HOUSE OF ASSEMBLY

Wednesday 2 April 1980

The SPEAKER (Hon. B. C. Eastick) took the Chair at 2 p.m. and read prayers.

PETITIONS: PORNOGRAPHY

Petitions signed by 142 residents of South Australia praying that the House legislate to tighten restrictions on pornography and establish clear classification standards under the Classification of Publications Act were presented by the Hon. D. O. Tonkin and Messrs. Schmidt and Slater.

Petitions received.

PETITION: WOMEN'S ADVISER

A petition signed by 202 residents of South Australia praying that the House urge the Government to immediately appoint a women's adviser in the Department of Further Education was presented by the Hon. D. J. Hopgood.

Petition received.

PETITION: ROADWORKS

A petition, signed by 951 residents of South Australia praying that the House request the Minister of Transport to abandon the proposal to widen Portrush Road between Kensington Road and Magill Road was presented by Mr. Crafter.

Petition received.

The SPEAKER: There is a procedural difficulty. Members are at a conference and no report is available. It will be necessary to suspend Standing Orders to allow the conference to proceed whilst the House is sitting.

CONFERENCE

The Hon. D. O. TONKIN (Premier and Treasurer): I move:

That Standing Orders be so far suspended as to enable the sitting of the House to proceed while the conference is in progress.

Motion carried.

QUESTION

The SPEAKER: I direct that the following written answer to a question be distributed and printed in *Hansard*.

HILLS FIRE

In reply to **Mr. EVANS** (5 March).

The Hon. D. O. TONKIN: I have examined possible methods of providing relief from land tax to Hills residents affected by the recent bush fire. In the circumstances, I consider the most practical course of action is to allow payments of tax to be deferred (without penalty) under section 58a of the Land Tax Act. Accordingly, I have suggested to the Commissioner for State Taxation that he give sympathetic consideration to the circumstances of Hills residents in exercising his statutory authority to postpone land tax payments.

MINISTERIAL STATEMENT: MISSING DOCUMENTS

The Hon. W. A. RODDA (Chief Secretary): I seek leave to make a statement.

Leave granted.

The Hon. W. A. RODDA: The member for Ascot Park asked me three questions, to which I have given him three replies, relating to a report he was seeking in relation to State Transport Authority documents. The police report into the disappearance of State Transport Authority documents from a file was received by me at my office at 11 a.m. today.

Honourable members: Ha! Ha!

The Hon. W. A. RODDA: Members may laugh. I requested the report to be delivered to me as soon as possible, following questions and statements in this House over the last few weeks culminating in a personal explanation by the Leader of the Opposition yesterday.

Inquiries launched by me yesterday after the Leader's statement revealed that, contrary to what the Leader said, the report had not been completed and as such it had not been sent to my office.

The Commissioner of Police undertook to see that the report was completed, and it was handed to me this morning. The report confirms the statement made by the Premier in February, following a conversation with the Commissioner of Police, that preliminary inquiries had revealed there was no evidence that the missing documents had been stolen. Finally, the report states:

That the honourable the Chief Secretary be advised relative to the questions directed to him on 5 March 1980 by Mr. Trainer, M.P., as follows:

(a) The police investigation is complete;

(b) There is no evidence to support any act of theft relative to the reported missing "sensitive" documents; and

(c) That in view of there being no evidence discovered during the investigations to support any act of theft, it was deemed not necessary to interview either the Leader of the Opposition, his staff, or any member of the Opposition.

MINISTERIAL STATEMENT: PRINTING OF TICKETS

The Hon. M. M. WILSON (Minister of Transport): I seek leave to make a brief statement.

Leave granted.

The Hon. M. M. WILSON: This statement concerns the inquiry into the making of blocks and or printing of tickets for and by the State Transport Authority in January and February 1980, and related matters.

I ordered that an investigation be made into this subject, and the investigation was completed in two reports forwarded to the Minister by the Chairman of the Public Service Board on 21 March 1980. The terms of reference and the means by which the inquiry were to be conducted were stipulated as follows:

(1) That the Public Service Board inquire in conjunction with nominees of the State Transport Authority and report to the Minister of Transport, the Chairman, State Transport Authority, and the Chairman of the Public Service Board on—

(a) the procedures which permit the printing of tickets and making of printing blocks for ticket denominations not currently in use and the reasons for such procedures,

including the circumstances when Government approval for fare increases has not been obtained;

(b) the division of printing work between S.T.A. printers, the Government Printer and private companies and the procedures and necessary approvals for authorisation of such work; and

(c) recommendations as to changes in procedures to ensure that proper administrative practices are followed in future, in connection with matters referred to above.

(2) That the General Manager and the Government Investigations Officer inquire and report to the Minister, the authority, and the Public Service Board on the circumstances surrounding the assurances given to the Minister of Transport on 7 February to the effect that no printing of tickets or manufacture of blocks was under way and information provided in response to queries by the Minister on 12 February concerning the existence of printing blocks.

The reports will be the subject of further discussions between the State Transport Authority, the Public Service Board and the Minister, at which time the need and responsibility for further action will be considered. However, I can inform the House that the inquiry has recommended a general reappraisal of the procedures involved in planning for a fare increase and the associated printing work and that a study be undertaken of the S.T.A's printing requirements. The findings and conclusions reached by the inquiry include the following:

1. No plates were ever made by the contract printing works for new cash fare tickets of 25c, 50c or 75c denominations.

2. Preliminary and limited art work for cash fare tickets of 25c, 50c and 75c was prepared. It was discontinued immediately the contract printing works was informed that increases would not be proceeded with.

3. An order to the Government Printer for plates for a day tripper ticket of $2·50 denomination was placed and no steps were taken to cancel this order.

4. All information provided to the Minister was given in good faith and was not meant to cause embarrassment to the Government nor the authority.

5. That new public tenders be called for printing cash fare tickets on the expiration of the present contract.

6. The Public Service Board undertake a study of the S.T.A.'s printing requirements and related matters.

7. A general reappraisal and updating of procedures is recommended to make it quite clear that any actions relating to fare increases shall only take place after Government approval.

Finally, members will recall that it was not a function of the inquiry to proceed against any individual. That was made quite clear in the press statements that were made at the time. As the reports name specific S.T.A. staff members and other individuals in setting out the actions which took place in January and February 1980, it is not the Government's intention to release the full details of the reports on the inquiry.

MINISTERIAL STATEMENT: FLINDERS MEDICAL CENTRE COMPUTER

The Hon. JENNIFER ADAMSON (Minister of Health): I seek leave to make a statement.

Leave granted.

The Hon. JENNIFER ADAMSON: In June 1978 the previous Government established a committee of inquiry to report on the acquisition of computer equipment and associated software for Flinders Medical Centre. The committee was specifically required to examine the adequacy of the decisions and management of the project and to recommend steps to be taken to avoid any recurrence of problems it identified. The committee submitted its report on the Flinders Medical Centre computers in January 1979.

This Government, since assuming office, has had the opportunity to examine the report, and finds it to be an indictment of the ineptitude of the previous Government. The report clearly demonstrates that the previous Government was negligent in its responsibility to the taxpayer to ensure proper management of projects and that its Cabinet procedures were sloppy and badly co-ordinated. The Flinders Medical Centre computer project was another example of a number of debacles that occurred during the administration of the previous Government.

One of the most telling recommendations of the report is that contained on page 24, which sets out recommended procedures for submissions by Ministers to Cabinet. It is clear that the previous Government did not observe these procedures in all cases and that there were severe weaknesses in an Administration which was unable to rely on sound practice at Cabinet level when decisions that had a great bearing on financial matters and administration of the State were taken.

In its examination of the management of the project, the committee reported on a number of inadequacies in the decision processes involved in the acquisition and development of the Flinders Medical Centre computer systems. In so doing, the report enables the identification of officers making the decisions the committee found to be inadequate. The report also contains clear recommendations on action to be taken to avoid recurrences and recommends improved management of the development of computer systems.

The Government believes that the findings of the committee are of such an important and fundamental nature in respect of the proper management of major computer projects that the report should be made public. However, in view of the diffusion of responsibility for the project which is evident from the report, the Government does not support the publication of sections of the report that could lead to the identification of individual officers involved in the decisions. Steps had been taken by the previous Government to produce an abridged version, which, while it omits criticisms of individual officers, does not attempt to interpret or amplify any of the material in the original report. It is this abridged version which I shall be seeking leave to table at the end of this statement.

This Government is committed to resolving the problems created under the previous Government and improving the management of computing systems generally. The South Australian Health Commission, in accordance with the recommendations of the committee, has taken a number of positive steps to improve the management of computing matters.

In consultation with the major metropolitan hospitals, the commission has determined a strategy for the future of hospital information systems. General agreement has been reached that these systems are cost justified in the management of major hospitals. However, the existing system, based on the Flinders Medical Centre's computers, is considered inadequate for the future and has been closed down.

Major metropolitan hospitals are now working with the commission to define the needs for a comprehensive hospital information system. In addition to this longer-term assessment, the commission and the major metropolitan hospitals are examining a number of working hospital information systems that can be taken from the Australian health environment and implemented in South Australia as an interim measure. This will enable the

benefits of this kind of information system to accrue whilst the longer-term project is completed. In accordance with the Molloy Committee recommendations, a senior position of project manager—information systems has recently been advertised to provide an appropriate level of senior management expertise to carry on this joint Hospitals-Health Commission project. This will overcome the deficiencies of diffused management of major computer developments.

Furthermore, within the Health Commission itself, attention has been given to the internal management processes for computing matters. As a result, a new commercial management system will shortly be introduced to develop a strong project management approach. It is anticipated that this will improve computer planning and priority setting within the Health Commission.

As members will see, therefore, this Government has not only studied the report, but has also taken positive action in relation to its recommendations. Action of that nature was indeed a rare occurrence under the previous Government.

I now seek leave to table the abridged version of the Report of the Committee of Inquiry into the Flinders Medical Centre Computer, in the belief that the Parliament and the electorate are entitled to be informed on these matters and in the hope that any future projects of a similar nature will benefit from its recommendations.

The SPEAKER: Order! I point out that the honourable Minister does not need to seek leave, because she has, in her statutory right, the opportunity of tabling the report.

The Hon. D. O. TONKIN (Premier and Treasurer): I move:

That the report be printed.

Motion carried.

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

At 2.20 p.m. the following recommendations of the conference were reported to the House:

As to Amendment No. 2:

That the House of Assembly do not further insist on its disagreement thereto.

As to Amendment No. 3:

That the Legislative Council do not further insist on its amendment but makes the following amendment in lieu thereof:

New Clause:

After clause 3 insert new clause 4 as follows:—

"4. The following new Part is enacted and inserted in the principal Act after section 39 thereof:

PART IVA

SHOPPING DEVELOPMENT

39a. In this Part—

"floor area" in relation to a shop means the sum of the areas of the superficies of horizontal sections of the shop measured at the level of each floor including the areas in a horizontal plane of external and internal walls and adjacent roofed areas but excluding areas covered by eaves or verandahs:

"major shopping development" means—

(*a*) the construction of a shop or group of shops with a floor area or aggregate floor area of more than 450 square metres;

(*b*) the alteration or extension of a shop or group of shops so that the floor area of the shop or aggregate floor area of shops comprised in the group is increased by more than 450 square metres over the floor area of the shop or aggregate floor area of shops comprised in the group as at the 15th day of February, 1980; or

(*c*) a change in use of land by virtue of which the land may be used as a shop or group of shops having a floor area or aggregate floor area of more than 450 square metres:

"non-shopping zone" means a zone within the Metropolitan Planning Area other than a shopping zone:

"planning authority" means the Authority or a council:

"the relevant planning authority" means—

(*a*) in relation to the Port Adelaide Centre Zone and the Noarlunga Centre Zone—the Authority; and

(*b*) in relation to any other zone—the council for the area in which the zone has been created:

"shop" means—

(*a*) premises used or intended for use for the retail sale of goods;

(*b*) premises used or intended for use for the sale of food prepared for consumption (whether the food is to be consumed on the premises or not),

but does not include—

(*c*) a bank;

(*d*) a hotel;

(*e*) premises for the sale or repair of motor vehicles, caravans or boats;

(*f*) premises for the sale of motor spirit;

(*g*) a timber yard or plant nursery;

(*h*) premises for the sale of plant or equipment for use in primary or secondary industry:

"shopping zone" means a zone within the Metropolitan Planning Area being—

(*a*) a District Business Zone;

(*b*) a District Shopping Zone,

(*c*) a Local Shopping Zone;

(*d*) a Regional Centre Zone;

(*e*) a District Centre Zone;

(*f*) a Neighbourhood Centre Zone;

(*g*) a Local Centre Zone;

(*h*) the Port Adelaide Centre Zone;

(*i*) the Noarlunga Centre Zone;

(*j*) a shopping zone as defined in the Metropolitan Development Plan—District Council of Stirling planning regulations; or

(*k*) a zone prescribed by regulation under Part IX of this Act:

"zone" means the zone established by planning regulations.

39b. (1) An application made to a planning authority, on or after the 15th day of February, 1980, for consent under planning regulations in relation to carrying out a major shopping development in a non-shopping zone is void.

(2) Any consent purportedly given upon an application to which subsection (1) of this section applies is void.

39c. (1) A person who proposes—

(*a*) to construct a shop in a shopping zone;

(*b*) to alter a shop in a shopping zone so as to increase the floor area of the shop; or

(*c*) to alter the use of land within a shopping zone by using the land as a shop,

shall not proceed to carry out the proposal without the consent of the relevant planning authority.

Penalty: Ten thousand dollars.

(2) When considering an application for its consent under subsection (1) of this section, the relevant planning authority shall have regard to—

(*a*) the provisions of any relevant authorised development plan;

(b) the health, safety and convenience of the community;

(c) the purpose for which the relevant zone has been created; and

(d) the effect of carrying out the proposal on the amenity and general character of the locality affected by the proposal.

(3) Where consent of a planning authority is required in respect of a proposal under subsection (1) of this section and that proposal constitutes a use of land, as defined in planning regulations, for which consent of the planning authority is required under those regulations, the regulations are, to that extent, suspended while this Part remains in operation.

(4) Where applications for every authorisation, approval or consent required under this Act and the Building Act, 1970-1976, for the purpose of carrying out a proposal of a kind to which subsection (1)*(a)* or *(b)* applies had been made before the twenty-fifth day of March, 1980, no consent is required under subsection (1) of this section in respect of the proposal.

39d. This Part shall expire on the 31st day of December, 1980.

And that the House of Assembly agree thereto.

Consequential Amendment:

That the Legislative Council make the following consequential amendment to the Bill:

Page 1—After clause 1 insert new clause as follows:

2. Section 2 of the principal Act is amended by inserting after the item:

PART IV—IMPLEMENTATION OF AUTHORISED DEVELOPMENT PLANS, ss. 36-39

the item:

PART IVA—SHOPPING DEVELOPMENT

And that the House of Assembly agree thereto.

Later:

The Legislative Council intimated that it agreed to the recommendations of the conference.

Consideration in Committee of the recommendations of the conference:

The Hon. D. C. WOTTON: I move:

That the recommendations of the conference be agreed to.

As a result of the conference of both Houses, a compromise agreement has now been reached that is satisfactory to all parties concerned. The elements of that agreement are, first, that the Government's amendments to its original Bill introduced in the Legislative Council to provide for interim legislation until the end of 1980, to control large shopping developments outside shopping zones, and to require consent for shopping development within shopping zones, have now been agreed to by the conference managers. Secondly, the Retail Consultative Committee set up under the previous Government will be augmented to include two new members, one from the Mixed Business Association and the other a public accountant.

Also, the consultative committee will be asked to examine the appropriateness of including the concept of economic viability in planning legislation governing shopping developments. Thirdly, I undertake to write to all metropolitan councils explaining the amendments and requesting councils to consult with me as Minister of Planning on all shopping development applications which have a floor area of more than 2 000 square metres and which are in a shopping zone. Fourthly, I shall be drawing to the attention of metropolitan councils in that letter the concerns that have been expressed about the proliferation of shopping developments and will advise councils that the Government will continue to carefully examine all council rezoning proposals affecting shopping development within the context of the Planning and Development Act.

So that members are clear about what was agreed to at the conference, I will restate the main provisions. First, the Bill will prohibit shopping developments of more than 450 square metres outside designated shopping zones. The Bill will apply throughout metropolitan Adelaide, with the exception, of course, of the City of Adelaide, from 15 February 1980 until 31 December 1980. Secondly, the Bill will mean that, within designated shopping zones, new developments will require the consent of the planning authority in line with the criteria spelt out in the legislation. This will ensure that an expanded concept of third party appeals is not introduced for shopping developments within shopping zones. The provision will apply from 25 March 1980 until 31 December 1980.

The Government's firm legislative action to contain shopping developments in the metropolitan area will act as a holding measure while the important task of revising retail development policies for the metropolitan area is proceeded with and implemented. I understand that, since the conference this morning, the spokesman for the Opposition in another place has been somewhat critical of this Bill and has suggested that the Government is giving way to big business at the expense of small business. I make quite clear that that is not the case. We are adopting some of the recommendations, in fact many of the recommendations, that the Retail Consultative Committee, which was set up by the previous Government, made in its discussion paper. We are adopting many of the recommendations as an interim measure and it is our intention, as I have explained (and I do not intend to canvass this issue again because it has been fully debated), to bring down as quickly as possible positive legislation on this matter. It was impossible for the Government to accept the Opposition's move for a total moratorium on retail development throughout the whole of the State, even though it would have been on a temporary basis. We could not accept that those responsible for planning in this State should be involved in a viability issue, but we have accepted the point made by the Opposition that we should ask the Retail Consultative Committee to advise on that basis.

As I mentioned earlier, the Government will look to augment that committee to include a person or people who will be better able to assist in advising on small business and its viability. I am pleased that the conference has made these recommendations. I believe that the Government's action to contain shopping development in the metropolitan area will act as a holding measure. The Government accepts that it has an important task to revise the retail development policies for the metropolitan area; it is proceeding with that task, and will implement those policies as soon as possible.

The Hon. R. G. PAYNE: In speaking to the recommendations of the conference, I find myself in somewhat of an ambivalent position, because, as members will understand, in attending the conference with members from both sides of the House, one was required, in effect, to operate on behalf of the will of this House. I can only say that I found the conference very much like the wellknown curate's egg—it was good in parts. The conference began rather poorly. I felt somewhat embarrassed, as a member representing the House of Assembly, to find that the Minister appeared to be, in the beginning, quite intransigent about any spirit of compromise whatsoever. It would be fair to say in his defence, because he needs a defence, that he did not continue in that vein and, as time went on, it would also be fair to say that there was a softening of the attitude adopted by the Minister on behalf of the Government

more than on behalf of the House of Assembly.

Nevertheless, the Minister was entitled to act in that manner because he was the Chairman of the conference. Some points need to be raised, including the fact that the Minister has, in reporting to the House the Opposition's position in this matter, carefully covered over the fact that there was a problem regarding retail development not only in unzoned areas but also in zoned areas. The Minister, when introducing the original Bill, steadfastly maintained that this was not so and that all that was required was the original Bill which, of course, referred to an area outside zoned shopping areas.

Consequent on that, and no doubt due to pressures put upon the Government just as an approach was received by the Opposition, almost magically the amendments to which the Minister referred appeared in the other House and were introduced by the Minister of Community Welfare, representing the Minister of Planning in this place. The events that then transpired led to the conference. While the Minister was speaking, I wrote down one or two of his comments, and I am sure that my quotes are correct. He said that what arrived back here as a result of the conference was a compromise agreement.

I suppose that in defining the compromise agreement one could say that the result was 50-50, 60-40 or 90-10 and still be strictly correct in referring to a compromise agreement. Speaking as a member of the Opposition and not necessarily as a member of the conference, I would say that there was a very heavy imbalance in the compromise agreement that was reached. However, there was, as I have already pointed out, a movement by the Government in this matter, the first movement having been its amendments moved in the other place, as I have already mentioned. The second movement was the acceptance of the Legislative Council's proposal that there ought to be an advisory committee, and that at least accepts the principle involved.

By agreeing, and indicating here this evening, that two additional persons should become members of the consultative committee (a person with a qualification in accountancy, and a representative from the Mixed Business Association, who would be effectively representing 1 500 small businesses in South Australia), there has been an acceptance of the principles that we were trying to put before the Minister, both in here and by way of Opposition amendments in the other place involving other concepts on the question of whether or not a retail shopping development should occur. I refer to the question of the economic viability of other traders in the area, a factor that should be taken into account before there is further proliferation of retail development in a given area. Secondly, there was, and the Minister attempted to tell the House tonight that in no way was the Government, and I quote him, "giving way to big business", yet if that is not a tacit admission, certainly up to the point of conference, that the business interests in retail development other than the large interests be ignored, then I can only suggest that the acceptance by the Minister that there was need, and this is what it must be—

The Hon. D. C. Wotton: You set up the committee and the terms of reference.

The Hon. R. G. PAYNE: The Minister can refer to past history, and I believe I have been fair in this matter earlier when I pointed out that this is not a question of blame about the situation.

There was definitely a tacit admission that the interests of small business had been entirely overlooked, because why else would the Minister have agreed to extend as he has? However, I am glad that the Minister has accepted that principle. We had enough approaches from small businessmen throughout the whole State, let alone the metropolitan area, to show that there was this need.

The Minister mentioned the Government's firm legislative action. I do not know whether one would call it firm legislative action or trying to keep ahead of pressure that the Government was getting—

The Hon. D. C. Wotton: I think you would call it a compromise.

The Hon. R. G. PAYNE: As I have explained, the definition of compromise is capable of a wide interpretation.

The Hon. D. C. Wotton: If you agree, it's a compromise.

The Hon. R. G. PAYNE: The compromise, as I have pointed out, was achieved under considerable difficulty by the managers for the other place. I cannot recall myself having often in this place defended anything to do with the other place, but I must say that I was impressed with the patience of the managers representing the other place; the skill of the Hon. Mr. Burdett, for example, was quite evident. I have referred to the Minister's initial intransigence, and I think it was through the Hon. Mr. Burdett's discussions which were occurring and which I think even had effect upon the Minister. The Minister began to see that it was not open warfare that we were conducting and that some form of compromise was desirable.

The Minister demurred at legislative action, but after some argument he was agreeable to sending out the letter, the contents of which he has indicated. I do not recall the Minister's saying that the conference agreed that he should send this letter to all local government bodies in South Australia, as soon as reasonably practicable, but I think that is important.

The Hon. D. C. Wotton: I will certainly be doing it.

The Hon. R. G. PAYNE: I expected that the Minister would keep the word he gave at the conference. Secondly, I am not sure that the Minister has said what the consultation he will be requesting means in practice. Some gain has been made in this matter, because the consultative process that should occur as a result of the Minister's letter to local government involves not only the Minister but also the officers of the Department of Urban and Regional Affairs, including officers whose brief covers retail shopping and development.

The Minister was less happy originally to agree either by way of legislative action or by way of letter, requests, or whatever to councils in respect of non-zoned shopping areas. The point that was troubling the Opposition and the Legislative Council managers during the conference in respect of non-zoned areas was that the action proposed in the Bill did not stop the rezoning cycle that can occur, nor did it make any attempt to interfere with that process.

The Minister saw the point that we were trying to put here and at the conference and he has agreed to include that matter, in a form similar to that which he has outlined tonight, in a letter to councils and to bring it to their attention. I believe that this will be a useful action in regard to the vexed problem of retail development in South Australia.

There is one other point that I do not recall the Minister making, namely, what will happen to those applications already in the pipeline? It may be an omission. I am not suggesting that the Minister did not want to mention this point. The agreement at the conference was that, regarding those applications which may already be in the pipeline and fall outside the dates of 15 February or 25 March (and obviously to the date when the Bill goes through the remainder of the system it must go through), the Minister would be requesting councils that they also be subject to this consultative process that has been referred

to in the letter if they are of a size to meet the requirement set out in the letter.

I said in the beginning that the conference was like the curate's egg, namely, good in parts. I think that the result was better than an impasse. If that decision in the compromised agreement to which the Minister has referred is not too far from his definition, I would have to agree. In the context of the remarks I have made, I support the amendments.

Mr. MILLHOUSE: I think that the Minister deserves congratulations rather than anything else. It seems to me (and I was not at the conference; I look on it as an outsider) that the Labor Party gave in and the Minister got nearly everything he wanted. There was not much compromise in it. The member for Mitchell talked about compromise, but he and his colleagues let the Minister run over them as far as I can see. That is good for the Minister but it does not suit me, because it is not what I wanted. One must give credit where credit is due. If the Minister was able to bluff the Labor crowd into giving way, good luck to him.

What I want to ask (I take it that I know the answer, and I will be disappointed if the answer is as I suspect) is in regard to the one thing I had emphasised throughout the whole of the controversy on this matter, namely, the proposed shopping development at Blackwood. The Labor Party's proposal would, I believe, have blocked that, but I rather suspect that the compromise, so-called, that has come out of the conference of managers will not block it.

I hope that the member for Fisher, in whose area it is, will support me on this matter; he is not present in the Chamber. I ask the Minister whether or not the compromise that has been worked out will block the Blackwood shopping centre. If it does not, I am disappointed, and I think that the House has let down the people of that area in not blocking what I think is an iniquitous and entirely unjustified and unjustifiable proposed development.

The Hon. D. C. WOTTON: In answer to the member for Mitcham, the legislation will not block the Blackwood development. As he knows, that application has been lodged for some time, and it is a matter that has been before council and before the public and, in fact, the regulation will now have to come before the State Planning Authority and before me, as Minister, for a decision to be made.

It has been through the process of public participation and it will go through the process of being involved with the State Planning Authority, and, finally, a decision will have to be made by me. I have not even seen the regulation, and I am certainly unable to say what action I will be taking in regard to that matter. To answer the honourable member's question specifically, the legislation will not block that particular development.

Mr. Millhouse: The member for Fisher—

The CHAIRMAN: Order!

Mr. CRAFTER: I was a party to the conference that took place this morning on this matter. As it was my first attendance at a conference of both Houses, I have no other experience with which to compare it. Along with my colleague the member for Mitchell, I was disappointed at the intransigent position taken by the Minister in this House with respect to this matter.

I was alarmed at one stage when I thought that the managers from the other place would not be able to present their opposition to the attitude taken in this House and that their views would not be heard. However, right reason prevailed, and I believe that they were given an opportunity to put their attitude to the conference, as a result of which some compromise position was reached.

The tragedy perhaps for the thousands of small business people who are relying on a much different result from that which will be achieved by the passage of this measure is that almost solely the effectiveness now lies within the capability of the Minister to come to grips with this problem, depending on the advice he takes. I noted the words he just used with respect to the Blackwood proposal where he said that he would make the decision alone.

One would hope that, before he takes any decision alone, he would seek proper advice on it. One of the compromises reached today was that he agreed to take advice from the Retail Consultative Committee and that the membership of that would be enlarged to bring in some experience with respect to the economic viability of such proposals, and that the terms of reference of the committee would be expanded so that further advice with respect to the viability of the proposals could be provided to the Minister.

The weakness in this measure now is that so much power rests with the Minister. There is also the Minister's almost total faith in the goodwill of local government to co-operate with him and his officers in these matters. It has been my experience that, where there are enormous pressures on councils, the Minister may be surprised to find that a number of local government bodies, particularly those which give the community most concern, would be those most reluctant to undertake consultation and to submit to the wishes of the Minister, where he wishes to impose some authority. The concept we have arrived at is that the Minister, if he chooses to use it, has the power to intervene in this matter.

We arrive at the situation that the Government has been so critical of in debate about this matter, where we will have some central authority presiding over a more orderly and proper planning process with respect to retail development. This measure will clearly not hinder the development of the major supermarket chains. All they have to do is meet the criteria and there is no way that local government or, I understand, the Minister, will be able to prohibit a development. If they want to develop outside a shopping zone, there is no barrier to the rezoning of an area as a shopping zone.

Turning to the limit of 2 000 square metres, I imagine that an architect could prepare plans for a series of shops each of 2 000 square metres. I understand that tactic was used in my district some years ago. The attitude of the Minister in denying third party appeals is a tragedy.

The CHAIRMAN: Order! The honourable member cannot branch out into debate.

Mr. CRAFTER: It is imperative, in the planning process, that we have the widest possible community participation. The recommendation does not appear to run to third party appeals, and that is a tragedy. Such a deficiency can only help the big developer, who has enormous resources on hand to push through such development proposals. This is a decision that only goes part of the way. It relies to a great extent on administrative interest and intervention, and very much on the ability of the Minister to withstand the enormous pressures that are evident from big business.

The many small business people who live from day to day and who are wondering whether to sack staff, scale down their operations, or move to another area will not receive any heart from this proposal. We are on the crest of a wave of major retail development in the community and that wave will pass in a few years. The limitations placed upon this legislation, if they were sufficiently tight, would have brought about a major shift in the thrust of massive retail development going on at the moment.

I fear, as the member for Mitchell fears regarding the example he gave, that this will not stop that wave that is in existence at the moment. The shift that will take place in the next 12 months with respect to the amenities in local communities, particularly in inner suburban areas, will have a long-lasting and drastic effect on the quality of suburban life. The Government had the opportunity with this legislation to take a responsible attitude and I am sorry that that did not occur.

Mr. SCHMIDT: I was a member of the conference that took place this morning. I am appalled and sickened at the gall and the level to which the member for Mitchell has stooped to make political mileage out of that conference. It was my impression that such conferences were held in confidence and that we would discuss the proposals and come forward with a compromise. A compromise was achieved in a conciliatory manner. I was impressed by the way in which the Minister allowed much leniency at that conference, yet the member for Norwood is also stooping to the level to which the member for Mitchell stooped to make political mileage and referred to people's character before proceeding to give a precis of that meeting. That was spoilt by a breach of confidence of a conference meeting.

Motion carried.

MOTION FOR ADJOURNMENT: GOVERNMENT DOCUMENTS

The SPEAKER: I have received a letter from the Leader of the Opposition, as follows:

> I wish to advise that when the House meets today, Wednesday 2 April 1980, I shall move that the House at its rising adjourn to 2 p.m. on Thursday 3 April for the purpose of debating the following matter of urgency:
>
> 1. The actions of the Premier and his Ministers in flouting constitutional practice and convention by the selective and misleading use of Ministerial and departmental documents;
> 2. The failure of the Government to report as promised to Parliament and the public on inquiries initiated by it.
>
> Yours sincerely,
>
> John Bannon
> (Leader of the Opposition)

The SPEAKER: I call on those members who approve of the motion to rise in their places.

Members having risen:

Mr. Mathwin: You've got to be kidding.

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

> That the House at its rising do adjourn until tomorrow at 2 p.m.

Mr. Speaker, yesterday you gave the House your considered ruling on the observance of Standing Orders by members, and on the standards of Parliamentary practice in general. Already, at the commencement of this debate, we have heard from the Government side remarks such as, "You've got to be kidding", which indicates Government members' attitudes to the importance of matters raised by the Opposition and matters raised by you, Mr. Speaker, yesterday. I think it was right and proper for you, Sir, to have made the observations that you made. However, with respect to you, Sir, I add that the standards of the House depend as much on the management of the business of the House by the Government, and the co-operation between the Parties on procedure, as on the words that individual members choose to use to support their arguments. It depends further, I believe (as does our whole system within this place, and beyond it), on the observance of understood constitutional practices, proprieties and conventions, without which our system would surely fail.

The Opposition is extremely disappointed to note that in the first six months of this Government's term in office its attitude to those conventions and proprieties has been severely compromised. The Deputy Premier, as Leader of the House, has on many occasions gone out of his way to make co-operation difficult. He has repeatedly shown himself to be insensitive to the forms of the House, and in his grasp of procedure and precedent he has displayed considerable incompetence.

This ill behoves a member who has been in this place for a considerable time and who has the important and vital duty of leading this House and of ensuring that at least some standards and guidance are provided to members in terms of their conduct on the floor of the House. Yet, again and again we have found that the Deputy Premier (I suspect, believing that he is still in Opposition, and certainly carrying with him the habits that he displayed while in Opposition) has shown himself to be combative, aggressive, and at times completely rude and insensitive in his dealings with the House. That has made it extremely difficult for the Opposition to observe the sort of standards that you have suggested to us.

Members need to stand by the written rules and the unwritten conventions to enable the Parliamentary system to work at its best, and to enable the process of the decision making to proceed. As you, Sir, have pointed out, we must acknowledge the inter-relationship that exists between all the Standing Orders and the practices of the House, and the larger constitutional questions. Your statement yesterday and the recent actions of the Government have made urgent the question of proper constitutional practice, and the Government use and abuse of Parliament which is to be considered here today. In particular, I refer to the first part of the motion of urgency put before the House, namely, the actions of the Premier and his Ministers in flouting constitutional practice and convention by the selective and misleading use of Ministerial and departmental documents.

The conventions and practices to which I refer have been well established by precedent and in academic writing, and this House should take note of them. Great Britain is the source of many of our practices, and most of our precedents as you, Sir, observed yesterday, and it is traditional that no Government can inspect the records of a previous Government, and this convention is rigidly observed. I will in a moment expand on the reason behind that.

I point out at the outset that the intention and the aim of this long-established convention is not to cover up practices or policies of previous Governments. Matters of public record and debate must properly be argued, debated and raised in Parliament.

The reason for the ruling is in order to allow the constitutional processes of our Westminster system to continue where Governments do change and where Administrations periodically have quite different policies, and to preserve some sort of continuity and stability. Indeed, if a constitutional practice was brought into effect that would make it simply an open go to explore every avenue, small jotting, minor decision, and internal discussion of a former Government, quite clearly Governments could not change in this society with any kind of continuity or stability. We would then have some kind of dictatorship that would seek to preserve itself perpetually in office. Thus, the importance of the convention, of which, I am afraid, Government members are totally unaware.

I have referred to the practice in what you, Sir, referred to as the Imperial Parliament or the mother of Parliaments. In Australia, we do not go quite so far along that track. The present Government needs reminding of what is recorded as proper practice. Certainly, the Leader of the House should be told. Regarding a recent survey conducted by Professor Cooray of Macquarie University, it is noted in a work entitled, "Conventions: The Australian Constitution and the Future" that:

> Official documents nominally remain the property of the orginating Government but should be returned to departments on the Government's defeat for safekeeping.

He says further:

> Incoming Ministers are not entitled to see a former Government's documents, even for ongoing administration except at the discretion of the departmental head concerned.

This, I should add, is the Professor's view of contemporary practice in the Federal Parliament and is confirmed by the way in which documents have been handled in that place traditionally over many years. Professor Cooray says that this rule is necessary for several reasons, including the following:

> A Minister "should not have to worry overmuch about his opponents coming to know of his thoughts and random writings so that political capital can be made of them".

I am afraid that political capital is about the limit of this Government's concern for constitutional convention. The whole process of frank discussion between Ministers and their Public Service advisers, a process which requires mutual confidence, is in jeopardy here.

The former Premier and Deputy Premier, rather than have reason to worry about the digging and the so-called disclosures that are being made in this place, have in fact cause for considerable anger about the way in which constitutional conventions are being manipulated.

A Senate Standing Committee on constitutional and legal affairs in 1978 had on it a majority of Liberal members who put on record that they thought that documents containing opinion, advice, or recommendations of a policy nature should in no circumstances be made public. The qualification there, of course, is that permission of those involved in the formulation of the policy process had to be obtained. The Department of the Prime Minister and Cabinet in Canberra has stated that ordinary administrative files are generally open to incoming Ministers—a quite proper procedure. This is obviously necessary for the continuation of Government. However (and it is a most important distinction), there is a convention that Ministers do not conduct fishing expeditions into the files and, if they do use material in them, they do not quote from them directly. Both of those strictures have, in fact, been completely overlooked or ignored by the present Government. It is understood that in a number of departments, on the instruction of either Cabinet or Ministers, these fishing expeditions are taking place, and examples of that process having taken place can be clearly seen by one or two matters that have been brought before this House, to which I will refer later.

I refer to these statements to repeat the point that the proper Parliamentary process is rather more than being polite to each other across the Chamber and not using abusive language. The proper processes have not been observed in this House. The Opposition has had to watch the unedifying sight of the Government using departmental documents to mislead, and indeed I will put it so strongly as to say slander, members opposite. It has done nothing to enhance the prestige of Parliament. We have been accused publicly on a number of occasions of stealing public authority documents and releasing them. The name of the police has been invoked and investigations commenced to try to give weight to this baseless charge. We had today an example of the Chief Secretary finally, weeks after the accusations were made public concerning my involvement in the so-called stolen documents, under great pressure, presenting to us a report which confirmed that there was no evidence that the documents had been stolen and that the accusations were baseless. I hope that suitable apologies will be forthcoming. It is not good enough, and in this area my deputy will be dealing specifically with reports and the way in which they have been handled.

I return to the major point of the way in which Cabinet, Ministerial and other documents have been misused by the present Government. The first instance was one that involved, appropriately, from the way in which he has been performing, the Deputy Premier. Members will recall that during Question Time on 6 March 1980, in reply to a question put by one of his own members, the Deputy Premier produced a document from which he then proceeded to read notations alleged to have been made by a former Deputy Premier. That is recorded on page 1523 of *Hansard*. The Minister, after accusing us of duplicity, hypocrisy, and abysmal ignorance (stock words in his vocabulary, unfortunately), went on to say that he was going to enlighten us by quoting from a document of the previous Government which had come into his possession as Minister of Mines and Energy.

Flouting all practice, he did not table the document so that the full notations could be seen. He simply quoted from aspects of it and referred to handwritten notes made by the previous Deputy Premier on the bottom of the document, all to try to make a political point, not subject to response in this place by the then Deputy Premier who, unfortunately, is no longer a member of this House, and not subject to examination by Opposition members who may well have been involved in it. They were simply allegations selectively using a document that he had absolutely no right to use in this public way. He made all sorts of imputations of that document. The Minister suggested that he would think about it before he tabled the document. He treated the whole thing extremely lightly and accused Opposition members of being hypocrites when we asked that it be tabled. That is typical of the approach that has been taken.

Then we had on the very same day another example of this breach. The Minister of Aboriginal Affairs, quite blithely, again in reply to a question put by a member from his own side, referred to a Crown Solicitor's opinion and quoted at some length, although not *in toto*, from that opinion. The relationship between the Crown Solicitor and the Government that he advises is traditional, not just of Government to public servant, but of client to lawyer. The opinions expressed, being legal opinions, are such that, if the Minister wants to use them, he should use by paraphrase and not by putting them in. If subsequent legal action arises, it is a tradition of law and a strong ethical consideration that the opinions of advising solicitors are not placed on the public record; they are adduced during the course of those proceedings. The practice of quoting that opinion in the way that it was done was totally improper, but, in order to score a political point, conventions were thrown out the window.

Finally, we had the most unsavoury incident in this House only last week. I refer, of course, to the Minister of Transport and the docket from which he quoted. At least that Minister was prepared to go on record as making some acknowledgement of the constitutional situation. Indeed, the circumstances in which the quotations from that document arose were ones in which the Minister restated his view that these documents should not be

quoted in the way that had happened in the past. He did not refer to previous practice, but he made clear that he understood the constitutional convention.

The Minister had been asking questions at some length and we appreciated the attention he had given to the debate. However, when he chose to quote from this docket and when, as was quite proper, having quoted from it, he was asked to table it, one would have thought that the Minister would properly do that, and acknowledge the convention of the House. Indeed, if he wished to refer to some matter in the docket, once it became a matter of public record it was quite appropriate that he should do so. However, he chose to misrepresent completely the contents of that docket. It was an unedifying spectacle of the Minister trying to hide the document under his desk so that it could not be seen, with the Premier joining in to egg him on, suggesting that he remove two pages from the document and table them in lieu of the whole, and finally being forced to table the whole lot.

The Minister quoted from that docket to say that the previous Premier had sent a minute to his predecessor instructing him to institute, on an experimental basis, random breath testing. The minute did not say that. It was an unsigned, undated suggestion that was before the Premier for consideration, on which was noted, as the former Premier himself explained to the House, the words "Discussed with Mr. Corcoran; not sent; hold until after election; in meantime, ask what Victoria has discovered with their experimental test." The matter was under investigation, no decisions were taken, and it was improper to introduce it in that way.

The SPEAKER: Order! The honourable Premier.

The Hon. D. O. TONKIN (Premier and Treasurer): I waited with some interest to hear what the honourable Leader had to say on these matters. I am particularly disappointed that he was not able to make any sort of case at all because I rather hoped that there would be something specific to answer, instead of which we have been treated to a procession of generalities, quotations from Erskine May, and references to conventions. I uphold the conventions and proprieties of the House as much as anybody else does. I should have thought that the Leader's comments could have applied equally well to Leaders of the House in a number of succeeding Governments. I do not think that there was anything at all which he had to contribute in that particular regard. He talked about practices and precedents of the House and makes the point that no Government should be entitled to inspect the records of previous Governments. All I can say, being very charitable, is that that is a very naive view indeed, because I cannot understand in any way how the business of government, especially when it was taken over so rapidly and precipitously as it was last September, could possibly continue without dockets continuing in circulation.

Does the Leader of the Opposition seriously believe that a Government coming into office should suddenly send all the dockets back and start again with blank sheets? The idea is absolutely absurd. It would be totally impossible. Financial commitments which were made by the previous Government and which must be documented, this Government has been able to keep, and that is something of which it is proud. The international hotel, legislation regarding which went through this House yesterday, was one matter that arose from a great series of documents arising from the previous Government. It would be totally impossible for that not to occur. Continuity and stability are the name of the game. Those two things can occur only when those dockets are handed on from Government to Government, so that projects which have been begun by one Government can be carried out and completed by the next.

I realise that there may be some matters that honourable members opposite would like to see ignored. I can certainly give them an assurance that there is no suggestion in any way, and certainly no truth in the suggestion that was made by the Leader, that this Government is engaged in muck-raking for muck-raking's sake. If proper decisions have been made by previous Governments, there is no cause for concern; but if previous Governments have not made proper decisions, and have, in fact, mismanaged, then inevitably as part of putting right that mismanagement the records of previous Governments will be examined.

The Minister of Transport was quoted by the Leader just recently in relation to the document tabled in this House during a recent debate. It is quite clear that the Minister did not quote from that document until he had been asked to table it, and under the Standing Orders forced to table it, by the honourable member for Elizabeth. At that stage it became a public document, and it was in order for him to quote that document in any way he wished.

Mr. Bannon: I said that.

The Hon. D. O. TONKIN: I will accept that the Leader did say that, but then he tried to make some sort of capital out of the fact that the Minister quoted from the document. He cannot have it both ways. The Leader of the Opposition indicates his absolute concern for constitutional convention, and I find that very difficult to understand, because the Leader has not hesitated at any time to use information that has been leaked from Government sources. I would like to know, after what we have heard today, where is his practical demonstration of his concern for constitutional convention. Where is the evidence in his own actions of his concern for constitutional convention? The Leader's actions over the past few months show quite clearly that, although he may give lip service to his concern for constitutional convention, he has never hesitated to use information which has obviously come improperly from Government sources.

Indeed, there was one report from the *Australian* newspaper which quoted (and I do not know whether or not this is accurate, but I have no reason to suspect otherwise) that certain information from Government sources was handed to that newspaper's reporter from the Leader's office. There have been a number of instances of so-called leaked documents. I do not intend to go into them in any great detail but I will simply list them. There was the letter to the Minister of Health from the Secretary of the Hospitals Association; a letter from lift manufacturers to the Minister of Industrial Affairs; the beverage containers report; a confidential memo to Ministers from the Premier regarding the 1980-81 Budget; the Cabinet submission from the Minister of Industrial Affairs regarding shopping hours; the report on the future of Monarto; and, of course, the report about the so-called fare fiasco—and it was indeed a fiasco. I will leave my Deputy to deal with the uranium reports, but all of these matters have occurred, and they have been used by the Opposition without any regard whatever for constitutional convention.

Members interjecting:

The SPEAKER: Order! Will the honourable Premier please resume his seat. The honourable Leader was heard in silence, and I ask that honourable members accord the same courtesy to the honourable Premier.

The Hon. D. O. TONKIN: The Leader of the

Opposition has shown a marked degree of overreaction to suggestions that he has used information which has been improperly obtained from the Government and has gone so far as to suggest that allegations have been made that he personally stole those documents. I say here and now that no such allegation has ever been made, and he is wrong in suggesting that such allegations have been made. He has been joined by his colleague on the back-bench in making that allegation, too.

