HOUSE OF ASSEMBLY

Wednesday 11 June 1980

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

PETITIONS: PORNOGRAPHY

Petitions signed by 162 residents of South Australia praying that the House legislate to tighten restrictions on pornography and establish clear classification standards under the Classification of Publications Act were presented by Messrs. Crafter and Randall.

Petitions received.

PETITIONS: BREAD BAKING

Petitions signed by 322 residents of South Australia praying that the House legislate to allow the baking of fresh bread and rolls on weekends in the metropolitan area were presented by Messrs. Crafter and Millhouse.

Petitions received.

PETITIONS: EDUCATION FUNDING

Petitions signed by 49 parents, of Broadmeadows Primary School, and 53 residents of South Australia praying that the House oppose a 3 per cent cutback in funding for the Education Department of South Australia were presented by Messrs. Hemmings and Randall.

Petitions received.

PETITION: FISHING NETS

A petition signed by 531 residents of South Australia praying that the House urge the Government to ban the use of nets, except for tuna baiting, from Port Sir Isaac to Frenchman and from Point Bolingbroke to Point Donnington was presented by Mr. Blacker.

Petition received.

PETITION: CHELTENHAM RACECOURSE

A petition signed by 3 344 residents of South Australia praying that the House legislate to prevent the sale of Cheltenham racecourse was presented by Mr. Whitten.

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.*

ANIMAL LIBERATION

In reply to **Mr. BLACKER** (26 March).

The Hon. W. E. CHAPMAN: I wish to provide the member for Flinders with further information concerning the claim that an animal liberation film will be shown to South Australian school children. I have been advised by my colleague the Minister of Education that the film in question is entitled *Don't Look Now, Here Comes Your Dinner*, produced by Compassion in World Farming, of the United Kingdom, which is affiliated with the Animal Liberation Movement.

Members will recall that a portion of this film was shown on *Countrywide* earlier this year in which programme it was claimed that the film had been shown to school children in New South Wales. It was in this context that the honourable member raised his concern at the possible exposure of this State's school children to such a biased report—and understandably so. Subsequently, I have been advised by the Minister of Education that New South Wales school authorities could not substantiate the report that this film had been shown to school children in their State.

Although the Animal Liberation Movement may have the distribution of this film as one of its objectives, the Minister of Education has assured me that no such approach has been made to South Australia. If such an approach is made, the Education Department will provide to school principals advice and whatever information is available to enable them to make a balanced decision on whether the film should be shown at their respective schools.

LAFFERS TRIANGLE

In reply to **Mr. GLAZBROOK** (10 June):

The Hon. D. C. WOTTON: I have been informed by officers of the committee that the final report by the committee inquiring into the future use of Laffers Triangle will be submitted to me in four weeks time.

As pointed out yesterday, I had received correspondence from the Flinders University, members of which were quite anxious that the matter be decided upon as soon as possible. I am pleased to advise the honourable member that I have taken the appropriate steps to ensure that the land owned by the Education Department be transferred to the university as soon as possible.

QUESTION TIME

POPULATION TRENDS

Mr. BANNON: My question to the Premier is based on some figures released yesterday by the Australian Bureau of Statistics. Why was the population outflow of 1 917 from South Australia to other States in the December quarter (that is, after the change of Government) more than double that in the September quarter, and on a seasonal basis more than three times that of the previous December quarter, and why was the December quarter outflow the highest ever recorded by the current A.B.S. demographic series? In the light of this, what information did the Premier have available to him when he claimed in his London speech of 9 April that people had ceased to emigrate from South Australia to other States?

The Hon. D. O. TONKIN: The Leader of the Opposition seems to be tremendously inexperienced in these matters, or he would not ask such a question. We have had nine years of Labor Administration in this State. As a result of that nine years of Labor Administration, we have seen a succession of continuing pressures on industry to close, to draw in, and in fact for jobs to be lost and for people to move interstate.

It is impossible to imagine, as apparently the Leader suggests, that because there was a change of Government on 15 September those pressures suddenly reversed and

worked in the other direction.

There has been a halt in emigration of businesses. That is the first step in halting the emigration of people. I was able to announce a little earlier today that John Shearer, in its expansion programme—

The Hon. R. G. Payne: What has that got to do with it?

The Hon. D. O. TONKIN: It is extremely important and, if the honourable member does not understand this, there is not much hope for him. I was able to announce an expansion programme of several million dollars involving the John Shearer plant at Kilkenny, where there will be an increase in the size of plant of 50 per cent. Some 64 jobs will be created in the relatively short term, and ultimately about 100 new jobs will be created. But the important thing that came out of that announcement was that John Shearer, which some years ago established a subsidiary plant in Queensland, because of the pressures to which the Leader has referred obliquely in his question, which plant it has now decided to close, will once again centralise its operations in South Australia.

This decision was a tremendous break-through. The company has come back to South Australia. I, for one, am very pleased indeed with this sort of move in industry. There is no question that a number of people went to other States in the past, and it is interesting to hear the Leader of the Opposition now admit that that was happening. He did not admit it before when the Labor Government was in power. Now, that flow is well on the way to being reversed, because we have a reversal of development, where we are beginning to develop and expand our industrial base again.

BOATING FACILITIES

Mr. SCHMIDT: I address my question to the Minister of Marine. Has the Government determined a policy on the provision of seafront boat ramps? If so, what is that policy? With the ever-increasing demand for pleasure craft (that is, sea craft) there is a need for the Government to look closely at a policy for providing a proper base from which these craft can be launched. It is, therefore, imperative that we find out what is Government policy on the matter of these craft.

The Hon. W. A. RODDA: Last Monday, Cabinet approved a $540 000 grant towards recreational boating facilities for South Australia. My colleague the Minister of Environment and I made a joint announcement to this effect on that day, which announcement referred to the new policy regarding boat ramps. The Coast Protection Board will continue to be responsible for small facilities, costing less than $70 000, and the Marine and Harbors Department, which has the expertise and resources to handle larger projects, will involve itself in those bigger facilities for recreational boating needs.

Also, there is a need to co-ordinate the larger recreational craft. Commercial fishing vessels need facilities that will provide a haven and tying-up areas. We propose to engage a senior engineer in the Marine and Harbors Department to co-ordinate and implement this policy, which will relate to recreational and boating facilities, and also, as I mentioned, fishing havens.

A recreational boating advisory committee will be established, which will include a representative from the recreational boating interests. Other members of this committee will include officers from the Marine and Harbors Department, the Coast Protection Board, the Department of Recreation and Sport, and the Department of Tourism. The Minister of Environment, the Minister of Recreation and Sport and I have had meetings with representatives of the recreational boating public, and have had amicable discussions with them in the past few months.

There have been some impatient protests from certain interests concerning the lack of a facility south of Adelaide, which has been referred to in this matter, and I would like to point out that it was quite uncalled for from one gentleman, in particular, to upbraid and put all the blame on the Minister of Environment saying that it was due to a lack of activity. I can assure the House and the voting public of this State that the Minister has been most active behind the scenes in seeing to it that steps have been taken. I hope that in the not too distant future I shall be able to announce on behalf of my colleagues a major step forward in having a look at a major facility for recreational boating south of Adelaide.

CASEY MILITARY ACADEMY

The Hon. D. J. HOPGOOD: Why will the Minister of Education not answer my Question on Notice No. 589 concerning the planned Casey Military Academy? The question is as follows:

1. What response has the Government made to a telex sent by the Hon. Peter Jones, Minister for Education in Western Australia, on 2 January 1980 concerning the Commonwealth's proposal to build the Casey University?

2. Does it support the Hon. Mr. Jones's objections to this planned initiative and, if so, has it made its objections known to the Commonwealth Government and, if not, why not?

Mr. Jones was Minister of Education in Western Australia when I put the Question on Notice five months ago, and in the telex to which the question refers he vigorously opposed the plan. Since that time the Federal Government seems to have bought off its rebellious back-benchers, to which the *Australian* referred in an article of 27 February, by no longer calling it a university and stressing that the finance will be a charge against the defence budget rather than against education. However, the question remains, in view of the fact that an enormous amount of money will be spent that could have been put—

The SPEAKER: Order! I ask the honourable member not to continue to comment.

The Hon. D. J. HOPGOOD: Thank you, Sir. It has been put to me by people outside, in view of the very large amount of money that will be spent here when it could be used on much needed expenditure in our universities, what role, if any, has the South Australian Government played in this sorry episode? Has it again been supine before its Big Brother in Canberra?

The SPEAKER: Order!

The Hon. H. ALLISON: In answer to the first part of the honourable member's question, it was some several months ago, when I was overseas, that I was first alerted to the fact that the Federal Government was contemplating the constructon of a defence academy. My immediate response, by telephone, was to express some concern, as had been done by other Ministers of Education and Government officers throughout Australia, over the potential that that might have for a further curtailing of tertiary funds across the nation. As a result of that telephone conversation, I was assured that the matter would be raised generally, and I think this was done at Mr. Jones's initial request at the annual Australian Education Conference, which, as honourable members would be aware, was held last year.

In the meantime I made a few inquiries and was somewhat reassured; these reassurances were reiterated by the Federal Minister of Education in Sydney last week

when he pointed out that the existing institutions which are available for what is ostensibly tertiary training of our military leaders at Point Cook and at Duntroon were in fact somewhat substandard by normal tertiary standards of today, and that it would cost some $60 000 000 to $70 000 000 to bring those two establishments up to standard. It is interesting to note, too, that Mr. Jones is no longer the Minister of Education in Western Australia, but the present Minister, Mr. Grayden, did debate this matter at the conference. Although he expressed some slight reluctance, he had removed the very considerable concern that was previously expressed by his Government, in light of the new facts that were presented by the Federal Government.

The situation is currently that the Federal Government intends to allocate the funds for the new defence academy from defence funds, with an assurance that this will not further restrict Federal funding towards normal tertiary institutions in Australia.

REMEDIAL STAFF

Mr. OLSEN: Will the Minister of Education say whether the lack of sufficient remedial and/or special teachers in rural areas is a result of inadequate funding by the Education Department or the inability of the department to attract teachers qualified in this field and willing to accept appointments in country areas? It has been brought to my attention that, in the northern areas of the State, there is an urgent need for teachers qualified to take students for remedial or special teaching needs. To compound this shortage, the department allocates time on a term basis, not on a school year basis. Thereby, parents are concerned at the continuity of the limited resource already allocated. This situation, according to the Frome Welfare Association, places immense stress on parents who are concerned about the education of their children. Their claim is for equivalent services to their metropolitan counterparts, to which services they are entitled.

The Hon. H. ALLISON: The major thrust of the question that the honourable member has asked on behalf of his constituents is whether the problem is peculiar to rural areas, and I can assure the honourable member that this is not so. For several years, it has become apparent that there is a State-wide shortage of specially-trained remedial staff, and this further extends into speech pathology, another area to which I have been alerted in the past several months.

Remedial staff generally in country areas are allocated according to priorities that are set generally by a local committee, which comprises the chief of the special remedial section for the district, the local regional education officer and other staff connected directly with the special education section of the Education Department. These people assess the needs of local schools, and generally it has been an historical fact that special education staff are moved around within an area according to locally established needs.

In fact, I am informed that, in primary schools generally, special education units do not remain in any one school for more than about three years. It is a fact that we do not have enough specially trained staff to enable them to be appointed to every school in the State. If one looks at the sheer logistics of the situation, if there was one specially trained staff member for every school in South Australia, 800 staff members would be needed as well as a provision of $10 000 000 or $12 000 000 for that resource.

Regarding the Jamestown-Gladstone region, I believe that Mrs. Joy Prior is currently employed in that district. Her employment will continue, at least until the end of the present year. This has been determined after consultation between the members of the local committee to which I referred, and the matter will be further reviewed towards the end of the current year. The department is not offering any guarantees, but the needs of other schools in the area will be determined according to the established methods that have been in effect for several years. Of course, guarantees of better services cannot be made, because we are currently faced with the problem of training or retaining special staff.

RAIL CARS

Mr. HAMILTON: In view of considerable disquiet among both railway staff and the travelling public on metropolitan railways, I ask the Minister of Transport to reveal what the public can expect in the way of fare increases, foreshadowed publicly by the Government in January. Also, how did the Minister become involved in the restoration of service of 860-class railcars?

On the second point, I am puzzled by the intervention of the Minister over 860-class railcars, which date back to 1944. Some are ready to be condemned. There are serious doubts about their safety. Yet the minutes of the Joint Consultative Council (set up to discuss railway matters) of 28 April, refer specifically to the part played by the Minister himself in getting 860-class railcars restored to service. I think that this calls for further explanation.

The Hon. M. M. WILSON: When the Government has considered a fare rise, it will be prepared to announce it. The honourable member realises that the Premier foreshadowed in late December, after the Premier's Conference, or in January that there might be a public transport fare rise. When Cabinet has considered such a proposal, the Government will announce the increase.

Regarding the 860-class railcars, I have been concerned at the carrying of bicycles on trains. I believe that the State Transport Authority should, when possible, provide that service, consistent with negotiations with the Australian Railways Union. Nevertheless, however, it is also a policy of this Government (which has a people policy as regards public transport) that, when people wish to carry their bicycles on trains, we should facilitate such a policy.

Regarding when the new 2 000-class railcars (and I will come to the 860's later) are introduced into service, or when we received delivery of the first one, there was no provision whatever on them for the carriage of bicycles. As that seemed to me to be most undesirable, I instructed the authority to remove seats so that bicycles could be carried on the 2 000-class railcars. Regarding the 860-class cars, I take it that the honourable member is referring to the baggage cars. Is that so?

Mr. Hamilton: Yes.

The Hon. M. M. WILSON: I told the Chairman of the authority that I believed that baggage cars should be introduced where necessary, particularly on the Hills run, where it is my information that a great number of bicycles are carried. However, I point out to the honourable member that once again, his informant, who comes up North Terrace, crawls into his office and gives him this information, is incorrect. The honourable member is once again incorrect. He said a few days ago that we were going to increase fares in off-peak hours; that is a remarkably ridiculous situation. I understand that the honourable member may have been misquoted, but it came over the airwaves that the Government was going to increase public transport fares in the off-peak area.

Mr. Hamilton: I didn't say that at all.

The Hon. M. M. WILSON: That is how it came over and, if the honourable member is being misquoted, he should make a personal explanation. Regarding the 860-class railcars, I understand that at least four are in the workshops at the moment being refurbished for service. I did not overrule the decision of the State Transport Authority. I believe that the authority's job is to run public transport in this State with as little interference from the Minister as possible, except where it covers the area of Government policy.

ROYAL FLYING DOCTOR SERVICE

Mr. RANDALL: Can the Minister of Health tell the House about the condition of facilities and the quality of service operated by the Royal Flying Doctor Service in the North of this State? Earlier this year, I was fortunate enough to be invited by the member for Eyre to tour the State's northern area with him, to see some of the problems that he experiences in his district, and particularly to see and meet some of the Aborigines. We also visited some of the hospitals, and it was with much gratification that I heard that the Minister was also going to visit and inspect the area. The Minister set aside time from her busy duties in the metropolitan area to visit the North of the State, and I am sure that she would have had a better tour than I had, and that she has comments that she would like to make to the House.

The Hon. JENNIFER ADAMSON: I am pleased to report to the House that, on a familiarisation tour I did of the remote areas of the State with the Royal Flying Doctor Service, I was enormously impressed with the quality of that service and the extent of its capacity to care for the health of people in the outback. I think that the Royal Flying Doctor Service is a unique Australian institution that all urban Australians regard with great admiration. It was not until I had the opportunity to travel with the Royal Flying Doctor through the remote areas from Port Augusta to Marla Bore, Mintabie, Coober Pedy, some of the station areas and back through Leigh Creek that I really discovered the extent of what they do.

