HOUSE OF ASSEMBLY

Tuesday 10 June 1980

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

PETITION: PORNOGRAPHY

A petition signed by 36 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 was presented by the Hon. Jennifer Adamson.

Petition received.

QUESTIONS

The SPEAKER: I direct that the written answers to questions, as detailed in the schedule I now table, be distributed and printed in *Hansard:* Nos. 627, 631, 717, 968, 992, 996, 998 to 1000, 1005, 1006, 1009, 1020, 1046, 1048, 1051, and 1081.

MINISTERIAL STATEMENT: UNEMPLOYMENT

The Hon. D. O. TONKIN (Premier and Treasurer): I seek leave to make a statement.

Leave granted.

The Hon. D. O. TONKIN: Last week I referred in the House to the matter of South Australia's share of national unemployment. I said then that, according to the Commonwealth Employment Service's Register of Unemployed Persons, South Australia's share of unemployment has declined from a high point of 11·1 per cent in October last year to 10·4 per cent in March this year. I also said Bureau of Statistics figures showed a similar trend in the 12 months to April this year. I have since discovered, however, that the figures cited referred to another statistical comparison, not to South Australia's share of unemployment.

In fact, the trend shown by A.B.S. figures tends to cancel out that of the C.E.S. However, the important issue remains the unacceptably high level of unemployment in South Australia. The Government is deeply concerned about this issue and is seeking to redress it by fully supporting the creation of new and permanent employment opportunities within the private sector.

MINISTERIAL STATEMENT: IRAQ FARMING PROJECT

The Hon. D. O. TONKIN (Premier and Treasurer): I seek leave to make a statement.

Leave granted.

The Hon. D. O. TONKIN: I am pleased to announce to the House that the Minister of Agriculture, the Hon. Mr. Chapman, will be leaving for Iraq on Thursday to sign a contract with the Iraqi Government for the establishment of a demonstration farm in the north of that country, something which I am sure will appeal to all members on both sides of the House. The contract will be signed in Baghdad on Saturday 14 June and is for the sum of $US9 560 000.

The contract is a culmination of negotiations started in 1975 that have involved two former South Australian Ministers, Messrs. Chatterton and Casey, as well as officers of the Department of Agriculture and other Government departments. A specific development proposal was placed before the Iraqi Government by a team of officers of the Department of Agriculture who visited the country in December 1979.

Following this, there were further consultations between the Minister of Agriculture and the Iraqi Minister of Trade in Adelaide in March this year. This resulted in some modifications being made to the South Australian Government proposal and a visit of the final negotiating mission which is now in Baghdad and has successfully concluded the contract arrangements. It is significant that the contract is the first Government contract since the signing of the joint Australian/Iraqi trade agreement in March 1980.

The contract is for a full turn-key project for the establishment, staffing and operation of a demonstration farm of 5 000 hectares for a period of four years. In addition, there are sub-projects covering applied research, seed production, extension and training, and livestock feed lot management. The farm will provide an excellent opportunity for the demonstration of South Australian agricultural technology, and will be of benefit to our agricultural companies operating in that area.

There is a significant component of housing and agricultural equipment, worth more than $3 000 000, which will, where practicable, be obtained from South Australia. There will also be a significant return of funds in salaries and on-costs to the State. The staffing for the project will be provided both from the Department of Agriculture and externally, and opportunities will be presented to the private sector to participate. Departmental services will not suffer, as funds from the contract can be used to off-set staff temporarily absent on duty overseas.

The project will be managed by the Overseas Projects Division of the Agriculture Department. There are opportunities for expanding the project in the future to include forestry consultancies, and the Minister will have discussions on this aspect while in Baghdad. In conclusion, the successful negotiation of this contract is a demonstration that South Australia is prepared to go out and seek opportunities for the export of our agricultural technology and associated inputs. We are continuing negotiations with a number of other countries to further develop the benefits of such involvement, both to the client countries and to South Australia.

En route, the Minister of Agriculture, as Minister of Forests, has also arranged to visit India to have talks with Mr. Dalmia, Principal of Punalur Paper Mills. The purpose of these talks is to ascertain the progress the company has made in its arrangements for the establishment of a chip mill in the South-East of this State by 31 August this year, and also the progress of its commitment to set up a pulp mill by 31 August, 1982. Whilst in Southern India he will inspect machinery which the Punalur group wants to export to South Australia to use in its project. The Minister is expected to arrive in Bombay on Tuesday 17 June and fly to Trivandrum in Southern India the next day, returning to Bombay on Thursday 19 June, and leaving for Singapore on Friday 20 June 1980.

The Hon. W. E. CHAPMAN (Minister of Agriculture): I seek leave to make a statement.

Leave granted.

The Hon. W. E. CHAPMAN: As the Premier has indicated, the total contract between South Australia and Iraq is worth some $US 9 560 000 or $A 8 350 000. As the

Premier has said, this will provide important trade opportunities for South Australian manufacturers. For instance, the housing component consists of seven fully furnished houses, a staff training centre, and an office. The estimated value of this is more than $US 700 000, and South Australian companies would have the opportunity to tender for this contract.

In the machinery field, some $US 750 000 will be spent on agricultural machinery, and we expect that much of this will be supplied by South Australian manufacturers. The shopping list covers one disc plough, three scarifiers, three cultivators, three harrows and five trailing harrows, four combine harvesters, four boomsprays, five seeders, and seven urea boxes. The bulk equipment for grain and fertiliser includes 15 silos for seed, six silos for grain storage, and eight welded mesh type compounds.

In addition, there will be a need for a superspreader, two seed and super units, two bulk bins, and sundry other items. As the project progresses, there will be a need for haymaking equipment. I also hope, as does the Government, that much of the miscellaneous equipment and buildings will be provided by South Australian sources. I would like to point out that the total staff costs are expected to be approximately $US 2 600 000.

The organisation in Iraq will consist of a team leader, an agronomist, a livestock officer, a farm manager, and machinery expert, and three farm advisers. Provision has also been made for consultants and other advisers. As the Premier has pointed out, opportunities will be available to the private sector to participate. In addition, almost $US 250 000 will be spent in South Australia on salaries for supervision of the project and clerical assistance.

PAPERS TABLED

The following papers were laid on the table:

By the Minister of Environment (Hon. D. C. Wotton)—

Pursuant to Statute—

Local Government Act, 1934-1979—Control of Traffic—Parking Regulations.

South Australian Museum Act, 1976-1978—Regulations.

By the Minister of Transport (Hon. M. M. Wilson)—

Pursuant to Statute—

Metropolitan Taxi-cab Act, 1956-1978—Variation of Regulations.

Road Traffic Act, 1961-1980—Variation of Regulations.

State Transport Authority Annual Report for year ended 30 June 1979.

MINISTER'S ABSENCE

The SPEAKER: I notify honourable members that, in the absence of the Minister of Health, the honourable Premier will take any questions directed to that Minister.

QUESTION TIME

DEPARTMENT OF TRADE AND INDUSTRY

Mr. BANNON: Does the Premier intend to take most of the functions of the Department of Trade and Industry under his own Ministerial direction? If so, why are plans being made for this move, which would amount to a massive vote of no confidence in the Minister currently responsible, whilst that Minister is overseas, or does the planned move meet with the approval of that Minister?

The Hon. D. O. TONKIN: There are no present plans to do so.

GOLDEN GROVE ROAD

Dr. BILLARD: Can the Minister of Transport indicate how long he expects it to be before the speed limit on Golden Grove Road is reduced to the more acceptable limit of 60 km/h? Over a period of eight months, dating from the time of the last State election, there has been a long series of appeals from residents, groups, and individuals representing those residents, all seeking to improve the safety of Golden Grove Road in the region of Surrey Downs, Wynn Vale and Redwood Park, by lowering the speed limit from 80 km/h to 60 km/h. These appeals included a petition from the Wynn Vale Progress Association; representations from me as local member; long discussions between myself and officers of the Highways Department, and also with the Minister; a visit by the Minister which included discussions with the Chairman of the Wynn Vale Progress Association, the Mayor and the Town Clerk of Tea Tree Gully, all of whom reinforced the same views; a public meeting at which officers of the Highways Department faced frustrated residents of Surrey Downs; and, lastly, a petition to the Minister, organised by the Surrey Downs and Wynn Vale Progress Associations, which contained about 500 signatures of residents, pleading that the speed limit be changed. As the Minister has now indicated his support for that change, can he say when it will take place?

The Hon. M. M. WILSON: The member for Newland has pursued the interests of his constituents most assiduously over the past few weeks and, indeed, few months. I had the pleasure of travelling to the area concerned along Golden Grove Road in company with the member for Newland, the Mayor and the Town Clerk of Tea Tree Gully, and also with some residents of the area concerned. I am impressed with the case put by the honourable member and the residents, and I can inform him that I have requested the Road Traffic Board to alter the speed limit sign from 80 km/h to 60 km/h. I understand that the Road Traffic Board has written to the Tea Tree Gully council, and I expect that as soon as it receives a reply the change will be implemented.

SHACKS

The Hon. R. G. PAYNE: Will the Minister of Water Resources and Minister of Lands explain why he misled the House on two occasions last week when answering questions asked by the member for Hanson and the member for Norwood about whether there had been any change in the Government's shack policy with respect to shacks at Aldinga?

Mr. Millhouse: What a coincidence—

The SPEAKER: Order!

Mr. Millhouse: —that you should ask that question!

Members interjecting:

The SPEAKER: Order! There is too much audible comment from both sides of the House. The honourable member for Mitchell has the call and I ask him to continue with his question.

The Hon. R. G. PAYNE: On the two occasions last week to which I refer the Minister replied, as follows:

> There has been no change in that policy. The policy announced on 5 November was as a result of a policy document discussed at length with the Shackowners Association and approved by Cabinet.

The date the policy was formulated was stated by the Minister as being 5 November. In a letter which went to the Chairmen of district councils, including the District Council of Willunga, and which was signed by the Minister, the Minister stated:

> You are probably aware from recent publicity in the press that the Government has reviewed the policy relating to shack occupation on waterfront Crown land and Crown reserves. A copy of the policy which has been adopted by the Government is attached. Your attention is drawn in particular to the following: Paragraph 5:—

that is referring to the attachment—

> Those councils exercising direct tenure control of shack sites are expected to apply the new policy—

I emphasise those words—

> in a responsible manner failing which control will be resumed by the Government.

Those words appear in a letter signed "Peter Arnold, Minister of Lands."

Mr. Becker: Millhouse—

The SPEAKER: Order!

The Hon. R. G. PAYNE: The attachment is headed "Waterfront Shack Sites, South Australian Government Policy" and is attached to the letter dated 27 November. The operative paragraph in that attachment reads as follows:

> 2. All non-acceptable shack sites will be reassessed to determine whether long-term disadvantages to the community may result if the shacks remained permanently.

The attachment continues as follows:

> 4. In cases where indefinite retention of the shack may lead to public disadvantages in the future, the present shackowner will be given the option of—

I will not take up the time of the House. There are three conditions that apply, which are available, and which are well known to members. All of them offer a much longer possibility of tenure than now applies to those non-acceptable shacks on waterfront Crown land that are referred to in the attachment to the letter to Aldinga. The attachment concludes in paragraph 5, in respect of this matter, as follows:

> As at present, local government will be expected to apply this policy . . .

"This policy" is the one from which I am reading and which sets out the three options that will be available to shack owners on non-acceptable sites. The attachment continues as follows:

> Failure to comply will result in resumption of the control by the Government.

I had better re-read that so that there is no doubt in the minds of members about what is the question I am asking the Minister. Paragraph 5 states:

> As at present, local government will be expected to apply this policy in those areas where councils exercise tenure control. Failure to comply will result in resumption of the control by the Government.

I point out that there can be no doubt about which policy is referred to in the letter dated 27 November sent some time after the policy specifically referred to by the Minister as having been formulated on 5 November. The present situation is such that obviously another policy—

The SPEAKER: Order! I ask the honourable member to cease commenting.

The Hon. R. G. PAYNE: I believe that I have made stringent efforts to avoid commenting as far as possible in regard to a matter of this nature and I have relied, in the main, on actual information and use of words that were provided over the signature of the Minister in question.

The Hon. P. B. ARNOLD: I can sympathise with the member for Mitcham in having been upstaged by the member for Mitchell. I can only reiterate that there has been no change whatsoever in the Government's shack policy. As I have stated in the House previously, the policy that was accepted and drafted from the pre-election document, in consultation with the Shackowners Association and approved by Cabinet, is the document that is now operative.

The honourable member has referred in particular to clause 5 of the policy.

The Hon. R. G. Payne: I read your words; I didn't refer to the document.

The SPEAKER: Order! The honourable Minister has the floor. I ask all other honourable members to cease interjecting.

The Hon. P. B. ARNOLD: Thank you, Mr. Speaker. If the honourable member gives me the opportunity, I will go through his comments point by point because, obviously, my answer must be spelt out in fairly simple terms for his benefit. Clause 5 states "As at present". The honourable member has been in Government long enough to know that any Government department operates on policies approved by Cabinet and handed to that department. That is the policy and the document to which that department must adhere. Until such time as the document is changed or superseded by Cabinet, the existing policy stands.

The existing policy of the previous Government stood until 5 November 1979, and that is why the first three words of paragraph 5 are "As at present". These words refer to the existing policy of the previous Government up to that time, which clearly gave shack owners a 10-year miscellaneous lease on non-acceptable sites. To support that situation, regarding the previous Government's policy (in case the member for Mitchell is unaware of his Government's policy on the matter), I refer to a letter of 16 June 1976 to the District Clerk, District Council of Willunga, which states:

> In reply, I advise that the Minister of Lands has approved that district councils be permitted to continue with programmes for removal of shacks in areas . . .

That policy was operative during the previous Government's administration until 5 November.

The Hon. R. G. Payne: Until 27 August.

The Hon. P. B. ARNOLD: No. I would have thought that the member for Mitchell, considering the length of time that he spent in the Ministry, would have been aware that Government departments operate on directives from Cabinet, and some directives are still operating that would have been in vogue during the administration of the previous Government. Those directives are still in vogue and will be so until such time as the Government of the day alters, withdraws or supersedes them. This is further clarified by a document of 5 October 1977, which states:

> The Minister of Lands has determined, as a matter of policy, that, where local government authorities had commenced a programme for the removal of shacks before the Government's present shack site policy was determined, that programme should proceed.

That clearly identifies the situation operative as from 1975 under the previous Government.

I reiterate that the decision of the Willunga council was made in 1971, and the previous Government was not prepared to make its policy decision retrospective in regard to that council. Had the Government done so, that would have automatically meant that the tenure of the shacks at Willunga would have extended to 1984. That was not the case, and that is why the reference is made in clause 5 to "As at present", which refers to the existing policy.

Great play has been made of the Liberal Party's policy statement of August 1979, before the election, but once again only one clause of that policy has been quoted, without the final clause on page 2 of the policy. Clause 1 states:

> Granting miscellaneous leases expiring by 1999 for all shack sites and holiday home sites currently without secure tenure, subject to . . .

The final clause of that policy document states:

> Empowering local councils to issue new long-term leases similar to Crown miscellaneous leases expiring no later than 1999 in substitution for existing annual licences for shacks and holiday home sites, provided that the sites and the improvements meet the same minimum standards and satisfy the same criteria as apply to Crown miscellaneous leases.

Crown miscellaneous leases are the ones administered and controlled by the Department of Lands, as referred to in clause 1. The final clause of that shack policy gives power to local government to extend its miscellaneous leases not beyond 1999: that clearly identifies the difference between the Crown leases issued by the Department of Lands and those leases issued by councils. What we are saying in the policy is that, from 5 November 1979, the Government's policy will apply across the board, but it does not imply that it will be retrospective to 1971.

MOTION FOR ADJOURNMENT: SHACK SITES

The SPEAKER: I have received from the honourable member for Mitcham the following letter, dated 10 June, 1980:

> I wish to advise that when the House meets today I shall move that the House at its rising do adjourn to 12.30 p.m. tomorrow, Wednesday 11 June, to debate the following matter of urgency:
>
> That the Government should, as a matter of plain political honesty, stick to its policy on shacks, set out in the documents "Liberal Party Shack Sites Policy" of August 1979 and "Waterfront Shack Sites South Australian Government Policy" of 27 November 1979 and, in particular, should immediately act in accordance with paragraph 5 of the latter document to prevent the District Council of Willunga from removing the shacks on the waterfront at Aldinga as that council has threatened to do after 30 June of this year.

Is the motion supported?

Mr. Millhouse: Well, well, well.

The SPEAKER: Order!

Mr. Millhouse: You're all gutless, aren't you?

The SPEAKER: Order! I warn the honourable member for Mitcham. I called "Order".

Mr. Millhouse: What!

The SPEAKER: I called "Order", and the honourable member continued with his tirade against the honourable members of the Opposition as a result of the decision.

Mr. Millhouse: You don't blame me, do you, Mr. Speaker?

The SPEAKER: Order! One further outburst from the honourable member in today's proceedings, and he will be named.

The requisite number of honourable members not having risen in their places, the motion cannot be proceeded with.

QUESTIONS RESUMED

FROZEN FOOD FACTORY

Mr. EVANS: Will the Premier say whether any approaches have been made by a private organisation to purchase the Frozen Food Factory from the Government? It is known that it is Government policy for private enterprise to operate in all areas in which it is undesirable for Government enterprise to operate. Have any approaches been made for the Frozen Food Factory to be bought from the Government by private entrepreneurs to work it in lieu of the Government operation?

The Hon. D. O. TONKIN: I believe it is well known that the Government's policy is to transfer ownership of this sort of enterprise to the private sector, particularly when, as in the case of the Frozen Food Factory, its establishment and operation by the former Labor Government and the Health Commission proved to be such a disaster.

Even though the efficiency of the factory and its new production has increased markedly since the operation was taken over by the South Australian Development Corporation, the full potential of that factory is unlikely to be realised while it remains under the Government umbrella. I make quite clear that the Government will welcome approaches from private enterprise to purchase the Frozen Food Factory. In fact, one such approach has been made already.

An intending purchaser will need to illustrate to the satisfaction of the Government the capacity to absorb the unused production capacity of the factory to maintain the high standard of products presently being manufactured by the factory for hospitals, and a financial and management capacity to handle a multi-million dollar enterprise such as this.

While there is no chance at all of recouping the greatly escalated final establishment cost of $9 200 000 by the previous Government, this Government is not prepared to allow the factory to be a further drain on taxpayers' money. Operated by private enterprise, with a wider diversity of products and applications, the factory could be put to a full and profitable use, which would not be possible while the factory remained under Government management.

Members may be assured also that the security of employment for those already employed at the factory and further job opportunities at the factory will play a most important part in any negotiations that the Government has on the matter.

SHACKS

The Hon. J. D. CORCORAN: My question to the Minister of Lands is supplementary to the question asked by the member for Mitchell. Does the Minister believe that owners of those shacks at Aldinga Beach are being treated unreasonably and does he believe that an injustice exists? If he does, will he take steps, which are within his power, to undedicate those Crown lands currently dedicated to the care and control of the Willunga council and return them to Crown land?

I understand (and I watched the Minister on television last evening) he has made approaches to the Willunga council asking it to withdraw its current policy on these particular shacks or to review its policy. I take it that the Minister means by that that he wants those shack owners to be treated in the same way as the shack owners whose shacks are currently on Crown land. The power is with him and I ask him whether he intends to exercise it.

The Hon. P. B. ARNOLD: A number of aspects are involved in this situation: there is more to it than just resuming the land. First, the decision has to be taken on retrospectivity, which the previous Government was not

prepared to enter into. The issue of the desirability of retrospectivity in relation to legislation or policy-making is at any time a matter of real concern.

There is also the fact that 16 of the 24 shacks have changed hands in the 10 years during which the demolition order has been in force. Of those 16, the incoming persons signed an agreement with the Willunga council stating that they accept that the tenure of the shacks terminates on 30 June 1980. That agreement has been entered into not with the department but between the Willunga council and the shack owner concerned. Also, legal advice has been offered. I have made inquiries, and it appears that, for alterations to be made, the only way this could be forced on the Willunga council is by amendments to the Planning and Development Act and the Local Government Act, which would have to be retrospective to 1971 also.

I have looked at this matter in great depth. It is not as though we are just passing it off lightly. I repeat my statement that local government is a responsible part of government in South Australia. If we take action retrospective to 1971 (and, on the advice we have received, that would have to be), that would be totally undesirable and is action that the Government is not prepared to take.

The Hon. J. D. Corcoran: Do you believe they should remain, or not?

The Hon. P. B. ARNOLD: In all the correspondence I have sent out, I have said that I would be more than happy to see the Willunga council withdraw its demolition orders and fall into line with current Government policy.

RETAIL DEVELOPMENT

Mr. RANDALL: Can the Minister of Planning bring this House up to date on the Government's attitude to retail development in the metropolitan area? Two points need to be made. The Government has recently amended the Planning and Development Act regarding retail development. Also, I understand that a large number of submissions have been received by the Minister following publication of the discussion paper on retail and centres policy for Adelaide.

The Hon. D. C. WOTTON: I thank the member for Henley Beach for his question.

Mr. Slater: Did you write it out.

The Hon. D. C. WOTTON: I say, for the information of members opposite, that the member for Henley Beach, along with other members on this side of the House, has been concerned about the present situation regarding retail development and small business. He shows his concern in asking the question. He mentioned the number of submissions received. This matter goes back to the release of the discussion paper on retail development in the metropolitan area at the end of last year. I am pleased to inform the House that, since that discussion paper was released, we have received more than 90 submissions from people with a wide variety of interests throughout the metropolitan area. The paper was released in order to bring about discussion, which it has certainly done very successfully. Those submissions are in the process of being summarised.

Issues raised are being considered by the Retail Consultative Committee. Most relate to three major issues, namely, establishment of an improved data base on retail development, the need for direct Government and council action to upgrade existing centres, and the need to give greater attention to the role of older strip shopping centres in inner areas. There is also the matter of viability assessment of retail proposals in the metropolitan area.

These issues will be discussed in detail by the Retail Consultative Committee which will then prepare a report, and provide it to me, on what the committee sees as suggested future policy. I have said in this House previously that I am particularly keen, as Minister responsible, to introduce these positive policies as quickly as possible. Also, following the amendment made to the Planning and Development Act in this House recently, we have also augmented the Retail Consultative Committee by the inclusion of Mr. Jim Sneddon, a representative of the Mixed Business Association, and Mr. Dennis Harwood, who has been appointed because of his particular knowledge of finance and management in those areas.

A consultant has also been appointed to report on interstate practices in relation to viability assessment in retail development control. Also, I have asked the Retail Consultative Committee to look into this matter of viability and prepare a report on the implications of such assessment. As well as that, the Bureau of Statistics has been approached to upgrade available statistics on retail development, and other steps to improve the data base are being considered.

Finally, the Minister of Consumer Affairs has also established an inter-departmental committee to investigate claims of unfair leasing practices in new retail development. Interested trade and consumer groups have been invited, and in fact are participating in making submissions to that committee. I hope that that will bring the House up to date with what the Government is doing in regard to this important matter. As soon as I am able to make a report available in regard to retail development in South Australia I shall do so.

MR. INNS

The Hon. J. D. WRIGHT: Will the Premier say whether Mr. G. J. Inns, a distinguished and capable public servant whose talents are recognised throughout Australia, will resume his duties as Director-General of the Premier's Department after completing his tasks as temporary full-time Chairman of Samcor? Does the Government intend to renew the contract of Mr. W. L. C. Davies, Director-General of Trade Promotions, and, if not, why not?

The Hon. D. O. TONKIN: I totally agree with the Deputy Leader of the Opposition as to the Director-General's talents and ability, and would thoroughly support him in the remarks that he made. It is not yet known exactly how long the task of restructuring Samcor will take. As most members will know, Samcor was a running sore for the previous Government, and in the short time that we have been in office this Government has found that to be the case also. Samcor needs a great deal of work done on it, and it is the unanimous opinion of Cabinet and many other people to whom we have spoken that Mr. Inns, who has been the Deputy Chairman for a considerable time now, is the person most highly qualified to bring Samcor back on to a proper businesslike basis and one of which the Government can be proud. Mr. Inns is to undertake this position in the first instance for a period of 12 months. His position and progress will be reviewed after six months and, until that review is undertaken, the position of Director-General will not be filled. There will be an Acting Director-General in the meantime.

The Hon. J. D. Wright: Who will be the Acting Director?

The Hon. D. O. TONKIN: I do not know, although I imagine that Mr. Holland, who is Chief of Administrative Services in the Premier's department, would be the logical person.

I will now deal with the other question about the contract of Mr. Davies. Mr. Davies has approached me, and he has been offered a renewal of his contract. I have yet to confirm the outcome of that offer. I think the present indications are probably best not ventilated in this House until I have had an opportunity of confirming the matter with Mr. Davies direct, but he has been offered a renewal of his contract, and we shall see what the final position is when the time is nearer to the decision, which I think will be in October.

POKER MACHINES

Mr. BECKER: Will the Premier make immediate representations to the Prime Minister disapproving of poker machines being allowed on Federal Government property in South Australia, in particular at the West Beach airport? In the May 1980 issue of *Aristocrat News*, a publication of Ainsworth Consolidated Industries—

The Hon. J. D. Corcoran: You actually read it, do you?

Mr. BECKER: I like to broaden my knowledge, even if the honourable member does not. In this publication of the firm that manufactures poker machines in Australia, under the heading "Airport Jackpot", a New South Wales journalist is quoted as saying he has contacted people in Canberra and that the indications are that before long poker machines may be allowed on Federal Government land, and also on the Indian Pacific Railway. Having regard to the view of this Government and, I think, of the previous Government in relation to poker machines, I ask the Premier whether he is prepared to make representations to the Federal Government to allow that Government to know exactly where we stand on this issue in South Australia?

