Esso Den Haag,* in February 1975 cost over $250 000 to clean up. Last year a smaller leak, also apparently from an oil line, occurred and since then other minor leaks have taken place, the most recent in July 1978, also at Port Stanvac, and that cost about $6 000 to clean up.

The relatively large spills are extremely worrying, and even more concern is caused by the fact that the environmental damage resulting from frequent small spills is often as great if not greater than large oil spills. This was one of the findings of the House of Representatives Inquiry into the Prevention and Control of Oil Pollution in the Marine Environment. In its report to the Commonwealth Parliament in September last year it stated that the main sources of oil in the marine environment were land-based pollution by rivers, spills from ships, natural seepages and pollution from off-shore operations. Special note was made that most of the oil spilt in the sea originated from many small spills, saying that it was evident that regular small spills caused more environmental damage than did sporadic large spills.

A submission from the Department of Environment, Housing and Community Development indicated that too much emphasis is placed on the visible components of oil, and insufficient emphasis is placed on the residue, the soluble components, of spilt oil that are by far the most toxic. The widespread misconception is that, if there is no visible disturbance to the environment, there is no damage of any consequence.

Of course, major oil spills have an obvious effect on the marine environment and on the communities of plants and animals living there. The long-term slow release of oil from repeated spills or industrial discharge is more serious, because marine organisms do not have sufficient time between spills to recover fully. The House of Representatives committee was told that almost all oil spills result from human error, or equipment failure. Therefore, it is pleasing to see that the amending legislation particularly mentions "apparatus" defined to include "pipelines, receptacles and any device used for exploration or recover of oil", and vehicles.

Regarding vehicles, I am concerned about the legislation, as I understand that the person driving a vehicle at the time of a spill is responsible for any damage caused through any discharge of oil from that vehicle. Past legislation has made responsible the captain of a ship that has discharged oil. In such a case, the captain is master of a group of people with specific expertise, and that is a far cry from the person in control of a shipment.

The Bill could be wider and include reference to a pollution monitoring system, which would go a long way towards the prevention of pollution of waters by oil, because early detection should mean early remedial action. Reports of oil prollution occurring in State waters, confined and unconfined, usually originate from local officials and are then reported to State officials, who must decide whether the pollution is serious enough to call upon the Commonwealth Department of Transport, and the national plan.

I suggest that speed is the essence of the procedure and obviously will decide how much damage will be done. I believe that this legislation could have looked more closely in that direction. It appears that little or no reference is found in the Bill to the Minister's concern for the environmental affects of oil pollution of marine or inland waters.

The House of Representatives committee considered that environmental experts should be called in when spills occur to allow monitoring of the effects of those spills. The committee states that to date much information is based on research done overseas, but that very little comes from research of local conditions.

No mention is made in the Bill of the national plan, which came into existence only since the last amendment to the Act was passed in 1972. However, it is very important that there should be no gaps in the contingency plan caused by divisions of administrative responsibility, since State resources would not be sufficient to cope with a large spill, which could happen at any time. As Adelaide beaches and the nursery grounds of the Port River estuary and further north in St. Vincent Gulf would be exposed to a great risk of pollution, we would depend greatly on the immediate operation of the national plan.

For example, the ports and coastal areas of Spencer Gulf could be endangered because of a tanker coming from the Middle East being wrecked on one of the small islands, reefs or rocky coasts of Yorke Peninsula or Kangaroo Island. Therefore, I believe that it is important for our State instrumentalities to support the national plan. I am sorry that reference is not made to that matter in the legislation. Apart from the fact that I believe that the legislation could be wider, I suggest that the Opposition supports this legislation and, indeed, welcomes it.

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

EMPLOYEES REGISTRY OFFICES ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 23 November. Page 2317.)

Mr. DEAN BROWN (Davenport): I think it is appropriate at this hour of the night to lodge a protest about how stupid it is for the Government to be forcing legislation through at 2 o'clock in the morning. I have always been an advocate that Parliament should keep reasonable hours and that legislation cannot be properly considered and adequately debated at this hour. I believe this reflects sadly on the Government and its incompetence to manage its programme.