The House may be interested to know that in the last financial year the Royal Flying Doctor performed 234 emergency evacuations in the North of South Australia; 3 500 patients were treated at the regular clinics held throughout the outback; and there were 2 500 radio consultations. The plant and equipment that the Royal Flying Doctor Service uses is, I believe, of an excellent standard and is continually being upgraded. In fact, I will have the pleasure of naming a new aeroplane in a few weeks time to replace the existing Navajo plane, one of the two that operate from the base at Port Augusta.

Although this question has been addressed to me in my capacity as Minister of Health, as Minister of Tourism I should like to say that I was intrigued by the desire of the Royal Flying Doctor Service to have its base at Port Augusta to operate as a tourist attraction. This was a new suggestion to me that I heartily endorse. It was put to me by the Royal Flying Doctor Service that many people are not aware that they are covered by the Royal Flying Doctor when they travel through the outback and that this may be a deterrent to some people who are reluctant to go into remote areas because they are fearful of the situation in which they might find themselves if there was an accident or emergency.

There needs to be an information programme to ensure that tourists who are travelling in the outback become aware that they are covered by the Royal Flying Doctor Service. The other aspect of this matter, of course, is to make the most of a unique Australian institution, which to Australians themselves, and especially to international visitors, represents a romantic and an adventurous concept which I suppose could be allied, perhaps, with the Canadian Mounties. This is one of those things which is distinctively Australian and which has earned the respect and admiration of people throughout the world for the manner in which medicine, aviation and radio are combined to provide these services.

I propose to discuss with the Department of Tourism ways and means by which the Royal Flying Doctor Service can be assisted to promote its base at Port Augusta as a tourist attraction. I certainly hope to have discussions with the advertising agency to ascertain whether advertisements that are prepared for the remote areas can in some way incorporate (if possible, by means of a small insertion or by-line) reference to the Royal Flying Doctor Service. I notice that the honourable member for Stuart is looking interested in this proposal. I shall certainly be pleased to discuss that with him.

Mr. Keneally: You could have discussed it with him had you told him that you were in his electorate looking at the facility.

The Hon. JENNIFER ADAMSON: I shall be pleased to discuss the matter with the honourable member, and I am sure he would want to join in discussions with the local government authority in Port Augusta and the Royal Flying Doctor Service with a view to doing whatever we can to help that service promote itself as both a tourist attraction, in terms of its base facilities, and in terms of the service that it provides to the people in remote areas.

PRAWN FISHERMEN

Mr. PETERSON: Will the Minister of Fisheries say what plans the Government has for the Investigator Strait prawn fishermen and whether any decision to be made will be influenced by the effect upon Kangaroo Island Food Company, the only prawn processing plant at Kingscote? Last evening in this House, in reply to a comment from this side of the House, the Minister said that the prawn fisheries were not having problems.

However, that is not correct. The prawn harvest in St. Vincent Gulf has decreased progressively and significantly over the past few years. It has reached the stage where prawn boats working in Investigator Strait are reported to be deserting the industry, indicating that urgent action is required in what is classified as a managed fishery.

The other point to be clarified is that K.I. Foods Company is registered in the name of Mr. N. Buick, a name that figured predominantly in the lead-up to the last State election. I should like also to know whether this factor will colour any of the Government's rulings in this matter?

The Hon. W. A. RODDA: My new Director has had discussions at Federal level about the prawn fishery. I did not hear what the honourable member said about what I said last evening regarding the prawn fishery. I think I recall saying that the prawn fishery was a lucrative fishery, which it is. However, it suffers the vagaries of rise and fall, as do all sections of primary industry. The honourable member has expressed concern about those people in the prawn fishery. Information that I have heard from the biologists in the department is that the prawn fishermen in St. Vincent Gulf can expect an upsurge in the catch in the spring of this year. However, even marine biologists can be wrong. The honourable member referred to Nigel Buick.

Mr. Peterson: I said "Mr. N. Buick".

The SPEAKER: Order! There is too much interjection and audible comment from the Opposition benches. I ask the Chief Secretary to conclude as soon as possible the answer to the questions put to him.

The Hon. W. A. RODDA: I understand that that is the gentleman to whom the honourable member referred and he is the proprietor of K.I. Foods Company. Of course, the Government is concerned about the state of the fishery, although not because of Mr. Buick or of anyone else. A rise and fall takes place in these fisheries, and the matter is receiving the Government's attention. The Government is not Mandrake, it cannot wave a wand and produce fish out of the air. However, the matter is being monitored by the department.

URANIUM

Mr. GUNN: Will the Minister of Mines and Energy tell the House of the effects of the statements made by the Leader of the Opposition, in expressing his opposition to the development of the Roxby Downs mineral deposits and to the establishment of an uranium enrichment plant, in this State? Members and the public would be aware of the Leader's recent statements made at an anti-uranium rally, as well as his recent statements in this House expressing opposition to both projects to which I have referred. In view of the great importance of these projects to the people of this State and the benefits that would flow to everyone if these projects were to proceed, would the Minister of Mines and Energy state what will be the likely damage of this irresponsible action?

The Hon. E. R. GOLDSWORTHY: This is an interesting question because the Leader of the Opposition has recently clearly shown his hand to the public of South Australia. As the member for Eyre has pointed out, the Leader is now on record as saying that he is opposed to the Roxby Downs development.

Mr. Bannon: I am not.

The Hon. E. R. GOLDSWORTHY: I refer the Leader to column 2 of page 2275 of *Hansard,* where it is made perfectly clear that the Leader says, "Yes, I am opposed to that project", or words to that effect. The Leader has also been observed in company with some of his colleagues with whom he is fairly closely identified these days, at the Hindmarsh Square anti-uranium rally where he was accompanied by the failed candidate for Semaphore, Mr. Apap. He failed fortunately for the South Australian community and for this House, I might say, because the replacement is far preferable.

However, in company with the distinguished triumverate, which is, of course, publicly identified as being hard Left and which comprises failed candidate Apap, low-key candidate Scott (who has gone very quiet as he fronts up to the Federal election) and Mr. Duncan, M.P., who is absent and who has, I understand, taken leave without telling his Party, the Leader of the Opposition appeared at this uranium rally, where his views were again repeated. If the Leader of the Opposition quibbles about the official record, I suggest that he had better read it because it is quite unequivocal.

In relation to the uranium enrichment plant, the company that the Leader was keeping at that rally claimed that it would definitely be at Redcliff. I pointed out that no decision had been made in relation to siting that plant. I also point out to the Leader that he is now at loggerheads with the whole of the Port Pirie council. The council and the Mayor are actively lobbying for that plant's establishment. One of the disadvantages envisaged by the member for Eyre would be that certainly the District Council of Port Pirie would believe—

Mr. Bannon: The district corporation; the district council has no view.

The Hon. E. R. GOLDSWORTHY: The Corporation of the City of Port Pirie certainly believes that there would be significant disadvantages to its district if that project did not go ahead. So, I think that the Leader of the Opposition should consult with those communities if he has any thought for their views.

Regarding the Roxby Downs development, I think that even the Leader would recognise the importance of that development to South Australia. If, in fact, his wishes come to fruition and that project is stopped, there will be a very major economic loss to this State of what will, in due course, be a world-class mine. We know the efforts and lengths to which the Leader of the Opposition has gone to seek to discredit that operation and to promote false information. We know that a member of his staff, with his connivance no doubt, even doctored a report that had been prepared on that mining activity. They even stamped "confidential" on the front and tore off the back page to give a completely misleading account of the possible mining operations at Roxby Downs.

The effect of the Leader's public statement must be quite alarming to the moderates in his own Party, like the discarded former Premier, the member for Hartley, who actively negotiated with Western Mining Corporation, and, by letter, agreed on concessions that would be available to Western Mining Corporation and British Petroleum in relation to stamp duties and the like, so that they could get on with the business of spending $50 000 000 to $60 000 000 in this State to prove up that deposit.

To come hard on the top of that and say, "I am opposed unequivocally to this project," must be very disconcerting to the moderates in the Leader's Party who actively negotiated the terms of that major exploration project. No company in its right mind would have embarked on spending that sort of money, $50 000 000 to $60 000 000, if the then Premier had made the sort of statement that has come from the Leader of the Opposition recently.

We know that the Roxby Downs development will be a billion-dollar project, that the annual production from that mine will be about $700 000 to a billion dollars a year all-up value, that it will support a town of the magnitude of Mt. Isa, and that the multiplier effect of that sort of mining operation varies, conservatively, from four to one up to, in Saskatchewan, a figure of 20 to one.

They are the sort of things that the Leader of the Opposition would deny to the South Australian people. We have made perfectly clear that that operation will be carried out and monitored under the auspices of the Health Commission to the highest safety standards. I have also made clear that the Government's view is that we have a moral obligation to supply energy to an energy-hungry world. I should think that the Leader's statements must cause alarm in the community, and, indeed, in his own Party.

STUART HIGHWAY

Mr. KENEALLY: So as to get the front bench of the Government back out of the gutter—

The SPEAKER: Order!

Mr. KENEALLY: Did the Minister of Transport mislead the House on 13 November when he said:

> Other road projects in this State would not suffer as a result of the decision to speed up work on the Stuart Highway?

Also, will the Minister explain his reply of 21 February, when he said:

> We will need an increase in funding in real terms to seal the Stuart Highway within seven years.

The actual allocation of the Commonwealth road funds to South Australia confirms that there will be no real increase next financial year, and also confirms that other road projects in South Australia will suffer. Indeed, it is clear that South Australia did not get a special national roads deal as did Victoria and Western Australia, which received larger percentage increases. Whilst $2 000 000 was received this year under the minor traffic engineering and road safety improvement scheme, no funds will be received next year. This scheme has benefited hundreds of thousands of motorists through the provision of a large number of projects of high safety effectiveness, including pedestrian crossings and safety zones.

The Hon. M. M. WILSON: No, I did not mislead the House in answer to the honourable member's earlier question. I said at the time, as I think the honourable member will recall, that at that stage I did not believe that there was any prospect of a special grant from the Federal Government. If I did not say that in this House, I certainly said it to him. I made it quite plain since I spoke to Mr. Nixon, the former Federal Minister for Transport, late last year that I did not believe that the Commonwealth, at this stage anyway, would look at a special grant this financial year. What the former Minister for Transport and I agreed upon was a seven year programme for the sealing of the Stuart Highway, thus reducing it from 10 years as had been previously announced.

I explained in my answer to the question last week that South Australia received an 11·1 per cent increase and that that just covered inflation; I did not make any statement that I was particularly happy about that state of affairs. I said that there had been an allocation of 20·1 per cent for national highways, which is an increase in real terms. The member for Stuart will know that that 20·1 per cent increase, and in fact the whole amount of that money, has to be spent on national highways. The honourable member will notice when I approve the highways works programme that it will be possible to spend the total of that amount on national highways in South Australia with very little input from the State's own funds.

The member for Stuart will realize that in the past the State has had to put in a considerable amount of its own funds (and my predecessor had much to say about this in this House) into the sealing of the Stuart Highway. The honourable member will find, when the Highways works programme is approved, that that will not be the case for this coming financial year. There will certainly be a small amount of State funds in it, but only a very small amount. I should also add, as I said the other day, that the proposed Federal road grant to the State is for one year only, and before we know exactly what our position is we will have to rely on the Federal Government's announcement of what the road funds will be for the second two years of the triennium. The Premier will be in Canberra later this month, and I hope that we will receive good news from the Commonwealth about an increase in real terms of the general roads allocation to this State.

TOURISM

Mr. GLAZBROOK: In view of the recent announcement about a committee to review the performance of the Tourist Bureau, will the Minister of Tourism explain the purpose and guidelines of the review, and also the responses to the announcement from the industry and members of the public? It is generally believed that this State should be doing more in the field of tourism to encourage the industry to expand, particularly by selling the State as a tourist destination. As the Tourist Bureau is an integral part of this thrust, I seek the Minister's assurance about this review.

The Hon. JENNIFER ADAMSON: First, let me assure the honourable member and the House that the tourist industry as a whole has welcomed the committee of review that is examining the operation of the Department of Tourism. Broadly, the terms of reference require the committee to report to the Government on the ways and means by which the Department of Tourism can encourage tourism in South Australia and thus strengthen both our economic development and our social and cultural development. The second term of reference deals with the functions and operations of the department. The committee is required to see whether any deficiencies exist in the operation of the department. The third term of reference requires the committee to recommend to the Government the appropriate organisational and management structure that should exist in the department if it is to fulfil its functions effectively.

The advertisements announcing the review were placed in the weekend press several weeks ago, and there has been an extremely positive response to those advertisements. I have been told by the convener of the committee that no fewer than 42 consultants from every State in Australia, except Western Australia, have sought briefs in order to put a proposal to the Government and participate with members of the Public Service Board in this committee of review. I emphasise that the Government determined that a review should have an input from the private sector simply because tourism is essentially an entrepreneurial activity, and it is difficult for the Government, even with all its resources, to provide the kind of input that is desirable in this instance.

Submissions have already been received from the general public, and letters have been sent to the regional tourist associations throughout South Australia, the Local Government Association (which has expressed its interest in co-operating with the Government to try to develop tourism) and members of the Government Tourism Advisory Committee, each of whom represents an umbrella organisation with a direct and strong relationship with the tourist industry. We hope to have a comprehensive set of proposals from consultants, from which the ideal firm can be chosen to assist the Public Service Board in conducting the review. We also expect, and have already received, a large number of submissions from the general public and the industry. I hope that the review committee will be able to report to me by the end of September. I also hope that, as a result of that report, the Department of Tourism will be considerably strengthened in its capacity to meet the challenges of the 1980's in regard to tourism.

Mr. N. WALLMAN

Mr. ABBOTT: Will the Minister of Planning say whether he is aware that Mr. N. Wallman, a town planning consultant in private practice, was actively assisting a private land developer in preparing a submission to the South Australian Land Commission concerning the sale of land held by the commission and its development with finance provided by the commission, at the same time as he was a member of the committee of inquiry appointed by the Minister to review the Land Commission's operations? Also, is he aware that the submission, which Mr. Wallman

helped prepare, showed evidence that the developer had prior knowledge of Cabinet's decision concerning the future of the Land Commission holdings?

The Hon. D. C. WOTTON: No, but I will investigate the allegations.

EPILEPSY

Mr. BECKER: Will the Minister of Health obtain for me a report from the South Australian Health Commision on the incidence of photo-sensitive epilepsy in South Australia? I understand that there are three main causes of photo-sensitive epilepsy, namely, the flickering of television sets, strobe lighting as used in discotheques, and problems caused by visual display terminal screens which are currently installed in our major newspapers in Australia. I understand that an incidence has been detected whereby these new visual display terminal screens induce latent epilepsy in the operators, and I believe that this is one of the reasons why concern has been expressed over the use of these machines by our major newspapers. I would therefore be interested to know what effect strobe lighting has on the young at discotheques. Other cases have been reported to me relating to the type of lighting used in our cinemas in Adelaide, and attention has been drawn to the effects of television on people who have latent genes that can be conducive to epilepsy. I shall be pleased if the Minister can obtain a report for me.

The Hon. JENNIFER ADAMSON: I shall be pleased to obtain such a report for the honourable member. Whilst I am aware of the effects of television and of strobe lighting, in relation to the incidence of photo-sensitive epilepsy I must confess that I had not taken into account the effect of visual display terminals on people with such a propensity. I presume that it will be possible to get the kind of detail the honourable member is seeking, and I will ask the Health Commission whether it can provide the report he seeks.