The Hon. D. O. TONKIN: I think I can say with some confidence that members on both sides of the House would express considerable concern at the thought that poker machines might be allowed in South Australia. I am quite certain that members of the previous Government have made statements about this publicly, as have I and members on this side of the House. I would be extremely disappointed if the Federal Government were to take any action to allow the introduction of poker machines on Federal Government property in South Australia without first consulting the State Government as to its wishes generally.

I do not like poker machines; I think we can well do without them in South Australia. I must admit to having something of the same feeling towards the Instant Money game. Nevertheless, I certainly will take up the matter as a result of the honourable member's question, and I am most grateful to him for asking it. I will contact the Prime Minister at the first opportunity and put forward the State's point of view.

OMBUDSMAN

Mr. HAMILTON: Will the Premier say whether there are any plans to appoint the current permanent head of the Department of Trade and Industry, Mr. Bob Bakewell, to the position of Ombudsman and, if there are, why?

The Hon. D. O. TONKIN: An announcement about the appointment of an Ombudsman will be made in due course.

LAFFERS TRIANGLE

Mr. GLAZBROOK: Will the Minister of Environment advise me of the current situation regarding the portion of land which is partly within my electorate and which is known as Laffers Triangle? Its ownership is mainly invested in the Education Department and the Highways Department. I understand that the land was the subject of inquiry for several years by the previous Government. During that time it had been hoped that community facilities would be developed in that area. I understand that the Marion City Council, and the community at large, are anxious to see this land developed for community use. I seek the Minister's assurance that this Government will ensure that a report will be handed down shortly.

The Hon. D. C. WOTTON: I am pleased that the honourable member has asked this question. I have recently received a report I have not yet had time to deal with. It is a complex matter and I shall be pleased to bring down a report for him so that he knows the Government's plans in this regard. He would be aware that a departmental committee has been looking into this matter for some time. I have recently received correspondence from the Flinders University, members of which are seeking to have this matter cleaned up once and for all. They got sick and tired of waiting for the previous Government to make a decision about this matter. They are looking for a final decision to be brought down and I intend to bring that about as soon as possible.

SOCCER POOLS

Mr. SLATER: Will the Premier say why Australian Soccer Pools Proprietary Limited has been named in a press report as the organisation that will conduct soccer pools in South Australia? Did the Premier or the Minister of Recreation and Sport receive advice from the Lotteries Commission concerning the proposal to introduce soccer pools into South Australia? Was the Premier told that the commission had the expertise and facilities to operate soccer pools, and that, if the scheme was handled by the commission, the pools scheme could return 20 per cent more to the Government than if operated by private enterprise?

The Hon. M. M. WILSON: In answer to the first part of the honourable member's question, I indicate that the reason why the legislation will refer to Australian Soccer Pools is that that company runs these pools in every other State, except Western Australia. The Australian Soccer Pools organisation is based on the Vernon organisation in Great Britain, which has the greatest expertise of any organisation, probably in the world, in regard to this type of enterprise. Because of the dangers inherent in any such scheme in relation to abuse or fraud, the Government was inclined to approach the Australian Soccer Pools organisation, because the Vernon organisation has proved, by rules and the way in which that organisation operates the soccer pools in other States and in Great Britain, that it has the expertise to prevent fraud. I also inform the House that information I have received today shows that Western Australia is also in the process of considering the same proposition as that which I have announced in connection with Australian Soccer Pools.

My answer in regard to the second part of the honourable member's question is that the matter was referred to the Lotteries Commission, and the commission suggested that the money received from the pools may affect the running of State lotteries, although there was certainly no conclusive proof to that end. Experience in

other States has shown that that is not the case, although it is hard to know exactly whether this is so because those people who play soccer pools are a fairly specialised section of the community. I make quite plain that one can play soccer pools without any knowledge of soccer, and I would not want honourable members to think otherwise.

Members interjecting:

The Hon. M. M. WILSON: I am not reflecting on anyone; if members opposite want to think I am, that is their privilege. The Manager of the Lotteries Commission provided that information, which the Government took into account when making its decision. That is really all I can say on the matter.

SECTARIAN GROUPS

Mr. LEWIS: Will the Chief Secretary say whether the State Government is at present monitoring the activities of any of the lunatic fringe groups which have been known to advocate or participate in street violence or guerilla warfare to procure their ends in this country or in any other Western democracy?

Members interjecting:

The SPEAKER: Order!

Mr. LEWIS: I heard on radio this morning that the Hare Krishna movement in the United States has been involved in theft and fraud, using stolen credit cards to purchase stores and supplies, including armaments. The news item stated that arms were stored in a number of different locations throughout California and other States in the U.S.A.

Concern has been expressed to me that the South Australian police may not now be able to monitor the activities of these sectarian fanatical minorities since the time the previous Government interfered with the activities of Special Branch.

The Hon. W. A. RODDA: I do not know how to define the lunatic fringe. The honourable member has cast far and wide in his question. I gather from the question that there are problems on the world front. Near at home, he says that concern has been expressed that the South Australian Police Force may be restricted in its activities, but I can assure him that there is no restriction on our force in doing the things it has been doing for a long time. Regarding the points he has raised in his question, I can assure him that the police have that constantly watchful eye, in its ever-friendly way, in looking after the interests and security of the people of this State.

PUBLIC SERVICE BOARD

Mr. HEMMINGS: Will the Premier say whether the Government intends during this calendar year to change the composition of the Public Service Board?

The Hon. D. O. TONKIN: The idea had not occurred to me.

ROAD TANKERS

Mr. OSWALD: Will the Minister of Transport instigate an inquiry into the road transport of liquid petroleum fuels in built-up areas, following recent accidents involving petrol tankers on Brighton Road, Glenelg North? The *Guardian* of 4 June contains a letter, part of which states:

> A few weeks ago we had another accident on our narrow stretch of road at Glenelg North, involving three vehicles.

The narrow stretch, in this case, is Tapleys Hill Road. The report continues:

> A fully-laden petrol tanker coming from the oil refinery collided with a car which was about to make a right-hand turn, spinning this car around in the path of an oncoming car, which meant it was struck twice.

Last week, another petrol tanker turned over on Brighton Road. I have stood outside my office and watched fully-laden tankers doing right-hand turns, trying to catch the green lights, and I have just waited for the bogey to slide over.

Mr. Hamilton: What about l.p.g.?

Mr. OSWALD: As a result of these types of accident, and concern in the community, will the Minister investigate the movement of laden fuel tankers through metropolitan Adelaide?

The Hon. M. M. WILSON: The honourable member has raised an extremely important question. Of course, the danger is not only with petrol tankers but, as I think another member interjected, when carrying fuel such as liquid petroleum gas, the danger can be even greater. I initiated discussions with petroleum refineries some weeks ago to see whether we could bring some form of control with regard to these tankers that go along Brighton Road. Being unaware certainly of the second accident to which the honourable member has referred, I should be grateful if he would let me have whatever details he has, and I will have an investigation initiated. I doubt that I will set up a full-scale inquiry, since my department is already conducting an investigation, and there is also liaison with the Department of Mines and Energy on the same question.

INDUSTRIAL AFFAIRS DEPARTMENT

Mr. O'NEILL: Will the Premier say whether the Government intends to appoint Mr. Hedley Bachmann as Permanent Head of the Department of Industrial Affairs before the retirement of that department's Permanent Head, Mr. Lindsay Bowes? If it does, what position has the Government planned for Mr. Bowes?

The Hon. D. O. TONKIN: I could have got to my feet and said "No" straight out but I really think that a comment on the almost paranoid obsession which is being shown by the Opposition at present about different appointments ought to be made.

If members of the Opposition are in some way trying to start up hares throughout the Public Services (and I can only assume this is in some way designed to destroy the morale of the Public Service, much in the same way as the Opposition tried to do earlier in the life of this Parliament), I can only condemn it wholeheartedly as being a disgraceful action.

I have been asked questions this afternoon about various very well placed and competent members of the Public Service, with some implied reflection on their ability. I will not stand for that style of question which reflects on the competency of our public servants. I am disgusted that a Government service should be plagued by this sort of activity by a Party which has so recently been in Government and therefore should know better.

The Hon. J. D. Wright: Well, now answer the question.

The Hon. D. O. TONKIN: The answer, as I said in the first place, if the Deputy Leader had been listening, was "No, there are no such plans." If honourable members opposite wish to keep on playing this game, I will get up and say that there are no such plans, and that we have not considered such things, for as long as they like, because there have been no plans.

There happens to have been a secondment of the Director-General of my department to undertake a most important task. That job, which is well within his

competence, will be done, and I am sure that it will be done in a most exemplary way.

The Hon. J. D. Wright: What about the other—

The Hon. D. O. TONKIN: To perhaps save members opposite yet one more question at Question Time, I will refer to another story which I understand is running around, being promoted by the Opposition. I am not too sure which honourable member has it typed out, but let me answer it for him now. The Opposition will be absolutely devastated to know that it has been wrong yet again. The Hon. C. Ross Story is not going to be the next Agent-General in London.

ROEI ABALONE

Mr. BLACKER: Can the Minister of Fisheries say what work has been undertaken by the Fisheries Department to assess the feasibility of roei abalone as an economic fishery in South Australia? I am advised that there are limited stocks of roei abalone in and near many of our coastal inlets. My constituents advise me that roei abalone is a small species of crustacean and would need different management techniques. This management would require landing of the fish in the shell, different size limits, and possibly further zoning of the respective catchment areas.

The Hon. W. A. RODDA: The question of the roei abalone has been discussed recently and more especially since the Government has made plans in relation to the transferability of abalone authorities. Representation has been made by the fishermen themselves about this matter. The honourable member having asked a specific question that requires an expert answer, I will discuss the matter with the Director and get a considered report for the honourable member. If I do not have it before the House rises, I will see that the honourable member receives it immediately afterwards.

TOURISM

The Hon. D. J. HOPGOOD: Does the Premier agree with the description of South Australia's tourist potential in volume 3 of the South Australian Government submission to the Commonwealth Grants Commission for the review of relativities? If he does, does he agree it might be best for South Australia if this important portfolio was given to someone with more enthusiasm for what this State has to offer than has the present Minister? In dealing with tourism, the submission describes South Australia as suffering from a "paucity of natural features". The submission also says that the State labours under the difficulties of not possessing natural advantages which sell themselves; it possesses no tropical climate, islands or reefs, no winter snowfields, no uniques watercourses which are not shared by other States, no dramatic mountain scenery—

Mr. Bannon: What about the Flinders Range?

The Hon. D. J. HOPGOOD: —characteristic English countryside, or colonial island heritage, and no beautiful harbours or large, exciting, bustling metropolis.

The Hon. D. O. TONKIN: The member for Baudin knows full well that he has missed out one of the enormous drawbacks which South Australia has also had, and that has been a Labor Government for the past 10 years. The report to the Grants Commission points out quite properly that the task of selling tourism in South Australia is an extremely difficult one, compared with the job which has to be done in some other areas. We certainly do not have a Sydney Harbor; we do not have alps; we do not have natural facilities which by their very presence will attract people to our State.

We happen to live in the finest State in the finest nation in the world. We have a quality of life of which we can be proud; we have a wine industry and a culture of which we can be proud; but we have had to create this, in spite of a paucity of natural resources. It says a great deal for South Australia and for the people who have made South Australia great that they have been able to achieve so much in the absence of any outstanding feature such as Ayers Rock, and so on. It is, I believe, a challenge which has been faced up to by South Australians in the past, and indeed it has only been because of the inactivity of the previous Government that we have fallen so far behind in the tourist industry.

I certainly do not intend to make any change to the tourism portfolio. I believe that the Minister is doing a first-class job, and is attaching her work with a great deal of enthusiasm and with great talent. I know that the report that we will be getting on the tourist potential of this State, and the new advertising campaign which is being devised and which will be released soon, will do a great deal to reverse the slump of the past 10 years. Indeed, I am determined, as is the Minister of Tourism, to make certain that South Australia once again takes its rightful place at the forefront of the Australian tourist industry.

Mr. Abbott: You aren't doing too well with the Victor Harbor line.

The Hon. D. O. TONKIN: I think the Minister has done a good job with the Victor Harbor line. A lot more has to be done and, with the honourable member's support, on which I am positive we can count, I am sure a great deal more can be done.

I can only say that if we are to be realistic we must always recognise that South Australia is, like many other countries and many other States, limited as to the outstanding natural features that it has. We have a great deal of which we can be proud of, and the Leader referred by way of interjection to the Flinders Range. We can talk about the Clare Valley, the Barossa Valley, the South-East, and our way into the centre of Australia, through South Australia. We could, I suppose, refer to the Stuart Highway as being a sort of tourist attraction, although it is not the sort of attraction that I believe will attract large numbers of tourists to South Australia just for the privilege of riding on one of the worst roads in Australia. That is a situation we will try to improve as soon as we possibly can. I am proud of South Australia; I am proud of what we do have, and I am proud of all the past work that has been put in to make South Australia such an attractive place. I hope that we will soon catch up again with the backlag which has been left by the previous Government's Administration over the past 10 years.

BOAT RAMP

Mr. SCHMIDT: I address my question to the Minister of Marine. In response to a petition I lodged with the House last week from residents in the south who are concerned about a boat ramp, can the Minister inform the House what policy has been adopted regarding the provision of an all-weather boat ramp along the coast of the central southern coast area?

The Hon. D. J. HOPGOOD: On a point of order, Mr. Speaker. I understand that there is a Question on Notice in relation to this matter.

The SPEAKER: That is No. 1058?

The Hon. D. J. HOPGOOD: Yes. I am anxious to hear the Minister's reply, but I point out that, under the Standing Orders—

The SPEAKER: Would the honourable member for Mawson please read his question again?

Mr. SCHMIDT: I asked: Can the Minister inform this House what policy is being adopted by the Government regarding this boat ramp?

The Hon. R. G. Payne: Which boat ramp?

Mr. SCHMIDT: The southern boat ramp.

The SPEAKER: Order! I would have to rule that the question is out of order, on the evidence which has now been provided by the honourable member for Baudin. The honourable member for Mawson clearly indicated that it was a boat ramp. Although he was asking relative to policy, it was relative to a boat ramp, as is contained within the Question on Notice.

The Hon. D. O. TONKIN: I rise on a point of order. This is an important matter. With great respect, I point out that the Question on Notice asks what is the present position.

An honourable member interjecting:

The Hon. D. O. TONKIN: No, it is still possible to answer the question, if the Speaker allows this. The question on the Notice Paper relates to the present position as to a boat ramp. The question I understand the honourable member has asked is about what is the Government's policy on it.

The SPEAKER: I do not accept the additional point of order. I take it that, in this instance, the Government having formulated a policy, it would be the Government position on the matter. Whilst it might be semantics in regard to both policy and position, I believe that the similarity is such that the question should not be allowed.

At 3.12 p.m., the bells having been rung:

The SPEAKER: Call on the business of the day.

LEAVE OF ABSENCE: THE HON. PETER DUNCAN

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

That one week's leave of absence be granted to the member for Elizabeth (the Hon. Peter Duncan) on account of absence overseas.

Motion carried.

TRUSTEE ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

It amends the Trustee Act on a variety of subjects. It gives effect to the recommendations of the Law Reform Committee relating to reform of the law affecting authorised trustee investments. The range of investments available to a trustee is extended by empowering investment in securities of companies that have an established financial stability, and in various other forms of investment that were previously not authorised by Statute. In addition, a trustee is empowered to invest trust funds in the purchase of a dwelling house for the use or benefit of beneficiaries of the trust. This new power is analogous to powers contained in the legislation of other States.

Amendments are made to section 35 of the Act to clarify the liability of a trustee where a loss is sustained by the trust estate. The amendments make clear that a trustee is only liable where the loss arises through a wrongful or negligent act on his part or through an event that the trustee could reasonably be expected to have foreseen and averted. The Bill gives the Supreme Court power to vary trusts, distribute or resettle trust property, and to enlarge the powers of trustees. The court must be satisfied that all existing or potential beneficiaries of the trust are represented and that no beneficiary or class of beneficiaries will be disadvantaged before it exercises the jurisdiction. The jurisdiction will apply to all trusts other than charitable trusts which are dealt with in later provisions of the Bill. One of the most important functions of the provision will be in the variation of trusts where all beneficiaries have not been ascertained or some are under age. These beneficiaries are unable in law to consent to a variation. However, the court will not be able to exercise the power if a substantial reason for the change is to reduce the incidence of tax.

New provisions are included in the Bill for the purpose of protecting charitable trusts that would otherwise be held to be invalid by reason of non-charitable provisions that have been included by the testator or settlor. The Bill provides that where a trust contains some provisions that are valid charitable provisions, and other provisions that are non-charitable and invalid, the trust shall be construed as if it provided only for the application of property in accordance with those provisions that are valid.

Another important new provision inserted by the Bill empowers the Supreme Court to approve a scheme altering the purposes for which property may be applied in pursuance of a charitable trust. It frequently happens that effective administration of a charitable trust becomes impossible because the purposes for which the property was settled are no longer consistent with changing social circumstance or the trust property is simply not sufficient to be effectively administered for the purposes on which it was settled. In cases like this, much better effect can usually be given to the spirit of the gift if some minor change is made in the purposes for which the property is settled. A new provision inserted by the Bill is designed to enable this to be done. The Bill also contains a provision making it clear that a trust to provide facilities for the purpose of recreation in the interests of the welfare of the community is a charitable trust.

The Bill enacts new Part VA which will require trustees to keep records relating to their administration of trust property and empowers the Public Trustee, or a trustee or a beneficiary under the trust, to inspect those records. The Supreme Court is empowered to appoint an inspector to investigate the administration of the trust. An inspector may require any person to produce documents relevant to the administration of the trust and may require the trustees or other persons to answer questions relevant to the administration of the trust. The inspector is required to report upon his investigation to the Supreme Court and to the Attorney-General and he is otherwise prohibited from divulging information that comes to his notice in the course of an investigation unless the court authorises him to do so.

Clauses 1 and 2 are formal. Clause 3 expands the definition of "securities". Clause 4 inserts new sections 5 and 5a into the principal Act. New section 5 expands the powers of trustees to invest trust funds. The provision contains various safeguards designed to ensure that investments are sufficiently diversified and that the trustee will obtain proper advice before investing trust moneys in undertakings that may involve some element of risk. New section 5a empowers a trustee to purchase a dwelling house for the use of a beneficiary under the trust.

Clause 5 replaces subsection (1) of section 35 of the principal Act with two new subsections. These provisions

elucidate the liability of a trustee in the event of a loss being sustained by the trust estate. Clause 6 removes from section 57 of the principal Act a reference to the doctrine of restraint on anticipation. This doctrine was designed to prevent a married woman from dealing with her separate property. It has been removed by legislation from the law of South Australia and the reference in section 57 is a historical anomaly.

Clause 7 repeals sections 59 and 59a of the principal Act The substance of these sections is included in Part VA enacted by clause 10 of the Bill. Clause 8 enacts section 59c of the principal Act, which empowers the Supreme Court to vary the terms on which trust property is held, to distribute or resettle trust property and to enlarge the powers of trustees. Clause 9 adds three new sections to the principal Act. New section 69a provides that where the purposes of a trust are both charitable and non-charitable, the charitable purpose shall be enforceable. At the moment both the charitable and non-charitable purposes would be invalid. New section 69b expands the circumstances in which the Supreme Court can approve the application of property held on charitable trusts for purposes other than those specified by the settlor or testator, but which are as near as possible to the original purposes. The advantage of this power is that the charitable intention of a testator or settlor can be maintained although circumstances change. New section 69c of the principal Act validates trusts for recreational purposes where the trust is for the benefit of the public generally or for people in special need of recreational facilities.

Clause 10 enacts Part VA of the principal Act. The purpose of this Part is to give greater protection to beneficiaries. New section 84b requires trustees to keep records of their administration of the trust property and allows a beneficiary or a co-trustee or the Public Trustee to inspect and take copies of the records. The beneficiary can then have the records examined by an accountant or other expert if he wishes. New section 84c gives the Supreme Court power to appoint an inspector to investigate the administration of a trust. The inspector has wide powers to require documents to be produced to him and to require the attendance of any person before him. He reports to the Supreme Court and the Attorney-General but may not disclose information acquired by him as an inspector to any other person unless directed by the court.

The Hon. D. J. HOPGOOD secured the adjournment of the debate.

FISHERIES ACT AMENDMENT BILL

In Committee.

(Continued from 5 June. Page 2334.)

Clause 3—"Fishing licences."

The Hon. W. A. RODDA: I move:

That clauses 3 and 4 be postponed and taken into consideration after clause 2 has been reconsidered.

Motion carried.

Clause 2—"Commencement"—reconsidered.

Mr. KENEALLY: There was some confusion last Thursday because clauses 1 and 2 were passed by the Committee when amendments that the Opposition was seeking to have discussed were still being prepared. I thank the Government and the Minister for the courtesy shown to us in permitting this matter to be debated in full. I intend to seek the Committee's approval to discuss all the issues involved in my amendments at the one time. The amendments are all consequential, and there seems little point in dealing with them clause by clause when the whole lot could be disposed of at the same time. I seek leave to proceed on that course.

The Hon. W. A. RODDA: Are we dealing with the amendments *in toto*?

The CHAIRMAN: I understand that the member for Stuart wishes to canvass the matters contained in his other amendments, but the vote will be only on clause 2.

Mr. KENEALLY: That is correct, Mr. Chairman. The debate will make sense only if all of the matters are discussed at the one time. If the Committee sees fit, it is my intention to deal with the matter in this way. I would not be seeking to discuss the issues on any other clauses that might subsequently be involved.

The CHAIRMAN: I will permit that course of action.

The Hon. W. A. RODDA: Do I have the honourable member's assurance that we will not go past clause 2?

The CHAIRMAN: I can assure the Chief Secretary that each question must be put separately. However, I have agreed to allow the member for Stuart to canvass consequential amendments briefly.

Mr. KENEALLY: To put the Minister's mind at rest, it was my intention that we should have a vote on this debate that I am now proposing to enter into, and the result of that vote would be the end of the amendments that I propose to move. If the amendment to clause 2 is defeated, I propose to move no further amendments, but I will canvass all of the issues involved, because all of the issues are consequential. I move:

Page 1, after line 9—Insert new subsection as follows:

(2) The Governor may, in a proclamation made for the purposes of subsection (1) of this section, suspend the operation of any specified provisions of this Act until a subsequent day fixed in the proclamation, or a day to be fixed by subsequent proclamation.

The Opposition believes it necessary to bring before the Committee these amendments because of the wide powers proposed to be given to the Director of Fisheries. We also believe that a system of management plans would give the Minister and his department (the Director) greater powers as well as guidelines under which the department would be able to operate to the benefit of fishermen generally.

So that I will be able to explain clearly what these amendments do, I shall need to canvass the individual amendments, some briefly and others in rather more detail. The amendment I have moved is consequential to the other amendments, and the importance of that will become relevant at a later date, so there is no need for me to dwell on that. If my admendment is successful, I intend to move for the insertion of the following new clauses:

Page 1, after line 9—Insert new clauses as follows:

2a. Section 3 of the principal Act is amended by inserting after the item:

PART II—REGULATION OF FISHING

The item:

DIVISION A1—FISHERY MANAGEMENT PLANS

2b. Section 5 of the principal Act is amended—

(a) by inserting in subsection (1) after the definition of "aquatic reserve" the following definition: "authorised fishery management plan" means a fishery management plan in force and as from time to time varied under Division AI of Part III of this Act:;

(b) by inserting in subsection (1) after the definition of "declared device" the following definition: "declared fishery" means a fishery declared by proclamation made under Division AI of Part III of this Act to be a declared fishery for the purposes of this Act:;

(c) by inserting in subsection (1) after the definition of

"fish" the following definition: "fishery management plan" means a plan prepared by the Minister indicating, generally, the measures that, in the opinion of the Minister, are necessary or desirable for the management and conservation of a declared fishery:

These definitions are all basic to the amendments in total. We propose to set up fishery management plans, which is achieved by new clause 2c, as follows:

2c. The following Division and the heading thereto are enacted and inserted in the principal Act after the heading to Part III thereof:

DIVISION A1—FISHERY MANAGEMENT PLANS

27a. (1) The Governor may, by proclamation, declare a fishery defined in the proclamation to be a declared fishery for the purposes of this Act.

(2) For the purposes of a proclamation under this section a fishery may be defined by reference to specified waters or land and waters, specified species of fish or any other factor, or any combination of two or more such factors, specified in the proclamation.

(3) The Governor may, by proclamation, vary or revoke a proclamation made under this section.

27b. (1) The Minister shall prepare a fishery management plan for each declared fishery.

(2) When a fishery management plan has been prepared the Minister shall, by advertisement published in the *Gazette* and in a newspaper circulating generally throughout the State, give public notice:

(a) that a copy of the plan is available for public inspection at a place and for a period (being not less than two months from the date of the advertisement) specified in the advertisement;

I will refer back to that in my concluding remarks. The new section continues:

and

(b) that written representations on the plan may be made to the Minister during that period.

(3) Where the Minister gives a notice under subsection (2) of this section, he shall:

(a) make a copy of the plan available for public inspection in accordance with the terms of the notice;

and

(b) give due consideration to all representations that are made to him in accordance with the terms of the notice.

(4) The Minister may, after giving due consideration to any representations, vary the plan.

(5) When the Minister has given due consideration to all representations and made such variations, if any, to the plan as he thinks fit, he shall:

(a) cause the plan to be published in the *Gazette;* and

(b) cause a copy of the plan to be laid before each House of Parliament.