The DEPUTY SPEAKER: Order! The honourable member should relate his comments to the Bill.

Mr. DEAN BROWN: I am relating them to the fact that I will be brief because of the hour of day. That reflects not on the importance of the Bill (I think it is an important measure) but on the Government. The measure deals with several individual issues under the Employees Registry Offices Act. Three areas of basic principle are involved. They are, first, the principle of whether employees should be charged a fee when they seek and obtain employment; secondly, whether the Minister should have the right to set a scale of fees or whether he should be required to approve a scale; and, thirdly, what action, if any, we should take to deal with emergency nursing facilities in the two areas covering home nursing provisions and emergency nursing provisions in hospitals.

Regarding the fees for employees, I cannot accept the Minister's claim that the abolition of a fee for an employee is in line with the International Labour Organisation Convention. Article 10 of that convention indicates that no fee should be charged, but it does not specifically state that fees could be or should be charged employers but not employees. There is a real danger in our community (and this Parliament has had several examples of it) of bogus companies setting up and advertising that they can find suitable employment for people. They charge a fee but they have no real intention of finding employment.

Many people, those who can least afford it, can lose money quickly. I can think of at least three or four occasions when this has occurred. With the present high unemployment rate, it is more likely to occur and it is more likely that people will be foolish enough to pay substantial fees to these rather disreputable companies, hoping that they may find employment. I suppose people feel, in their hour of desperation, that there is always a chance.

Although I have difficulty in accepting the principle that employees should not be allowed to pay at least part of the fee, I am prepared to go along with the amendment proposed by the Minister. I believe that it will help to stamp out the unsavoury practice to people who make money at the expense of the unemployed.

The second part of the Bill deals with whether the Minister should have the right to examine and approve the scale of fees. I do not think that he should have that right. I appreciate that article 10 of the I.L.O. convention provides that he should have, and that article states:

> If fee charging employment agencies are not to be abolished by the competent authority then:
>
> *(a)* They shall be subject to the supervision of the competent authority.
>
> *(b)* shall be required to be in possession of an annual licence renewable at the discretion of the competent authority.
>
> *(c)* shall only charge fees and expenses on a scale

submitted to an approved competent authority, or fixed by the said authority.

(*d*) shall only place or recruit workers abroad if permitted to do so by the competent authority and under the directions determined by the laws or regulations in force.

The competent authority here is the State Government, and the Minister is applying this under paragraph (*c*) of that convention. However, it is fair to say that in Australia reputable employment agencies have had an extremely good history. Furthermore, they have become a substantial and accepted part of the Australian employment scene. Many companies accept them, and they provide a service over and above the service provided by the Commonwealth service, which of course is free.

I believe that there would be few people in Australia, if any, who would want to see fee charging employment agencies abolished in Australia. In that situation, we are automatically cutting across the convention laid down by the I.L.O. In his speech, the Minister himself has said that it is an accepted practice in Australia, it has worked well, and he is prepared to accept it. I agree with the Minister in that conclusion. Therefore, both of us are prepared to accept it that the convention need not apply in Australia, because we do not see the same need for it.

The fee structure as adopted by those reputable companies (and they are licensed and they will need to continue to be licensed) has allowed fair competition. The Minister has not put forward any justification to support his right to review that fee structure and to have a right of approval. In his second reading explanation, the Minister gave no reason whatsoever as to why such a new measure should be introduced and what the benefits would be. In fact, I fail to see what the benefits will be. It is clearly established and well known that different firms have different fee structures, because they supply different services.

It is extremely difficult for the Minister to say that a particular fee structure of, say, 6 per cent of the annual wage is acceptable, whereas one at 7 per cent is unacceptable, because different companies are giving different guarantees with those different structures. It is well known that some of the better companies are charging higher fees. However, these same companies are also giving certain guarantees. For example, a guarantee to replace a person if he is unsatisfactory within 21 or 28 days; a guarantee to find an alternate person should a person leave within a period of 60 or 65 days. There are other companies that charge lower fees but give no such guarantees. Therefore, the Minister would be arbitrary if he tried to make any comparative judgment between the companies and whether the fee structure was reasonable. If that is the case, there is little point in even giving the power to the Minister of going through the exercise of asking him to approve of the fees. I intend to oppose this section of the Bill.