The fare situation, which was reported on only today because the report of the police officer was completed only yesterday and presented to the Chief Secretary today, shows clearly that the Leader has never been accused of stealing documents, but he still does not hesitate to use the information, and that is the point. In the past few weeks the Opposition has asked a series of questions about a police investigation into those documents, which disappeared from a State Transport Authority file early in January. As soon as I heard that the documents had been found to be missing, I asked the Minister of Transport to institute an inquiry, which he did. It was on a Friday afternoon, as far as I remember, and, on the Monday I found that no progress had been made with that inquiry, but, on 7 February, the Opposition Leader came out with a prediction that fares would rise immediately after the Norwood by-election. He said that he knew this because new blocks for fare tickets were being printed by the authority.

This was only one of a number of matters on which he has been proved wrong in the past few weeks. He predicted that a mini-Budget would be introduced following the Norwood by-election. He has predicted a $40 000 000 deficit this financial year. He has suggested that across-the-board increases in State charges would follow the Norwood by-election, that a review of the Land Commission's operations would lead to an explosion in land prices. He has accused the Government of changes in the Public Service for purely political reasons, and he has given an inflated view of the number of public servants who would be moved. He also made allegations relating to the activities of the Uranium Enrichment Committee, the Mines and Energy Department, and the Deputy Premier, together with a decrease in South Australia's income tax sharing. He will be proved wrong in all of those matters.

He predicted that fares would rise, and he said that he could prove it, because tickets were being printed for the higher rates. In response to that, my statement was that the statement of the Leader of the Opposition was clearly based on a document that had been stolen from the authority's office the previous Friday. I said that a police inquiry had been started then and that I would be asking the Police Commissioner (Mr. Draper) to reopen those investigations. I said that the report on possible new fare structures had not been seen or considered by the Government, and so on. On Friday 8 February I made the following statement:

> The police have investigated the matter on Friday and found no evidence of theft, but I ordered them to resume the investigation in the light of the Opposition claims on increased bus fares.

At no time has the Leader been accused of stealing documents, but I maintain that he has used information that has been obtained as a result of the leaking of documents. An honourable member on the back bench asked a question recently about the State Transport Authority. He misquoted that statement and said that I had said that the police had found evidence of theft. That is clearly not so. The statement I made showed that there was no evidence of theft, and that was a preliminary report.

Then the Leader, during a personal explanation yesterday, mentioned that he was involved in an allegation made by me that he was involved in the theft of a document owned by the S.T.A. That is also totally untrue. The statement that the Leader made yesterday (and I think it important that we understand exactly where the Leader stands on this matter) was one in which he completely misled Parliament over the availability of the police report. The Leader said here yesterday that he had rung the Commissioner of Police early in the day to ask whether he could give any assistance as to the progress of the inquiry, whether or not the report had gone to the Chief Secretary, and when it would do so. The Leader continued as follows:

> The Police Commissioner was somewhat bemused by my inquiry. He said that as he understood it the matter had been reported to the Government at its request some time previously. In fact, he said that that had been a matter of weeks ago.

The facts (and I use the word advisedly) are in direct conflict with that statement. The Police Commissioner's report on the missing document was not forwarded to the Chief Secretary weeks ago, as the Leader purported; it was delivered to him today at 11 a.m. It is a lengthy and comprehensive report. The Chief Secretary has talked with the Commissioner about the Opposition Leader's conversation with him yesterday relating to the availability of the report and his recollection of the discussion differs from what the Leader told the House yesterday. The Commissioner's recollection is that his reply to the Leader's inquiry was that he was not sure about the actual progress of the report and thought it may have already been sent to the Chief Secretary some weeks ago, but he added, however, that he could not be certain and would have to check with his officers. The Commissioner subsequently did this and found that the report had not been sent and in fact had not been completed. That was done late yesterday afternoon.

The Leader's statement made no mention whatever of the fact that the Commissioner was not certain, and in that he totally and completely misled the House. I find it difficult indeed to understand exactly what motivates the Leader in moving this motion today. There are a number of reports and various styles of report which can be used. I will outline them for the benefit of members of the House.

There is the first report, which is a major inquiry (a Judicial inquiry—perhaps a Royal Commission), one in which evidence is invited from members of the public. It is a matter of extreme concern. That is the sort of report that it is proper should be made available to the public. There is a second form of report, which is an inter-departmental or departmental inquiry report, where reports from officers are made on various matters of concern, either to the Government or to a Minister. In other words, it is a report to guide them according to policy decisions, and so on, and obviously to guide Ministers in the reports that they may make to Parliament. There is no obligation whatever on the Government to release the details of such reports. Further, the last category includes those reports asked for by a Minister or a departmental officer for information to assist him in his duties. Countless such reports are asked for every day in the course of Government business, and it would be totally impossible to release details of those matters to Parliament. I totally refute the claims made by the Leader, and I seriously question the reason for his bringing this motion. I also seriously question his sincerity in what he has alleged.

The SPEAKER: Order! The honourable Deputy Leader.

The Hon. J. D. WRIGHT (Adelaide): My task is to refer

to the second part of the motion before the House, which deals with the inquiries and reports undertaken by this Government. Before doing that I think it imperative to place correctly on record, not incorrectly as the Premier has just done, the statement made by the Leader yesterday relating to a discussion with the Commissioner of Police. It is clear in *Hansard*. I quote what the Leader said, as follows:

> The Police Commissioner was somewhat bemused by my inquiry. He said that, as he understood it, the matter had been reported to the Government at its request some time previously. In fact, he said that had been a matter of weeks ago and his memory of the report, which he did not have before him so that he obviously could not comment on the document itself . . .

Nowhere there is the Leader making the allegation that the report was sent. He is saying that, as the Police Commissioner understood those circumstances, it had been sent. What he is saying is as clear as crystal. Regardless of how anyone tries to confuse that issue, it will not be acceptable. More important is the negligence on the part of the Chief Secretary.

The member for Ascot Park has requested the Chief Secretary, over a period of some two or three months (certainly, over three question periods that I know of), to provide that report. I am not quite sure when the first question was asked, but surely the Chief Secretary had an obligation, particularly after the second time the question was asked, to contact the Commissioner of Police to ask what was happening with regard to the report. There is little question about that and I do not think that even the Minister of Industrial Affairs would deny that that was not responsible, especially in view of the fact that the questioning was persistent.

I want to deal with some of the inquiries that have been attempts by this Government to cover gross misjudgments of public opinion. Others have been calculated attempts to make political capital, such as the attempt to prolong the Salisbury Special Branch affair. I have counted at least 10 announced major inquiries for which we are awaiting reports, and about which, in all fairness, Parliament and the public should have had reports. This Government will be known as the Government that does not report. It is not good enough for the Government to push unpleasant matters out to an inquiry and leave them there. The Government will find that these matters will not go away: they will remain to worry the Government. Surely by now the Government must realise that it is fully responsible for what is going on; it can no longer act as an Opposition or no longer blame the Opposition as it has been trying to do in the past. No longer can the Government go on in its carping way, as that does not fit its new role.

I would like to list the outstanding reports for which we have so long been waiting, and I hope the Premier is listening. The first and the worst instance concerns the time when the Minister of Transport and the Government were on the spot over projected higher public transport charges. The Premier mounted a distracting counter-attack and, in order to distract attention from an embarrassing subject, he said that, if we had information about higher fares, that information must have come from a leaked document, *ipso facto* a stolen document. There is no question about that, as the Premier is on record concerning what he said on that occasion.

Unfortunately, the persistent enquiries as to this matter has forced the Minister of Transport to place on record today the events of that occasion. I would like to place on record that the Opposition has had no documents whatsoever. Enough people knew what was being planned for somebody to come forward to the Leader at a time when he was door-knocking in the Norwood by-election. That is how the Leader came by the information. Those people had the information and were concerned about it; I was there when this event occurred, so there can be no doubt as to how that information was acquired. What did the Premier do on that occasion? He told the *News* and that paper eagerly ran the story that there had been larceny of a document. The Premier cannot back away from that statement, as we now have evidence that no larceny of a document occurred.

The Hon. E. R. Goldsworthy: How do you know?

The Hon. J. D. WRIGHT: Surely, we have the evidence today. The police said that in a report, and that is good enough for me. Why did you allow your Minister to give backing to this preposterous allegation, one of a series that has rightly enraged public servants? The Premier immediately involved the police in a hunt for miscreants, whom they could not find. There were no miscreants. Evidence has been clearly put to this House today. The complaint I have about that, and I think it is genuine and serious, concerns the laxity and inefficiency on the part of the Premier or the Minister of Transport in not informing the House about those facts before now. In fact, we have had to wait for my Leader to be cleared from this allegation that he was involved in the business of stolen documents.

It is on the front page of the *Advertiser*. I do not want to quote from it; the Premier knows it is there and I know it is there. From that day, almost two months ago, no approach has been made by the police to the Leader or his staff, to me, or to any other member of the Opposition. This suggests strongly that the whole involvement of the police was a shabby ploy by the Premier. That is why we demanded to see the report that is supposed to have been produced. We are not going to see the report; we have been given snippets of it. I challenge the Premier to release that report, not part of it as the Minister of Transport and the Chief Secretary have done today. The Opposition and the people of South Australia are entitled to see that report. I think the Minister knows that. Allegations have been made about my Leader, and he is entitled to be cleared. I have no doubt that the report has not been released because it would undoubtedly clear my Leader.

The Hon. M. M. Wilson: The report I tabled had nothing to do with it.

The Hon. J. D. WRIGHT: It is all part of the whole connection, and you well know it.

The Hon. M. M. Wilson: You have the two reports mixed up.

The Hon. J. D. WRIGHT: It is all part of the whole connection. Because of the short time available, I will refer only briefly to other matters where people have been waiting for months for decisions or guidance. The matter of revised rules for the operations of Special Branch is an example. We have a right to know those rules. Last November the Premier said that he expected the rules "next year". On that occasion he was vague, and he was wise to be so vague. If only he had been so vague about times and other matters, he might now be less embarrassed.

Then there was the inquiry into the South Australian Land Commission. The Minister concerned was to have reported to Cabinet by 30 November. Perhaps the outcome was caught up in the jam of those incredibly long Cabinet meetings to which this Government is so prone. Next, the Deputy Premier was so incautious (but that is his nature, as we all understand) as to admit on 17 January that State charges would have to rise. We all knew that when the minute was sent by the Premier to his colleagues

about a future shortfall of funds it had been made public. Since 17 January nothing whatsoever has been spelt out. I know the Norwood by-election inconveniently got in the way, reducing the chances that this Government would suddenly, and quite out of character, decide to be frank.

The Hon. D. O. Tonkin: Who made it public?

The Hon. J. D. WRIGHT: If the honourable member is up with the press cutting, he would be well aware that it was made public. I have no idea who made it public, nor did I see the document, but I saw the report in the press.

In November the Premier said his Government would be providing details of a deregulating authority. Since then we have had tantalising and often contradictory snippets of information about his intention, but nothing definitive. Last week the Premier told the member for Flinders that he was expecting an interim report some time in the relatively near future, whatever that might mean. At one stage the Premier added the strange information that he was having all statutory authorities looked at. In view of the fact that the previous Premier, the member for Hartley, had had such a task undertaken last year, the present Opposition could be pardoned for wondering how this could be a fresh initiative by this new Government.

The Hon. D. O. Tonkin: Are you putting that in the 10?

The Hon. J. D. WRIGHT: Yes, because the report has not been tabled, and it has been under way for some time. I refer now to a more serious matter, not one of those trumped up inquiries of no real importance. I refer to the proposed action on a report into the ailing scale fishing industry. The delay on this quite vital matter has successfully enraged the anxious fishing industry. An earlier statement suggested that Cabinet would be considering the matter on 31 January, two months ago. I suppose it cannot make up its mind; it thinks it may annoy someone and it does not want to do that. It is time for the Government to govern, to chance making mistakes, to get experience, and to chance its arm. In the meantime, the fishing industry is waiting with marked impatience for some answers to its particular problems.

The next matter is the O'Bahn system, and I will not spend much time on that, because it is now quite notorious. The Government has been really caught out in its promise to the people in Todd, Newland and other north-eastern districts. Of course, the Government has a report on a report, and a general overview, but none of these has been released. I have asked the Minister of Transport on no fewer than two occasions when this report will be released. I think it is obvious that the Government will be embarrassed by this report and in this circumstance I do not think it is anxious to release it. However, it will have to release it eventually. It is my belief that there will be much embarrassment about this particular matter.

The Hon. M. M. Wilson: Don't you think it will be feasible?

The SPEAKER: Order! Interjections are out of order.

The Hon. J. D. WRIGHT: We shall find out. One report that should be getting close is the Public Service inquiry into the poor clerk or clerks who were proffered as scapegoats when our local "ticketgate" scandal erupted. I was right about that; we received a report about that today. The decision to look only at the part supposedly played by the lower ranks of the Public Service was quite ingenious on the part of the Government. It successfully avoided any scrutiny of Cabinet or Ministerial pressure, however indirectly applied, on the Transport Authority about the future level of fares.

The Hon. D. O. Tonkin interjecting:

The Hon. J. D. WRIGHT: I do not know why the Premier keeps refuting these allegations, because he knows what happened in the Norwood by-election when he tried to make allegations about the printing of these tickets. It was a "ticketgate"; there is no question about that. There was no basis upon which the Premier made those allegations, and that has been established in this House today.

The next non-report is any clear statement on its highway policy from a Government that has been closely tied with the whole freeway concept. When are we to get the threatened north-south metropolitan freeway spoken of by the Premier, and exactly where is it to go? I cannot here make any complaint about non-delivery of any specific report. I do think I can complain, however, about the ominous silence on the whole subject.

The Hon. D. O. Tonkin interjecting:

The Hon. J. D. WRIGHT: Yes, you are. Monarto has proved to be a headache to the Government. After all the early rhetoric about selling off this State asset, this safety valve for unknown future developments, the Government appears finally to have realised that selling off is not quite as easy as it once imagined when political emotion overpowered its sense of reality. Therefore, nothing has been said about Monarto. Maybe the Government has lost the support of its Federal colleagues in this regard.

The Government also regards Commissioner Salisbury as a man who can be recalled endlessly for political advantage. Never mind his insistence on serving some vague kind of higher power and his disinclination to accept that the South Australian Government has a direct responsibility for the maintenance of law and order in this State. When a person out on bail on a drug charge made a few accusations about a former Premier on a matter that is now well and truly part of history, having been raked over assiduously, this Government gratefully accepted the chance to say it would examine the information with a view to reopening the whole matter. I think the opportunism of this Government on this matter did shock many of its more highly-principled supporters. The play in that game really was transparent and petty, for nothing more and nothing less than political reasons.

Other reports about which nothing has been heard include the "short one" into the racing industry, but for the present I think I have presented a sufficient indictment. A further consideration is the way the completed reports have been presented. Last month we had a flagrant example of a report having been either tampered with, or padded, after a statutory officer of the Crown had done his work. This was when the Premier and the Attorney-General separately presented what they said was the substance of a report of the Electoral Commissioner on allegations made of a rigged roll in the Norwood District. It came as a shock to both Houses to find that Cabinet could not bring itself to present the Commissioner's report unvarnished but had to erect its own opportunist edifice around that report. I want to deal now with some inefficiency on the part of the Minister of Industrial Affairs.

Mr. Keneally: Everybody loves him, so the papers say.

The Hon. J. D. WRIGHT: I want to place on record the fact that I do not admire the Minister of Industrial Affairs. Whoever told him that must have been drunk or unconscious, as I have not heard anyone on this side of the House say at any particular stage that he admires that Minister.

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

The Hon. E. R. GOLDSWORTHY (Deputy Premier): Unfortunately, my time is rather more circumscribed than that of the previous speakers. Perhaps I should deal first with the personal allegations made by the Leader about

me because I think the Premier has demolished quite satisfactorily any vestige of substance there might have appeared to be in this motion. It is not the credibility of the Government that is under—

The Hon. J. D. Wright: He didn't defend you, though.

The Hon. E. R. GOLDSWORTHY: I am quite capable of defending myself, and the Premier would quite cheerfully defend me if I was not here to do so. Two points were raised by the Leader; one was in relation to the management of the House, the other was that my style in debate happens to be combative and abrasive. In relation to the management of the House, I was Leader of the House for the Opposition when honourable members opposite were in Government and it fell to my lot to deal with the then Deputy Premier, initially Mr. Corcoran and subsequently Mr. Hudson.

The fact is that Standing Orders have very significantly changed, at the behest of the former Attorney-General (Hon. Len King), who is now Chief Justice. The arrangement was that there be some consultation about the programme. I do not wish to go through all this again, because we were to have had a conference. I have recited it to this House previously. I want to refute completely the charges by the Leader, who has not been a member of this place quite as long as the rest of us, that I am not co-operative in these matters. On Mondays I presented myself, with the Whip, to the then Deputy Premier's office. We would be presented with a list, and be told, "This is it. We are the Government, you like it or lump it." We were told this in rather more colourful language than that; that puts it very mildly. The conversation was dotted with the usual colourful adjectives.

When I have been arranging the programme, I have on all occasions sought to inform the Opposition of what the Government had in mind to do. I do not believe that that has broken down to any significant degree. I have sought deliberately to be more co-operative in relation to the working of this House than any co-operation that I previously received.

Regarding the second charge that my style is combative, I make no apology whatsoever. I have been in this place for 10 years, and perhaps we learnt in a hard school. We had members who I believe were the most effective debaters in the Labor Government, namely, the former Premier, Mr. Dunstan, the Hon. Mr. Corcoran, the Hon. Geoffrey Thomas Virgo, and the Hon. Hugh Hudson. On all occasions when they were at their most effective in debate, they were combative. What other word could one use to describe the debating style of the Hon. Geoffrey Thomas Virgo who the Hon. Mr. Corcoran described as being "a great mate who will be sadly missed from this place?" Indeed he is. Fellows of that calibre gave this place a bit of colour.

In my judgment, the Hon. Geoffrey Thomas Virgo was the most combative debater that this place has seen for many a long year. No-one took any objection to that. I do not intend to change my debating style because it does not suit the Opposition. I take as a compliment the fact that it irks them. They were the two personal references made by the Leader of the Opposition to me.

Mr. Bannon interjecting:

The Hon. E. R. GOLDSWORTHY: Regarding quoting from dockets, let me now quote from *Erskine May*, because the Leader of the Opposition may not have been here long enough to know the constitutional position in relation to quoting. It appears in the section on quoting Crown law opinions.

Members interjecting:

The Hon. E. R. GOLDSWORTHY: Reference was made to the following, to be found on page 432:

> The opinions of the law office of the Crown being confidential are not usually laid before Parliament. Their production has frequently been refused. But, if a Minister deems it expedient that such an opinion should be made known for the information of the House he is entitled to cite them in debate.

That was done frequently. The operative words, for the Leader's edification, are:

> But if a Minister deems it expedient that such an opinion should be made known for the information of the House he is entitled to cite them in debate.

There has been no breach of constitutional convention or constitutional practice by this Government, which has been subjected to a series of public comments on leaked documents deliberately used by the Leader of the Opposition, leaked to the press by some of his staff, and documents that have been tampered with (a page torn out and a "confidential" stamp on the front) deliberately to mislead the public.

If anyone's credibility is at stake, it is not that of the Government, which has been open: it is that of the Opposition, which when in Government was so paranoid about this business that it set up television cameras and mirrors in corridors of the Premier's office simply to hide material from the public. It is perfectly obvious to me that, in an attempt to drum up some material for debate today, it has hit on this. The record of the Opposition when in Government was appalling, and in Opposition it continues to be so.

At 3.15 p.m., the bells having been rung the motion was withdrawn.

LEAVE OF ABSENCE: MR. McRAE

The Hon. D. J. HOPGOOD (Baudin): I move:

> That three months leave of absence be granted to the honourable member for Playford (Mr. McRae) on account of absence overseas on Commonwealth Parliamentary Association business.

Motion carried.

PROPORTIONAL REPRESENTATION

Mr. MILLHOUSE (Mitcham): I move:

> That in the opinion of this House a system of proportional representation should be introduced for the election of its members, as contemplated in the Constitution.

I deal first with the last phrase in the motion, and refer members to section 88(2)*(a)*(i) of the Constitution, which provides as follows:

> A Bill providing for or effecting the repeal, suspension, or amendment of any provision of section 32 of this Act or of this Part shall not be presented to Her Majesty or the Governor for assent unless—
>
> *(a)* the Bill does not provide for, or effect, the repeal, suspension or amendment of a provision of this section and the Bill does not:
>
> (i) offend against the principle that the State is to be divided into electoral districts, each returning the same number, (whether that number be one or more than one) of members to the House of Assembly;

When that provision was put into the Constitution it was a matter of some discussion between two of the gentlemen mentioned by the Deputy Leader of the Opposition a few minutes ago, namely, the then Premier, Mr. Dunstan, the then Deputy Premier, Mr. Hudson, and myself. Mr.

Hudson, who apparently had the carriage of the drafting of the provision, pointed out to me that that had been inserted particularly so that it would be possible at some future time, if Parliament so desired, to switch to a system of proportional representation for the House of Assembly. So, our present single-member constituencies are not part of the entrenchment in the Constitution.

I have therefore tacked that on to the end of my motion to make quite clear that this is something which it is competent for Parliament to do, if it so desires. There are many variations of proportional representation, and I am not, in speaking to this motion, proposing to canvass the merits of any particular system, although I must say that, having seen it in operation, having been down to Tasmania (I used to regard it as a joke), I am quite prepared to accept as it stands the Hare-Clark system, which has been used in that State for very many years. When I speak of proportional representation, I may well mention the Hare-Clark system, but if any other members (and I think this is a vain hope) want to suggest any other system, I am certainly open to conviction on it. However, if I must say now what system I would like to use, it would be the Hare-Clark system, as used in Tasmania.

People in this State were the first to begin championing the cause of proportional representation. In 1895 the first proportional representation league in Australia was founded in Adelaide, the leading light of which was a woman whose name is often bandied about in this House, Catherine Helen Spence.

Mr. Trainer interjecting:

Mr. MILLHOUSE: I should have thought that the member for Ascot Park was sufficiently well informed and educated not to say something deprecating about Catherine Helen Spence, but perhaps he is not quite as well educated as I thought he was. Anyway, Catherine Helen Spence was the first President, her brother was on the committee as Acting Secretary and Mr. A. W. (later Mr. Justice) Piper was the Treasurer, and as a very small boy I can just remember His Honour Mr. Justice Piper. There was a number of other people, and an honorary member mentioned here is the late Robert Barr Smith, who apparently largely financed the movement until his death. There were three Vice-Presidents, of whom Dr. Allan Campbell, who gave so much to the Children's Hospital, was one.

So it is not as though, even in South Australia, the idea of proportional representation has been regarded always as unusual or way-out. Indeed, both the forerunner of the Liberal Party and the Labor Party itself have at one time or another espoused proportional representational as a part of their platforms. I quote the following policy of one of the forerunner Parties of the Party to which members opposite belong:

> In 1910, when the Liberal Union was established in South Australia and the President of the Effective Voting League, who was later Senator Joseph Vardon, became its first President, effective voting, now known as proportional representation, was adopted by that organisation.

I may say that my memory in this place goes back far enough to remember the days when the Labor Party espoused proportional representation. I have here the State platform of the A.L.P., a 1946 edition, but my recollection is that even when I came into the House in 1955 there were members on this side of the House who were extolling the virtues of P.R. In 1946 the Labor Party wanted to abolish the State Parliament, of course, but until it could abolish it one of the planks of its platform was "elections to be held under the system of proportional representation". Therefore, although I have to admit quite freely that at that time I regarded P.R. as a way-out system and not one that I would support, honourable members of the Labor Party within, I should think, the time of their membership of that Party have espoused P.R., and members on the other side (certainly it must go back a good deal further) have at one time or another espoused proportional representation.

The greatest argument in favour of P.R. is that Parliament should reflect the views of the electors as accurately as can be achieved. All shades of political opinion should be represented in Parliament in, as nearly as one can do it, the proportions shown in the community. That is the main reason, and one can advance plenty of others. I have here a document from Tasmania dealing with democratic representation under the Hare-Clark system which sets out a number of arguments in favour of P.R. I do not propose to go through them but if any member wants to look at them he or she certainly can. Looking at our present system, one sees that we do not in this State achieve that aim of an accurate reflection of political feeling in the community. I have here figures that have been prepared by the Proportional Representation Society from our last election in September 1979, showing just what the position is. I have a statistical table, which I seek leave to have inserted in *Hansard* without my reading it.

Leave granted.

1979 S.A. State Election Results

Total South Australia

	Lib.	A.L.P.	N.C.P.	A.D.	Other	Total
a	352 354	300 261	14 012	60 968	7 364	734 867
b	232 913	157 815	7 833	6 947	5 106	410 614
c	119 441	142 454	6 179	54 021	2 258	324 353
d	36 026	15 121	558	—		
e	155 467	157 575	6 737	54 021	2 258	
f	2 881	2 044	—	758	2 944	
g	152 586	155 531	6 737	53 263	-686	367 431
h	199 768	144 738	7 275	7 705	8 050	367 536
i	43·30%	51·80%	48·08%	87·36%	-9·32%	50·00%

a—total votes
b—votes for elected candidates
c—votes for unelected candidates
d—surplus votes in seats won outright
e—subtotal of primary votes wasted (c+d)
f—deficit votes in seats won on preferences
g—net wastage (e-f)
h—effective votes (a-g)
i—percentage wastage ($^{g}/_{a}$)

City

	Lib.	A.L.P.	N.C.P.	A.D.	Other	Total
a	234 435	227 671	—	54 576	5 564	522 246
b	128 275	138 406	—	6 947	5 106	
c	106 160	89 265	—	47 629	458	
d	14 918	10 561	—	—	—	
e	121 078	99 826	—	47 629	458	
f	2 165	2 044	—	758	2 944	
g	118 913	97 782	—	46 871	-2 486	261 080
h	115 522	129 889	—	7 705	8 050	261 166
i	50·72%	42·95%	—	85·88%	-44·68%	50·00%

a—total votes
b—votes for elected candidates
c—votes for unelected candidates

d—surplus votes in seats won outright
e—subtotal of primary votes wasted (c+d)
f—deficit votes in seats won on preferences
g—net wastage (e-f)
h—effective votes (a-g)
i—percentage wastage ($^{g}/_{a}$)

Country

	Lib.	A.L.P.	N.C.P.	A.D.	Other	Total
a	117 919	72 598	14 021	6 392	1 800	212 721
b	104 638	19 409	7 833	—	—	
c	13 281	53 189	6 179	6 392	1 800	
d	21 108	4 560	588	—	—	
e	34 389	57 749	6 737	6 392	1 800	
f	716	—	—	—	—	
g	33 673	57 749	6 737	6 392	1 800	106 351
h	84 246	14 849	7 275	—	—	106 370
i	28·56%	79·55%	48·08%	100%	100%	50·00%

a—total votes
b—votes for elected candidates
c—votes for unelected candidates
d—surplus votes in seats won outright
e—subtotal of primary votes wasted (c+d)
f—deficit votes in seats won on preferences
g—net wastage (e-f)
h—effective votes (a-g)
i—percentage wastage ($^{g}/_{a}$)

Mr. MILLHOUSE: It shows that 43·3 per cent of the total Liberal vote in this State was wasted in that it was directed to candidates who were not elected. The A.L.P. did even worse; 51·8 per cent of the A.L.P. vote was directed to candidates who were not elected; the Country Party, 48·08 per cent; and we did worst of all: 87·36 per cent of the Australian Democratic vote was wasted, in that it did not go to elect members of the House of Assembly. These figures are simply for the House of Assembly. That shows the position in this State. It is ironic in one way that I should be moving a motion about proportional representation, because I originally came into Parliament because I did not believe that the then gerrymander, the 2:1 ratio of country to city, was a fair thing. I joined the L.C.L. in 1953 to fight against it from within.

Members interjecting:

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

Mr. MILLHOUSE: I am quite happy to answer an interjection. I had not been in any Party before I joined the L.C.L., and there were four of us who joined with this purpose in mind, one of whom is now a Supreme Court Judge (Mr. Justice Cox) another of whom, Dr. Ian Marshman, died very tragically within a few years, and the third, besides myself, is now a respected and successful industrialist in this State.

Mr. Trainer interjecting:

Mr. MILLHOUSE: We did not join the L.C.L. in those days to come into Parliament. We joined to try to change its platform, which said that the present ratio should be retained. I came into Parliament in 1955, and it took until 1968 to get any change at all in the electoral system in this State. It is only in the past few years that we have got to the stage that I have advocated from 1953 onwards; that is, one vote one value. In a way, the last election was the consummation of my efforts, because it showed that the ridiculous suggestion made by the Hon. Mr. DeGaris that the Liberals could never win under a system of one vote one value in this State was nonsense. I can well remember the honourable gentleman's face down at the tally room on the night of the election. He looked even more disappointed than Mr. Virgo looked out at Channel 7 when I was there and the results were coming in, because it showed that he was absolutely and utterly wrong in what he said.

Although I believe the result of the last election was a fluke and would not have occurred on either the Saturday before or after that Saturday, it did happen and it shows that it could happen—that either the Liberal Party or the Labor Party could win under a system of one vote one value. Really, the job I started to do in 1953 finished at the last election, but within the quite measurable past I have become convinced that a system of proportional representation is a better system even than single-member electorates with members elected on the one vote one value system.

I mention again the system in Tasmania. I have referred to the last State election and the figures there. I want now to come to one of the most recent elections in Australia, the Dennison by-election, which occurred on the same day as the Norwood election, and in which there were seven vacancies to be filled. Under the system of proportional representation there, three went to the Labor Party, three went to the Liberals, and one Australian Democrat was elected.

I will quote, in reference to that election, part of an editorial from the *Age*, which is not a Tasmanian or South Australian paper. It is the Melbourne *Age* of 3 March, and this is what it had to say about the proportional representation arising out of the result in Denison:

> Tasmania has at least two things to commend it to the rest of the world. The first is some of the finest mountain scenery known to man, even if part of it is being destroyed rapidly by the Hydro-Electric Commission. The second is an electoral system that is clearly the best in Australia, and one of the best in the world. Never have its virtues been illustrated better than in the recent Denison by-election. Seven members were elected to the State Parliament, almost exactly in proportion to the way the electors voted for their Parties; 99 per cent of electors saw their vote elect at least one M.P. The A.L.P. machine—

and the Opposition may know this—

> put out a how-to-vote ticket which endangered the seat of its Deputy Premier, Mr. Neil Batt, by placing him fourth.

Mr. Trainer: It didn't.

Mr. MILLHOUSE: Did I hear the member for Ascot Park say that it did not?

Mr. Trainer: It did not endanger him.

Mr. MILLHOUSE: It put out a how-to-vote card which had him in No. 4 position instead of No. 1 position. The editorial continues:

> But 90 per cent of Labor voters ignored the ticket and voted as they pleased, half of them for Mr. Batt. Nowhere else in Australia is the electoral system so fair to all Parties and individuals, and the voters so independent in their choice between them.

Mr. Trainer: That's what I said. It didn't endanger him.

Mr. MILLHOUSE: I could accuse the honourable member of special pleading. Of course it endangered him, and the machine in Tasmania wanted to endanger him and to get rid of him. That is why it was done, but it is not relevant to the main line of my argument.

Mr. Trainer: I was in Hobart at the time.

Mr. MILLHOUSE: So was I, and I am right.

Mr. Trainer: I was also at the meeting when that took place.

Mr. MILLHOUSE: The honourable member, by continuing to interject, is keeping me going, to the detriment of his Deputy Leader. Perhaps the honourable

member will take part in this debate and give us the true facts. I understand that Mr. Batt was put down to No. 4, because he was not liked by the Party machine in Tasmania. The object was to get rid of him if they could, but it failed. It shows, whether the honourable member is right or I am right, that the electoral system in Tasmania allows electors to make an independent choice within the Party candidates, if they wish. I have referred to the advantages of proportional representation, to what happens in this State, and to Denison. Regarding the disadvantages of proportional representation, those which are normally claimed for it are more illusory than real. The following is how they are normally summed up:

> The commonest objection to proportional representation is that it gives representation to a lot of Parties, none having an overall majority, and thereby impedes strong Government.

It is pointed out that, until the Democrats won a seat in Tasmania (as undoubtedly they will in every Parliament as time goes on), Tasmania under proportional representation had never had more than two Parties represented in its Parliament.

The Irish Republic, which has had a system of proportional representation for many years, has only three Parties represented. In the United Kingdom, on the other hand, which does not have proportional representation (it has first past the post voting), seven Parties are represented. France, which now does not have proportional representation, has six or seven Parties represented. France, under the Fourth Republic, had up to 15 Parties, without proportional representation. In the Federal Republic of Germany, no Party has ever had a majority. All of its Governments have been coalition, and all have been competent. They are elected under a complex system of proportional representation.

So, if one looks at the results, one does not see that the main argument against proportional representation is borne out, in fact, but we all know that the real reason why my motion will not pass the House and why it is opposed so vigorously by both the Liberal Party and the Labor Party is self interest. The presently entrenched larger Parties do very well out of the present single-member electoral system, and they see no reason to risk upsetting their domination by changing to a system that will let other Parties in, even if it is only one or two.

Therefore, if those Parties came in, it would weaken their grip on power. For that reason, I am afraid that, in the short run, anyway, both the Labor and Liberal Parties will be deaf to all arguments of justice and logic, finding specious reasons to oppose the motion and, therefore, the introduction of proportional representation. I am not so silly as not to realise that. The Electoral Reform Society issued a press release after the State election; it said, in part:

> A preliminary analysis of the recent State election figures shows that only 55 per cent of South Australian voters gave their first preferences to candidates who were elected to Parliament. Even though the Liberals won government, more than a third of their supporters found that they voted for unsuccessful Liberal candidates. The fault lay not with the electoral boundaries but with the system of single-member electorates.

Then we had a blast both from the Premier and from the Leader of the Opposition, because this is one of the matters on which they make common cause. The Premier said:

> A multi-member electorate as proposed by the society was used in Tasmania and had been tried in South Australia. To claim that 40 per cent of votes were useless was ridiculous.

We have never had proportional representation in this State in the sense that I am proposing it. We had multi-member electorates until 1936, but that is quite different. The Leader of the Opposition said:

> The A.L.P. policy was to support the single-member electorate system. We believe it is the most effective way of getting people in the electorate represented. People's votes do count in single-member electorates as an expression of opinion in that electorate.

This is a priceless bit. I know it, because I get people from all over the State coming to me, because they are not prepared to go to their own member. The Leader of the Opposition continued:

> The M.P. who wins the election becomes responsible for the whole of that electorate and the people in it.

Is it not funny, but until a few weeks ago (at about the time that the honourable gentleman was saying this) a direction came out from the Minister of Public Works, or whatever his title is, that electorate offices had to have the word "Labor" removed from them, because most of the metropolitan members had that on their front windows and doors. Yet, the honourable gentleman was saying that his Party represented all members in their electorates.

Mr. Trainer: Did you have it on yours?

Mr. MILLHOUSE: I have never had it on mine. The society's newsletter also states:

> Perhaps the reactions to Mr. Bannon's comments are best summarised by Dr. Kenneth Grigg, Secretary of the Proportional Representation Society in Victoria: "The remarks of Mr. Bannon explain in a nutshell why I let my membership of the A.L.P. lapse. I hereby nominate him for the presidency of the Flat Earth Society."

There we have it. I do not propose, in moving my motion, to go into the various systems of proportional representation. The one that I personally would prefer, although I am not committed to it, is the Hare-Clarke system but, if any member wants to go into the mechanics of proportional representation, I suggest that he read a book in the Parliamentary Library titled *How Democracies Vote—A Study of Majority and Proportional Electoral Systems* by Enid Lakeman, and the discussion of Tasmania occurs, naturally enough, in the chapter headed "The single transferable vote".

I do not believe that I will have much success with my motion on this occasion. However, as I said to honourable members a while ago, it took me from 1953 to 1979 to get what I regarded as a fairer system than we had in South Australia for many years.

Mr. Trainer interjecting:

Mr. MILLHOUSE: The honourable member for Ascot Park is interjecting again. I am sorry he made that interjection, but I must answer it. It was a joint effort. I know the honourable member would like to give credit for the present electoral system to his Party and particularly to Mr. Dunstan. A great deal of credit must go to Don Dunstan for it. However, I point out to the honourable member that, if he likes to look at the Parliamentary history of this State, he will find that it could not have been achieved by the Labor Party on its own. One of the things on which Don Dunstan, and indeed the Labor Party, are always a bit weak is giving credit to anyone but themselves for anything that happens. Had it not been for a number of members who were at one time members of the Liberal Party but who were pushed out largely because of that there would not have been the electoral reform in South Australia that there is today. I hope that the honourable member will study the records, if he has not already done so, because he will then realise that that is so.

I do not expect that this change will occur overnight and I am prepared for a pretty long siege. I hope that it will not be quite as long as the last one. However long it is, I will

persist with it and I believe that eventually the public (and therefore the political Parties) will come to see that fairness and justice dictate that we turn to a system of proportional representation and that that will strengthen the Government and Parliament, and not weaken it.

The SPEAKER: Is the motion seconded?

Mr. BLACKER (Flinders): Yes.

Mr. BLACKER secured the adjournment of the debate.

BRIGHTON BY-LAW: BATHING

Mr. EVANS (Fisher): I move:

That By-law No. 1 of the Corporation of Brighton relating to bathing and control of foreshore, made on 10 January 1980 and laid on the table of this House on 19 February 1980, be disallowed.

The Subordinate Legislation Committee has taken much evidence about this regulation. The main point of concern of people in Brighton area and in other suburbs is that the by-law relating to the disallowance of dogs on the beach at Brighton at certain times is objectionable. They believe that the Brighton council has no need to have this regulation in operation. The committee is of the view that the present Dog Control Act should be given an opportunity to operate before any other regulations come into operation, even though the regulation about which I am speaking is operating in the Brighton council area. Because a substantial number of people wish to give evidence to the committee about this matter, the committee wishes to take evidence from a substantial number of those persons in the break between today and 4 June. For that reason, I seek leave to continue my remarks later.

Leave granted; debate adjourned.

WORKERS COMPENSATION ACT AMENDMENT BILL

The Hon. J. D. WRIGHT (Adelaide) obtained leave and introduced a Bill for an Act to amend the Workers Compensation Act, 1971-1979. Read a first time.

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

That this Bill be now read a second time.

It is necessary, in moving these amendments to the Workers Compensation Act, to relate some of the history and the purpose for so doing. I want, first, to refer to a letter that I wrote on 23 March 1979 to Mr. D. E. Byrne, Chairman of the committee dealing with the rehabilitation and compensation of persons injured at work. I do so to establish my *bona fides* in this situation, because I do not want it to be said that, now that I am in Opposition, it has suddenly dawned upon me that there is some need to move for the lump sum payments provided for in this Bill. My letter to Mr. Byrne was as follows:

Dear Mr. Byrne,

When Cabinet, in June of last year, approved of the appointment of your committee and I announced that decision, it was anticipated that the committee would require at least 12 months to make its investigations and report.

I am writing, first, to inquire if, at this stage, you could let me have formal indication as to when the committee is likely to report. In doing so, I do not want in any way to give the impression that I am trying to hurry the committee in its deliberations, as I realise it has a most important task to undertake and one which needs very careful consideration.

My second purpose concerns the fact that when Cabinet decided to appoint your committee it also decided not to proceed, as an interim measure, with any of the amendments then proposed to the Workers Compensation Act. However, since then Parliament has passed a Bill, initially introduced by Mr. D. C. Brown, M.P., to amend that Act. The amending Act, which bears no relationship to the Bill as initially introduced, was confined to matters on which Hon. D. H. Laidlaw, M.L.C. and I had agreed. The date of operation of the amending Act will be proclaimed as soon as the necessary consequential amendments are prepared to the regulations. Copies of the Act will be forwarded to your committee at that time.

In respect of most matters, the decision not to proceed with the amendments in the 1978 Bill may have caused some inconvenience but no hardship. However, one unfortunate effect has been that the maximum payments for death and permanent incapacity contained in the Act are rapidly losing the value they originally had because they are not adjustable for changing monetary values. While the weekly compensation payments made to persons temporarily incapacitated because of an injury reflect changes in the cost of living (as they are related to average weekly earnings), the maximum payments for death or incapacity have remained unchanged since January 1974, during a time of considerable inflation.

If your committee does not expect to report within the next 3 to 4 months I invite the committee to express a view as to whether the Government should proceed with those amendments that were contained in the Bill prepared and circulated in March 1978 to increase the lump sum payments and to remove the anomalies that have resulted from the inclusion of overtime in the calculation of weekly payments during incapacity (regarding which employers have been complaining for some time). Those amendments were contained in clauses 9, 10, 29 and 20 of the Bill, copies of which are attached hereto for your information.

If these amendments are to be made, I think that the lump sum payment of $29 000 contained in the Bill would need to be altered to $30 000 because of changes in lump sum payments in other States of Australia that have been made since the Bill was prepared. The amount of $29 000 was arrived at after averaging the maximum lump sum payments in the other five States: those lump sum payments now average $29 714 and $30 782 for death and permanent incapacity respectively.

At that stage I did not simply want to bring in amendments when the Government of the day had been responsible for the setting up of an investigating committee. Actually, it was more than that; it was a committee to investigate and report to the Government. I am on record as saying at that time that the Government would accept the recommendations of the report. I did not want to fly in the face of that committee being set up and bring in amendments to the Act when it was being examined by a specialist committee. I thought that would have been quite wrong and in no circumstances would I have wanted to insult the Chairman of that committee or the members.

I do not have the reply from Mr. Byrne at my disposal. It is a departmental letter that I know the Minister of Industrial Affairs could provide if he wanted to do so. However, I can recall that there was no opposition. I do not know that I can go as far as saying that there was acquiescence in the contents of that letter, but certainly there was no opposition. I think the committee considered that, as no amendments had occurred in the lump sum area since 1974, it was possible for the Government to proceed.

During the break in the session of Parliament last year, it was not possible to have the amendments prepared. Then the election was called early and, as a consequence of that, the Government of the day did not have an opportunity to bring those amendments into the House. I

have had at least two approaches from the South Australian Trades and Labor Council when I was Minister which drew my attention to the fact that the lump sum settlement amounts had not been varied since 1974, and that monetary compensation was getting completely out of hand in comparison with other States. It was on that basis that I, as Minister, decided to make an approach to the committee of inquiry and to obtain its thoughts on the matter.

I understand that the Trades and Labor Council has contacted the Minister of Industrial Affairs, drawing this matter to his attention. I am not in a position to say exactly what has occurred with regard to his position in the matter, as I have no correspondence in relation to that matter. However, I do know that the Secretary of the Trades and Labor Council wrote to the Minister in January of this year, drawing his attention to the problem and asking whether consideration could be given to adjusting those amounts.

I think it will be quite wrong and unjust if this Parliament does not give consideration to the escalation of these amounts, because in comparison with other States this State is now a long way out of context. In Western Australia the amount for lump sum settlement has been $38 136. I have been informed by a reliable source that that amount has been increased to $48 000.

I am able to quote some figures from the *Conspectus of Workers Compensation Legislation in Australia* as at 1 January 1979. The amount then in Western Australia was $38 136, plus $7·50 for each child under 16 years, or for full-time students under 21 years of age, or for a child of any age who the board decides will receive continued support. In Tasmania, which had a similar inquiry to that of South Australia about a year ago, the amount paid, after the recommendation of the committee, is $33 995. In the Australian Capital Territory the amount is $31 537.

Under the Queensland Act, an amount of $28 180 is payable, plus $2 080 for each child under 16 years of age. New South Wales has a different scale of payment, namely, a $25 000 lump sum settlement and an allowance of $14·90 per week for each child under 16 years of age, and for persons under 21 years, if a full-time student. That is a very large sum of money when compared to the amount of $25 000 paid in South Australia. The South Australian Act provides:

> Payment equal to six years earnings plus $500 for each dependent child under 18 years, with minimum payment of $8 000 and maximum payment of $25 000 (plus payments for children in each case) reasonable costs of funeral (max. $500).

It is relatively easy to see by a cursory glance that the South Australian workman compensated under workers compensation is at a very big disadvantage compared to workmen in other States. It is for that reason that I have given consideration to these amendments and have drawn a Bill accordingly.

The purpose of the Bill is to bring up to date the maximum and minimum amounts of compensation provided by Part IV of the principal Act and to provide annual increases in those amounts by making each of them a multiple of average weekly earnings. The present amounts were last altered in 1973, and an increase of approximately 91 per cent is required to bring them up to date. The Bill amends each section of the principal Act that prescribes a maximum or minimum amount of compensation by providing that the amount concerned be the prescribed sum multiplied by the figure specified in the amendment.