(6) A plan shall not come into force:

(a) until fourteen sitting days of each House of Parliament have elapsed after the plan is laid before that House; or

(b) if either House of Parliament, pursuant to a notice of motion given within fourteen sitting days after the plan is laid before that House passes a resolution disallowing the plan.

(7) Subject to this section, a plan shall come into force on a day specified in the plan.

Variations to authorised fishery management plans are couched in terms similar to those of the previous amendment I read to the House, so there is no purpose in reading that again. There will be requirements under our new section 27d, which states:

27d. (1) The Minister shall review and prepare a report upon each authorized fishery management plan at least once in every period of five years occurring after the plan came into force.

(2) The report of the Minister upon any authorized fishery management plan shall be laid before each House of Parliament.

Most of the amendments we will move relating to the fishery management plan follow a similar pattern to the development plan drawn up by the Department of Planning. We also seek to amend section 34 of the Act, which gives fishermen the right to appeal against the decisions of the Director and lays down provisions under which the Director may vary fishing licences. I think I should read this proposed amendment to the Committee, because I understand that the proposed amendments have not been circulated to individual members. I apologise for that, although I notice that members now have copies. The proposed new clause which appears on page 4 of my proposed amendments states:

Page 2—After line 16 insert new clause as follows:

5. Section 34 of the principal Act is amended:

(a) by striking out subsections (1) and (2) and inserting in lieu thereof the following subsection:

(1) The Director shall, in determining whether to grant or refuse a fishing licence or licence to employ, or in formulating any conditions of such licence:

(a) in so far as the licence sought relates to a fishery for which an authorized fishery management plan is in force, have regard to the terms of that plan; and

(b) in so far as the licence sought relates to any other fishery, have regard:

(i) to any existing fishing practices lawfully carried on by the applicant in relation to that other fishery; and

(ii) to the proper management of that fishery.;

and

(b) by striking out subsections (3) and (4) and inserting in lieu thereof the following subsections:

(3) The Director shall, at the request of a person refused a licence or granted a licence subject to any condition (which request must be made within fourteen days after the grant or refusal of the licence), give that person a written statement of his reasons for refusing the licence or imposing the condition.

(4) A person aggrieved by a decision of the Director refusing an application for a licence or imposing a condition of a licence may request the Minister to have the Director's decision reviewed.

(4a) A request for review of a decision of the Director must:

(a) be in writing;

(b) state the grounds for the request; and

(c) be delivered to the Minister within one month after the making of the decision or, if a written statement of reasons for the decision is requested, within one month after receipt of such written statement.

It will be obvious to members who have followed the debate on the amendments to the Fisheries Act that those that I have just read differ somewhat from the amendments canvassed publicly late last week. The reason

for this is that we have had discussions with members of the fishing industry. In fact, I received a telegram today from Mr. Peter Simmons, on behalf of the Northern Spencer Gulf Fishing Association, as follows:

> Amendments to fisheries Bill unacceptable to industry. Far too drawn out for fishermen to wait.

It was our initial intention to ask the Minister to draw up, within six months, a fishery management plan, that it be available for public discussion for an additional six months, that it should then come back to the Minister for his decision, and that it then lie on the table for an additional 30 days. That is a long time, so we accept the points made by the scale fishing industry and have substantially shortened the time that will need to elapse between when the Minister draws up the management plan and when that management plan becomes law. Therefore, that complaint by the scale fishing industry has been overcome.

That is the only objection that we, as an Opposition, have received to the amendments we now bring forward. Having satisfactorily resolved that difficulty that the scale fishermen find themselves in, we now look forward to the Committee, and the Government, accepting these amendments.

The Hon. W. E. Chapman: Will you read that telegram again, please?

Mr. KENEALLY: I am prepared to read the telegram again for the benefit of the Minister, who is not the Minister in charge of this Bill, because I am all sweetness and light. I want members on the Government benches to be absolutely certain about what we are proposing, so that there is no possibility that they can claim they misunderstood if they do not accept these amendments and meet the criticism of the fishing industry. The telegram sent to me today by Mr. Simmons states:

> Amendments to fisheries Bill unacceptable to industry. Far too drawn out for fishermen to wait.

That was received from the fishing industry in my area. We have substantially overcome that objection, because we have reduced dramatically the time between when a fisheries management plan is developed by the Minister and when it passes into law. I hope that that satisfactorily solves the problem that the Minister of Agriculture may have seen.

The Hon. W. E. Chapman: Did he suggest that you should withdraw your amendments altogether?

Mr. KENEALLY: He did not make any such suggestion, nor has any such suggestion ever been made to me or to the shadow Minister. I am not surprised that the Minister misunderstands what I am saying, because he is probably terribly excited about his impending trip to Iraq.

The CHAIRMAN: Order!

Mr. KENEALLY: I think it appropriate that I say why the Opposition believes these amendments are essential. I said at the commencement of my remarks that we were concerned about the wide powers that the Government was proposing to give to the Director, who is a senior public servant but, nevertheless, a public servant.

We believe that such powers should reside in the Minister or the Parliament. Historically, if honourable members check, they will see the consistent policy of my Party when in Government. My concern about these wide powers were shared by you, Mr. Chairman, and the member for Flinders at the second reading stage. It was obvious that this concern was shared by other honourable members regardless of to what political philosophy they adhere. It would seem that there is a general acceptance that these wide powers should not be given to any individual who does not have direct responsibility to the community for his actions.

I do not reflect on the Director; it is unfair that powers of this nature be imposed on any public servant. We also believe that, if it is the will of this Parliament that these powers be so imposed, clear and basic policy guidelines should be laid down so that the proposed powers of the Director are not too wide, and so that these powers are not open to arbitrary use and imposition on fishermen. This should be of the utmost concern to us all. We know that any decision made by the Government, the department or the Director concerning one area of fishing management seems to have an adverse effect on other areas of fishery management. During the years, fishery problems (along with shack owners problems) have concerned me and, I suspect, have concerned you, Sir, to an enormous extent in representing constituents.

The member for Flinders, the member for Rocky River and the Minister know the problems that are associated with coastline districts and that the people with whom we deal are very difficult and independent and do not always accept what Governments do, whatever the colour of the Government. The amendments will lay down a procedure whereby an authorised fisheries management plan can be developed for the marine scale fishery.

I cannot believe that there could be an argument against the many benefits that would arise from a fishery management plan, but I would be interested to hear any such arguments and I would be pleased to have the opportunity to debate them with the Minister. I am confident that, after reading the amendments and after listening to my explanation of them, the Minister will agree with them.

The amendments lay down a procedure that ensures public consultation between the Government and all groups that are interested in particular fisheries. This is of the utmost importance. It is important that not only fishermen be able to consult with government but also that communities who depend to some extent upon the fishing industry also have an opportunity to contribute to a fishery management plan. I suggest that the communities in Port Lincoln, Whyalla, Port Augusta, Port Broughton, Port Pirie and Wallaroo would have considerable interest in what happens to the fishing industry, because local economy depends to a large extent on the viability of that industry.

The amendment overcomes a problem that some cities in my district (and in the districts of the member for Whyalla and the member for Flinders) experience. At the Spencer Gulf cities meeting, which was held more than a week ago, a motion was moved that supported my attempts for the establishment of a Select Committee to investigate the fisheries industry in South Australia. This motion indicates that people in these areas are concerned and are not happy with the current situation; they should be able to participate in any decisions which the Government might make and which affect the industry.

If the Government was to accept that fishery management plans should be established with public comment, the necessity for my suggesting, at a later date, that the Government set up an investigation into the industry would be overcome, because the amendments allow the public debate and participation that is so essential at times when Governments make decisions that affect so vital an industry. I am well aware of the importance and the viability of fishing to a large number of my constituents and to the constituents of other honourable members.

Once the management plan has been open for public display, has been approved by the Governor, and has not been disallowed by Parliament, the Director will have wide powers, which will be contained within the principles

laid down in the plan. Any decisions that the Director may wish to make regarding individual licences and the determining of acquatic reserves and fishing activities generally will be contained within the guidelines of that plan.

Quite clearly, the Director will have behind him the force of a plan that will have been approved by Parliament, the industry and the community. One cannot get anything fairer than that. I believe that every honourable member who lays some claim to having democratic principles agrees with that concept. Obviously, this amendment will give protection to individual fishermen against arbitrary actions as the fisherman is then able to appeal against the decision of the Director on the grounds that the conditions do not conform to the principles of management as laid down by the plan. Nothing could be clearer than that.

If the Bill is passed in its present state, a fisherman can be subject to the arbitrary decisions of a Director, without knowing the grounds on which the Director has made a decision; he is unable to mount a sensible appeal against that decision. The Bill makes it extremely difficult for a fisherman to obtain what he may regard as justice.

I recall that the member for Eyre stated on a previous occasion that he sought to obtain justice for fishermen, but could not do so even though the arguments put forward seemed to be valid and to warrant support. Support was not forthcoming. The amendment will provide the framework to allow a fisherman to appeal and will allow the Director to make decisions in accordance with a fishery management plan. If the Bill is not amended, the fishermen's ability to appeal would be only nominal protection, because no guidelines would be used as the basis of a case.

The establishment of a management plan will also assist the Director in making some of the tough decisions that are necessary in fisheries management. If he has the plan to back him, he cannot be accused of discriminating against certain individuals. We all know that that charge is always likely to be made. The Minister and his Director will have to make tough decisions in respect of the fishing industry. I will be one who will be anxiously awaiting some of these tough decisions, because it is likely that I will be forced to comment on them.

If the Minister and the Director are required to make tough decisions, surely these could better be made if the Minister and the Director had the strength of a whole process of industry and Parliamentary involvement behind them, so that they could not then be accused of making arbitrary decisions that discriminated in favour of one section of the industry against another or one fisherman against another. This progressive move that we are putting to the Committee will provide the Government of the day with a framework which, unfortunately, the previous Government did not have, but which it was working towards. It is a plan for the benefit of the fishing industry and the community at large.

It will take some time for a management plan to go through the process of consultation but, in response to complaints on the matter we have received from the industry, the Opposition has seen fit to be flexible and has reduced dramatically the time that would be required for this process to be completed. We are sure now that this plan can be implemented without any great threat to the current viability of people in the scale-fishing industry. If that is to be challenged, I am prepared to ask questions of the Minister about the decisions he has to make and the time in which he hopes to make them. I suggest that, if the Government opposes the amendments, it will not be able to propose a shorter period than the one I am putting forward.

The Director will have to possess interim powers so that he can manage the industry while the public consultation process is taking place. Our amendments will allow for that to happen. It will be important that the Director not have power to vary an existing authority or licence. He will have power to make decisions that affect new entry into the industry, during the restricted period in which the interim powers will be in force, but he must not have power to affect an existing authority or licence, because that, clearly, would be discriminatory and against the wishes of Parliament and the best interests of the industry.

It is most important that any interim power preserve the existing conditions within the fisheries, because we do not want a fisherman to be able to claim that his existing rights were being denied him, and that he had no right of appeal. Also, we believe that while the interim powers are in force, the Director should not be able to extend the existing fishing rights that apply to a licence. That should also wait until the management plan has been completed, processed, and accepted as law as the framework under which the department will operate. For example, the Director could use his interim powers to freeze the employee position, allowing existing practices to continue, but preventing an extension. When the authorised plan comes into force, he could use his powers to change the existing situation, if that was the principle laid down by the plan.

With great respect to the Committee, I know that it is essential that a member address the Committee, but it is also helpful if the member knows, when moving amendments, to whom he should direct those amendments. Although I have been participating in cross fire with the Minister of Agriculture, I have been trying to convince the Minister who has the carriage of the Bill that what I am saying is important, is worthy of his consideration and probably warrants the courtesy of his answering the points I have made. In order for that to happen, I am pleased to take my seat so that I can hear the Minister agree with the points I have made and to the amendments I have moved.

The Hon. W. E. CHAPMAN: The honourable member knows only too well that the Minister of Fisheries has been absent from the Chamber temporarily for the purpose of discussing this matter with the Parliamentary Counsel.

Mr. Keneally: He's here now.

The Hon. W. E. CHAPMAN: Yes, but for some lengthy period of his absence the honourable member has asked a series of questions, and raised a number of matters relating to the subject, and I believe it is unfair that, on the return of the Minister of Fisheries, a call should be made for him to answer those questions. I will answer not all but some of the points that have been raised. We are all aware of the Bill, and a short while ago we became aware of a four-page document of amendments lodged by the Opposition. All that the Minister of Fisheries is seeking to do in this Bill is to amend the Fisheries Act and provide his Director with appropriate powers to carry out Government policy.

The Bill seeks to do several things, all of which are important for the implementation of the Government's policy with regard to employees, and to include appropriate penalties for infringement in those two areas. What the Minister said in his second reading explanation, albeit briefly, was that the legislation is desirable in order to implement the Government's plan in relation to implementing the Fisheries Act in the fashion outlined.

I see nothing wrong with the Bill in its original form. There is a need, apparently, to consider amending section 34 of the Act, and I think that that is already conceded,

and that it has been indicated to the honourable member. In doing so, all that is required, apparently, there is to open up this area of power proposed to be vested in the Director so that the conditions on the licence may be subject to appeal, as well as the actual refusal of a licence.

If that amendment is proceeded with by the Minister, I am sure the member for Stuart will then agree that his cumbersome amendments in relation to that subject and the powers proposed for the Director will be negated. There will then be no need to go through that lengthy planning and advertising and delaying tactic that is incorporated in the amendments in order to put this provision into practice. That is only a general comment, because I have only just received a copy of the amendments. I understand what the Minister is doing and support it wholeheartedly. During the absence of the Minister, the honourable member said that the Minister would have to be tough; he said that he understood that, and he conceded that previously the Minister had not been tough enough.

Mr. Keneally: No.

The Hon. W. E. CHAPMAN: That is the inference I drew from the honourable member's remarks, and I would agree with that. I can assure the Committee and the member for Stuart that, if there is a need to be tough, the present Minister of Fisheries has that quality, and I would like to assure the honourable member also that in being tough he will be fair. I really think that is all that the industry requires. As concerned as it may be for the resource, and as concerned as is this Government for the resource, it is not within the policy to try to manipulate the people in the industry; the idea is to manage responsibly the resource from which it and the public generally draw. The Minister is now back in the Chamber, and I am sure he will now be able to proceed with this debate.

Progress reported; Committee to sit again.

TRAVELLING STOCK RESERVE: COBDOGLA

Adjourned debate on motion of Hon. P. B. Arnold:

That section 389, hundred of Cobdogla, Cobdogla irrigation area (area 12·18 ha) dedicated as a travelling stock camping reserve, as shown on the plan laid before Parliament on 6 October 1977 be resumed in terms of section 136 of the Pastoral Act, 1936-1976: and that a message be sent to the Legislative Council transmitting the foregoing resolution and requesting its concurrence thereto.

(Continued from 5 June. Page 2323.)

Mr. KENEALLY (Stuart): As members will see from the Notice Paper, the member for Mitchell will lead for the Opposition on this matter.

The Hon. R. G. PAYNE (Mitchell): In moving this motion, the Minister indicated clearly certain requirements that are necessary before a motion of this nature can appear before the House. One of those requirements is that a plan should be laid before the House for at least 60 days before the motion may be considered, and that is in accordance with section 136 of the Pastoral Act, as referred to in the Minister's explanation.

An interesting fact that I found when reading the explanation was that the travelling stock camping reserve was dedicated as such on 15 February 1973 and has not been placed under the control of any governing body. When checking the date provided with reference to the dedication, I found that on that date in 1973 a proclamation appeared under the heading of the Crown Lands Act, 1929-1972: Irrigation Act 1930-1971: Cobdogla Irrigation Area-Travelling Stock Camping Reserve Resumed and Dedicated. The proclamation made in the *Government Gazette* of 15 February 1973 is as follows:

1. Resume the lands defined in the first schedule hereto being lands which were by proclamation published in the *Government Gazette* of the 26th day of April, 1934, at page 1096, dedicated as a travelling stock camping reserve.

If one goes to the photostat copy of that page of the *Gazette,* dated 26 April 1934, one finds, under the same heading, "Proclamation", the statement:

By virtue of the provisions of the Crown Lands Act.

I will not refer to the other wording, in order not to take up too much time. That passage continues:

. . . . do hereby dedicate the Crown lands defined in the schedule hereto as a travelling stock camping reserve.

That refers to the whole of block 389, Cobdogla Division, Cobdogla Irrigation Area, county of Hamley, exclusive of all necessary roads.

I indicate the Opposition's support for this motion. If the Minister proposes to reply to the brief remarks from this side of the House, I would appreciate any information he might have about the fact that, between 1934 and 1973, we appear to have dedicated a travelling stock camping reserve, undedicated it, and then rededicated it. Of course, we support the present proposal because of the intended transfer of land to the Lock Luna game reserve. As the plan was on display almost two years ago in this House, obviously the proposal originated under the previous Government.

The Hon. P. B. ARNOLD (Minister of Water Resources): I am unaware of the early history, going back to the 1930's, to which the honourable member refers. However, it is quite easy to trace this history, and the previous Government's intention in 1977, when it was first brought before the House. However, something went wrong at that stage. A plan was set up in this House but went missing from that time. It is a matter now of bringing it back.

The area was recently dedicated as a game reserve. This small portion of land on the river side of the Kingston Bridge causeway, amounting to 12·18 hectares, has now been included in the actual game reserve. It is just a matter of tidying up the area. Otherwise, it would be a little piece of land virtually under no control whatsoever.

In conclusion, I note that it is encouraging that the Opposition, particularly the member for Stuart, who obviously displays his interest and considerable knowledge concerning these rural matters, has made it possible for this debate to proceed at this time. Including this piece of land in the Lock Luna game reserve will mean that the area is tidied up and placed under the care and control of the National Parks and Wildlife Service.

Motion carried.

CREDIT UNIONS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 March. Page 1830.)

Mr. BANNON (Leader of the Opposition): This matter has been brought on rather suddenly as a result of an adjournment of an earlier debate. This Bill has come to us from another place, in an amended form. Those amendments, in fact, to a small extent took into account some of the objections we raised to the Bill as originally presented. In our view, they do not go far enough.

We intend to support the second reading of this Bill, and to comment further on it, in the Committee stage, in

relation to some specific matters. There is no dispute about most of the clauses in this Bill. In general, I think it is fair to say that regulation of credit unions, which was introduced by the Credit Unions Act in 1976, was welcomed by the credit unions. This was necessary because of the increasing importance of and increasingly large sums of money being handled by credit unions and it has worked very satisfactorily.

Since the Act came into operation it appears that credit union business, and credit union growth, has proceeded to an even greater extent—a welcome trend. Their role as participants in financial markets, their holdings, and the number of members who take advantage of their service, make them an extremely important part of our financial structure.

Mr. TRAINER: Mr. Acting Speaker, I draw your attention to the state of the House.

A quorum having been formed:

Mr. BANNON: With the increasing importance of the credit union movement, which we welcome because of the principles on which it operates, it has become necessary to review the workings of the Act to ensure that it adequately provides for the proper regulation of this increasingly important sector of our financial operations. The Labor Government, prior to last September's election, was working on amendments to this Act. A full review had taken place and some of those amendments were in an advanced state of preparation. Some have come before us in this Bill. Naturally, we welcome its presentation and a number of provisions in it.

It is in respect of one particular area that quite strong objection has been taken by us, and this has been only slightly mitigated by amendments made in another place. That concerns those clauses relating to the disclosure of loans made by credit unions to officers or employees of a credit union, including directors. Provisions in the existing Act make it mandatory that such loans should be disclosed to an annual general meeting of members of credit unions. This Bill seeks to alter those sections of the Act and, in effect, do away with that requirement of public disclosure, and access of members of credit unions to loans and conditions under which those loans are made to directors and officers of the union.

The starting point of consideration of the principles involved in this (and I think it is an important matter of principle) is that, just as public servants or those on the public pay-roll, like members of Parliament, have their salaries and emoluments open to scrutiny by the public (and it is quite appropriate and proper that that should be so), so, we contend, should directors, officers or employees of an organisation who are taking advantages of the benefits that that organisation offers by way of loans have the same scrutiny applied to them. That is a fairly important principle; it is a principle that is contained in the common law itself.

I refer to people who are making decisions about particular issues in which they have some financial interests. If a person is in receipt of a loan on particular terms from a credit union and is also determining the policies of that credit union, obviously those policies can affect his own financial standing, and in that situation one could say, at a superficial glance, that a conflict of interests immediately arises. If there is a possibility of such a conflict of interest, that interest ought to be declared and made clear, because of the fiduciary responsibility. That is the general rule of law in those areas: it is a general rule of practice in relation to companies, associations, local government bodies and, indeed, this Parliament itself.

It is important that we maintain that principle and that we do not detract from it even in the case of credit unions. In that situation, one has to weigh the rights of privacy (the rights of a person to conduct his financial affairs with some degree of privacy) so that that scrutiny should go only so far as to protect the public and community interest.

We believe that, if one weighs privacy against disclosure in this instance, the existing situation in the Act is adequate and proper, and that, by the changes made in the Bill, we are weakening that very important public principle of disclosure of fiduciary interest.

I do not know that it is causing any particular problem. If I were in a position of being a director of one of these companies, I would feel it very important indeed that any interests I had by way of borrowing from that company were known to people, because that would then make the record quite clear. So, I would have thought that, in most cases, any of these officers, employees or directors would feel obligated to have those interests disclosed, and the Act provides a procedure whereby that can be done. So, an important question of principle is involved here—a principle that has been watered down and derogated from by the measure before us. We believe that the provision contained in sections 39 and 52 of the Act should be maintained, and that is our principal objection to the measure as drafted.

I do not intend to canvass in any greater detail those broad objections. That has been done adequately in another place. As I say, we support this Bill to the second reading stage, and will be concentrating specifically on those points of principle when we examine individual clauses. However, I do not think there is any strength at all in the arguments that have been adduced by the Minister (and they were dealt with fairly superficially in the second reading explanation) to justify the changes being made. Many of the minor amendments and corrections being made by this Bill are good and will make the Act much more workable, but in this question of principle it seems quite foolish to back away from it and to water it down when, indeed, there has been no manifest demand for this to be done, and when the public interest is best served by the Act in its original state.

The Hon. JENNIFER ADAMSON (Minister of Health): I am glad to have the support of the Opposition for this Bill. I think it is important to respond to some of the arguments put forward by the Leader of the Opposition in respect to matters of principle. The Government does not argue about (in fact, it supports) the thesis that people who are in positions of trust should have their interest declared, but I take issue with the Leader of the Opposition in regard to the manner in which that interest is declared. I also think it is important to realise that, when the Leader refers to directors, officers and employees of companies or organisations, he fails to take into account an important difference which would make that analogy appropriate to credit unions—the differences between the fact that directors are operating for a fee and the directors of credit unions are working in an honorary capacity. This is a very important consideration when we are looking at the effects of this Bill.

It is a fact, as indicated by the credit unions themselves, that, when people gather together in order to save money and lend money, which is the function of a credit union, those who take the responsibility for directing the affairs of that union do so in an honorary capacity. It has been demonstrated in the past that those who might be willing to accept that honorary responsibility have been deterred from doing so on the ground that their private affairs, from which they can receive no special concessional benefit, will be made public by virtue of the Act as it is presently constituted. It is to overcome that difficulty that some of

these amendments have been moved. It is important to recognise the difference between directors who are engaged for a fee, and who are obliged to declare their interest by way of declaration in annual reports, and those who are accepting an honorary responsibility and who are receiving no special concession whatsoever but who simply wish their private affairs to be maintained on a private basis.

The Government has no argument with that principle and, in fact, the Government believes that the principle is enshrined more effectively in these amendments by ensuring, through clause 10, the following:

> Within one month of lending any moneys pursuant to subsection (1) of this section, the credit union shall report to the Registrar—
>
> *(a)* the name, address and particulars of office or employment in the credit union of the borrower; and
>
> *(b)* the amount, and the terms, of the loan.

Under the existing Act, that provision was not nearly so effective. It required moneys that may have been lent to directors to be declared at the annual general meeting of the credit union. Now, it could well be that 11 months might elapse before the information was brought to the attention of the members of the union, and that is a fairly long time. Under this amending Bill, the Registrar will know within one month of the declaration of interest of the director of the credit union, and to the Government that seems to be a far more effective way of dealing with the situation of declaration of interest. It both protects the privacy of the director and, at the same time, ensures that his or her interest is declared.

Whilst I take the points made by the Leader of the Opposition, I think such questions have been effectively answered in this Bill—in fact, far more effectively answered than they were in the existing Act, and more effectively answered than in the way the Leader suggests.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Inspection of documents."

Mr. CRAFTER: I reiterate the comments of the Leader with respect to the role of the Registrar in this matter. It seems that he is placed in a position where he will now have in his possession information with respect to loans made to directors and other persons specified. Yet, he is able to do little with that information to safeguard members of that credit union and the public generally, as is his duty. Whilst the Opposition does not intend to move amendments to this measure, I point out that the elimination of the right of members to gain information in the possession of the Registrar seems contrary to the general role of credit unions, which are essentially organisations where members share their financial resources.

Those with funds in excess of their immediate needs can put them into a common fund for the use of those who need funds immediately. Credit unions are, generally, based in work places or among some community of interest. They have as their essential element some sharing concept, and the withholding of information from members seems to be contrary to the general purport of the philosophy of the credit union movement. The Registrar, as a public officer, is there to make sure the rules are maintained for the benefit, primarily, of the members of those credit unions, and to put him in a position where he would not be able to provide vital and basic information to members seems to be contrary to the whole essence of the credit union movement.