COURT COSTS

Mr. MILLHOUSE: As my question deals with a matter of policy, I direct it to the Premier. Will the Government introduce legislation to provide for the payment by the Crown of the costs of an accused who is found not guilty by a criminal court? This has been a matter of concern for a long time, especially so since the Full Court, I think, presided over by the former Chief Justice (Dr. Bray) decided that costs should be payable to a successful defendant in summary proceedings (that is, in a magistrate's court). I am prompted to raise the matter now as the result of a call on me by a couple who were recommended to see me by the Acting Ombudsman (Mr. Myer), who was not able to help them. Mr. and Mrs. Srachta live, as a rule, in Western Australia. In December, they had been touring South Australia in a campervan. On 8 December, they came to Adelaide and were shopping at Coles I think, in Rundle Mall, when they were approached by a security woman. The upshot of it was that they were both arrested and charged with stealing six cassette tapes valued at $16·38.

The preliminary proceedings lasted two days in the Adelaide Magistrates Court, and their trial in the District Criminal Court, presided over by His Honour Judge Burnett, lasted four days. They were both found not guilty. Their bill for legal expenses total $4 341·50, none of which they can recover from the Crown; so, they must pay it themselves, as they did not have legal aid. I will write to the Premier giving details of the matter and asking that it be treated as a special case and that they be reimbursed. My question is concerned with the general problem, of which this is a graphic illustration.

The Hon. D. O. TONKIN: I am grateful to the honourable member for bringing this matter forward. I certainly undertake to look at the matter. A matter of principle seems to be involved, and we will certainly look at the matter very closely indeed.

MARINE SCIENCE

Mr. EVANS: Will the Minister of Education raise with the other Australian Ministers of Education (including the Federal Minister) Australia's need for more graduates in the field of marine science and oceanography? My interest in this matter has been aroused because of reports I have read that in Canada many hundreds of people have graduated in this area. Australia is a country of about 7 600 000 square kilometres, and in recent years we have been given territorial waters that cover another 6 200 000 square kilometres—that is a country on its own. Australia has few marine scientists or oceanographers. There is an over-supply of graduates in many areas, and this is one area in which I believe we should be spending more money and into which we should be encouraging more young people to move so that future needs that are obvious to us now can be catered for and young people given the opportunity of taking on a worthwhile job with guaranteed future employment. I ask the Minister whether he will take up this matter because of the massive ocean area for which we have become responsible recently.

The Hon. H. ALLISON: It is an extreme coincidence that only a few hours ago I was discussing with the Minister of Fisheries an issue closely related to this matter. The honourable member could not have been aware of that. During the conversation with the Minister and others, it was pointed out that Australia has only two tertiary institutions, I believe, which have marine courses—the Captain James Cook University in the far north of Queensland (it conducts a marine biology course), and the South Australian Flinders University, which conducts an oceanographic course. There is no doubt that with the extended State boundaries extending well out to sea there is every possibility that individual States will have to look more carefully at a number of environmental, ecological and resource aspects associated with looking after coastal waters. Whether the State Governments, or the Federal Government, are currently able to provide places for training such staff, I do not know. I do not think that the matter has been considered in depth at either State or Federal level. Following our discussions this morning and, subsequently, the honourable member's question, I shall be pleased to take this matter to the next Australian Education Conference and have it properly discussed.

SOCCER POOLS

Mr. SLATER: My question is supplementary to the one I asked yesterday relating to the proposed conduct of soccer pools in South Australia. Will the Minister of Recreation and Sport say whether the Lotteries Commission, in its discussions with him concerning the establishment of soccer pools, advised him of the high operational cost of running soccer pools? Was he told that, if the Commission administered the pools, a considerable saving would apply? Also, did the Commission advise the

Minister that the 12½ per cent agent's commission would be saved, and the 5 per cent operator's fee would remain in South Australia for the benefit of South Australia and not go to private operators from overseas and interstate?

The Hon. M. M. WILSON: Yes. I cannot remember the exact details of the Lottery Commission's submission to the Department of Recreation and Sport, but the operational expenses of the Lotteries Commission were, I think, placed at 6·2 per cent, as against Australian Soccer Pools operating expenses of 12½ per cent. Of course, the commission to agents, so far as the Lotteries Commission's proposal is concerned, would be paid as an extra by the public, as is the case with ordinary State lotteries, whereas the commission to agents is included in the price of the Australian Soccer Pools coupon.

I said yesterday that the Government gave much thought to this matter. About $30 000 a week is already leaving this State to go to, mainly, Victoria for the playing of soccer pools. If the Lotteries Commission had run the pools in South Australia, it would probably (I cannot speak for Western Australia), have been the only State in which the Lotteries Commission ran the soccer pools, with Australian Soccer Pools running them in all other States. It is most unlikely that Australian Soccer Pools would be prepared to have the Lotteries Commission as an agent for it, and that is one of the problems that the Government faced. There is no doubt that the people in South Australia who wish to play soccer pools have confidence in the Vernon organisation, and that is how Cabinet decided to accept the Australian Soccer Pools proposal.

It was the Government's policy, as announced before the last election, that it would consider setting up a State sports lottery. This proposal has been introduced instead of that State sports lottery. The Government would not now consider a State sports lottery and, as the honourable member has been aware from press reports, the Government commission from Australian Soccer Pools will go directly into a recreation and sport fund.

LIVE SHEEP EXPORT

Mr. LEWIS: Can the Minister of Agriculture assure the House, farmers, and the large number of workers involved in the industry of exporting live sheep, that the South Australian Government will do all in its power to ensure that their industry and jobs are secured (so long as market prices ensure viability) in spite of the unholy alliance that is developing between some fanatical union organisers and animal libbers, who are planning a campaign to wipe it out?

Members interjecting:

The Hon. W. E. CHAPMAN: The Government of South Australia recognizes the export of live sheep as an important part of our rural economy, and I can assure the member for Mallee and all members in this place that the Government will accordingly do everything in its power to preserve that important export trade.

Mr. Keneally: What does that mean?

The Hon. W. E. CHAPMAN: It means that in the event of the law being broken by parties, including those mentioned by the member for Mallee, the law in this State will do its job. An assurance on that has been given to me in relation to the rural sector of this State by the Chief Secretary, who is in charge of our Police Force. That being the case, I would like to remind the House of just a little detail about why that export live sheep trade is so important to us.

Nationally over the past 10 years 24 000 000 live sheep have been exported from this country, and in return primary producers have received directly about $400 000 000. That is a large sum and an important income to the primary producing sector. South Australia, in turn, has had its share of that national cake. For example, of the 3 570 000 live sheep exported from Australia in 1976-77, 990 000 were exported from South Australia. In 1977-78, when 4 962 000 live sheep were exported from Australia, South Australia's share was almost half—2 377 000. In 1978-79, when 5 034 000 live sheep were exported from Australia, South Australia's share was 2 095 000. I repeat that the return from those exports is important, not only to our rural sector—the primary producers of those livestock—but also to the whole State. I think that, as much as members' opposite may have been critical earlier, they would recognize that when income of that dimension goes into our rural sector the urban population also benefits.

With regard to the Government's attitude towards the subject generally, the Chief Secretary, in his capacity of Minister of Marine, has assured me that everything within the department's powers is being done to facilitate loading equipment and holding yards in the Outer Harbor area, so that we can enjoy export facilities via the large ships that are required to do this job. I am also assured by the member representing that area that, whilst there was some concern expressed by householders in the immediate zone of Outer Harbor, they are now on negotiable and talking terms with the Department of Marine and Harbors, and they appreciate this. It would appear that their fears, if not totally allayed, are well on the way to being resolved. With due respect to those householders, I point out that, as far as I am aware, the closest homestead to that proposed yarding facility is about half a mile away, and on that basis I cannot really share the concern that was reported by the newspapers. I have not had any contact at all from the residents in particular.

Generally speaking, in answer to the member for Mallee, we are concerned about attacks by animal libbers, as they were described, or any other liberation movement, union movement, or group objecting to our trading with live sheep from this country. I think that it is fair to say that we hope that never in South Australia do we experience the sort of activities and irresponsible practices of the Meat Industry Employees Union.

Mr. Millhouse: Do you realise your stone walling—

The SPEAKER: Order! Question time has ceased. The answers to questions are still proceeding.

The Hon. W. E. CHAPMAN: —because the recent action taken by those union employees at Portland is, as far as I am concerned, to be deplored. Throwing pigs' blood on live sheep in an effort to distress those importing the stock was inexcusable, and those who condone it can only be in the category of being most irresponsible.

I believe, however, that the union movement in South Australia has so far demonstrated a fair degree of responsibility in this matter, and has not corrupted industry and acted unreasonably. I would hope that that attitude can be preserved and cultivated. It would seem to me that the masses generally are recognizing the importance of this live sheep trade, and indeed the Government is dependent on it—

The Hon. R. G. Payne: Some are born to rule and some are the masses.

The SPEAKER: Order!

The Hon. W. E. CHAPMAN: —in the area of responsibility on behalf of our primary producers.

At 3.9 p.m., the bells having been rung:

The SPEAKER: Call on the business of the day.

LEAVE OF ABSENCE: HON. D. C. BROWN

Mr. EVANS (Fisher): I move:

That one week's leave of absence be granted to the honourable Minister of Industrial Affairs (Hon. D. C. Brown) on account of absence overseas.

Motion carried.

LEAVE OF ABSENCE: MR. MATHWIN

Mr. EVANS (Fisher): I move:

That one week's leave of absence be granted to the honourable member for Glenelg (Mr. J. Mathwin) on account of absence overseas on Commonwealth Parliamentary Association business.

Mr. MILLHOUSE (Mitcham): I want to speak briefly on this motion. I do not begrudge Mr. Mathwin, the member for Glenelg, a trip overseas, but I do complain. I have meant to do this before but have never done so.

Mr. Ashenden: That's because you're never here.

Mr. MILLHOUSE: Perhaps that is so, but I am here now. The strange thing is that when I am here people wish I were away, apparently, and, when I am not here, they miss me.

Members interjecting:

The SPEAKER: Order! I ask the honourable member to return to the motion.

Mr. MILLHOUSE: Attention is always drawn to the fact, so I presume that people miss me when I am not here.

The SPEAKER: Order! I have asked the honourable member to return to the motion.

Mr. MILLHOUSE: Let me get on with what I wanted to say before I was interrupted. It is the form of the motion to which I object. When I was first a member of this House, and for a long time thereafter, that last phrase "on Commonwealth Parliamentary Association business" did not appear in one of these motions. It was simply, as in the case of the Minister for Public Works, or whatever his title is, who has gone away I think to the Duke of Edinburgh's study conference, "on account of absence overseas".

In the past few years we have had creep in this phrase, "on Commonwealth Parliamentary Association business", presumably in the hope that people outside will think that the member who is away is not, as in fact he is, on a holiday and having a perk, but is doing some business for Parliament or the State. Now, that is absurd, as we all know. These are and always have been simply trips that are rewards for long and faithful service to the Party, both in the Liberal Party and in the Labor Party. Maybe I will have something to say about the matter tomorrow at the Commonwealth Parliamentary Association meeting. But it is the form of the motion that is quite misleading, because it is not business at all that he is away on: it is a holiday. It is a trip overseas for his own benefit and no-one else's.

Mr. Gunn: You would not accept it if it was offered to you?

Mr. MILLHOUSE: The member for Eyre interjects and asks whether I would accept it. It was only a few weeks ago that I wrote to the Chairman of the Commonwealth Parliamentary Association Branch in South Australia, saying that never in my 25 years in Parliament had I sought a trip abroad from the C.P.A., nor had I been offered one. I can say now that I will not ever seek a trip from the C.P.A., although I was invited by the Premier to do so in a letter only last week. He ignored the point that I had made earlier. I do not suppose that I will ever be offered a trip, either.

The Hon. W. E. Chapman: The question was: If you were offered it, would you accept it?"

Mr. MILLHOUSE: No. I thought I had made that clear, but one must speak in words of one syllable for the Minister of Agriculture to understand. That is the position. I suggest to the honourable member for Fisher, who moves these motions on behalf of the Government members, and the member for Baudin, who moves them for the Labor Party, that this quite misleading and unnecessary phrase should be dropped from these motions in future, so that people may know that it is a trip which, while paid for by the C.P.A. and, therefore, by the taxpayers of this State and more, as I understand the finances of that august organisation, by those of the United Kingdom and other Commonwealth countries, is for the personal gain, benefit and pleasure of the member concerned, and has nothing whatever to do with the business of this State, this Parliament, or this House.

The Hon. D. O. TONKIN (Premier and Treasurer): It is interesting that the honourable member for Mitcham should have raised this rather pernickety point, but the fact remains that members of this House who avail themselves of these study tours which are sponsored by the South Australian branch of the Commonwealth Parliamentary Association are indeed on Commonwealth Parliamentary Association business. It seems to me that the honourable member's bitterness is showing through, to some extent.

An honourable member: Sour grapes.

The Hon. D. O. TONKIN: I was not going to say "sour grapes," but the fact is that the C.P.A.—

Members interjecting:

The SPEAKER: Order! Interjections are out of order, particularly when an honourable member is out of his seat.

The Hon. D. O. TONKIN: The Commonwealth Parliamentary Association makes these trips available, not for personal advancement, as the honourable member seems to suggest, but so that individual members can come back to this place and contribute the benefit of their experience while they have been overseas to the Parliamentary proceedings. I believe that they are enormously valuable. The ultimate responsibility, of course, as to how much work is done and of what value that work is rests with each honourable member. But, I would simply point to two reports that come to mind, one prepared by the Deputy Premier, as member for Kavel, and the report prepared by the Minister of Water Resources, when member for Chaffey in the Opposition.

The Hon. R. G. Payne: There was a report by the member for Murray, Mr. Wardle,

The Hon. D. O. TONKIN: That is correct. An excellent report was prepared by the member for Murray. I do not know whether the honourable member for Mitcham has deigned to read those reports. If he has not, I suggest he should do so. Responsibility for the content of each report and the benefit of the study tour lie with each individual member. I see no reason at all for the honourable member to object to this practice. If he wished to object, he could attend a meeting of the Commonwealth Parliamentary Association.

Mr. Millhouse: I am coming tomorrow.

Members interjecting:

The SPEAKER: Order!

The Hon. D. O. TONKIN: I wonder whether we could

perhaps arrange to have the red carpet out for the honourable gentleman. If he had chosen to come to any of those meetings at any time in the past (he has been vocal on the one or two occasions that he has attended, in my memory)—

Mr. Millhouse interjecting:

The Hon. D. O. TONKIN: I can only say that it is astounding that the honourable member has not been there to put his point of view before, especially as he is an office holder, as he has so rightly pointed out. I cannot support the suggestions put forward by the honourable member for Mitcham. The motion is entirely in order.

Mr. EVANS (Fisher): I have been moving this type of motion for 10 years. I realise that the honourable member for Mitcham has not belonged to a Party that has any real responsibility in the Parliament and that he has not been able to take it for a long time. He would not perhaps be conscious, even though he has been the auditor for the branch for some time, that the change took place at the time when study tours were first introduced. In the early years of the honourable member's life as a member of this Parliament and a member of the Commonwealth Parliamentary Association, it is true to say that the latter part of the motion was not there, because there was no reason for it to be there. With his knowledge and training, the honourable member should know that a change took place in the mid 1970s and that the Commonwealth Parliamentary Association reached an agreement that it would pay for study tours for members of Parliament to go overseas. I have had one of those tours, and I am not ashamed of it. I went to 20 countries in 94 days. I did have a week off in Scotland. I prepared a 164-page report for this Parliament—

Mr. Millhouse: It has not made a scrap of difference to you in the House, you know.