The "prescribed sum" is defined at the end of the Bill as the average weekly earnings for the March quarter in the previous financial year. The average weekly earnings for the March quarter of 1979 is $213·90 and when multiplied by the figures specified by this Bill will increase the maximum and minimum amounts of compensation prescribed by the principal Act by approximately 91 per cent. Hereafter, if the Bill becomes law, the maximum and minimum amounts will vary automatically with variations in average weekly earnings for the preceding March quarter in each year. Before proceeding with the provisions of the Bill, I point out that I realise that the Government will probably attempt to make some criticism of the amounts provided in this legislation.

They may seem to the Government to be high, but I have worked them out basically on the current average weekly earnings. I think that is a fair proposition and, in those future circumstances, if this legislation is accepted by the Government, we will have inbuilt indexation. Indexation is the order of the day with wages, taxation and everything else now, and I think it quite proper that indexation ought to be built in in this case. Why should injured workers and their wives and families suffer because we have not taken sufficient time in the past to consider our legislation?

I think we are all responsible for not having indexed compensation, and I believe the indexing of it will overcome any future problems where, by lack of opportunity or something that occurs within the Government at a particular time, we are unable to move these amounts. In that case, workers and their families suffer accordingly. I offer that explanation for the particular sums that are involved. I consider them to be reasonable. They have been at a low rate for the past four years in any case, and when that occurs it takes a fairly large lump sum to accommodate the amount that should have been paid if it had been moving progressively, as it should have been and, if this legislation is accepted, as they will be in the future.

Clause 1 is formal. Clause 2 amends section 49 of the principal Act which deals with compensation payable in the case of death of the worker. Subclause *(a)* replaces the reference to the sum of $500 for each dependent child with a sum fives times the average weekly earnings. Based on the March 1979 figure this sum would be $1 070. Subclauses *(b)* and *(c)* remove the proviso to subsection (1) and replace it with new subsection (1a) which increases the minimum and maximum amounts of compensation on death. Multiplying the March 1979 figure for average weekly earnings by 71 and 223 respectively the amounts are $15 187 and $47 700. Subclause *(d)* replaces the sum of $500 for funeral expenses by a sum that is five times average weekly earnings.

Clause 3 amends section 50 of the principal Act in relation to funeral expenses by substituting for the sum of $500 a sum that is five times average weekly earnings. Clause 4 amends section 51 of the principal Act which deals with compensation in case of injury that does not result in the death of the worker. The maximum sum of $18 000 which is now payable in respect of incapacity that is not permanent and total is increased to a sum of $34 224 by multiplying average weekly earnings by 160. The maximum sum of $25 000 for total permanent incapacity is increased to a sum of $47 700 using a factor of 223. Clause 5 amends section 69 of the principal Act which provides lump sum compensation in respect of specified injuries. The maximum amount under this section is increased from $20 000 to $38 074 by multiplying average weekly earnings by 178.

Clause 6 increases the maximum compensation payable in respect of injuries of a sexual or cosmetic nature from $14 000 to $26 738 by multiplying average weekly earnings

by 125. Clause 7 makes a consequential amendment to section 72 of the principal Act.

Clause 8 adds new section 74b to the principal Act. The section introduces the concept of average weekly earnings by means of the definition of "prescribed sum". The average weekly earnings are determined by the Commonwealth Statistician. Subsection (1) fixes average weekly earnings as those for the March quarter in the preceding financial year. The Commonwealth Statistician sometimes alters his initial determination, usually by a small amount, later in the year. The purpose of subsection (2) is to ensure that the determination, as it stands at the commencement of the financial year, is the figure used in determining maximum and minimum amounts notwithstanding that it may be altered slightly later on. Subsection (3) is transitional. Subsection (4) defines the term "relevant date" which is used in this section and which relates to maximum and minimum amounts of compensation to the commencement of the incapacity rather than to the date of the injury.

Mr. EVANS secured the adjournment of the debate.

PARA AND DISTRICTS HEALTH SERVICES ADVISORY COMMITTEE

Mr. HEMMINGS (Napier): I move:

That this House calls upon the Government to give generous assistance to the Para and Districts Health Services Advisory Committee in setting up a remedial service for a small but efficient childhood difficulties centre.

For some time the Para and Districts Health Services Advisory Committee, through a working party, has clearly established a need to set up a remedial service to cater for those young persons suffering childhood difficulties. In the course of its deliberations, that working party contacted various organisations, including Government agencies, voluntary agencies, general practitioners and educationalists. It convinced these groups that there was a need to establish a remedial centre in the Para districts region.

A submission was prepared and circularised to many community leaders in the Para districts area, including all members of Parliament, both State and Federal, seeking from these persons support for the scheme from the State and Federal Governments. A meeting was held on 5 October 1979 at which it was agreed that support should be given, although Senator Baden Teague, representing the Federal Minister for Social Security, clearly stated his point of view and that of his Minister, namely, that Federal funding was just not on.

At that particular meeting the State Minister of Health was represented by the Speaker of this House. I was pleased to hear the Speaker say that within six weeks there would be a reply from the Minister of Health on the submission to her department. It is now almost six months since that meeting and no action has been taken or statement of support received, although I understand that an additional submission has been received by the Minister of Health and I do hope that that, along with the original submission, will receive sympathetic consideration.

Over the past 10 years it has become apparent to groups that there is a disturbing number of children with childhood difficulties in the Para region, which covers Salisbury, Elizabeth and Munno Para. The bodies I mention are: the Child Adolescent and Family Psychiatric Service; Para Districts Counselling Service; general practitioners; community nurses, intellectually retarded services; Department for Community Welfare; the Education Department; and the Childhood Support Group. They all agree that problems exist in this particular area.

Childhood difficulties can be divided into different groups, including learning difficulties, intellectual handicaps and social and cultural problems that cover inadequate parents, single parents, and deserted wives. It is interesting that in the Elizabeth and Munno Para area single parents represent 9·15 per cent of the population and, in Salisbury, 5·4 per cent of the population. Inadequate parents include those inadequate through their own upbringing and inadequate through financial stress, including indebtedness caused by unemployment. I have said time and time again in this House that the rate of unemployment in my own district and those districts adjacent to it represents the highest percentage of unemployed in this State apart from the City of Whyalla. We have problems associated with children of migrants, where there are second generation and transient problems.

We have crises, bereavements, emotional and neurological problems, each of which requires different forms of remedial treatment; parents of those children require different forms of training, often urgently. Such untreated problems in children have long-term community effects, such as effects on later generations, the possibility of dramatically effective intervention, and the stresses caused by the lack of co-ordination of services in this field.

Children suffering from these problems tend to fall into different categories. There is a high percentage of school truancy, classroom disruption, juvenile delinquency, and vandalism, which lead to criminal activity. Those children suffer from the effects of parents who are incapable of bringing up children in the normal family way. Of course, there is also child abuse.

One problem in the Para Districts region is that most agencies set up to deal with these problems are close to Adelaide. We have nothing in our area. If children and parents have to go to those agencies, time is lost from parents' work, other children in the family need to be looked after, and the cost of fares to Adelaide has to be considered. We have inadequate transport and time is lost from school not only by the affected child but also by brothers and sisters. Often the journey to Adelaide, getting treatment, and going back take the family well into the evening. The Adelaide centres are insufficiently staffed, and there is a lack of co-ordination between the many agencies dealing with these problems.

It has been estimated in regard to intellectually retarded children in the northern region that 400 families have a retarded member. The number on record is 200, but it has been estimated that agencies are unaware of another 200 with those problems. A report from the South Australian Health Commission school health branch, 1976-77, shows that a survey team examined 922 four-year-old pre-school children in Adelaide and found that 5·4 per cent had visual problems, 6·6 per cent had serious otitis media, 6·1 per cent had hearing loss greater than 25 decibels, and 10 per cent had confirmed delay in either motor problems, retardation, language delay, or specific learning difficulties.

That report also showed that 30 per cent of those children had one problem. Of all the grades I have mentioned, 17 per cent had two, 7 per cent had three, and 1 per cent had four problems. Only 45 per cent of those 920 children surveyed had no problem. Minor problems requiring counselling and observation, but no intervention, covered 18 per cent of those children. Of those with moderate physical problems, 17 per cent of children with newly discovered problems and 15 per cent with previously known problems required counselling.

Whilst those figures from the report deal with

metropolitan Adelaide, I am sure that they would also be relevant to the Para region. However, in that area qualified and specialised people prepared to give their time, such as general practitioners who are prepared to spend many hours outside their private practice to give assistance, guidance and treatment to those children, are being denied the facility to operate in this field.

We are not asking for too much; simply for adequate facilities so that they can service these children's needs the Para Districts area. As part as the working party from P.D.H.S.A.C. is concerned, the accommodation could be a double-unit rental home obtained from the South Australian Housing Trust. All that is needed in the unit is one or two interviewing rooms, plus a group room. Staff would comprise a co-ordinator who would also be the director and one typist-receptionist, preferably with some experience in educational or mental health.

We ask for funding from the State Government to employ two people to provide a double-unit rental home obtained from the Housing Trust, so that all these voluntary agencies and people who have given so much time through the working party and the Para Districts Health Services Advisory Committee could have a chance a to co-ordinate their activities to prove that what they have discovered in the past two or three years can be rectified. They do not ask that a small unit be set up so that within two or three years they can ask that it be expanded until it is almost a bureaucracy, as one could possibly label the Department for Community Welfare, although that is not my attitude to that department, because this working party has received nothing but full co-operation from that department.

The people ask for something very small. I am pleased that the Minister of Health is in the Chamber, and I am sure that, when she considers the additional submission with the original submission, the report will be favourably received. All members on both sides of the House who received the original submission have pledged their support for it. The Speaker, who represented the Minister at that meeting, felt that it was a viable proposition. At the meeting on 5 February we were all encouraged to hope that there could be a result in six weeks time. Unfortunately, we have waited six months.

Those people who have put so much work and effort into research and preparation of the submission should receive at least some form of encouragement and financial assistance so that, as a community, we can be seen to be giving positive financial support to those more unfortunate children in our community who, through no fault of their own, are suffering in areas that will affect them through all their lives.

Mr. EVANS secured the adjournment of the debate.

PROSTITUTION BILL

Adjourned debate on second reading.
(Continued from 5 March. Page 1461.)

The Hon. JENNIFER ADAMSON (Minister of Health):

> Those who make statements about legalising prostitution should avoid confusion of thought and imperfect knowledge of facts. There is immeasurable difference between prostitution voluntarily entered upon by a free individual and the deliberate exploitation of another person's prostitution as a money-making business. The former is to be deplored, and combatted by wise community measures; the latter is to be completely condemned.
>
> Our laws recognise this and are directed, not at the individual prostitute (except when she disturbs order by public soliciting), but at those who procure, run brothels, live on the earnings of a prostitute, or abet traffic in persons.

The passages I have just read were published in the *Advertiser* of 22 June 1974 in a letter to the Editor, signed by Dorothy Adams, President, and Ellinor Walker, Secretary, of the League of Women Voters of South Australia. In large measure, they express my own views. I am indeed a former member of that association, which wound up last year after decades of distinguished service to the cause of women in this State, and the two signatories to that letter retain their interest in this subject and have kindly contacted me to let me know that the views the league held then are those that its former members still hold today.

I oppose the Bill, and I do so on a number of grounds. The principal ground is that I oppose it as a matter of conscience. I also oppose it as a matter of common sense, because I believe that in its implementation it will not have the effect that its proponents desire and hope for. I oppose it also because I believe that it will lead to an extension of prostitution in South Australia. Dealing with the matter as one of conscience, I think that, however much we may wish as a society to give freedoms to our members, if we are willing to give those freedoms to such an extent that they erode our basic institutions then we are lacking in wisdom and we will pay a terrible price in future for doing so.

When we are speaking of society's institutions, the first and most basic one which we think of is the institution of the family. There is no doubt at all that prostitution in its operation runs counter to all the good influences that the family can have on society. In fact, prostitution certainly is disruptive of family life and, in being so, is disruptive of what is best in community life. I think, while one is considering these freedoms and the balancing effect of one freedom upon the general well-being of the community, one can look with confidence to a view expressed by Lord Devlin, a retired member of England's highest court, whose book, *The Judge,* was reviewed in the *Australian* of 17 January this year. In the review, Mr. Justice Kirby described the debate about the role of the law in the enforcement of morals in which Lord Devlin was engaged in the 1960's with Professor H. L. A. Hart. The report states:

> Lord Devlin was invited to deliver a public lecture soon after the report of the Wolfenden Committee in England had recommended that homosexual practices in private between consenting adults should no longer be criminal. Lord Devlin at first agreed with the recommendations, but in preparing his lecture he changed his mind. He argued that society had the right to "protect its own existence". He also urged the right of the majority in society to follow its moral convictions by resisting change that would undermine or prejudice the majority's moral position.

Mr. Justice Kirby goes on to say:

> The resulting debate was a scholar's feast. Although the controversy has changed its focus, it remains with us today in relation to the law's proper role in such matters as abortion, pornography, drugs, artificial insemination, and so on.

In debating this Bill, we are in fact debating society's right and, indeed, its obligation to protect itself and to uphold what is seen as its moral position. I acknowledge that the moral position may not be the position which is held by the majority. Throughout history we learn that the moral position of minorities can often be the one which is derided by the majority but which may ultimately be seen to be the one that best upholds the finest traditions of a society and ultimately is acknowledged as the right position and one that must be adhered to.

Lord Devlin's argument about society upholding its

position is directly related to the debate on this Bill. I believe that it should be borne in mind by everyone who votes upon this Bill because, make no mistake about it, a vote in favor of the Bill by this Parliament will, I believe, have a profound effect upon destroying the position in society which we as a Parliament would want the family to hold.

Mr. Millhouse: Can you tell me how?

The Hon. JENNIFER ADAMSON: If the honourable member waits I shall be very pleased to tell him how. Members of the League of Women Voters have carried their interest from the early 1970's, and indeed well before that, to the point where they made a submission to the Select Committee. Mrs. Phyllis Duguid, who wrote and sent me a copy of that submission, said that it is important to recognise that the phrase "decriminalisation of prostitution" is totally misleading and takes people's attention from the base tenet of the Bill, that is to say, the legalisation of the prostitution trade.

Although prostitution *per se* is not at present illegal, the term "decriminalisation of prostitution" is really meant to cover all activities connected with prostitution. I wonder whether the honourable member who introduced the Bill envisages that the decriminalisation of brothel owning, keeping or managing a brothel, soliciting, receiving money, and so on (all the activities associated with prostitution), are now to be given the imprimatur of the South Australian community by being allowed to continue, without any checks or legal restraints other than those very minimal ones contained in this Bill which I personally regard as being completely inadequate. The Select Committee, in its report to Parliament on the Bill, stated that it had four possible courses of action: it could maintain the *status quo;* it could strengthen the present law; it could legalise and regulate prostitution; or it could decriminalise with appropriate safeguards. In relation to the first option, the committee stated that it was difficult to find many advantages in maintaining the present law. The committee states:

> There is evidence that it has to some extent reduced offensive activities such as soliciting. There has been some reduction in the number of massage parlours because of police activities, as well as other factors, but the best that can be said is that the law has to some extent controlled the practice.

That may be the committee's view and the best that can be said, but if the law has to some extent controlled the practice then, indeed, the law has served a very useful purpose.

I believe that the law should be able to go on serving that purpose. I acknowledge that the law, as it stands, is inadequate but, in saying that, I do not believe that it should be virtually repealed and that we should start again on the basis that prostitution is not a criminal activity. We believe that we should amend the law as it stands to ensure that it is more equitable in its application.

Mr. Millhouse: Have you any ideas how to do that?

The Hon. JENNIFER ADAMSON: If the honourable member will be patient, I shall be pleased to enlighten him as I proceed. The option for decriminalisation with appropriate safeguards is said by the committee to have the following advantages. It would make the industry subject to the normal laws governing business activity. I find that a somewhat offensive suggestion because, if one accepts that prostitution is a normal business activity, one is completely disregarding the obligations that society has in terms of upholding morality. In dealing with the clauses of the Bill, I will refer in particular to that point.

Mr. O'NEILL: Mr. Speaker, I draw your attention to the state of the House.

A quorum having been formed:

The Hon. JENNIFER ADAMSON: The report continues:

> It would reduce the constant flouting of the law which currently prevails.

I do not accept that as an argument for altering the law. The report continues:

> It would free the police from a particularly distateful and frustrating duty.

I recognise that that is a problem. The report continues:

> It would remove the possibility of police corruption and victimisation.

It is interesting that the committee recognised that there is no evidence of police corruption and victimisation in South Australia. Finally, the report states:

> It would give prostitutes recourse to the law in cases of rape, assault and exploitation which they are generally unable to have at present.

The committee then lists the disadvantages, and says:

> It would repudiate the philosophy behind the present law, which is that prostitution is morally wrong and should therefore be regarded as a criminal activity.

The other disadvantage is as follows:

> It could lead to a proliferation of brothels. There was conflicting evidence on this point, although the weight favoured the view mentioned in the last of the advantages listed above.

I do not agree with the committee on that point. I suggest that evidence available from overseas experience indicates clearly that a proliferation of brothels inevitably follows decriminalisation, legalisation, registration or regulation. The police said, in response to the suggestion that if prostitution were decriminalised, and the Bill that we are debating was allowed to operate as law for three years, that, in the meantime, the industry would flourish to such a point that in three years it would be extremely difficult to bring back the original control, even if the community wanted such controls exerted at that time. I suggest that we would be faced with a proliferation of brothels if the Bill was passed. What else would one expect of an activity that is profitable but not regarded as being illegal? One can expect people to move into that activity.

Those who are looking for profit at the expense of others would have no let or hindrance whatever: they could proceed as they wished to make as much money out of what is nothing more than traffic in persons. Here, one gets to the real crux of the Bill. It proposes a situation whereby traffic in persons is, if not condoned, at least allowed to operate unhindered in South Australia. I say to members that, just because a trade has existed for so long in human society, there is sometimes a tendency to treat it with indifference or even with flippancy and say, "Let it run. There's nothing we can do about it." I do not accept that, and I do not think that this Parliament should accept it, or that the responsible citizens of this State, particularly the parents of grown families, would want us to accept it. I refer members to the fact that, in 1949, the United Nations General Assembly approved a convention for the suppression of traffic in persons and the exploitation by prostitution of others. In the first 10 years since that date 34 nations had acceded to or ratified the convention. By 1974, there were 39 signatories. Australia is not one of those signatories and, if the Bill was to be passed, we could not become a signatory to that convention.

Mr. Millhouse: Why not?

The Hon. JENNIFER ADAMSON: Simply because our legislation, or lack of it, would contravene that convention, and it would be impossible for us to sign it with any credibility in the eyes of the world, and I mean the world. The actions of individual Parliaments in what

might be seen in world terms perhaps as insignificant States are noted world wide, and the weight of opinion in a Parliament such as this, whilst we may not see ourselves in an international context, is noted in an international context.

What we do in respect of this Bill will be recognised not only throughout the nation but throughout the world. It will be noted, researched, and referred to and, if the Bill was passed, people could point to South Australia and say, "There is a State which is prepared to condone the traffic in persons and which is not willing to take whatever action is necessary to enable it to be a signatory to the United Nations convention." On that basis, I do not think that South Australia would rate very well in the eyes of responsible international citizens. Members may be interested to know to what the parties to the convention agree when they sign it. The convention states:

> The parties to the convention agree to punish any person who to gratify the passions of another:
>
> (1) procures, entices or leads away, for purposes of prostitution, another person, even with the consent of that person;
>
> (2) exploits the prostitution of another person, even with the consent of that person.

It is important to note "even with the consent of that person" because, whilst the Bill deals with instances of where force or intimidation is used, the United Nations regards even consent to traffic in persons as being something to which an enlightened community should not subscribe. The convention continues:

> The parties to the present convention further agree to punish any person who:
>
> (1) keeps or manages, or knowingly finances or takes part in the financing of a brothel;
>
> (2) knowingly lets or rents a building or other place or part thereof for the purpose of the prostitution of others.

Nowhere in the convention is there any suggestion that prostitution in itself should be declared illegal or that either party to an act of prostitution should be punished for that act. An understanding of article No. 6 in this respect is of great importance. Article 6 provides:

> Each party to the present convention agrees to take all the necessary measures to repeal or abolish any existing law, regulation or administrative provision by which persons who engage in or are suspected of engaging in prostitution are subject either to special registration or to the possession of a special document or to any exceptional requirements for supervision or notification.

In other words, the United Nations cannot condone a situation in which legalisation, registration or regulation is part of the law.

If Australia was to sign that convention, it would have two main results in the eyes of the League of Women Voters. First, it would mean that no measure licensing patients of prostitution or registering prostitutes would be legal in our country. Secondly, it would demonstrate Australia's opposition on the national and international scene to traffic debasing to human dignity. Again, we come to the crux of the matter. We are dealing with the subject of traffic debasing to human dignity, yet the Bill proposes to make that debasing traffic a matter that is not the subject of the criminal law.

The law as it exists in South Australia is in harmony with the principles of the convention. If we change the law, we will be out of step with the convention. It would be tragic if a State like South Australia found itself legally not in a position to subscribe to a United Nations convention. It should be remembered by this House that once any trade is established it will always seek to expand and increase its profits. The proposals in this Bill will provide an open invitation to those who want to do that in Adelaide, and the effects of that will be very severe and will be felt for a long time to come. I turn to the Bill and its provisions. I draw honourable members' attention to clause 4, which states:

> (1) A child shall not commit an act of prostitution.
>
> Penalty: $500 or detention for not more than three months.
>
> (2) A person who causes or induces a child—
>
> *(a)* to commit an act of prostitution;
>
> or
>
> *(b)* to have sexual relations with a prostitute,
>
> shall be guilty of an indictable offence and liable to imprisonment for a term not exceeding seven years.

This is one of the places where I am totally at odds with the Bill, because it is completely unreal. I do not in any way disagree with the fact that a child should not commit an act of prostitution, but what we are doing is, in effect, weakening a law and then saying that we are going to protect children. Surely members would know that, just as weak pornography laws have led to child pornography, we can expect, without any doubt whatsoever, that weak prostitution laws will lead to child prostitution; it is as inevitable as night follows day. It has happened in other countries and it will happen here.

We have seen, to some extent, the same principles apply in respect to the drinking laws in this State. Once one starts to weaken a law, inevitably the children will suffer, because the protection that they previously enjoyed when the law was strong is denied to them when it is relaxed, and the tragic social results which inevitably follow from that cause immense distress. There would be hardly a member in this House who is not aware of under-age drinking. We can equally look to under-age prostitution if this Bill is passed. Clause 5 states:

> (1) A person who, by intimidation or deception, causes or induces another person to commit an act of prostitution shall be guilty of an indictable offence.

There are penalties for that. I believe that clause to be quite unrealistic, because I think we will face the difficulty, in practical terms, of prosecuting those people and, even without that, the law, as it presently stands, provides that a person who engages in prostitution and who solicits shall be prosecuted. If we are going to weaken that further, we will simply provide a situation where prostitution runs rife in South Australia.

It is interesting to look at the comparatively recent past and to reflect upon what has happened in this State that has enabled such a Bill to be introduced and to invite the possibility of its passage through this Parliament. I was looking through some old newspaper clippings and came across one from the *Australian* of 4 November 1976, headed, "Massage parlours give Don a moral and political rub". The article elaborates on the South Australian Police Commissioner's report to Parliament and the fact that Commissioner Salisbury decided not to mince his words in his annual report when he referred to massage parlours. The report went on to assess the then Government's difficulty and the dilemma that the Dunstan Government faced in trying to tackle the problem. So, as little time ago as four years, the *Australian* was able to say that, on the political level, many members of the Dunstan Government (not to say the State A.L.P.) could not afford to allow prostitution to lose the stigma of criminality. Although a line is missing in the report, what is printed indicates this. One leading Party member is quoted as saying, "If he tries it, he's going just too far."

Mr. Millhouse: Is he named?

The Hon. JENNIFER ADAMSON: No, the honourable member is not named. That is exactly what this Bill is doing; going too far. The report continues:

> On a moral level members are set [this is members opposite, members of the A.L.P.] against prostitution on the grounds that it is simply degrading.

Who could not be set against it on those grounds? If we are set against it on those grounds, what on earth are we doing contemplating the passage of a Bill to enable that degrading trade to be practised in South Australia without any fear of prosecution under the law?

I have not canvassed the opinions of many members. I do not have any idea of how many members in this House, or in the other place, will support this Bill, but I urge all those members who have not yet reached a conclusion to think seriously of the consequences if this Bill is enacted and becomes law.

Mr. Keneally: What are the consequences?

The Hon. JENNIFER ADAMSON: I venture to say that it would be extremely difficult to reverse this legislation, notwithstanding the committee's recommendation that, in three years, the consequences should be reassessed.

Mr. Keneally: What are the consequences?

The Hon. JENNIFER ADAMSON: The honourable member asks what the consequences are.

The SPEAKER: Order! The honourable member for Stuart is out of order interjecting. The honourable Minister has the floor.

The Hon. JENNIFER ADAMSON: I have canvassed the consequences, but I would like to reiterate, in closing, just what those consequences are. It is inevitable that there will be an expansion of prostitution, and I do not honestly believe that members of this Parliament want to see that. In fact, I feel safe in saying that we do not want to see it happen. Certainly, I do not want to see it happen. I think it is inevitable that child prostitution will occur in South Australia. It may already be occurring, bearing in mind that a child, in the eyes of the law, is someone under the age of 18 years.

Once the trade is decriminalised, what is to stop children from both being involved in and from patronising brothels? What is to stop a 17-year-old boy from saying, "Let's go down to the local brothel; it must be O.K., who's to say it's not? Parliament has just passed a law saying that—

Mr. Millhouse: What is to stop it now?

The Hon. JENNIFER ADAMSON: What will stop it now is the criminal law, and the fact that the criminal law may not be administered in a way that will make it 100 per cent effective does not mean—

Mr. Millhouse: Did you say 100 per cent? It's not even zero per cent at the moment.

The Hon. JENNIFER ADAMSON: I think that the honourable member for Mitcham is getting rather carried away. If he is suggesting that the activities of the police have nil effect, he is failing to recognise the contents of the report of the committee of which he was a member. On the grounds that this Bill deals with traffic in persons, which is utterly degrading to womanhood (and, I believe, to humanity), that if it were enacted it would have disastrous social consequences in Adelaide and South Australia, and that, as Lord Devlin said, "A society has the right to protect itself in the interests of its own institutions," I urge every member of this House to oppose this Bill.

Mr. RANDALL (Henley Beach): I do not mind admitting that I am in somewhat of a dilemma over this matter. It is a difficult task for a new member to come into this House and be faced with a conscience vote. I lean heavily towards the Bill, but from the evidence I have and from the debate I tend to feel that I must oppose the Bill. I call upon members who support the Bill to express their reason for doing so. It may appear to some that I am sitting on the fence, but at this stage I support the Bill.

I will outline some of the problems that I see as I proceed with my remarks. I make no apology to those who may be left in somewhat of a dilemma after reading my remarks or listening to the debate. I am prepared to contribute to the debate, just as I am prepared to vote. When I vote, I will know full well that I have spoken on the Bill and expressed my point of view on what I see as the community's desire.

I would prefer that this issue was not before the House. I do not believe that Parliament has a role to determine community attitudes. Many people would argue very strongly against that point of view, but I believe that there are bodies and institutions within our community which have a role to play as part of that community. One such group comprises the churches. I challenge the churches to take up that role of forming attitudes in the minds of the people on moral issues, because I believe that the church as a group must face the issues and its voice must be heard again. The attitudes of people are formed in the community through the activities of various groups. The education system is one. That is my own personal point of view. I am not canvassing a Party policy. My personal point of view as to the role of various groups in the community.

Mr. Geoffrey Bingham, a wellknown writer from Adelaide, moves among the church groups, and talks on the role and purpose of men and women. He has written some excellent books. In this day and age, when attitudes are changing towards the role of men and women in our community, the churches need to look to and assess their viewpoints. The member for Stuart quoted from a book written by a Vincentian priest, the Rev. Father Bruce Vawter, as follows:

> There is a rather important Gospel teaching that Christians have not always properly understood. Graces cannot be legislated. Understandable as it may be that Christian nations will desire their laws to reflect the religious convictions of their people, it is a very questionable wisdom that has promoted a country or state to translate into civil and actionable law a divine word that has been sent into the soul and conscience of Christian man.
>
> For Christian man such a thing is unnecessary in the first place and a usurpation of the liberty with which God has made him free; for non-Christian man—who is at least as frequent in a Christian country as in any other—it is an intolerable burden, the imposition (in the name of God) of a duty which God has not revealed to him and which, therefore, he has not given him the means to fulfil.
>
> A sad, sad record of hypocrisy and collusion has dogged the footsteps of good, earnest people who have made the mistake of confusing the Gospel with a *corpus iuris*.

I believe that here is our problem. Some Parliamentarians and people in our community believe that a Parliamentarian's role in regard to social issues should be to force viewpoints on others in the community. I disagree with that viewpoint. I believe that I have a life to live, that I have a credibility to establish in the community as a community leader, in the hope that others may agree with it and take it up as a challenge. If people in the community disagree with an issue, that is their freedom of choice. People can choose to live the life that they wish to. In regard to the committee, the member for Stuart said:

> On this committee were members who adopted what I would regard to be the highest moral and ethical positions. They are practising and professing Christians. I suggest to those people who may reflect on members of the committee that virtue and Christian morals are not confined to a few groups within the community. One such organisation has

since sent me a publication, to which I will refer later. Such virtues are often found among the community at a far wider and greater extent than some people believe. Some members of the committee were people with this wider and greater extent of Christian virtue.

I would like to place on record my support for the report of the committee and for what it has achieved. I am somewhat envious of the position that committee members were in, because I have not access to the information that they had. I respect the committee's viewpoint as formulated in the report. Members of the committee had the opportunity to sit down time and time again to interview people, to talk, and to listen.

I have never been near a brothel and I have never had the opportunity to talk to a prostitute face to face. Therefore, I do not know the problems they have. Committee members had an opportunity to confront these people and put questions to them. Although the name "prostitute" may have a certain ring to it, they are ordinary people, and the community has to learn to respect that they are human beings.

Mr. Millhouse: Most of those whom we met were pretty normal.

Mr. RANDALL: Yes. They have a lifestyle which may be different to ours. I was not in the position that members of the committee were in. I value the contribution from the committee to the Parliament. One thing that the report does highlight very strongly is that there is a need for reform in our views, as a Parliament, about prostitution and how we treat it. There is also our belief that prostitution must come under criminal law. The need for change is highlighted very strongly. The fact that it is evident that there is a need for change is my reason for supporting the Bill. I believe the committee has established that there is a need for a change in the approach of the community of South Australia to this matter.

I do not fully support the Bill. There are some amendments I may need to canvass later. I may be able to give an indication as to what I believe should be added to the Bill. I believe that, as members of Parliament, we have a responsibility to make a decision and a responsibility to let our electors know where we stand on the issue. We are wasting Parliament's time if we simply sit back, remain silent, and do not vote. After all, we were elected as leaders of the community to make decisions, and I call upon Parliament to make a decision on this issue.

Some criticism has been levelled at the member for Mitcham because he introduced the Bill hastily. This issue has been going on within the community for some time and community groups have had an opportunity to voice their opinions to members of Parliament. Unfortunately, some of them have not known how to go about it and have missed the opportunity, but since then they have learned. They are learning all the time how to communicate within the community. The opportunities have been there. I believe the member for Mitcham has had time to think about it, he has had time to sit on the Select Committee to see what is going on, and he has had time to formulate in his own mind the way he believes the Bill should work to solve a problem in the community.

Quite rightly, members on both sides of the House will say that they believe the Bill should be amended in some way, and that is their privilege. I do not believe the member for Mitcham would want to take away from us that right. When we vote, the final vote will decide what form the Bill will take and how it will be implemented in the community.

Since I have represented Henley Beach in this House, I have given an undertaking to try to give my constituents a greater say in the running of their State. I have given them opportunities to express their viewpoints to me as their elected representative. Accordingly, I wrote a letter to the local *West Side* newspaper, in which I said:

> While the report does not call for legislation, I am concerned that some people may think authorities are condoning prostitution.
>
> On the other hand, it is claimed that prostitution is a crime without a victim, is impossible to police, and people have the right to decide what they may or may not do with their own bodies.

In doing that, I put two diametrically opposed points of view to motivate people to write to me about the issue. Unfortunately, the challenge was not taken up as much as I would have liked to see in my own district but it was taken up to some extent. I received some negative phone calls in which people said they opposed the Bill. When I asked them why, I discovered that they had not read the Bill or the report and they were opposing it because they had read in the newspapers that the member for Mitcham was introducing a Bill to decriminalise prostitution, and that should not be done. That seemed to be the main thrust coming through the phone calls.

One has to discount a certain amount of public feedback. I also issued a challenge to those who were telephoning and asked them to read the Bill and the report and then write me a letter. To the credit of the people of Henley Beach, some of them took up that challenge and I believe that has helped me to formulate my viewpoint and it has helped them as a community to understand why I am supporting this Bill in this House today.

I spoke to members of the churches in the area. They got together and invited me around for a talk and a cup of coffee. As a politician, I enjoy a challenge. It was a challenge for me to go and talk to those people who play a responsible leadership role in the community. The conversation started off in a political and negative vein, but after a while they understood what the Bill and the report were all about. The conclusion was that it was saying that there was a time and a need for a change in our community approach to this social issue.

This group of church leaders in my area concluded that they did have a responsibility to help people in their congregations to understand what the issue was all about. They took up the challenge and helped people to formulate their ideas. I am hoping at a later stage to have another opportunity to express my viewpoint to a wider congregation. I take up opportunities when they arise.

Parents committees in the schools have yet to take up the challenge. I have communicated with them in the hope that they will ask me to speak with them and I hope I can present an unbiased viewpoint, because I am not out to present a political viewpoint on the issue. I am out to ask people to read the report and to ask questions and to talk to the various groups in the community. They may know some prostitutes and they may know where there are some brothels. I believe some of them are getting a balanced view. Like me, some of these church people who have never been near a prostitute are now talking to prostitutes and they are talking with me. The barrier is not as high as it was: it has been broken down.

I do not support prostitution; I believe it is not to be supported as an act. I believe it is dehumanising, but I am not prepared to impose my viewpoint strongly on another person in the form of legislation. I believe that is an understanding that they will come to, given time and an opportunity. Having expressed my viewpoint in the local newspaper, I then watched with interest the flood of letters that appears in the *Advertiser*. Some valid points were made, one of which was headed "It takes two", and I

quote from the *Advertiser* of 7 March, as follows:

> Sir—For thousands of years prostitution has been practised and for the same thousands of years women have been punished for an act which must, by its very nature, include two people. Many writers, including church leaders, have noted the injustice of this. Let us, at last, do something about the injustice.

That point has been made time and time again to me in my discussions. It requires two people to perform this act. Why is only one person penalised? That is something the committee looked at, and quite rightly it has made a choice on the issue that I believe the member for Mitcham has faced. Another gentleman who has been involved in the debate is Father John Fleming, who wrote about decriminalisation on 10 March, when he said:

> The words "decriminalisation of prostitution" are utterly misleading. Prostitution is not a criminal offence. Two individuals who agree to have sex together where one pays the other a fee, have not committed an offence by the deed itself.
>
> What is at present "criminal" in the eyes of the law are all those activities which make prostitution a trade, industry or business.
>
> This confusion was demonstrated by Mr. O'Neill (ALP, Florey), in a speech he made in the House of Assembly on Wednesday last week.

I remember that when I heard that speech I began to become nervous and uneasy about what the member was going to say. Here was a member taking an opportunity to turn this debate into a political exercise. I believe a conscience vote in this House is needed, and to obtain a conscience vote we need to hear what all members of the House have to say, and it does not need to be a political viewpoint. Father Fleming continued:

> Mr. O'Neill said he supported the Bill because he was a member of the A.L.P. and would be following party policy (curious since the A.L.P. has said officially that it was a conscience vote), and because he believed that individuals should have the right to do as they saw fit without being coerced or exploited.
>
> The fact is that where prostitution is concerned, a person can prostitute herself quite legally. The legislation that Mr. O'Neill supports seeks to decriminalise not prostitution *per se*, but the trading in prostitution that goes on in brothels.

I now quote from an article which the Minister of Health recently canvassed and which had a swing-back effect on me. Having determined my position to support the Bill, I found out in my research that the United Nations in some of its articles and conventions determined as follows:

> The parties to the convention agree to punish any person who to gratify the passions of another:
>
> 1. Procures, entices or leads away, for purposes of prostitution another person, even with the consent of that person.
>
> 2. Exploits the prostitution of another person, even with the consent of that person.

Another article is as follows:

> Article 2. The parties to the present convention further agree to punish any person who:
>
> 1. Keeps or manages, or knowingly finances or takes part in the financing of a brothel.
>
> 2. Knowingly lets or rents a building or other place or part thereof for the purpose of the prostitution of others.

Here is a swing back. Some form of amendment needs to be added to this Bill to control the establishment of brothels. Whilst I agree that prostitution is here and that I should not stamp it out by legislation, as a leader in the community I am concerned about other activities associated with brothels. Immediately crime is going to come back. Prostitution is covered by the criminal law, in our Statutes. The problem is that it is not being policed, the law is not achieving what it was designed for, or the courts cannot handle the situation.

I am not a lawyer. I do not have a legal background. I do not understand the difficulties involved. Some must exist, because the report found that these controls were not effective and hence other forms of control were necessary. I believe that for this Bill to pass this House we need to have a swing back from those who intend voting against it, those who have expressed their opinion against it so far.

I throw my comments in at this stage hopefully so that other members will participate in this debate. I might challenge those members who intend to vote against the Bill to think seriously about it. If we establish a way to have no brothels in this city, we wipe out some problems. If we stop people running these dehumanising practices, we will also stamp out some problems. People are getting ripped off; they are being used and abused. That concerns me.

Whilst I recognise that prostitution will occur in the community, as legislators we should control and not encourage it. We have allowed brothels to go on as massage parlours, or whatever business of prostitution, there is, to go on in this community. It needs stamping out and it needs control. This Bill seeks to do that in some areas.

A formal amendment along those lines would be acceptable to most members of this House. This Bill, when implemented, would then fully seek to control child prostitution. One provision is:

> A person who, by intimidation or deception, causes or induces another person to commit an act of prostitution shall be guilty of an indictable offence.

That is an interesting clause, which seeks to restrict a person from soliciting in a public place, and to control location of premises. Having served on a local council, I know the dilemma local government faces when it gets a flood of complaints from residents, saying, "There is a brothel next door to my home. What are you going to do about it?" They find that the council is powerless to act. The Bill controls where these places can be set up. The final control is on advertising the so-called business of prostitution. I ask the member for Mitcham to extend some of those controls by amendment. If necessary, I will have to move amendments in the Committee stage, so that we have control over acts of prostitution.

The report highlighted escort agencies. This aspect concerns me. The Bill clearly needs to define what is an escort agency. It is well known that such agencies allow escorts to be hired but what takes place after the hours of escortship is usually left to the escort's own volition. That could become a forum for prostitution advertisement. What an escort is needs to be spelt out and controlled, just as we are going to spell out what a massage parlour is.

Clause 10 states that before the expiration of three years from the commencement of this Act the Attorney-General must prepare a report on its operation. That is the enticing factor to me. That is a safety clause which gives us another opportunity to debate this issue again in three years time. I have not been associated with Parliament for long, but we have not had that opportunity, maybe over the past 10 years, since the criminal law was amended so as to control prostitution. It was like a weeping sore, until it finally came to a head when the Select Committee was set up. The committee has reported and now is the time for us, as members of Parliament, to decide where we stand.

One section of the report I wish to highlight is entitled "Causes of prostitution in our community." When one reads that and finds the reasons why women are enticed into prostitution, one cannot but be concerned. Here was

a challenge to all members of Parliament, to find out why these people are enticed into the prostitution trade, with which I disagree but which I realise is a fact of life. I, as a member of Parliament, am motivated to do something to help these people overcome their problems, one of which is unemployment, because it entices young people into prostitution.

One other area highlighted in the report was the matter of women under coercion. I say quite openly that I know nothing about this. I do not know whether prostitutes are being coerced or not. I do not have any inside information. I was not able to sit on the Select Committee, but apparently evidence was received that indicated that coercion did take place. That reinforces my view that the prostitution trade should not be encouraged in the form of madams and brothels.

The committee's report refers many of these items to the Minister of Community Welfare. I and other members of Parliament have a responsibility to give an undertaking to follow up those matters with the Minister. The report has challenged us to act. Other areas may need to be covered by legislation or help. One suggestion made was that the Government could assist in providing accommodation for young girls. Apparently some young girls have a history of moving through institutions and then into prostitution. The committee was impressed by the successful rehabilitation of a number of young girls who might have gravitated towards prostitution had they not received the kind of help that a shelter offers, such as a place which is apparently situated in North Adelaide. We, as a Government, and the community, may need to look at further establishment of such places to help these young people.

I do not apologise, as I said earlier, for confusing members of Parliament as to where I stand. I have given, I believe, a clear indication that I will support the Bill with some amendments.

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

Mr. PETERSON (Semaphore): Having listened with interest to some of the earlier speeches, not necessarily today but previously, I was very interested to hear that this Bill would encourage women to enter into or take up (whatever the term is) prostitution, but I cannot accept that an Act of Parliament would force or convince people to change their moral outlook and enter into prostitution. The report refers to basic causes of prostitution, and I think this is very important when we consider the Bill.

The cause range includes women who are severely disadvantaged socially and economically (this obviously puts them on a very poor footing in the community) women who are poor, and/or in debt, supporting children, or unemployed (which I think is probably one of the most significant factors contributing to prostitution), women subject to coercion (I think that is a very minor factor, although obviously some people would use coercion), and women who seek money for specific purposes.

The report also deals with problems arising from prostitution. Venereal disease, according to the report, is commonly believed to result from prostitution, but the point is made that a prostitute has to be able to continue with her activities, and to do that she must keep herself healthy and clean; that is a very valid point that I accept. The drug problem is one that I thought was a much larger problem than the report indicates, although obviously anyone on drugs would be a liability rather than an asset.

Organised crime was another matter that worried me: I wondered how big outside influences were in connection with prostitution in Adelaide, but apparently we are very lucky in having such a good Police Force, which controls this situation fairly well and keeps the outside influences away. The two matters that I think meet with the most public resistance involve suburban nuisance and offence to members of the public. This is where one may actually be faced with situations in the street or in cars, accosted in the street, or kept awake late at night. Such matters will be controlled by the Bill, and I think that is a good measure.

The other point involves the moral issue, which I am afraid has to be a purely personal matter with people, whether they be for or against the Bill. Nobody can give anyone else a set of morals. Surprisingly, nobody has yet come up with an alternative Bill or alternative suggestion on this matter. It has been suggested by one of the previous speakers that, if we pass this legislation in South Australia, we will preclude Australia from membership of the United Nations Convention, but I note in clause 5 of the report that New South Wales is considering changing the relevant Act.

Further, the State Liberal Party Council in Victoria recommended that the Government decriminalise prostitution. The Victorian A.L.P. supports such a measure, and Tasmania is considering it. Therefore, we cannot be held up as the poor relation of Australia in this matter because, if we do not pass the law, somebody else will, and that will preclude us from that membership anyhow. Prostitution has been with us since time immemorial. Nobody knows when it started; it may have been when Eve handed the apple to Adam but, in any event, it was a long time ago. Indeed, many of our forebears may have been sent to this country for engaging in this activity; one never knows. If the situation gets out of control, it will be because of the lack of policing, not because of the Bill.

I support the Bill in principle, because prostitution has been with us and will be with us for a long time, and all the efforts over past years have not removed it, nor will we remove it by any Act of Parliament. I await with interest the amendments foreshadowed, and I endorse the comment made that we have a distinct responsibility to make a decision in this Parliament.

Mr. RUSSACK (Goyder): I move:

That this debate be now adjourned.

The House divided on the motion:

Ayes (23)—Mrs. Adamson, Messrs. Allison, P. B. Arnold, Ashenden, Becker, Billard, Blacker, D. C. Brown, Chapman, Evans, Glazbrook, Goldsworthy, Gunn, Lewis, Mathwin, Olsen, Oswald, Rodda, Russack (teller), Schmidt, Tonkin, Wilson, and Wotton.

Noes (21)—Messrs. Abbott, L. M. Arnold, Bannon, M. J. Brown, Corcoran, Crafter, Duncan, Hamilton, Hemmings, Hopgood, Keneally, Langley, Millhouse (teller), O'Neill, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Pair—Aye—Mr. Randall. No—Mr. McRae.

Majority of 2 for the Ayes.