The Hon. JENNIFER ADAMSON: I cannot agree with the remarks made by the honourable member, particularly when he refers to the withholding of information. If we were speaking about information that conferred some form of special privilege or concession upon the directors of the union, I would be bound to agree with him, but in what he has said he has overlooked the fact that section 61 of the Act safeguards the public generally by making it an offence for a director to receive any concession. Therefore, what we are talking about in terms of any loan extended to a director is no more than that which is due to any other member of the union. It is, therefore, essential that the right to privacy of the directors, who, as I have previously said, are acting in an honorary capacity, is preserved. As we go further into the Bill, the honourable member will no doubt recognise that amendments moved in another place have, to some extent, met the objections he has raised.

Clause 4 is by no means contrary to the general role of the credit unions and is simply there to protect the right to privacy of those people who choose to voluntarily serve their colleagues and companions in the union by accepting, in an honorary capacity, the role of director.

Clause passed.

Clauses 5 to 9 passed.

Clause 10—"Loans to officers and employees."

Mr. CRAFTER: Once again I raise the same concern felt by Opposition members as I have mentioned previously. There should be no withholding of information from the members, who are the essential elements in the function of the credit union movement. The officers, the persons elected, although they receive no remuneration, are in the position of a fiduciary relationship. It seems that, where they are acting on behalf of their members, that fiduciary relationship involves the membership of the credit union. I think that the elimination of reporting to the general meeting is a retrograde step if we accept, as the Minister just has, the fundamental basis of credit unions.

Whilst there is a period of perhaps 11 months, or even longer, between general meetings of a credit union, that is the only opportunity the general members have to check on the activities of their credit union. Some members invest large sums of money, their entire wealth, in the credit union movement for the valid and humane reasons of wanting to share their wealth with their fellow workers and friends. They have great faith in the credit union movement, and the principal Act brings about that security. It has, in fact, brought the credit union movement in South Australia on to a very stable basis.

Whilst the primary purport of most of these amendments is to continue that security of the membership within the movement, I think this provision detracts from the other amendments because it disallows a question from the floor at the general meeting about loans granted to persons mentioned in that amendment. Whilst I believe that there is no evidence that in this State any untoward loans have been made, there can always be that doubt in members' minds. We know of the experience in New South Wales, where massive amounts of money were misappropriated through the credit union movement. That is a position that the Bill is aimed at overcoming and it is aimed, in fact, at putting this fine institution on a firm footing. It is disappointing to see the fundamental right of members eliminated in this way.

Mr. WHITTEN: Mr. Chairman, I draw your attention to the state of the House.

A quorum having been formed:

The Hon. JENNIFER ADAMSON: The arguments that the member for Norwood has put forward are satisfactorily answered by the very clause to which he is speaking. Subclause (5) states:

(5) The rules of a credit union may provide that an officer or employee of the credit union shall report any loan made to him under subsection (1) of this section to the annual general meeting of the credit union next following the making of the loan.

The honourable member has referred to the role of unions and to people being mutually self-supporting. This is why the Government recognises the role of mutual self-support in ensuring that those who accept directorships can maintain their right to privacy under clause 4. The Government also recognises that, if a union wishes to regulate its own affairs (as it should be able to do), this clause enables that action by leaving to the union and its members the decision as to whether it wishes to operate under one set of rules or another. Under this clause, the union can ensure that its rules require the provision that the honourable member has mentioned.

Similarly, one may also consider the conditions that have existed in the past under which credit unions have found it difficult to attract responsible people of integrity as directors because those people know that their privacy will be intruded upon. The clause in its entirety enables a resolution between the right to privacy and the wishes of the members. The members will be able to determine whether their own rules make it mandatory for officers and employees to declare loans at an annual general meeting within one month of the loan being made. The honourable member's arguments are well and truly answered in the substance of the clause.

Mr. CRAFTER: The purport of my argument is not that there should be a voluntary requirement but that there should be a mandatory requirement by law for disclosure. I am well aware of the sections of the Act to which the Minister referred. Some sections provide that the director is not obliged to report the loan to any general meeting of members of the credit union, and failure to report the loan does not affect the validity of the loan or contract, or render the director liable to account for any profits arising from the loan or contract.

The structure of credit unions is such that often people who hold directorships are not skilled in financial matters; they are from the membership of the union, by its very rules, and it is possible for unscrupulous people to obtain positions of authority, directorships, in credit unions because they are organisations for mutual sharing and responsibilities. Just as we have established under the principal Act a stabilisation fund, to which each credit union is required by law to contribute so that members are protected, this is in a similar vein and the Opposition believes that there is a compelling case to show that this requirement for disclosure to members should be by law, not voluntary.

Clause passed.

Remaining clauses (11 to 25) and title passed.

Bill read a third time and passed.

BUILDERS LICENSING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 2 April. Page 2105.)

Mr. BANNON (Leader of the Opposition): The Opposition supports this Bill, which has been described as, and is, essentially a tidying-up operation of certain provisions of the Builders Licensing Act as it stands. While we support the Bill, I make some points about the way in which the Government is handling a current review of the Builders Licensing Act. It was stated when the Bill was introduced in another place that it dealt with a number of minor matters and involved a general tidying-up operation while a comprehensive review of the Act was being carried out, which would result in fairly extensive amendments to the Act. We do not object to the Government's carrying out that exercise because any Act of Parliament must be kept under fairly constant review and periodically may need major overhaul following an investigation as to its effectiveness and the way in which it has been working, and any Bill that seeks to regulate public affairs should be subjected to that scrutiny. In saying that, I do not endorse some of the Government's suggestions of more hair-brained and wild-cat schemes and sunset legislation approaches to certain areas. That sort of thing is not necessary. Certainly, the Opposition agrees, as we demonstrated when in Government, with the need for review of such provisions. It is important that there be review in the context of the current building industry in South Australia, which has fallen upon extremely hard times.

Conditions in the industry have become very acute under the policies of the present Government. It is generally agreed that there was a housing boom in South Australia, in 1976 in particular, that resulted in a number of houses being constructed and that meant that the market was over-supplied. Unfortunately, the predicted economic upturn of those years did not result and, therefore, during the past two or three years, the housing industry has been particularly depressed as the backlog of construction from 1976 has had to be cleared.

We were told before the last election that the building industry was in such depths of despair that it would never recover. In fact, the economic indicators throughout the early part of 1979 were that the worst had passed, that the market was on the move again, and that there was optimism in regard to the building industry. The essential fact that was forgotten by the new Government when it came to office was that it is not only a matter of talking confidently about the industry; one must also do something about it. The industry has been hit particularly hard in the past few months by two factors, both of which result from the present Government's policy.

The first factor is the massive cutback in available funds for building and construction work in South Australia, a sum of more than $17 000 000 to $18 000 000, which should have been pumped into the South Australian economy but which has been withheld. The Premier sees this factor as something to be proud of and something for which credit should be taken. He should speak to some of his friends and supporters in the building industry to see whether they believe that that Government action has been in the interests of building and construction in this State.

The second factor is the miscalculation made by the Government that all one need do is talk confidently and economic activity will be stimulated.

On the contrary, far more basic problems have to be tackled by the Government and, rather than confidence being restored, it has faltered and is now falling away under the impact of the policies of the Government.

Perhaps one of the prime indicators (and one which is a considerable cause for future concern) was released today, namely, the new housing approval figures. They show that approvals, on a 12-monthly percentage basis, are falling. There are fewer houses and less private dwelling construction in the pipeline. That should be of grave concern to the Government. If it is carrying out a comprehensive review of the Builders Licensing Act, it should be coupling that with a comprehensive review of the state of the industry itself.

We are told by the Minister in another place that this

review is being conducted internally. I would have thought that any review that was going to result in, to use his words, "fairly extensive amendments to the Act" ought to require public submission and ought to be publicly conducted. It is a great pity that whatever is being done is being done without the ability of public scrutiny.

When amendments come before us (if eventually they are brought forward as a result of this review), the questions we will be asking are, as follows: Who is being consulted? Who has been allowed to have a major input into this matter? Has there been public discussion on the Act? How has that worked? If the Government cannot satisfy us in relation to those questions, I believe that we will have to look sceptically at the amendments it brings forward.

One of the things hinted at by the Minister (and discussion has been generated on this subject since the introduction of the Bill in another place) was the question of an indemnity fund to protect consumers against builders who go bankrupt, and, unfortunately, there have been a number of such cases already this year. It is a very disturbing list of companies, some with considerable standing in the marketplace, which have been forced either to withdraw from their operations or, in some worse cases, simply abandon them, leaving the unfortunate homeowner with a partly-built house and no way of recovering damages or getting that construction completed without the expenditure of much more money.

That has been a long-term problem. It was not a great problem in the years in which the industry was booming and expanding but, as the industry has turned down and as that down-turn has accelerated in the past few months, we have been getting more such cases. The Minister in another place rightly pointed out that, in 1974, I think, when this Act was before the House, the then Opposition had moved to establish some form of indemnity fund. At that stage, the Government opposed it, not, I suggest, because we doubted the principle of such a fund, but because the machinery necessary to implement it was not properly spelled out. Prior to our leaving office, we had considerably advanced an investigation of such a fund (or compulsory insurance scheme), and it is fair to say that we were reaching a point where we would have had a properly developed workable scheme to put up for public consideration.

Since the change of Government, the new Government has apparently been making further investigations and a review of the possibility of such a scheme. Such a scheme is one which, if it can be implemented without too great a cost (and if it can be made to work efficiently), will be welcomed by this Opposition, notwithstanding the position we took in 1974 when the idea was first mooted. I think the time has come to institute such a scheme. The industry itself has already moved in this direction, but whether moves made by it can be comprehensive enough or can provide the full degree of protection that persons who undertake building contracts need, is one of the things that should be investigated.

We are proud of the fact that, in this State, we have, and under a Labor Government consistently had, a far higher house-owning percentage of the population than in any other State. There are considerable advantages in home ownership, not only because of the quiet enjoyment of your own plot of land, but also because of the investment and other concessions and economic advantages that home ownership brings. However, it is becoming increasingly difficult for people to own their own home. One of the problems is bridging the deposit gap. Associated with the financial risk involved there has been the problem whether or not the house can be completed, whether the builder who has provided special terms and easy finance is actually going to be able to complete the job.

We need regulation in this industry, as the Act provides, for the standards of building to eliminate jerry building and rip-off contracts. We also need protection under the Act in a financial sense as well. If the comprehensive view, described by the Minister in another place, includes those provisions, we would welcome it, but it will be a pity if it is conducted as an exercise internally in the dark without proper public scrutiny and opportunity to comment.

Mr. EVANS (Fisher): I support this Bill. I take note that we are now altering the opportunity to change the composition of the board for the second time since the Act was introduced. The Act as introduced covered areas of the professional trades such as engineers, architects, lawyers and people who had qualifications from the Institute of Technology, and it tended to divorce itself from giving an opportunity for representation on the board to those people in the practical field. That position was changed in 1976, and recognised the Housing Industry Association, the Master Builders Association, and the consumer. Now, we are changing it again to allow for a second lawyer to be on the board as Deputy Chairman. This is one aspect of the Bill about which I am not terribly enthusiastic. I do not think this necessarily means that the board will bring about any better judgments or that it will be chaired in any better way than it has been chaired, whether or not a lawyer has been present, although the provision is that there shall be a lawyer as Chairman. When he is absent, someone elses must deputise, and of course, it could not have been a lawyer.

I will talk briefly on the aspects to which the Leader of the Opposition referred. First, I refer to the indemnity fund. It is not true that the first time the fund was mooted in this place was when it was introduced, as an amendment to a then Labor Government Bill, in another place by the Hon. Mr. Hill. From the early 1970's I had raised the subject of the necessity of having some form of indemnity fund or guaranteed insurance policy to protect people not only from work of bad quality or builders going insolvent, but as regards the long delays that take place where one builder is unable to complete the work. That sometimes happens to a small operator through illness, not necessarily through bankruptcy or bad workmanship.

I argued at the time that it should be possible to give local government the authority, if it did not already have it, to say that it would not give approvals for the beginning of the construction of a building unless, with the application for a permit to begin building, there was a certificate from an approved body of insurance against faulty workmanship, bankruptcy or whatever it may be. Until that certificate was available to the council, no approval would be given. That was one way to cover the situation. It would have meant that different insurance companies would have had different premiums to cover the situation.

Because the previous Government refused flatly to accept the suggestion of an indemnity fund only because the Liberal Party Opposition proposed it, the industry in this State then put up an idea similar to that operating in Victoria, where the industry carries out its own scheme of indemnity with its members through the Housing Industry Association, providing an opportunity for people to be protected. I believe those policies have recently been amended to cover a wider range of possibilities. I congratulate them for that. The Leader of the Opposition now suggests that when his Party was in power it was carrying out an inquiry (it must have been an internal inquiry, because it was not made public), into the need for

an indemnity fund. But it had had the opportunity to do so from 1974 to late 1979, yet had still not reached a conclusion. It was not in the policy announced during the last State election, so it could not have been introduced in the autumn session of 1980.

The Labor Party had at least nine years to do something about it. The inquiry must have been so internal that nothing was happening; it must have been an embryo in someone's mind that one day the Government would have to do this, because otherwise there would be no protection against faulty workmanship and, more particularly, from bankruptcy, and more and more people would be harmed.

When the Leader of the Opposition said that there was no concern during the boom period about builders failing and people suffering, surely he does not say that with any real seriousness. Surely he did not suggest that when the boom was on there were not people going into the industry who were only speculators, people who had had little building expertise, such as land agents—sometimes even salespersons—who could set to work and get quotes from various sub-contractors, put together a contract price and go out and compete in the field and then fail, with only limited company capital involved. Surely the Leader of the Opposition is not suggesting that the consumers did not suffer from that. He knows and I know that they did and that the need for an indemnity fund was just as great as early as 1968 as it was in 1979.

Let us be honest. This is something that Governments have not been prepared to grapple with with any determination in an attempt to find a solution. I would say that it is true that if Frank Walsh had not been Premier of this State I do not think the Builders Licensing Act would have ever been brought before Parliament. I think it was only because of that man's keen interest in the building industry and the position that he held at the time that he was able to bring it about while he was closely associated with the leadership of the Labor Party.

Mr. Bannon: He was the Leader. He could not get any closer than that.

Mr. EVANS: Members opposite should remember that about that time the leadership changed. The Leader accused this Government of not spending money in the building industry. One major cause of problems in the building industry in this State was the massive input of money between 1973 and 1975 in particular that actually blew the production rate right out of the window beyond the capacity of demand, until we had a surplus of not only rental accommodation in the private sector but also of home units and free-standing homes right throughout the metropolitan area. There had to be a leeway while that slack was caught up. The only way that could occur was by the stopping of building.

People who had invested money on a speculative basis lost large sums. They took the gamble and they lost, but the buildings they built were still waiting to be bought. This State has the lowest rate on a per capita basis in Australia of people who want to live in a home of their own but who do not own one. Our problem is that people left the State. Our population became static at a time when we were increasing the production rate of homes and units, and now we are paying the penalty.

The Leader has used figures that show that new housing approvals are down to some degree (he did not state the exact figure). I know from my knowledge of the industry that the people within the industry believe we are on the way out of the slump and that there is confidence within the community. One of the deterring factors is the deposit gap, to which the Leader of the Opposition has rightly referred. I have stated publicly that the housing industry's approach to the Government to subsidise only those people below a particular income to help them get into a home is not necessarily the best way to attempt them to help the housing industry. If a person can afford to build a $40 000 home but wants to build a $50 000 home, for the sake of the building industry it is just as important that we let him build the $50 000 home as it is to assist the person who wants to build a $40 000 home but can only afford to build a $30 000 home. The amount of extra building work would be $10 000, and if money is available and there is a shortage of people wanting new homes we need to look at that aspect.

I want to talk now about the Builders Licensing Board, and the way the Builders Licensing Act is working. I hope the Minister will take what I am about to say back to the Minister in another place, and I hope the department and the board itself takes note of it. The Minister will be aware that I have had a complaint from several people, but one person in particular, who found fault with the builder's work on a certain project. The owner complained to the Builders Licensing Board about the quality of work; there were many faults, many of them bad faults, and a substantial sum was involved. The housing industry has to take a little of the blame in this situation. Subsequently, the Builders Licensing Board started to investigate the matter by having an inspector look at it but then decided not to make a decision. The board deferred the matter until it had more information or had time to review the case. In that intervening period, the Housing Industry Association, under a clause in the contract it has, decided it should appoint an arbitrator.

The arbiter does not necessarily have to be agreed to by both parties, but that is the usual practice. A letter was sent to the owner, to a street allotment number. O'Halloran Hill was the Post Office from which it should have been delivered. It was never delivered, so the home owner never knew who the arbiter was, until it was too late. I have great respect for the person given the arbitrating task; he has knowledge of the industry. However, he had been President of the Housing Industry Association. If he did not totally come down on the side of the customer, that customer was unlikely to accept his decision as being fair and just, because of his original connection with the Housing Industry Association. Also, the builder against whom the complaint was lodged was a member of the Housing Industry Association.

Subsequently, the person who arbitrated brought down a result and found many faults with the house. The owner had quite rightly refused to pay the balance of the contract. He was instructed to pay that upon the builder carrying out the necessary corrective measures. I believe that to this day those corrective measures have not taken place. To add insult to injury, the owner had to pay $800 costs for the arbitrator's expenses. That is the way the contract was worded, and the customer was locked into that situation.

I believe that is a shocking example of injustice. I have taken it up with the Minister, and apparently there are some difficulties in correcting it. The Housing Industy Association needs to look at contracts and to speak to its members about the wording of that type of contract. In circumstances such as these the board should have gone on with the inquiry instead of deferring it and giving the opportunity for the arbitrator to be brought in.

Here was a person with about $6 000 worth of faulty work who is asked to pay $800 for someone to arbitrate. He did not really have any say in that person's appointment. If that is not rough, I would like to know what is. I found that several other people had similar problems with the same builder, who is just one person running a business under a limited company operation. I

hope that the Builders Licensing Board, when it gets complaints, does not need to have an arbitrator appointed to take over its role, because under the Act it then cannot interfere, since someone has arbitrated on the matter and given a decision.

The client is not happy, I am not happy, and I hope that members of this House take note of this and are not happy about it. They should let the Minister know of any similar circumstances which may have occurred in their electorates.

I am pleased that the Minister is carrying out an inquiry into the housing industry in relation to the Builders Licensing Board's operations. I do not care whether it is internal or external, so long as something is done about it and a report is made to this Parliament in an attempt to amend the Act further. At that time there can be public scrutiny through Parliamentarians and reports made to them.

I hope that some publicity is given to the inquiry that is going on now, even if it is internal, so that individuals can write to the Minister and he can pass on to those persons conducting the inquiry this information, and point out weaknesses or strengths, so that we have a Builders Licensing Act that not only protects the customer but also protects the builder.

I am told that at present some inspectors from the Builders Licensing Board are going on site without a complaint from a customer or council officers. They just drive past, decide to drop in, and start to hassle people.

The idea of the board is not to put an extra burden on the industry. It is different if there is a builder about whom they have had some doubts and complaints, and whose work they want to scrutinise. The inspectors are really just dropping in whenever they feel like it, and quite often not talking to a foreman or a building operator; it could be a sub-contractor or some tradesman.

Mr. Crafter: What about the Taxation Department?

Mr. EVANS: I am not really concerned about the Taxation Department. If the honourable member can bring that into the debate by some method, we will take that into account, too. We do not need to hassle the industry any more where there are responsible operators, but we need to make sure that the irresponsible people do not have a loophole whereby they can opt out of the system. I support the Bill, and look forward to an amended version before long.

Mr. CRAFTER (Norwood): I raise several matters. This Bill, which is supported by the Opposition, clears up a number of important matters that have hindered the proper administration of this law. As a prosecutor in the Crown Law Department, I experienced some of the frustrations that, hopefully, these amendments will remedy. I was amazed to hear the comments of the member for Fisher that inspectors of the Builders Licensing Board should carry out their duties only upon complaint. In fact, my experience is that they have had so many calls on their time that this is really all they have had time to do. But, recently, they may have had the opportunity to make random checks on buildings. They are only to be commended for carrying out spot checks throughout the community. Often it is only the most extreme cases of malpractice that come to their attention. Quite often, when the dispute cannot be remedied in consultation between the builder and home buyer, the board's assistance is requested. It is an important function of the inspectors not just to rely on complaints but to make random checks wherever they have time to do so.

Some comments have been made about the indemnity fund. The measure introduced by the then Opposition, in 1974, was not a satisfactory approach to this complex problem. In 1974, the then Attorney-General was overseas considering some of the problems that had been experienced in Canada in trying to bring about some legislative answer to the problems facing home purchasers with respect to negligent building practices. One of the problems that I am sure many other members have experienced is hardship brought about by the operation of the workmen's lien law in South Australia, whereby many people pay twice for the building work done on their home, so that they can move in and enjoy ownership of their home. The workmen's lien legislation is a very old Act of this Parliament. Whilst it provides for the workmen some remuneration for their work, it wroughts a great injustice on the home owner. There have been reports of law reform committees on this Act, and this matter should be included in the current inquiry.

It is unsatisfactory that it is an internal inquiry. Obviously, some sections of the industry will be approached, but there is no way in which the Government can approach individual home owners. That can be done only by opening it to those members of the public who have had very bitter experiences with shoddy building practices.

Many hundreds of people in the community have had that experience. The problem with the indemnity fund is in providing some coverage that will protect home owners without raising the cost of housing. One of the previous Government's concerns was that there would be an enormous increase in housing costs in many of the approaches looked at. The creditors, when building companies go bust, are suppliers of goods for building a house. Then right at the very bottom is the home owner.

It seems that the greatest calls on any indemnity fund would come from the suppliers of the building goods and the sub-contractors, and in fact the home owner would be subsidising the security of others in the community. Of course, there are ways where that can be overcome, but a more comprehensive scheme must be envisaged, and there must be a way of working out the cost sharing across the community so that that burden is not placed so squarely on the home owner, as it is in so many other areas of consumer protection in the community.

Also, I welcome the insertion in a number of sections in the Act of an inquiry into the financial resources of applicants for various licences. During the Committee stage we will raise with the Minister how that will be carried out. Obviously, there are many holders of builders licences who do not have the financial backing, skill or resources to carry on their businesses properly. This does not apply only to small builders within the speculative building areas: in recent times it has been the very large builders as well, the project builders, who have gone out of business leaving great hardship and havoc, not only among home buyers but also among suppliers and sub-contractors. Also, shoddy workmanship often appears when there is a downturn and when a builder realises that he is facing a financial crisis. In my own electorate is a large group of terrace houses which were built some two years ago and which already have salt damp appearing in them because insufficient foundation footings were put in those houses. Also, the paint is peeling off, there is inadequate drainage, roofs are leaking, and there are massive structural problems. In fact, the Builders Licensing Board listed some 17 major faults in that group of homes. I understand that the building company that built them is in liquidation, but the principals have now just bought a hotel in my district.

That sort of thing is all too common in the building industry, and there is a need, probably a greater need

almost, in looking at the damage after it has been done, to prevent that being brought about in the community. These amendments which provide for the board to look at the financial resources of applicants are vital in preventing this ill in the community.

The Hon. JENNIFER ADAMSON (Minister of Health): I thank those members from both sides who have contributed to this debate. Over many years the member for Fisher has demonstrated in this House an intense interest in the building industry. He continues to demonstrate it by his reference to those areas which need attention, which he has drawn to the notice of the Minister, and which I will certainly take up with the Minister in relation to the Builders Licensing Board.

In response to the member for Fisher, I point out that the appointment of a lawyer to the board is being provided for only to ensure that the deputy of the Chairman is also a lawyer. There will not be any additional lawyers appointed to the board. It simply means that, in the absence of the Chairman, a lawyer will be able to chair meetings of the board. That seems to me to be quite an appropriate provision which, I understand, is welcomed by the board.

The Leader of the Opposition made several points, many of which were quite valid, but I take exception to his allegations that the Government has made massive cutbacks in funds which has had an adverse effect on the building industry. He claims that millions of dollars are being withheld from the building industry and that that industry is depressed. I wonder whether the Leader was listening to the Premier last week when he answered a question from the member for Fisher about the facts (we are dealing with realities here, not surmise) and when he gave figures relating to the building industry in South Australia. At that stage the Premier said that, for the March quarter, private housing approval showed an annual increase of 58 in number and $4 800 000 in value.

Mr. Bannon: I was talking about today's April figures.

The Hon. JENNIFER ADAMSON: I would be very happy to indicate to the Leader the April figures, which again show an encouraging increase. The approvals given for construction of Government dwellings, in the March quarter, showed an annual increase of 24 per cent in number and 179 per cent in value. The combined approvals for both private and public sector housing rose by 21 per cent in dwelling figures and by 26 per cent in dollar value. Altogether the total value of building approvals, including housing, non-housing construction, and alterations, in the March quarter of this year was 21·6 per cent higher than in the corresponding quarter last year.

The important thing to note when the Leader refers to a decrease is that there was no annual increase while the Leader's Party was in Government this time last year. We are now comparing like with like, and we can demonstrate that since this Government has come into office there has been a considerable increase.

Mr. Bannon: I was talking about—

The Hon. JENNIFER ADAMSON: I am talking about private and public sector housing, and I will now take them separately, and give the Leader the figures for the April building approvals which were released yesterday and which show that private home construction approvals for the four months from January to April 1980 amounted to 2 100; for the corresponding quarter last year the figure was 2 080—an overall increase of 20. The value of private home construction approvals in the same four months of 1980 was $68 000 000; the value for the corresponding four months last year was $61 500 000, an increase of 10·5 per cent.