The third important sector relates to nursing facilities. For some time, section 4 has granted the right for certain practices to operate in the nursing area; these practices have not been accepted in other areas. In particular, with the approval of the Nurses Board, it has been acceptable practice for agencies to charge a fee to nurses when those nurses are being supplied to emergency labour needs for hospitals and home nursing. Under the proposed amendment, the Minister proposes that supplying such a service for hospitals would be removed, and in future hospitals would be required to pay the fee rather than a nurse. However, he has said that an exemption would be granted for home nursing. In that case, it would be quite suitable for the nurse to pay the fee and not the person at home who is obtaining the service.

If we are looking at matters of principle, there is no difference between the person at home and the person in the hospital who requires a nurse to come and assist: both are employers. However, I can understand why the Minister has exempted home nursing. It would be extremely unpopular if the Minister suddenly made sick or invalid pensioners at home who required home nursing care pay a $20 or $30 fee to the employment agency for the provision of nursing assistance. The principle still stands, although it might be unpopular.

In fact, there are good arguments why, in relation to hospitals, the same scheme that is now operating should not continue to operate. If the hospital was to pay the entire fee, it would be placed in a position where it had to pay the standard award rate, which varies according to the skill or experience of the nurse. Therefore, hospitals would automatically, when looking for emergency nursing services, always employ those nurses with the lowest qualifications.

Most of these people are looking for part-time work and, in doing so, are not particularly concerned whether they receive what would normally be paid to them bearing in mind their qualifications and experience. In fact, the rate struck is an average for, I think, a grade 2 or grade 3 level nurse, and it applies to all nurses, irrespective of their experience. If the hospital paid the fee, obviously the inexperienced nurses would find it easy to get work whereas the more experienced nurses would find it more difficult to do so. I therefore intend to oppose that provision, as the system works satisfactorily at present. Also, the Minister has not indicated that any complaints have been made regarding it. To my knowledge, none has been made. I have spoken to at least one agency involved, and the system seems to be working extremely well.

I have received a number of requests from the nurses involved. These people, who are paying the fee, have suggested that the present practice should continue. These are the people who would benefit under the Minister's Bill. However, they argue that the system is working so well that, if a change occurred, and even though they might be better off financially under the new system because they would not be paying the fee, this would start to break down the provision of emergency nursing labour to hospitals. I therefore intend to oppose that part of the Bill. I support the second reading, and intend to move amendments in Committee.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Commencement."

Mr. DEAN BROWN: I oppose this clause, which deals with the nursing sector. If this clause is defeated, the present practice would apply. The hospitals and people requiring home nursing facilities would be able to obtain their labour, with the nurses involved paying the fee to the agency rather than the employer. The Nurses Board still has the right to reject any application, so the safeguard is there.

The CHAIRMAN: Order! Is the honourable member speaking to clause 2?

Mr. DEAN BROWN: I think it should be clause 4. There has been some confusion in asking for the amendments to be drafted.

Clause passed.

Clause 3 passed.

Clause 4—"Repeal of ss. 2a and 2b of principal Act."

Mr. DEAN BROWN: This is the clause to which my earlier comments related. They relate to section 2 of the principal Act. We oppose this clause. Has the Minister had any complaints and, if so, from whom? If he has not

received any complaints, why does he intend to change that existing practice?

The Hon. J. D. WRIGHT: This clause seeks to remove sections 2a and 2b from the principal Act. The removal of these sections will ensure that all agencies finding employment for applicants, unless exempted by regulation, will be treated alike. I am not sure that I can put my finger on any complaints tonight, but I have had complaints from time to time. The most important thing is that we have agreement not only with the Nurses Board but with the Personnel Services Association, the employer representative body in this area. The organisation itself has informed me that it is not opposed to that situation. The amount of agreement reached on the Bill with all the employment agencies in South Australia is remarkable.