Motion thus carried.

RETAIL INDUSTRY PRICING

Adjourned debate on motion of the Hon. J. D. Wright:

That in the opinion of the House the Government should, as a matter of urgency, establish a Select Committee to inquire into the pricing structure and pricing practices within the retail industry in this State with particular reference to:

(a) the extent to which such practices cause or may cause loss to smaller traders;

(b) the extent to which such practices have caused or may

cause loss of employment in that industry and other related industries;

(c) the extent to which various methods of discounting are deceptive and unjust and are causing cost increases to the consumer; and

(d) the extent to which such practices are part of an organised drive on the part of large retail chains to achieve monopoly control of the industry with a view to subsequently maintaining artificially high price levels.

(Continued from 26 March. Page 1729.)

Mr. EVANS (Fisher): I oppose the motion.

The Hon. J. D. Wright: Are you speaking on behalf of the Government?

Mr. EVANS: The view that I express will be that of the Government in opposing a Select Committee. The sincerity of the Opposition towards a Select Committee was shown only a few minutes ago when it was not prepared to have the debate on the previous Bill adjourned so that this matter could be debated. All it wanted to use the motion for was for political purposes, and for no other purpose. There was a clear indication of that a few minutes ago when the Opposition deliberately tried to give a majority of time in the House to one private member's measure, thus denying the Government the right to debate a motion of the Deputy Leader, who said last week that it was important, whereas this week he is saying, in effect, that it is not important. He does not care this week whether small businesses are considered by Parliament, whether a Select Committee is set up, or whether the Government has an attitude to the motion.

The whole of the Opposition Party, including the member for Semaphore, adopted the same approach, as did also the member for Mitcham. Yet, last week we heard the bleatings and pleadings of the Deputy Leader about small businesses. This clearly shows how much the Opposition considers small businesses: it does not consider small businesses at all. The only way the Opposition considers small businesses is the way in which it considers many other groups in the community, such as subcontractors.

The Opposition would prefer to see small businesses go to the wall so that the closer they are to monopolies the easier it is for its backers, the trade unions, to control those industries. If there is one thing the Opposition fears it is the small operator, because it is difficult to control and dictate to him, and to get him under the control of the trade union movement. In moving his motion, the Deputy Leader said that the South Australian Mixed Business Association had spoken to the Caucus of the Government. I can clearly say that we do not caucus, so that statement was inaccurate. He said that he had been informed privately that that had been the case and that Mr. Paddick had asked for the right to address the Caucus of the Liberal Party. Mr. Paddick never asked for that. In moving his motion, the Deputy Leader said:

> I was informed that Mr. Paddick had asked for the right to address the Caucus of the Liberal Party explaining all of these problems that I have outlined in my motion. However, he has received, quite clearly, in that letter from Mr. Tonkin, the Premier of the State, a complete rebuff to the requests made by small business.

There was a request and, first, I took up the cause, as an individual, of whether some representatives from the association, representing 1 300 small businesses, could speak to members of the Liberal Party. I pointed out that Liberal Party members could attend at 9 a.m. on Wednesday 20 February to discuss with representatives of the association the problems it had. I had already discussed the matter with Mr. Paddick, and I had the documents that he had made available to me. As the Minister of Consumer Affairs was at a meeting at the time, someone else met the association. A few days later, according to the Deputy Leader, on 3 March, I believe it was, a letter was sent from the Premier to Mr. Paddick. I suppose that I should quote the letter so that it is on record in my speech. However, I point out that I did not see the letter, which was as follows:

> I understand that, as the Trade Practices Commission does not propose to force price marking, it appears that the only way to accede to your request would be to legislate to make the price marking of goods obligatory. However, you will appreciate that it is not my Government's policy to place undue restrictions or impositions on businesses, including those of your members. It is doubted, too, whether such a move would be either practical or warranted.

That was the letter the Premier sent a few days after the meeting we had with Mr. Paddick, who, I am sure, would agree that the members of the Liberal Party were sympathetic to the association's cause. We expressed concern and said that we would follow the matter through. The Minister of Consumer Affairs was present, and he picked up at least two points that he promised to follow through, and I can assure the House that the Minister would be doing that. The Minister had at that stage or immediately afterward set into process an inquiry from his own department into the problems raised by Mr. Paddick and his association, together with some matters raised by the Deputy Leader.

I can assure members that, if the Deputy Leader or any other member of the Labor Party or of Parliament, or any person in the community, or any small business man or member of the Mixed Business Association could provide any evidence on this matter, the department of the Minister of Consumer Affairs would like to have it. That department is conducting an investigation into the area into which the Deputy Leader is asking that a Select Committee inquire. In those circumstances, neither I nor the Government can see a need for a Select Committee, because the matter is being investigated. At page 1728 of *Hansard*, the Deputy Leader said:

> If the Premier was dinkum about the ill effects of undue restrictions or impositions on business, he would ask the Minister of Corporate Affairs to direct his officers to look closely at restrictions and impositions placed on small businesses in this State by a monopoly stranglehold.

I assure members that, if the inquiry by the Minister of Consumer Affairs is such that he finds that there needs to be action by the Minister of Corporate Affairs, that action will be taken. Let us be conscious that the present Opposition (not the same personnel, but the Labor Party) was in Government for nearly 10 years during which these practices were taking place. It never worried about this matter then, whereas now it is demanding a Select Committee from the Government, even though the Government has been in power for only six months.

Members opposite cannot say this was not happening five or six years ago. The proposals were already in train at that time, and we all know that. Associated Wholesalers, which the Deputy Leader sees as one of the biggest troublemakers in the overall situation, was operating at that time.

The Hon. J. D. Wright: You didn't ask for it.

Mr. EVANS: Did the Liberal Party have to ask for a Select Committee? Did it have to ask for an inquiry? Were small businesses not saying these things at that time?

The Hon. J. D. Wright: No.

Mr. EVANS: The Deputy Leader says "No", but let us look at the surveys taken last year and see what small

businesses were saying about the South Australian Labor Party at that time. Small businesses were concerned about how they were being neglected, and the Labor Party was the Party that was neglecting them. We all know that, and it was obvious to the small business houses that that was happening. The Australian Labor Party has moved this motion tongue in cheek. The matter has become a hot potato, and the Opposition hopes that it can stir up some interest and win back some support from the small business operators by doing this. I say to the small business operators that their problems are being taken up. We are a Party that represents their area of interest and operation.

The Hon. J. D. Wright: You're not doing much to help them at the moment.

Mr. EVANS: We have an inquiry in train at the moment considering their problems. I know that the people concerned, being reasonable people, would not expect this Government, after being in office for only six months (including the Christmas break, a time when little takes place in the Government or the private sector) to come up with any great moves in that time. I am sure that small business operators are conscious that, even though some may be using the Labor Party to stir the pot a bit, they cannot afford to trust that Party's philosophy or expect it, if it gets back into Government, to treat them fairly and reasonably, because that has not happened in the past, and it will not happen in the future.

Why is it that during 10 years of Government the Australian Labor Party, which says it worries about the disadvantaged and the underprivileged (and, to a degree, the small operator has been disadvantaged, especially in the retail field), did not concern itself with the plight of small businesses, particularly mixed businesses? We know the reason. If, in the end, there are no small business operators in a particular field and that field is covered by big supermarkets and combines, then it will be easy for the Labor Party, through the trade union movement, to press for more money in this or that area.

We know that it is easier for the Australian Labor Party to put its philosophy into operation against a few large operators in the field. It is that Party's normal practice and the way it operates. Members opposite deny that at times, but that is how it works. Obviously, members opposite did not want to solve this problem during their years in Government, but now that they are in Opposition it is a good move to stir the pot and attack a Government that has only been in power for a short time, and to say to the small business people, "Look, we will support your move. We will stir it up." That is politics.

Mr. Keneally interjecting:

Mr. EVANS: I ask the member for Stuart to think about this, and to decide whether he has a conscience or not, and whether in one speech he has made in the past 10 years he has ever expressed concern for the small business operator. He has spoken of growing maize at one time but I do not know whether or not he was thinking about a mixed business. The Deputy Leader made an attack on the Minister of Industrial Affairs when he said, in effect, that the Minister introduced a Bill to extend shopping hours which was a bad error, that the Government got its fingers burnt, and that that was something that should not have happened. Surely, the very basis of democracy is that if a Government has the courage to bring in legislation and let it lie in the Parliament for the community to discuss it because the Minister believes it is an area of that community requiring its consideration, and some report back, that is the proper thing to do. One should allow people in the community to debate such a matter before it is further considered by the Parliament.

When a Government does that, what happens? Not only the Labor Party but also the news media decides it is a nice way to attack, saying that the Minister should not have done this. I hope that we will eventually get to the stage where the news media and Parliament accept that it is better to have legislation lie on the table and give credit for that sort of action, which gives members of the community an opportunity to make representations, either individually or collectively, to members of Parliament. Surely that is the way we would like to see a democracy work, if indeed we believe in democracy.

Why did the Deputy Leader make that sort of an attack upon the Minister of Labour and Industry? He made it because he thought he would like to follow the example of the news media at the time. The Government and the Minister have to make that decision not to go on with a particular proposal. I am proud that we have a Minister and a Government prepared to do that on such an issue. I would have hoped that we would all give praise for that and not offer condemnation as the Deputy Leader did when he spoke in this debate. There is concern about the method of pricing goods in the community.

The Hon. J. D. Wright: So you say.

Mr. EVANS: I never said that the Deputy Leader was not right. I said that he knew these things were occurring when he was in Government and Minister of Labour and Industry. What did he do about this matter?

The Hon. J. D. Wright: It was never reported to me.

Mr. EVANS: The Deputy Leader states that it was never reported to him. I would like to know who did his shopping, because it was obvious to anybody that one could walk into some supermarts and buy articles cheaper than the small operator could buy them. This was spoken about many many times, so do not tell me that members of the Labor Party did not know anything about it.

Mr. Trainer interjecting:

Mr. EVANS: For the benefit of the member for Ascot Park, who is apparently deaf, I told the House that the Government had set up an inquiry. I will say it again: there is an inquiry proceeding in the Minister's department, and if the honourable member would like to give evidence to persons carrying out that inquiry I invite him to contact the department and they will take evidence from him and follow it through. If he believes their actions are not good enough he will have the opportunity subsequently to raise that matter in this House.

I agree that there are some problems with the pricing structure, and there have been for a long while. I suppose that the system of discounting by bigger operators started back in about 1939, when Bielby's operated at the top end of Rundle Street. I remember people in the East End Market, when they opened cans of preserved peaches, saying that there were more half peaches in one can than in another. The way that one firm got away with that was by going to other firms and saying, "If you cut out one half a peach and add extra syrup, you can cut the price."

Mr. Keneally interjecting:

The SPEAKER: Order! I do not think the honourable member needs the assistance of the member for Stuart.

Mr. EVANS: The method of trying to lower prices for goods of the same weight has been used for some time, and the method of buying in bulk, as has been stated by the Deputy Leader of the Opposition, has also operated for a considerable time. The other method is what one might call corporate advertising, that is, a method of advertising through a big retailer where the manufacturer is paying the price, but the cost of the advertising is added on until all of the articles have been sold, but the discount is given only to the big operator. We know that is happening, and I am sure the Minister is concerned about it and that his inquiries will be aimed at finding some way

to solve that problem.

Mr. O'Neill interjecting:

The SPEAKER: Order! The member for Fisher has the call. Ample opportunity will be made available later for other members who wish to take part in the debate.

Mr. EVANS: If the member for Florey wants to talk about the system I support, I will talk about the system that he supports. I will also mention the reason why he would like to see these small operators fail and the question of why he supports this legislation with tongue in cheek. We know why.

The 1 300 people who belong to the Mixed Businesses Association are concerned not only with pricing but also with community attitudes. Those who may have read my article in a certain paper last Sunday will perhaps understand that I got some adverse comments back from certain people. I did get some credit, but was attacked in some pretty hot telephone calls from certain people. Maybe my next article will be on the attitude of the consumer.

It is not true that all goods sold by the small delicatessen or the small operator are dearer than the supermarket price. Quite often small operators have goods that are cheaper or equivalent in price. We are quite often hoodwinked when, for example, we read advertisements about one-stop shopping. We may also see signs that advertise specials for a particular day. We do not really concern ourselves with the exact price or quality of the goods, and we tend to follow the heavier advertising that takes place in the community.

One advantage that the big operator has over the small operator is its advertising capacity—its ability to advertise with large and very prominent eye-catching advertisements. The small operators cannot afford to do that. There are many people in the community and also some members in this Chamber who say that we must help small business, that we must save the small convenience store and help the local delicatessen, but if those people can save two cents by driving an extra kilometre they themselves will by-pass the small convenience store and go to the supermarket. However, when those people run out of cash they go down to the local store and say, "Hey, Bill, can you give us credit for a month?" We know that that happens, and those of us who say that we support small businesses should ask ourselves whether we really do so or whether we just say we do.

Do we need to put our money where our mouth is? Are we prepared to make a sacrifice and check to see whether the convenience store somewhere near where we live has the goods at a lower price, a reasonable price or a competitive price, before we go to the one-stop shop and are hoodwinked by the advertising that takes place? In most cases we do not do this, and that is one of the problems with heavy advertising: it convinces many of us that we are buying at the best price. By buying at such places, we lose personalised service and the individuality that prevails in small businesses, and we find ourselves at the supermarket in what I would call a very inhuman atmosphere.

It appears that that is what society wants and what we tend to support. It does not matter how many Select Committees we have: we are not likely to change that. It does not matter how many inquiries are conducted by the Minister of Consumer Affairs, or the Department of Corporate Affairs. We are not likely to change that, because that is the way society has gone. Children have grown up going along with the mother who wheels the trolley through the supermarket. They accept that the supermarket is the place to shop when one has money in one's pocket—the one-stop shop—and that when one runs out of money the place to shop is the small convenience store because it gives credit. That is what happens, and it is going to get gradually worse, particularly in country towns. Country people are now tending to travel to the larger towns, because there may be more social life there, as well as the chance to buy goods more cheaply, and this situation leaves the small corner shop to die.

The Liberal Party is concerned about the small operators, especially the mixed businesses, and it has set up an inquiry through the appropriate Minister's department. Our Party wants every concerned person in the community to give as much evidence as he can so that a proper inquiry can be carried out and the right answers found. We want to find ways of keeping small businesses going, and we know that they have been neglected for 10 years. We know that there was one way that the matter could have been brought to the attention of the Parliament, and that was by going to the Party that had neglected these people for 10 years.

The Hon. J. D. Wright: Why won't you support the Select Committee?

Mr. EVANS: Because an inquiry is being conducted by the Minister's department. Is the Deputy Leader saying that he does not trust the officers of that department—the same people as were serving the Labor Government? If that is so, then I really feel sorry about his attitude. I am disappointed in him when he says that he does not trust the same officers, with whom he was working when his Party was in Government, to carry out a decent inquiry into the problem. As I have said, the reason is that an inquiry is already taking place; also, a Select Committee would cost money. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

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

SITTINGS AND BUSINESS

The Hon. E. R. GOLDSWORTHY (Deputy Premier): I move:

That the House at its rising do adjourn until Tuesday 3 June at 2 p.m.

The Hon. D. O. TONKIN (Premier and Treasurer): At this stage of the year it is customary for honourable members to exchange greetings for Easter and to express our thanks to the various people who have assisted us during the Parliamentary session. I do so very briefly and, in the absence of the honourable member for Mitcham, would wish everybody a happy Easter.

Mr. BANNON (Leader of the Opposition): I wish to endorse the sentiments I heard the Premier uttering as I entered the Chamber. I think we all need a break. We on this side believe the Government needs the break more than we do; time will tell. I would certainly like to congratulate the member for Mitcham for being able to make an evening session. I realise that at midnight he will have to depart; that is understood. We may be battling on. I hope we will not be, but, nonetheless, I wish him and all and sundry a happy Easter.

Mr. MILLHOUSE (Mitcham): I have just ridden my bike out to my electorate office and back after dinner. I am still a bit hot but I was even hotter when I heard the sarcastic remarks of the Premier on my idiot box downstairs a few moments ago. It was entirely unnecessary for him to have said that and I think he assumed, as the Leader of the Opposition assumed, that I would not be here to listen to him.

Mr. O'Neill: Don't get off your bike, Robin.

The SPEAKER: Order!

Mr. MILLHOUSE: Nevertheless, ignoring the poor spirit of the Premier, I should like to join with him in the words he used, anyway, and with the Leader of the Opposition, in wishing every member of this House a happy and holy Easter. My only regret is that it will be a full two months before we come back here to do any more work and I would much—

Members interjecting:

Mr. MILLHOUSE: I would much have preferred that, after a short break, so that we may attend to our orisons at Easter, we should come back here to do more work. I understood that, when the Government came into office, it had loads and loads of work to do. Now we have sat for a very short time, and—

Members interjecting:

Mr. MILLHOUSE: If honourable members like to check my record of attendance, they will find—

Members interjecting:

Mr. MILLHOUSE: If they check, they will find, I think, that it is perfect. Be that as it may, I am very disappointed that the Government, having made so many promises in its election speeches (and I have them all downstairs), has done so little and now proposes that the House should be up for a full two months.

The SPEAKER: I fully appreciate that there has been a degree of levity in some comments which have been made in relation to this motion. I am certain that every member in the House would not only wish the people of South Australia a very pleasant holiday break but would also express the wish that the road toll, which has been a scourge to us for many, many years, is not in any way increased. The best thing that we could hope for any person in this State, indeed in Australia or anywhere else, is that it be a major accident-free holiday. I know that is the wish of all members of the House.

Motion carried.

SOUTH-EASTERN DRAINAGE ACT AMENDMENT BILL

The Hon. P. B. ARNOLD (Minister of Water Resources) obtained leave and introduced a Bill for an Act to amend the South-Eastern Drainage Act, 1931-1977. Read a first time.

The Hon. P. B. ARNOLD: 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 principal object of this Bill is to abolish drainage rates in respect of the South-East, the Millicent council district, and the Eight Mile Creek area. The Government considers that the whole of the South-East area of the State has received some form of benefit from the drainage systems that have been constructed in the various districts over the past 100 years, and that it is difficult to determine the degree of benefit that drainage has bestowed on any particular rural or business activity in the area.

As the State is receiving a return from the revenue generated by the increased productivity made possible by drainage, the Government considers that the maintenance and administration of the system should be financed from State revenue. Consequently, the Government has decided to abolish drainage rating in the South-East, effective from the commencement of the 1980 rating year, as it is a selective tax burden levied on a minority group of landholders in the area. There are currently three separate drainage schemes in the whole area of the South-East, namely:

(1) the South-Eastern Drainage Board Scheme—administered by the Board under the South-Eastern Drainage Act, 1931-1977.

(2) the Eight Mile Creek Scheme—administered by the Engineering and Water Supply Department under the Eight Mile Creek Settlement (Drainage Maintenance) Act, 1959-1979.

(3) the District Council of Millicent drainage Scheme—administered by the District Council of Millicent pursuant to section 5 of the South-Eastern Drainage Act, 1931-1977.

The Bill seeks to rationalise these three schemes by bringing them all in under the South-Eastern Drainage Act, so that all the separate drainage authorities have the same powers and duties with respect to the drainage system in their areas. The Government considers that drainage administration is now entering a second phase where the drainage scheme should be manipulated to meet changing community needs. There is a growing community concern that conservation and utilisation programmes should be undertaken, where possible, in the drainage system. The Government is responsive to this community concern, and therefore this Bill further provides for the South-Eastern Drainage Board and the Minister to participate in water conservation programmes in the areas under their control. In summary, this Bill seeks:

(1) to give effect to the Government's policy of abolishing drainage rates in the whole of the South-East;

(2) to rationalise all drainage administration, construction and maintenance functions under one Act and to clarify and simplify administrative procedure; and

(3) to enable the South-Eastern Drainage Board and the Minister to participate in water conservation and utilisation programmes in the board's area and the Eight Mile Creek area.

The Eight Mile Creek Settlement (Drainage Maintenance) Act will be repealed by a separate measure.

Clause 1 is formal. Clause 2 provides for the Act to come into operation upon proclamation. Clause 3 amends the long title to the Act by providing that the Act will now cover the Eight Mile Creek Area and the Millicent council district, as well as the area currently under the jurisdiction of the South-Eastern Drainage Board. The board's area is referred to throughout the Act as the "South-East".

Clause 4 repeals a section of the Act that gave the board the right to acquire land—this power appears again later in the Act, and so section 2 is superfluous. A transitional provision is inserted, relating to the repeal of the Eight Mile Creek Settlement (Drainage Maintenance) Act.

Clause 5 amends the arrangement of the Act. Clause 6 repeals a transitional provision. This section preserved the powers of councils' earlier repealed Acts in relation to their drainage systems. Millicent council is the only council to which this section has any application. The section is no longer necessary as Millicent is being brought into the Act as an authority referred to in all the provisions of the Act.

Clause 7 provides a definition of the area for each of the three authorities, namely, the South Eastern Drainage Board, the Minister and the Millicent council. A definition of "authority" is provided. The board is the authority for the defined area of the South-East. The Minister is the authority for the Eight Mile Creek area. The Millicent council is the authority for its council district.

The definitions of "drain" and "drainage works" are given a clearer, simplified form. The definition of the

"Eight Mile Creek area" is the same as that appearing in the Eight Mile Creek Settlement (Drainage Maintenance) Act. The definition of "petition drains" is unnecessary and so is repealed. The definitions of "private drains" and "private drainage works" are re-enacted with consequential amendments. Town drains are excluded from the Act, so a definition is provided. A definition of "water conservation works" is provided.

Clause 8 re-enacts section 7 in an amplified form, thus empowering the Governor to proclaim natural watercourses, private drains, etc., as a drain or drainage works vested in the authority of the relevant area. Drainage works may be declared to be obsolete— the section as it now stands does not provide for this situation. Clause 9 repeals a now obsolete transitional provision relating to the South-Eastern Drainage Act Amendment Act, 1971.

Clause 10 inserts a heading. Clause 11 makes it clear that the board not only has the power to acquire, hold and dispose of real or personal property, but also the power to deal with for example (lease) any such property. Clauses 12 and 13 amend the provisions of the Act that deal with elections of members of the board.

The basis of eligibility for voting is currently based on whether or not a landholder is a ratepayer. With the abolition of rating, eligibility will be determined on whether a landholder's land is benefited by the drainage system of his area. The Minister will cause lists of such landholders to be kept, thus establishing an electoral roll. Clause 14 effects a consequential amendment. Clause 15 provides for the appointment of deputies to members of the board. It is also provided that whoever presides at any meeting of the board has a casting vote.

Clause 16 provides that a quorum is constituted by two members, one being an elected member and one being an appointed member. Clause 17 makes the board subject to the general control and direction of the Minister instead of being merely responsible to the Minister. As this provision is provided later in the Bill in respect of the Millicent council, it is thought that both provisions should be the same. Clause 18 repeals the section relating to the vesting of drains in the board. This provision is re-enacted in a later part of the Bill.

Clause 19 repeals four sections. Three of those sections relate to the power of the board to hold inquiries and, for that purpose, to summon witnesses, etc. This power appears never to have been exercised, and is seen in any event as inappropriate. There is no need for the board to conduct semi-judicial inquiries, and the powers of the board relating to determining whether or not to construct drains or drainage works are very clearly set out elsewhere in the Act. Section 22 is repealed as the powers referred to in this section are to be incorporated in a later provision.

Clause 20 provides that the board may enter into contracts where the consideration does not exceed ten thousand dollars without having to get the approval of the Minister. The current limit of four thousand dollars is far too low in view of the inflation that has occurred since the Act was passed in 1926.

Clause 21 re-enacts a heading. New section 27 vests in the board all drains and drainage works delineated on a plan that is to be lodged with the Minister. It is obvious that, over the 100 years or so since the drainage system was first established in the South-East, drains and drainage works have been constructed in circumstances that are now obscure, and so the board wishes to clarify the situation so that upon the commencement of the amending Act, there will be a master plan that decides quite clearly what is, or is not, under the control of the board.

All drains and drainage works constructed by the board in its area after the commencement of the amending Act are of course vested in the board. Power is given to the board to correct any error in the plan. In relation to water conservation works undertaken by the board, it is envisaged that in some cases the works will be under the control and management of the Government authority for whose benefit the works are constructed (e.g. a pond in a national park would be under the control of the body responsible for that park).

New section 27a vests all drains and drainage works in the Eight Mile Creek area in the Minister, subject to any direction to the contrary in respect of any particular water conservation works. New section 27b provides for the vesting in the Council of all drains and drainage works delineated on a plan lodged with the Minister, or constructed by the Council after the commencement of the amending Act.

Clauses 22 and 23 amend two headings. Clause 24 repeals and re-enacts two sections relating to petition drains. All petitions, whether made to the board, the Minister or the Council, are to be dealt with initially by the board, as the expert body in all matters relating to the drainage system generally. All the provisions relating to petition drains are widened so as to include petitions for drainage works. Clauses 25 and 26 effect consequential amendments. Clause 27 provides that the method for determining the value of the lands to be benefited by the petition drain or drainage works is to be determined under the regulations, so that whatever is the current method for valuing land for rating purposes generally may be reflected in this Act.

Clause 28 provides that once the board has determined that a petition drain ought to be constructed, then the relevant authority for the area in which it is to be constructed must proceed to draw up plans and call for tenders. If the petitioners decide not to go ahead with the drain or drainage work at this stage, the costs of those plans and other incidental costs may be recovered from the petitioners. If the petitioners do not veto the drain or drainage works construction by the authority must then go ahead at the cost of the authority.

Clause 29 provides the Minister with a discretion as to the recovery of the cost of a petition drain or drainage works from the landholders benefited by the drain or drainage works. He may direct that the whole of the cost must be borne by the authority, or that the whole or part of it may be recovered from the landholders. Clause 30 effects consequential amendments. Clause 31 provides that the Minister may direct that the authority shall not proceed with an apportionment of the costs of a petition drain or works. Clause 32 provides that objections to a preliminary apportionment of costs may be made to the authority concerned, but that all objections will be forwarded to the board for determination by the board, again as the expert in the field. Clauses 33, 34, 35, 36, 37, 38 and 39 effect consequential amendments. Clause 37 also increases the amount of costs the authority can order in settling disputes between landholders and their lessees as to the payment by the lessee of a proportion of the costs of the petition drain or drainage works. The maximum amount of costs that may be ordered is increased from ten dollars to one hundred dollars.

Clause 40 provides that an authority may, at its own discretion but subject in the case of the board and the Council to the approval of the Minister, remit the whole or any part of any amount due to the authority by a landholder for a petition drain or drainage works. At present, section 46 of the Act only provides for remission in respect of the drain known as the Symon Petition Drain.

Clause 41 amends a heading. Clause 42 provides that

each authority must maintain its drains and drainage works. The Council is to be permitted to discharge township stormwater into its rural drainage system, provided that the Council bears the costs entailed in such a discharge out of its general funds. Clauses 43 and 44 repeal all those sections of the Act that relate to drainage rates. Clause 45 amends a heading. Clause 46 provides a general power for the construction of new drains and drainage works by each authority. The Council must seek specific approval from the Minister before it proceeds with any new work. The board in relation to its area, and the Minister in relation to the Eight Mile Creek area, are empowered to carry out water conservation works.

Clause 47 includes in this section that deals generally with the powers relating to the construction and maintenance of drains and drainage works, the powers relating to entry on land, the carrying out of surveys, etc., that presently are set out in section 22 of the Act. Clauses 48, 49 and 50 effect consequential amendments. Clause 51 repeals three sections. The section dealing with the diversion of water by landholders from the drains or drainage works of the board is repealed and re-enacted, with a requirement that a landholder must obtain a licence from the appropriate authority before he may divert water onto his land and that he must comply with any conditions of the licence. The present section only requires that the consent of the board be obtained, and there is no clear provision for attaching conditions.

Section 74, which deals with fees for the diversion of water, is repealed, as a new provision dealing generally with fees is to be inserted in the Act. Section 75, which provides that a landholder must pay the full cost of any fence erected on his land by the board, is repealed. It is considered that the question of fencing ought to be subject to the Fences Act, so that the landholder should be in the same position in respect of a fence erected by an authority, as he would be in with respect to any other fence bordering his property.

Clause 52 increases the penalty for obstructing any drain, or discharging foul or poisonous matter into a drain without consent, from forty dollars to one thousand dollars, and from four dollars to one hundred dollars for each day an offence continues. It is provided that consents under this section may not be granted unless the Minister of Water Resources has first given his approval. Clause 53 increases the penalty for damaging a drain or drainage works, or tampering with anything appertaining thereto, without consent, from one hundred dollars to one thousand dollars. Consequential amendments are also effected.

Clause 54 effects consequential amendments and increases the penalty for removing any material from any drain, drainage works or drainage reserve without consent from forty dollars to one thousand dollars. The minimum penalty of four dollars is deleted. Clause 55 effects consequential amendments and increases the penalty for cutting drains through roads without a licence from forty dollars to one thousand dollars. The minimum penalty is deleted. Clause 56 effects consequential amendments and increases the penalty for building bridges without a licence from one hundred dollars to one thousand dollars.

Clause 57 effects consequential amendments and increases the penalty for constructing a drain or drainage works without a licence, or contrary to the conditions of a licence, from one hundred dollars to one thousand dollars. The penalty for discharging water from a private or drainage works into the drains or drainage works of an authority without a licence is increased from four dollars a day to one hundred dollars a day.

Clauses 58, 59, 60, 61 and 62 effect consequential amendments. Clause 63 effects a consequential amendment and increases the penalty for hindering authorized persons from carrying out their functions under the Act from forty dollars to five hundred dollars. Clause 64 effects consequential amendments. Clause 65 effects consequential amendments and increases the penalty for failing to maintain any private drain or drainage works in a proper manner from one hundred dollars to one thousand dollars. Clause 66 inserts three new sections in the Act. New section 89 provides that any consent or licence granted under this Division of the Act may be subject to conditions. Breach of any conditions attracts a penalty of one thousand dollars. New section 90 provides that an authority may fix fees for the granting of any consent or licence. The board and the council must comply with any direction the Minister gives in relation to fixing fees. An authority may recover any fees due to it in the same manner as a debt may be recovered. New section 91 provides for the funding of drains or drainage works constructed by an authority out of moneys appropriated by Parliament for the purpose.

Clause 67 repeals Part IVA of the Act which provided for the construction of extra drains by the board in the South-East. These provisions are no longer needed in view of new section 68a of the Act. Clause 68 inserts five new sections in the miscellaneous provisions part of the Act. New section 105a places the Council under the general control and direction of the Minister in respect of its functions under this Act. New section 105b requires the Council to establish a separate fund for the moneys it receives under this Act. These moneys must be expended by the Council on performing its functions under this Act.

The usual requirements relating to the keeping and auditing of accounts is provided in respect of the council by new section 105c. New section 105d provides that each authority must prepare and maintain a plan of its area, showing all the drains and drainage works of the authority. These plans are to be available for public inspection. New section 105e provides that both the Minister and the council may delegate any of their powers under this Act in respect of their areas to the board. The board currently is the delegate of the Minister in respect of the Eight Mile Creek area.

Clause 69 effects consequential amendments to the regulation-making power. Further matters in respect of which regulations may be made are included, so that all matters dealt with under the Eight Mile Creek Settlement (Drainage Maintenance) Act regulations may be dealt with under these regulations. The penalty that may be fixed for breaches of regulations is increased from $100 to $500. Clause 70 repeals section 107 of the Act, which is a transitional provision related to the South-Eastern Drainage Act Amendment Act, 1971. This section is now redundant. Clauses 71 and 72 effect consequential amendments. Clause 73 repeals those schedules to the Act that contain forms relating to petitioning for drains or drainage works. These forms will in future be simply as approved by the Minister.

The Hon. R. G. PAYNE secured the adjournment of the debate.

EIGHT MILE CREEK SETTLEMENT (DRAINAGE MAINTENANCE) ACT REPEAL BILL

The Hon. P. B. ARNOLD (Minister of Water Resources) obtained leave and introduced a Bill for an Act to repeal the Eight Mile Creek Settlement (Drainage Maintenance) Act, 1959-1979. Read a first time.

The Hon. P. B. ARNOLD: 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 consequential upon the proposed amendments to the South-Eastern Drainage Act, whereby the provisions of that Act are to be widened so as to apply to the drainage system of the Eight Mile Creek area. It is desirable that there be one comprehensive Act which will provide the same powers and duties for each of the three authorities, namely, the South-Eastern Drainage Board in respect of its defined area, the Minister in respect of the Eight Mile Creek area, and the District Council of Millicent in respect of its district.

Administrative confusions and complexities should be reduced, if there is only one "code" to be consulted in administering the drainage systems of the whole of the south-eastern area of the State. Clause 1 is formal. Clause 2 provides for the commencement of the Act upon proclamation. Clause 3 repeals the Eight Mile Creek Settlement (Drainage Maintenance) Act, 1959-1979.

The Hon. R. G. PAYNE (Mitchell): I move:

That this debate be now adjourned.

With your permission, Mr. Speaker, I point out to the Minister that there is a tradition whereby second reading explanations are supplied in advance.

Motion carried.

The SPEAKER: The question is that the adjourned debate be made an order of the day for—

The Hon. P. B. ARNOLD: For 3 June, Mr. Speaker, and I indicate to the honourable member that the second reading explanation is available for him.

FURTHER EDUCATION ACT AMENDMENT BILL

In Committee.

(Continued from 1 April. Page 1994.)

Clause 2 passed.

Clause 3—"Retiring age".

The Hon. D. J. HOPGOOD: I raise the matter of new subsection (1a) and the verbiage that is used therein. I wonder whether a drafting amendment is required. The reference is to the school year, and obviously this Bill has been drafted at the same time as the Education Act Amendment Bill, which we passed earlier in the session. The same verbiage was used. I direct the Minister's attention to the parent Act, the Further Education Act, section 25 of which defines not the school year but the academic year. I guess that that is somewhat consistent with the Department of Further Education's desire to be identified as much with the tertiary sector as with the schools. Certainly, so far as I can see, if we leave the amending Bill as it is, we will be talking about a concept called the school year, which is not defined anywhere in the parent Act.

I do not know that it matters too much whether the Minister or I move it but, if he accepts what I am saying, I think that he would agree that, to be in line with section 25 of the Act, which, after all, is what we are amending, it would be necessary that the word "school" be struck out in subplacitum (a) and replaced by the word "academic". This would be purely a drafting matter, unless the Minister had something up his sleeve.

The CHAIRMAN: Does the Minister wish to respond?

The Hon. H. ALLISON: Alternatively, it could be amended in the Upper House. The Parliamentary Counsel is not present in the Chamber.

The Hon. D. J. HOPGOOD: I am pleased to receive the Minister's assurance that if, on examination, it is a drafting error, it will be attended to in another place.

The CHAIRMAN: Does the Minister wish to address the Committee?

The Hon. H. ALLISON: I reassure the Committee that, in the event of it proving to be a drafting error (and I am sure that it will), we will have it amended in another place.

Clause passed.

Clause 4—"Regulations."

The Hon. D. J. HOPGOOD: This is the matter to which I addressed most of my remarks in the second reading debate, because I was concerned about it, and I am afraid that the Minister did not allay my concern when he spoke in reply to the second reading debate. My concern arose from the fact that, although I had moved in January 1979 to amend the Further Education Act to widen the powers of appeal, the effect of this amendment, if carried, would be to narrow the powers of appeal, because it would allow the Minister by regulation, so to operate.

At the same time, I was aware of the fact that the Institute of Teachers, which is a highly responsible body and which is jealous of the rights of its members, was nonetheless happy with this measure coming before the House. So, it seemed to me that there must be something that I had missed.

The Minister, in his reply, did nothing to reassure me one way or the other. He repeated what had been in his second reading explanation, and I wondered whether he was being coy, but that is not like him. He agreed that I should take advice from sources available to him, and I have done so. I have discovered what the problem is, and it leaves us in a dilemma, but I think my course is clear in this matter.

It has been pointed out to me that the section of the Act which we are being asked to amend, section 43, is overall a regulation-making power, so, any rights of appeal in the Act simply reside in the fact that those rights are brought down by regulation. It has also been pointed out to me that the effect of my moving to delete clause 4 from the measure could be that the Government might desire not to bring down any regulations, and the effect of that would be that there would be no right of appeal. So, in other words, the teachers would have jumped from the fryingpan into the fire.

I have given this matter considerable thought. I do not really think that the Government would be so churlish as to act in that way, particularly as a further move is open to it, that is to say, it is possible for it to bring down a regulation, under the Bill as it stands, which does not in any way restrict the rights of appeal to administrative decisions. That is the mechanics of it. A move is open to the Government, if it wants to do it. I am aware that it has entered into an arrangement with the Institute of Teachers that there should be certain circumstances in which rights of appeal not operate. I am aware that there are panels on which both the Minister and the institute are represented and, for the most part, it is regarded as inappropriate that there not be power of appeal against the decision of those panels.

I do not see that as really being a demonstrative argument. There may be those people in the teaching profession, either members of the institute or otherwise, who would say, for the most part, that that would be a sensible arrangement, but there could be those occasions where members were not happy with the decision taken by one of these panels even though they, as a union, were represented on the panel. The Minister said yesterday that there could be a situation in which it was embarrassing that

there was an appeal against such a decision.

I remind the Minister that, in the highest levels of his departments, appeals can sometimes occur. There was, for example, the appointment late last year of a new Deputy Director-General to replace Mr. Harris (I am now speaking of the Education Department, but the principle is the same) and that was appealed against, and the appeal was not finalised until about three weeks ago. If it can be embarrassing that there could be appeals against some of these lower-level administrative acts, why should that high level and critical appointment not prove an embarrassment if, indeed, there is an appeal?

In point of fact, there should be no embarrassment. Anyone who applied for the job and did not get it has a right under the Public Service Act, because we are talking about administrators and public servants to so appeal. This is perfectly understood, and it has happened time and time again in the upper echelons of the Public Service.

I really do not see that we create any sort of administrative jungle for the Minister or his department (in this case the Department of Further Education) if we simply allow rights of appeal in those matters to remain unfettered. For that to happen, two things would have to happen: Step No. 1 is that this Committee or another place should strike out clause 4.

Step No. 2 would then be that the Minister would have to bring down not the regulations he wants to bring down, the ones which have been ruled ultra vires by the Crown Law Department, hence the necessity for the amendment, and a different set of regulations which would carry out the intent of section 43 and allow for appeals to occur.

They would be appeals against any administrative act of the Minister and the Director, and this is where the Minister and I part company, but he has his opportunity to persuade me otherwise in this matter or, alternatively, I am trying to persuade him.

The Hon. H. ALLISON: This matter has been argued by the Institute of Teachers, the Department of Further Education and me, and we rightly or wrongly concluded that our action was the correct one. In those circumstances, I would allow clause 4 to remain.

The Hon. D. J. HOPGOOD: In those circumstances, as we have had no further explanation and no attempt to rebut the matters I have raised, it is necessary that I move that the Committee strike out clause 4.

The CHAIRMAN: I point out to the honourable member that he does not have to move that motion. The correct procedure is for him to oppose the clause.

The Committee divided on the clause:

Ayes (22)—Mrs. Adamson, Messrs. Allison (teller), L. M. Arnold, Ashenden, Billard, Blacker, D. C. Brown, Chapman, Eastick, Glazbrook, Goldsworthy, Lewis, Mathwin, Olson, Oswald, Randall, Rodda, Russack, Schmidt, Tonkin, Wilson, and Wotton.

Noes (20)—Messrs. Abbott, P. B. Arnold, Bannon, Max Brown, Corcoran, Crafter, Duncan, Hamilton, Hemmings, Hopgood (teller), Keneally, Langley, Millhouse, O'Neill, Payne, Peterson, Slater, Trainer, Whitten, and Wright.

Pairs—Ayes—Messrs. Becker and Evans. Noes—Messrs. McRae and Plunkett.

Majority of 2 for the Ayes.

Clause passed.

Title passed.

Bill read a third time and passed.

ROAD TRAFFIC ACT AMENDMENT BILL

Consideration of the Legislative Council's message:

(a) the Legislative Council requests the concurrence of the House of Assembly in the appointment of a Joint Committee to which the Road Traffic Act Amendment Bill be referred for inquiry and report;

(b) in the event of a Joint Committee being appointed, the Legislative Council be represented thereon by three Members, two of whom shall form the quorum of the Council Members necessary to be present at all sittings of the Committee;

(c) the Select Committee be further instructed to inquire into and report on all aspects of the relationship between alcohol use and road safety and measures whereby the problems associated with alcohol use and the driving of motor vehicles can be overcome.

The Hon. M. M. WILSON (Minister of Transport): I move:

That the House of Assembly do not concur in the request of the Legislative Council contained in message No. 56 for the appointment of a Joint Committee on the Bill.

This proposal by the Legislative Council goes against the whole cornerstone of the Government's road safety programme. It seeks to set up a Joint Select Committee of both Houses of Parliament to which will be referred the Road Traffic Act Amendment Bill. The effect of agreeing to this message would be to completely tie the hands of the Government in proceeding with its road safety programme. It will delay the introduction of the legislation for from six to eight months.

This is a complex subject and I believe that there is no way in which such a Select Committee could conclude its deliberations within a short time. The Government introduced this Bill, which has been criticised by such members as the member for Mitcham for being less severe than it needs to be. The Government has been told that it has gone too far in making concessions in the cause of civil liberties and other questions put before the Government when it was framing the Bill.

Not only that, but as has been said before in this House, the Government put this measure to the people before the State election last year, when it was overwhelmingly endorsed. Since that time, as has already been pointed out, opinion polls have shown that some 66 per cent of the population favours the measure. The Government does not intend to give up without trying to get as much as it can from the present Bill.

If this Bill in its entirety is referred to a Select Committee, the Government will be hamstrung in doing anything concerned with the provisions of the Bill until that Select Committee has reported. Members are well aware that the measure that was before this House contained two very important sections: one was the section dealing with the random testing provision and the other was the section dealing with the extension of police powers. If it must be that another House is going to deprive the Government of its random testing legislation, or the random testing section of the Bill, the Government would wish, at the very minimum, to implement the extension of police powers.

That is the unequivocal stance of the Government. By agreeing to the message from the Legislative Council, the Government would completely tie its hands and negate its own policy.

The Hon. J. D. WRIGHT (Adelaide): I support the Legislative Council amendment, if one can call it that, referring the Bill to a Select Committee of both Houses of Parliament, which I think is the correct and proper stand in the circumstances. There is little doubt that there is a very great division within this Parliament and within the Legislative Council, and in my view that division extends into the community also. I do not accept that the results of

the polls in this matter are as high as the Minister suggests. The results depend on where the polls were taken, what the questionnaire consisted of, and what types of people were asked the question.

The Hon. Mr. Carnie pointed out in his speech to the Legislative Council, I think quite properly, that, if a poll was taken over the whole of the State, we would obtain a different reflection of people's views on the subject from the reflections if the poll was taken only in the city area. I think the matter of how the question was framed is vital to the debate. I do not think the Government or any other Government has adequately informed the people of the concern that we have for this position. I believe that education is an important aspect and I do not think we have set about doing that. There is no question that the Government has a concern and it becomes a matter of the method it uses to tackle the problem.

Had there been an educative programme in the first instance, we might have had that information. If there had been more time to collect information and place it before the House, that would have been helpful. The Government has not done so. Anyone who has read the debates in both Houses must conclude that the evidence put forward is not sufficient, certainly not for me, the Hon. Mr. Carnie, or the Hon. Mr. Milne. Those Legislative Council members have not sufficient information to make up their minds as to whether the legislation is correct as it is formed.

If the Bill goes to a Select Committee of both Houses of Parliament, I do not believe the Opposition can be accused of taking that legislation out of the Government's hands, because there would be three members from the Lower House on the committee and three members from the Upper House, comprising three Liberals and three Labor members. Therefore, I cannot see how the Government can make the allegation that the Opposition will be taking the business out of the Government's hands. I am prepared to support having the Minister, in those circumstances, Chairman of the committee. I think it is right and proper that he be Chairman, as he is the person handling the Bill.