Mr. Bannon interjecting:

The SPEAKER: Order! Members have had the opportunity of debating the issue; the Minister is replying. Any other matter will be properly brought forward in the Committee stage.

The Hon. JENNIFER ADAMSON: "She's wrong", he claims. Let us see whether I am wrong and whether these figures correspond with inflation. The Leader says that there has been a massive decrease in the Government sector and that funds have been withdrawn. Government home construction approvals for the four months from January to April 1980 numbered 541, by comparison with the corresponding four months last year, with 186 approvals—an increase of 355, or 190 per cent. I do not think that even the Leader would allege that inflation was running at that level. In other words, there is no doubt whatsoever that there has been an upsurge in public sector activity. The Leader acknowledges that, yet half an hour or so ago he was saying that the building industry was depressed and that the Government had withdrawn funds. Let us now look at the value of total building approvals, that is, constructions, alterations, additions, and non-housing constructions for the four months January to April 1980. That value was about $165 000 000. The corresponding value for the same four months last year was about $157 000 000—an increase of about $7 500 000, or 4·8 per cent. I remind the Leader that the value of building improvements during the year of the Labor Administration declined by a massive 12·6 per cent.

Let us look at comparisons: we can see that in the time this Government has been in office there has been an increase in both Government approvals and overall (by comparison with the poor record of the Leader's Party whilst in office).

I move now to the other matters the Leader raised. He referred to an internal review of the Act. Let me assure the Leader that what was described by the Minister as an "internal review" is that description that applies in the initial stages. A report has been prepared by the department and is being circulated to the industry, to the Housing Industry Association and to the Master Builders Association.

Mr. Bannon: And to consumers?

The Hon. JENNIFER ADAMSON: If the Leader will be patient, I will come to the consumers. Those associations are being consulted and asked for their opinions. When those opinions are forthcoming, particularly in relation to the indemnity fund, consideration will be given to inviting submissions from consumers. The Leader, the member for Norwood, the member for Fisher and, I venture to say, many other members of this House have at some stage or other, as private members, had drawn to their attention the difficulties of their constituents in this field relating to indemnity and the need for better protection.

In my electorate there is a number of subcontractors and a number of people who have saved for a long time to achieve a new home and who are sensitive (and rightly so) about the standard and quality of workmanship. During my period in Parliament I have tried to assist these people because they have found the Builders Licensing Act to be inadequate in one respect or another to give them redress when a builder has given less than satisfactory service and has gone broke and left the customer to deal as best as he or she can with the results of that.

The Housing Industry Association has its own indemnity fund. The State Government Insurance Commission now requires builders to take out an indemnity cover before a loan is made. Submissions about a general indemnity fund are being sought from the industry, which is currently examining a report on the

subject. I have no doubt that the industry's views, and the views of consumers, will be taken into account when the Minister reviews the Act with a view to amending it further. The member for Norwood referred to the Workmen's Liens Act, so he will be interested to know that that is included in this review. I think that the points made by members opposite—

Mr. Keneally: Are very good.

The Hon. JENNIFER ADAMSON: They may have been good, but they are answered by action that the Minister either has taken or proposes to take. I am pleased to know that the Opposition supports the Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Interpretation."

The Hon. R. G. PAYNE: Clause 3 proposes to insert a definition stating that legal practitioner means a person admitted and enrolled as a practitioner of the Supreme Court of South Australia. I do not argue with that, because I think it is the definition contained in the Legal Practitioners Act. During the remarks the Minister made in relation to the appointment of a Deputy Chairman to the board, she kept using the term "lawyer". I take it that the Minister, in using the term "lawyer", was referring to a person who would fit the description that it is proposed to insert into the definition.

The Hon. JENNIFER ADAMSON: Yes, I was.

Clause passed.

Clause 4—"The Board."

Mr. CRAFTER: The Minister referred to the problem of having too many lawyers on the board. There are two legal practitioners on the existing board, and the aim of section 5, then, is to appoint a third legal practitioner to the board.

The Hon. JENNIFER ADAMSON: I would like clarification; is the honourable member seeking information, or providing it?

Mr. CRAFTER: I am seeking to have allayed my fears that there will not be a majority of persons at some meetings who will be lawyers or legal practitioners so admitted and enrolled. I think the Minister said that this would not happen, but I believe it will happen.

The Hon. JENNIFER ADAMSON: The Bill provides that there will be a standing Deputy Chairman who must also have been a legal practitioner for at least five years. The definition of "legal practitioner" allows a judge or special magistrate to be appointed Chairman or Deputy Chairman if the Government thinks it desirable. Does the honourable member wish to know whether at any stage, if there is a quorum present, it could be composed entirely of lawyers?

Mr. Crafter: Yes.

The Hon. JENNIFER ADAMSON: No. I am sure that that could not happen.

Mr. CRAFTER: I was misled by the Minister's earlier comments. I understood that the quorum had been reduced to three persons. There are two legal practitioners on the existing board, and I understand that the purport of this clause is to add a further legal practitioner to that board, so in fact there could be a quorum consisting of just legal practitioners.

The Hon. JENNIFER ADAMSON: That could not occur. A quorum must consist of one member from the Housing Industry Association, one member from the Master Builders Association, and the Chairman or Deputy Chairman, either or whom will be a lawyer.

The Hon. R. G. PAYNE: I take it from what the Minister has said that the proposal is that the Deputy Chairman will be a judge or magistrate.

The Hon. JENNIFER ADAMSON: The definition of "legal practitioner" allows a judge or special magistrate to be appointed if the Government considers it desirable. It does not insist that that person be a judge or magistrate.

The Hon. R. G. PAYNE: Has the Government anyone in mind for the position of Deputy Chairman?

The Hon. JENNIFER ADAMSON: If I possessed that knowledge, it would be quite inappropriate to provide that to the Parliament at this stage. I cannot provide further information on that point.

Clause passed.

Clauses 5 and 6 passed.

Clause 7—"General Builder's Licence."

Mr. HEMMINGS: Will the Minister provide information about the meaning of the term "sufficient financial resources"? I ask this question because one of my constituents has a problem in dealing with that aspect. The term "sufficient financial resources" should be spelt out more clearly.

The Hon. JENNIFER ADAMSON: As the honourable member will appreciate, it would be difficult in law to spell out the meaning of "sufficient financial resources", but I can state that, when the Bill is passed, the board will meet with the relevant associations and will work with them to establish guidelines that should be adopted to arrive at suitable criteria for "sufficient financial resources". This will ensure that there is a consistent approach by the board and that relevant details are considered.

It will be a matter for consultation with the industry and general agreement as to what are the appropriate criteria. The honourable member may or may not know that in regard to other Statutes (for example, the Secondhand Motor Vehicles Act) the financial resources of applicants have been examined. It has been demonstrated that acceptable criteria can be devised, and that is what will occur in this case.

Mr. EVANS: I am interested in the Minister's reply, and I hope that the Minister or whoever makes the final decision will consider that, when one asks people who already operate in a particular area of business what sort of financial resources someone else may need in order to come into that business, those persons who are already in the industry tend to put a higher limit than may be absolutely necessary to ensure that they keep others out. I am sure that the Ministers need no prodding, but I want to have recorded that that is the tendency. We need to examine the areas in which we are allowing people to operate.

Perhaps licences could be varied so that restrictions could be greater in some operations. A general builder's licence covers all areas of building, and the financial resources necessary to cover a building of some size in, say, Victoria Square would need to be greater than those that would apply to a hotel of a smaller size at Glenelg. A general builder's licence covers a wide area. It is not quite as difficult to obtain a restricted builder's licence, but there could be variations in the amount of work a person can do in regard to cost.

Provisional licences allow a person to operate for a time under certain supervision until that person has proved that he should have a general licence. We must be conscious of the fact that, when people in a business are asked what financial resources a person coming into the business will need, the person already in the business will want to protect his interests and guard against competition.

The Hon. R. G. PAYNE: In her reply, the Minister stated that, after the Bill was passed in its present form, the board would consult with relevant groups to arrive at parameters that would be used to establish that a person has sufficient financial resources to enable him to carry on

business in a proper manner under such a licence. Will the Minister indicate whether, amongst those relevant groups, there may be persons who are skilled in accountancy, because many building firms appear to be solvent and to have reasonable financial resources until the day they go bust? Will the Minister say whether that aspect has been considered?

The Hon. JENNIFER ADAMSON: The member for Mitchell has raised a valid point, which will be referred to the Minister. His comment makes good sense and should be taken into account, if the Minister has not already done so. The member for Fisher has referred to the fact that people in the industry may have a vested interest in ensuring that the resources of those who enter the industry are at a certain level, which may not be a realistic level. He demonstrated a touch of healthy cynicism, which is probably understood and shared by all honourable members.

I can only say that the same provision in other Acts appears to have operated effectively and, from that, one can assume that both the integrity of those appointed to make these decisions and the legislative framework in which the decisions are required to be made, together with the reality of the situation (and by and large people in business tend to be reasonably hardheaded and to look at the realities) are such that one cannot expect to maintain a position if it is clearly evident (as it would soon become clearly evident if a board was seeking to create a closed shop), that those factors in their entirety would provide the assurance that the honourable member needs. However, I will ensure that the point is drawn to the attention of the Minister.

Mr. PETERSON: After reading the Bill, I find that one must have sufficient financial resources to carry on business; however, if a person is working without a financial backing, when the Bill becomes law, if he does not have sufficient financial resources, will his licence be withdrawn?

The Hon. JENNIFER ADAMSON: The simple answer is that, at the time of renewal of the licence, that person will find it difficult, if not impossible, to have the licence renewed.

Mr. CRAFTER: It seems that the building industry will not increase as such, but those persons who already are in the industry and who may have doubtful financial situations are in question. I know that the member for Fisher is opposed to random checking by inspectors, but I wonder whether the department will, now that it has the legislative authority, look through all licence holders and review their financial viability, given the information on record about complaints against some of those builders.

I also ask whether consideration has been given by the Government to appointing to the board a person who has financial, banking or some other managerial skills, because I understand that, at present, an applicant for a licence, and each year on renewal, must provide balance sheets of the year's operations. I understand that no members of the staff within the Builders Licensing Board are skilled in analysing this information as it comes in year by year, and cannot therefore use that information to protect the public.

The Hon. JENNIFER ADAMSON: In response to the member for Norwood, I should first correct the wrong impression that I gave to the member for Semaphore. These amendments are designed to affect new applicants for new licences. The points made by the member for Norwood will be taken into account in the review, and rightly so, because, if people operate in the industry at present but should not operate by virtue of the fact that they do not have the resources to do so effectively and so that customers are protected, it is appropriate that this legislation should apply to them. The points raised by the honourable member are being considered by the department and will be taken into account in the review.

Mr. PETERSON: I assume that "financial resources" refers to the backing of a bank or some organisation, or does it refer to a resource in the licence holder's own right?

The Hon. JENNIFER ADAMSON: As I said in reply to a question from the member for Mitchell, that definition has yet to be determined by the board, in consultation with the industry and other relevant bodies, including, obviously, the accounting profession and the finance industry, regarding what is an appropriate level. I am unable to answer that now, nor I think would anyone else be, until that consultation has taken place. The law will not be applied until the board has determined the matter in consultation with the appropriate bodies.

Mr. EVANS: I think that most licences are now for three years, and it would be possible in that time for a person to go through all kinds of serious situations, as an individual or in business. I hope that, in the review, the Minister's department will look at whether the board should not have the right to ask those who are already licensed to submit details of their financial position each year.

Mr. Crafter: They have to now.

Mr. EVANS: Not each year, I do not believe and, if I am wrong, I am pleased to be corrected by the member for Norwood. I believe they do so only when they apply for the renewal of a licence. I do not believe that they have to fill out a full application for a renewal and find someone to testify that they are fit and proper persons; it is only the details of their financial position at the end of the three years that must be supplied. Three years is a long time in any business, especially the building industry. Supplying the information on their financial standing at the end of each year could possibly save some consumers from getting into a disastrous situation.

Mr. HEMMINGS: In reply to the member for Semaphore, the Minister said that she was not in a position to know what "sufficient financial resources' meant—whether a guarantee from a bank or some other financial institution, or from personal assets. As we have been asked to vote on the Bill today, surely the Minister should give some idea of how "sufficient financial resources" is defined.

The Hon. JENNIFER ADAMSON: We are being asked to vote on a principle that it is desirable that the level of financial resources of the builder be considered when approving a licence. As to the details, I have provided the answer to the best of my ability and, if the honourable member seeks further information, I would have to obtain it from the Minister.

Clause passed.

Clauses 8 and 9 passed.

Clause 10 — "Power of investigation."

Mr. BANNON: This clause increases the board's powers to carry out investigations. The effectiveness of that provision depends on the staff which the board has available to carry out such investigation. What is the current inspectorial staff, and does the Minister believe that it is adequate?

The Hon. JENNIFER ADAMSON: I will obtain that information from the Minister for the Leader and provide him with a report.

Mr. BANNON: I am not sure of the current situation, hence that question. It came to my attention from a constituent of the Minister's that, in early January or at the end of last year, the board had eight inspectors to carry out all of its functions. The Minister in that letter to a

constituent stated that this number was insufficient for the ideal level of enforcement. Has the Minister acted to increase that number which, she believed then, was insufficient for the ideal level of enforcement, and did her Cabinet colleagues agree with her that the number should be increased?

The Hon. JENNIFER ADAMSON: I can only reiterate that I will take up the Leader's points with the Minister. I cannot call to mind the letter I sent to my constituent, but I take the Leader's word for it. I cannot provide the Committee with the details of the number of inspectors. Points have been made which indicate that inspectors are apparently able to inspect sites at random, rather than on complaint. On the other hand, the point has been made that the inspectorate is stretched to cope with the complaints. Without having accurate information (and I daresay that the situation can vary from month to month, if not week to week), all I can do is undertake to take up this matter with the Minister.

Mr. BANNON: If the Minister's investigations confirm her opinion of a few months ago that the number is insufficient, what does she intend to do about it?

The Hon. JENNIFER ADAMSON: I have said twice, and say again now, that I will take up this matter with the Minister in accordance with my undertaking.

Mr. KENEALLY: I am interested in new subsection *(1a)*, which covers building work carried out by a person who was a holder of a licence at the time the building work was carried out or a person who was unlicensed when it was carried out. My question arises from a comment I have had from a constituent who, a short while ago, took action against a builder who he thought was the holder of a licence. My constituent, the consumer, was informed by a Government department that, as the builder was not the holder of a licence at the time the work was carried out, the builder was not entitled to be paid. The difficulty arose over the sum involved. I will quote from a judgment of His Honor Dr. Bray which, I believe, raises some points that ought to be considered. The judgment is in the 1976 case of *Dinella Constructions v. Stocker,* as follows:

> In my view a man who undertakes building work for fee or reward to construct a building for fee or reward or describes himself as a builder has committed no offence in subsection (11) or subsection (2) notwithstanding the absence of a licence if at the relevant time he honestly believed on reasonable grounds that he had such a licence. Such a mistake related to the factual existence of a licence as opposed to the legal validity of something he erroneously believed to be a licence would be a mistake of fact not of law.

I raise this matter to ascertain whether or not Parliament is responsible to clarify a point where a builder is able to do work when he is not the possessor of a building licence. In many other matters, such as in the fishing industry and in relation to drivers' licences, a person who has no licence is liable. The Chief Justice's judgment was supported by His Honor Mr. Justice Jacobs and the then Mr. Justice King.

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

Mr. KENEALLY: The judgment of the Chief Justice was in relation to the possession of a builder's licence, and work carried out by a person (who in normal circumstances would be a licensed builder) who was not at the time in question a licensed builder. Does the Government intend to introduce legislation that would overcome what I consider to be an anomaly? I do not consider that the Government's intention when first bringing this legislation before the Parliament was that a person could carry on building work without having a licence, even though the Supreme Court brought down the judgment that it did.

The Hon. JENNIFER ADAMSON: The Government is aware of the case and is looking at the situation to see whether action is necessary or desirable. The member for Stuart is referring to section 22 (1) of the Act which makes it an offence to carry out major building work without a licence. The Supreme Court held in Dinella's case that the offence is not committed if the accused is of the genuine belief that he is holding a licence at the time. In the case of Dinella, he had instructed his accountant to pay for his licence and honestly believed that his instructions had been carried out. The fact that they had not been, obviously was unknown to him. Therefore, the court held that he was operating in the belief that he held a licence, and apparently this same ruling has applied to other licensing Acts. I distinguish licensing Acts from the other Statutes to which the member for Stuart referred, namely, the Road Traffic Act, where to my knowledge such a ruling would not, and could not, apply.

The effect of the court's decision in Dinella's case is that no offence is committed. It does not affect the consumer, and the Act can still apply to ensure that any remedial work that has to be done can still be done by the builder. The honourable member has raised an important point, which is being studied by the Government. I am not yet able to say what the intention of the Government will be in relation to any further amending legislation to the Builders Licensing Act, but it appears that this is not the first time the courts have ruled in the same way in regard to licensing Acts. It also seems that the courts do not regard this as a serious anomaly, because if they did they would undoubtedly have conveyed their views to the Government.

Mr. KENEALLY: I thank the Minister for that reply. As she would be aware, I was not questioning the passage of this clause, or of the Bill. I am interested that we are now going to allow inspectors to investigate the work being carried out by a licensed builder, and also work completed by persons who are unlicensed. Why is it necessary to write this into legislation when, as I understand it, it is illegal for people to carry out work if they are unlicensed, except in the situation where the court has ruled otherwise. I wonder whether that is the exception to which this clause refers.

The Hon. JENNIFER ADAMSON: As far as I am aware the instance in which the court ruled in Dinella's case is the exception, but in cases where there was no licence under the existing Act the board had no power to order remedial work. I think that the honourable member will probably have had experience, with his constituents, as I have had with mine, that, if there is no licence and consequently no power to order remedial work, the consumer is at an extreme disadvantage. This admendment is designed to overcome that and give the consumer the same advantage as he would have if he were the customer of a licensed builder.

Mr. LANGLEY: I raise the question of a person who moves into an area and tries to find out the state of liquidity of a licensed builder. Such a person may ask people in different areas of the business but then find out that they have the wrong information, and then all of a sudden find that they are in real trouble. When a person has a builder's licence, he has to sign a statutory declaration concerning the matter, and revealing their state of liquidity. In the case to which I have referred the statutory declaration was inaccurate. Recently, the person concerned has gone bankrupt.

The Hon. JENNIFER ADAMSON: I think the member for Unley is referring to the points which were raised in dealing with clause 7, namely, the provision requiring that an applicant for a licence has sufficient financial resources

to carry on a business in a proper manner. From now on, under this amending legislation, the customers of those people who have been granted licences under this new provision can be assured that the builder has financial resources sufficient to carry on. As I mentioned earlier, the Government is reviewing the position for those who are holding existing licences to see whether their situation should be investigated to ensure that the same provisions apply to them.

Clause passed.

Remaining clauses (11 to 16) and title passed.

Bill read a third time and passed.

FISHERIES ACT AMENDMENT BILL

Adjourned debate in Committee (resumed on motion).

(Continued from page 2430.)

The Hon. W. A. RODDA: This afternoon the member for Stuart moved far-reaching amendments on behalf of the Opposition. I was not present, as I had to have lengthy discussions with officers of the Chamber about certain amendments. When I resumed my seat, the honourable member was concluding his remarks and said that he expected me to reply in detail to the points he had made. The honourable member knew I had been otherwise engaged, so I am not aware of the points he was making and cannot reply to them. I have looked at the honourable member's amendments. I cannot understand why the honourable member waited until his Government was defeated to bring amendments such as these before the Parliament. I understand that the former Minister of Fisheries, the honourable Brian Chatterton, is the author of these amendments, and I cannot understand why he did not bring them forward when he was Minister.

The honourable member's amendments are far-reaching but irrelevant to the thing the Government wants to do. The Bill is a short one and is the result of a committee set up by the former Minister (for which I commended him the other day) to look into the scale fishery. There is no doubt that the scale fishery needs help as the resource is running down. We obtained a Crown Law opinion, and were told we could not bring down some of the regulations we wished to introduce unless they were backed up legislatively. That resulted in the introduction of this Bill. The Opposition has seen fit to introduce these amendments to the Bill, about which I will say a few words.

By the amendment proposed to clause 2 the Governor-in-Council can, in effect, suspend the operation of any one of the fisheries if the Minister asks him to make such a proclamation. We are only dealing with the scale fishery at this time and, when someone starts to refer to other fisheries, that is irrelevant. The amendments include new sections 27a and 27b, which provides:

> (1) The Minister shall prepare a fishery management plan for each declared fishery.

Why did the honourable member not try to introduce this provision whilst his Party was in Government? Perhaps he tried and did not succeed, and is now trying me on. Under new section 176 (2), after the plan has been prepared it must be available for public inspection for two months. Whilst all this is going on the resource is slowly running down, as was pointed out in the Jones report, which was called for by the previous Government.

With these amendments, which include new sections 27c and 27d, the honourable member virtually is seeking to rewrite the principal Act, but I have news for him. The Government intends, in the Budget session, to open up the Act and make a considerable number of amendments to it. The Bill before the Committee is a Bill of only four clauses, having its origin in the needs that arise and the advice of the Parliamentary Counsel to give effect to a report which sprang from the honourable member's Government. It is a very good report, which preserves the rights of the scale fishing industry, and that is all we are interested in at this stage.

Some concern has been expressed that the Director may have too much power. I have prepared an amendment, which I shall not canvass at the moment, which will make the Director responsible to the Minister. I apologise for not being able to answer the honourable member's learned questions, but I have reviewed the amendments and I wonder why, knowing how hard the honourable member and his colleagues have worked on it, they did not try it on when they were in Government.

Mr. BLACKER: I, too, wonder why, after 10 years in Government, the Opposition has now come forward with such a proposal. As a Government, the Opposition had 10 years of fisheries management experience, and to suggest to a new Government how the industry should be managed—

The Hon. W. A. Rodda: They are slow learners.

Mr. BLACKER: The Minister says that they are slow learners. I think it is a hollow sham for the Opposition to be making these suggestions. I am concerned about the administrative difficulties of the amendments. The Bill before the Committee is to cater for an urgent situation. The scale fishing industry is in dire straits, and we must act quickly. The amendments will only delay the ability of the Director to take action, and that worries me considerably.

The amendments refer to an authorised fisheries management plan and suggest that each fishery can be proclaimed by the Governor, thus creating an individual industry within each specific fisheries section. I understand that about 70 species of fish are harvested commercially in South Australian waters. Does this mean that we will have 70 authorised fisheries management plans? As I understand the amendments, it is suggested that each fishery has to be proclaimed and that we have an authorised management plan for each fishery. One could well imagine the bureaucratic nightmare that would result. In many instances, the plans would be interlocking, and many fishermen would be authorised to take different species. We could have, for instance, lobster from November to April and shark or salmon during the off season. Certain fishermen perhaps would be allowed to take bait during the lobster season, because bait for lobster fishing is at a premium at present. Some lobster fishermen were freighting bait from Western Australia during the last season.

Those are the types of problem I can see resulting from the amendments. Whilst I feel that the honourable member has the right intent in mind, I believe administration would be a real problem. I do not think it is feasible in view of the crisis situation we are trying to overcome in the scale fishing industry at present.

The other aspect of his amendment is that he is taking out of the Act section 34 (2). I think the words "will not prejudice the proper management of the fishery", which are included in that provision, are probably the greatest points of contention discussed in any industry in this State in the past 2½ years, ever since the freeze on licences was applied in June or July 1977. The honourable member has taken the teeth out of the Act, and the amendment does not provide the strong wording that applied previously.

Mr. KENEALLY: We have taken the teeth out of that subsection and replaced them with a better set of false dentures. The honourable member need have no worry.

The amendments are better than was the original provision. I shall answer some of the questions that the Minister should have posed but did not, and I shall get to those in a moment.

The Minister read my amendments very well, but unfortunately he did not understand them, and that is a pity because, had he understood them, he might have been able to reply. I am concerned about the wide powers that will be given to the Director, but, after listening to the Minister's reply to my amendments, I am not sure whether the powers should reside with the Director and not with the Minister, because the Minister did not seem to—

The CHAIRMAN: I hope the honourable member is not reflecting on the Minister.

Mr. KENEALLY: I am certainly not reflecting on the Minister; I am trying to encourage him to become better informed. Unfortunately in this case, but fortunately in the normal carrying on of Government business, those powers should reside with the Minister and not with the Director. The only argument used by the Minister in opposing the amendments is that the timing is bad. He suggests that these amendments should have been introduced during the time in which my Party was in Government, and hence during the next year or two there would have been major amendments to the Fisheries Act, as if to suggest that, if we on this side are patient, the Government may include those amendments in the major amending Bill that it will introduce. We are not prepared to accept that; we believe that these amendments should be made now. Whether these amendments were made two years ago, 12 months ago, or whether they are made today or in 12 months does not diminish the validity of the argument.

I ask the Minister to debate these amendments on that basis—whether they are valid or whether they are not valid. Is it not good enough for the Government to say, "We will not accept these amendments because they should have been moved when the Labor Party was in Government." That is facile. The Premier, Mr. Chairman, will not be allowed to interject, I am sure—

Members interjecting:

The CHAIRMAN: Order! The Chief Secretary must cease interjecting.

Mr. KENEALLY: —particularly when the member on his feet is doing so well, which is exemplified by the fact that the Premier believes that he must come into the Chamber and add his weight to that of his Minister. I make the point again that, if the only argument (and I believe it to be the only argument) that the Government has is related to the timing of this amendment, that argument is just not good enough. The member for Flinders believes that the Opposition's proposal will delay management of the scale fishing industry to such an extent that it will impose heavy burdens on an industry that is running into financial problems. I remind the member for Flinders, who belongs to another Party (but, in this issue, it is hard to distinguish that), that the Government has not told us when it proposes to introduce the remedies to the problems that exist within the industry. There has been no word about that.