Mr. EVANS: —which the press did not criticise but in fact praised. Even if it has not affected my ability in the House one way or the other (as the member said, I am still the same; he did not say whether I was bad or good), it has given the opportunity for another 60-odd Parliamentarians and those who follow to read it and see what areas I found of interest in several fields. That is available to any member of this Parliament, and I suppose any other Parliament could ask for it.

The other point is that, to my knowledge, at no time has the honourable member, as auditor, ever reported to this Parliament or to the branch of the Commonwealth Parliamentary Association that he thought we were spending money incorrectly or unwisely. We have never had any criticism from the honourable member in the official office that he holds. If he felt so strongly about it, he should have made the point, but he has not done so. The honourable member is a past master at this sort of tactic. In fact, since I have been in Parliament he has had one overseas trip, and I believe that he did not pay for it.

The SPEAKER: Before I put the motion, I draw the attention of the House to provisions contained within the *Manual of the Practice, Procedure and Usage of the House of Assembly of South Australia* by Blackmore, at page 8, wherein under the subtitle of "Leave granted" the following appears:

> Leave of absence is readily granted—

this refers to the application by a member for leave of absence so that he does not run out of time in respect of his responsibility to the House—

> and a motion for leave is regarded as so formal a matter and not likely to involve discussion that it is placed at the head of the notices.

Motion carried.

PETROL RESELLING

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

> That, in the opinion of this House, the Federal Government should, as soon as possible, enact legislation to give effect to the provisions of the "Fife package" in relation to petrol reselling; and that the Premier be asked to convey the substance of this resolution to the Prime Minister.

In recent months, and particularly in the last few weeks, there has been considerable public comment regarding the retail petroleum industry in South Australia. At present, the retail petroleum industry throughout Australia is in a state of considerable disruption. However, this is not a recent problem, either in terms of the life of this Government or in terms of years. Of particular prominence in the history of this matter is the fourth report of the Royal Commission of 1976 on the marketing and pricing of petroleum products in Australia. At about the same time, Australia felt the impact of the 1973 OPEC crisis, which heightened the economic pressures for rationalisation of the retail end of the market.

One of the principal findings of the fourth report was that in all States there were too many retail outlets for petrol. The Royal Commission reported that, on the evidence presented to it, wholesale prices incorporated a figure of 6c to 7c per gallon to subsidise the over-capitalisation of retail facilities in the industry. The proliferation of retail petrol outlets in this State had already been recognised with the passing of the Motor Fuel Distribution Act in 1973 to control the number and location of retail motor fuel outlets in South Australia.

In the seven years from 1 January 1973, approximately 580 service stations have been closed in this State, representing a 28 per cent decline in the number of retail outlets. What we are witnessing at present is the manifestation of this over-capitalisation and attempts by the oil companies to make their market operations more profitable, and at the same time secure their market share. But the Government at this time is not so concerned at the rationalisation which has taken, and is continuing to take place. What we are concerned about is the pattern of rationalisation and the pressures being exerted by oil companies to achieve rationalisation.

One of the recommendations of the fourth report of the Royal Commission of 1976 was that the Commonwealth Government should establish an agency to control all major aspects of the marketing of petroleum products. However, in May 1977 the then Commonwealth Minister for Business and Consumer Affairs, Mr. John Howard, announced that the Government had decided not to implement that recommendation. In that same statement, Mr. Howard indicated that, whilst the Government had no intention to inhibit effective price competition at the retail level, it was concerned that, due to apparent disparities in wholesale pricing, many petrol retailers were unable to compete on an even footing. Following the May 1977 announcement, the Commonwealth Government established an Oil Industry Marketing Consultative Committee to discuss various marketing aspects of the industry. On that committee were representatives of the various relevant parties —the oil companies, the resellers and the Government.

It is indicative of the complexity of the issues involved in this matter that, following its first meeting, the committee adjourned indefinitely, and it has not met since. It was eventually supplanted by the convening of a national oil industry conference. Again, despite in this case three meetings of the full conference and numerous meetings of various sub-committees, little agreement could be

reached. The Commonwealth did not again publicly address the issue until October 1978, when it announced what is now well known as "the Fife package".

For the benefit of members who may not be familiar with the provisions of the Fife package, I will briefly summarise its main proposals. First, major oil companies would be prohibited from unfairly discriminating in prices between their lessee and licensed resellers, except if it is "cost justified" or it is needed to "meet competition from a competitor of the oil company". A common complaint at present is that a large proportion of petrol sold in metropolitan Adelaide is being retailed below the Prices Justification Tribunal's approved wholesale price.

For example, as at 3 June 1980 the P.J.T.-approved wholesale price for one major oil company was 31·71c per litre, yet eleven of the company's outlets surveyed that day were selling retail at prices less than that approved wholesale price. Similar episodes have been experienced by the previous Government during its period in office. This state of affairs has been taken by many, particularly retail resellers, as *prima facie* evidence of overt price discrimination.

The second proposal of the Fife package is that oil companies be prohibited from themselves retailing petroleum through direct sale sites. This proposal has become known as the "divorcement" proposal, and it has the full support of this Government. But I would hasten to point out the distinction between "divorcement" and "divestiture". Divesting by oil companies of the sites they currently own is not envisaged. But such sites would need to be operated through an independent lessee or licensed dealer.

This Government is of the opinion that independent businessmen are in the position to successfully operate retail outlets, and that the proportion of motor fuel sold through company controlled sites should not become dominant. There is no doubt that the large, modern self-service sites do effect some efficiencies in distribution and operation and that this should be reflected in lower prices. But that is not to say that such sites should be used as an instrument of overt price discrimination within the market. The Government does not accept that the viability of self-service operations is in any way dependent upon the control of the site by an oil company—indeed, the Government believes that, if self-service operations are truly viable, they will be viable under a lessee or independent basis of operation.

The third proposal is that lessee or licence dealers would be given the right to obtain compensation from oil companies for an unjust termination of their lease or licence, or a refusal by the oil companies to recognise a lease or licence. Lessee or licence dealers would also be permitted to assign their leases or licences, and oil companies would be required to disclose details of the viability of a site to a prospective or incoming lessee or licensee.

This Government supports the lowest possible prices from free competition, but does not support selective discounting, and in particular cut-throat discounting which leads to unprofitability and business failure. Equally, the Government does not support artificial maintenance of fundamentally uneconomic sites. But rationalisation should not be achieved by driving individual dealers to bankruptcy during discount wars by overt price discrimination.

In late 1979 it was announced that the implementation of the price discrimination provisions of the Fife package would not be implemented until further information had been received on the existence of price discrimination from the Trade Practices Commission. The commission had until 31 May 1980 to report its findings. That report has now been given to the Commonwealth Minister for Business and Consumer Affairs, Mr. Garland. My colleague, the Minister of Consumer Affairs, has already sought to obtain a copy of the report on a Government-to-Government basis. It is not yet known whether this will be done or whether the report will be made public. The Government awaits with considerable interest the outcome of the commission's investigation.

The concern of petrol resellers in South Australia about what they believed were unfair practices by oil companies became more acute early this year. Several complaints were received by the Government that the discriminatory rebates being offered to certain sites were aimed at closing down sites in the near vicinity. The oil companies, as on many previous occasions, claimed that they were responding to competition and market forces. But surveys conducted by the Government, and figures provided by resellers in the form of delivery invoices, clearly indicated that some oil companies were facilitating, if not initiating, the discounting.

As a direct result of the concern expressed by the South Australian Automobile Chamber of Commerce and resellers in metropolitan Adelaide, the Minister of Industrial Affairs and the Minister of Consumer Affairs called a meeting of representatives of the various oil companies on 16 January 1980. At that meeting, the Ministers indicated that the Government did not desire to legislate in this matter, but would like to see the oil companies voluntarily reconsider their role in selective discounting of petrol. Following that meeting, the Ministers issued a joint statement, which stated, in part:

> The Ministers warn that, if the problem is not resolved by the oil companies voluntarily, the Government may have to take administrative or legislative action . . . The Government supports low pricing of petrol or any other commodity arising out of free competition. However, we are very concerned that selective discounting, and in particular cut-throat discounting, could lead to some retailers not making any profit, and subsequently going out of business . . .
>
> The Government has requested the oil companies to examine their approach to the setting of differential wholesale prices. The problem is exacerbated by the prices charged by the oil companies through their agency sites . . . The Government will be monitoring petrol prices and keeping in touch with the industry over the next few weeks. We would like to see the problem resolved in the market place during this period.

It is quite clear that, since that statement was made, there has been no real improvement. Indeed, in the past four months, discount prices generally have fallen, despite increases in wholesale prices being applied for and being awarded by the Prices Justification Tribunal. Many resellers can purchase fuel from their competitors at prices below what they are being charged wholesale by their supplier.

This matter has become complicated further in recent weeks because of the action of one oil company in advising some operators that the rents to be charged to them for their sites would be substantially increased from 30 June 1980. The increases are based on what are referred to as "economic rentals"—that is, based on the market value of the site. What must be clearly understood (at least, this is my understanding) is that the dealers do not oppose the introduction of economic rents *per se*. This concept has been supported by dealer organisations for some years, by various Government inquiries and the Royal Commission.

The S.A.A.C.C. and the individual dealers believe that a uniform and adequate rebate should apply to all sites, thus allowing the viability of individual sites to be

determined by market forces. If, within the limits of that rebate, a site is not viable due to low sales volume, any resultant closure would be "fair". The point of the current dispute is that the company proposes partially to offset the rental increases by varying the level of rebate from site to site, thereby allowing it to determine the viability of any particular site. Thus, this latest issue highlights what is a more general problem within the whole industry.

As a result of the disquiet expressed in recent weeks, I asked the representatives of the S.A.A.C.C. and the resellers to meet with me on Tuesday 3 June 1980. Subsequently, I sought and obtained a meeting with the National Marketing Manager of Amoco. This was held on Wednesday last, 4 June. At the meeting, the S.A.A.C.C. requested that the Government ask the South Australian Motor Fuel Licensing Board to attempt to resolve the dispute. The Minister of Consumer Affairs and I will discuss this matter in detail tomorrow with our officers in order to make recommendations to the Government. A report of the discussions and of previous deliberations of my colleagues on this matter was presented to Cabinet last Monday. This Government does not support excessively restrictive legislation. The Fife package appears a genuine attempt to strike a balance between the interests of resellers and oil companies.

Mr. Millhouse: What is the difference?

The DEPUTY SPEAKER: Order! I will name the member for Mitcham if he interrupts again. I point out to the honourable member that the Minister is making an important statement and should be heard in silence. I will also insist on the same courtesy for the Leader of the Opposition.

The Hon. M. M. WILSON: Our views have been made known to the Commonwealth Government in the strongest possible terms on several occasions. It is intended that, once a copy of the Trade Practices Commission Report on Price Discrimination is received by the Government, the Premier will seek a meeting between himself, the Minister of Consumer Affairs and me, and the Prime Minister and the Minister for Business and Consumer Affairs. At that meeting, the Government will again press the point that the Fife package should be pursued and should be implemented as a matter of urgency.

The Commonwealth Government is at present considering the report of the Trade Practices Commission and is also currently analysing the responses from industry groups and governments on the Draft Petroleum Industry Franchise Bill. The South Australian Government has responded by offering basic support for the proposed Bill, but has also criticised a number of aspects of its proposals. The Government appreciates the problems and pressures currently being experienced by various resellers in this State. However, the problem is not confined to South Australia. We have faith that a Commonwealth response will be forthcoming. It would be inappropriate for this Government to take unilateral action at this time.

Legally and constitutionally, the South Australian Government could pass legislation for security of tenure, divorcement, and various other proposals of the Fife package, but that is not the complete answer. This is a national matter, as the oil industry is a national industry. The Government will pursue that solution most vigorously. I commend the motion to the House.

Mr. BANNON (Leader of the Opposition): The Opposition supports the Fife package, the subject matter of this motion moved by the Acting Minister of Industrial Affairs, but condemns the hypocrisy of the Government and the tardiness with which the Government seems to have acted in order to obtain some action. The Minister outlined the situation in regard to the Fife package and the whole sorry story of the way in which that package (the proposals contained in the Royal Commission's report, which was first produced in 1976) has been neglected in terms of action over the past four years, although it was discussed. This has led to the continually worsening situation in which we now find ourselves—an emergency situation for many independent petrol retailers in this State.

The total Fife package has been outlined by the Minister in his speech. The Opposition, both in Government and now, consistently supports and has supported the implementation of that package. Indeed, the Federal Leader of the Opposition (Mr. Hayden) announced a Hayden Labor Government's energy policy, which included the implementation of the Fife package should Labor win the Federal election this year.

In outlining the proposals in his speech, the Minister of Transport referred to the way in which the previous Government had consistently attempted to deal with the problems in the industry. One was the passing of the Motor Fuel Distribution Act, which, in a rational and sensible manner, was able to reduce the number of retail petrol outlets in the State. If that Act and the actions of the Motor Fuel Licensing Board, under that Act, had not been taken over the previous seven years, we would have been in a far more parlous situation than we are in today. It is worth remembering that, when that Act came before the House in 1973, while the Opposition was prepared to support it in a modified way, it expressed many reservations about it, and was more than grudging in its approach to such legislation.

In fact, that legislation has been a signal success, and has solved many, but not all, of the problems in the industry. I am therefore pleased that the Minister saw fit to recognise that contribution. He might also have spoken of the contribution made by the former Minister of Labor and Industry, who is now my Deputy (Mr. Jack Wright), in his encouragement and assistance in the formation of Southern Cross Petroleum and the organisation of independent retailers to ensure that they had some sort of muscle and united voice in their dealings with the oil companies. However, that aspect was not referred to by the Minister in his speech.

I turn now to why the Opposition is not giving an unqualified, unamended support to this Government proposal. We believe that this motion is not only a belated and half-hearted attempt to appease the justifiable anger of petrol resellers, but is also blatantly hypocritical on the part of the Government. I intend to move the following amendment:

> That this House deplores the inaction of the Tonkin Government in relation to the problems faced by small business people engaged in petrol reselling, particularly in view of the joint statement by the Ministers of Industrial Affairs and Consumer Affairs in January of this year, and urges the Federal Government to heed the call of the Federal Labor Opposition to enact legislation as soon as possible to give effect to the provisions of the Fife package in relation to petrol reselling; and that the Premier be asked to convey the substance of this resolution to the Prime Minister.

On 30 May, I issued a press release, which received considerable publicity, calling on the Premier to make urgent representations to the Federal Government to implement the Fife Report to bring some fair play into petrol selling. I said that this was necessary because monopoly practices by the major oil companies were threatening the survival of independent and lessee petrol outlets. I made this appeal, at the request of independent

and lessee petrol resellers, because I was told that the State Government had shown absolutely no commitment to supporting the legitimate cause of small business men involved in petrol reselling. Those independent lessee petrol resellers told me that.

It is clear that the oil companies seem intent on removing as many small business men as possible from the retail petrol market. Their strategy is clear: they want to replace lessee and independent retailers with self-service stations, owned and operated by the oil companies themselves. The way in which the oil companies are going about this may be legal, but it is unscrupulous. Not only is petrol sold at a much higher price to the independent retailers, but also massive rent increases are being forced on small business men who currently lease petrol outlets from the oil companies. This way, they will go out of business, and the outlets will be converted to self-service. Hundreds have already lost their businesses and their jobs as a result of this.