When the Liberal Party was in Opposition in the Upper House, there were numerous occasions when it took the business out of the Government's hands in Select Committees. One was regarding the debts repayment Select Committee, which was taken completely out of the hands of the Government at the time. The thing that appeals to me about this amendment is that it involves the whole of the Parliament and both Houses will be involved and both will have an opportunity to hear people. I believe that to a very large extent it will ratify the Government's position if it is able to obtain evidence that there is consensus in the community that the proposed legislation will act as a deterrent. I do not believe that it will, and many influential people and community leaders throughout Australia would agree with me. However, if such evidence exists, we should be able to obtain it by way of a Select Committee. Many types of people such as doctors, who are playing a role in this now (representatives from the A.M.A. have been to see us), and representative members from the R.A.A. could put their points of view. I believe there is a need for that. I do not believe that anyone in this House who has examined this legislation, looked at the Victorian and overseas figures, and tried to assess the fatality decreases (and fatalities are decreasing right throughout Australia, not only in Victoria), really understands or accepts that there is enough information to be able to clearly say that there are circumstances to justify the proposition that this legislation will act as a deterrent. The resolution from the Legislative Council goes even further: it calls on the Select Committee as follows:

> The Select Committee be further instructed to inquire into and report upon all aspects of the relationship between alcohol use and road safety and measures whereby the problems associated with alcohol use and the driving of motor vehicles can be overcome.

To a very large extent it opens up the whole of this rather difficult area. I will not stand here and say that this is not a difficult subject; it has been worrying the Opposition since the Minister first announced that this legislation would be coming before the House. I believe that the Parliament has no way other than to set up a Select Committee consisting of members of this House or the other place, or of both Houses, to extract information from the community and people who should know something about it.

I am shocked and quite surprised that the Minister is refusing to accept this resolution, merely on the premise that this legislation would be taken out of the Government's hands. We want the facts of the situation, and I think that the Legislative Council has given us the vehicle so to do. I would have expected the Minister to accept it. Certainly, we on this side of the House support the amendment.

Mr. O'NEILL (Florey): I support the proposition that the matter should go to a Select Committee. The matter is one that requires very wide-ranging investigations into all aspects of the problem. In my opinion there is a tendency to concentrate too much on the person behind the wheel at the time of an accident. Many factors lead up to an actual collision or a situation where people are injured or lose their lives. In many respects vehicles are defective. Technology is such that we could provide much safer vehicles, and I am afraid that it is a sad reflection on Governments around the world that unsafe vehicles are allowed to be used.

Also, there is a psychiatric aspect to the problem. There are people who can be dangerous drivers even while stone cold sober. If we are to go into the problem in depth, we should look at this aspect. One has only to watch the performance in the car park adjacent to Parliament House late at night when people make a race for the gate and then carry on as though they are under the influence. They jam up the gates and other people are unable to get out.

Also, there is the aspect of health and of those people who should be required to face a medical examination before they can obtain a driver's licence. Driver education is another area that should be looked at. Just as importantly, we should be looking at the area of liquor retailing and methods that have evolved in our society over a period of time, and our Party was the Government for part of that time. I am not denying that perhaps some of the things that the Labor Party went along with could also be looked at and I think they should be. One such matter is that of the allocation of large areas of suburban land for car parking in the vicinity of hotels.

There is a great need for a wide-ranging inspection into the methods used by the police in their handling of the situation. Perhaps we should look to preventive measures involving prevention by the police, rather than apprehension. It would help the situation if police were handy at hotel car parks at closing time rather than waiting around corners where roadblocks have been set up to trap people. If police gave people a friendly warning to the effect that they should not drive if they are under the inflence, it would help those involved and boost the image of the Police Force.

Whilst the Minister suggested that the good image of the Police Force was expendable in the circumstances, there is

an argument for assisting the police in South Australia to retain the good image that they have enjoyed in the eyes of the public and to avoid a deterioration of that image to the level that exists in some other States where officers of the law are not held in very high regard. It appears from the daily press, and it is certainly my opinion, that, despite the fact that the Government used random breath tests as a gimmick prior to the last election, it has acted with indecent haste to get this matter before the House.

An article in the *Advertiser* of 26 March stated that the Government was rushing to pass the breath test law, and I think that "rushing" is a good word to use. Some aspects have obviously not been well thought out by the Minister, and he would be well advised to take more time to allow further discussion to take place and to approach the measure with a more constructive attitude. The Minister conceded that the former Government was not lacking in its approach to this issue and that the Opposition is adopting a responsible approach, even though we do not agree with him. An article in the *News* of 11 October 1979 stated that the actions taken by the former Government were quite effective in reducing the toll on the road and the incidence of people found to be driving vehicles under the influence of alcohol.

The *News* of 31 July 1979 stated that the police, according to a Senior Chief Superintendent, were armed by the previous Government with a wide-ranging set of laws under the Road Traffic Act to give drivers alcotests or breath analysis tests. It was said that failure to report accidents, driving without due care, speeding, failure to give way, and crossing double lines were handled adequately under the measures implemented by the previous Government.

Much has been made of the Victorian situation. It has been suggested that we should rush in to control this problem by following the Victorian example. I hope that the South Australian Police Force never attracts the opprobrium that attaches to the Victorian Police Force; we should not place our Police Force in a situation whereby it will be forced by law to carry on in the way that the Victorian Police Force carries on. However, despite the talk about what happens in Victoria, the measures adopted in that State have not been a success. An article in the *Sunday Mail* of 30 March 1980 stated that in 1968 in South Australia there were 64 deaths for every 100 000 registered vehicles. This figure dropped to 43 fatalities by 1978, which I think is a great tribute to the measures implemented by the previous Government. However, it was stated, Victoria has been unable to prove that the number of alcohol-related deaths has been dropping at a faster rate than applying to other road fatalities.

The *Advertiser* of 27 December 1979 indicated that, despite the fact that, since the introduction of this type of testing in Victoria, 104 000 people had been tested, just over 1·5 per cent of these people have exceeded the State 0·5 limit, and the Victorian police operate about 20 random breath testing units and tie up a lot of police manpower. According to the article, the common practice is that all motorists on a particular road are stopped and what is virtually a roadblock is established. Despite that impediment to the free movement of the citizenry of Victoria, only 1·5 per cent of the total number of people stopped were found to have a blood alcohol content exceeding the legal limit.

Much has been made of the Opposition's stand on civil liberties, but one of the major concerns about the whole exercise is that, over a period and because of the technological revolution, we have come to rely heavily on all sorts of artefacts to arrive at conclusions as to who is doing what, and whether it is being done correctly or incorrectly. I have no great faith in the alcotester; it may or may not be an accurate device for testing the capacity of a driver to handle a motor vehicle. As I said earlier, some people who are stone-cold sober can be more dangerous behind the wheel of a car than those whose blood alcohol level exceeds ·08.

My mind is taken back to 1964 when, as I mentioned earlier, radar equipment was challenged. As a result of the challenge mounted, a W.R.E. scientist was able to show that the radar equipment in use at the time was totally ineffective and inaccurate. I am given to believe by people who have studied this issue that the situation has not improved very much to the present time. The Liberal Government of the day overcame the problem that existed, when use of this equipment was questioned, by amending the Road Traffic Act to provide:

> . . . a document produced by the prosecution and purporting to be signed by the Commissioner of Police, or by a superintendent or an inspector of police, and purporting to certify that any traffic speed analyser specified therein had been tested by comparison with an accurate speedometer on a day mentioned therein and was shown by the test to be accurate to the extent indicated in the document, shall, in the absence of proof to the contrary, be proof of the facts certified and that the traffic speed analyser was accurate to that extent on the day on which it was so tested;

So by an Act of Parliament we see a situation created where it does not matter what reading was recorded. Provided the device had been tested some time previously it could be taken as a prima facie case against the person alleged to have exceeded the speed limit. I do not know whether we are going to get to the stage where ineffective equipment in relation to breath testing or alcotesting will receive similar treatment. In my mind it certainly constitutes a grave threat to the rights of citizens in this country.

In the *Advertiser* of 27 December 1979 the Council for Civil Liberties in South Australia expressed considerable concern at the Government's proposal. It is a strong invasion of privacy for a motorist to be pulled over by a policeman to the side of the road and given a breath test just because he is driving along the road. I guess anybody who drives a car knows, or should know, that he takes that chance any time he takes his car out on to the road. Once he puts it out on a public thoroughfare, the police can pull him up for something.

As I indicated earlier, the former Labor Government did provide that, in cases where a reasonably serious breach occurred, the police would have the authority to test the person concerned. However, I am a little concerned about the civil liberties aspect and about the possibility of someone getting into further trouble. In the *News* of 19 October 1978 a report appeared referring to the member for Fisher, headed "It's your duty to dob them in".

Mr. Hemmings interjecting:

Mr. O'NEILL: I would answer that interjection by saying that—

The SPEAKER: Order! I ask the honourable member to be seated. I ask the honourable member not to react to interjections, which are out of order. I also invite his attention to the nature of the debate, which is quite far ranging in respect of what the Select Committee might consider in relation to this measure, involving not only the alcotest but also police powers. I would ask all members to confine themselves to the purport of the measure relating to the alcotest.

Mr. O'NEILL: The area that I was touching on is related to police powers and police officers' ability to apply the alcotest to people. It concerns me that we have a

situation where a member of the Government suggests that people should in fact act as vigilantes. I guess that, if such a situation involving the vigilantes applied in his own electorate, the honourable member would probably be hanging from a tree now.

Another thing that concerns me about the civil liberties aspect is the report in the *Sunday Mail* of 13 January 1980, quoting the Chairman of the Road Safety Council as saying, "Drink drivers are murderers on the road." I do not know whether he qualified that, but that is the quote. I guesss that probably means that anybody who has a drink is, in the opinion of that gentleman, a murderer, although I hope that is not so. I certainly do not think it is. There are thousands of people in this State who can take a drink, act with responsibility and handle their vehicle safely. Unfortunately, however, some cannot, for various reasons.

Some may recall the move-on law that was enacted many years ago to deal with people who kept a lookout for S.P. bookies, who at that time were alleged to constitute a great threat to society. The move-on provision was somewhat prostituted in later years and used in ways far removed from its original purpose. One other factor that I think should be considered when determining who should be tested for being under the influence of alcohol is that of the pedestrian. We should assess his contribution to the road toll. The *Sunday Mail* of 10 February indicates that alcohol is involved in 15 of 47 pedestrian fatalities.

I wonder whether we might progress from the situation where motorists can be stopped and random tested with an alcotester by a member of the Police Force to a stage where people who are walking along the street can be approached by a police officer and required to take an alcotest also. I do not know what the position is with pedestrians, but I believe that, if cyclists who hold a driver's licence are apprehended and shown to be under the influence of alcohol, they can in fact lose their licence to drive a motor vehicle.

The Minister's proposals appear to me to be singularly ineffective. We have a situation where the area in which people will be tested will be advertised, and the period of testing will be no more than six to 10 days in a year, which does not seem to me to be a particularly economical way of approaching the problem. Indeed, by taking their cars off the road for six to 10 days a year, motorists could totally avoid this situation. I think we shall be doing a great service to the citizens of South Australia if the Government, assisted by the Opposition, agrees to appoint a Select Committee of both Houses which will take a very wide-ranging look at the situation, open the proceedings up to the public, seek submissions from as wide a cross section as we can and, in fact, not just limit it to South Australia but take evidence from people in other States and, indeed, possibly in other countries, so that in South Australia we can come up with an answer to this very serious problem that greatly concerns the Oppostiion and obviously concerns the Government. We would then be maintaining in South Australia our position as leaders in matters relating to the welfare of the citizens.

I note in the *News* of 25 October 1979 that the member for Rocky River said that, in respect of his Party, another argument or strong point of the Liberal Party is that the various Party and philosophical resolutions are not binding on members. It was somewhat disconcerting therefore to learn around the corridors that much pressure was being exerted on an honourable member of the Liberal Party in another place, trying to heavy him, as the saying goes, into changing his mind, because he had adopted what, in my opinion, is a responsible attitude to the matter.

Because he disagreed with the main body of his Party, he was subjected to what I believe to be considerable coercion. I hope that his moral fibre is strong enough to resist the pressure, but I find it amusing in some respects to see that going on, in view of the holier than thou attitude adopted by the Government and others.

The Minister seemed to be adopting a firm line last night (I was going to say intransigent); but he may be having another look at it, and I appeal to him strongly to consider appointing a Select Committee. There is no desire on my part or on the part of my fellow members to embarrass him in this matter. We believe that a strong case exists for an in-depth look at the existing problem, and we would be happy to co-operate in a Select Committee and hope that, after due consideration, we would be able to assist the Government in coming up with some very effective answers to the problem that plagues our society, and not have to apply what I believe is being proposed by the Government at this stage, namely, some sort of band-aid approach to the matter.

Mr. MILLHOUSE (Mitcham): When it comes to the machinations of the power brokers in the two Houses of this Parliament, I am a babe in the woods, because I really cannot understand what is going on. Both sides seem to me to have changed their stance. Just a week ago I sat in this Chamber until 3 a.m. the following day.

Mr. O'Neill: We were here until 5 a.m.

Mr. MILLHOUSE: Yes, but I did not have to stay.

Members interjecting:

Mr. MILLHOUSE: The Minister of Public Works, as he passed me in the gangway, said that I should have stayed here, but I did not. I do not know what is his warrant for telling me what my duty may be, but I do not accept what he said. I stayed here and listened to the Labor Party fillibustering this Bill from 8.30 in the evening until 3 a.m., when the first vote was taken in Committee. I was satisfied that the Minister had the numbers. I stayed until then, because it was a Bill that I supported. As I understand it, in the Upper House, unless this Bill goes to a Select Committee, two members of the Liberal Party are prepared to rat on it. They have amendments on file which mean that it must fail, because the members of the Labor Party appear to be sworn to vote against it.

Yet, we have the Minister telling us now not to support a Select Committee, which is the only way of saving the Bill so far as I can tell up to this stage, and, if we do not support the Select Committee, and the other crowd does not go on with the request for a Select Committee, the Bill will be defeated outright by two members of the Liberal Party voting with the Labor Party. That is what the Minister is telling us to do this week, although a week ago he was championing the Bill, and the result, as it appears on the surface, anyway to me (I may be naive), again means that the Bill will be lost.

The Labor Party, on the other hand, which last week seemed to be fillibustering for rational argument, wanted to defeat the Bill, whereas now it wants to keep it by supporting a Select Committee. I do not understand it. It is beyond me. Perhaps I am getting old, or something. All I know is that my colleague in the Upper House voted in support of the reference of the Bill to a Select Committee, because we, in the Australian Democrats, want to keep it alive and get something out of it. The Minister chided me earlier for criticising him for introducing a Bill that did not go far enough. I make that criticism again. I think that the Bill is as weak as water. The Minister, in his second reading explanation, said that the Bill would be used only half a dozen times a year, and that is absurd.

He said that, when the publicity is out, people will be

careful, but the reverse is true. I trust that when it is not announced that there will be random breath testing, people down at the pub and the party people will think that there is nothing on tonight, and that they will not have to worry.

Mr. O'Neill: That would be a grave mistake.

Mr. MILLHOUSE: Yes. The Minister has not thought through the converse of what he has put up. That is the position. Although the Bill is weak, at least it is something, and even if we have to wait until it goes to a Select Committee it keeps it alive, and we might get something out of it. I do not know what is going on. Both sides, no doubt for Party-political purposes, seem to think as much. The Government is now urging us to do something that will mean the inevitable defeat in the Upper House. As I understand it, on the surface, the Labor Party now seems intent on keeping it alive, whereas last week it wanted to kill it outright.

Mr. O'Neill: Not true, not true.

Mr. MILLHOUSE: The honourable member says, "Not true, not true." On clause 4, we had several hours of debate, and the Labor Party voted against it. The same thing happened on clause 5. The Labor Party voted against the Bill on the third reading, did it not? The honourable member says that it is not true. How else does one show one's intentions except by doing that? Now, it wants to keep the Bill going. I do not understand it. Perhaps there is a secret deal. I have heard talk of splitting the Bill in two, with one part going to a Select Committee and the other part being passed. If that happens, all right, but it seems a funny way of going about things that we have to go through all this to get to that result.

Perhaps the Minister, in reply, can tell me whether that is what he is aiming at, and what is in the wind. If that is so, we all ought to know rather than sit about wasting our time. For the time being, I feel that, to keep the Bill alive, I must support the Labor Party in this matter and oppose the Minister's motion.

Mr. KENEALLY (Stuart): I support the move to refer the Bill to a Select Committee. I will comment briefly on what the member for Mitcham—

The SPEAKER: Order! Would the honourable member please indicate that it is a Joint Select Committee?

Mr. KENEALLY: I am happy to do that—a Joint Select Committee of both Houses of Parliament, and that is a committee that I would be happy to see put into effect. Before getting to the comments of the member for Mitcham, I point out to the Minister that it is a strange thing for him to say that the Opposition has taken the business out of the Government's hands.

The Hon. M. M. Wilson: I did not say "the Opposition".

Mr. KENEALLY: Well, the Parliament. This matter, which is of great importance to the public of South Australia, will be the subject of consideration by a Joint Select Committee of both Houses of Parliament. I do not believe that the Minister, or the public, ought to be threatened by the prospect that Parliament, as a whole, will consider this matter. After all, I suppose that is what we are here for. If Parliament means anything at all, it must mean that we have the power, the right and the duty to consider matters such as this.

The member for Mitcham wonders what has happened in this debate to the position of the A.L.P.—the Opposition in this House. I agree, of course, that we voted against the Bill when it was before the House of Assembly. We voted against it on the third reading and, as I recall, we divided on the third reading. We were not at all convinced that the Bill would be effective, or that it had the support of the community at large. In saying that, I do not reflect, as I said during the second reading debate, on the motives of the Minister or the Government Party that supports the Government. I am absolutely sure that every member on the other side of the House is deeply concerned about the accident rate and deaths that occur on our roads, as I am sure every member on this side, equally, is as concerned about these issues. It is unworthy of members on either side to reflect upon the motives of other members and their attitudes to this Bill. There have been suggestions, if not in debate then privately, that if anybody opposes this Bill he is responsible in some way for any accident that happens on the road.

The Hon. J. D. Wright: It has been said in debate.

Mr. KENEALLY: The Deputy Leader tells me that it has been said in debate. That is not worthy of honourable members opposite and does not contribute at all to the debate. It does not encourage people to take a sensible, non-political view of this issue, and it is a non-political view that must be taken, even though the Parties involved seem to be coming down fairly generally in bulk on their respective sides; that is, the Labor Party generally is opposed to the Bill, and the Liberal Party generally is in favour of it.

Nevertheless, I believe that this is not a political matter. Returning to the statements made by the member for Mitcham, when we opposed the Bill here we opposed it because of information we had received. Personally, I see no reason for me to change my point of view. We were contacted, as were other members, by people in the community who thought that other issues also ought to be considered in relation to this matter. The Opposition took cognisance of this feeling within the community and believes that although the motion should be opposed, that the appropriate thing in the present circumstances is to give the people in the community who are concerned about this matter the opportunity to make their contribution.

Mr. Millhouse interjecting:

Mr. KENEALLY: The member for Mitcham should not reflect upon the value of a Select Committee. He has been on many Select Committees that have made signal contributions to debates before this House over the past 25 years, and he knows that a Select Committee can make a great contribution to this debate. I am disturbed about the matter raised by the Minister, and I hope that I am not doing him an injustice. I think the Minister said that we cannot afford to wait six or eight months, which he anticipates a Select Committee might take to bring down a report. I believe that this is a matter of great importance and that if that is the length of time that a Select Committee takes, we can afford to wait.

If the Minister and the Government are concerned about what might happen on the roads in the meantime, let the Government provide additional resources and thereby permit more police cars and policemen on the roads. There is no better deterrent to dangerous driving in the community than for drivers to see a police car, whether they be intoxicated or sober, so there is not, in my view, this critical necessity to pass this Bill today, the last sitting day before a break of two months.

We could set up a Select Committee, which would be able to receive the views of the people in the community, as it ought to do. I make a plea to the Minister, who is a perfectly reasonable man (we do have differences in the House, and we have political differences, but I do not think there is anybody in the House, or in South Australia, who does not believe that the Minister of Transport is a reasonable man), and as such he ought to be prepared to consider the matters now placed before him.

I gained the impression while listening to the Minister

that he was seeking to tell the House that the Government would be prepared to allow the Bill to be split; that is, if the Government is able to retain the measure that increases police power to stop and require people to take breathalyser tests, he would accept that as a square-off, if I can use that term.

The Hon. D. J. Hopgood: A *quid pro quo.*

Mr. KENEALLY: As a *quid pro quo* to have the random breath test provisions submitted to a Select Committee. I am not, as I was not initially, convinced at all that there is sufficient evidence available to warrant this step. The former Government researched this matter thoroughly on more than one occasion, and the Minister is aware of that. It took submissions from people expert in this field, but it was not convinced that random breath testing was the answer to this problem. There were no politics in that decision. The then Government was not convinced, because the evidence was simply not convincing. I retain that attitude today, because I was a member of the committee charged with the responsibility of making such a recommendation to our Party and I make no apology for that.

I believed at the time, as I do now, that whenever we increase police powers there has to be a powerful reason indeed for doing that, because the police need parameters within which they can move and within which the community can readily accept their moves. The police depend upon the goodwill of the community, as the community depends upon the goodwill of the police. If we were to destroy that fragile relationship matters could well deteriorate to the extent that has happened in some other States of Australia, as the honourable member for Florey said, where the police are no longer held in high regard. We need them to be held in high regard.

I do not believe that the police are enthusiastic about this power. I am sure that they can operate effectively within the powers that already reside in the Statutes. A Select Committee would enable this Parliament to obtain evidence from those people in the Police Force who are in a position to give that evidence. I believe that the Minister, if he opposes the appointment of a Select Committee, ought to be able to give some compelling reasons for so doing. When he spoke before, he could not do that. I am looking forward with interest to the Minister's reply to this debate. He should take into consideration the views that have been expressed, because they have certainly not been expressed in any attempt to make political capital. This subject is much too serious for anybody to do that. We are concerned about actual death rates on our roads and, if we were convinced that this measure was the answer, the Minister could be assured of our support, but we are not convinced. There are many other areas of road safety in South Australia that ought to be considered in a measure such as this, and a Select Committee could consider those additional factors.

I ask the Government to reconsider its opposition to this measure. A Joint House Select Committee made up of members of Parliament of goodwill from both Houses could not but bring down a considered and informed report. Unfortunately, some members have become quite emotional about this matter, and argument and reason can become blinded by the emotions and the charges made. A Select Committee could look at all of the issues involved quite rationally and impassionately and bring down the required report. I ask the Minister to support the Legislative Council in seeking to have a Joint House Select Committee.

Mr. BLACKER (Flinders): I support the Minister in his motion. When this matter was debated on 26 March, the views of the Government and my own contribution hopefully made the position perfectly clear. I believe that members in another place lack the courage of their convictions to accept responsibility for at least some of the road carnage. It is basically for that reason that I do not believe that we have the time to wait until a Select Committee reviews the situation. It would then be a band-aid measure; it would mean that the promise made by the Government in the election campaign could not be implemented and that the Government would be frustrated in its attempt to do that.

The crux of the situation is not that we are to be held up for six or eight months before any action is taken by the Government to do something about the drink driving problem, but that 150 or 200 deaths will occur within that time. If we measure that six or eight months in terms of human life, surely an endeavour by the Government to implement a system such as this is worthy of support by this and, I would like to think, by both Houses.

It is fair to say that one of the biggest problems that the Minister faces with this legislation is in regard to the name itself. People have become quite emotional about the term "random breath testing", but it is a very minor extension of the present law. Perhaps if it were kept within that context there would not be the opposition and the problems that we are presently experiencing in an endeavour to pass this legislation.

It has been said that the police are apprehensive about this measure because it may infringe on or impair their community relations. After all, they are police officers and they are employed for the very purpose of carrying out and enforcing the law of the land that is set down by Parliament.

Mr. Hemmings interjecting:

Mr. BLACKER: The laws are set down by this Parliament and the police officers are there for that job, and every law that they are asked to enforce has some unfortunate aspect associated with it. Surely that is a relatively insignificant aspect. The whole question comes back to the making of a genuine and sincere effort to do something about the drink-driving problem. I know that there is some reaction within the community and some of my best friends have said that they have some apprehension. By the same token, they are equally as disturbed as I am about the road deaths that are taking place.

I have said many times that I spent six months in the Royal Adelaide Hospital and that I have spoken to people coming into the casualty section. If other members took the opportunity to witness scenes such as that, they would be a little more sincere in endeavouring to get some legislation through this House as quickly as possible in order to take some remedial action to curb the situation. Can we afford to wait for six to eight months, during which time there may be 150 or 200 deaths? I do not think that we can. I hope the Legislative Council will see fit to review its attitude by taking into account the devastation, the heartbreak and the lives that will be lost during that period.

Mr. HEMMINGS (Napier): It was interesting to hear the previous speaker accuse members on this side of not being sincere in regard to this measure. Mr. Speaker, I know that you would be very quick to pick me up if I were to quote a previous Bill that passed through this House, but I remind members that the member for Flinders was very vocal about two weeks ago in promoting the argument that Parliament should increase the speed limit where workers are working along the roadside so that his friends the cockeys, could get their wheat to the market

quickly.

Opposition members are sincere, because we have said (and we have said all along—we have not varied from the argument) that insufficient evidence is provided by the Minister or any other speaker on the Government side (I may add that there have been very few speakers on the Government side who have given us evidence that the measures promoted in this Bill will reduce the road toll).

The resolution from the Legislative Council to appoint a Select Committee consisting of members from both Houses will seek out that evidence. I think the terms of reference are sufficiently wide ranging to enable that Select Committee to obtain the necessary evidence before both Houses pass any such legislation to reduce the road toll. I am interested in why the Minister is so adamant in his refusal to appoint a Select Committee. He has mentioned that it will take eight months before the Select Committee can bring down a report, yet the original Bill will be used only six to 10 times a year; so really, the Minister cannot have it both ways.

If the Select Committee is agreed to by this House, it will investigate all aspects of drink-driving, alcohol, and other associated aspects. Perhaps it will take eight months, which the Minister says is too long. If his Bill is passed in its original form, there will be random breathalyser tests only six to 10 times a year, so what is the difference? Basically, there is no difference.

Since this Bill was introduced, various people have shown an interest. The Gardner poll was canvassed in the community and it was shown that 66 per cent of the people approached were in favour. This House was not told what was the question, or how it was phrased. The House was not told exactly how people responded. If a member of the community was approached and the question was put "If you think random breathalyser testing would reduce the road toll, would you agree with it?", everyone in the community would say "Yes". The Minister conveniently cited figures. We must go out into the community and ask people, "How do you think alcohol is affecting the road toll in our community?" Then the Minister may find that the figure of 66 per cent will be drastically reduced.

The A.M.A. indicated that it would conduct a survey; it is quite correct in its approach, because it stated that it would educate people. I canvassed this subject in the second reading stage and I stated that drink driving was not the cause of death, but the whole approach to alcohol was the cause. I can cite an example that was shown on commercial television last night—

The SPEAKER: The honourable member must tie his remarks to the motion before the Chair.

Mr. HEMMINGS: Yes, Sir. I hope that the Minister will listen to what I am saying.

The SPEAKER: The honourable Minister is in the House; I ask the honourable member for Napier to continue his remarks.

Mr. HEMMINGS: Yes, Sir. I will tie my remarks to the motion before the House. The resolution from the Legislative Council deals with the other aspects of alcohol, and I can cite the example of two advertisements that appeared on channel 7 last night. The first advertisement was put on by the Road Safety Council and showed a person drinking at a bar; he was seen to get into his car, he was involved in a collision, he was made to blow into the bag, he was arrested, he appeared in court, and he was sent to gaol. The caption stated "If you drink, don't drive".

Immediately after that, an advertisement was shown that advocated that members of the community should buy their liquor from the Old Lion Hotel at the Colonnades at a very cheap price. As I tried to point out previously, that example shows the hypocrisy of how the community treats the problem of alcohol.

My wife, while I was working very hard in this House, became quite upset about those two advertisements; this morning, she telephoned channel 7 and complained that the two advertisements were tied together, one following the other. She was brushed aside. She then telephoned the Road Safety Council (and I hope that the Minister listens to this, because I think that the Road Safety Council comes under his jurisdiction) and complained that one of its advertisements preceded an advertisement about cheap liquor.

The gentleman on the other end of the telephone said, "There is really nothing we can do about that." My wife then said, "Why don't you get in touch with the Government and ensure that your advertisements are at least slotted at a decent time and not next to an alcohol advertisement?" The gentleman said, "We are funded by the Government and we really have no say in the matter."

He then made a rather extraordinary statement. He said, "In South Australia we depend largely on the wineries and the breweries to provide employment to the people in this State; we don't want to rock the boat." That is the kind of hypocrisy I was talking about last night; this should be looked at by a Select Committee, and that is why, if the Minister does not agree to a Select Committee of both Houses, that kind of hypocrisy will continue. We will, in effect, plug one small hole and the rest of the people who gain from alcohol (Governments, breweries, wineries, and liquor stores) will carry on in their own sweet way. The only people who will be caught will be those who are stupid enough to drink too much and drive.

That is not the whole answer: we should embark on an educational programme. We should support what is proposed by the A.M.A.; we should ensure that the Minister of Health, through the Health Commission, embarks on an educational programme. More money should be directed to the treatment of alcoholics. The problem should be approached in this way, not only by introducing this measure and saying to the community, "Look at what we have done; we will solve the problem." I am sure that all members on this side and most on the Government side know that, if we pass the Bill as originally introduced, we will be catching only a small percentage.

Mr. HAMILTON (Albert Park): I support the resolution from the Legislative Council for a joint Select Committee, particularly that portion of the amendment that relates to an inquiry into all aspects of driving and alcohol. I will pursue a similar line to that pursued by the member for Napier. In speaking to the Bill previously, I mentioned the need for an educational programme in relation to drink driving. One could argue that we were starting at the wrong end of the problem. A Select Committee could inquire into the reasons why people drink, and whether it is because of the intensity of advertising by brewery companies through the press, radio and the media of television particularly during sporting programmes.

I have often noticed that a large number of advertisements regarding alcohol are shown during football, tennis and golf programmes, just to name a few, during which well known footballers, tennis players, and golfers pedal a line of alcohol. Only last evening I read a rather interesting pamphlet circularised by the Australian television stations, which stated that, where particular products were not advertised, there was a notable drop in sales. In my view, that aspect could and should be investigated by the joint Select Committee.

The questions of public transport and alcotest bags in

hotels and car parks adjacent to hotels have already been canvassed, and I do not intend to pursue this further. I now turn to an article from the *Readers Digest* of 19 March 1980 referring to women alcoholics as "a startling new problem". It states:

> Alcoholism used to be a "man's disease". Now, Australia has more than 50 000 female problem drinkers, and their numbers are rising. Why? And can anything be done to meet their unique needs?

Another part of this article states:

> In the past 10 years, the number of women who drink alcoholic beverages has increased greatly. An Australia-wide survey for 1971-77 showed that about 50 per cent of all adult females were drinkers. Recent studies indicate that the percentage is now as high as 87 per cent.
>
> In 1952, women accounted for one out of every five new members of Alcoholics Anonymous. By 1965, the ratio was one in four. Today one in three is a woman and the gap is fast closing.
>
> The Australian Foundation on Alcoholism and Drug Dependence estimates that 1 per cent of adult females—more than 50 000 in all—are alcoholics; as many again drink more than 80 grams of pure alcohol daily, a level considered hazardous by doctors.

I believe that a percentage of these women could be driving on the roads today. What percentage of drink-driving accidents, deaths, and apprehensions by the police, in connection with drink driving involves men and women respectively? I now turn to a number of articles in relation to the drinking of alcohol and the use of drugs, in coupling up my remarks with reference to the Select Committee. I particularly refer to a pamphlet distributed by the Department of Education in Queensland. It says, in part:

> If you choose to drink, think about the drink-driving problem. Young males (17 to 24 years) are disproportionately involved in traffic accidents, ending up either in hospital or in the mortuary. How much of this is caused by drinking has been the subject of many studies. All concluded that the probability of having an accident increases sharply once a blood alcohol concentration rises above ·05 per cent. Be on the safe side—check the graph on page 9 to see what this means in the number of drinks.

I will not canvass that portion of it. On 23 January this year I was invited to a public meeting at Woodville called by the Mayor of Woodville, John Dyer, to hear an address by Dr. J. W. Gabrynowicz who was then the Medical Director of the Alcohol and Drug Addicts Treatment Board of South Australia, and he spoke on the subject of drug addiction and narcotic abuse. On page 9 of a booklet that was distributed, entitled "The use and abuse of drugs", this is stated:

> Survey 1
>
> In a comprehensive survey on alcoholism it was stated in Australia approximately 80 per cent of men and 70 per cent of women drink alcoholic beverages. It further showed that 5 per cent of men (215 000 persons) and 1 per cent of women (43 000 persons) were alcoholics. The incidence of alcoholism was found to be greatest in men between the 40-50 age group and in women from 30-40 years of age. The survey attempted an assessment of the total extent of drug dependency in Australia by extrapolating from surveys on alcoholism and an association between alcoholism and drug dependence. This estimate suggests that there are 180 000 drug dependent females (4 per cent of the population) and 90 000 drug dependent males (2 per cent), all over the age of 15 years. Included in this figure are 50 000 men and 7 000 women who are believed to be both alcohol and drug dependent.

Quite clearly we can see that the answer is not in the alcohol test; the problem, I believe, is where it starts. I submit that this matter should be investigated thoroughly by the Joint Select Committee and that the Government should rethink, change its mind, and support the resolution from the Legislative Council.

Mr. RANDALL (Henley Beach): It is with great interest that I have listened to speakers on the other side. I believe they have clearly identified some of the problems in our community relating to alcohol. In doing so, I believe they have clearly established the reason why we do not need a Select Committee to look at it, because there is an abundance of evidence available to this community about alcohol and why a decision can be made. I believe it is this abundance of evidence which was available to us, as members of Parliament, to us as candidates, and to the general public which caused the Liberal Party to develop a policy along this line. The Government has included it now at this early stage of its life in Government as part of its safety programme.

I acknowledge that the education programme is a good idea, but I believe it is coming too late. I support the education programme as it is one of the steps needed to control our problem. I have some new figures to introduce. They have been produced in South Australia by the Road Traffic Board and are in a work report for 1978-79. They are available in the library. They have identified the problem of alcohol involvement. They compare the 1977 figures to the 1978 figures. Unfortunately, the 1979 figures are not yet available. Of the total casualty accidents in 1977 of 7 718, 958 were alcohol-related; that is, 12 per cent. In 1978, there were 7 987 accidents, and 1 088 of those casualty accidents were alcohol-related accidents.

The significant facts are that, when we move to the point of fatal accidents, in 1977, of 258 fatal accidents, 74, or 29 per cent, were related to alcohol. Looking at 1978, the increasing trend is there. I hate to think what the 1979 figures will show. In 1978, of 249 total accidents, 103 were alcohol-related that is, 41·3 per cent. The trend is there. It is clearly discernible, and why do we need a Select Committee?

Mr. LANGLEY (Unley): I support the resolution from the Legislative Council. I do not know why I usually follow the member for Henley Beach, but I must admit he has definitely had a change of idea concerning a certain matter he was speaking on this afternoon. The honourable member, in relation to alcohol, does not include the drunks who walk off streets and are knocked down by motor cars. He does not consider that at all, so many angles of what he has said are fictious. The honourable member is divided on the question and I am sure other members opposite are divided on this question. Before the debate started, many members of the Government stated (and it has been stated in the press) that they were against the breathalyser test. All of a sudden, when the time comes, they change their minds. You know only too well what has happened in the Legislative Council concerning an honourable member there who has been told that, if he did not do the right thing, he might lose the plebiscite.

Undoubtedly this happened, and it appears in *Hansard*. Surely they are standover tactics, and I am surprised that the member for Henley Beach would say these things. I am sure than many people are divided on this matter, which is a most ticklish question, on which members have to make a decision. Certain members were told how to vote, and I can assure the Government that we on many occasions have more opportunity to have a conscience vote than do Government members. I have been here for

some time, and I have hardly ever seen anyone on the opposite side cross the floor.

Mr. Randall: When did you cross the floor?

Mr. LANGLEY: I have rarely known an honourable member to cross the floor. I hope that the honourable member can tell me when Government members of the day have crossed the floor on these matters.

Mr. Randall: Graham Gunn did.

Mr. LANGLEY: I am only too pleased to admit defeat, if that is the case.

Dr. Billard: Sit down then.

Mr. LANGLEY: The honourable member will have an opportunity to speak, but he has probably been told that he cannot speak. I am entitled to speak, as the member for the district. Members of the public and members are divided. The member for Henley Beach said that he goes to church and hears what people have to say. My office is always open. Anyone may visit there, and they are always met in a friendly fashion. As regards the Bill, the only people who come to me are those who are against it. So, I intend to vote accordingly. I assure the Government that that is the position. No Government member has explained to me why there have been fewer accidents thus far this year than for the same period last year, and this is borne out by figures that I have seen.

I see no reason why the Bill is needed. I consider that the police, even now, have the opportunity to be able to do exactly what they want to do. Whether or not they do it is for them to decide. Surely the present Act provides ample opportunity for the Police Force to carry out its duties. I have been assured that the Police Association is not in favour of the Bill. They are the people who will be moving into this area. I assure that House that I approve of a Select Committee, but I do not think that many people outside understand this matter. Recently, on 5DN (I know that the press does not like me much), a person said that the Labor Party supported drunks—what a statement to make over the radio, as regards this Bill. What a statement for the media to make concerning an important matter to the State. It is terrible to think that a scandalous statement like that can be made on a 5DN show.

Mr. Millhouse: Or on any show.

Mr. LANGLEY: Yes, as the member for Mitcham says. I have never named anyone in the House, for the simple reason that I do not believe in it. Such things do no-one any good. I am sure that, by referring the Bill to a Select Committee, something fundamental will eventuate from it. The Bill has been rushed through. Members, whether on this side or on the other side, have always complained that these matters are rushed through. It is like any game one plays: politics is a numbers game and, if you have the numbers, you win. The Government has been in error in rushing the Bill through.

Mr. SLATER (Gilles): I am attracted to the proposition by the provision in the motion which states:

> That the Select Committee be further instructed to inquire into and report on all aspects of the relationship between alcohol use and road safety and measures whereby the problems associated with alcohol use and the driving of motor vehicles can be overcome.

I am attracted to the proposition of a Select Committee, because it will provide the opportunity for the committee to take evidence, and an opportunity will be provided for all interested parties to appear before the committee and present evidence, and the opportunity will be given for the committee to report back. This is a most important matter, although it is not an urgent matter. We should have time to consider the Bill in more detail. I spoke against the second reading of the Bill because I did not believe that it went far enough as regards the road toll and the problem of drinking and driving.

I appeal to the Minister to consider carefully that all aspects of driving and alcohol be considered by a Select Committee, thus giving it the opportunity to take extensive evidence from all interested parties, such as the police, the public, and everyone who has an interest in road safety and in alcohol use. This is a terrible community problem, and we need to consider it in more detail than by means of a stop-gap measure promoted by the Government at this time. As the Minister is reasonable, I am sure that he will agree that the Bill is not the ultimate solution to the problems we are facing with regard to drinking and driving.

The Hon. M. M. Wilson: I have already said that.

Mr. SLATER: I know that, and that is all the more reason why the Minister should consider the motion for the setting up of a Select Committee.

Mr. EVANS (Fisher): I support the Minister's attitude that this House should not concur in the Legislative Council's request. I say to members opposite and to those people who opposed the Bill as it left this House that if they want a Select Committee we should first implement the Bill to see how it operates for 12 months or two years and then, if they still want to see what happens, refer the matter to a Select Committee to see whether or not the measure has been effective. They cannot prove anything if the Bill is referred to a Select Committee now; they cannot prove whether it will be effective or not. If they let the Bill become operative, then a Select Committee could investigate what has happened after the Act has been in force for some time. I ask the House to support the Minister and to reject the proposal that comes from the other place.

Mr. LYNN ARNOLD (Salisbury): The member for Fisher makes the comment that we could review any proposal after two years. The role of Parliament is to consider carefully any matter that comes before it for attention. I would have thought that now is the time when that consideration should be given. It is not an effective means to let something go out to the community in a half thought-out slip-shod manner and then recall it, in the same way as a defective motor vehicle might be recalled after some time, and try to patch up the damage.

Surely we have the opportunity now (and we should make the most of it) for both Houses of this Parliament to give due consideration to this matter. Much evidence has been given for and against the effect that the Government's proposal will have on the road toll. All members in both Houses are greatly concerned about the extent of the road toll, and the extent of the relationship of alcohol to that road toll. That goes without saying.

I am reminded of the situation that occurs in Scandanavian countries, where they endeavoured to implement some form of programme that would deter drivers from drinking enough to endanger themselves, passengers, pedestrians and other drivers on the road. The result of that consideration was the imposition of some of the most Draconian driving rules anywhere in the world.

The rules provide, in some Scandinavian countries, for automatic gaoling for a first offence. Certainly, the evidence seems to be that a great many drivers in that country were deterred from drinking and driving at all, and that was a worthwhile effect. Another effect that has been noticed in the Scandinavian countries is that the gaols are now very full, indeed. I understand that people who have been found guilty of drink-driving have to book

ahead to get a spot in the gaols because the authorities cannot cope with the imprisonment at the time of sentencing.

I understand also that, consequently, it is not uncommon there for people to find suddenly that one of their co-employees, or even the manager, seems to be taking a holiday at an unusual time, so there is a possibility that his booking has come up and he is going off to serve his time for having been a drinking driver. The message I am trying to pass on is that the Draconian legislation introduced in those countries, whilst it certainly has deterred some drinking drivers, seems not to have deterred others.

What we are asking for at this time is the appointment of a Select Committee to look into the question of drink-driving and to consider how one prevents drinkers from going on to the roads when they have more alcohol in their system than is desirable for their own safety and for the safety of others. We should be looking at preventive measures as well as deterrents. The proposals before us now are merely deterrents. We need to look also at how effective deterrents will be if we have not given due consideration to prevention, and to changing societal attitudes to drinking and driving.

Of course, Select and Joint House Committees have shown over many years how effective they can be in dealing with the many questions that come before Parliament. I believe, therefore, that on this occasion a committee should be given the opportunity to do the same so that we can come out at the end of that period with legislation that will be sound, proper and in the best interests of the entire community in all respects.

The Hon. M. M. WILSON (Minister of Transport): I am going to reply to only one speaker in any detail, and that is the member for Mitcham. Most speakers have canvassed the subject matter covered in the second reading debate. I believe that has been done to exhaustion by both sides, and that it is not necessary to canvass those matters further. The member for Napier mentioned the Peter Gardiner poll and said that I did not include details of that poll in my remarks. I did not mention that poll in the previous debate, but the member for Mawson did. The member for Napier said that he did not know what the question was that was asked in the poll in which 66 per cent of the people polled favoured random breath testing. I will read to the House the question asked of those people which has been incorporated in *Hansard* previously but which I will repeat, as follows:

> In the next session of State Parliament the issue of random breath testing for alcohol levels will be discussed. Do you believe random breath testing should be used in this State, or not?

I do not believe that that is a question that would mislead people, as has been suggested, nor confuse them: I believe it is a question that would extract an accurate result.

The Hon. R. G. Payne: You should have followed that up with the question, "Do you understand what you are voting for?" There might have been a different response then.

The Hon. M. M. WILSON: If the member for Mitchell is right, that must be a fault of all polls. As Minister of Transport, I, more than any other person in this State, have the responsibility for the administration of the Road Traffic Act and, therefore, by definition, the responsibility for road safety. I do not say that I have a greater concern for road safety than other members in this House or, indeed, other people in the community, but, statutorily, I have responsibility for it. On behalf of the Government, I have introduced a measure in this Parliament which is part of Government policy. The Bill contains two parts, which I have already explained. It is my responsibility to see that this measure, or as much of it as possible, is introduced as quickly as possible, because if the Government believes it has a measure that will save lives (and the Government does believe that about this measure) then I have a responsibility on behalf of the Government to salvage as much of this measure as is humanly possible.

Now I come almost directly to the comments made by the member for Mitcham. He asked me what I am at, so I will try to explain. If the whole of this Bill is referred to a Joint House Committee at this stage of the proceedings then that will pre-empt any further action by the Government on this measure until that Select Committee has reported. It would be irresponsible of this Government, until that committee reported, to introduce any measure on road safety that is covered by the potential terms of reference of that Select Committee.

The result of rejecting this request by the Legislative Council will be to send the measure back. The Bill has not yet reached the Committee stage in the Legislative Council; the clauses have not been discussed; and we do not know what attitude members there will take to any particular clause. It appears from the statements that have been made by various members of the Upper House that the random breath test provision itself is in danger of being defeated. That does not mean the whole Bill will be defeated, and I believe that a message to the Legislative Council informing it that the House of Assembly does not concur in the purport of its message will give the Council a chance to debate the clauses of the Bill. I believe there is a strong possibility that this House will receive an amended Bill from the Council for discussion.