The Minister has not told us that, as a result of the measures before the House, the Director will bring down regulations to rectify the problems that currently exist. We have been given no assurance about that. I would be prepared to say that the Government's remedy, which is supposed to be included in this Bill, will take longer to become law than the Opposition's proposal. Our proposal is not in conflict with the scale fishing inquiry that was set up by the industry because of the previous Government's encouragement last year (the Jones inquiry into scale fishery in the Spencer Gulf). The amendments fit snugly into the framework of that report; they do not run counter to the report, and the Government knows that, because it has not been prepared to tell the Committee why it objects. The Government merely states that the timing is bad—that is not good enough. The Minister stated that he has had Crown law opinion.

The Hon. W. A. Rodda interjecting:

The CHAIRMAN: Order!

Mr. KENEALLY: I would be interested to know why the Minister does not agree; he has had the opportunity. The Minister spoke for 20 minutes and he merely read back to the House my amendments. He did not get to the meat of the amendments. Now, he threatens that he will do so when he takes part in the debate at the next opportunity. I am pleased that the Minister has threatened to do that, and I hope that he carries out his threat. He canvassed the fact that the Government had received Crown law opinion about some of the suggestions that the Cabinet subcommittee proposed to introduce and that, as a result of the Crown Law opinion, the suggestions were modified somewhat. If the Minister checks the Crown Law opinion, he will find that nothing in that opinion would prevent the acceptance of these amendments.

The member for Flinders stated that the scale fishing industry was in desperate plight; he also stated that we could not afford to wait for the Opposition's management plans as contained in the amendments, because something must be done now. What the member for Flinders suggests is a band-aid treatment for a serious problem. What we on this side recommend is a long term benefit for the industry. The Government must make up its mind about what proposal it will accept—a band-aid effect that will overcome some problems which exist in the short term and which could be much worse in the long term, or the proposed amendments. I repeat what I said earlier—no information is available to suggest that the Government will be able, within the next few weeks or months, to do what is necessary to overcome the problems that exist within the industry.

If the member for Flinders remains in the House as the debate goes on, he will hear me ask the Minister questions, the answers to which will clearly show that the Government does not know what to do in the short term to overcome these problems without producing more problems. A crisis situation cannot be rectified by the creation of another crisis situation. One must take a cool, hard, calculating look at the industry and bring down a Bill that will benefit that industry. The previous Government, in retrospect, should have introduced these matters; it was in the process of determining this policy when it lost Government. We did not expect to lose Government in September (that might be a surprise to the Government) and members opposite did not expect to win Government (which was a surprise as well). In the normal course of events, these amendments would have been introduced, but something occurred that prevented our doing that.

The member for Flinders stated that management plans could not apply to each of the managed fisheries; of course, that is not correct. It is not difficult to determine management plans for what are currently managed fisheries and, as the honourable member knows, there are managed fisheries. However, his argument is that there cannot be managed fisheries because some fishermen would seek to fish in two managed fisheries—for example, scale fishery or lobster fishery. This problem will exist even if the Bill becomes law. It will be overcome by the Minister's providing exemptions in certain cases to allow fishermen to fish in two managed fisheries. I assure the member for Flinders that this situation would occur under

either plan; I believe that this is really not a problem. I am trying to obtain from the Minister the reasons why he does not accept the proposed amendments. Of course, I will give him another opportunity to explain his reasons and, having given those reasons, he will, I hope, give me another opportunity to determine whether the Opposition believes that those reasons are sufficiently good for us to accept.

The Hon. W. A. RODDA: It is obvious that 15 September is the real reason why we are debating this matter.

The CHAIRMAN: I assure the Minister of Fisheries that we are not debating that.

The Hon. W. A. RODDA: It is said that ex-Minister Chatterton had the very best advice, not only on the matter of fisheries but also on agriculture and everything within his portfolio. I have also been assured that he slept with that advice. He knew all about this matter. Why is the member for Stuart trying us on? He said that the only argument we have against his amendments is that the timing is bad. There is probably nothing wrong with the timing. Timing is important, because we are approaching 30 June, and this Government has some responsibility to fishermen who will be renewing their licences. The honourable member is jumping to conclusions.

Members interjecting:

The CHAIRMAN: Order! I do not want to have to speak to the honourable member for Florey again.

The Hon. W. A. RODDA: To the member for Stuart, I say, "He who hesitated lost his opportunity." He answered that in his own words when he said that he did not expect to lose Government. Now for the reasons why we will not accept his amendments. We have a prawn fishery, which is valuable and which has no problems; it is also lucrative. We have a cray fishery, which operates on authorities and which has some problems of its own right. The tuna fishermen are doing well. We also have an abalone fishery; but we are dealing only with scale fishing, and that is the purpose of the Bill. The member for Flinders was correct when he said the scale fisheries were in desperate straits. Former Minister Chatterton recognised that when he set up his consultative committee and appointed Dr. Jones and others to undertake the study, which they brought down after the Labor Government lost office. That is why we are not accepting the amendments, which virtually give a rewrite to fisheries management in this State. The fisheries industry does not support the honourable member: today I received a telegram that was addressed to me, as follows:

> Copy of telegram sent to B. Chatterton/G. Keneally—Amendments to Fisheries Bill unacceptable to industry. Far too drawn out for fishermen to wait.
>
> P. J. Simmons
> N.S.G.F.P.A.

The President of AFIC and the Chairman of the consultative committee have indicated their support for the Bill. The industry supports the Bill which the Government has introduced.

Mr. KENEALLY: I do not propose to reply to the scandalous statements with which the Minister began his reply to me. The debate has been carried on hitherto, with only one unfortunate interjection during the second reading debate, on a level at which one would hope that matters of this kind should be debated. The reflection by the honourable gentleman is not worthy of him. In my time here, it is probably the only time I have heard him degenerate to that extent, and I am disappointed and surprised that he has done so.

The Minister has made the point that the Government cannot accept my amendments because they refer to other managed fisheries, but that is no argument. If it is urgent to do something with scale fishing, the Minister should develop that management plan first, and urgently. The Minister and his Director ought to know what role the scale fishery ought to play, and they ought to be able to draw up a management plan in a week. If the only restriction on doing that is for clerical reasons, I accept that, but if the restriction is that they do not know what they want to do, I cannot accept that.

If the reply we have had to the debate is the total wisdom of the Minister and his Director, our criticisms of the Director are valid. The Minister is not getting the advice he ought to be getting. We adjourned the debate early this afternoon, and it is now 7.45 p.m. If the Minister is unable to give one further reason for not accepting the amendments from what he was able to provide four or five hours ago, that makes me wonder what he has been doing in the meantime. He has been locked up with his Director and departmental advisers, and perhaps has even had the Premier's advice. His reply seems to suggest that; it seems to have the Premier's dead hand on it. Where has he been? Where is the information? Why do we have to wait five hours to be told what we could have been told at 3.30 p.m. today?

The amendments are good, and are desired by industry. The Minister and his departmental officers probably tried to find fault in them. They are too proud to admit that the amendments ought to be accepted. Because they do not want to be seen as accepting Opposition amendments, they oppose them. If that is the case, the Minister ought to say so. If he intends to move similar amendments later, he should say so. If he is rejecting them out of hand, he should also say so; because we are debating issues of great importance to South Australia's fisheries. The livelihood of people in the industry depends on our decisions. The Opposition is as anxious to ensure the viability of the industry as is the Government. The amendments are designed to improve the industry in the State, yet the Minister and the Government do not deign to give a reason for not accepting the amendments. The Premier is trying to make fun of me in this debate. He is interjecting across the Chamber and trying to make fun of the matters I am taking up, thus indicating clearly the importance that he places on this industry: he places no importance whatsoever on the industry, which he thinks is the subject for fun.

The Hon. D. O. Tonkin: That's not true.

Mr. KENEALLY: The Premier looks embarrassed, and so he should.

Members interjecting:

The CHAIRMAN: Order!

Mr. KENEALLY: I ask the Minister whether or not he is prepared to stop treating the Committee with contempt, and to give it clear, concise reasons why he is not prepared to accept our amendments. Hitherto, he has given two excuses, neither of which, in itself, opposes the merit of the amendments. The timing of the amendments does not diminish the validity of the argument, and the Minister has not tried to diminish the validity of the argument. In fact, he has not addressed himself to the argument at all.

All I am asking is whether, if the Minister will not accept the amendments he will tell the Committee why. I will accept that the reason why he may not be prepared to tell the Committee why is that he knows that the amendments are good, but for some purely political reason he is not going to accept an Opposition amendment. I ask the Minister whether he will at last answer the points that I am making.

Mr. LANGLEY: I would not have come into this debate except that I feel that I am compelled to do so after

listening to the Minister's reply, and especially after his rashness concerning a question which I shall bring up very soon. Ever since I have been a member of Parliament I have been able to approach or write a letter to the Minister, and maybe the Director would answer the question. However, if this continues, there will be no point in writing to the Minister; and we should instead write to the Director. The Minister has almost become a *nom de plume* in these cases. I would say that he is just here for us to ask questions in the House. However, in this case, the Minister is no longer in charge in relation to fisheries. The Premier may laugh—he was the greatest knocker in this place when he was in Opposition, and I can assure him that we will make some play of that. He will not be laughing much longer, however; I will not have to worry much longer, because I am going out undefeated.

The Minister and I have been great friends over a period of years. However, when he says that the Minister sleeps with his advise, that takes a bit of beating. That was a definite insinuation, and I think he should apologise about it, because it is shocking for someone to say that in this House. I hope he does not ever say it again. I am concerned that the Minister will not be making any decisions; instead, it appears that he will be dictated to by the Director.

Mr. BLACKER: I want to take up what the member for Stuart said in his comments on why the Government is opposing the amendments (and he has lumped me in that same category). He is moving to insert the following new clause:

> 27a. (1) The Governor may, by proclamation, declare a fishery defined in the proclamation to be declared fishery for the purposes of this Act.
>
> (2) For the purposes of a proclamation under this section a fishery may be defined by reference to specified waters or land and waters, specified species of fish and any other factor, or any combination of two or more such factors, specified in the proclamation.

The problem that we are presently arguing about concerns trying to protect the scale fishing industry. In terms of sheer common sense, it is impossible to proclaim the scale fishing industry in a State-wide total proclamation, because we have scale fishing in various areas, the fish being harvested for different reasons in different circumstances at various times of the year. It is impossible that it can be defined to the extent that the member for Stuart seeks in relation to a fishery management plan. The honourable member proposes the following:

> The Minister shall prepare a fishery management plan for each declared fishery.

He then goes on to define the fishery as follows:

> "declared fishery" means a fishery declared by proclamation made under Division A1 of Part III of this Act to be a declared fishery for the purposes of this Act.

He then goes on:

> "fishery management plan" means a plan prepared by the Minister indicating, generally, the measures that, in the opinion of the Minister, are necessary or desirable for the management and conservation of a declared fishery:

This is where the whole system will break down , because a management plan to look after (and I use as an example the Snapper industry off Franklin Harbor) is not going to work down at the South-East, on Eyre Peninsula, or in the upper reaches of the gulf adjacent to the honourable member's electorate. So, it will be necessary that each species be identified, because in many areas we get a combination of species—we could have tuna, salmon or snapper and the member for Stuart has been talking about prawns, flathead and whiting in the north. This is the whole crux of the problem, and we are looking for a workable plan. I admire the honourable member for saying that he is looking at interests in the long term. He has been critical of the Government in saying that the Government is applying only a band-aid measure.

The situation is very urgent. The licences are due for renewal in 20 days time and, unless this measure can pass both houses of Parliament and be proclaimed so that the Director can act in due haste, where are we going to be? Will we be set back 12 months? The member for Stuart said, that his proposals could be implemented just as quickly as could the Government's proposals; that could be taken to task, because the Government's proposal was that this Act should come into operation on a day to be fixed by proclamation—in other words, as soon as is humanly possible through the normal administrative processes.

The honourable member's amendment states that to a certain extent, but it applies only in part. In other words, we will get a progression of proclamations for each specified industry to be brought in. About 70 identifiable fishing resources could be brought under a fisheries management plan, so it can be seen that it is a problem. I would like to see the Opposition Party going to the next election with a fisheries management plan, or a fisheries policy itemising each of those 70 management plans, because in effect the member for Stuart is saying that that should be the case.

In view of the haste necessary, I feel I must support the Government in this proposal because 20 days is not very long; we have to do it in order that some effective management or control can be implemented to save the scale fishing industry in many areas. I use those words advisedly, because, unless we do, we will have many more people on bedrock with the scale fishing industry.

Mr. KENEALLY: I do not question for one moment the sincerity of the member for Flinders in his desire to see the best possible laws implemented for the protection of the scale fishing industry. I believe that he has misunderstood both the procedures of this Chamber and the purpose of the amendments. First, it is not our intention to keep the Parliament here for the next 21 days debating this measure. If the Government were to accept our amendments, I can assure the member for Flinders that the matter could be through both Houses, if not tonight, probably tomorrow, and the argument about the licences becomes irrelevant. If this measure passes both Houses by Thursday, when the Parliament seeks to prorogue, the argument about licences becomes irrelevant. The Minister has not been prepared to tell us why the licences have been held up waiting upon the passage of this Bill. Fishermen ought to know what the reasons are; I certainly do not. Obviously, the Government does, and it ought to tell us.

It is the intention of the Opposition's amendments to devise management plans for a managed fishery. The Government proposes to have the scale fishery as a managed industry, so all of the difficulties the member for Flinders foresees in the development of a management plan obviously exist currently with the Department of Fisheries managing the scale fishery. The Opposition does not intend that we ought to have a management plan for each of the various forms of scale fish—that would be ridiculous. The scale fisheries authority, which it will become, will enable fishermen to fish for a whole range of scale fish. Tuna might be excluded (and I am not sure, but I think that is currently a managed fishery).

I point out to the member for Flinders that in that respect we are not so far from the Government's intention. The Government wants a managed industry, and we are proposing that there be a managed industry and a management plan. What difficulties the member for

Flinders foresees, I am not sure. If he says that if we are going to have a management plan for a managed industry that will take a little time, that is an argument I am prepared to accept and reply to.

The initial proposal that the Opposition circulated to members of the fishing fraternity that it was able to contact suggested that the Minister should within six months circulate a management plan for public comment, and that it should then be open to public exposure for six months. It should then be returned to the Minister to be approved by Parliament, where it would need to lay on the table for 30 days. Then it could become law. That is a cumbersome procedure, but one we felt was worth while taking. That could last anything up to 18 months, and we were prepared to suggest that the Director have interim powers to control the fisheries during that period.

However, as a result of complaints received from scale fishermen and their associations, we shortened that time dramatically. We received no complaint from the fishing industry about what we proposed doing; the only complaint was about the length of time it would take. The Minister read a telegram which supported the very case that I am putting. We shortened the time that a management plan would need to go through the now various processes before it became law.

I suspect that this could now be done in a short time—within three months. If the scale fisheries are in such a turmoil that three months is the difference between survival and the fishery going down, the fishery has already gone down. Despite the fact that it is in difficulty, it is not in such difficulty that three months, whilst it is certainly critical, is disastrous.

Will the Minister please tell this Committee what is wrong with the concept of a management plan for the various managed fisheries within this State? Can he give us one reason why the proposals we are putting to the Committee are not acceptable to the industry, the community at large, himself, his Director, the Government or whatever? He has not been prepared to do so.

It becomes a difficult task, as an Opposition, to move amendments that we have put a lot of time into and have the Minister refuse even to debate them. He just says they are not acceptable—he does not tell us why they are not acceptable—and we are supposed to accept that. I am not prepared to accept that, and my colleagues are not prepared to accept it either. I am surprised that his colleagues and backbench supporters are prepared to accept it, because acceptance by this Committee that that is the way that Ministers administer the Bills that they have charge of is acceptance of a system that will deny any debate at all in this Chamber. Frankly, I do not believe that it is good enough. I think that my plea is falling on deaf ears, and that is a shame. I am not trying to score political points. I am trying to make the Parliamentary system work, and it can only work if Ministers and members are prepared to approach issues of this nature with a good will and a respect for the Parliamentary system. We have not seen that tonight.

I still hope that there are enough members in the Chamber prepared to accept the logic of what we are saying, because I repeat, that it is to the benefit of all concerned. Not one word has been uttered in this debate that would suggest otherwise. I believe that is a matter members should consider deeply before they consider their vote.

The Hon. W. E. CHAPMAN: Several points made on the other side deserve a brief reply. I suggest that what the member for Stuart is trying to do is take the business out of the hands of the Government. I say that because what the Minister of Fisheries has done is bring down a Bill which is worded simply, the intent of which is clear and about which he has given a second reading explanation. The Government fully supports the Minister of Fisheries. He knows Government policy about this matter. He knows what he wants, and that has been prepared in the Bill. He has explained his intent, particularly as it relates to three points the Bill incorporates, and he has foreshadowed another minor amendment, which the Government supports. He has explained why he wants to do that, and he is seeking support from the Opposition.

It is quite clear from what he has said that the Minister does not intend to take on board lengthy, cumbersome, and delaying formulae in relation to the Bill. He is not prepared to take on board those four pages of documented amendments prepared by the Opposition. I do not suggest that every part of those amendments is irrelevant. There may well be good material in them, but, for the purposes of implementing Government policy in the short-term period available to the Minister in this instance, it is essential that he has the approval of the Parliament for the Bill.

The member for Stuart can go on and on, but the Minister has explained his reasons, setting them out clearly, and showing why he is not prepared to accept the amendments. If the honourable member wishes to filibuster as he has, I understand that it will have no impact whatever on the Government.

Mr. Keneally: You're wasting time, because it is not even your Bill. Why don't you sit down?

The CHAIRMAN: Order! I do not want to find it necessary to have to speak to the honourable member again.

The Hon. W. E. CHAPMAN: I have nothing further to add, except to give my full support to the Minister in his objective.

Mr. BLACKER: I must clarify one point. The member for Stuart picked up my concern about the urgency of this matter for the sake of the scale fishing industry. The point has been made clearly about the urgency for the industry, but another matter of urgency is that all scale fishing licences expire on 30 June. Is the Government to allow all present fishing licence holders to carry on without a licence until the industry is sorted out?

Mr. Keneally: It's been done before on a number of occasions.

Mr. BLACKER: I think the honourable member is suggesting a precedent far beyond reason, and I do not think it is fair or practicable. If a genuine fisherman is operating without a licence, why cannot every person in the street operate without a licence? We are really creating complications. The licences of the present scale fishermen expire on 30 June, and a proposal must be operational by that time if further difficulties for the industry are not to be created.

Mr. KENEALLY: That problem does not exist. There is precedent where licences will be extended after 30 June if the Government is determining a policy in relation to the fishing industry. That will apply on this occasion as on others. Two or three years ago, that situation applied for six weeks to two months after the closure at the end of June in relation to the renewal of B-class fishing licences. There is no problem as long as the fishermen know about it, and while the Government is determining a policy they can fish in the normal way.

The Committee divided on the amendment:

Ayes (17)—Messrs. Abbott, Bannon, M. J. Brown, Crafter, Hamilton, Hemmings, Hopgood, Keneally (teller), Langley, O'Neill, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Noes (20)—Mrs. Adamson, Messrs. Allison, P. B.

Arnold, Ashenden, Becker, Blacker, Chapman, Eastick, Evans, Glazbrook, Goldsworthy, Lewis, Olsen, Oswald, Randall, Rodda (teller), Russack, Schmidt, Tonkin, and Wotton.

Pairs—Ayes—Messrs. L. M. F. Arnold, Corcoran, Duncan, and McRae. Noes—Messrs. Billard, D. C. Brown, Mathwin, and Wilson.

Majority of 3 for the Noes.

Amendment thus negatived; clause passed.

Clause 3—"Fishing licences."

Mr. KENEALLY: I refer to the question of what the Government proposes to do when the Bill is passed in relation to the vexed question of A and B class fishing licences. The Minister, in the second reading stage, stated that the Government intends to allow B-class fishermen to enter A-class fisheries, and to allow employees to enter the fishery. This action would increase the effort in the scale fishery. We have already been told (and I agree) that problems exist in this industry, and yet the Government proposes to increase the effort in an industry that is currently over-fished.

If the Minister and the Government propose to allow B-class fishermen the opportunity to convert to class A, what will happen to those fishermen who do not take this opportunity? If nothing happens to those fishermen, there would be no incentive for them to change and, therefore, there is no purpose in the Minister's statement. Those fishermen who do not wish to change in those circumstances would be quite happy to retain their work and fish in a part-time way.

The Hon. W. E. Chapman: Your Government proposed that in 1978. What are you talking about?

The CHAIRMAN: Order!

Mr. KENEALLY: I direct my remarks to the real Minister of Fisheries, not to those who would assume that title. Will the Minister say why a distinction is made between people who work and fish, and people who fish and work, because that is really the basis of the argument? I know that some fishermen within the A-class fishing industry in South Australia own supermarkets, farms, businesses (whether they are corner stores or butcher shops), motels and blocks of flats; these people also have A-class fishing licences. Many of these activities provide substantial returns to the fishermen. However, a worker who has a job and who wants to fish part-time is not allowed to do so. That person will be kicked out of the industry. This action is all right for business people who fish and make money elsewhere, but it is not all right for workers. I have never been able to accept that.

I am prepared to accept that people who work and fish part-time should not be part of the industry, if that policy is made consistent throughout the industry. Everyone who is a fisherman could be means tested and those who earn a certain sum in an alternative way should not be allowed to have a scale fishing licence. That action would be fair and equitable. However, the Government does not propose this action. I fear that the Government, immediately this measure is passed, will enforce the Harniman interpretation on a B-class—

The Hon. W. E. Chapman interjecting:

The CHAIRMAN: Order! I ask the honourable Minister to cease interjecting.

Mr. KENEALLY: Does the Government intend to give B-class fishermen the opportunity to convert to an A-class licence if the Bill is passed, and failing that, will the Government impose the Harniman interpretation on a B-class fisherman and effectively rule him out of the industry? If that is not to occur, why has the Minister said that a B-class fisherman will be given the opportunity to convert? If there is no reaction to a fisherman's not converting, there is no purpose in this statement.

There has been a freeze on conversions since 1977. The undertaking which the Minister's Party gave B-class fishermen and which was given by the previous Government is that a policy of attrition will occur and, as B-class fishermen leave the industry, their licences will become defunct, and eventually B-class licences will disappear from the industry. The Minister should be able to say what the Government intends to do by regulation to solve the problems that exist within the industry. Apparently, the proposal put forward by the Opposition is unacceptable. Will the Minister give a clear answer?

The Hon. W. A. RODDA: I indicated during the second reading stage that, when this Bill is passed and after licences are issued, there will be a call for a conversion from B-class licences to A-class licences—there is nothing unusual about that. If a B-class fisherman applies for an A-class licence, he will become a full-time fisherman and there is nothing odd about that. The Act is indeed specific.

Mr. Keneally: What will happen to those who don't?

The Hon. W. A. RODDA: We will come to that in a moment. That Act states that there will be A-class fishing licences and B-class fishing licences; this was passed by the previous Government in 1970. The Act is quite specific in stating that a person will not be granted an A-class fishing licence unless he satisfies the Director that he intends to carry on the business of fishing for profit as his principal business, and he will not be granted a B-class licence unless he satisfies the Director that he intends to carry on the business of fishing for profit regularly as a seasonal or part-time business. The individual can decide whether he wants to do that. There will be a call for conversion from B-class to A-class. The Government will call for those people who are currently operating as employees. The honourable member suggested that this would place a strain on the fishery, but no more strain would be put on it than now exists, because all of these people currently work in the fishery.

I have said that there is a need to ensure that we are going to restrict the employees to the extent that they will have to be on the boat with the owner. This will apply to people who were employed in the industry prior to 27 June 1977, when the previous Government applied the freeze. I also said that the Government would look favourably on the employees who had participated in the industry. Where any case of hardship can be demonstrated, the Government will consider each case separately and sympathetically. We have had representations from people who have operated on an employee licence. They have spent a good sum, and they are fishing in their own right. They are now in the industry, and it would be unfair to cut them off because of the freeze. The Government is not heartless or high-handed.

Mr. Keneally: What will you do with the class B?

The Hon. W. A. RODDA: I will come to that later. Regarding class B, there was a consultative committee recommendation that all such fishermen have their nets removed. The Government looked at this in some depth for some time, and it was decreed that they could keep some of their nets. This decision has been reviewed, and will be reviewed again in six months time (I think about 1 November). The Government has no intention of phasing these people out. They can hook fish.

Mr. Keneally: What about class A fishermen with alternative incomes? You aren't concerned with that?

The Hon. W. A. RODDA: I have studied the Act, which the Government supports. It is a question of nets; this matter was the highlight of the scale fishery report in the Jones study and was the strong recommendation from the consultative committee, and the honourable member

knows that. The Government has informed the industry that it will consult with the industry on the matter of review in six months time, and we will be reviewing those areas of aquatic reserves, which are principally in the gulf and with which the honourable member is concerned. We will doubtless talk to him.