My appeal to the Premier on 30 May to intervene and make representations to the Federal Government met with a stony silence. It is revealed to us today by the Minister that, on 3 June, he made approaches to the various parties and called them in for a conference on 4 June. Perhaps one can read into that that there was a response to the call made by the Opposition, but certainly there was no public acknowledgment of either the problem or the action that the Government intended to take on it. There was no word until yesterday when notice of this opportunist motion was given to the House.

What role had the Government played previously? Let us go back to 20 December 1979, when the South Australian Automobile Chamber of Commerce asked the Minister of Industrial Affairs (Hon. D. C. Brown) to reintroduce fixed prices for petrol. Mr. Brown said that the Government was studying the situation, but—

The Hon. M. M. WILSON: On a point of order, Mr. Deputy Speaker. I am not trying to interrupt the honourable member's time, and I cannot anyway, because he has unlimited time.

Mr. Bannon: It will mean that I will take more time.

The Hon. M. M. WILSON: That is all right. I am trying to clarify a point for the House. I take it that the Leader's amendment is to replace the whole of the motion.

Mr. Bannon: Yes.

The Hon. M. M. WILSON: So, you are leaving out all words after "that".

Mr. Bannon: Yes, but I have not formally moved it yet.

The DEPUTY SPEAKER: I cannot uphold the point of order.

Mr. BANNON: I am not sure whether the Minister was seeking advice or wanted to prevent me from quoting some of the embarrassing statements made by his colleague, Mr. Brown, who, fortunately for him, is not here today. I congratulate the Minister of Transport in his acting capacity for doing something about this issue, unlike his colleague, who did nothing. Going back to 20 December 1979 and the call by the South Australian Automobile Chamber of Commerce to the Government to reintroduce fixed prices for petrol, the Minister said that the Government was studying the situation, but that it appeared to have no immediate powers to do anything about it. I will refer later to the hypocrisy of that statement by the Minister, which is in complete contrast to what he told the previous Government, when he was in Opposition. However, I will leave that aside at this point. He said in December that he had no immediate powers to do anything. He is reported as saying:

> If legislation were required, and it could be, it would be mid-February at the earliest before anything could be done when Parliament resumed.

The Minister went on to say that he was concerned to ensure that discrimination in the marketing arrangements of petrol did not exist if it led to selective or restrictive marketing. That statement was made in December, many months ago. Indeed, the statement was issued at the same time as the Government statement. My colleague in another place, namely, the A.L.P.'s spokesman on Consumer Affairs (Hon. C. J. Sumner), issued a statement calling on the State Government to take urgent action to arrange a meeting of the oil companies, retailers, and the Federal Government and urged them to implement legislation to protect resellers.

In this call, he was joined by the Executive Director of the South Australian Chamber of Commerce (Mr. Bennett), who accused the Federal Cabinet of remaining inactive while the majority of Federal Liberal back-benchers supported legislation to keep oil companies out of retailing. There were the statements, and that was the action called for from the Government at that time. The Minister prevaricated and said that he was studying the situation but could not really do anything about it. So, we got through the Christmas period with no apparent action.

The matter came to a head again in January. The problem did not go away, as perhaps the Minister and the Government had hoped. On 17 January, the warning given by the Minister of Industrial Affairs and the Minister of Consumer Affairs was issued and widely publicised, and it has been referred to in the Minister's speech. It appeared in the *Advertiser* under the heading "End petrol price war or else—South Australian Government". This was in January, and is a clear statement by the Government. Part of the report states:

> The State Government may take administrative or legislative action to stop South Australia's petrol price discount war. The warning was given yesterday by the Minister of Industrial Affairs, Mr. Brown, and the Minister of Consumer Affairs, Mr. Burdett, after a meeting with oil companies.

Later in the press report, the following statement by the Minister was quoted:

> If the problem was not voluntarily solved by the oil companies, the Government might have to take administrative or legislative action.

Later, he said that the Government would monitor petrol prices and keep in close touch with the industry in the next few weeks.

The implication of that report is clear: the Government was to take action if the situation had not improved within a few weeks following its monitoring of the situation in relation to prices. But, until today, nothing happened about that action. Unfortunately, this statement was accepted in good faith by those in the industry. The report continues as follows:

> The Chairman of Southern Cross Petroleum, Mr. C. K. Tonkin—

unfortunately bearing the name of our Premier—

> said last night he was "ecstatic" over the Government's attitude. "It is long overdue," he said.

Indeed, it certainly was. The report continued:

> Mr. Tonkin predicted that if the Government did intervene in the war the oil companies probably would charge the public more for fuel.

There were implications in any action to be taken but both he, and, on the same day, the Executive Director of the Automobile Chamber of Commerce said they were glad the Government had acted on behalf of the small petrol reseller. If only they had known that that was not action but simply empty words, brave talk, because nothing happened within those few weeks, even though the

situation worsened considerably and has continued to do so until today. So, after more procrastination, we see no action by the Government on the legislative or administrative front, and instead we have before us this rather lame and weak motion. There was no inquiry, either, by the Corporate Affairs Commission into the somewhat dubious practices of the oil companies; that is something that could have been done immediately by the Government.

The motion we have before us today has clearly been prompted by the fact that people in the community, and small business men in the petrol industry in particular, have woken up to the fact that they are not getting far and that the Government has no intention of taking any action. "The end to petrol price war or else" statement, that clear, categorical statement made by the two Ministers in January, followed the request for the fixing of the price of petrol and margins between retail and wholesale prices, the call made by the Chamber. In their joint statement, the Ministers indicated that they would be doing something about it. They did not, and have not.

Today's motion is totally hypocritical. That hypocrisy goes back even further, I suggest, because last July the present Minister of Industrial Affairs, while in Opposition, said that the then South Australian Government was not powerless to take action to protect Southern Cross and other independent petrol outlets from being unfairly discriminated against by the oil companies. He said that the Australian Constitution allowed the State Government to prohibit the unfair distribution of petrol. That statement was quite widely reported. For instance, it appeared in the *Advertiser* of 12 July 1979 under the headline "Government can act in petrol row: Brown". The then spokesman for the Opposition on industrial affairs was urging the Government to take action. He was reported as follows:

> A South Australian Liberal Government would use State legislation to ensure that Southern Cross petroleum outlets were not unfairly discriminated against.

That is a clear, categorical statement about what a South Australian Liberal Government would do. The report continues:

> He said the Minister of Labor and Industry, Mr. Wright, had tried to "duck shove" on to the Federal Government the responsibility of protecting Southern Cross dealers.

If that was duck-shoving, what is the Government doing today in this House? Who is doing the duck-shoving? Where is the legislative and administrative action promised not only in January this year but also back in July last year? It is nowhere in sight.

I have referred to the fact that Mr. Clive Tonkin of Southern Cross Petroleum was extremely pleased about what he saw was going to be action taken by the Government. He wrote to the Minister on 6 March, nearly two months after the statement made by the Ministers and well after the few weeks they spoke of that was to be spent monitoring the situation. Mr. Tonkin, in his letter of 6 March, congratulated the Minister on the Government's firm approach, but gave clear examples of how the price war was still going on. His letter states:

> In view of these actions by oil companies it would appear that they have no intention "to examine their approach to the setting of differential wholesale prices" and your Government must surely now be committed to act for the good of small business men in this industry.

Unfortunately, that was not the case. He received no reply from the Minister and, on 28 March, the member for Mitcham took up the matter again on behalf of Mr. Tonkin. In this House the other day, the member for Mitcham quoted from a letter Mr. Tonkin wrote to him. Mr. Tonkin stated that he had not yet received a written reply from Dean Brown to his letter relating to selective discounting and the oil companies' failure to heed the Government's warning on 17 January. The letter continued, as follows:

> On Monday 24 March, a Martin Evans from Dean Brown's department rang and advised that they had received my letter and agreed with the sentiments expressed therein but Dean—

I am glad Mr. Tonkin is on first-name terms with the Minister—

> had been unable to reply personally due to hassles over trading hours, Fauldings take-over bid, etc.

Indeed, they were hassles. We recall the disastrous trading hours fiasco.

The DEPUTY SPEAKER: Order! The honourable Leader should link up his remarks.

Mr. BANNON: I think I should, Mr. Deputy Speaker. There is enough embarrassment in the motion before the House for the Government for one day. Mr. Tonkin's letter continues as follows:

> From the trend of the conversation I had the feeling that either Dean Brown didn't know quite how to back up his warning with action or else he had spoken without receiving the blessing of the Public Service.

That is an interesting and enlightening statement, I suggest. Mr. Tonkin continued:

> The situation has now worsened since my letter to Dean Brown, and currently fuel is being offered to Southern Cross sites at Gawler and Victor Harbor via Amoco agents at one cent per litre cheaper than the full buying power of the Southern Cross group . . . Because of the Government's failure to act on their promise, and because many resellers are in desperate trouble, I would appreciate it if you could bring the matter to Dean Brown's attention.

That was on 28 March, quite a long time ago. The member for Mitcham took up this matter. I am not sure whether Mr. Tonkin sent a similar letter to me, or contacted my office. I do not think he did, but he may have got quicker and better results if he had. Nevertheless, the member for Mitcham acted promptly and received a terse reply (he has told the House about this), as follows:

> It is anticipated that an equitable solution to this problem will soon be forthcoming.

What nonsense! Both the Minister and the Government were obviously out of touch with the situation in the industry. The small lessees, and independent petrol resellers have been sold a pup and they have woken up to that, fortunately. The Government should be aware that, if the oil companies achieve their target of 50 per cent of petrol outlets being self-service, overseas experience has shown that they could take as much as 90 per cent of retail business. The situation is extremely grave. It is a matter of great concern to the industry and, whilst one must support a motion putting the ultimate and utmost pressure on the Federal Government in this matter, for the matter to be brought before us by the Government in this way at this time after its record of inaction is totally hypocritical.

It has been mentioned, of course, that this problem has been around for a long time. Indeed, the Royal Commission on petroleum which established the various proposals the subject of this motion was set up in September 1973 by the then Federal Labor Government, the Minister of that day being the late Rex Connor (much maligned often in this House by members opposite, particularly the Deputy Premier). That inquiry was initiated by that Minister more than seven years ago. The Fraser Government received the report in May 1976. Nothing was done until 1977, when John Howard, as Minister, made the statement recorded by the Minister in his speech today in this House. It was not until October

1978 that the new Minister for Business and Consumer Affairs, Mr Fife, put forward his package, which determined the course of action.

Thus, 2½ years were wasted until then, and in the total of 6½ years after the establishment of that inquiry we have a State Liberal Party panicking into some form of apparent action, and that is about all we can call it. Had the Liberals always been in office, I doubt that we would have had an inquiry or a Fife package on which to base this motion.

I have referred to an amendment I intend to move. That amendment uses the wording of this motion in relation to the call to the Federal Government to do something as soon as possible to give effect to the Fife package. It also contains the wording that the Premier be asked to convey the substance of this resolution to the Prime Minister, although in view of the hypocrisy and lack of action by the State Government in this matter I suspect his eyebrows will raise considerably when he is approached by the Premier. I have added to the motion two important paragraphs that provided that this House, if it is to be honest, must deplore the inaction of the Tonkin Government in relation to the problems faced by people engaged in petrol reselling, and special reference must be made to the statement by the Minister of Industrial Affairs and the Minister of Consumer Affairs in January.

Further, I will moved that we include in the motion reference to the fact that the Federal Labor Opposition has called on the Federal Government to enact such legislation as soon as possible. Mr. Hayden's policy, which was expounded just last Friday, 6 June, at a meeting of 40 petrol resellers at the headquarters of the South Australian Automobile Chamber of Commerce, is that the total Fife package would be brought into force under a Hayden Labor Government within six months. He also told the meeting he would do all he could to pressure the present Government to take action on the package, and as he is the Opposition Leader in the Federal Parliament, I think this House would be well served to support his efforts on behalf of the petrol resellers. He pointed out that an unhealthy relationship existed between the Government and major oil companies, with the companies reaping in thousands of millions of dollars a year; most of this money, incidentally, is finding its way out of the country. This is an important part of Federal Labor energy policy, and this House could do well to support it.

Other aspects of that policy have been talked about. The total package goes well beyond the Fife package referred to in this motion. It is linked with the freezing of the price of existing Australian-produced crude oil for 12 months, and increases after that would be in lien with the consumer price index or the world price, whatever is less. It would abolish the system of crude oil levies and replace that with a tax more oriented to the profits obtained from oil production, again taking the pressure off the independent retailers and resellers. The crude oil levy has allowed increases in prices and profits, despite relatively low production costs, and this is the situation which the excess profit tax will hit, because the tax is related to real production costs. A Labor Government would pay producers the world price for new oil discoveries, in order to stimulate exploration.

It would establish a national hydro-carbons corporation as a public sector presence in an industry dominated by large private interests. That corporation could have the function of boosting Australian oil exploration. Labor would undertake measures to cut energy consumption, including better public transport. A Federal Labor Government will explore with the State Governments the possibility of selective motor registration fees, with low fees being charged for vehicles which economise in the use of fuel.

The current Federal Government really has no energy policy. Its world pricing policy has not achieved its stated objective of increasing oil exploration in Australia, and it has not managed to conserve liquid fuels. It has simply reaped a huge windfall profit for the oil companies and a huge windfall tax, which is not shared with the States, for the Federal Government itself to lower its deficit. Its policy is quite scandalous, and therefore one views with perhaps some scepticism the impact of any resolution that would go from this House urging it to take some action. Its record in this area has been inaction as far as the Fife package is concerned, and inaction as far as energy is concerned, except in taxing oil in order to reap maximum profits and the maximum reduction of the Federal Government deficit. So, the whole area is one of confusion and inactivity. It is important that any motion that goes from this House expresses the true situation both in relation to the role played by our State Government and in relation to the realities of the Federal scene. I move:

Leave out all words after "That" first occurring and insert in lieu thereof the words:

this House deplores the inaction of the Tonkin Government in relation to the problems faced by small business people engaged in petrol reselling particularly in view of the joint statement by the Ministers of Industrial Affairs and Consumer Affairs in January of this year, and urges the Federal Government to heed the call of the Federal Labor Opposition to enact legislation as soon as possible to give effect to the provisions of the Fife package in relation to petrol reselling; and that the Premier be asked to convey the substance of this resolution to the Prime Minister.

Mr. GLAZBROOK secured the adjournment of the debate.

SOUTH AUSTRALIAN MUSEUM ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 27 March. Page 1832.)

Mr. BANNON (Leader of the Opposition): After that impassioned address, I am pleased to move on to more congenial and still waters in supporting this Bill, which seeks to achieve two amendments to the South Australian Museum Act. The first amendment is concerned with the protection of meteorites, which can legitimately be considered to be part of the State's heritage. The second part of the Bill refers to the ability of the Museum Board to have access to statutory authorities' borrowing powers, which will enable it to borrow up to $1 200 000 a year, without being a drain on Loan Account funds, in order to finance the purposes of the museum and the Museum Board's programme.

I certainly would be in an invidious and difficult position if I attempted to oppose this measure, because it was prepared during the period that I was Minister in charge of the museum and it was one of those measures that were to be introduced during the time of the previous Government. Unfortunately, it lapsed with the election. I am pleased that the Government has acted so promptly to reintroduce this uncontroversial Bill into the House and have it passed.