In line with my Ministerial responsibility, I believe that the Government has no alternative other than to ask the House not to concur in the request of the Legislative Council, and I implore all members to agree to that course.

The House divided on the motion:

Ayes (22)—Mrs. Adamson, Messrs. Allison, P. B. Arnold, Ashenden, Becker, Billard, Blacker, D. C. Brown, Chapman, Evans, Glazbrook, Goldsworthy, Gunn, Lewis, Olsen, Randall, Rodda, Russack, Schmidt, Tonkin, Wilson (teller), and Wotton.

Noes (20)—Messrs. Abbott, L. M. Arnold, Bannon, M. J. Brown, Crafter, Duncan, Hamilton, Hemmings, Hopgood, Kenneally, Langley, Millhouse, O'Neill, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright (teller).

Pairs—Ayes—Messrs. Mathwin and Oswald. Noes—Messrs. Corcoran and McRae.

Majority of 2 for the Ayes.

Motion thus carried.

The Hon. M. M. WILSON (Minister of Transport): I move:

> That a message be sent to the Legislative Council transmitting the foregoing resolution.

Motion carried.

The Hon. M. M. WILSON: I move:

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

Motion carried.

Mr. BLACKER (Flinders): I seek leave to make a personal explanation.

Leave granted.

Mr. BLACKER: During the debate just concluded, the member for Napier stated:

> . . . the member for Flinders was very vocal about two weeks

ago in promoting the argument that Parliament should increase the speed limit where workers are working along the roadside so that his friends the cockeys could get their wheat to the market quickly.

I claim to be misrepresented, because never at any stage was an inference or reference of that nature made in a debate in this House. I refer to *Hansard*, pages 1472-7 and 1530-4, and I ask members to check those passages if they so desire.

PITJANTJATJARA LAND RIGHTS BILL

The Legislative Council transmitted the following resolution in which it requested the concurrence of the House of Assembly:

The Legislative Council informs the House of Assembly that it has passed the Resolution transmitted herewith, and requests the concurrence of the House of Assembly to Part *(a)* thereof and further requests that the House of Assembly send an Address to His Excellency The Governor in the same terms as the Address of this Council in Part *(b)* of the Resolution.

Resolution referred to:

(a) In the opinion of this Council, the principles embodied in the Pitjantjatjara Land Rights Bill, as introduced in the House of Assembly on 22 November 1978 but with the amendments recommended in the Report of a Select Committee of that House on the Bill, should be enacted into law without delay.

(b) An Address be presented to His Excellency The Governor, praying His Excellency to cause a Bill dealing with Pitjantjatjara Land Rights to be introduced into Parliament as a matter of priority in this Session, in the same terms as introduced in the House of Assembly on 22 November 1978 but with the amendments recommended in the Report of a Select Committee of that House on the Bill.

MEAT HYGIENE BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 5, line 19 (clause 6)—Leave out "an officer of the Public Service of the State" and insert "a person".

No. 2. Page 8, line 25 (clause 18)—After "Commonwealth Inspector" insert "or a local government officer".

No. 3. Page 8, line 28 (clause 18)—After "Commonwealth" insert "or a local government authority".

No. 4. Page 8, line 30 (clause 18)—After "Commonwealth Inspector" insert "or a local government officer".

Consideration in Committee.

The Hon. W. E. CHAPMAN: I move:

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

The schedule of amendments sent to this House from the Legislative Council involves two matters. The first is an amendment to clause 6, line 19, on page 5 of the Bill in the form in which it left this place. It refers to that part of the clause which involves the appointment of a nominee of the Minister of Health. Initially, the Bill provided for the Minister to nominate an officer of the Public Service. During the interim period it has been drawn to my attention that the Minister of Health may wish to nominate a competent person from outside the Public Service and, in order to provide that flexibility and the opportunity to do so, the words "officer of the Public Service of the State" have been deleted and it is proposed to insert in their place the words "a person". There is no objection as far as the Government is concerned on this matter. In fact one of my colleagues in another place moved the amendment on behalf of the Government. I accept that we should approve of that amendment and also the other three amendments.

Mr. LYNN ARNOLD: As has been outlined by the Minister, the amendments concern the role of local government within the Bill and the way in which the spirit of the Bill attempts to acknowledge the contribution not only by local government authorities but also by officers of those authorities. It also makes provision for the Minister of Health to appoint a person from outside the Public Service, though I suppose in all probability the appointee would come from within the Public Service.

With regard to the aspect of involvement of local government, I would like to make some comments on points raised by the Minister when this Bill, together with other Bills, was debated recently. Contributions were made by the Minister concerning alleged statements by the shadow spokesman on agriculture in another place concerning the role of local government. The Minister read a document alleged to have been titled "Opposition view".

The CHAIRMAN: I hope that the honourable member will clearly discuss the motion before the Committee, because I do not intend to allow the debate to become a general discussion on the matter which has already been discussed by the Committee.

Mr. LYNN ARNOLD: I take your point, Sir. The amendments before us do cover the role of local government authorities and local government officers. In fact, they quite clearly tie distinct functions to local government authorities and to the local government officers. Earlier the Minister indicated that a statement had been made tying to local government functions other than those that I believe are entirely accurate. It is my function to clearly outline the position to those members of local government who will read the report of this debate so that they will be clear about the real situation. These amendments distinctly relate to that.

Reference made in the debate to the alleged press release from the shadow Minister of Agriculture implied that local government authorities would lose the right to control slaughterhouses in their regions, and that there would be more paperwork for slaughterhouse owners. Various other points were made as well. Owing to the importance of the matters that were raised, I consulted with the shadow spokesman on agriculture to ascertain whether such information was correct. I do not know the source of the document that the Minister read from.

The Hon. W. E. Chapman: Are you saying that the press release—

Mr. LYNN ARNOLD: I am saying the Minister himself is not entirely certain of the source. I have a copy of the press release, although I cannot display it. It is a copy of the only press release that was issued by the shadow spokesman, and, indeed, the words which were read into *Hansard* by the Minister are not entirely consistent with the words in this document. I believe this is important—

The CHAIRMAN: I do hope the member will link up his remarks, because he cannot refer to a previous discussion. He must refer to the actual remarks that are before the Committee.

Mr. LYNN ARNOLD: I am trying to make the point that these amendments affect local government authorities, and the way that we interpret local government authorities is important. Unless it is corrected, a statement could be put about that a member of the South Australian Parliament was purporting to allege certain things about local government which were not consistent with the spirit of the Select Committee, the other place, or the legislation

itself.

I am sure that you will not permit me to read the press release in detail. I believe the Minister should not have been so hasty in reading that document without having checked with the shadow spokesman and without having checked that the data contained therein was correct. One critical word was an incorrect word. The word "could" should have been substituted for the word "would". That has a substantial bearing on the meaning of that press release, and therefore a substantial bearing on the meaning of the function of local government and its officers.

I think it was somewhat ungracious for that to have been done. I believe that the Minister should take cognisance of that and recognise that the next time he deals with a document that lands in his lap from sources unidentified he should first give it the true spirit of investigation, the true spirit of inquiry, before he endeavours to launch into a veiled attack on a member in another place. The amendments, affecting, as they do, the role of local government and the appointment of a representative of the Minister of Health to the South Australian Meat Hygiene Authority, are entirely non-controversial. Therefore, since they have gone through the other place with a degree of unanimity, I would anticipate that they should go through this place with the same degree of unanimity. I intimate that the Opposition supports the amendments.

Motion carried.

ABATTOIRS ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

HEALTH ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

LOCAL GOVERNMENT ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

STATUTES AMENDMENT (PROPERTY) BILL

Second reading.

The Hon. H. ALLISON (Minister of Education): I move:

That this Bill be now read a second time.

The purpose of this Bill is to make amendments to the Law of Property Act, 1936-1975, and to the Real Property Act, 1886-1979, and consequential amendments to the Crown Lands Act, 1929-1978, and the Pastoral Act, 1936-1976.

The Bill makes two amendments to the Law of Property Act, 1936-1975. The first is the abolition of the doctrine of *interesse termini*. This doctrine was developed centuries ago by the common law of England and is based on the premise that a lessee does not acquire any legal or equitable estate in the land subject to the lease until he has entered into possession. *Interesse termini* expresses the summation of his rights and liabilities during the period prior to entry into possession. The doctrine still applies in South Australia, although few people are aware of its existence and most lessees and lessors would be astonished to learn that the terms of their lease did not apply until the lessee entered into possession. The doctrine was abolished in England in 1925 and has been abolished in most other States of Australia. It is clearly appropriate that it be abolished in this State.

The other amendment to the Law of Property Act, 1936-1975, relates to easements created without a dominant tenement. The general law requires that an easement, if it is to be valid, must exist for the benefit of the owner of particular land, called the dominant land or dominant tenement. The land that is subject to the easement is called the servient land. Public authorities such as the Engineering and Water Supply Department, the Electricity Trust of South Australia and local councils require easements to fulfil their various functions.

Easements of this sort usually consist of a narrow strip of land extending for miles and giving the authority the right to lay drainage pipes, erect power lines or do whatever else is necessary in the exercise of its function. The long strip of land passes through the properties of many people and is made up of many individual easements. Obviously these authorities do not own dominant land adjacent to the servient land of each of the many individual owners along the course of the easement. In order to reconcile easements of this kind with legal principle, a fiction has sometimes been adopted that they are for the benefit of the land on which the head office of the relevant authority is situated. This fiction, however, rarely accords with reality, and it would seem more appropriate to establish an independent statutory basis for easements of this kind.

Part III of the Bill amends the Real Property Act, 1886-1979, in relation to a problem that often arises in the Registrar-General's office. Cases arise in which the person entitled to an easement cannot be found or his identity is unknown and no use has been made of the easement for many years. Not only is this extremely inconvenient for the owner of the servient land who may, for instance, wish to build on part of his land that is subject to the easement, but it also results in the perpetuation of entries in the register book that are clearly no longer relevant. In some cases, entries in the register book show that the last proprietor was registered last century. The Bill provides a procedure whereby the Registrar-General, after publishing and serving a notice of his intention, can remove an easement from the register book if he believes that the person entitled is unknown or cannot be found and has abandoned his interest in the easement.

Another amendment made by this Bill to the Real Property Act, 1886-1979, is designed to streamline procedures for the registration of Crown leases. At the moment, section 93 of the principal Act requires a Crown lease to be executed in triplicate. One copy is held by the Registrar-General as part of the register of Crown leases, one is held by the lessee and the other is delivered to the Minister of Lands. Because of the ease of obtaining photocopies of a lease, the Minister of Lands no longer needs to hold a copy permanently in his records. The advantage of dispensing with this copy is that it will avoid the necessity of producing the copy to the Registrar-General for endorsement every time that a dealing is to be registered on the lease. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 sets out the Parts into which the Bill is divided. Clause 4 is formal. Clause 5 inserts section 24b into the Law of Property Act, 1936-1975. This section abolishes the doctrine of *interesse termini*. The new provision applies to leasehold interests whether created before or after the commencement of the

amending Act.

Clause 6 inserts section 41a into the Law of Property Act, 1936-1975. This section provides for the creation of easements that are not appurtenant to other land if the easement is created for the benefit of the Crown or of a public or local authority constituted by an Act. Paragraph *(b)* provides that one easement may be appurtenant to another easement. This is of particular importance where an authority has easements over a number of properties and the easements abut end to end, forming a narrow strip for the purpose of establishing transmission lines, water reticulation or sewers.

Clause 7 is formal. Clause 8 inserts section 90a into the Real Property Act, 1886-1979. This section will enable the Registrar-General to remove from the Register Book an easement where the registered proprietor is unknown or cannot be found. Clause 9 by subclause *(b)* removes from section 93 of the Real Property Act, 1886-1979, the requirement that a copy of a Crown lease must be returned to the Minister of Lands for the purpose of filing in the Lands office. Subclause *(a)* makes a consequential amendment.

Clauses 10 to 13 of the Bill amend sections 192 to 195 of the Real Property Act, 1886-1979. These sections are found in Part XVII of the Act which deals with proceedings for ejectment of people in wrongful possession of land. At the moment section 192 provides that a summons under this Part shall be heard by a judge in chambers. The volume of business handled by the judges of the Supreme Court is so great that it is imperative that it be reduced whenever possible. Applications for orders of ejectment can be quite adequately handled by Masters of the court. It is proposed that Rules of Court be made so that this jurisdiction will in future be undertaken by the Master. However, it is considered necessary that the references to a judge of the court be removed from Part XVII and be replaced by references to the court before the proposed rules are made.

Clause 14 is formal. Clauses 15 and 16 make amendments to sections 52 and 66a of the Crown Lands Act, 1929-1978, that are consequential on the amendment made by clause 9 of the Bill. Clause 17 is formal. Clause 18 makes an amendment to section 42c of the Pastoral Act, 1936-1976, that is consequential on the amendment made by clause 9 of the Bill.

Mr. BANNON (Leader of the Opposition): The Opposition will support this Bill, which is technically complex and which corrects some anomalies in the Real Property Act. It is interesting to note that the Act has been in existence for a long time. Indeed, the foundation of real property legislative enactments goes right back to the early days of this Parliament and was one of the pioneering Statutes of this Parliament which led the world in many respects. Anything to do with the Law of Property Act and the Real Property Act is a matter of interest and importance to this Parliament.

As the Bill is technical, I do not intend to traverse it in great detail. As I listened to the Minister's second reading explanation, the terms of art and legal concepts contained in the law of property reminded me of that extremely complex subject that I studied as part of a law course under the now Mr. Justice Wells. I recall that one of the chief ways of ensuring that the complexities of this branch of the law were fully understood and that one could pass the appropriate examination was to use what were known at the time as Kriewaldt's notes, a very hallowed group of lecture notes and explanations about the law of property, handed down lovingly from student to student to assist with examination questions.

Mr. Millhouse: He lent them to me and I passed.

Mr. BANNON: If one studied in the law school in the years long before I actually entered it, as did the member for Mitcham, in that prehistoric phase at the Adelaide Law School, Mr. Justice Kriewaldt was then the lecturer.

Mr. Millhouse: Long before he was a justice.

Mr. BANNON: He was not a justice at that stage but was a distinguished judge in the Northern Territory. At that time it was not known whether there was a Kriewaldt attached to the Kriewaldt notes because he was a legendary figure. In those early days when the member for Mitcham was at law school, there was indeed a Mr. Kriewaldt and he formulated the Kriewaldt notes.

However, I am glad not to have to go into the intracacies of the law of property. I am sure that the Minister will not welcome any questions about that obscure branch of the law, so at this stage, after examination of the amendments proposed, which are sound, we are happy to support the Bill.

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

WILLS ACT AMENDMENT BILL

Second reading.

The Hon. H. ALLISON (Minister of Education): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill.

This short Bill is consequential upon the recent abolition of succession duty in this State. It is very common to find provisions in wills that depend for their operation upon valuations made for the purpose of assessing succession duty or accepted by the Commissioner of Succession Duties for that purpose. For example, a will might confer an option to purchase property from the estate at the succession duty valuation or, where a gift is charged with a further gift, the amount of the further gift might be determined by reference to a valuation, made or accepted for the purposes of assessing succession duty, in relation to the former gift. Now that succession duty has been abolished, such references will, of course, become obsolete. The purpose of the Bill is, therefore, to provide that a reference to such a valuation shall, where the valuation is not required by law, be read as a reference to a valuation made by a competent valuer. The Bill will operate retrospectively from the 1st day of January, 1980, that is to say, the day on which the abolition of succession duty came into effect.

Clause 1 is formal. Clause 2 provides that the Bill shall be deemed to have come into operation on 1 January 1980. Clause 3 enacts new section 39 in the principal Act. This new section provides that a reference to a valuation made or accepted for the purpose of assessing succession duty or any other form of death duty shall, where the valuation contemplated by the reference is not required by law, be construed as if it were a reference to a valuation made by a competent valuer.

Mr. BANNON (Leader of the Opposition): I am sorry that the Minister did not take the trouble to read the second reading explanation. If I might briefly summarise for the benefit of those few members who are in the House, I point out that this short Bill is consequential upon the recent abolition of succession duties in this State.

It refers to the way in which valuations are to be made. Under the existing Wills Act, because succession duties were applied to wills, valuations were in fact required by law and were therefore made by the Valuer-General through the governmental machinery.

The purpose of this Bill is to provide that a reference to such a valuation shall, where a valuation is not required by law (indeed, it is no longer required, because of the succession and gift duties abolition), be read as a reference to a valuation made by any competent valuer. In a sense it is legislation consequential upon the passing of another Bill dealing with revenue of the State. The fact that the succession duty has been abolished is not something that we on this side of the House supported. We certainly supported a liberalisation of succession duty in this State, but we felt that its value as a tax that was progressive in its application and its value to the revenue generally was such that at least some element of its should have been preferred. However, it was a major policy planking of the present Government which it took to the people and, therefore, we took the view that, the Government having been elected with that particular policy as one of its major promises, some mandate could be seen for it, and when the Bill to abolish gift duty came before the House we allowed its passage without resistance.

This Bill is presented to us as consequential upon that. I do not have any objection, therefore, except that I will raise a point that was raised by my colleague in another place. The fact that valuation is now allowed for by any competent valuer (that is the term used) could possibly raise a dispute of the law. When it was a matter of a valuation at law done by the Valuer-General, there was no means, except through the normal procedures of the Act (alleging that the procedures were established), whereby a dispute could be resolved. A question could arise in this instance under this change in the law as to the accuracy of the valuation, as indeed it could as to the competence of the valuer. One could argue that, although valuations of succession duties are no longer required, nonetheless the valuations for the purposes of wills in this sense should have been left in the hands of the Valuer-General.

Mr. Millhouse interjecting:

Mr. BANNON: We as a democratic—

Mr. Millhouse: The Government can do anything better than anyone else!

Mr. BANNON: Mr. Speaker, I will not answer the member for Mitcham directly, but I will simply go on to say that the procedures that are established at law and the competence of the Valuer-General are well established. His valuations are acceptable; they have proved to be successful and are not subject to major dispute, irrespective of the valuation of estates for succession duty purposes, and one could argue that that provision could have been left in.

I am really just posing the question posed by the Leader in another place. Is the Government quite confident that this will not create a whole new series of disputes over valuation? If we are going to go through tedious litigation and find queries raised on valuations that were not raised under the previous Government, then perhaps this Bill should be amended. On the other hand, if the Government is confident that there are proper procedures to deal with this, we are prepared to support it.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"References to valuations made or accepted for succession duty purposes, etc., to be construed, where appropriate, as references to valuations made by competent valuers."

Mr. BANNON: This clause refers to valuations made by competent valuers. If the procedure is that a trustee confronted with a reference to a succession duties valuation in a will simply has to obtain a valuation from a person he considered to be a competent valuer, is the Government convinced that this will not simply lead to more and protracted litigation? What steps are being taken to ensure that this does not happen? It does not happen at the moment because, of course, it stands to reason that the Valuer-General, by Statute, is seen as a competent valuer. If, indeed, the trustees can choose anyone that they regard as a competent valuer, they may be leaving themselves open to litigation.

The Hon. H. ALLISON: I take the point that was made in the other place, although I am not sure exactly what was raised there. I have not seen the second reading comments made by the honourable member's colleagues in another place, but the Attorney-General did consider that a reference to a competent valuer was such that it would ensure that the valuations were in fact correctly made.

I do, however, take the point that the valuer himself should be aware probably of the reason for his valuation so that perhaps any beneficiary who might suffer loss as a result of a negligently made valuation may have a basis for claim for damages against the valuer. The Attorney-General, whose Bill this was in another place, was satisfied that a competent valuer may be aware of the reason for the valuation and would ensure that there was no risk of claim against him for negligence.

Mr. MILLHOUSE: It is a long time since I practised as a solicitor, and even a longer time since I practised as a proctor. I suggest to the Leader that there is no reason to worry about this matter. It is a frequent provision in a will or in any document that something should be bought, sold, exchanged, or bequeathed at valuation, and it is not necessarily the form that it should be a valuation done by the Valuer-General. Sometimes that is put in and, as I understand it (and I have just seen the Bill), it is only common sense, and it is only to cover those few cases. Normally, valuations are not done by the Valuer-General. Valuations for probate purposes have always been done by outside valuers, and I am surprised that the term is "licensed valuer" rather than "competent valuer". There is absolutely nothing in the point that the Leader raises, if only for that reason. While he said that the valuations of the Valuer-General are seldom challenged, anyway in this field, I do not think that that is right. His value is not always right, nor is the competence of many other people not challenged. There is no reason why his valuation should not be challenged in the same way as anyone else's.

Mr. HEMMINGS: Mr. Acting Chairman, I draw your attention to the state of the Committee.

A quorum having been formed:

Clause passed.

Title passed.

Bill read a third time and passed.

BUILDERS LICENSING ACT AMENDMENT BILL

Second reading.

The Hon. JENNIFER ADAMSON (Minister of Health): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The Government is presently carrying out a comprehensive review of the Builders Licensing Act, 1967-1976, and it is anticipated that fairly extensive amendments to that Act may result. However, it is apparent that certain modifications should be introduced without further delay, and it is for that purpose that this Bill has been prepared. It provides for diverse amendments, which are as follows.

It is proposed that there be a standing Deputy Chairman of the Builders Licensing Board of South Australia who, like the Chairman, shall be a legal practitioner, as the Government considers that it is desirable that the board be chaired by a person of legal experience at all times. The provisions relating to the appointment of deputies or other members of the board have also been recast to ensure that those deputies are subject to the same requirements, and appointed by the same procedure, as the members for whom they deputise. In order to further facilitate the functions of the board, the quorum will be reduced from four to three, but the balance of interests represented on the board is preserved.

It is also felt that the Act ought to provide for the voluntary surrender of licences granted by the board, and that where this is done, or where a licensee dies before the expiration of his licence, there should be some mechanism for a discretionary refund of part of the licence fee where this seems equitable. The proposed amendments will provide for this.

In recent times, it has become apparent that applications for licences under the Act ought to be required to satisfy the board that they have sufficient financial resources to carry on business in a proper manner as builders. These amendments make provision for this.

At the present time the board has power to order remedial work to be carried out in respect of defective work by licensed builders, but not by a builder who is unlicensed. Some builders have been known to allow licences to lapse to take them outside the jurisdiction of the board in this respect; thus the board may not have jurisdiction in the very cases where it is most needed. These amendments will extend the provision of the Act to cover a builder who is not licensed, but who ought to be. The new provisions will also enable the board to order remedial work to be carried out either by the builder responsible for the defective work, or by some other licensed builder approved by the board. The second alternative is designed to accommodate situations where a builder responsible for defective work is not licensed, or where the board believes that he is unable to carry out remedial work in a proper and workmanlike manner.

At present there is no general provision in the Act relating to the service of notices and other documents. The Government believes that this is unsatisfactory, and consequently the Bill includes a new section dealing with this matter. The proposed section provides, *inter alia*, that licensed builders will be required to notify the board of an address at which service of notices and documents may be effected.

The Bill also effects some minor modifications to certain sections of the Act dealing with the Builders Appellate and Disciplinary Tribunal and the Supreme Court, to ensure that decisions of the board, which are subsequently upheld or modified, are properly enforceable.

Clauses 1 and 2 are formal. Clause 3 inserts a definition of "legal practitioner" into section 4 of the principal Act, to ensure that a person holding judicial office can be appointed as Chairman or Deputy Chairman of the board. Clause 4 amends section 5 of the principal Act, which deals with the board, by inserting a new subsection and recasting one of the existing subsections, to make provision for the appointment of a standing Deputy Chairman who, like the Chairman, shall be a legal practitioner of not less than five years standing. Clause 5 amends section 7 of the principal Act by reducing the quorum of the board from four members to three, and providing that the quorum must comprise the Chairman or Deputy Chairman, a person with substantial knowledge of the building industry and a person representing the interests of those on whose behalf building work is carried out.

Clause 6 inserts new provisions into section 14 of the principal Act, which deals with licences generally, to provide that licences may be surrendered, and that where a licence is surrendered, or a licensee dies during the term of a licence, the board may, at its discretion, refund a portion of the licence fee. Clauses 7, 8 and 9 amend sections 15, 15a and 16 of the principal Act which, in turn, deal with general builder's licences, provisional general builder's licences and restricted builder's licences. The amendments provide that, in each case, applicants for licences must satisfy the board that they have sufficient financial resources to carry on business in a proper manner under licence.

Clause 10 modifies section 18 of the principal Act, which is concerned with powers of investigation, by recasting and expanding the provisions relating to remedial work so that the board is given appropriate powers of investigation and authority over both licensed and unlicensed persons. The new provisions will enable the board to order remedial work either by the defaulting builder himself, or by someone else, at the defaulting builder's expense if the board feels that the latter is not capable of carrying out the work in a proper manner. This clause also contains a series of minor amendments to section 18 which are consequential on the central modifications. Clauses 11 and 12 effect minor amendments to sections 18a and 18b of the principal Act which are consequential on the amendments to section 18. Clause 13 amends section 19 of the principal Act, which is concerned with appeals to the Builders Appellate and Disciplinary Tribunal from decisions of the board. A new subsection is inserted, providing that it shall be an offence to fail to comply with an order of the tribunal.

Clause 14 amends section 19j of the principal Act, which deals with the tribunal's powers of inquiry. The section is modified to ensure that disciplinary action can be taken if builders fail to carry out remedial work ordered by the board, the tribunal or the Supreme Court. At present the section covers only orders of the board. Clause 15 provides for a minor consequential amendment to section 21 of the principal Act, which is consequential on the amendments of clause 16, which inserts a new section into the principal Act, numbered 26a, dealing with service of notices and documents. The new section will require licensed builders to notify the board of an address for service, and service to that address, either by certified or registered mail, or by deposit with a person over the age of 16 years, will be deemed effective service for the purposes of the Act. The section also makes provision for personal service, which also applies to unlicensed persons.

Mr. BANNON secured the adjournment of the debate.

CONSUMER TRANSACTIONS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 March. Page 1753.)

Mr. BANNON (Leader of the Opposition): This Bill amends section 48 of the Consumer Transactions Act in relation particularly to the print size of consumer contracts, consumer credit contracts, and consumer mortgages. The Act gives power for regulations to be prescribed providing for a minimum size for those contracts. In the past, before the introduction of this Act and the Consumer Credit Act, undesirable practices were undertaken, because a specified print size was not required by law. In certain transactions, contracts were written whereby a person wanting to peruse the contract had difficulty in doing so. The print was so fine, unless one had a magnifying glass or something of the sort, that a person was unable to follow the exact terms of the contract, thus meaning that the person who had signed the contract had no real access to or understanding of those provisions, because they could not be read.

Obviously, it was desirable to do something about that situation, and that is why the Consumer Transactions Act and also the Consumer Credit Act, which also enacts a similar provision, were passed. These were part of a very important package of consumer measures that were undertaken by the previous Labor Government. The period from 1970 to 1975 was one of enormous activity in the consumer protection area and accompanying legislation in South Australia. Many of the provisions instituted in those years have been copied or duplicated by other Parliaments in other parts of Australia and, indeed, overseas. Our consumer protection legislation has attracted international attention, and this is something of which we can be proud indeed.

Any legislation should be kept constantly under review. Obviously, improvements can be made and practices that occur, such as methods of avoidance of provisions, the Legislature should stand ready to correct wherever they emerge. Our concern about this amendment is that it allows a person under a proposed section 48a to seek from the tribunal an order for relief against the consequences of contravention of or non-compliance with the Act. In the Minister's second reading explanation, mention is made of the print size provision to which I have referred. If, indeed, that was the only problem to be considered, some discretion was needed in a situation where print size was involved. I do not think that we could have any particular objection to it. The amendment provides a procedure whereby a credit tribunal can order that certain civil consequences should not exist in the case of a breach of this print size regulation.

It would appear that that sort of flexibility or discretion on the part of a tribunal is necessary. It is aimed at preventing the Act from being over-technical. Under the present Act, if there is a breach, the person who has received the credit has a valid defence against the claim by a credit provider for credit charges. In certain instances, that person can take refuge behind the Act, interpret it in a technical way, and the ultimate justice of the Act is thereby avoided. To the extent that it attempted to correct that anomaly by providing exemption on the part of the tribunal, we have no objection to it.

Where we do object to this provision is where discretion is far too widely drawn. The only reason adduced for providing this flexibility has been the problem relating to print size, but if members read the amendment (new section 48a) they will see that it allows a person to seek an order for relief from the tribunal, not just from that section of the Act but from the total Act. It is that that causes us considerable concern. The very fact that this legislation has been copied by other Legislatures indicates that it is acceptable in its workings, and that much of the trail-blazing that has been done here has, in fact, been adopted not just by Governments of Labor Party persuasion.

Indeed, there have been measures passed in States such as Victoria where conservative Governments have been in power and have picked up much of our consumer protection legislation. Anything that improves that legislation and makes it more flexible, or helps it apply more effectively, we must support. However, anything that seems to be the thin end of the wedge towards dismantling this legislation we should resist and resist strongly. I am afraid that the explanation regarding that provision is such as to give us no confidence at all about the intention behind it. It seems to me that if the amendment is limited to the particular purpose described in the Act, one can accept it. But an amendment that goes right across the board and applies to any breach of the Act itself is one that we just cannot accept.

I believe it is encumbent on the Government to explain in clear terms what it has in mind, why it has drawn this amendment so widely, and why the Government has not confined it to the particular practice the Government says it should be aimed at overcoming. As I understand it, the amendment has not been canvassed widely. It has not been discussed with the Consumers Association, or with other groups interested in this area.

Unfortunately, this typifies this Government's approach to a whole range of areas: we have had trouble with shop trading hours legislation, the Planning and Development Act, and a whole range of measures where the Government has jumped in (perhaps with some ideological commitment, or some election policy in mind for which it feels it has a mandate) and has not bothered to consult interested community groups about that legislation. Again, I say that if this was confined to a narrow, particular reference in the Act, that is fine. I do not think one could have too many objections to that, because one can understand the proposition and grapple with it, but if it is drawn as widely as it is here before us today, then surely there should have been adequate consultation with all those people likely to be affected by it. I am afraid that, in its present form, the Opposition does not find the provisions acceptable.

It was found necessary in another place to discuss this Bill in the Committee stage, and we will support the Bill through the second reading in order to do the same thing. However, it is encumbent on the Government to explain fully and properly what it has in mind and why it has included such a broad provision here. Also, it should reassure us that this is not the first step in some sort of dismantling or watering down of this important and pioneering consumer legislation.

The Hon. JENNIFER ADAMSON (Minister of Health): I am pleased that the Opposition is supporting this Bill through the second reading stage. I note the Leader's reference to the period 1970-75 as being a period of enormous activity in the field of consumer legislation. The Government believes that some of this legislation was unduly restrictive. Certainly, its method of application is now seen as being potentially unduly harsh. Whilst the Leader's remarks that this legislation attracted international attention are true, I think there is no-one in South Australia who would deny that it also attracted interstate attention, as a result of which there is no question that business was deterred from investing in South Australia.

I believe that some of these provisions can have unduly harsh effects if the letter of the law as it now stands is enforced. The responsible Minister proposed these amendments in the belief that the spirit of the original

legislation will prevail, but considered that relief should, in all conscience, be provided for those who inadvertently incur minor breaches in order to spare them the extremely heavy penalties that could result under the law as it now stands. This amending Bill should be supported to ensure that such breaches do not result in unduly harsh penalties.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Relief against civil consequences of non-compliance with this Act."

Mr. BANNON: I move:

To leave out proposed new section 48a and insert new section as follows:

(1) Where a person has made, or stands to make, a loss in consequence of non-compliance with section 48 of this Act, he may apply to the Tribunal for relief against the consequences of that non-compliance.

(2) An application may be made under subsection (1) of this section in respect of a series of acts or omissions of a similar character.

(3) Where, upon an application under subsection (1) of this section, the Tribunal is satisfied that the non-compliance was not, in the circumstances of the case, such as to warrant the consequences prescribed by this Act, it may grant relief against those consequences to such extent as may be just.

(4) In determining whether it should make an order for relief under this section and, if so, the terms on which relief should be granted, the Tribunal shall have regard to—

(a) the gravity of the non-compliance;

(b) the conduct of the applicant in relation to the transaction to which the application relates; and

(c) any prejudice that may result from the making of the order.

(5) An order for relief under this section may be made upon such conditions as the Tribunal considers just.

(6) The Commissioner, and any person whose interests would be affected by an order under this section, may appear and be heard in proceedings under this section.

(7) Relief may be granted under this section whether the non-compliance in respect of which relief is sought occurred before or after the commencement of the Consumer Transactions Act Amendment Act, 1980.

This amendment leaves out proposed new section 48a and inserts a new section 48a. There is only one major difference, which is in subsection (1), where the application of this section is limited to non-compliance with section 48 of this Act; that is the section concerning print size. I am now attempting to place in the Act, by way of amendment, the objections that I made during the second reading debate. As I think I made clear then, the Opposition has no objection to this legislation being kept under review. We understand that there have been one or two anomalies in the application of this print size legislation, and that was the purpose behind this Bill. That is what was said in another place by the Minister, although he attempted to fudge the question, and on questioning it appears that the whole motive behind the Bill relates to one or two matters concerning section 48.

Therefore, we suggest that the amendment should direct itself to section 48 and not to the whole Act, because directing it to the whole Act will simply allow a totally wide and unfettered sort of discretion to be given to the tribunal which would weaken the legislation considerably. I am very surprised to hear the Minister say that consumer legislation in South Australia was a bad thing and that it deterred businesses from investing in this State, when as a back-bencher and before she came into this House she spoke on many occasions, and wrote in her column in the *News* and in one or two other areas, very much in favour of consumer rights and consumer protection. I ask her to produce the evidence of her assertion. On the contrary, I suggest that the way our consumer legislation has been picked up in other States suggests that we are on the right foot.

This Act that we are discussing has been in operation since 1972, and it has been in operation in its present form since that time. There have been no major changes since then except that an anomoly was suggested in another place with regard to the print size. The legislation has been with us since 1972, and we have lived with it through good and bad economic times. There is no evidence to suggest any deterrent value. Indeed, the very people that the Minister claimed to speak for at various times in the past (consumers, ordinary housewives in our community who have to manage a family budget, etc.) have on many occasions been grateful for the consumer protection legislation that we have in South Australia.

It seems to me to be quite extraordinary that she is saying that that legislation was a deterrent to business prosperity and investment in South Australia. I have spoken on many occasions to a good many businessmen, particularly small businessmen, who, rather than finding these sorts of provisions onerous, have in fact welcomed them, because these provisions get rid of fly-by-night operators, persons who want to come in and make a quick profit but who do not have ethical or good, sound business practices. These consumer protection provisions have been welcomed by associations connected with the Chamber of Commerce and other groups. Of course, when the measures were introduced, these people argued about particular sections but, by and large, trade and industry in this State have welcomed the way that consumer legislation has assisted the ethics of businesses and the quality and nature of traders in South Australia.

I believe that there is a pretty high business ethic in South Australia. We do not have the kind of scandals and corruption found in other States. The reason for that is this type of legislation. From the consumer point of view, the benefits have been enormous and there is a network of consumer legislation. There is a very efficient and expert Government department with a high reputation in the community which has administered the Act and helped consumers. Many of the people for whom the Minister has purported to speak would be the first to say that we should value very highly this legislation in South Australia which has been a trail-blazer.

Accordingly, I am not impressed by the Minister's simple attempt to scrub it off as she did a moment ago, by saying, "Well, it may be all very well, but it may be a deterrent to investment." That is not good enough; it is important in terms of social and community good. The Bill, by allowing the tribunal completely open slather in terms of its exemptions, goes too far. It is a green light for people to avoid the Act and to find devious ways of getting around it, and it allows the tribunal somehow to water down the provisions of the Act. I do not think we should embark upon that course.

Many would argue that consumer protection legislation should be tightened, and those people ought to be listened to also and certainly should be consulted. However, they have not been consulted. Unfortunately, unless the Government chooses to consult with them, they are excluded from that process. In moving this amendment I am stressing quite strongly that we support the review of the Act; we accept that there have been some minor anomolies, but we believe the amendment to the Act must be confined to that, and that is what I am proposing here.

The Hon. JENNIFER ADAMSON: The Government cannot accept this amendment. First of all, the Leader has misinterpreted my reply when I referred to the main body of consumer legislation introduced under the previous Government. The Leader has implied that I now appear to be opposed to consumer legislation as such. That is certainly not the case. I said, and I believe, that there is ample evidence to prove that some parts of that legislation were regarded by business as being unduly oppressive. If the Leader is looking for evidence, I think one need look no further than to the campaign waged against the former Government by business in South Australia during the week leading up to 15 September.

However, it is not our place here tonight to go into the details of why business was deterred from South Australia, and I want to speak specifically about the matters that the Leader has raised. The Opposition acknowledges the principle that anomolies can occur and recognises that the question of print size is one that may need to be considered by the tribunal. Certainly, it is very difficult for anyone other than an experienced person to tell the difference between 9-point and 10-point type or the difference between 10-point and 12-point type. It is possible that on some occasions the printer may not have a certain type size available to him and may use the next size up or down, as the case may be.

The Government believes that it must remove any anomolies that exist. With regard to specific examples, the Act should provide relief from the unduly harsh consequences of potentially minor actions, such as section 20, in relation to consumer leases which are void unless they are in writing, and section 44, which provides that a guarantee is unenforceable unless certain formalities are carried out. In the case of a contract being void and unenforceable if not in writing, if the principal person defaults that person cannot recover from the guarantor sums which might possibly run into thousands of dollars, particularly if their guarantors are considerable in number. That is a situation that has the potential to be adjudicated by the tribunal.

The Leader implied that the tribunal would have what he described as "open slather". It would be better to say that the tribunal has discretion, and the Government is confident that such discretion would be used wisely. I do not imagine that the tribunal would suddenly turn around and let off the hook credit providers who can be demonstrated to have either deliberately or negligently evaded this Act. For those reasons, the Government rejects the amendment.

Mr. BANNON: With regard to the Minister's criticism of me for using the term "open slather", I agree that it is not open slather in the sense that it must be referred to the tribunal. We are talking about the tribunal's discretion, so I accept the correction, as it is a legitimate point.

On the other hand, I do not think the Minister has produced evidence for the assertions she made, particularly when she referred to sections 7 and 44. She has not produced any general evidence, apart from citing an employers' campaign in the last election about the deterrent effect of consumer legislation. That is really not good enough if the Minister is seeking to dismantle or water down consumer protection legislation.

I make a further point: in relation to people who read and interpret the Act, and the consequences of not doing so, it is surely important that the Act must set out clearly their rights and responsibilities and the penalties for not observing the rules. This clause is of a general nature and provides certain requirements. If they are not observed, even though penalties are laid down for them, a person can still go to the tribunal. People may be let off if they can find a case with which to approach the tribunal. That is not good enough. In this area of commercial law, it is important that people understand as precisely as possible their rights and responsibilities and the attached penalties.

By introducing this wide ranging discretion, even though I can see that the discretion is in the hands of the tribunal, the Government is introducing an area of uncertainty in the law, which unfortunately means that the fly-by-night operators and the people whose business practices are sharp and undesirable will be prepared to take the risk, believing that even if they are in breach of the Act, they may be able to argue a case before the tribunal because of its discretion. That is why we must pass this amendment relating to print size.

The Committee divided on the amendment:

Ayes (19)—Messrs. Abbott, L. M. Arnold, Bannon (teller), M. J. Brown, Crafter, Duncan, Hamilton, Hemmings, Hopgood, Keneally, Langley, O'Neill, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Noes (22)—Mrs. Adamson (teller), Messrs. Allison, P. B. Arnold, Ashenden, Becker, Blacker, D. C. Brown, Chapman, Eastick, Evans, Goldsworthy, Lewis, Mathwin, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, Tonkin, Wilson, and Wotton.

Pairs—Ayes—Messrs. Corcoran and McRae. Noes—Messrs. Billard and Glazbrook.

Majority of 3 for the Noes.

Amendment thus negatived; clause passed.

Title passed.

The Hon. JENNIFER ADAMSON (Minister of Health): I move:

That this Bill be now read a third time.

Mr. BANNON (Leader of the Opposition): The Opposition opposes the Bill at the third reading stage because we believe that the principle embodied in this Bill is extremely important. Unless we show at every stage of legislation of this nature that we are firmly committed to the consumer protection provisions that were established by the previous Government, we will see them gradually watered down, eroded and dissipated over the next three years, and that simply is not good enough.

No evidence has been adduced for this Bill or for any other consumer protection legislation being some kind of disincentive for people to invest in South Australia. As I said, despite the objections taken at the time by business interests, by and large these interests welcomed the fact that this legislation secured business in South Australia on a fairly sound footing; it has given a confidence to the consumers and the people they deal with, it has given strength to the associations of business men in whatever category they operate, and it has ensured that we are free of the sort of shady practices and other—

The SPEAKER: I draw the Leader's attention to the fact that it is necessary, when speaking to the third reading, that remarks be referred to the Bill as it came from the Committee stages.

Mr. BANNON: Thank you, Mr. Speaker. The Bill, as it came from the Committee stages, contains provisions that allow the tribunal total discretion to waive any section of the Act or any of the penalties of the Act; we believe that that broad provision is the first stage in the watering down of this legislation.

It has put enormous pressure on the tribunal. There are some areas we concede and in Committee we attempted to establish where the tribunal ought to have that discretion. It would help it to do its jobs and it would make the legislation more efficient, but to give the tribunal this

wide-ranging discretion creates doubt and uncertainty in the business community about what their rights and responsibilities are.

It means that consumers do not know what protection they have until they actually go to the tribunal. It can create vexatious litigation and it can put confusion into the whole area of consumer transactions. We believe that, since 1972, the Act has worked efficiently and well, and to introduce this broad brush amendment at this stage is the first step in a general dismantling of consumer legislation. As such, we must oppose it to the very end.

The House divided on the third reading:

Ayes (22)—Mrs. Adamson (teller), Messrs. Allison, P. B. Arnold, Ashenden, Becker, Blacker, D. C. Brown, Chapman, Evans, Glazbrook, Goldsworthy, Gunn, Mathwin, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, Tonkin, Wilson and Wotton.

Noes (19)—Messrs. Abbott, L. M. Arnold, Bannon, (teller), M. J. Brown, Crafter, Duncan, Hamilton, Hemmings, Hopgood, Keneally, Langley, O'Neill, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Pairs—Ayes—Messrs. Billard and Lewis. Noes—Messrs. Corcoran and McRae.

Majority of 3 for the Ayes.

Third reading thus carried.

Bill passed.

SOUTH AUSTRALIAN MEAT CORPORATION ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

MOTOR VEHICLES ACT AMENDMENT BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 2, line 34 (clause 4)—Leave out "Where" and insert "Subject to subsection (2*a*) of this section, where".

No. 2. Page 2, line 36 (clause 4)—Leave out "contravenes" and insert "is convicted of an offence of contravening"

No. 3. Page 2, lines 38 and 39 (clause 4)—Leave out paragraph *(b)* and insert paragraph as follows:—"*(b)* is convicted of an offence in respect of which a demerit point is, or demerit points are, recorded against him, and, in consequence, the total number of demerit points recorded against him equals or exceeds three,"

No. 4. Page 2, line 40 (clause 4)—After "Registrar" insert "shall refer the matter to the consultative committee and, if the committee so recommends,"

No. 5. Page 2, After line 41—insert subsection as follows:—"(2*a*) If—

(a) a court before which a person is convicted of an offence of contravening a probationary condition of his licence is satisfied, by evidence given on oath forthwith upon conviction, that the contravention was trivial, or that other proper cause exists for the court to exercise the powers conferred by this subsection; and

(b) the convicted person has not previously been convicted of an offence of contravening a probationary condition,

the court may order that the licence of the person be not cancelled as a result of that offence."

Consideration in Committee

The Hon. M. M. WILSON: I move:

That the Legislative Council's amendments Nos. 1 to 5 be agreed to.

All the amendments are acceptable to the Government and in most cases improve the drafting. In one case, a question of principle is involved. Amendment No. 1 is a formal amendment which is necessary as being consequential on amendment No. 5. I do not think we need to deal with that in detail.

Amendment No. 2 brings into effect that, where probationary conditions apply, and a person is to lose his licence because of a probationary condition, he must first be convicted of the offence before that can happen. That was the intent of the Bill, and would be the interpretation, but this amendment spells that out in greater detail. Amendment No. 3 refers to the number of demerit points that a motorist with a probationary licence must obtain before the probationary conditions apply; in other words, before the person loses the licence. The problem with the present clause is that it is possible that it could be open to misinterpretation.