Mr. KENEALLY: The Minister refuses to reply to my questions or points. He has not told us what is the Government's position in relation to class B fishermen who do not take the opportunity to convert to class A. The Government gave a guarantee to these people that the policy of attrition would apply and that no action would be taken by the Government to force them out of the industry. This is what the Minister has, in effect, told us will happen. He read to us the provision in the Act that applies to these people, so it seems that the Harniman interpretation will apply. As it does not seem that I am going to get an answer, I hope that others in another place will be more successful in obtaining this information. As the Minister has assured everyone that there will be consistent and continuous discussion between the industry and the department, why was it found necessary by the department to declare an aquatic reserve in the Chinaman's Creek and Yatala Harbor area and to put off the water practically the whole of the fishing fleet in the northern Spencer Gulf?

If there was this discussion between the department and the industry, surely they would have told the Minister that every fisherman in Port Augusta, whether A or B class, fishs in the area declared an aquatic reserve. A number of class A fishermen are no longer able to net, except in a small area. Some fishermen use the creek as a basis for their activity. If it is closed to fishermen from as far away as Port Pirie, Whyalla and Port Broughton, that will force fishermen back on top of each other, as it will mean they will have a smaller area in which to fish. The problems that we should be avoiding will no doubt occur. The Minister will probably reconsider that declaration. If this discussion took place, why was this area declared an aquatic reserve? Secondly, what is the Government's intention regarding that aquatic reserve? Fishermen from Whyalla to Cowled's Point and Franklin Harbour will be covered by the answer the Minister gives me.

The Hon. W. A. RODDA: Such areas have not been declared, and I am amazed that they are not being fished. This provision has not become law. The Premier and I met with officers of AFIC (Mr. Thomas and Mr. Gallery) and undertook that, before the boundaries of those areas were declared, we would have full discussions with the industry. There has been an announcement in the press. None of these areas has had its boundaries declared, and the honourable member should know that. There has been a kick-back from the local people in the area, but there has been no proclamation or gazettal of the specific areas. The Premier and I undertook that nothing would be done until the Bill is proclaimed. If people in the honourable member's area are staying out of these areas, they need not do so; I am sorry if there has been that misunderstanding. All of those areas announced a few weeks ago have not been gazetted or proclaimed.

Mr. KENEALLY: The proposal was circulated without being referred to the fishing industry. I have spoken to members of the associations involved, and they did not know about it. It seems a strange way of consulting, to put out a proposal that affects the livelihood of people and say, "We are now prepared to discuss it." This delay has been caused by the opposition of people in the area. I am prepared to accept the Minister's assurance that this matter will be discussed.

The Minister said that he has discussed the matter with AFIC. I said earlier that it was important for the Government to work through AFIC on matters dealing with the industry, particularly section 28, the purpose of the amendment. However, AFIC does not represent all of South Australia's fishermen. It represents the big fishing interests, but it does not and cannot represent the small fishing units.

I have had innumerable complaints which indicate exactly that, and I have no doubt that that is correct. Whilst we have to work through AFIC, I would like to see AFIC work through the fisheries industry itself and take on board (in the words of the Minister) the views of the small fishermen not currently represented in AFIC and not represented in matters put before the Minister. If they were, why is it necessary for so many small fishermen and small fishing associations separately to make deputations to the Minister? He well knows that an enormous amount of his time is taken up seeing small fishing people and associations that do not regard AFIC as their spokesman. So, it is not sufficient for the Minister to say that in any discussions he has had he has spoken with AFIC, because that organisation will speak only with those it chooses to speak to and not the fishing industry as a whole. That is a criticism I have made consistently. It applied when the Director was executive officer for AFIC, and it applies now. I hope that somebody takes the trouble to tell the association that this criticism has been made, and hopefully it will take steps to represent the industry as a whole.

If we are to create a managed industry in the scale fishery (and this clause will enable the Government to do that), does the Government intend to allow scale fishing authorities to be sold? It is the Opposition's view that that would not be a good thing. It is our view that there are sufficient licences within the A and B class categories, but these licences will be added to, no doubt, by the Government's intention to give licences to employees who have had long experience in the industry. We cannot disagree with that.

In fact, I was a very strong supporter of being able, not to increase the number of licences, but to transfer licences within family units. I am afraid that, if the Government determines that it will allow scale authorities to be disposed of, as it did with abalone licences (it took the Government very little time to allow abalone licences to be sold), the existing number of licences within the industry will remain there forever, except if the Government involves itself in a buy-back programme at enormous cost, as the Minister would know in relation to the lobster industry.

The Opposition is opposed to scale fishermen being able to sell their authorities; we sympathise with them, and we know that it is an apparent injustice if this is the decision of the Government, namely, that people in every other fishery will be able to dispose of a licence received from the Government for nothing and sold at an incredible profit. We know that the scale fishermen will feel that this is an injustice and that they ought to have the same rights as other fishermen have. This is one of the difficult decisions that the Director and his Minister will be called upon to make. The Government will have enormous pressure put on it by people in the scale fishing industry, and rightly so, asking to dispose of their authorities, as people in other managed fisheries are able to dispose of theirs.

I ask the Minister whether he could give an assurance to this House about what the Government proposes. We have before the House a Bill proposing to make fundamental changes to the scale fishing industry, for the benefit of the scale fishery, we are told. In the Minister's

second reading explanation he canvassed the whole area where the Director can use his discretion in relation to areas that can be fished, conditions that apply to licences, the types of fish that can be taken—everything that is fundamental to the fishing industry. Yet we have not been told why this Bill needs to be passed through this House urgently. We have not been told why the licences have been delayed for the passage of this Bill. We have not been told what changes are proposed to be made to the licences A and B class fishermen will be expected to get at the end of this month. Obviously there are some changes to be made on those licences; otherwise, the renewals would be out to the fishermen now. This Parliament, which is charged with the responsibility of giving the Government permission to make these amendments, has not been told what these amendments hope to achieve, except in the broadest terms, namely, that the Government hopes to provide a solution to the scale fishery problems. That is not good enough, and I hope the Minister can tell us what the Government intends to do. It would be a break-through, and I would be heartened by it.

The Hon. W. A. RODDA: The Government has agreed in the first instance to family transfers of licences, that is, father to son and to grandson. At the moment, we do not have any intention to transfer A and B licences other than to the immediate family. That was spelt out in the policy put by the Government in the election campaign of 15 September. Also, it is proposed that a licensing tribunal be established, and I hope that, when this Parliament meets for the Budget session and we again open this Act, we will have an opportunity to speak about that.

Mr. Keneally: I want to know whether the authorities will be able to be sold.

The Hon. W. A. RODDA: Not at this juncture. That is an area we have not moved into, I think for very good reasons. However, we will be setting up a licensing tribunal, but it is the policy of this Government that, once an authority is in effect, it is just as saleable whether it is an abalone fisherman or a scale fisherman involved.

Mr. Keneally: So you do not rule out the possibility that those authorities will be able to be sold in the future?

The Hon. W. A. RODDA: I am giving the honourable member the policy of the Government. Concerning the other point that the honourable member raised about the necessity for the haste, we have had a consultative committee report based on the Jones scale fisheries report, and changes are recommended by that committee in relation to employees.

Mr. PETERSON: It is unfortunate that I must rise to ask questions after all the words spoken in the House on this matter today. It is obvious from the Bill that there will be restrictions, and to do this there must be some management plan. The problem is that we do not know what the management plan will be. We have already had examples this evening of people not really knowing what the boundary areas are except the self-imposed boundary in the confusion of the new limits applied.

We are getting into a situation where the Director will make some decisions in the future, although we do not know what they will be. We are getting a Director who, although he comes with qualifications, is an unknown quantity. He is going to step into a position and make a policy and a management plan for the fishery. The people involved in the fishing industry should be given an outline of how that plan will work. I know that the Minister has said in his second reading explanation that there will be restrictions on gear used and on catches, but what we are doing by voting for this Bill is voting for an unknown plan. The question was asked why the Bill is necessary. I believe it is necessary. I have quite a few fishermen living in my electorate and I believe we need a control on the fisheries. It is an industry that needs control all the way through. What worries me, however, is that I do not know what the control is going to be: the "why" is apparent but the "how" is not known from the Bill.

The Minister has outlined the transfer of licences within families and the transfer of A and B class licences. I accept all of that, but I do not know what will be the result of voting for this Bill. I do not know what the restrictions will be, whether fishermen will be put out of work or areas where they cannot work will be created. I do not know whether fishermen will be able to catch only a dozen fish a day. Those are the things that worry me about this Bill. The question that needs to be answered is what controls will be required if this Bill is passed. There are plenty of fishermen who want to know the answer to this question.

The Hon. W. A. RODDA: We do not put bag limits on professional fishermen: it is not the intention of the Government to do that. The honourable member raised a nebulous question, so all I can do is assure him that, if he has any complaints, my door, or the door of the Director, is always open for him to come in, sit down and have a round-table conference, as we did about the sheepyards.

Mr. PETERSON: I appreciate the Minister's offer. We have not previously solved too many problems, but we have talked them over. I take umbrage at his reference to my raising a nebulous question, because this is an important matter. Everything we are voting for here is on trust. I believe that the Government is doing this in good faith, but nobody knows. If this Bill is not what the fishermen want, it will be too late. The point has been made to me on many occasions by fishermen that they are a small group of voters and that in many cases their wants and requirements are ignored. This matter still worries me, and I register my concern.

Clause passed.

Clause 4—"Licences to employ."

Mr. KENEALLY: When we were discussing the import of clause 4, I asked the Minister to define a fishing unit, and he replied:

> It can be defined generally as a principal vessel with one or more dinghies that are used in the fishing operation only when using nets attached to the main vessel.

From that explanation I understand that there is no possibility that a fisherman would be able to use two dinghies with a net between them, not that they are likely to do that often. However, there are strange and wonderful ways that fishermen seem to use to get around regulations. There are rather definite ways in which they evade them altogether. I want to know from the Minister whether his definition of "one of more" could mean one or six dinghies attached to the principal vessel, or whether he fears that some fishermen might wish to fish with their nets not attached to the principal vessel. If that is the case (which I suspect it will be), is it going to be difficult to police? If it is going to be difficult to police, will adequate policing be provided by the Government?

The Hon. W. A. RODDA: The consultative committee made the recommendation that A class fishermen be cut back, I think from memory, to 600 metres of net and the B class fishermen be left with 450 metres of net. I am not a mathematician, but somebody said that, working on πr^2 with ring netting, if a net size was less than 450 metres in length there was nothing left, so there was some feeling for B class fishermen. As I said previously when the honourable member asked me to define a unit, the important thing is that there has to be a cut-back in effort, and it is the netting that is causing problems. The honourable member would know that from people to whom he has spoken in his own district. The Deputy

Premier and I saw a deputation today about the pull down of resources coming from netting. There is a public outcry against this. There is no restriction on hookers of fish, some of whom are doing very well indeed. It was recommended that employees will have to be on the boat—there will be no more remote employees.

Mr. Keneally: How many employees will a fisherman be able to have?

The Hon. W. A. RODDA: We have not placed a limit on that, but there will obviously be a limit with a 600-metre net. I think that is self-explanatory. It was recommended by a committee comprised of A and B class fishermen that an A class professional fisherman be allowed to use a 600-metre net. I hope that answer satisfies the honourable member.

Mr. KENEALLY: The committee did not really comprise A-class and B-class fishermen, in effect; it might have in theory, but not in substance. On the matter of the 600 metres of net, the original proposal of the A-class fishermen was that they would have 1 000 metres of net. Then they decided, after some discussion with people within the B-class fishing industry, that there would be some compromise, and it was cut back to 600 metres. Prior to that, they were able to have effectively about 670 yards of net, and it was cut back to 600 metres. There is a story around that the A-class fishermen have been prepared to cut back the net from 1 000 metres to 600 metres, but that is not the truth of the situation, because they never were allowed 1 000 metres. It was an early proposal that they rejected in the final submission that went to the Minister. I do not want to argue that point, but I mention it for clarification.

The Hon. W. A. RODDA: More than one person has been prepared to argue that considerable lengths of net were being used, with power hauling, and ripping the guts out of the fishery, to put it crudely. It was recommended to the Government that B-class fishermen have no employees, but the question of safety enters into it, and the Government agreed that the B-class fisherman should have an employee for the sake of safety, so there is to be one employee for the B-class fisherman.

Clause passed.

New clause 5—"Grant of licences and imposition of conditions."

The Hon. W. A. RODDA: I move:

Page 2, after line 16—Insert new clause as follows:

5. Section 34 of the principal Act is amended:

(a) by striking out subsections (3) and (4) and inserting in lieu thereof the following subsections:

(3) The Director shall, upon determining an application for a licence, give the applicant either personally or by post written notice of his decision.

(4) An applicant for a licence who is aggrieved by a decision of the Director refusing his application or imposing a condition of the licence may request the Minister to have the Director's decision reviewed.

(4a) A request for review of a decision of the Director must—

(a) be in writing;

(b) state the grounds for the request; and

(c) be delivered to the Minister within one month after service of the notice of the Director's decision.;

(b) by inserting after subsection (5) the following subsection:

(5a) Upon a review under this section, the person who requested the review must establish that the decision of the Director refusing the licence or imposing a condition of the licence was not justified by reasons relating to the proper management of the fishery in relation to which the licence was applied for. ;

and

(c) by inserting after subsection (6) the following subsections:

(7) Upon completion of a review under this section, the person conducting the review may make such order for costs as he thinks proper.

(8) Any costs ordered to be paid by any person under this section may be recovered from that person as a debt.

Mr. KENEALLY: Do I understand that the Minister has moved that new clause 5 be included in the Bill, but has given no reasons why he believes that should be so?

The Hon. W. A. Rodda: I will.

Mr. KENEALLY: This is most unusual. The Minister is to give the Committee the reasons why he has introduced the new clause, which looks remarkably familiar, incidentally. Perhaps the Minister will tell us why he has been prepared to accept part of our amendments?

The Hon. W. A. RODDA: The amendment has been circulated, and I take it that the Committee has looked at it. There was considerable discussion over the weekend by the honourable member's Party and my own people about the Director. The member for Stuart saw fit to criticise the appointment of the new Director. I have had it thrust down my neck that the Director has far too much power. To accommodate the Committee, I have agreed to this amendment; indeed, when the honourable member was making his time honoured speech this afternoon—and I apologise for not being here to hear it—we were having some discussion about the matter.

Mr. Keneally: Are you aware that this is a direct take from the Opposition amendment?

The Hon. W. A. RODDA: The honourable member may like to say that, but it is not. We are putting this amendment into section 34. It places the ultimate control with the Minister. The essence of it would be to enable an aggrieved applicant to request a review of the Director's decision in imposing a condition, as well as a right to request a review of the decision refusing an application for a licence. I hope that the Committee will accept in good faith that the Government has had some second thoughts since the Bill was introduced last week, and the final decision is now placed with the Minister.

Mr. KENEALLY: The Opposition will not oppose the amendment. We do not believe that it goes far enough, but it is an improvement on the Bill as originally drafted. In relation to new subsection (5a), we believe that it would be difficult for an individual fisherman to be able to sustain an appeal under that condition, because he would not have the guidelines to understand what the Government's policy was for proper management. We think it is inadequate, but there is no point in voting against it, because it improves the Bill. While not supporting it with a great deal of enthusiasm, we nevertheless give it support.

Mr. BLACKER: I support the amendment. When I spoke in the second reading debate, I expressed much concern about the original proposal and the fact that far too much power was left with the Director. This amendment gives an applicant for a licence a greater opportunity to have any irregularities that he perceives to be reviewed. I was concerned initially that this applied only to a new licence. However, that is not the case because, whenever a licence comes up for renewal, it is then a new application, and, as such, the opportunity is there for the individual to have his case reassessed at that time.

New clause inserted.
Title passed.
Bill read a third time and passed.

CONSTITUTION ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. D. C. WOTTON (Minister of Environment): I move:

That this Bill be now read a second time.

I am pleased to introduce this Bill to amend the Constitution Act to recognise local government in the State Constitution. Since the Second World War, but particularly in the past 10 years, local government in Australia has pressed strongly for its recognition in the Commonwealth Constitution. This has not been possible, principally because the Commonwealth Constitution Act is essentially an agreement between the States as to the powers of the Federal Government. Nevertheless, this has not prevented local government being recognised as an integral part of the governmental system of Australia. In particular, the institution of tax-sharing arrangements with local government by the Commonwealth has meant that the services provided by local councils are seen to be of importance to all members of the local community and that the ratepayer should not be the sole source of funds for these general community services.

Local government in South Australia has developed greatly and can be seen as a level of government actively providing services of a wide range to the local community. It is extremely pleasing that local government in South Australia is now seen to be the most innovative and active in Australia at present. Councils now provide services for the aged, for youth, for specialist recreation purposes, and for the enrichment of the entire community through library services, as well as the important basic services of roads, streets and drainage.

The State Government emphasised in its election policy that it would work toward the continuing development of local government as an autonomous and independent level of government capable of making decisions for its local area with the minimum of interference from other Governments. It is therefore a major acknowledgement of the maturity and the place of local government in our system of government that it should be accorded recognition in the Constitution of the State. This recognition, the Government believes, will indicate clearly to local government and the community that local councils have a standing and a role that enables them to act in the best interest of their residents and ratepayers.

The question of constitutional recognition has been a subject of discussion at Local Government Ministers' Conferences since 1975. The States of Victoria and Western Australia have already afforded this recognition to local government. New South Wales, I understand, is considering the form of appropriate recognition in the Constitution Act. It is therefore in line with these developments that this Bill is introduced to extend the same recognition to councils in this State.

The Bill provides for the continuation of the system of elected local government in this State. By doing so, it acknowledges the present geographical extent of local government but, of course, enables other arrangements to be made in respect of areas of the State that are quite unique in their low population and sparsity of settlement. Protection is provided to the on-going existence of local government by ensuring that any steps, if they ever were taken, to abolish a system of local government, must be done publicly in the Parliament by a constitutional majority. In the preparation of this Bill, the Minister of Local Government has had discussions with the Local Government Association, which agrees with this Bill as drafted.

Clauses 1 and 2 of the Bill are formal. Clause 3 amends section 3 of the principal Act, which sets out the various parts of the Act, by incorporating reference to the new part which will be inserted by this Bill.

Clause 4 enacts Part IIA of the principal Act. This consists of a single section, numbered 64a, which provides for the constitutional recognition in this State of a system of local government by means of elected local governing bodies. The proposed section stipulates that the constitution of local government bodies, and the nature and extent of their powers, functions, duties and responsibilities shall be determined by Acts of Parliament, and that no Bill that would result in the cessation of local government as we know it in this State shall be assented to unless it is passed by an absolute majority of the members of each House of Parliament.

Mr. HEMMINGS secured the adjournment of the debate.

CHILDREN'S PROTECTION AND YOUNG OFFENDERS ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

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

That this Bill be now read a second time.

I request that the second reading explanation be inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

The principal object of this Bill is to provide a child who has defaulted in paying a fine with the option of spending a number of hours participating in a work programme arranged by the Director-General of Community Welfare, in lieu of a period of detention in a training centre. The present system of a mandatory period of detention on the basis of one day of detention for each $10 unpaid, is both costly to the Government and non-productive as far as the child is concerned. It is envisaged that a non-residential work programme centre will be established and that a child who takes up the option of "working off" his unpaid fine in community work will be required to attend the centre for a number of hours on days that he is not in paid employment.

It is proposed that the child work eight hours for every day that he would have spent in detention. Thus, for example, a child who would normally spend seven days in detention, would perhaps be directed by the Director-General to spend four hours in a work programme each Saturday and Sunday for seven weeks, or perhaps seven hours each Saturday for eight weeks, and so on. Each child who takes up this option will have a roster worked out for him that will strive to be both achievable by the child and yet at the same time a significant loss of leisure time, so finding a reasonable balance between rehabilitation and punishment.

The Bill also contains sundry amendments for the purpose of easing a few minor difficulties that have arisen in relation to the administration of the Act since it came into operation in July 1979. These amendments have been

requested by the Children's Court Advisory Committee, which has closely monitored the operation of the Act over the past 10 months or so. The import of these amendments will be explained as I deal with the clauses of the Bill.

Clause 1 is formal. Clause 2 provides for the commencement of the amending Act on a day to be proclaimed. Clause 3 inserts a definition of "prison" in the Act. It is provided throughout the Act that a child is not to be detained in a prison except in certain special circumstances. It is desirable to make it clear that police prisons, police stations, watch-houses and lock-ups are included in the meaning of "prison".

Clause 4 deletes the provision that vested the jurisdiction under the Guardianship of Infants Act in the Children's Court. It has become apparent that this jurisdiction would impose a severe strain on the resources of the Children's Court and that therefore applications under that Act should continue to be dealt with either in the local court or the Supreme Court. Most applications are in fact brought in the Supreme Court and are dealt with without undue delay. The provision to be deleted has never been brought into operation, and all the courts involved have indicated that the status quo should be maintained.

Clause 5 provides that in remote areas of the State, a child who has been apprehended for an offence may be detained in a police prison or an approved police station, watch-house or lock-up until he is brought before the court. The Act presently provides that a child may not be detained in a prison, but experience has shown that in some country towns there is no secure place other than the local police cells, and that, as the town is too remote from any training centre, there is no feasible alternative than to detain the child in those cells.

Clause 6 effects an amendment to the section dealing with remand proceedings. The intention and practice has always been that an adult court to which a child is committed for trial is required, if at any time it remands the child in custody, to order that he be detained in a place approved by the Minister, but not in a prison. New subsection (4) provides accordingly. Clause 7 deletes a provision that has not, to date, been brought into operation as the Children's Court believes that it could cause considerable difficulty. The Act presently provides that, once the trial of a child has been completed, the court must deliver its verdict as to the child's guilt within five working days. This limitation is impracticable, particularly in view of the fact that, in relation to indictable offences, the court must deliver a written judgment. The amendment provides that the court must deliver its verdict as expeditiously as is reasonably practicable.

Clause 8 clarifies the situation in relation to a child who is before the court on multiple charges. It is made quite clear that if the court decides to sentence the child for some, but not all, of the offences, the court can take the "discharged" offences into account when fixing sentence for the others. Furthermore, where the court decides to do this, it is not bound by subsection (12) necessarily to record a conviction in respect of any "discharged" offence that happens to be a group I or group II offence.

Clause 9 makes it quite clear that a member of the Children's Court who is a special justice or justice of the peace is empowered to make an order for detention upon default at the time he imposes a fine upon a child, notwithstanding that a special justice or justice of the peace is not empowered to sentence a child to detention in respect of an offence. Clause 10 provides that the Children's Court, when it is considering an application for the absolute release of a child from the remainder of his sentence of detention, may hear any person it thinks fit. The primary object of this amendment is to allow the Commissioner of Police to make submissions on such an application if he wishes to do so. The rules of court will provide for notification of the Commissioner of Police when such an application is lodged with the court. The Police Department has indicated its satisfaction with this arrangement.

Clause 11 makes it clear that officers of the Department for Community Welfare not only have the right to appear before the Children's Court or an adult court for the purpose of making submissions as to the sentencing of a child, but also as to the way in which a child is to be dealt with in any remand proceedings.

Clause 12 clarifies the situation with respect to the enforcement of fines. The intention is that the relevant provisions of the Justices Act should apply in all respects in relation to the enforcement of fines or other court orders for payment of money made by the Children's Court in respect of a child, the only qualification being that a child cannot be sent to a prison but must instead be detained in a place approved by the Minister. The Justices Act provides for the imposition, at the time of sentence, of a period of imprisonment on default or, if no such order is made at that time, application can be made to a justice for an order for imprisonment if default has been made. The Justices Act also provides for the clerk of the court to give extensions of time for payment of the fine or other order. The specific provision of the Children's Protection and Young Offenders Act providing for extensions of time is therefore to be deleted, as it is virtually superfluous, and indeed has never been used. Where a child is fined by an adult court, the normal rules relating to enforcement apply, subject only, of course, to the general limitation that the child can only be detained in a place approved by the Minister, and not in a prison. Clause 13 is consequential upon the amendments effected by clause 12.

Clause 14 provides for the new system of so-called "work orders" for children who make default in paying fines or other orders for payment of money. Upon default, the normal mandate (i.e. warrant) for detention will be issued, but will be suspended while the Director-General notifies the child that a mandate has been issued and that he has the option either of serving the period of detention as specified in the mandate, or of attending a non-residential centre for the purpose of participating in work projects. Power is given to the court imposing sentence to direct that this option is not to be available to any particular child. If a child does not take up this option, the mandate will be executed. If the child does take up the option he will be directed to attend at the work centre in order to have a programme worked out for him. He will have to work, in total eight hours for each day specified in the mandate, but may not be required to work more than eight hours on any one day. While the child continues to attend the work centre as required, the mandate for his detention will continue to be suspended. The Director-General is given the power to release the child from all or any of the last third of the total number of hours to be served, if he thinks good reason exists for doing so. If the child fails to attend the centre as required, the mandate will be executed if there is no reasonable excuse for his failure, and of course if he has served any unit of eight hours at the work centre, the number of days to be spent in detention at a training centre will be reduced accordingly.

Clause 15 amends the section that deals with moving a child from one place of detention to another. As the Act presently stands, the removal of the child from one place of detention to another may only be carried out by the Director-General of Community Welfare upon the approval of the Training Centre Review Board. This latter

requirement has caused administrative difficulties, in that the need to move a child from one training centre to another happens reasonably frequently. Accordingly, this requirement is removed. The power of the Director-General to move a child is to be restricted to transfers from one training centre to another. In all other cases, the power to move the child from any other place of detention will be left with the courts. Clause 16 amends the schedule to the Act, by deleting the amendments to the Guardianship of Infants Act, which, as explained previously, have never been brought into operation.

Mr. ABBOTT secured the adjournment of the debate.

ADJOURNMENT

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

That the House do now adjourn.