I will not spend any time on the protection of meteorites provision. This has been dealt with in the second reading

explanation and by my colleague in another place, the Hon. Anne Levy, and I commend members' attention to her remarks there. Suffice to say that the protection of meteorites is something that is overdue, and the Bill provides adequate protection for them.

I would like to say one or two things about the statutory borrowing powers of the Museum Board. It is most important that the board be given these powers, because it provides an additional source of finance to carry out what I believe is one of the most exciting and imaginative plans that has been conceived in South Australia in recent years. I am referring, of course, to the Edwards plan for the development of the museum and the surrounding facilities on the North Terrace site. Again, one could expect me to have some enthusiasm for this plan because it was as Minister that I commissioned it. I have felt, and at that time the Government of the day felt, that a major investigation into the museum was long overdue, in relation to its accommodation problems, the state of its collection and its possible future development.

I think it is fair to say that, whilst great activity and attention had been paid to a number of institutions over the 10 years of Labor Government (the development of the arts, the Festival Centre, the development of and improvements in the Art Gallery, the library programme—a massive injection of funds into various activities which affect the quality of life and into some of the great institutions in our society), the museum had tended to be neglected.

When one considers that our museum is the repository of one of the greatest collections of ethnographic and other material in the world, that neglect is something that had to be attended to as a matter of considerable urgency. It was my belief, and the belief of the Government of that time, that the museum's day had come, and that substantial funds and resources had to be put into the museum, as a matter of some urgency, to correct the neglect of many years, going back perhaps to early in the century.

I remember reading with some disquiet (in fact, I used it to great effect with my colleagues,) a reference made by Sir Kenneth Clarke in his autobiography to a period in 1947 when he visited South Australia, and was both amazed and appalled by what he saw in the museum—amazed by the wealth and richness of the collection, appalled by the dreadful state in which it was housed.

It is not just the display, the proper housing and conservation of those artefacts in the museum: the museum also has an important research and collecting function to play. Its publications, the quality of its research, its advice and assistance to the public, and to people interested, both professionally and as enthusiastic amateurs, in the subject matter of its collections are aspects that also have to be developed and expanded.

When one considers that it was many years ago, the turn of the century perhaps, when the building which now houses the whale skeletons was erected, since major sums of money had been spent on museum development, that Sir Kenneth Clarke, as long ago as 1947, saw fit to comment on the parlous state of the museum, it is an indictment of former Administrations that we have not moved more quickly to do something about that situation.

However, as I say, the day of the museum has come. It certainly gave me enormous pleasure to see that the present Government is not prepared to put aside or shelve the proposals made by Mr. Edwards in his exciting plan, but that it is going to act on them and implement them, as a matter of some priority. I certainly welcome that, indeed. I think any members, or members of the public, who read Mr. Edwards' interim report will find it both stimulating and interesting.

The final plan, as it emerges, for the development of the site may well be modified in some respects. In fact, submissions have been called for on the interim plan. I think that the closing date for submissions was the end of last month.

Mr. Edward is shortly to provide a further report, which will be awaited with much interest. The Edwards Report seeks to achieve, first, upgrading, proper storage and conservation of that marvellous collection that the museum holds; secondly, it seeks to achieve the proper display and accessibility to that collection by the public; and, thirdly, to, in fact, consolidate the museum's role as part of that complex of institutions on North Terrace—the Library, the Art Gallery, the historical museum which, together with the Constitutional Museum, and, indeed all of those cultural areas, such as the collection of the performing arts and the various State collections and private collections, form our museum and historical heritage.

In his report, Mr. Edwards has gone from the museum outwards, and looked at how those various other institutions can be dovetailed and integrated into an overall cultural complex, the like of which I think will not be known in Australia, and will certainly be world ranking. It is one which will strengthen all the individual institutions which form its component part.

It will provide a magnificent tourist facility for this State, and will be yet a further attraction to the beauties of the city of Adelaide. When we discuss tourism, I think it is as well to remember that the greatest tourist asset South Australia has is the city of Adelaide itself and its environs. Therefore, any development or improvement of this city is to be welcomed.

Of course, when such a plan is proposed one comes up against the question of cost. There is no doubt that Mr. Edwards' proposals are large and ambitious, and therefore costly. I think one of the features of his report (and no doubt this will be further refined and developed in his final report) is the realistic way in which he has grappled with the financial implications of such development. Far too often we get reports from commissions or working parties that do not realistically assess the resources needed, or where they will come from. In this case, I think it is fair to say that Mr. Edwards has handled the position realistically. He has made a project of this size and dimension one that is quite capable of achievement within the State's resources.

He has done it in two ways: first, by trying to cost closely all the various proposals. Instead of using too rough a rule of thumb, he has actually gone to architects, planners and others and obtained some indication. Obviously, those costs are not precise, but they are certainly far more exact than the sort of cost estimates we often find in reports proposing Government development. Secondly (and I think this is extremely important in looking at costs), he has established a time scale by which this development can be achieved. It can be done in stages, over 10 or 15 years, or over four or five years, depending on the resources available at the time. That does not suggest that this development is or should be piecemeal.

Once the decision has been made (as it was by our Government, and reaffirmed by the present Government) to undertake this development, it should go ahead steadily and with all possible speed. But, because it can be staged, it means that the financial resources can be found progressively, as the project develops. Indeed, I think one of the most exciting aspects of this whole scheme is that, by staging it over the next few years, one can achieve the

total development, or very close to it, that Mr. Edwards has proposed, by the State's 150th anniversary. In fact, I can think of no greater gift to the people of South Australia for the 150th year in relation to long-term improvement and providing an asset to this State than achieving that total development, starting with the museum and working out through that whole cultural complex on North Terrace. It would be an absolutely magnificent centrepiece to any celebrations and any development.

One can think of the North Terrace boulevard and the various institutions along it, starting at one end from the Botanic Gardens (and I hope that in time the wretched tram barn will be removed from the site; that should be worked for, but it is very expensive), through the hospital and its grounds, the university, the centres of learning, the Art Gallery, the museum itself, and the State Library. At the back the complex of historic buildings has been running down, going into total disrepair; but these major historic buildings can be restored magnificently. Already the work done on the old armory indicates what can be done, as the work done on the Constitutional Museum next door shows what can be achieved in refurbishing. That is an area unknown to South Australian people, yet it has enormous potential for the institutions around it as display facilities.

Of course, as one moves towards the west, one finds the Torrens River complex, Government House, the Festival Centre, this House of Parliament, and the Constitutional Museum. Just cross over North Terrace and you are led straight into Rundle Mall, one of the most concentrated, busy and attractive shopping centres in Australia. So, integration of this complex, both commercially and culturally, really leaves nothing to be desired in terms of State facilities.

I have waxed rather eloquent on the Edwards Report because I believe that it really is one of the most exciting projects that has been conceived in recent years and it is one capable of achievement, and we have an aim to work towards the 150th anniversary of this State, by which time we can present it. I think an asset of this kind would dwarf and be far more substantial than, say, yacht races and various other historical re-enactments or other shifting or intangible proposals that might be proposed for such an occasion.

The resources of the State could well and productively be put into this activity as part of those celebrations. That leads me back, of course, to the question of borrowing power. Many things which are part not only of the Edwards plan but of the day-to-day development and improvement of the museum could be undertaken if the board had access to sufficient funds. The Edwards plan as a whole could not be accomplished by the board from this borrowing power, but obviously the supplementation of funds from the Loan Account and the public works programme of the Government, and the supplementation of that from the museum board itself and its access to statutory borrowing powers, would be quite considerable, because, if we are looking at a six-year period, for instance, an annual borrowing of the statutory amounts to which the board would have access would exceed some $6 000 000, which could be made available as part of the overall development of this project. The pooling of that with the resources of the other institutions where possible for the capital improvements that are needed would mean that the extra amount of allocation needed from the general loan account would be minimised.

I think it is most important that the museum board obtains access to those funds and that those funds be unlocked and used as quickly as possible to set the ball rolling for the development of the overall plan. Heaven knows, there are many things that could be done immediately by the museum, which is struggling to maintain its collection. It is running on the spot; in fact, at times I think it is running backwards. An immediate infusion of funds of this sort would enable the museum to get under way before the general Edwards plan is set in motion.

I congratulate the Government on its adoption of the Edwards plan, and I certainly offer a bipartisan approach to its implementation. We look forward to the further discussions that will take place in relation to it. However, I do not think we should ever forget that central to that plan is the rescuing of the State's heritage as held by the museum—an urgent rescue operation that must be mounted quickly and effectively. The passing of this Bill will aid that process considerably.

Mr. EVANS (Fisher): I am concerned that within the Bill, as far as I can see, there is no area of compensation for persons who may have their property damaged by a meteorite that falls from the sky and makes contact with their property, if they do not happen to be covered by insurance. I realise the chances are remote, but, if that occurs and such persons do not happen to be covered by insurance and the Crown claims the property, I ask the Minister (and I am not sure that he will be able to give me an answer) at what point of time a meteorite becomes the property of the Crown. Is it upon impact with the earth or upon its entry into our atmosphere? At what point would a person have a claim against the Crown? I think that is important, as I am doubtful whether the majority of people in our community have all of their property insured against an act such as a meteorite falling out the sky and making contact with their property. It may be then found that it is of some value, and because of that the museum would desire to retain it. It appears from this Bill that the museum would be prepared to pay for the meteorite, so it must have a monetary value.

Therefore, a person's property could be damaged by something that has a monetary value, but that person would have no claim against the Crown. I think Parliament should consider this question. I have raised it informally with the Minister previously, and I hope that members of Parliament will take note of my comments. I will not set out to amend the legislation. I might have difficulty in doing that in any case, and people might say that it is unnecessary. However, it will be interesting in the future if that does occur.

Another concern that I have relates to new section 16b (2), which is inserted by clause 6 and which provides:

> A person who finds a meteorite in this State shall as soon as practicable after the finding notify the board and furnish any other information that the board may require.
>
> Penalty: One hundred dollars.

A meteorite is described in clause 4 as follows:

> any naturally occurring object that has fallen to earth from beyond the atmosphere, but does not include a tektite:

I pose this question: of all the members of Parliament who will vote on this Bill, how many of them would know the difference between a meteorite and a tektite? I am sure that I could not tell the difference, because I have never gone to the trouble of looking for a definition of tektite. However, we are saying to the people of South Australia that, if they find an object and happen to think that it is a tektite and then it turns out to be meteorite, they are liable to a $100 fine. There appears to be no escape clause, except that which might apply under common law, namely, that the offence was committed out of innocence because the person did not know that it was a meteorite.

But there would be many people in the community who, if this law is passed, would not have a clue that it even exists. I imagine that even members of the Police Force would not know that it exists. Yet we are saying to people that, if a meteorite is found, even though they do not know what they have found, and they do not notify the board and furnish all the details it wants, they are liable to a $100 fine.

Up to this point of time we have not had a law that has provided that meteorites belong to the Government or to the Crown. Surely there would have been some wisdom in testing the honesty of the community (or perhaps dedication is a better term) to want to have things of significance such as meteorites preserved. Meteorites could be protected for all time either left *in situ*, as they could be in many cases, or transferred to the museum. If we then found that there were cases of people not reporting their findings, we could think about applying fines. I would have supported an attitude of allowing people to work on a voluntary basis.

Our State has a reasonable record with regard to interest in the arts and the museum, and in matters of historic significance to our State. If we pass this law, some unfortunate person out in the wilderness, where this is more likely to happen (in the city the authorities would surely know about it), may come across a meteorite which is large enough for him to move into his garden, and some person from the Board or from some other law-enforcing body could come along and say, "You have a meteorite in your garden; when did you find it?" If the person said that he found it after June 1980, he would then be told that he would have to pay a $100 fine.

I support many of the remarks made by the Leader. However, I want to refer to the area of the museum's operation itself. I would hope that within this State, either within the present museum or associated with it, or in other buildings within the city (if we rebuild there is a golden opportunity), we can have a section that is set aside for sporting relics and matters of interest to groups interested in all the sports in the State.

Within many people's homes are pieces of equipment and photographs that go back to the beginning of sport in the State and, with the passing of time, more and more will be lost forever. I believe that the Constitutional Museum is an excellent project, although it might have been costly. However, it will be significant to the tourist industry of this State. If upgrading and long-term planning enables the museum to be used in a proper way and if all its material is made available for public viewing and appreciation, it is just as important for us to think about sports, in which South Australians have participated over the years. Much of the earlier equipment is probably no longer used and could be found in South Australia and stored.

I hope that the Minister will tell his colleagues in another place that there is a need to work towards a museum to house items of sporting significance. I know that some of these items are retained in the present museum, but little of what is available is on view and, in many cases, these items are scattered over many areas. For example, some of these items are housed at Adelaide Oval, others are at Football Park and others are at the headquarters of other sporting associations. I support the Bill, although I question the penalties for a person who fails to notify that he has found a meteorite, and I ask whether any compensation is available for those whose property may be damaged by an article that automatically becomes the property of the Crown.

Mr. PETERSON (Semaphore): I support the comments made by the member for Fisher about the sporting museum. This concept has been neglected in this State and is a worthwhile contribution to the State's history. Comments were made by Government members regarding a maritime artefacts museum. In Adelaide generally, and particularly in Port Adelaide and Semaphore, there is a substantial collection of maritime artefacts that date back to the early days of the State.

These artefacts are stored all over the place: in basements of old buildings and in old churches. I fear that they will be lost unless they are housed in the State Museum. We are lucky to have an active and effective historical society and maritime museum structure. However, those bodies cannot cope, and they need assistance to preserve the artefacts that are available for display to the people of the State. I draw these matters to the Minister's attention.

The Hon. D. C. WOTTON (Minister of Environment): I thank members for the support that has been given to this Bill, and I thank particularly the Leader of the Opposition for the constructive points that he made in this debate. This Parliament and the State have recognised the need to conserve our heritage. We can all be proud of the museum and what it has achieved under very poor conditions. I believe that South Australia is entering an extremely exciting time in relation to the museum. With the support of the State generally, I am sure that we can look forward to great things in relation to the museum and the conservation of our heritage.

Regarding the comments made by the member for Fisher, I point out that I am not an expert on these subjects, as is my colleague in another place who is responsible for this measure. Therefore, I shall be pleased to obtain further information for the honourable member. When referring to compensation, the honourable member asked when a meteorite became the property of the State. This occurs when the meteorite hits the ground. Reference was made to the fact that a meteorite may cause damage to personal property while in mid air; those circumstances are referred to as an act of God, so I am told. I will seek further information, in regard to compensation and penalties, for the member for Fisher.

The honourable member questioned the fact that the definition of "meteorite" in the Bill includes all formations except tektites. Honourable members may be interested to know that South Australia has the largest collection of tektites in the world, and that is, I am told, something of which we should be proud. Again, I thank the House for its support of the Bill. I believe that we are entering an exciting time in relation to the museum.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Interpretation."

Mr. EVANS: Will the Minister explain the difference between a meteorite and a tektite, so that any person who does not know the difference may read *Hansard* to ascertain it? At the same time, I will learn the difference and, if I happen to find either, I will not be liable to a fine for not taking certain actions.

The Hon. D. C. WOTTON: The member for Fisher has referred to this matter on a number of occasions, which shows that he thinks it is important. I must show my complete ignorance on this occasion and state that, if the honourable member is as vitally interested in this subject as he appears to be, I will obtain the information that he requires from my colleague. I believe that this question was answered by the Minister in another place. I understand that the Leader of the Opposition knows the answer, so perhaps he could provide the information.