What the amendment does is spell out in detail that a driver who has committed an offence may indeed commit two offences that obtain one demerit point against his licence, and still not lose his probationary licence. It would be necessary for that driver to commit a third offence before the provision of this clause would come into effect, or it would be necessary for a driver to commit an offence that attracts two demerit points and then, once again, he would have to commit a further offence before the probationary conditions would be invoked. What the amendment does is spell that out in detail so that there may be no misunderstanding by the public and the Parliament of that condition. The Government accepts the amendment gladly.

Amendment No. 4 refers to the consultative committee. As the clause stands at present, the Registrar may cancel a permit or licence concerning the probationary conditions if a driver exceeds those conditions. In this amendment, the Registrar would not have that power until he had referred the matter to the consultative committee. Members will realise that the consultative committee is a different set-up under the Motor Vehicles Act, which takes away from the rather large powers that the Registrar has. The Registrar, before the consultative committee amendments were introduced into the Motor Vehicles Act, had important and wide powers. The consultative committee is a committee to which the Registrar refers offences before he makes a decision. He makes his decisions on the recommendation of the consultative committee.

The amendment of the Legislative Council brings section 81b into line with clause 5 of the Bill, where members will notice that the Registrar may suspend for such period as the consultative committee recommends. This amendment brings clause 4 of the Bill into line with clause 5 by forcing the Registrar to refer to the consultative committee before making a decision to cancel or suspend. One important amendment of the Legislative Council is No. 5, which also amends clause 4 and refers to where a person is convicted of an offence of contravening a probationary condition. Members will realise that there are only two probationary conditions.

One is that a person must not exceed the probationary speed limit of 80 kilometres an hour and the other is that he must at all times drive a vehicle that is marked with a plate. They are the two probationary conditions. This amendment provides that, if an offence under this clause is trivial, and if it is a first offence, the person with the probationary licence need not suffer disqualification; in other words, he need not lose the probationary licence and start from scratch again.

The Government thought hard on this matter, because it does not want to allow the legislation to be amended in such a way as to take away from the effect we wish to achieve, namely, that young people, especially when driving with a probationary licence, must drive at all times

carefully, because the Government believes that that type of driving training will serve them well in the future. On reflection, the Government believes that it is a fair amendment, because the offence of not having a P plate on a motor vehicle is, in some cases, seen as being trivial. The offence of exceeding the probationary limit of 80 km/h is another matter, but that is one for the court to decide. If it is a first offence, the court will have the power not to cancel the licence. All the amendments are acceptable to the Government, and I commend them to the Committee.

The Hon. J. D. WRIGHT: I suppose that the simplest way of describing amendments Nos. 1 to 4 is to say that the Act will be placed in much better verbiage than when the legislation was introduced. The amendments certainly clear up any doubts for anyone trying to interpret the Act and that, in itself, is important. I do not think that it causes any great differentiation from what the Minister introduced in the first instance; it merely spells it out and makes it clearer. The Opposition supports the four amendments.

We also support amendment No. 5 which, in my view, is a fundamental change to the legislation that was introduced by the Minister in the first instance. I am sure that he will recall that I canvassed this situation during the second reading debate and, I think, in Committee. I thought it was wrong, and I still think it is wrong, that a person with a probationary licence could commit an offence and, irrespective of how trivial it might be, lose that licence.

I have mentioned that matter to the Minister. The Royal Automobile Association has since written, I suppose to all members, but certainly to the Opposition, bringing this matter to our attention. I think it was probably on that basis that the Legislative Council was able to determine that the position ought to be placed in the hands of the courts, where they could make a decision where, irrespective of what the offence was, the person holding the licence would be convicted and, therefore, would lose his licence.

The Legislative Council has acted wisely in the whole five amendments. I do not think that there is any great fundamental change in the first four amendments; they certainly clear up any doubts people may have had, not that I expressed any doubts about the verbiage, which seemed reasonable to me. Someone with a lot of time has obviously gone through this legislation with a fine toothcomb, and has come up with those verbiage changes which, I can understand, improve the Bill.

I commend the Minister for accepting amendment No. 5. I do not think that he has thrown anything away in No. 4. The first four are simple, but in No. 5 there is a fundamental difference of principle, and I drew the Minister's attention to it. He did not accept what I had to say initially, otherwise he would have done something about changing it. He also probably received a letter from the R.A.A. so, I suppose, that would have had some inducement on the Minister to change his mind. I am pleased that the Legislative Council has seen fit to move these amendments, and I am delighted that the Minister and the Government have decided to accept the fundamental change as well. The Opposition supports the motion.

Motion carried.

[Midnight]

EDUCATION ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (No. 2)

Returned from the Legislative Council without amendment.

CONSUMER CREDIT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 March. Page 1831.)

Mr. BANNON (Leader of the Opposition): The Act contains a number of provisions under which civil consequences are attached for contravention of or failure to comply with the provisions of the Act. This Bill makes significant administrative changes to the principles of the Act. Among other things, it abolishes the office of Registrar. It establishes a new office of Commercial Registrar. In another place there was considerable discussion about the possible job creation that might have been involved because of this measure. Indeed, reference was made by my colleagues in another place to, perhaps, an ulterior motive the Government may have had because it may have had someone who was particularly qualified to fill this position and who needed a job to be created for him. We have been assured by the Minister in another place that this is not so, and we accept that assurance. I am glad to see that the individual mentioned will apparently be taking his place as an adviser to the Minister. However, that and some of the other amendments are not matters to which we are terribly opposed in principle.

We are, however, opposed to the amendments contained in clause 8, which enacts section 60a of the principle Act. This is the major amendment proposed by the Bill and is one along the same lines as the one we complained about in the Consumer Transactions Act. It gives the tribunal a power of discretion. Where it is satisfied that a contravention of the Act does not warrant the consequences prescribed by the Act, it may order relief against these consequences.

Under new subsection (5), relief may be granted upon such conditions as the tribunal considers just. I am not going to repeat the arguments presented in relation to the Consumer Transaction Bills. In principle, they are exactly the same on this Bill. I do not intend to move an amendment, although an amendment of some sort possibly could be justified. I simply repeat that this appears to be part of a concerted plan to water down the provisions of South Australia's consumer protection legislation. It is all very well to say that the tribunal has a discretion. It creates uncertainty in the market place on the part of businessmen, such as persons engaged in selling goods, making transactions, or providing credit in this particular instance.

It creates confusion among consumers as to their rights, because, while the Act states that certain things are an offence and that certain actions attract penalties, there is nonetheless the overriding ability, under this amendment, of someone in breach of the Act to go to the tribunal and, in effect, have those penalties waived or adjusted in some way. That is just not good enough. I repeat that I am surprised that the Minister of Health is piloting this Bill through the House, because I think it does not do the Government much credit that amongst the plethora of things it has advocated in terms of its policy, and among the many major legislative initiatives it claimed it was going to take, we have been presented in this session with a series of fairly minor Bills.

Anything involving major controversy has not been

presented to the Parliament, or has been laid on the table until the next sittings. We have seen examples of Bills being introduced without adequate consultation, and in the case of this measure there is no evidence of consultation with people who might be affected by it. More than that, there has been a fiddling around with legislation in a very unnecessary way. This is a fiddling around with legislation which at this stage is minor in effect, but the principle involved is very important because this could lead to further dismantling or adjustment of our consumer credit legislation.

I should have thought that there were more important things for the Government to be doing than this kind of examination of our consumer credit law. If it feels that some major revision is needed, that the legislation existing is in some way against the public interest, let the Government come forward with more comprehensive provisions than this, and, indeed, a much more comprehensive explanation than it has given the House on this occasion. Because of the principles involved in this Act, particularly in clause 8, we oppose this measure.

The House divided on the second reading:

Ayes (22)—Mrs. Adamson (teller), Messrs. Allison, P. B. Arnold, Ashenden, Becker, Blacker, D. C. Brown, Chapman, Evans, Glazbrook, Goldsworthy, Gunn, Mathwin, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, Tonkin, Wilson, and Wotton.

Noes (19)—Messrs. Abbott, L. M. Arnold, Bannon (teller), M. J. Brown, Crafter, Duncan, Hamilton, Hemmings, Hopgood, Keneally, Langley, O'Neill, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Pairs—Ayes—Messrs. Billard and Lewis. Noes—Messrs. Corcoran and McRae.

Majority of 3 for the Ayes.

Second reading thus carried.

In Committee.

Clauses 1 to 7 passed.

Clause 8—"Relief against civil consequences of non-compliance with this Act."

Mr. BANNON: The Opposition objects to this clause most strongly. It is on all fours with a section in the Consumer Transactions Act over which this Chamber spent some considerable time, so I do not intend to take a great deal of time on debate. What we are doing under these amendments is, in a sense, creating a whole new area whereby lawyers or advocates, for example, can have a field day, because we are allowing a discretionary power to the tribunal, that is, a wide-ranging discretionary power regarding any offences that are committed. That means that any person indulging in sharp practices or who is skating close to the line, or in fact trying to avoid the provisions of this Act knowingly, can find an outlet if he is detected committing an offence, provided he can pay for the right sort of defence that he thinks can convince the tribunal that the penalty should be waived.

One of the problems with consumer laws and one of the reasons that we need the laws we have is the unequal economic situation of those who are involved in such transactions. We are trying to redress the imbalance, in part, in giving rights to the consumer. Invariably the situation one finds in consumer transactions is that the individual consumer has very much less resources with which to fight his claim before the tribunal than has a major company or corporation, or a business that is doing such things every day with a whole range of consumers. The degree of expertise in arguing the case and the sort of assistance necessary are of a different quality for the consumer.

As I have said in the context of another Act, we have a Department of Public and Consumer Affairs that has established a very enviable record by its efforts in representing consumer interests and ensuring that the Act is made to work. Thus, the consumer has that much assistance, but it seems to me that this provision is simply tipping the balance right back in favour of the very sort of people that consumer protection legislation is aimed to pick up. Members should recall an important fact about consumer protection legislation, namely, that it does not adversely affect the straight businessman—the person who is doing business in a normal, just and fair way. Such persons will never be caught up under this legislation, because it is not aimed at them; it is aimed at looking at the consumer's rights when some type of sharp practice may be involved. Any such provision that tends to tip the balance back in the direction of those individuals is quite wrong, in the Opposition's view, and that is why we oppose clause 8 very strongly.

The Committee divided on the clause:

Ayes (22)—Mrs. Adamson (teller), Messrs. Allison, P. B. Arnold, Ashenden, Billard, Blacker, D. C. Brown, Chapman, Eastick, Evans, Glazbrook, Goldsworthy, Mathwin, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, Tonkin, Wilson, and Wotton.

Noes (19)—Messrs. Abbott, L. M. Arnold, Bannon (teller), M. J. Brown, Crafter, Duncan, Hamilton, Hemmings, Hopgood, Keneally, Langley, O'Neill, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Pairs—Ayes—Messrs. Billard and Lewis. Noes—Messrs. Corcoran and McRae.

Majority of 3 for the Ayes.

Clause thus passed.

Title passed.

Bill read a third time and passed.

ABORIGINAL LANDS

Adjourned debate on motion of Hon. H. Allison:

That this House resolves to recommend to His Excellency the Governor that, pursuant to section 16 (1) of the Aboriginal Lands Trust Act, 1966-1973, part town acres 1014 and 1015 (C.T. 448/40) and part town acre 1015 (C.T. 499/29) be vested in the Aboriginal Lands Trust and that a message be sent to the Legislative Council transmitting the foregoing resolution and requesting its concurrence thereto.

(Continued from 26 March. Page 1747.)

Mr. ABBOTT (Spence): The Opposition supports this motion. The property next door to the Aboriginal Lands Trust office in Sussex Street, North Adelaide, is at present available and is no longer required by the Department for Community Welfare. A brief perusal of the Adelaide City Mission's annual reports in the Parliamentary Library makes it easy to understand why the mission, in transferring this land, wants it to be used as a home for Aboriginal women and children. The only Adelaide City Mission annual reports that are available in the library date from 1945-46 to 1954-55, the last report being the 1954-55 report. I do not know why annual reports were no longer made available to the library; however, members of the library staff intend to look into this matter. The eighty-eighth annual report, of 1954-55, under the heading "Helping the Aboriginals", states:

Among those who seek relief from the city mission are Aborigines, for a good many of them are being driven to the city. The explanation is that the natives who receive old age and invalid pensions cannot remain on the stations and, when exemption certificates from Aboriginal laws are given, the

> natives are expected to live like white people, and they naturally drift to centres where white people live. Their advent in the city life, however, creates a problem for, through the scarcity of accommodation, the natives cannot live properly according to civilised ways. Although receiving sums of money through the child endowment scheme, the natives are constantly applying to the city mission for assistance, especially in connection with clothing, boots, and other domestic needs.

The Adelaide City Mission has a long history of helping the Aboriginal people, and all members will appreciate why the land was transferred for that purpose. The transfer of this land is a matter that I personally approved when I was Minister of Community Welfare prior to the last State election. The approval was given after discussions with the Aboriginal Lands Trust. I am not sure what happened to the docket, but I daresay that the changing of Aboriginal affairs responsibility to the Minister of Education has delayed the matter.

I understand that five Aboriginal organisations have applied to lease the land in question and that the Aboriginal Lands Trust intends at the next meeting to decide on the successful applicant. I hope that the Pitjantjatjara land rights deal will receive the same goodwill as the Government is applying in this case. The decision is rather urgent and, as a result, the Opposition supports the motion.

Motion carried.

DISTRICT COUNCIL OF BURRA BURRA (VESTING OF LAND) BILL

Adjourned debate on second reading.

(Continued from 27 February. Page 1295.)

Mr. BANNON (Leader of the Opposition): This Bill, being a hybrid Bill, was considered by a Select Committee in another place and, in fact, that Select Committee has amended the original Bill in a number of ways. The amended Bill is that which is now before us. It has been interesting to note over the past 10 years the interest in the heritage of the State, and that interest, which probably began in regard to buildings and locations, has extended to the extremely historic town of Burra.

Burra, of course, is very much bound up with the history of South Australia. The discovery of copper there in previous years has saved the State from severe financial problems. The resulting development of the mines of Burra Burra meant that many thousands of immigrants came to this country. A thriving settlement was established. The great Cornish tradition, which was extended later to areas of York Peninsula, known as Australia's Little Cornwall, was reflected in part in the mines at Burra by those persons of worthy Cornish stock who came to make a new living in a new land. Anyone who visits the town of Burra and looks around the district will see the way in which attempts have been made to preserve the heritage of this part of South Australia.

It is only in recent years that any sort of mining operation has recommenced there, when Samin Limited started the copper mine, involving open-cut mining in what was the old underground mine at Burra Burra, and it has transformed that mine area. One interesting side effect of that development has been the preservation of some of the historical mining areas—the discovery in the old shafts of equipment, tools, and so on, that have been left by diggers in previous years, all of which have created a tremendous historical interest in Burra and its district. It has been significant that the council and townspeople have responded to that interest.

Major attempts are being made by the National Trust and the residents of Burra to preserve the town and some of its historical homes, which I think will become a major tourist asset. Burra is certainly not a dead centre by any means, or a tourist ghost town: it has a very thriving community and, indeed, among other things, one notes particularly the way in which the school has been developed. Restoration of the old school buildings, the erection of major new buildings, the development of playing fields, and the development of a school community library have made it a community centre which has been an example to the rest of the State. I am sure that the Minister of Education has had a look at that development and shown a considerable interest in it, so it is not just an old or historic heritage that is being preserved in Burra: it is a fairly lively community development and experiment that has been going on there for a long time.

I think we should welcome this Bill which aims to continue that process of regeneration and restoration in Burra by investing the assets of the Lewis Trust. The Lewis Trust Incorporated was established by the Hon. John Lewis in 1922 to preserve premises in Paxton Square which were to be used, in the words of the trustees, "forever, for the purpose of affording places of residence for such deserving persons as may from time to time be selected by the board of management of the said trust".

These 33 cottages are now to be vested in the council and the assets of the trust turned over to the council in order that the cottages can be restored, developed and maintained in use. It is a very worthy object and one we should applaud. Part of the history of Burra relates to the contribution that the townspeople have made to various aspects of life in this State. Purely in the political sphere, it is interesting to note in this historical context that, in the 1920's, in the days of multi-member constituencies, two of the Labor Party representatives for the district of Burra included the Hon. A. R. G. Hawke, who later moved to Western Australia and became the Premier of that State but who was a member of this House as one of the members for Burra Burra one of his co-members being the late M. R. O'Halloran, who subsequently went into the Senate of Australia and then returned as the member for Frome in this House and was Leader of the Opposition for many years. So there has been a major contribution to this House by legislators from Burra.

My colleague from Stuart reminds me of the late Bill Quirke, who was also a member for that district and who had a somewhat checkered career: at one stage he was a colleague of the Labor Party; he then became a sturdy Independent, and he later (in 1962) succumbed to the blandishments of the Hon. Sir Thomas Playford and joined the then Liberal Government as a Minister (a quite remarkable transition of both political allegiance and political fortune. One can conclude from that that Mr. Quirke was a realist, among other things, in his approach to politics and, in fact, served as a Minister in this State.

The township of Burra and what is happening there is important in terms of the preservation of its history, its central part in the development in the State of South Australia and its re-emergence, I believe, as a major rural community centre in South Australia where experiments are taking place and where there is a lot of activity that is an example to similar townships throughout South Australia. On behalf of the Opposition, I commend this Bill, particularly as it has come from Select Committee deliberations in another place, and indicate my support for it.

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

ALSATIAN DOGS ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 6 March. Page 1529).

Mr. HEMMINGS (Napier): The Opposition supports the Bill, with some reservations. We recognise that the Government, in bringing forward this amendment, has come to grips with the problem in certain areas such as the mining community at Coober Pedy and Andamooka, where there have been German Shepherd dogs for many years. In this respect, we are fully behind the Government. The Minister of Local Government in another place replied to the second reading debate in that Chamber, in part as follows:

> In reply, I might say that one thing that the Hon. Dr. Cornwall and I have in common is an inherent love of dogs. Whilst I agree that the name of the Bill should be changed to the German Shepherd Dogs Act, perhaps another suggestion might be that the whole Bill might be repealed for some other in the not too distant future.

Amendments, to which I will not speak but which I have circulated in the Chamber, do exactly that, and I hope that the Government will honour the commitment that the Minister made in another place that the Act be repealed and that the iniquitous term "Alsatian" be replaced by its correct term "German Shepherd" dog. In his second reading explanation, the Minister said that the Government was aware that Alsatian dogs should not be kept in pastoral areas, thus indicating that the Bill would merely exempt opal-mining townships such as Coober Pedy where there is a concentration of population and where the dogs are kept as domestic pets or for security purposes. The Opposition sees a real problem there. I understand, from talking to officers of the Local Government Office, that about 12 dogs in Coober Pedy are being used for security purposes. If this Bill passes, and I am sure that it will, can the Government guarantee that we are not going to see a sudden influx of dogs of that breed into the mining townships? We see a real problem if that were to happen. There should be some means of monitoring the number of German Shepherd dogs entering that area.

Whilst there is no positive proof that German Shepherds, if mated with dingoes, become killers, there could be real concern by members of the pastoral industry if miners at Coober Pedy or Andamooka suddenly decided to have a German Shepherd dog as a security guard. I hope that, in Committee, the Minister will be able to reassure the Opposition and the pastoral industry in the Far North that some monitoring will take place.

Talking now about the name of the dog in question, we were rather heartened that the Minister in another place agreed with the Hon. Dr. Cornwall that the name of the Alsatian Dogs Act should be amended to the German Shepherd Dogs Act.

The SPEAKER: Order! There is too much audible conversation.

Mr. HEMMINGS: I have done considerable research on this subject. One of the easily obtainable booklets is issued by T.F.H. Publications and explains how to raise and train a German Shepherd. It describes the German Shepherd's name as follows:

> German Shepherd dog is the complete, correct name for the breed. This is a translation of the German name, established by Captain Max von Stephanitz, who founded the Verein fur Deutsche Shaferhunde, S.V. in 1899.

In any event, they are called Alsatians, and that is perhaps why in this country and in this State we call them Alsatians. The name "Alsatian" stemmed from, putting it bluntly, a feeling of mass hysteria and anti-German feeling in the United Kingdom and France at the end of the First World War.

The Hon. W. E. Chapman: We've inherited them both.

Mr. HEMMINGS: That is true. We have inherited an imperial hang-up.

The Hon. R. G. Payne: And the Minister did nothing about it.

Mr. HEMMINGS: The Minister did nothing about it. Rigby's book, dealing with German Shepherds, states:

> After the First World War prejudice against anything German was so considerable in Great Britain and France that it was decided to change the name of the breed in both countries. The French renamed it Berger d'Alsace, or the Shepherd of Alsace, preferring to believe that it came from Alsace-Lorraine rather than Germany, and the British chose the name Alsatian Wolf Dog, a name that was to have grave repercussions for the breed later on.

Only two countries in the world, in law, refer to the German Shepherd dog as the Alsatian dog, namely, the United Kingdom and Australia. Every other country in the world, including France, calls it the German Shepherd dog. The Opposition believes that this is an opportune time, with the small amendment the Government is introducing, to take positive action and change the name that was coined in 1917.

Mr. Keneally: Make the dog's life much more bearable.

Mr. HEMMINGS: That is correct. The correct name should be German Shepherd. There is another dog, the German short-haired pointer. Is anyone concerned that we call such a dog a German short-haired pointer? The Minister has already said that he agrees with the German Shepherd Association, together with all breeders, that the dog should be called the German Shepherd dog. I understand that the Government is reluctant to agree to the amendments I have circulated in my name.

There is a separate licence form in existence to register an Alsatian or German Shepherd dog. I was informed that the only reason the Government would not accept the amendment standing in my name was that it would be too costly.

The SPEAKER: A member may not refer to amendments standing in his name at this stage of the debate.

Mr. HEMMINGS: Thank you, Sir. I will do that when I move my amendments. The feeling that existed in this State during that period when the Legislature followed the Imperial line created a mass hysteria against the German race. All German schools were closed and the names of German settlements and townships were also changed.

The SPEAKER: I draw the honourable member's attention to the fact that this is a short Bill of two clauses, the second of which relates to the prohibition against keeping Alsatian dogs in certain parts of the State. I ask the honourable member to contain the breadth of his debate, which is going far beyond the realms of the matter before the Chair.

Mr. HEMMINGS: With due respect, Mr. Speaker, I would hate to go against your ruling, but I am trying to point out to the House that in the State of South Australia in 1916 there existed a violent anti-German feeling which was reflected in the name of the German Shepherd dog and in place names which were of German origin. I feel this is of great importance. I have taken much trouble to research this subject, and I have read *Hansard* reports of speeches made in this House that I think might have a bearing on the opinions held by Government members, thus persuading them to support the amendments put forward during the Committee stage.

The SPEAKER: The honourable member must come

back to the purpose of the clause and link his remarks to the satisfaction of the Chair. I warn him that I do not want him to expand beyond the extent of the clause we are considering.

Mr. HEMMINGS: Thank you, Mr. Speaker. Feeling in this State in 1916 was one of mass hysteria against the Germans. This resulted in people following the line advocated in the United Kingdom—

Mr. Mathwin: We heard this story earlier.

Mr. HEMMINGS: Obviously the member for Glenelg needs to be reminded about what I am saying, because he tends to lapse occasionally.

Mr. Mathwin: You don't know what you're talking about.

The SPEAKER: Order!

Mr. HEMMINGS: I would like to quote from *Hansard* of 2 August 1916, when the Government of the day was considering a matter headed "Place Names of Enemy Origin." What I will quote clearly reflects the feeling of legislators of that day. I am trying to point out to the Minister and Government members that surely this does not reflect the feelings of members of this Parliament who discussed the 1914-1918 war or the horror that went on in that war, which resulted in the changing of the names of all the places in this State which were German sounding.

Mr. Mathwin interjecting:

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

Mr. HEMMINGS: I would like the Minister in charge of this Bill to say how he would feel if he was a dog owner and his dog Muffy was classed as an Alsatian. I think he would feel most put out.

Mr. Mathwin: Rubbish!

Mr. HEMMINGS: I would like to think that the Minister and members opposite will not reflect on the views of members of this Assembly who discussed the German problem on 2 August 1916. This was the motion that was discussed and eventually passed, resulting in about 64 names in this State being changed from German-sounding names to either English or Aboriginal names. The motion then moved was as follows:

> That in the opinion of this House the time has now arrived when the names of all towns and districts in South Australia which indicate a foreign enemy origin should be altered and that such places should be designated by names either of British origin or South Australian native origin.

The SPEAKER: I ask the honourable member to very quickly get back to the Alsatian Dogs Act Amendment Bill, which is before the House.

Mr. HEMMINGS: I did not think I had strayed.

The SPEAKER: The Chair will make that decision, and I have asked the honourable member to come back to the Alsatian Dogs Act Amendment Bill, he having established that it was a name associated with the Germans in 1916.

Mr. HEMMINGS: Mr. Speaker, you have, in effect—I will not use the words "gagged", because I feel—

The SPEAKER: I would point out to the honourable member that I have, in effect, ruled on the course that this debate will follow. I ask him to stick closely to clause 2 of the Bill, which is the only one beyond the title to which he may refer.

Mr. HEMMINGS: Thank you, Mr. Speaker. I will have to talk about what happened on 2 August 1916 during a grievance debate. From the information I have given to the House so far, it is obvious that there is no earthly reason why the term "Alsatian Dog" should be deleted from the Act and the correct name "German Shepherd" inserted. You, Sir, in your private capacity as a veterinary surgeon would realise that the German Shepherd dog is one of the most popular breeds in this State. In fact, I think it is the most popular breed in the world. In America, in 1974, it held the position of fifth most popular dog.

Mr. O'Neill interjecting:

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

Mr. HEMMINGS: It is an extremely intelligent animal, and the stories that have been made out against that breed can be proved to be false. It is a dog that can be easily trained, one that has been used by armed forces police officers throughout the world and one that has been used by the Royal Society for the Blind. It is a dog that is accepted in the community.

There were problems in this country until 1977, because until that time the importing of German Shepherd dogs was banned. Since 1977, when the bans were lifted, the quality of the breed of the dog has increased considerably. In fact, judges who come to this State from America and Europe judge the Australian German Shepherd dog as one of the finest in the world. Every association which deals with these dogs, since 1925 when they were first formed, uses the correct title, namely, the German Shepherd Dog Breeders Society.

The SPEAKER: Order! It is quite obvious that the honourable member is developing an argument which he should seek to put to the Committee when he undertakes another action which he has foreshadowed. I ask him for the last time to come back to the second reading debate, which does not cover the range that the honourable member is now taking, and I ask him to relate his discussion to the prohibition against keeping Alsatian dogs in certain parts of the State, which is the purpose of this Bill.

Mr. HEMMINGS: Under section 2 of the principal Act the amendment states that the Governor can declare that the regulation concerning Alsatian dogs need not apply. The Government mentions Coober Pedy only. I have included Andamooka, but there is another area that I think I can link, namely, Iron Knob. However, I shall leave that part of the debate to my colleague the member for Whyalla. I think that the Government should spell out clearly the areas where the regulations will not apply. The second reading explanation states:

> The amendment will only be applied to exempt the opal mining townships, such as Coober Pedy.

Can we take it that the Government means that German Shepherd dogs will be allowed only in Coober Pedy? Does the Government intend that those miners in Andamooka will not be allowed to keep them? Does the Government mean that German Shepherd dogs will not be allowed at Iron Knob? I think the Government should explain exactly what it does mean when we reach the Committee stage. Are there to be licensing fees, bearing in mind that there is no local government area covering Coober Pedy or Andamooka?

Do the regulations mean that a miner who wants to keep one or two, or perhaps half a dozen German Shepherd dogs, will pay no licence fees, whereas his city cousin will have to pay the fees as prescribed under the Dog Control Act? I think those matters are pertinent to clause 2. It was not explained in the other place exactly what the Government intended so I hope that the Minister of the Environment can explain it or obtain a briefing from the Minister in another place on this subject.

Mr. Lewis: The Minister is listening to you; he is right behind you.

Mr. HEMMINGS: I am pleased that the Minister is right behind me—

The SPEAKER: Order!

Mr. HEMMINGS: Perhaps the Minister of Environ-

ment will confirm or deny his opposition to the amendments which I intend to put later this morning in regard to the cost of replacing application forms. One would assume that one will not be able to pay a fee for a German Shepherd dog if one is residing in an area which is not covered by a local government authority. On 5 March the Government agreed that the existing Act should be repealed and given its correct title, namely, the German Shepherd Dogs Act. Suddenly, on 3 April, it has decided that it can support only one section.

I am sorry that I am not able to bring up the decision made in this Parliament in 1916 to change the name from German Shepherd dogs to Alsatian dogs. The decision was made in 1916 in this place to change the names of German towns. I hope to expand on this subject when we are at the Committee stage. I support the second reading and hope that the points I have made will be adequately explained by the Minister when we are in Committee.

Mr. GUNN (Eyre): I do not intend to go back to 1916. If the member for Napier was so concerned about this matter, it is a wonder that his colleague did not have the courage to sort out the problem. This problem was one of the first matters brought to the attention of the Premier after he assumed office. Let me explain clearly to the House that considerable concern has been expressed in certain quarters regarding this measure.

Members should have no doubts in their minds concerning the views of the grazing industry towards Alsatian dogs. They are not liked; people are very concerned about what happens if they are allowed to stray around the countryside. There are certain groups that believe that there is a danger that they will cross breed with dingoes, that their owners will not be able to look after them properly, and that they will run wild and ravage sheep. That is why this measure is very restrictive. It was quite obvious that a difficult situation had arisen in Coober Pedy because many people there keep Alsatian dogs, and an order had been given to the police that these dogs would have to be destroyed.

All honourable members would be aware of the problems that could arise if that direction had to be carried out. Because the situation was difficult, this amendment was introduced to allow that a regulation be drawn up to cover the mining area of Coober Pedy.

Mr. Keneally: This is our Bill, anyway.

Mr. GUNN: The honourable member would be aware that in other areas of the State it is illegal for an owner to take in any kind of dog. The Labor Party did nothing about that. It is obvious that it is not possible to extend this provision across the State, because there is a grave danger that the dogs would not be properly controlled by their owners and might run wild. All sorts of problems could arise.

I had lengthy discussions with the Premier about this matter, following which the Minister introduced this Bill. I appreciate the concern expressed by the United Farmers and Stockowners. The views of that association must be considered. There is a responsibility on the owners of Alsatian dogs to ensure that they are properly controlled because if the owner's control lapses and the dogs are allowed to run wild, it is obvious that considerable pressure will be brought on the Minister to not proceed with the power that has been handed to the Government.

If the owners of Alsatian dogs want to see this provision extended to other parts of the State in the future, the track record of people at Coober Pedy must be kept clean. I was amazed at comments made by the member for Napier; obviously, he engaged in some sort of practical joke. Perhaps it was his birthday or perhaps it was his great moment in this House and he was launching forward for the first time in moving an amendment. Obviously, the Leader and other Opposition members were playing a joke on him and put him up to this—

The SPEAKER: Order! The honourable member must not impute an opinion to another honourable member.

Mr. GUNN: I did not intend to reflect on the honourable member. I conclude my remarks by saying that I believe that there is good reason for this amendment. I do not believe that the Government or the Minister can extend the areas without a great deal of consideration, because representations have already been made to me from the United Farmers and Stockowners in relation to this problem. Honourable members would be well aware that the grazing interest has a strong dislike for Alsatian dogs.

Mr. MAX BROWN (Whyalla): The breed of dog about which we are talking is quite rightly called German Shepherd—that is it's proper name.

Mr. Mathwin interjecting:

Mr. MAX BROWN: If the member for Glenelg is going to have a dizzy spell, it will be hard for me to comment. He can nod his head and have one of his spells—

The SPEAKER: Order! I previously drew the attention of the honourable member for Eyre to the fact that it is not right for an honourable member to impute to another honourable member a belief that may not be correct. I ask the honourable member to return to the Bill.

Mr. MAX BROWN: I am not reflecting on the member for Glenelg; I am beginning to think that I am reflecting on the dog. If the member for Glenelg checks the records and looks at the history of the dog, he will see that its correct name is German Shepherd. There is no question about that. In answer to the comment by the member for Eyre when he asked why the Labor Party did nothing when in Government, as the member for Stuart rightly interjected, this is our Bill, anyway. We are trying to do something about this matter and we are trying to help the Government to take correct action.

Despite what the member for Eyre has said, the breeding of this dog is probably the most prohibitive. Over a long period, the German Shepherd has been victimised in many ways. We must all admit that the dog has been used as a guard dog. I will bet London to a brick that in areas like Coober Pedy the dog will be allowed to be used as a guard dog. Because over a period this dog has attacked people, it has been victimised and has a bad name.

Mr. Lewis: It kills sheep and it mates with dingoes.

Mr. MAX BROWN: Perhaps I should not comment about this situation, but I say that this has been one of the difficulties. The honourable member would understand that it is well known that in this country, for at least two of the past three years, the dog was inbred, and, because of this, developed into a vicious animal. If the honourable member takes the time to examine history, he will find that in the past 12 months, there has been an increase in the number of pure-bred dogs in this country. That situation has improved the Alsatian out of sight.

The Hon. W. E. Chapman: Do you have any Alsatians in your area?

Mr. MAX BROWN: Yes. My son owns a fairly intelligent dog and knows all about the situation as far as prohibition is concerned. I will go as far as to say my electricity meter has not been read for six months. Coober Pedy is not the only area in this State where this dog is banned or prohibited from being kept. As the member for Napier has said, a person cannot keep a German Shepherd dog in Iron Knob, Iron Baron, and many other areas of the State that are not governed by local government.

Mr. Lewis: Who wants to?

Mr. MAX BROWN: Does the member for Mallee hate dogs?

Mr. Lewis: No, I like dogs.

The SPEAKER: Order! Interjections are out of order.

Mr. MAX BROWN: The member for Mallee gives me the impression that he is opposing this Bill. Will he make up his mind?

The SPEAKER: Order! The honourable member will please resume his seat. I will have members know that when I indicate that interjections are out of order, it applies not only to the member for Mallee, to whom I was referring, but also to the member for Glenelg and the Minister of Agriculture, who have interjected.

Mr. MAX BROWN: The Government members cannot have two bob each way. It is their Bill and they brought it along for a certain reason. Clause 2 does not go far enough, because it only deals with the area of Coober Pedy. I suggest to the House that the reason for that is that at Coober Pedy the dog is required by its owner to be a guard dog. This is one of the reasons why this particular breed of dog has developed into what some people like to call a vicious dog, because of its ability to be just that, a guard dog.

This particular dog is used by people because of its intelligence and ability to be able to adapt itself, especially in the field of guide dogs for the blind. I believe we are inclined to rubbish the dog and do nothing about it. I am mindful that the dog has a reputation for attacking people. Unfortunately, a short time ago in my area a dog attacked a young boy and had to be destroyed. We did not want to do this, but we cannot afford to have this type of dog doing these sorts of things.

I am making the point that we have used this dog in every way possible for our own benefit and yet have literally destroyed and taken its life when it has not suited us. I do not believe clause 2 goes far enough. It does not spell out what is really meant. It says the Governor may allow the keeping of a dog in certain areas. That simply leaves the matter in limbo.

At this stage, I question what happens in the other areas? I am only presuming at this time, because we are dealing with Coober Pedy while Coober Pedy is not mentioned in the Act. If the Government does not spell this out it will cover other areas, not just Coober Pedy. On a number of occasions I have had people from Iron Knob or Iron Baron write to me to take up the question that they are not allowed to keep German Shepherd dogs in their home.

I believe it is wrong for us to condemn the dog simply on a reputation that some of them are vicious. We are not giving them a go at all in the real sense of the word. On many occasions we should explore, when we hear of a German Shepherd being vicious, and maybe we ought to do something about the owner. No-one could say that we are within our rights or we are being proper when we name the Bill the Alsatian Dogs Bill. There is no such dog as an Alsatian.

Mr. Mathwin: Rubbish!

Mr. MAX BROWN: Apparently the member for Glenelg has not read about, looked at and explored the situation. You would not say such a thing if you had, because the animal is rightly called a German Shepherd dog. This animal originated in Germany, in Alsace. It was used and known there as a German Shepherd dog. That is how it got is name. It was changed to Alsatian during the First World War when we were anti-German. It has never been Alsatian and probably never will be. I leave it on those two points, I believe the title of the Bill is wrong and, secondly, I do not believe that clause 2 has been spelt out by the Government, nor does it go far enough.

Mr. LYNN ARNOLD (Salisbury): This Bill, as has been pointed out tonight, has quite a few points relevant to it which will need consideration in the Committee stage. I will address the House at that stage in relation to the actual choice of the title of the Act, because I believe there are complications arising from its present title. The amendment gives the Minister the power to declare certain parts of the State outside the present local government areas as being areas where dogs that may be known as Alsatians, German Shepherd dogs or Alsatian wolf hounds are to be kept.

The first point I make is that in the principal Act the Governor has the right to prohibit or allow the keeping of such dogs within local government municipalities or district councils that are contiguous to that part of the State within which there are no municipalities or district councils. I would appreciate information from the Minister, when he closes the second reading debate, as to just what municipalities or district councils do not permit the keeping of this type of dog.

If there are such councils as specified in the Act some do not allow the keeping of Alsatian dogs whereas, in an area not containing municipalities or district councils, we are providing for the option of a sub-area.

Mr. Evans: Kangaroo Island.

Mr. LYNN ARNOLD: Yes, that is provided for in section 3 (4)*(d)* of the principal Act. The other significant point is the breadth of the Act, regarding not only the actual nomenclature of the type of dog but also whether other species of dogs should have been originally, or even now, included in the Act itself.

A constituent came to me some months ago who was to move to a northern part of the State and who was naturally concerned that he was not going to be allowed to take his dog with him. He said that his dog was highly intelligent and obedient, and he believed that it would act responsibly. He said that there were many other species of dog of which he was aware that did not indicate the same aspects of responsibility and intelligence as did his dog.

I accept the point made by the member for Eyre that the Alsatian dog presents a real threat to sheep on Eyre Peninsula and in other parts of the State. However, other species of dog can also present a threat or hazard to sheep or other domestic animals.

Perhaps the legislation has been restrictive by not taking such other dogs into account. Perhaps, as these other dogs become more popular, they will present a danger for which there is no coverage.

The Alsatian dog is covered, because of the high degree of popularity the species obtained in the early part of the century, its numbers being substantial. If Dobermann Pinschers, Afghan Hounds or any other species of large dog with a capacity for a temperamental and vicious nature were to become as popular, their threat might be as great and real, and the Act would not cover them.

The Minister will have the power, if the amendment is accepted, to declare certain parts of the State not covered by the prohibition. Given that the Alsatian dog naturally implies a dog from Alsace, the Act might be considered as being non-applicable, because no species of dog originates in the Alsace region. There are wolves there, but it is accepted by veterinarians that the Alsatian dog is no direct relative of the wolf whatsoever. Therefore, the Act might be regarded as having no coverage whatsoever; if it were to be called the German Shepherd Dogs Act, it would provide the adequate coverage we need. The principle of allowing the dogs to be kept in areas such as Coober Pedy, which is non-contiguous to farming areas, is supported by

the Opposition.

Mr. MATHWIN (Glenelg): I support the Bill. Clause 2 amends section 3 of the principal Act to provide:

> This Act shall not apply within any part of the State to which the Governor by regulation declares that this Act shall not apply.

This means that specified areas will be declared, and that appears to be reasonable. I cannot see why the Opposition is opposing this.

Mr. Keneally: We're not opposing it.

Mr. MATHWIN: The Opposition is opposing the name Alsatian. We have had many explanations from the so-called Opposition experts on what the breed ought to be called. We talk about the breed as originating in Alsace Lorraine, hence its name Alsatian.

Members interjecting:

Mr. MATHWIN: If the member for Whyalla will stop mumbling through his beard—

The DEPUTY SPEAKER: Order! I do not think it is necessary for the honourable member for Glenelg to answer interjections or to reflect in any way on the honourable member for Whyalla. I have given him the opportunity to reply briefly to the comments of the member for Whyalla. I suggest that he consider the ruling that the Speaker gave in relation to the comments made by the honourable member for Napier. I ask him to refer only to the Bill, particularly clause 2.

Mr. MATHWIN: It is difficult to ignore the member for Whyalla, who keeps digging me in the ribs to try to make me answer interjections, but I will try my utmost to abide by your ruling, Sir, and not answer the silly interjections he is making.

The DEPUTY SPEAKER: Order! The honourable member must address himself to the Bill.

Mr. MATHWIN: Referring to the dictionary, which might be foreign to the Opposition, one sees how it defines "Alsatian". It states that the Alsatian is a breed of wolfhound, a German Shepherd dog, bred in Alsace Lorraine, an area in Central Europe, over which a war was fought between the Germans and the French. That is where the breed originated and how the name Alsatian was derived. We could argue about a Collie being a Welsh sheepdog. Opposition members have said proudly in this place that the breed has been used by the armed forces, and it was. The German Army used Alsatians to great advantage in detecting mines and for the protection of artillery sites. The regiment in which I served befriended some of those dogs and treated them as pets.

The DEPUTY SPEAKER: Order! I hope the honourable member will confine his remarks to the Bill.

Mr. MATHWIN: I was speaking about Alsatian dogs trained by the German army. I should have thought that the member for Napier, who comes from the U.K., would know that the name Alsatian—

The DEPUTY SPEAKER: Order! The honourable member must link his remarks to the Bill. We are not dealing with the name Alsatian: we are dealing with a Bill that grants the Governor, by regulation, the authority to declare areas in respect of the keeping of Alsatian dogs. I ask the honourable member to come back to the Bill, or I will have to ask him to resume his seat.

Mr. MATHWIN: I bow to your authority, Mr. Deputy Speaker. However, I do point out the amount of latitude allowed previous speakers on the other side. The member for Napier spent 20 minutes talking about the advantages and disadvantages of the names Alsatian and German Shepherd.

The DEPUTY SPEAKER: Order! The Speaker has already ruled on the remarks of the honourable member for Napier, and I have been consistent in the rulings I have given. The honourable member for Glenelg.

Mr. MATHWIN: I am surprised that members opposite have seen fit to argue so much about the name Alsatian. The Opposition was in power for 10 years, but did not bother to change the name of this Act. I support the Bill, its main purpose being to define certain areas with respect to the keeping of Alsatian dogs. This might concern dog breeders, who at times may want to attend a dog show in a certain area. Most dogs can be freely taken throughout most parts of the State, but owners of Alsatian dogs may find it impossible to take their dogs in to the areas in question. I have studied the Bill and the second reading explanation, and I support the measure.

Mr. KENEALLY (Stuart): This has been a somewhat strange debate. We have had the spectacle of the member for Eyre being extremely critical of the German Shepherd dog but supporting the Bill. We have had comments thrown across the Chamber by the member for Mallee and the Minister of Agriculture which suggest that they have no love for this breed of dog, yet they will be supporting the Bill. It has always bemused me, as a person who has lived in Port Augusta for 30 years, to read signs on national highways stating that Alsatian dogs cannot be taken past a certain point. I often wondered about this. This has been brought home to me in recent years when people passing through Port Augusta have been faced with the threat of losing their dogs.

People moving to the West Coast, Iron Knob, Iron Baron or Coober Pedy, etc., have been told by the police that they have to either give their dog to some one else or run the certain risk of having it destroyed. I believe that this attitude towards the German Shepherd dog derives from ignorance. I was interested to hear the member for Napier say why people in Australia may have gained the impression that they have about the German Shepherd. Pastoralists in the north and north-west of South Australia have a great fear of this breed of dog, as they also had of the wedge-tail eagle. During my time in this House, the wedge-tail eagle has been made a protected bird.

The same mentality applies to allowing German Shepherd dogs to go into the north and north-west of South Australia as has applied to the attitude of pastoralists regarding the wedge-tail eagle, believing their stock might be destroyed. A dog, if treated well, will act accordingly. My experience has been that a rogue dog in the mid-north of South Australia invariably is not a German Shepherd dog. Pastoralists on some of the larger properties in the north of South Australia have objected most violently to the dogs kept on Aboriginal settlements at Indulkana, Ernabella and Amata, for example, and there are not too many German Shepherds at those sites. Rogue dogs destroy stock, but it is unreasonable that this Parliament should select German Shepherd dogs specifically from all the dogs that can destroy stock. The member for Napier may have suggested the cause when he said it was pure bigotry against a particular dog. If pastoralists are concerned about the inbreeding of German Shepherds with dingoes, we should perhaps allow spayed dogs to go into the north and north-west. German Shepherds cannot be taken there, because pastoralists fear they will harm stock.