Mr. HEMMINGS (Napier): The matter to which I refer would not normally be discussed in a grievance debate but, because we on this side have been restricted in our time to bring up matters that are of importance to the community, we must use the 10 minutes available—

The SPEAKER: I draw to the attention of the honourable member that it is not prudent to indicate a disagreement about a decision that has already been taken by the House. I ask the honourable member to return to the point of his speech.

Mr. HEMMINGS: Thank you, Mr. Speaker. I refer to the situation that exists in this State at present within the Institute of Medical and Veterinary Science. The Environmental Mutagen Testing Laboratory is threatened with closure, and Dr. J. R. Coulter has been demoted. That situation has sparked off many letters to the Editor of the *Advertiser,* with colleagues of Dr. Coulter speaking out in his defence. Motions of support have come from the trade union movement. As I said previously, a matter of this kind would not normally be referred to in a grievance debate, but I make the point that there are Questions on Notice from the member for Mitcham, and there is a threatened closure of the laboratory.

An inquiry should be held into the Institute of Medical and Veterinary Science, and I ask the Minister to support that inquiry. On 23 April this year, Dr. Coulter was severely reprimanded by Dr. Bonnin for making a report about the use of ethylene oxide at the Specific Pathogen Unit at Northfield Hospital. The Director then ordered the use of ethylene oxide at Northfield to be stopped and recommended to the Health Commission that ethylene oxide be not used in hospitals or laboratories in South Australia.

Allegations have been made that this directive was inconsistent with Dr. Bonnin's denunciation of Dr. Coulter's work at the Environmental Mutagen Testing Laboratory. There has been widespread support for Dr. Coulter's work and for his laboratory. The Minister has expressed concern in this House many times at the lack of emphasis on preventive medicine in this State, yet we are faced with a situation in which a laboratory that is carrying out considerable research in preventive medicine is threatened with closure.

Allegations have been made that, within the I.M.V.S., there has been widespread suppression of research work carried out by Dr. Coulter and his associates. It has been brought to my attention that an Acting Director gave evidence in the Industrial Court last year that funds amounting to $250 000, which came from private companies, went into the institute's accounts, and have not yet appeared in its balance sheet. There have been allegations that Dr. Coulter has been forced to suppress the names of drug companies in his research articles, and this has resulted in the standing of the institute being placed in jeopardy in this State.

What we are asking for is that the Minister, in the interest of the standing of the I.M.V.S. in the community and to protect its integrity and competence, should order a full and open inquiry, which could examine all the allegations that had been made in the press. Once again, I state that the professional colleagues of Dr. Coulter have come out in his defence and said that what he is doing is correct. There has not been one article or letter in defence of the institute's Director. The Minister should be able to state her position, and that of the Government, in relation to the institute. Dr. Coulter has said that he has requested a meeting with the Minister, to state his reasons why the laboratory should continue, but I understand that the Minister has consistently refused to meet him. The only avenue of information the Minister is using is that of Dr. Bonnin and the institute's council.

In fairness to Dr. Coulter and to the community of South Australia, the Minister should receive information from Dr. Coulter. It is not so much Dr. Coulter about whom we are talking: it is the wide-ranging reputation of the institute. The Opposition is perfectly prepared to assist the Minister with information it has received from people who have said that things in the institute are not in order. The only way in which the Minister can resolve the situation is by ordering a public inquiry and by deferring the closure of the Environment Mutagen Testing Laboratory, so that at least the public of South Australia may know that public money is being well spent in that area. We are not saying that the allegations are correct; we say that the Minister should at least investigate them so that the public of South Australia and the Parliament may know that our money is being spent correctly.

Mr. BECKER (Hanson): I express my disappointment at the attitude and actions of the Russian Government in making it untenable for our athletes and those from other countries to attend the forthcoming Olympic Games. It is most important that we place on record a series of events which has demonstrated that the action taken by certain sporting organisations could indeed be the correct one. Upon the request of the Russian Government, the International Olympic Council, for the first time, has given the 1980 Olympic Games a motto, namely, "Olympics in the name of peace and for the honour of sports".

If we look back through history, we will find that, in A.D.90, Sparta was excluded from the Olympic Games in Greece because it violated the Olympic peace by despatching a 1 000-man military force. In 1920, Germany, Austria and Hungary were excluded, two years after the war, because of their role therein. In 1936, the Olympic Games for the first time took place in a totalitarian aggressive State, in Berlin, and this contributed to the suppression and death of millions of people and is today condemned by everyone. In 1940, Japan was forced to give back the Olympics because of its invasion of Manchuria. The International Olympic Committee gave the Olympics to Helsinki. These contracts also could not be kept because the Soviet army invaded Finland, and the German Wehrmacht invaded Poland a few months before those Olympics could be held. In 1948, Germany and Japan were excluded, three years after a war, because of their role therein. In 1956, Russia invaded Hungary, but was allowed to participate. In 1968, Russia invaded

Czechoslovakia, but was allowed to participate. In 1980, Russia invaded Afghanistan, and still conducts an aggressive war there. However, Russia not only participated in Lake Placid, it also intends to be the host of the games of peace.

I feel so disappointed for the young South Australian and Australian athletes who, through devotion and dedication to their chosen sport, some for the first time, and others for the second or possibly the third time, had the opportunity to represent their country in an area of sport considered to be the highest in the world, namely, the Olympic Games. Anyone who has followed or participated in sport (and I know that the member for Gilles has taken a keen interest in sport) must be disappointed that a Government, which has been given the Olympic Games, has seen fit to break the ideals of the motto it sought—"The games of peace". We wonder what Russia was really playing at when it sought this type of motto.

Ours is one of the few countries in the world where it can truly be said that its athletes have the ideals of amateurism. To excel in sport in Australia one not only has to be dedicated and work extremely hard, but one also virtually has to do it on one's own. There is no Government sponsorship or support, as we find in parts of the Western world. There is no Government job waiting for someone who excels in a particular sport, so that he can dedicate himself on a full-time basis to that sport. People in Russia and in the Eastern zone are looked after and employed by the State. There, we find that the Australian athlete is at a disadvantage. I do not blame the Australian Government or the various sporting organisations that have chosen to boycott the games: I blame Russia. I believe that the blame should go to the country that has caused the problems.

When the boycott was first mooted, I was not too sure whether the decision was right or wrong, because I know how these young people feel and what a disappointment it must be to them. A constitutent rang me during the week informing me that a letter had been received from a relative in Poland, one of the few letters that has got through over the last few years. The letter said that the situation is getting worse in Poland again, that the standard of living is falling, and that people there must get up at 5 a.m. and join a queue to get one meal of meat a day. The reason there is a meat shortage in Poland is that it is going into Afghanistan to feed the Russian troops.

It is all very well for the member for Gilles to laugh, but people do not write those sorts of letters unless there is some truth to it. We know that people in those countries do not have the opportunity of expressing themselves in a free press, but to make those statements they must know what is going on within their own countries and what is going on within the Russian bloc. So, this is the first evidence that we have been able to get that there is really trouble in the Soviet area. It has been a long time since we have received authentic media reports of the horrors that are going on in Afghanistan at present; of the students being shot in the street; of people being massacred in all areas; of the uprising of the people to protect their own country; of the huge airlift of Russian troops into Afghanistan to prop up the current Government there. All these things add up to one massive problem, namely that those who make the decision and go the games do take a risk.

An Australian sporting team recently went to Bulgaria. For the first time this team had a chance to qualify for the Olympic Games. The team gave the worst performance it had ever given in any competition. When the coach came back to Adelaide a few weeks ago and I asked him what happened and why the team had performed so badly, he replied that the members of the team could not put up with the oppression in that country. They could not put up with what they saw, what they heard, what they were allowed to do and not allowed to do, what they could not eat, and where they were not allowed to go. This upset the team so much that it was unable to perform to the best of its ability. Yet the 10 members of that team had worked extremely hard for the past four or five years and had raised several hundreds of dollars each, along with the organisation involved, to get them to Bulgaria for the purpose of qualifying for the Olympic Games, and every member was looking forward to the chance to qualify and represent Australia for the first time. However, two weeks in Bulgaria upset and unsettled them so much that they have now lost that opportunity and will have to wait another four years to qualify for the olympics, if ever they have the chance again.

That is what the Russian Government has done to various nations in this world. It is what it has done to the young people in this country and in this State. They are the ones I feel sorry for. Various people are trying to climb on the band waggon to condemn the Federal Government for its attitude, and those sporting organisations that have dared to decide in favour of that boycott. Such people should think of the future of these young people, who will suffer as the sporting organisations will suffer in years to come in those countries that have boycotted the Games. When the Russian athletes come to this country again they will have a lot to answer for in the way that they have treated the ideals of the Olympic Games.

Mr. CRAFTER (Norwood): I speak with some regret about the incredible outburst made by the Chief Secretary earlier this evening when he most unfairly attacked the character of the wife of a former Minister of the Crown. When criticised by Opposition members he just laughed and his mirth was shared by the Premier who soon after left the House. The Chief Secretary had a further opportunity to withdraw that statement after the member for Unley had spoken and raised the gravity of his comments, but the Minister chose not to, and I think that that incident cannot go unnoticed. We hear a lot from the Government these days about the dignity of the family, but the statement made by the Minister today portrays the real attitude of the Government to the family. They see it simply as a vote winner—it sounds good—but tonight we have seen the real attitude coming to the surface.

To imply, as the Chief Secretary did, that the former Minister's wife influenced unfairly or improperly the Cabinet or the Government in making decisions by means of her matrimonial relationship with her husband is what I have referred to as outrageous. The Chief Secretary is the Minister responsible for the police and prisons, and so much for the leadership of those who maintain law and order and standards in this community. As I have said, the Chief Secretary had the opportunity to withdraw his remarks. I noticed that he had stopped laughing when the situation was commented on by the member for Unley. However, I hope that in the remaining days of this session he will choose to remedy this situation. The attitude that has been displayed this evening and on other occasions—

Mr. Gunn: I would suggest that you reflect a little and see the sort of influences that members on this side can bring to the attention of the House, such as that particular person—

The SPEAKER: Order!

Mr. CRAFTER: As I was saying, the attitude towards the use of Parliament to attack the character of members is a sad reflection on the standard of debate in this House.

To attack a private citizen in this way is to be deplored. It appears that the Government is slowly and surely breaking down the Westminster style of government which, I would say, has served this State and other Commonwealth countries well (though imperfectly at times) since our foundation.

So far we have sat 33 days in this session, and there are two days remaining. In fact, in the first 10½ months that the present Government has been in office we will have sat for 35 days. Much of the legislation that we have had to consider has been concerned with minor amendments to the legislation of the previous Administration. When we return for the new session at the end of July, the Government will have almost had its first year in office and, traditionally, it is my understanding that Governments introduce much of the legislation for which they have a mandate during the first year of office. There are political and no doubt other reasons for doing this, one of which is that it gives the public an opportunity to participate in the work of Parliament, since the people can comment on new legislation for which they have elected the Government. The Government can play its part, particularly in relation to the matters on which it achieved a mandate. The Government said that it would bring about reforms in many areas of community and economic life by means of legislation. To date we have seen so little evidence of that in this Parliament that one can only conclude that the Government does not intend Parliament to fulfil this function in the community.

I think it is a commonly-held view among watchers of Parliaments throughout the Western world that there is a diminishing role being given to Parliaments and an increasing amount of power being assumed by administrations. That is something to which Parliaments must address themselves. I think that those same watchers of Parliaments and administrative systems would say that that is an unhealthy sign in our community because it is a break-down in the checks and balances that we have provided for in our various Constitutions. When Parliament is no longer an effective body, or when it is rendered ineffective by an over-powerful administration or a Government that does not want to abide by the checks and balances of Parliament, then we are heading for disaster in the community. It has seemed strange to some people that it has been Labor Governments that have seen the worth and importance of Parliament. One only need look at the size of the Statutes of this State during the period of the Labor Administration—

The Hon. H. Allison: It was government by regulation rather than by legislation during the past 10 years. You check the size of them.

Mr. CRAFTER: The ability to have matters brought before the House and laid on the table by way of regulation gives members the opportunity to participate through the Legislature in that process. It is interesting to note that we have tried to bring about more regulation-making power over the bureaucracy and that that has been resisted by members opposite. The attitude we are seeing in matters such as private members' business time, Question Time itself by way of the few questions that one in Opposition is able to ask each day, and the inability to gain answers to Questions on Notice diminishes the role of Parliament and the function of the Parliamentarian in the community. I think that the other examples we have seen in this session, such as the quoting of Crown Law opinions (which is a clear breach of convention), also lower the dignity of the House and its traditional role. Further, the quoting of Cabinet documents of the previous Governmet is another breach of convention which breaks down the standards of this House.

It is not just in this State that we are seeing this happen; in my opinion it is the action of Liberal and like Governments throughout Australia in recent years. We have seen the way in which a Federal Labor Government was dismissed in 1975 administratively and another Government appointed administratively. We have seen in New South Wales the breaching of a convention to appoint Senator Bunton when it was a politically opportune time to do so. We have seen a similar act in Queensland when Senator Field was appointed in that State—once again, a slashing of the conventions that hold our Parliamentary system together. It is in these ways that the incident this evening and the other instances I have mentioned are slowly but surely weakening Parliament and diminishing the role of the Parliamentarian in the eyes of the public. If we do not have an institution such as a Parliament where the elected voice of the people can be heard and where the will of the people can be manifested by way of an elected Government, and where that elected Government is subjected to the checks and balances we have, such as Question Time and private members' business, by way of the traditional conventions and Standing Orders of the House, then society has a grave problem on its hands. I hope the Minister who erred this evening will see fit to rectify that situation before there is a further loss in the public's eye of the importance and function of this House.

Motion carried.

At 10.15 p.m. the House adjourned until Wednesday 11 June at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 10 June 1980

QUESTIONS ON NOTICE

LEGAL SERVICES COMMISSION

627. **Mr. McRAE** (on notice) asked the Minister of Education: Is the Minister now satisfied that the information given to the member for Playford during the debate on the Appropriation Bill (No. 2) concerning the financial position of the Legal Services Commission is correct and, if not, why not and what is the correct information?

The Hon. H. ALLISON: I am satisfied that the information given to the member for Playford during the debate on the Appropriation Bill (No. 2), concerning the financial position of the Legal Services Commission, is correct.

STATE SCHOOLS

631. **Mr. McRAE** (on notice) asked the Minister of Education: Can the Minister advise, on the basis of Government policy in relation to student/teacher ratio, the likely total number of teachers required to be employed to cater for the projected student enrolments in State schools in the ensuing seven years?

The Hon. H. ALLISON: The reply is as follows:

Predicted Demand for Government schoolteachers

	Primary	Secondary
1981	7230	6430
1982	7050	6430
1983	6840	6450
1984	6630	6490
1985	6460	6490
1986	6320	6380
1987	6320	6220

TRANSPORT COSTS

717. **The Hon. J. D. WRIGHT** (on notice) asked the Minister of Transport: Will the withdrawal of rail freight facilities on the Victor Harbor line beyond Strathalbyn mean that local business could be forced to pay higher transport costs?

The Hon. M. M. WILSON: Freight services are now provided by Australian National Railways Commission road vehicles operating from Adelaide to Victor Harbor twice weekly, serving all points. Rates for the new freight service are the same as the previous rail rates with pick-up and delivery charges added when door-to-door service is requested.

COURTS COST

968. **Mr. GLAZBROOK** (on notice) asked the Minister of Education: What was the annual administrative cost, including the judiciary, of running all South Australian courts for each of the years 1960, 1965 and 1978?

The Hon. H. ALLISON: The reply is as follows:

1960—$592 862.

1965—$911 004

1978—$829 922.

YOUTH TRAINING CENTRE

992. **Mr. ABBOTT** (on notice) asked the Minister of Health:—

1. How many new positions have been created at the South Australian Youth Training Centre since 17 September 1979 and, if any, what are the names of those positions?

2. What total salary is being paid to all new staff positions at the centre?

3. What qualifications and length of service are necessary for the position of Chief Residential Care Worker?

4. How many residential care workers, senior residential workers and chief residential care workers are attached to each unit?

5. How many new appointments have been made to the centre since 17 September 1979 and, if any, what were the previous positions held by the appointees?

6. Has any reduction occurred in juvenile offences for the quarter ended 31 March 1980?

The Hon. JENNIFER ADAMSON: The replies are as follows:

1. None. Four vacant positions were reclassified to the following:

Deputy Supervisor

Chief Residential Care Worker (3 positions).

2. Salary for the reclassified positions totals $77 276 per annum, which is a net increase of $6 099 over the previous positions.

3. Group work or residential care certificate and willingness to undertake the associate diploma in social work or demonstrated progress towards completion of the associate diploma. Applicants with extensive experience at a senior level and willing to undertake a specific training and development course considered. Normally not less than five years experience is required.

4.

Unit	Senior Residential Care Worker	Residential Care Worker
Sturt	2	15
Grenfell	1	11
Assessment 1	1	7
Antara	1	13
Assessment III	1	10
Glandore Unit	1	5
Centre Duty Office	3	4
Escort Unit	1	3
Liaison Unit	1	2
	12	70

The Chief Residential Care Workers are not attached to individual Units.

5. 16. Fifteen were from outside the department. One, the Deputy Supervisor, previously held the position of Supervisor, Youth Project Centre.

6. Compared with the quarter ended 31 March 1979 the number of appearances of children before children's aid panels and children's courts declined by 130 or 6·7 per cent.

WOMEN'S SHELTERS

996. **Mr. ABBOTT** (on notice) asked the Minister of Health:

1. How many women's shelters are there in South Australia?

2. Has a women's shelter been established at Port Lincoln and, if not, why not?

3. Are any other proposals to establish women's shelters in country areas being considered and, if so, where and when?

The Hon. JENNIFER ADAMSON: The replies are as follows:

1. 11.
2. Yes.
3. Yes, in the Riverland area. No decision has yet been made as to when any such shelter might be established.

POLICY PROPOSALS

998. **Mr. ABBOTT** (on notice) asked the Premier:

1. How many Government departments have had a senior officer assigned to the job of assessing all policy proposals from each department in terms of its impact on the family?
2. What positions do these officers hold?
3. How many new positions have been created and, if none, why not?
4. What is the estimated annual cost of producing family impact assessments in each Government department?
5. How many rating factors involving family well-being and autonomy are being used for each Government proposal and what are those factors?
6. What impact, if any, will the rating assigned have on all Cabinet proposals?

The Hon. D. O. TONKIN: The replies are as follows:

1. All State Government departments.
2. The positions range from Deputy Directors-General to Chief Management/Senior Project Officers, with the majority of officers being at the more senior levels.
3. None. Existing senior officers will undertake the assessment.
4. Additional costs involved will be minimal.
5. 16.

Economic well-being of family.

1. Purchasing Power.
2. Provision of economic support for its members.
3. Future financial security.

General Well-being of Family.

4. Access to adequate housing.
5. Access to Health services.
6. Access to Welfare and other Support Services.
7. Access to Education Services.
8. Opportunities for Family Leisure.

Family Autonomy

9. Family independence.
10. Family responsibility for the well-being of its members.
11. Family self-reliance.

Family Relationships

12. Internal family relationships.
13. External family relationships.
14. Cohesion of the family unit.

Family Structure

15. Family formation.
16. Family membership.

6. The impact of family impact statements will be in the first instance to give emphasis to family issues, and is expected to result in government decisions and actions which are more sensitive to the needs of families.

FAMILY IMPACT STATEMENTS

999. **Mr. ABBOTT** (on notice) asked the Minister of Health: Is it the Government's intention to assure the community that all Government action is consistent in supporting and strengthening the traditional roles of the family and, if so, will the Department for Community Welfare make public family impact statements on all Cabinet decisions and, if not, why not?

The Hon. JENNIFER ADAMSON: Yes. Family impact statements will be completed by the Department or authority concerned. They will be included with Cabinet papers and will form part of Cabinet submissions. Cabinet papers are confidential.

ABORIGINES

1000. **Mr. ABBOTT** (on notice) asked the Premier: Is it the Government's intention to conduct family impact statements involving Aboriginal families on the Pitjantjatjara land rights and uranium mining questions?

The Hon. D. O. TONKIN: Yes, if and when family impact considerations arise.

JUVENILES

1005. **Mr. MILLHOUSE** (on notice) asked the Premier:

1. Does the Government agree that the smoking of tobacco by children ought to be discouraged and, if so, what action is proposed either to prohibit or to discourage (and which) the smoking of tobacco by children?
2. What action, if any, does the Government propose to take to enforce section 80 of the Community Welfare Act and in relation to that section, how many—
   (a) reports of offences;
   (b) prosecutions; and
   (c) convictions,

have there been in each of the last five years and in the present financial year?

The Hon. D. O. TONKIN: The replies are as follows:

1. Yes. Action which might best be taken is still being considered.
2. See 1. above.
   (a) Nil.
   (b) Nil.
   (c) Nil.

TEACHING STAFF

1006. **Mr. MILLHOUSE** (on notice) asked the Premier:

1. Has the Premier yet finished considering the request in the member for Mitcham's letter to him of 28 April that he and the Minister of Education meet members of the South Australian Teachers and School Assistants Union and, if so, will the Premier or the Minister of Education (and which of them) consent to such meeting and when will it be held and, if he will not consent to such a meeting, why not?
2. If consideration of the request is not complete when will the Premier make up his mind on this matter and why is it taking him so long to do so?
3. When does the Premier propose to advise the member for Mitcham further on this matter as promised in his letter of 6 May?

The Hon. D. O. TONKIN:

1. a. Yes; b. No. The South Australian Government recognises the South Australian Institute of Teachers as the legitimate and responsible body representing teachers in this State.
2. Not applicable.
3. A reply has been prepared and should be received by the member for Mitcham in due course.

ADDRESSES

1009. **Mr. MILLHOUSE** (on notice) asked the Premier: When does the Premier propose to give the member for Mitcham a substantive reply to the letters to him of 15 April and 22 May concerning the policy of the Government requiring persons to disclose their actual address rather than a post office box number?

The Hon. D. O. TONKIN: A reply was sent to the member for Mitcham on 9 June 1980.

BOAT RAMP

1020. **Mr. MILLHOUSE** (on notice) asked the Premier:

1. When will the "certain aspects of Ministerial responsibility for" the proposal for a boat launching ramp in the Noarlunga area referred to by the Premier in his letter to the Member for Mitcham of 15 May be sorted out, and why has this not been done before?

2. Who is the Minister responsible for boating and recreational facilities?

3. When will the Government proceed with the provision of a boat launching ramp in the Noarlunga Council region, and why has it not already done so?

The Hon. D. O. TONKIN: On Monday 9 June, Cabinet approved of a recreational boating policy involving Department of Marine and Harbors, Department of Environment, Department of Recreation and Sport and Department Tourism. Ministerial responsibility will rest with the Minister of Marine.

JUSTICES OF THE PEACE

1046. **Mr. TRAINER** (on notice) asked the Minister of Education:

1. How many justices of the peace are there in South Australia, and how many are:

(a) women; and

(b) of migrant origin?

2. How many persons are currently listed as having applied to become a justice of the peace and how many vacancies currently exist?

The Hon. H. ALLISON: The replies are as follows:

1. This information is not available without a count and examination of individual cards in the register, of which it is estimated there are between 7 000 and 10 000. The Attorney-General is not prepared to authorise the carrying out of such a task.

2. A list of persons who have applied for appointment to the commission is not kept. Applications are dealt with twice yearly, and those nominees who are not appointed are not reconsidered unless they make a special application for reconsideration. There exists no register of vacancies, for there is no overall quota for the State. Quotas are fixed for each town and suburb and such quotas are used as a guideline in considering whether additional appointments are needed.

LOCAL GOVERNMENT ASSISTANCE FUND

1048. **Mr. BANNON** (on notice) asked the Minister of Environment:

1. How many applications for assistance under the Local Government Assistance Fund have been received since it was established?

2. What principles were employed to decide the successful applicants?

3. What officers of the Local Government Office were involved in processing applications?

4. When will the result of the applications be made public?

5. What finance is available for distribution under this fund?

6. Is the Government considering increasing the size of the fund in the next financial year?

The Hon. D. C. WOTTON: The replies are as follows:

1. 694.

2. The successful applicants have yet to be decided.

3. Officers of the Local Government Assistance Unit and the Chief Local Government Adviser.

4. Before the end of this week.

5. $127 574 for 1979-80.

6. The amount of funds to be made available next financial year will be considered during the preparation of the 1980-81 Budget.

REPLIES TO QUESTIONS

1051. **Mr. TRAINER** (on notice) asked the Minister of Education: When can the member for Ascot Park expect to receive the reply which the Minister in answering Question 603 on 3 June, informed the member had already been prepared in response to a request by letter of 11 January for replies to three questions first put to the Minister during the Budget debate on 31 October 1979?

The Hon. H. ALLISON: The reply was posted on Tuesday 3 June 1980.

PARENTS WITHOUT PARTNERS

1081. **Mr. WHITTEN** (on notice) asked the Minister of Health:

1. Why has the Government withdrawn its funding that enables the Woodville Parents Without Partners to rent the branch's office at 519 Torrens Road, Woodville?

2. Will the Government reconsider this decision so that Woodville Parents Without Partners may continue to provide a very necessary service for 160 adults and 238 children?

The Hon. JENNIFER ADAMSON: The replies are as follows:

1. Woodville Parents Without Partners branch established the Single Parent Community Centre for its welfare organisation. The department has funded the Single Parent Community Centre $3 250 for salaries and $1 000 for administration costs in 1980. Social activities such as the programme of Parents Without Partners are not funded from community welfare grants funds.

2. The welfare services of the Single Parent Community Centre will continue to receive funding but Parents Without Partners will need to seek funds for its social activities from other sources or be self-sufficient.