Mr. BANNON: I ask the Minister whether it is true that tektites are small glassy bodies, probably formed by consolidated gas in the upper atmosphere or beyond? Tektites do not come from outer space and, as such, can be distinguished from meteorites. Does South Australia have an abundance of tektites, which makes their protection in this State unnecessary? I believe that the origin and composition of tektites distinguishes them from meteorites, which fall to earth from outer space. There are iron meteorites consisting of iron and nickel alloy, and others of different composition. Is it the origin and composition of tektites that distinguish them from meteorites?

The Hon. D. C. WOTTON: I have found the same page as that which the Leader has now found. The answer to his question is "Yes". I was told by the officer in the box that we have in our museum the largest collection of tektites in the world. I thank the Leader for his assistance in this matter.

Clause passed.

Clause 5 passed.

Clause 6—"Enactment of Part IIA of principal Act."

Mr. EVANS: As the Minister has already told the Committee that we have perhaps the largest collection of tektites in the world, can he say whether it means that they fall more frequently in this area than elsewhere in the world? The Minister said that, if a meteorite falls, it is not the property of the Crown until it hits the earth. At any time before that, it is an act of God, which concerns me. The Crown should accept the responsibility once it reaches the atmosphere, although I know that the atmosphere and aerolites fall under the control of the Commonwealth Government and not necessarily the State Government. It must belong to the Crown before it hits the earth. If in a freak occurrence it hit a structure (perhaps a heavy concrete body pad which belonged to a private person other then the Crown) that stopped it from contacting the earth, is it the property of the individual or of God, and not the Crown?

The Hon. D. C. WOTTON: I will seek further information on that question.

Mr. PETERSON: New section 16b(1) provides that the board may offer and pay rewards in respect of the delivery of a meteorite to the board. Will the reward relate to the size, mass or rarity of the meteorite?

The Hon. D. C. WOTTON: Once again, I do not have that exact information. My information is that the person who has been authorised by the board is entitled to enter private property to search for or recover a meteorite. The board may offer a reward for the delivery to it of a meteorite or for providing information that leads to the finding or recovery of a meteorite. I take the honourable member's point, and will seek information for him.

Clause passed.

Clause 7—"Offences."

Mr. EVANS: New subsection (1b) provides that it is a defence to a charge of an offence under subsection (1a) *(b)* of this section for the defendant to prove that he was in possession of the meteorite for the purpose of delivering it to the board. Are we saying there that the person needs to have the meteorite on a vehicle and be carrying it generally in the direction where the board might want it collected or stored, or does the person say, in effect, "It has been in the backyard for six months, but I have not had time to arrange with the board to collect it. I had intended delivering it to the board for some time"? Is that a defence for the person? If we are going to allow a defence there, I should have thought that we would allow a defence for a person who has seen an object, has not reported it, but claims that he did not know that it was a meteorite. Has the Minister information from the appropriate authority regarding the question I asked?

The Hon. D. C. WOTTON: I am unable to give that exact detail, because I was not privy to the work that went into preparing this legislation. Again, if the honourable member believes that it is necessary to ascertain that information I will obtain if for him.

Mr. PETERSON: Regarding new subclause (2), I am not sure whether meteorites have any monetary value. If one had a meteorite but did not know what it was or whether it had monetary value, and if no-one wanted to buy it, and the board found out and sued for its possession, it would seem harsh to me. If one is found in possession and has not declared it, one can be liable for the expense of the process of law for recovery of the meteorite.

The Hon. D. C. WOTTON: Again, this is an important matter, because these are areas in which people will be interested. I will have to obtain more information on that matter. These matters were not raised in the other place when the Bill was debated, and it is not information that has been handed to me. As the honourable member realises, meteorites are based on their scientific importance, but that does not really answer the question. I will get that information.

Mr. EVANS: Is the Minister suggesting that he might report progress so that he can obtain the information before we proceed with the Bill, or that he will make the information available to us after the legislation is in force, hoping that we have sufficient knowledge ourselves, even if others do not?

The Hon. D. C. WOTTON: I intend to get the information later. I intend not to report progress now but to seek the information and deliver it as quickly as possible to the members who are asking all these questions.

Clause passed.

Clause 8—"Repeal of ss. 18 and 19 of principal Act and enactment of sections in their place."

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

To insert clause 8.

This provision appropriates revenue and is a money clause within the meaning of section 60 of the Constitution Act. In accordance with section 61 of the Constitution Act, it may not originate in the Legislative Council, but is deemed necessary to the Bill by that Chamber.

New clause inserted.

Clause 9 and title passed.

Bill read a third time and passed.

ART GALLERY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 February. Page 1327.)

Mr. BANNON (Leader of the Opposition): The Opposition has no objection to the principle involved in this simple Bill, which is designed to increase the size of the Art Gallery Board. However, we will be moving an amendment in Committee in relation to the manner in which the Government proposes to fill the two extra positions created. In his second reading explanation, the Minister said that the board size should be increased so as to allow for a more diverse range of skills and experience, particularly in the fields of business administration and finance.

I believe that the Art Gallery of South Australia is an extremely well run, efficient and successful institution. It is one of the leading galleries in the country. The strength of its own collection, coupled with the magnificent job it does in staging special exhibitions, has made it the envy of many larger galleries elsewhere. The energy of successive

Directors of that gallery, and the competence and foresight of successive boards, has contributed in no small part to its splendid record.

Of course, most recently, the renovations approved and set in train under the previous Government (and like a number of things in the past few months—opened by the Premier of the new Government) have given the gallery the capacity to stage with even greater efficiency some of the major touring and travelling exhibitions that have been obtained. There is great competition for some of these magnificent overseas exhibitions. They usually have only a limited period outside their country of origin, and this means that they cannot be shown in all galleries in countries to which they are sent. Usually, only two or three galleries are chosen to exhibit these exhibitions.

Improvements made to the South Australian Art Gallery under the recent building programme are of a quality and nature that will make even stronger our already strong claims for these exhibitions to be shown here. It should be recalled that some major coups have taken place in that area. For instance, without the activity of the board, the Director and the then Premier, Mr. Dunstan, there was no way in which we would have got to South Australia the enormously exciting and important Chinese exhibition of some years ago.

Similarly, South Australia was successful in securing a number of other touring exhibitions; for instance, the exhibition of Tretiakov and Hermitage Galleries drawings and prints were shown here. Attendances at the South Australian Gallery for that showing exceeded the attendance in Melbourne, an indication of the high artistic appreciation in our community, and also of the excellent staging and promotion of those exhibitions. We do not always have success, and it was a matter of some regret that despite strenuous efforts the gallery was not able to obtain the exhibition of paintings from those Soviet Galleries, following the prints and drawings exhibitions, but there have been many other successful exhibitions, and there are others scheduled.

All of that activity (and I have not referred to such ventures as the historical museum, which is being developed under the aegis of the Art Gallery) has not been achieved without boards of high quality and considerable competence. I am not sure that there is a *prima facie* case to provide for a more diverse range of skills and experience, particularly in the fields of business administration and finance. If what is being said by the Minister in that context is that the board has in some way been deficient in the past, I would seriously question that statement. I think the board has shown a high level of skill and experience. Members of the board, some of them of long standing, and others who have more recently joined it, have brought to that board a wide range of skills, and I do not think that at any stage there has been any doubt about the quality of the acquisitions and exhibitions of the gallery, or about the way it has been administered and run by the board and staff.

Naturally, there are sometimes controversial exhibitions and sometimes controversial acquistions, but that is part of the life and health of any successful art gallery and is something to be welcomed. While I say that there is no *prima facie* case that these extra skills are needed, it is conceded that by increasing the number of members on the board it will have access to a wider range of skills and experience. This is the point at which the Opposition really parts company with the Government. I suggest strongly that there is, within the gallery, an equal reservoir of skill and experience which could be called on in relation to one of the places being provided for in this proposal; that is, for the employees of the gallery to be directly represented on the board. This matter has been under consideration at the gallery for some time. The staff and management have discussed it at length. Staff members have attended board meetings for some time in an observer capacity to gain familiarity with board matters, and this move has been very successful. The involvement of employees in the organisation in which they work is a vital and important part of the health of any organisation.

If staff and management get together and evolve a plan by which staff members can be involved in a representative capacity in the policy-making decisions of boards, then that is something to be welcomed. Discussions have been proceeding and have reached an advanced stage in respect of this matter. They have now been brought to a complete halt by the present Government, which has some sort of philosophical objection to the involvement of employees in decisions made which affect the way in which they work and operate. I think it is a great pity that an ideological objection to the broader principles of industrial democracy means that staff at the Art Gallery are to be denied, unless this Bill is amended, that representation I think they should have. I say "ideological" because we have seen a campaign over recent years to attack and undermine any healthy examination of the various forms of industrial democracy as they apply to business, commercial and public institutions.

Like it or not, industrial democracy is a movement, whose time has come. The successful conduct of enterprise, both private and public, throughout the world will depend on proper and adequate systems of staff consultation, involvement and co-operation, and unless such systems are devised organisations will falter and fail. One looks overseas, not just to Europe but to so-called homes of free enterprise, such as the United States, and finds that in just about every enterprise there are large-scale productive examinations of the way in which the employees of an organisation can be involved in the decision-making process within that organisation.

Members who have had any experience in business, industry, commerce, or the Public Service know just how effective those things can be and how they can be misrepresented for ideological purposes. If this Government is simply dropping any commitment or interest in this field, if it is going to turn back the clock, it will do so at risk not only to itself but also to the development of enterprise in South Australia.

Those general comments on industrial democracy reflect on this Bill. In the Art Gallery we are not talking about the sacred area of private enterprise, or the shock waves of fear and horror that will be sent through the board rooms in this State and interstate if something is done along these lines. Employee participation in the Art Gallery simply means access to board membership of these people who have a wide range of skills, professional and other, and who are involved in the day-to-day operations of the gallery. There seems to be nothing horrific, dangerous or damaging about giving one of their representatives access to board membership.

It seems extraordinary that the Minister given this opportunity, given this history of discussion within the gallery, backs away from it and makes quite clear that there is absolutely no intention of increasing the size of the board in order to make way for an employee representative. That is the point at which we part company from the Government on this Bill. I will have more to say about this at the Committee stage.

The Hon. D. C. WOTTON (Minister of Environment): I will have more to say at a later stage on some of the points the Leader of the Opposition has raised. The Government

intends to increase the size of the board to bring it into line with the size of boards in other States. In particular, we are increasing it from seven members to nine members to allow for a more diverse range of interests, skills and expertise. This relates particularly to the fields of business administration and finance. I will have more to say on this matter when the opportunity arises later in the debate. It is felt that it is necessary to increase the size of the board to bring about more expertise in the fields of business administration and finance, and that is the main reason for the increase in the size of the board.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Constitution of the board."

Mr. BANNON: I move:

Page 1, after line 13—Insert new subclauses as follow:

(2) One member of the board must be a person—

(a) who is a member of the staff of the Art Gallery; and

(b) who has been chosen, and nominated for appointment, in accordance with the regulations by the members of the staff of the Art Gallery,

but the head of the Art Gallery Department or his deputy is not eligible for nomination under this subsection.

(3) In this section—

"staff of the Art Gallery" means all persons employed on a full-time basis in or about the Art Gallery.'

Although I cannot move to insert a new clause 4 at present, I have circulated the new clause, which is consequential on the present amendments and which is as follows:

4. Section 7 of the principal Act is amended by inserting after paragraph III of subsection (1) the following paragraph:

IIIa. In the case of a member appointed on the nomination of the staff of the Art Gallery if he ceases to be employed as a full-time member of that staff:".

I would like that new clause to be considered together with the amendments I have moved. When speaking to the second reading I outlined some of the reasons behind this provision. I think it is an important matter of principle but, if the Government feels that it is not prepared to give way on the matter of principle in this matter, there is no reason why this amendment to this Bill should be seen as such.

The question of staff representation on the Art Gallery Board is something that has been discussed at considerable length within the gallery. It is not something that was forced on employees or on the management; it came out of proposals that were developed at some length by a steering committee within the gallery itself. I want to go into the chronology of events to indicate how this has evolved. I do it to illustrate that in the Art Gallery one can suggest several reasons why it would be quite appropriate for a staff representative to be on the board of the gallery without creating a precedent which is universal or which would suggest in some way a derogation from the Government's ideological resistance to the idea of employee participation at that level of decision making.

I point out that there are other areas where staff representatives do take part in such deliberations or are members of boards. For instance, the South Australian Theatre Company has such a provision in its Act that has worked extremely successfully in the five years it has been in operation. It is not without precedent, and certainly its success can be testified to.

In relation to the Art Gallery in particular we go back to February 1978 when the Premier appointed the Director of the Art Gallery to the board. Before that, the Director had not been a member of the board but the Government's view was that, if the staff had a representative, the Chief Executive of the organisation should also have the right of representation. I think that is a practice that is widely accepted in industrial circles. The Premier appointed the Director of the Art Gallery to a vacancy on the board, on the understanding (and this was made clear at the time) that arrangements for industrial democracy were to be set in train by discussion and consultation within the gallery and the appointment would be for only one year, subject to extension, while those discussions went on.

At that stage the Unit for Industrial Democracy was asked to consult with the Director of the Art Gallery and to discuss some sort of amendment to the Act that would provide for an elected staff member to the board to supplement the membership of the Director of the gallery. An article in the *Advertiser* following that appointment of the Director attacked his appointment and suggested that instead a representative of the Friends of the Gallery should be elected. That is something that the previous Government considered as well, something which I as Minister was reasonably favourable towards, although the question of direct representation from the friends (as in the case of the Opera Company where the Friends of the Opera have a board representative and where, incidentially, there is also a staff representative), was something which we had not fully worked through.

Certainly, I think it is important, whether the Friends of the Gallery have a direct elected representative or not, that somebody active and involved in that organisation is on the board. The fact that this Bill creates two new positions indicates that one could be filled by such a person, and another could be filled by the staff representative, where advocated. However, the Director's appointment, as such, was attacked. It was suggested and discussed that a representative of the Friends should be substituted.

Discussions continued within the gallery and with the Director. The various trade unions or organisations representing employees at the gallery were also involved; they knew what was going on as well. During March, April and May 1978, various meetings were held between the Unit of Industrial Democracy, full-time officials and job delegates. That series of meetings resulted in a programme for implementation of industrial democracy being drawn up, and discussion on what the principles were to be: how the staff representative, for instance, was to be elected, in what form industrial democracy should be, and how many representatives would be an ideal number for efficient representation of staff at board level. That resulted in a steering committee being formed that met regularly with both the Director and the unit.

Seminars were held at which people were acquainted with the various proposals for industrial democracy. In September 1978, as part of that process, the board invited staff observers to attend board meetings, on a rotating basis, a practice which worked extremely successfully but which, I understand, has been discontinued. I think it is a great pity that what I would call a backwards step has been taken by the gallery, whether at Government direction or not, I do not know. If it was at Government direction, the Government should be condemned. If it has been done internally, within the gallery, it is a great pity that that practice has been discontinued by the board, because it was a very productive development.

So, the key points are that in all this process the staff was consulted, and proposals produced came from the staff, after lengthy discussion. It is true that staff members (and the Minister in another place has referred to this)

were not happy with simply one representative. They suggested one employee member on the board for every two outsiders. That proposal of there being more than one representative was discussed widely; it was their opinion.

The Minister in another place has made much of the fact that, in his view, this was how the outgoing Government saw staff representation on that board. As the Minister concerned, I can say that that was not the case. The matter had not been finalised. When the staff request came through, I forwarded it to the Minister of Labour and Industry, who had the role of co-ordinating industrial democracy programmes of the Government. I asked him what he thought of this proposal of the staff in the context of the overall Government industrial democracy programme, particularly in the Public Service.