Well treated, the German Shepherd dog is very intelligent and faithful, and there is nothing intrinsically bad about it. However, there is something intrinsically bad about the community's attitude towards that dog. Because it is based on an unjustified fear, I suspect that early in this State's history the German Shepherd was probably the first of the big dogs to come into South Australia and that some people have not got over their fear of this dog. A

German Shepherd cannot be taken past Port Augusta, and I am interested to know how people will transport these dogs to Coober Pedy. I suspect that the Minister will say that people will obtain permits from the police to take dogs to the areas in question. As the member for the electorate of Stuart, a decision on this matter often has to be made, and I assist people in Port Augusta in this respect.

I think that we have maintained a provision on the Statute Book for far too long, as in the case of the wedge-tail eagle. It certainly cannot be proven that a German Shepherd dog is any more likely to be a rogue dog, breed with dingoes or bring down stock than is the case with any other dog that may be there in the same numbers. I hope that the Minister will consider allowing German Shepherd dogs or, certainly, spayed German Shepherds to be kept anywhere in South Australia outside local government areas. Some local government areas, including Kangaroo Island, will not allow them, but the provision applies mainly outside local government areas.

I support the Bill and I hope that the Minister uses this power sensibly so that a dog that is perhaps no better or worse than other dogs may receive the same treatment under the Act, and that owners of German Shepherd dogs will not be confronted with the embarrassing situation of having their rights restricted.

Mr. EVANS (Fisher): Section 3(2) of the Alsatian Dogs Act provides:

> Any person who is the owner of or keeps or has in his possession or under his control any Alsatian dog within any part of the State to which this Act applies shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

We have been virtually told that dogs are being kept in areas where they are prohibited. The member for Eyre said that such dogs should be destroyed, but that is not quite the case. The Act provides:

> Any person may destroy any Alsatian dog which is within any part of the State to which this Act applies, and the owner of the Alsatian dog shall not be entitled to any damages or compensation on any such destruction.

It is not definite that dogs have to be destroyed, but the Act allows the oportunity for any person to destroy a dog. If a person is convicted of an offence of keeping a dog in a prohibited area then a court may order that the dog be destroyed. The court authorises the police or some other officer to destroy the animal. The member for Whyalla made one or two good points about the Alsatian dog. It has been trained over the years to be a guard dog or a watch dog, and it can be trained to attack intruders, and sometimes quite unreasonably so. Some people in our society have an aggressive approach to the way they protect their property and train their dogs to be vicious.

One of the Alsatian dog's greatest assets is its intelligence, but when it uses its intelligence in a vicious sense it is bad news. I do not know whether the Alsatian will cross-breed with a dingo, but I know that it has great leadership qualities. Indeed, it can form other rebel dogs of any breed into a pack, and this is its worst trait. It might be all right to be able to take Alsatian dogs into Coober Pedy, but people in other mining areas that may be close to pastoral areas will also want to keep Alsatians, and this will pose a threat to stock. I hope that this Bill will not allow the keeping of Alsatian dogs to spread generally into pastoral areas.

Bill read a second time.

Mr. HEMMINGS (Napier): I move:

> That it be an instruction to the Committee of the whole House on the Bill that it have power to consider new clauses substituting the words "German Shepherd" for the word "Alsatian".

A division on the motion was called for.

Mr. BECKER: I seek your instruction, Mr. Speaker. I believe that an error has occurred; can the division be called off?

Division, by leave, not proceeded with.

The SPEAKER: I declare that the Ayes have it.

Motion carried.

In Committee.

Clause 1—"Short titles."

Mr. HEMMINGS: I was disappointed that members on the Government side had decided to call for a division.

The CHAIRMAN: Order! The honourable member must refer to the clause.

Members interjecting:

The CHAIRMAN: I ask the Committee to give the honourable member for Napier the opportunity to move his amendment.

Mr. HEMMINGS: I move:

> Page 1, line 8—Leave out the word "Alsatian" and insert the words "German Shepherd".

The Minister in charge of the Bill told me earlier that there was only one particular amendment on the list that I had circulated that the Government was prepared to support. I seek your ruling about this clause being treated as a test clause.

The CHAIRMAN: I am prepared to agree to that course of action.

Mr. HEMMINGS: It seems that this clause, minor amendment though it might have seemed earlier, has provoked a lot of debate on both sides. On this side we felt that, with the encouragement that we have received from the Minister in another place, when the time was opportune the whole Act could be repealed and the words "Alsatian dog" replaced by "German Shepherd dog". When we on this side read the Minister's reply to the Hon. Dr. Cornwall, we prepared a list of amendments. We felt that we had a good case to offer. It was a simple group of amendments by which, perhaps in one hour, we could correct something that had started going wrong in 1916 and had taken until 1980 to correct.

It seems, however, that that is not going to be the case. What the Minister in another place said on 5 March has been changed on 3 April. I do not know whether further instructions have been given to the Minister in charge here, but I still take it that the Government's decision to oppose all the amendments with the exception of the one with which we will deal later still applies. In my second reading speech, I tried to relate the situation of the hostility in this State to the German Shepherd dog, which resulted in this Parliament's decreeing about the dog known as the German Shepherd, was directly related to the emotional hysteria which was prevalent at that time against the German race in general and German place names in particular.

Quite correctly, the Speaker kept me to clause 2 of the Bill earlier. However, I feel now that I can pursue the argument that the hostility towards the German people directly resulted in hostility towards the German Shepherd, which directly resulted in that particular breed of dog being banned in the North of the State. Earlier I canvassed a motion passed here on 2 August 1916 dealing with place names of enemy origin. If one reads the *Hansard* reports of that debate, one can only be shocked at the complete hostility to another nation. The emotions of legislators were so aroused that they proceeded willy-nilly to change something like 60 or 70 place names in this State that had a proud record and were dedicated to early German settlers. Some mistakes were made, because

some of the places were named after Belgian settlers.

The CHAIRMAN: Order! I do not think there is anything about Belgian settlers in the amendment. I have endeavoured to be fairly lenient, but the honourable member is starting to stray considerably and I suggest that he link up his remarks and speak strictly on the clause.

Mr. HEMMINGS: I thought I was linking up my remarks quite well. The whole point of this amendment is to replace "Alsatian" by the words "German Shepherd". The decision in 1916 to follow the Imperial Parliament and call this breed of dog Alsatian was prompted by the First World War. I would like to point out to the House the feeling of the Legislators of that day when they were dealing with the problem of the German nation. The only conclusion I can come to is that Government members do not want me to point out to this House the feelings of the Legislators of that day, because if they oppose the amendments that we move, they are repeating the sentiments expressed on 2 August 1916.

The hostility towards the Germans was directly related to the hostility towards the German Shepherd dog, and I seek your indulgence, Sir, to quote from *Hansard* of 2 August 1916.

The CHAIRMAN: As long as the honourable member links up his remarks, I will allow him to proceed, but if he strays from the amendment I will have to rule him out of order.

Mr. HEMMINGS: At the time the legislation was introduced in this Parliament to call the German Shepherd dog the Alsatian dog, a debate dealt with another aspect of the attitude of South Australia to the Germans. It is necessary for me to quote part of the debate to inform the Government that the kind of emotional feeling running high in this State at that time directly influenced the legislators to insist on following the United Kingdom in calling the German Shepherd the Alsatian. I quote the mover, Mr. Ponder, who said:

> First of all, there has been a terrible war, and it will be two years on Friday since Great Britain declared war on Germany. We in Australia hitherto had never been brought into such close touch as we have on this occasion. We have sent some 250 000 of our best men to fight in this dreadful and appalling horror, and I am sorry to say that there will be thousands of homes in Australia who will curse the day that brought the war.

There was an interjection by a Mr. James, who said:

> Curse the day that ever there was a Kaiser.

Even those first two comments give an indication of the feeling.

Mr. BECKER: On a point of order, Mr. Chairman, I ask you to give a ruling once and for all on the relevance of this discussion to the amendment. Standing Orders clearly state that no member shall continue to repeat himself. I understand that you have warned him on his repetition. I ask you to rule on what relevance his remarks have to the question before the Chair.

The CHAIRMAN: Order! The Chair will give its ruling without assistance. I point out to the honourable member for Napier that I have permitted him to read the material as the reason for moving his amendment. However, repetition is out of order, and I ask him not to repeat himself. I suggest that he be careful with the material he is using to ensure that it is closely linked to the amendment. I will listen carefully to what he says. I cannot uphold the point of order.

Mr. HEMMINGS: In *Hansard* of 2 August 1916, there obviously is no reference to Alsatian dogs or to the Alsatian Dogs Act. I do not think that I was repeating myself, because this is the first time I have been given a chance to quote from *Hansard*. I believe that the nature of debate then relates to the term "Alsatian" dog.

Mr. Becker: The Bill was introduced in 1934, not in 1916.

Mr. HEMMINGS: I cannot argue with that.

The CHAIRMAN: Order! I again remind the honourable member to exclude that section of his comments and that, if he proceeds to read at any length, I will rule him out of order. He may complete the section he is reading, and then he will have adequately explained himself.

Mr. HEMMINGS: The *Hansard* report states:

> The Kaiser's name will be cursed for centuries. There has also been a change in the personnel of this House. Two years ago there were four honourable members in this House who bore German names—

There is only one at present—

> and today there are none. The other day I spoke from the other side of the House but today I am speaking from the Ministerial side.

The CHAIRMAN: Order! Too much audible conversation is coming from my left.

Mr. HEMMINGS: There has been a completely bigoted attitude towards the German Shepherd dog. A Government interjector said that the legislation commenced in 1934, but the attitude here in 1916 was exactly the same as the attitude in the United Kingdom at that time. The dogs were called Alsatian dogs by the authorities. Only the breeders and fanciers and those who saw the dog as an intelligent dog that could be trained were calling them German Shepherds. I urge the Committee to support my amendment so that we can correct something which has been wrong for about 60 years.

Mr. LYNN ARNOLD: I am pleased to support the amendment. It was said by interjection that the date of the original Alsatian Dogs Act was 1934. In setting the tone, particularly in the United Kingdom, which flowed to Australia, I quote from a book by Mr. and Mrs. Salt, titled *Born to Obey*, in which they commented as follows:

> One way or another a few of the breed (we are talking about the German Shepherd breed) turned up in England after the war (the First World War). To have introduced them as German Shepherd dogs would have been fatal. In those days, the word "German" had the same impact on the public as certain four letter words have today when seen in print, so the animal was dubbed the Alsatian wolf dog, Alsatian presumably—

and this is very important, given the comments made by the member for Glenelg—

> because the first contact the Allies had with it was in Alsace, and wolf because of the unfortunate resemblance it bore to its cousin of the wilds.

The reason why the dog was in Alsace during the First World War when British soldiers came in contact with it was that it was used for military purposes by the German army, which introduced it into that region. There is ample evidence that the dog is by no manner of means native to the Alsace region of Europe. In fact, it is a hybrid dog, coming from three other original species that come from parts of Europe incorporated in the modern State of Germany.

Alsace, for the benefit of members present who do not know (and it appeared that the member for Glenelg did not clearly know where Alsace was), is in modern-day France and is west of the Rhine, which is significant. It is not in the modern State of Germany. Authorities agree that the modern strain of dog known as a German Shepherd, or commonly as Alsatian, was a hybrid bred by a German named Rittmeister von Stephanitz. He bred the dog to try to improve the native breeds that existed in three parts of Europe at that time. I will name those three parts, because they are significant. They are Thuringia,

Franconia and Wurtenburg, which are all situated east of the Rhine in the Federal Republic of West Germany. The region of Franconia is the vicinity of Munich, Thuringia in the vicinity of Nuremburg, and Wurtenburg (these days known as Martin Wurttenberg) in the vicinity of Stuttgart. These bear no direct relationship with the region of Alsace, except that one part of Wurttenberg shares a river frontier with it. To be correct and name the dog on a regional basis, rather than call it the Alsatian dog, authorities could have called it the Thuringia Franconia Wurttenberg Shepherd Dog. That would have been a rather lengthy title that would not have been very convenient to slip over the tongue, and for sound reasons that regional version of the name has been rejected. Instead we have taken on the term Alsatian which, while it may be easy to slip over the tongue, has no relationship at all to the origin of the dog. The dog was actually introduced into Alsace to aid the German military and, presumably, when the German military left, so did the dog.

There are various ways of naming dogs, such as using names that have geographical connections. It is alleged that the name Alsatian has a geographical connection that is relevant to the geography of the region. I think I have clearly indicated that it is not. Another type of name of a geographical nature relates to the country of origin; for instance, names such as the St. Bernard dog, the Yorkshire Terrier, the Labrador, the Pekingese, and maybe even lap dog can be regarded as coming from Lapland (but I do not mean that as seriously as the others). The more common geographical nomenclature for dogs is of a national rather than a regional kind. This is demonstrated in a wide number of dogs such as the Afghan Hound, Tibetan Apsos, Mexican Hairless, Maltese Terrier, Irish Wolf Hound, English Pointer, Spaniel, German Pointer, and so on. The critical relationship between these dogs and the German Shepherd is that, in the cases I have just mentioned, the dogs can be clearly linked to a country of origin as indicated by their names.

It is not being suggested, for instance, that the English Pointer comes from Siberia. We tend to accept the fact that when we say an English Pointer we mean a breed of dog that was, in fact, developed in England. Therefore, when we say German Shepherd, it is reasonable to expect that we mean a dog bred in Germany. To give the German Shepherd the name of a region in which it was not bred and of which it is not native is similar to taking the Australian Dingo and calling it the Indonesian Dingo, the New Zealand Dingo, or the New Guinean Dingo, for the simple reason that it happens to be a nearby country, but has no other connection than that.

The dog does have this military connection. It was regarded as a highly disciplined and intelligent dog and was considered useful to the German army forces in the First World War. Indeed, it has played a useful part in military, para-military and other security needs in other forces throughout the world. Referring to the book *Dogs*, by Patricia Dale Green, she makes the following comment:

> During the war Alsatians were used to guard railway sidings, stores, vehicle parks, ammunition dumps, and aerodromes.

I suppose one of the reasons why people might have avoided calling Alsatians German Shepherds was that it was considered somewhat touchy to have on your side a species of animal fighting against the German nation that was called German. Therefore, they rationalised that situation by choosing that somewhat illogical regional name. Apart from the whimsy of the choice of name, surely it is not unrealistic to expect that the Act could be amended to provide for a name that represents the origin of the dog. What can be wrong with that? What is wrong in deciding to call the dog by its real area of origin?

It was mentioned by the Minister of Education by way of interjection that a lot of the German towns in this State reverted to their German names many decades ago, and that is good. I have no intention of disagreeing with that, I think it is admirable, but it is surely lamentable that it has taken a further four decades for this particular aspect of anti-German feeling to have been resolved. We can resolve this by accepting the amendment, which causes no inconvenience to the community at large. In fact, it is a step that is supported by German Shepherd owners of this State. I strongly urge the Government to accept this amendment, which surely cannot in any sense be considered a controversial one. I am amazed at the way the Government is dealing with this matter and treating it as though it is a major budgetary crisis, judging by the absolute frenzy that some members on the Government benches are getting into. I am sure that Government members can accept it and we can get on with the business of the day.

The Hon. D. C. WOTTON: If somebody had told me we were going to spend 2½ hours debating this Bill I would not have believed them. The Government is not prepared to accept this amendment.

As was pointed out by the Minister in another place, the Government is prepared to look at this issue. We are to obtain a report from the Central Dog Committee, and we are even prepared to look at the situation when any other amendments come forth. We would then consider the change of name to German Shepherd. I was rather interested to learn that in Britain this dog is referred to as the Alsatian and in the U.S.A. as the German Shepherd. It would appear that a change is taking place around the world. The Government is not prepared to accept the amendment, but as I have said earlier we are prepared to accept the further amendment.

Mr. MATHWIN: I oppose the amendment, and after listening to the talking machine from Salisbury—

The CHAIRMAN: Order! The honourable member for Glenelg will refer to honourable members by their district. He will not refer to a member in a disparaging way.

Mr. MATHWIN: I was referring to the honourable member for Salisbury and I will withdraw the statement that he is a talking machine. He referred to Alsace Lorraine, and I am well aware of that as I have been there. There have been wars over that particular piece of territory and it has belonged to France and Germany at various times. That of course is where the name of Alsatian derived from. The argument has been over the name of this breed of dog.

I am surprised that the member for Napier, who was bred in the same country as I was, can say that he does not agree with the name "Alsatian" for this breed of dog. It seems that he may have come across a dog breeder next door who has asked him to raise the point of changing the name to German Shepherd when the Bill comes before us. What a lot of palaver has gone on about the name of a breed of dog! The Alsatian dog was used a great deal by the German Army and was trained to kill, which was not a hard thing to do.

Mr. Max Brown: That is the unfortunate part of them.

Mr. MATHWIN: I am apparently upsetting the member for Whyalla. He may be an authority on greyhounds but he certainly is no authority on Alsatians.

The CHAIRMAN: I do hope the member for Glenelg is going to link up his remarks to the amendment.

Mr. MATHWIN: Indeed, I am. I am amazed that the

member for Salisbury, with all his knowledge, did not refer to a dictionary for the definition of the words "Alsatian" and "German Shepherd". At the entry for "German Shepherd" it states "Alsatian". "Alsatian" is defined as a "breed of wolf-hound, a German Shepherd dog". That is proof enough that the actual name for this dog in the dictionary is Alsatian. I cannot see the point of the argument over the name. I am opposed to this amendment and support the comments given by the Minister. I will be most disappointed if the member for Napier continues with his amendment. Unless the honourable member is a hypocrite, he cannot proceed with it.

Mr. HEMMINGS: Two excuses have been given for opposing the amendment: one is the cost of printing new forms (has the Minister heard of a rubber stamp?), and the other is that the Central Dog Committee is empowered to consider aspects under the Dog Control Act only and not under the Alsatian Dogs Act. However, I hope that the Minister will supply the real reason.

Mr. MAX BROWN: I hope that the Minister will reconsider his opposition to the amendment. The correct name of the breed is German Shepherd, and there is not one Alsatian dog club in Australia—only German Shepherd dog clubs. People who run these clubs know the correct name of the breed.

When the Minister gets his officers to look at the history of this dog it will be proven without a doubt that the Opposition's argument is valid and that the name German Shepherd is the original and correct name.

Mr. TRAINER: I am astounded, dismayed, perplexed, appalled, and confused at the Government's attitude. I cannot understand why it is putting up this dogged resistance to such a reasonable proposition. When the Government let the member for Glenelg off the leash, I was completely floored by the way in which he misused the honourable English dictionary.

In this matter of nomenclature, what the dictionary has to say about common usage is not necessarily the correct title that should be applied to a breed of dog. The people who would be in the best position to determine the correct title of a breed of dog, as the member for Whyalla has pointed out, would be the breeders. The Government seems determined to ride roughshod over our reasonable proposition. In 1934, when the Bill for the original Act was introduced, an anti-German mood had been prevailing for some time and it still prevailed then. The then members of this place were aware of that anti-German feeling in relation to this particular dog. They were also aware of the confusion of title that prevailed. On 26 September 1934 Mr. Howard had this to say:

> In the case of the Alsatian, it appears to be an instance of a dog getting a bad name and that bad name sticking to it. Someone has given the Alsatian a bad name and it has stuck to it, and probably that is one of the chief reasons why this agitation is going on. It has been called a wolf dog, but it is a German sheep dog. The same species is generally known in France as the Alsatian sheep or shepherd dog. When the war was on, this breed was utilised by the Germans in the trenches for carrying messages, etc. So impressed were some people who saw the dog in action that they wished to introduce it into England and other parts of the British Dominions. They formed a club and unwisely chose the name of "Alsatian Dog Club". Later they saw the error which they had made, but they acted so purposely in order to allay the feelings of the public, because the hostility at that time against anything German was very marked, and to introduce anything pertaining to Germany would arouse the ire of many people.

It was not that the dog was called the German Shepherd because people hated Germans, or that the people who had this anti-German hostility labelled the dog accordingly: it was those who did not share that anti-German hostility but wished to protect the dog from that very hostility that gave it this label "Alsatian", which in some quarters it has been stuck with ever since. This issue was considered to be of some importance in 1934 when, introducing the then Alsatian Dogs Bill as a private Bill on 12 September, the Hon. G. F. Jenkins (Burra Burra) had this to say:

> I trust members will give this Bill the serious consideration which its importance demands. It has been described by the manager of one of the biggest pastoral companies in Adelaide as the most important piece of legislation which has come before Parliament this session. It is interesting to watch the efforts which have been made to induce Governments to realise the importance of legislation of this nature and the necessity for taking some steps to protect the interests of the most important industry in the Commonwealth—the pastoral any other industry, and consequently any pest which may be considered a menace to it has to be dealt with very seriously by the Parliaments in the different States and the Commonwealth Government.
>
> Referring to the early efforts made by the Graziers' Association of Australia, the Graziers' Federal Council met on June 20, 1927, and a resolution was carried to the effect that the Commonwealth authorities be requested to prohibit the importation or breeding of Alsatian dogs. That council is composed of delegates from every Stockowners' or Graziers' Association in Australia. The resolution was sent to the Federal Government, which, however, did not act at that period, but obtained a report from Dr. Robertson, a veterinary officer. He reported adversely on the motion. What experience he had to justify the Commonwealth Government reposing so much confidence in him I cannot say. In the following year, at the conference of the Graziers' Federal Council, the following further resolution was carried:
>
> > That this Graziers' Federal Council of Australia, representing practically the whole of the graziers of Australia, views with much concern the increase of the Alsatian dogs in Australia, and as a preliminary step towards their eradication, makes further representation to the Federal Government with the view of their being prohibited entry into the Commonwealth.
>
> All federated associations were asked to support the resolution. As a result of those representations to the Commonwealth Government, that Government issued a proclamation prohibiting the importation of Alsatians into Australia for a period of five years from May 15, 1929, except with the consent of the Minister of Customs.

That indicates the seriousness with which the Bill was considered in 1934: a five-year ban on the importation of these dogs.

Mr. O'Neill: They are trying to make a joke of it.

Mr. TRAINER: That is right. The *Hansard* report continues:

> That period expired in May last, and the Government has since continued the ban.
>
> Mr. Dunks: Did the Government give a reason for the ban?
>
> The Hon. G. F. JENKINS: Obviously the Government was satisfied that the dogs were a menace to Australia. The proclamation prohibiting the importation was published in the *Commonwealth Gazette* of June 30, 1928.

Mr. Jenkins at length quoted examples of how seriously other States had treated the issue of Alsatians or German Shepherds. They treated the matter seriously. The

Hansard report continues:

> Certain people in the Northern Territory were taking Alsatian dogs into that territory, and because of the danger of dogs crossing with dingoes—

and this was mentioned by the member for Mallee—

> and becoming a menace to the cattle industry in the Territory a proclamation was issued by the Commonwealth Government on May 16, 1934, prohibiting the importation of Alsatian dogs into the Northern Territory from any of the other States of the Commonwealth or outside the Commonwealth, and further prohibiting the breeding of such dogs within the Territory. That proves conclusively that the Commonwealth Government has played its part in the protection of the industry which I am asking the House to safeguard by this legislation. The Commonwealth has thrown the obligation on the States concerned to deal with those dogs already within our territories. I have no doubt that, had the Commonwealth Government had the power to deal with dogs in Australia, it would have done so. It did not have that power, and the Commonwealth having gone that far, it devolves upon the States which have not already done so to take upon themselves the necessary power to deal with Alsatians.

There was such confusion at the time over what name was to be applied to these dogs, on which so much odium had been cast. Mr. Jenkins, further on, gave an example of this confusion over what name ought to be applied to the dog. The *Hansard* reports states:

> Before proceeding to read from the report of the Select Committee in Western Australia, I wish to give some information as to what transpired at a conference of Ministers of Agriculture in June, 1929. The Hon. J. Cowan, who represented South Australia, brought up the question of the prohibition of the importation of Alsatian dogs. That was supported by every Minister present. After they had spoken, the Hon. J. Pennington, who was Minister of Agriculture in Victoria, and chairman of the conference, made the following statement:
>
> I may say I have had an experience that I would not wish to see befall any other member of the conference. It was in connection with the Alsatian wolf hound, as it is called.
>
> Mr. Dunks: Is that the right name for it?
>
> The Hon. G. F. JENKINS: I do not know because the sponsors of this dog change its name from time to time in order, I think, to catch people's fancy.
>
> Mr. Dunks: It is termed "sheep dog" in England.
>
> The Hon. G. F. JENKINS: Yes, but when it was introduced into England it would have been unpopular to call it a German sheep dog, so it was called an Alsatian.

That indicates the sort of reaction to the anti-German sentiment to which the member for Napier has referred as leading to its having been called in common parlance the Alsatian, but the position of people concerned with this dog, the German Shepherd Society, is clear. It is surely in the best position to know what is the official name for the dog: the German Shepherd. In the course of the debate on the Bill in 1934, it was obvious that there was some confusion as to the genetic origins of the dog.

Mr. HEMMINGS: On a point of order, Mr. Acting Chairman, is it permissible for members to partake of refreshments whilst in the Chamber?

The ACTING CHAIRMAN (Mr. Russack): No, it is not permissible for refreshments to be taken in the precincts of the Chamber. The honourable member for Ascot Park.

Mr. TRAINER: At the time the Bill was introduced in 1934, under the title Alsatian Dogs Bill, it was obvious then that the dog was going to be labelled in Government circles the Alsatian. So confused was Mr. Jenkins that he quoted seriously the following extract, as follows:

> I have also the following extract from *Watch Dogs*, by Lt. Col. E. H. Richardson, a breeder of dogs for the British Army and police: For many generations this wolf-like dog had been used by the shepherds of Germany for guarding the sheep. The dogs of South Germany were of a larger size than those in the north, and one or two German breeders thought that, by crossing the two types, they would get even larger and stronger dogs.

Mr. LEWIS: Mr. Acting Chairman, I draw your attention to Standing Order 422, which provides that, in Committee, on any one occasion no member shall speak for more than 15 minutes.

The ACTING CHAIRMAN: I uphold the point of order. I was about to draw the attention of the honourable member for Ascot Park to that fact.

Mr. LYNN ARNOLD: The member for Glenelg flourished a dictionary in this House and was using it as the font of all wisdom on the information about the Alsatian species of dog. From what I could see from this side of the House the dictionary looked similar to one used in most schools in the State, and I take it to be nothing more than a school dictionary. Whilst that dictionary is adequate for the purposes of secondary and primary education, it really cannot be considered—

The ACTING CHAIRMAN: Order! I draw the honourable member's attention to the fact that the pronunciation of the name is really not important so far as this amendment is concerned. I realise that the honourable member for Glenelg made a statement about pronunciation; I will allow the member to reply briefly on that matter; then I ask the honourable member to come back to the amendment.

Mr. LYNN ARNOLD: I think that if we wanted a true definition of a dog we would go to a book that has more information about the genetic and breeding origins of that dog and its geographical origins. It was in that light that I chose to quote from the book *Born to Obey*, which is about Alsatians or German Shepherds and the significant role that they have played in this century.

I believe that that is an authoritative work on the species and much more able to contain information about the species than is a school text book dictionary, which we surely cannot regard as being the font of all wisdom.

I am perturbed that the Minister is proposing another report. I fear that this may be starting a downward track to a Select Committee or even a conference between the Houses. I would have thought that we could easily come to some solution in this Chamber rather than the forestalling tactics used by the Minister. It is surely not out of keeping that the term German Shepherd dog be incorporated in the Act. I notice that the New South Wales Act, the "Alsatians Act", gives the definition of "Alsatian dog" as follows:

> "Alsatian dog" means a dog that is wholly or partly of the species or kind commonly known as Alsatian dog, or Alsatian Wolf Hound or German Shepherd dog.

Likewise, the Western Australian Alsatian Act, which is now repealed but was in force for many years, defined Alsatian dog as follows:

> "Alsatian dog" means a dog of either sex wholly or partly of the Alsatian or German Shepherd dog breed.

In the definition included in the South Australian Act, there is no reference at all to the German Shepherd dog breed. It is merely the intention of the amendment to embody the principle that the dog is more realistically to be considered a German Shepherd dog than an Alsatian dog, both names being in common use. Unfortunately, the Minister has deliberately chosen to allow things to carry on and has refused to come to some reasonable and rational agreement on this matter. I ask the Minister again to

reconsider his position.

Mr. TRAINER: I will spare members the description of the confusion that was evident in the minds of some people in 1934 as to the genetic background of the dog and of their confusion of it with a wolf. However, I would like to draw attention to some of the emotion that surrounded the introduction of the Alsatian Dog Bill in 1934.

The ACTING CHAIRMAN: I would like to point out to the honourable member that he must specifically link his remarks with the amendment, which involves leaving out "Alsatian" and inserting "German Shepherd".

Mr. TRAINER: I will attempt to do that. As a result of the anti-German attitude that prevailed at the time, the dog was looked on with a great deal of hatred in some quarters, so much so that Mr. Jenkins, when speaking in the House on 12 September 1934, disliked the dog to such an extent that he said:

> It is interesting to know, too, that there are some persons engaged in dogging in the Musgrave Ranges and elsewhere who have even thought it expedient to take Alsatian dogs out there to cross-breed with the dingoes in order to make the scalps of enhanced value. There are men living in the back blocks prepared to take Alsatians there in order to cross-breed them with dingoes. Mr. J. E. Pick, of Coondambo Station, who was formerly a member of this House, said he met a man with a truck a few months ago. He had with him a puppy. Mr. Pick asked him what sort it was, and he said "an Alsatian". On being asked what he was going to do with it the man replied that he was taking it to the Musgrave Ranges to cross-breed with dingoes so that the scalps would be worth more than the 7s. 6d. each then being paid for them.

However, it was obvious that some of the people concerned, because of their dislike for Germans and this misnamed dog, had twisted what had happened in that instance, because a few days later Mr. Lacey, in the House, contacted the individual involved in the alleged incident, and subsequently said:

> I have evidence in connection with that matter also. It is a letter addressed to me, as follows:
>
> Regarding the statement made by Mr. J. E. Pick of Coondambo Station, a well-known resident of the Coward Springs district called on me last Saturday, 22nd instant, and supplied me with the following information:
>
> Mr. H. Brown was taking an Alsatian pup to a relative at Tieyon Station via Marree. When passing through Coondambo he met Mr. J. E. Pick. The latter saw the pup and asked Mr. Brown what was he going to do with it. The latter jokingly replied, "To cross it with the dingoes." Mr. Pick picked up the pup and bashed its head against a post before Mr. Brown had time to intervene.

The ACTING CHAIRMAN: Order! Will the honourable member please resume his seat. The member for Ascot Park is introducing a lot of information that has no bearing the amendment before the Chair which deals exclusively with the name of the dog. I ask the honourable member, again, to confine his remarks to the amendment.

Mr. TRAINER: I was merely trying to illustrate that so bad a name did the dog have that an innocent Alsatian or German Shepherd pup could be the recipient of treatment such as that. I consider that relevant to the whole issue of the name with which the dog has been labelled. I am disappointed that the Minster will not accept this reasonable and minor adjustment to the Bill, one that will not so much restore accuracy as give accuracy for the first time to the title by which this particular dog is known.

Had the Minister agreed, we need not have gone to all this trouble on this easy and simple proposition, to establish what the Alsatian really is, namely, a German Shepherd.

Mr. HEMMINGS: I want to clear up the matter of assurances. I note that the Minister of Environment has been worn down and that his place has been taken.

The ACTING CHAIRMAN: Order! The Minister's movements have no bearing on the motion.

Mr. HEMMINGS: To whom do I address my remarks?

The ACTING CHAIRMAN: There is a Minister on the front bench and the honourable member can direct requests for information through the Chair to the Minister on the front bench. The Minister can consider whether an answer shall be given.

Mr. HEMMINGS: I wish to make some comments regarding the assurance that the Minister has given tonight. While the member for Ascot Park was speaking in a concise way on the amendment, the Deputy Premier, in his usual manner, interjected and called us a load of school kids.

Mr. RANDALL: On a point of order, Mr. Chairman, I believe that the member is now referring to an interjection and, as they are out of order, he should not be commenting on them.

The CHAIRMAN: The honourable member for Henley Beach is out of order in rising in a place that is not his own seat.

Mr. HEMMINGS: The Minister made only one remark on this amendment and said that a report would be brought down and considered by the Central Dog Committee and, from that committee's report, legislation could be introduced to amend the Alsatian Dogs Act in line with what we are proposing. I have already stated that that is impossible. Paliamentary Counsel has assured me that it is impossible to do that through that avenue.

Can the Minister give me an assurance that the Government will amend the Act at some date in the not too distant future (I think those were the words used by the Minister in another place) to leave out the word "Alsatian" and insert the words "German Shepherd", or even better, will the Minister see reason and agree to this amendment, which would satisfy many German Shepherd dog owners in this State, all the societies that promote the breed, and members of the community generally?

The Hon. D. C. WOTTON: The Government will consider the request.

Mr. TRAINER: On behalf of the members for Napier and Salisbury, we are pleased to hear the Minister say that he will give consideration to what the member for Napier has just proposed so that in future the dog under discussion will be known as a German Shepherd. It is not an Alsatian dog; it does not come from Alsace and we do not want to see a situation in the future where an Alsatian sheepdog is found guilty of having an incorrect name at the Nuremburg Dog Trial.

The Committee divided on the amendment:

Ayes (18)—Messrs. Abbott, L. M. Arnold, Bannon, M. J. Brown, Crafter, Duncan, Hamilton, Hemmings (teller), Hopgood, Keneally, Langley, O'Neill, Payne, Plunkett, Slater, Trainer, Whitten, and Wright.

Noes (22)—Mrs. Adamson, Messrs. Allison, P. B. Arnold, Ashenden, Becker, Billard, Blacker, D. C. Brown, Chapman, Eastick, Glazbrook, Goldsworthy, Lewis, Mathwin, Oswald, Randall, Rodda, Russack, Schmidt, Tonkin, Wilson, and Wotton (teller).

Pairs—Ayes—Messrs. Corcoran and McRae. Noes—Messrs. Evans and Olsen.

Majority of four for the Noes.

Amendment thus negatived.

Mr. HEMMINGS: I move:

> Page 1, line 8—Leave out "Alsatian" and insert "German Shepherd".

Amendment negatived.

Mr. HEMMINGS: I move:

Page 1—After line 8, insert new clause as follows:

1b. Section 2 of the principal Act is amended by inserting after the passage "commonly known as" the passage, '"German Shepherd dog".'

Amendment carried; clause as amended passed.

Clause 2—"Prohibition of keeeping Alsatian dogs in certain parts of State."

Mr. HEMMINGS: I will not proceed with the other amendments standing in my name.

Clause passed.

Title passed.

The Hon. D. C. WOTTON (Minister of Environment): I move:

That the Bill be now read a third time.

The SPEAKER: Those in favour say "Aye"—I ask that any honourable member who wishes to speak to the third reading stand before debate is commenced. The Ayes had been called for before the honourable member for Napier stood.

Mr. HEMMINGS: Thank you, Mr. Speaker. This Bill has taken 3½ to 4 hours to debate in this House. As the Minister stated, the amendments to the Bill took four or five minutes to debate in the other place. The difference is that we on this side produced amendments in line—

Mr. EVANS: I rise on a point of order. I believe that it is the practice in the third reading stage that a member can speak to the Bill only as it has come out of Committee; no reference can be made to the amendments that have not been accepted.

The SPEAKER: I uphold the point of order. I was listening closely to what the honourable member for Napier had to say; he referred to amendments and, as the Bill contains an amendment, I would have ensured that he did not stray. I ask the honourable member to recognise that the Bill now contains a certain number of clauses; there are no longer amendments in the Bill. I ask the honourable member to refer to the Bill only as it came from the Committee, otherwise I will have to disallow his leave.

Mr. HEMMINGS: Thank you, Mr. Speaker. The Bill, as it comes out of the Committee, will provide one change to section 2 of the principal Act, in which the words "German Shepherd" are now included alongside the words "Alsatian dog" and "Alsatian wolf-hound". If the Government had been prepared to accept that clause—

The SPEAKER: Order! I indicate that the honourable member is now straying. It is very obvious that he will refer to certain wording in one clause of the Bill and suggest that it should appear in other clauses. If I presume too much, I apologise, but I think I am correct and I therefore ask the honourable member to stick very closely to the Bill as it appears in the third reading stage.

Mr. HEMMINGS: I did not intend to proceed along those lines. The Act will now contain the first step whereby the correct term "German Shepherd" will appear in the Act. For that we are grateful to the Government. We are grateful for the Government's understanding of our problem and of our desire to correct the situation so that the correct name can at last be placed into the Statutes. We on this side hope that the assurance received from the Minister, that our request would receive consideration, receives speedy attention.

Bill read a third time and passed.

Later:

Returned from the Legislative Council without amendment.

ROAD TRAFFIC ACT AMENDMENT BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 1 (clause 3)—Leave out the clause.

No. 2. Page 1 (clause 4)—Leave out the clause.

No. 3. Page 2, lines 8 to 19 (clause 5)—Leave out all words in these lines.

No. 4. Page 2 (clause 6)—Leave out the clause.

Consideration in Committee.

The Hon. M. M. WILSON: I move:

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

It is with the greatest reluctance that I move that motion that the Government agrees to the amendments set down by the Legislative Council. What the amendments do is to remove from the Bill all those clauses dealing with the random testing method. They remove everything from the Bill except the one clause that deals with the extension of police powers under Part III of the Act. However, the Government is quite realistic in this matter. It realises that at this stage another place is prepared to grant it the legislation as it promised the people of this State in the election campaign; and the Government took the view, as I stated earlier tonight, that it was better to have half the Bill rather than none at all. The Government believes that, by agreeing to these amendments from the Legislative Council, it is achieving at least that object.

The Hon. E. R. Goldsworthy: If it saves some lives, it will be worth while.

The Hon. M. M. WILSON: The Deputy Premier puts forth the thoughts of all of us. Nevertheless, I must put on record my profound disappointment and that of the Government at the action taken in another place on what we believe, and what we are sure, is the cornerstone of our road safety policy, because removing the random section from the Bill has taken away the emotional issue that lends itself so much to publicity as far as the question of road safety is concerned.

Nevertheless, I am not going to speak much longer, because there is very little more to say on this question. I understand that another place has set up a Select Committee to inquire into random breath testing as such. The Government is pleased that that has occurred, because, as I predicted earlier tonight, if we had accepted the former message from the Legislative Council and agreed to a Joint Select Committee, at this stage we would not even have the part of the Bill that we have before us now.

However, by adopting the action that the Government has over the past few hours of this debate, it now means that a Select Committee is to inquire into random breath testing. I am not sure of the exact details of that, but it also means more importantly, that at least the Government and the people of this State will soon have an amended Act, which will enable the police in this State to have extra powers that we believe will result in the saving of more lives on the roads. I commend the amendments to the Committee.

The Hon. J. D. WRIGHT: The Opposition position on these amendments now received from the Legislative Council is that we will be supporting amendments Nos. 1, 2 and 4. We cannot agree to amendment No. 3.

The CHAIRMAN: I point out to the Deputy Leader that he will have to either agree to all the amendments or oppose them. The Minister has moved that the Legislative Council's amendments be agreed to. Therefore, he has moved one motion covering the four amendments. If the Deputy Leader wishes to oppose one, he will have to oppose the motion.

The Hon. J. D. WRIGHT: With a great deal of respect, I point out we are in Committee and surely therefore the clause ought to be dealt with separately and in the circumstances we ought to be able to vote on them separately.

The CHAIRMAN: I have to rule that the Committee will be considering the motion moved by the Minister of Transport that the amendments be agreed to. That is the motion that is before the Committee. If the honourable member wishes to oppose any section of the amendments, he has to oppose the motion.

The Hon. J. D. WRIGHT: In those circumstances I reiterate that the Opposition will be supporting amendments Nos. 1, 2 and 4, but will be forced, under your ruling, to vote against the whole of the motion as moved by the Minister in order to place our objections into what is now left in the Bill. As I understand what is left in the Bill, in clause 5, we will have the words "has committed an offence against any provision of Part III of this Act of which driving a motor vehicle is an element". The Minister I think would agree that is what is now left in the clause.

The Hon. M. M. Wilson: That is right.

The Hon. J. D. WRIGHT: That is where we finish and there is not very much left of this Bill. I opposed this provision in the second reading because I believed then, as I believe now, that it was giving a further extension of police powers that I do not think are needed. I am convinced beyond any reasonable doubt that the amendments that were moved last year by the Hon. G. T. Virgo were sufficient powers in order for the police to do those things necessary to protect and to give tests under this provision. It is interesting to note that under section 44 and 44a, with this provision now being inserted in the Act, it will not even be necessary, as I understand the meaning of the section, to be driving a motor car in order that the police will have the powers, if they so desire, to force a person to have a test.

The Hon. E. R. Goldsworthy interjecting:

The Hon. J. D. WRIGHT: I am giving an illustration of how wide the powers go, and that is the cause of the hostility and disagreement, that the Opposition has. Point or no point, the fact is that they are able to do that. A person could merely be in a position of stealing a car. He may not have driven it, and the police will have the authority. I think those powers are much too wide.

The Hon. E. R. Goldsworthy interjecting:

The Hon. J. D. WRIGHT: There may be a conviction, I do not know. I am saying that the police will have the right to test a person and say that he had been drinking and that he passed the test, irrespective of whether the person has been driving. The argument is that the police can do it under this section. I understand the Minister's disappointment. All Ministers get disappointed when legislation is not returned to this place as it left it.

I suppose that I would have more experience in that regard than would any other member. I can recall the last seven or eight Bills I introduced here. I was successful in getting them through the Assembly, but they were thrown out in the Upper House or were carved up in such a fashion that at conferences they were unacceptable to the Government of the day. I sympathise with the Minister, but not with the result, after having all this work done. The Legislative Council did not go far enough when setting up its Select Committee.

The Opposition supported finally the setting up of a committee of both Houses that would have arrived at the conclusions for which we were all looking. This is an extremely important matter, about which we are vitally concerned, and we are all trying to find the answers. I commend the Legislative Council for setting up the Select Committee to inquire into those aspects about which we are all concerned with regard to random breath testing even in its own Chamber. The findings of that committee will be made available to us all and I know that every member in both Houses will have a great interest in being able to learn for himself what sort of evidence comes forward. I am sure that we will be much wiser after the community is given the submissions to the Select Committee.

The Committee divided on the motion:

Ayes (22)—Mrs. Adamson, Messrs. Allison, P. B. Arnold, Ashenden, Becker, Billard, Blacker, D. C. Brown, Chapman, Eastick, Glazbrook, Goldsworthy, Lewis, Mathwin, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, Tonkin, and Wilson (teller).

Noes (18)—Messrs. Abbott, L. M. Arnold, Bannon, M. J. Brown, Crafter, Duncan, Hamilton, Hemmings, Hopgood, Keneally, Langley, O'Neill, Payne, Plunkett, Slater, Trainer, Whitten, and Wright (teller).

Pairs—Ayes—Messrs. Evans and Wotton. Noes—Messrs. Corcoran and McRae.

Majority of 4 for the Ayes.

Motion thus carried.

VICTORIA SQUARE (INTERNATIONAL HOTEL) BILL

Returned from the Legislative Council without amendment.

COMPANIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 March. Page 1829.)

Mr. BANNON (Leader of the Opposition): The Opposition supports this Bill. It is a fairly simple measure, and there seem to be two main aspects, one of which is to allow microfilm records and company dockets from the Corporate Affairs Commission to be produced in court.

The second is a proposed amendment that will bring our legislation into line with proposals at the national level for uniform corporate affairs legislation. We as an Opposition and in Government strongly support the uniform scheme, the national scheme, to provide that the local Corporate Affairs Commission is responsible for the administration of the scheme on behalf of the national body, because the situation we have today, with in some cases different and conflicting laws in each State, means that it is difficult to get a uniform company practice and to ensure that all companies are operating in the various States on the same basis.

We certainly support any steps that are taken legislatively to bring our situation into line with agreements reached at the national level. The proposals for the Companies Office to provide microfilm documents is a good idea. It will improve efficiency and the ability to recover material and present it expeditiously. We support the measure.

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

FURTHER EDUCATION ACT AMENDMENT BILL

Returned from the Legislative Council with the following amendment:

Page 1, line 23 (clause 3)—Leave out "school" and insert "academic".

Consideration in Committee.

The Hon. H. ALLISON: I move:

That the Legislative Council's amendment be agreed to.

Motion carried.

ABORIGINAL LANDS

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

ADJOURNMENT

At 4.31 a.m. the House adjourned until Tuesday 3 June at 2 p.m.