Mr. DEAN BROWN: Whilst the Personnel Services Association of South Australia has reached agreement with the Minister on this clause, one of the key companies involved is not a member of that association. That association is an affiliate member of the Chamber of Commerce and Industry, and, although the association favours this amendment, this company is a member of the Chamber of Commerce and Industry, which certainly has come out opposed to this clause. There is much confusion here. It is true that the association fully backs it, but the umbrella organisation of which it is a member and affiliate is opposed to it.

So, certainly it does not have the unanimous approval of all companies working in this area. In fact, one of the two companies specifically involved with nurses is opposed to it. A number of nurses who use this company have come to me and requested that Parliament allow the practice presently applying to continue. The Minister said he had received complaints. Have they come from nurses, and what has been the nature of the complaints, even though he may not have the specific details?

Clause passed.

New clause 4a—"Every person keeping a registry office to be licensed."

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

Page 2, after line 1 insert new clause as follows:

4a. Section 3 of the principal Act is amended by striking out the passage "in the form in the first schedule, or in a form to the like effect" and inserting in lieu thereof the passage "issued under this Act".

This new clause corrects a drafting omission that is consequential on the repeal of the first schedule.

New clause inserted.

Clauses 5 to 14 passed.

Clause 15—"Repeal of sections 14 and 14a of principal Act and enactment of sections in their place."

Mr. DEAN BROWN: I move:

Page 4, lines 34 to 37, Leave out new section 14.

Page 5—

Lines 1 to 11—Leave out new section 14a.

Lines 20 to 48 and page 6, lines 1 to 33—Leave out new sections 14c, 14d and 14e.

The effect of these amendments is to exclude from the Bill the power of the Minister to review the scale of fees. The Minister has given no justification for this. He says that the power has been adopted by the Western Australian Government, with the Minister having the power to review the scale of fees, whereas in New South Wales the Minister has the power to set the scale of fees. The only justification put forward by the Minister is to keep in line with the International Labour Organisation Convention. I pointed out, and the Minister accepted, that we were breaching that convention in other areas. I see no benefit in the Minister's approving the scale of fees. The association has expressed concern about the Minister's having this power.

The Hon. J. D. Wright: It did not express it to me.

Mr. DEAN BROWN: It has sent me a letter with a number of complaints about certain areas of the Bill. On checking with the President this week, I found that, although they accepted that the Minister had asked for the power and it had been given in two other States, they would prefer that the Minister did not have the power. Will the Minister indicate why he wishes to have this power and what benefits there will be for the industry?

The Hon. J. D. WRIGHT: This is the real heart of the Bill. Of course, the Liberal Party would have to oppose such a Bill. The Liberal Party would be informed by private enterprise that this was setting new standards and controlling prices charged by employer organisations. However, they do not mind the reverse situation, where there is no control. Here, we are looking for two things; the first is the I.L.O. recommendation, a proper one. The honourable member said that we were breaching the convention in one area. We are breaching it through necessity, because of the situation that exists in this country. Any I.L.O. recommendation must be ratified in accordance with standards in one's own country.

I do not think that that is a bad breach. I am intrigued, because I understand that the Personnel Services Association of South Australia, with which I have had much contact (and so have my officers), is satisfied with the entire Bill. Mr. MacArthur was in the building this evening, speaking to some of my officers, and no dissatisfaction with the Bill has been expressed to me. I cannot accept the amendment, which has been agreed on and which is Government policy.

Mr. DEAN BROWN: It is well known that the association's representatives have talked to both sides of the Chamber, and they have made it clear that the association would rather not have this provision in the Bill, although it is prepared to accept it. That reluctant acceptance does not mean that the measure will be of any real benefit to the State. Employers have not said to me, "We can't accept this principle." Where the Government tries to regulate an industry, invariably it leads to inefficiencies and higher costs. I believe that the kind of regulation imposed under the Bill will be of no real benefit. South Australia has more items under cost control than has any other State, but over the relevant period our inflation has been just as high as in other States. All we are doing is increasing the bureaucracy, with higher costs in keeping the Public Service, knowing that the Bill will have no impact on reducing the costs and charges of the companies.

Amendment negatived; clause passed.

Remaining clauses (16 to 19) and title passed.

Bill read a third time and passed.

ADJOURNMENT

At 2.30 a.m. the House adjourned until Thursday 22 February at 2 p.m.