The Unit for Industrial Democracy prepared a comment on that which supported the concept of having more than one staff representative and which it then forwarded to its Minister. That comment which was prepared by Mr. Charles Connelly was referred to by the Hon. C. M. Hill in another place. This reasoned statement of the unit's attitude in relation to the Art Gallery staff proposal was sent to me, in turn, by the Minister of Labour and Industry, without a particular comment or recommendation from him, because the matter was not being resolved by that minute or in that way.

So, it is completely untrue to say that it was Government policy that there should be more than one staff representative on the board, or that there should be one employee member for every two outside, or whatever else has been alleged. The matter was not finally resolved. In principle there was to be staff representation. The number of staff and how that representation was to be achieved was not finally determined.

Therefore, the position has been obscured by comments that suggest this was the way we approached it whilst in Government. Our attitude to this area was one of consultation and discussion. The matter had not been finalised. The fact is that the Director remains a member of the board of the Art Gallery. We have no objection to that, provided that he is balanced by the membership of the employee member. The machinery is there; consultation has taken place. The staff, as I understand it, would still very much like to have that representation, that window, if you like, on the decisions to be taken by the board.

The Opposition believes that this is quite appropriate in principle, and in the particular circumstances of the Art Gallery. It can only lead to better staff-management relations in the gallery, and to an improvement in the input of skills and expertise, to which the Minister referred in his second reading explanation. To say that what is lacking from the board is business expertise is not quite true; a couple of businessmen are on the board. I do not think it a is a very good reflection on board members to talk about it in the way the Minister has. That aside, one of the areas of skills and expertise that the board lacks should come from the rank and file staff at the gallery itself. This move is not threatening or dangerous. The observor practice, which has apparently been discontinued, was working well. I think it should lead, as it will if our amendment is carried, to proper representation of a member of the staff on the Art Gallery Board.

The Hon. D. C. WOTTON: The Government does not support the amendment. As I said earlier in the debate, there are a number of reasons for this, to which I will refer. We do not believe that there is a need for this amendment. The Government, and particularly the Minister, feel that employee participation is evolving satisfactorily at the gallery, but at this stage full board membership for a staff representative is neither necessary nor desirable. The Leader of the Opposition has referred to the Director, who is, of course, a board member. He has not referred to the fact that a staff representative sits in on the board meetings at this time.

Mr. Bannon: I have, but I understand the practice has been discontinued.

The Hon. D. C. WOTTON: The Leader said that it has been discontinued, but I can say that it continues, and that the Minister is very pleased about it. The amendment is in line with A.L.P. policy on employee participation. The Government feels that it will not be bulldozed into legislation for employee participation on boards, nor is it desirable that the Opposition force the Government into an issue on a small statutory authority. The Leader of the Opposition also referred to the time when he was Minister. When the question of employee participation arose, the present Minister asked for a report on the history of the practice at the Art Gallery.

Mr. Connelly, Chief Projects Officer of the Employee Participation Branch, conducted the inquiry. I do not think it is necessary for me to go into all the details of that inquiry, but he ascertained that the following propositions had been submitted by a group of staff representatives who formed the employee council in May 1979, and three points were brought forward regarding the propositions. I think the Leader has already referred to a couple of these and they were as follows: first, an employee council comprising staff representatives; second, a joint management meeting comprising two members of the employee council, plus the Director and the Deputy Director; and third, employee members on the board in the ratio of one employee to each two other members, excluding the Director and the Deputy Director. Both the first and second points have been enacted and are working satisfactorily. As to the third point, I suggest to the House that the Government feels that this ambit claim still stands, and as far as the Government is concerned this is not acceptable.

Recently, elections were held for representation on the employee council, and they resulted in a majority of new members. I suggest that there is nothing wrong with that; in fact, it is probably a very healthy sign. However, the Minister responsible for this legislation, in another place, believes that there is a need for the new council to be given time to deliberate on their attitude towards employee participation.

I could go into the policy of the present Government in regard to employee participation, but I do not believe that is necessary. I say again that the matter of employee participation in the gallery is evolving quite satisfactorily, and it is something to which the Government wishes to give more thought. With reference to the point that the Leader made about my suggestions concerning members of the board and the ability of those people, the Government has no concern about their present ability at all—I want to make that quite clear. The Government is very pleased with the present board, but it is felt that it would be good to bring it into line with boards in other States as far as numbers are concerned and also to improve the board. That does not necessarily mean that there is not expertise already there, but it would bring about even more expertise in the fields of business administration and finance. That was the intention in increasing the board from seven members to nine members. The Government does not accept the amendment.

Mr. BANNON: I am not wholly convinced by the Minister's assertion (without very much to back it up) that employee participation is evolving satisfactorily at the gallery. Be that as it may, I do not think that gets over the

basic question that we were discussing of how adequate representation for employees can be secured. We think that the most adequate representation can be secured by the employees having a window, if you like, on to the board, and access to and membership of it. I am glad of the Minister's reassurances about the practice of allowing staff observers to attend board meetings. I had been informed that this was not the practice any more; if my information was wrong, I am glad that is the case, because I think that was a very healthy and productive practice. I was surprised to hear that it had been discontinued, but it now appears that my information was erroneous.

What we are proposing may be in line with A.L.P. policy, and I suppose it makes sense for members on this side of the House to be advocating that policy, but I do not see that it is a crucial sticking point of principle for the Government as far as its policy on employee participation is concerned. I think the treatment of a department such as the Art Gallery, which is self-contained and which has a particular function, means that no great principle is being established. In fact, if one looks at the bodies such as the Theatre Company and the Opera Company, one can see a greater nexus or similarity between them and the Art Gallery than between some other areas of public or private enterprises. Therefore, I do not see that the Government is giving anything away by accepting this amendment. I think it is pretty reasonable.

The Committee divided on the amendment:

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

Noes (20)—Mrs. Adamson, Messrs. Allison, P. B. Arnold, Ashenden, Becker, Billard, Blacker, Eastick, Glazbrook, Goldsworthy, Lewis, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, Tonkin, Wilson, and Wotton (teller).

Pairs—Ayes—Messrs. L. M. F. Arnold, Duncan, McRae, and Wright. Noes—Messrs. D. C. Brown, Chapman, Evans, and Mathwin.

Majority of 3 for the Noes.

Amendment thus negatived; clause passed.

Clause 4 and title passed.

Bill read a third time and passed.

DOG CONTROL ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 March. Page 1467.)

Mr. HEMMINGS (Napier): It seems that it falls to my lot to talk about the canine species in this House. I was a little disappointed that the Deputy Premier mentioned recently an occasion on which members on this side put forward an argument in regard to this matter; he denigrated our comments to the extent that he considered we wasted the House's time for 3½ hours. I do not intend to debate this Bill for 3½ hours.

The Hon. D. C. Wotton: Have you decided whether they—

The SPEAKER: Order!

Mr. HEMMINGS: As I was saying before I was rudely interrupted, I do not intend to debate this Bill for 3½ hours. We on this side support the Bill, but with severe reservations. It is fairly well known that the present Minister of Local Government in another place has stated publicly that he intends to reduce severely the powers of the Central Dog Committee; perhaps this Bill is the first small step towards the dismantling of the Dog Control Act and the responsibility of the Central Dog Committee. I hope that the Minister in charge of the Bill in this place will allay these fears in the Committee stage.

The Opposition appreciates the reasons for the Bill's introduction. We know that it is a result of a Crown Law opinion and, for that reason only, we support it. However, I add that, when the Bill was introduced in another place, the Minister in his second reading explanation gave no indication of why the Bill had been introduced. The Hon. John Cornwall asked the Minister why the Bill had been introduced, and the Minister agreed to consult with me as the spokesman for local government. We ascertained through one of the Minister's officers the reason for its introduction. The Minister also stated that other amendments were in the pipeline that would severely restrict the powers of the Central Dog Committee. Perhaps this Bill is the first step in reducing the powers of that committee.

The history relating to the Dog Control Act is relevant to a consideration of this Bill. When the Act was first introduced, it received widespread support from the community, local government, the Royal Society for the Prevention of Cruelty to Animals, many dog associations (which were in favour of what the Government of the day was trying to achieve), and the Australian Veterinarians Association. The Select Committee that was set up agreed with most of the recommendations of the working party, with the exception of one point, which dealt with the Central Dog Committee. If honourable members read the report of the Select Committee (which makes good reading), they will see that there was considerable debate even about the name of the committee. Quite a few variations were put forward.

The name "Central Dog Committee" was finally decided upon, because it was not authoritarian but indicated that the committee would advise on the policing and control of the Act. The Act brought about uniformity within local government in regard to the policing and control of dogs, which had not happened up until that time. In fact, the Select Committee received numerous submissions from local government generally, indicating that local government could not police the existing Dog Act, although it supported the Act. That was why the Central Dog Committee was established.

This Bill, which gives powers to individual councils to fix fees under council by-laws instead of by the Governor by regulation, will perhaps create no problems and not destroy the uniformity that the principal Act aimed for and achieved; however, I am not so sure. If the committee's advice about fee fixing is still obtained by local government when attempting to fix fees for the licensing of kennels, this Bill is administrative and it causes us no concern, but, if it results in a situation where councils can set prohibitive fees and in that way drive kennels from one local government area to another, there is a problem. That situation was prevalent prior to the passing of the Dog Control Act.

The Minister in another place stated, in answer to a question in dealing with the Bill, that it could well be that the advice of the Central Dog Committee was being sought, but (and here are the words that worry us) that situation would be rectified. I hope that the Minister in charge of the Bill will inform the Minister in another place that, when we go into Committee, I will seek clarification of this point so that the Opposition can ascertain whether this Bill will purely and simply rectify a problem that was shown as a result of the Crown Law opinion, or whether it is the first step towards the dismantling of the Central Dog Committee. I support the second reading.

The Hon. D. C. WOTTON (Minister of Environment): I point out to the honourable member that there is nothing about the Central Dog Committee in this legislation. The Opposition has taken most of the time in suggesting what might be happening about that committee, but I do not think that the House need be over-concerned about that matter, which will be looked after by the Minister responsible for the legislation in another place. No honourable member need be afraid of what my colleague might or might not be doing. He will handle this legislation in the same way as he handles all legislation—very well indeed for the benefit of all South Australians. We will all have the opportunity to debate other matters when further legislation is introduced.

As the honourable member has said, the Minister has given notice that further legislation will be brought down in another place, and we will have the opportunity then to discuss matters relating to the Central Dog Committee. I understand that most councils control kennels through the Planning and Development Act. As I imagine that the Opposition would have realised, the Bill really is basically administrative. I do not intend to say any more than that, except that there is no necessity for the Opposition to be concerned about what might happen in the future. We have before us now this short Bill which proposes two amendments to the principal Act. I thank the Opposition for its support for the legislation.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Licensing of kennels."

Mr. HEMMINGS: Can the Minister say whether the fees presently being fixed are being set with the advice of the Central Dog Committee and whether, with the passing of this Bill, that advice will still be sought by local government?

The Hon. D. C. WOTTON: I believe that to be the case, but obviously the honourable member needs to know more than that, so I will obtain the information and supply it to him.

The Hon. R. G. PAYNE: New subsection (2a) *(a)* states:

> the council is satisfied that due notice of the proposal use of the land has been given to persons in the locality who may, in the opinion of the council, be affected.

Has there been a typographical error in the Bill? I would have thought that the use of "proposal" in that context would indicate in terms of tense and time that something had already occurred, whereas I understand from the new subsection that, at the stage at which the council would be considering whether a licence should be granted under this provision, it would be a "proposed" use of the land.

The Hon. D. C. WOTTON: I believe that that is the case; it is "proposed" use of the land. If the honourable members needs more information, I can obtain it for him.

The Hon. R. G. PAYNE: As the Minister is in charge of the Bill, I thought that he would give an undertaking to have the matter examined.

The Hon. D. C. Wotton: I've said I would get more information.

The Hon. R. G. PAYNE: That is not an undertaking. I want more information. I have drawn attention to something which might be minor but which could be arguable later if adjudication were called for in the matter. I will accept the Minister's assurance that he will examine the matter.

The CHAIRMAN: Does the Minister believe that it should be "proposed"? If so, I will have the correction made.

The Hon. D. C. WOTTON: I believe that it is a typographical error; it should be "proposed".

The CHAIRMAN: The necessary clerical correction will be made.

The Hon. R. G. PAYNE: Thank you, Mr. Chairman. The Minister's co-operation was not forthcoming until he was put under pressure.

Mr. HEMMINGS: I thank the Minister for undertaking to obtain further information about the assessing of fees. If he can obtain additional information which indicates that at present the Central Dog Committee advises in the setting of fees, will he undertake that that committee will still give advice after the Bill has been passed?

The Hon. D. C. WOTTON: I undertake to obtain the information. As I am not the Minister responsible for the legislation or for its workings, I can give no assurance that that will happen. I will take up this matter with the Minister in another place, obtain the information from him, and see whether he can assure the honourable member.

Mr. PETERSON: New subsection (2a) *(b)* states:

> the council gives due consideration to any objections raised by any such person.

In some council areas, dogs are causing many problems; they certainly are in some of the areas of which I am aware. If permission is given by a council and the residents in the area object further, what medium of objection will be available to them?

The Hon. D. C. WOTTON: I accept the honourable member's point as being important, and I will obtain the proper information for him.

Mr. HEMMINGS: As the Minister has said, in reply to questions from the member for Semaphore and from me, that he will obtain information from the Minister concerned, perhaps he could report progress to obtain the information and dispose of the Bill this afternoon? The point raised by the member for Semaphore is valid, and so is my point.

The Hon. R. G. PAYNE: I appreciate the position that the Minister is in. I know that he is not directly responsible for the Bill, but I believe that he may have information available about it, so I ask whether he can outline to the Committee what might be encompassed in the description that appears in new subsection (2a) (b), which states, in part, "gives due consideration". Has the Minister any knowledge of what action a council would take concerning those words when considering whether a licence is to be issued or not?

The Hon. D. C. WOTTON: From my experience, it would be very much in the hands of the local council. I think that action associated with the term "due consideration" would be the responsibility of the council. I understand that councils would advertise in a similar manner to that used in the Planning and Development Act. I believe the honourable member knows how that takes place. I am led to believe that that would be the case in this situation.

Clause passed.

Clause 3—"Making of by-laws."

Mr. RUSSACK: I am particularly pleased that this clause has been introduced. I know that councils in my electorate have had much trouble with dogs for some time but have been powerless to do anything because of their inability to draw up by-laws that are acceptable. The Riverton council has had a number of problems with dogs for some months. I commend the Minister for this provision, because I am sure that it will overcome the councils' problems by enabling them to carry out the actions prescribed in the Act.

The Hon. R. G. PAYNE: I, too, support this clause. Only a few days ago I was discussing this matter with the Town Clerk of Mitcham, who told me that the council was

withholding action in certain matters until this Bill had been passed. I am pleased to see this provision in the Bill.

Clause passed.

Title passed.

Bill read a third time and passed.

JUSTICES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 March. Page 1828.)

Mr. CRAFTER (Norwood): The Opposition supports the second reading of this measure, which aims to overcome difficulties that the Corporate Affairs Commission has had in carrying out its functions as a prosecutor under the Acts vested in it. I note that in recent years there has been an increase in the number of companies prosecuted by the commission. A recent report issued by the Attorney-General about selected returns in the Adelaide Magistrates Court for the period 1 January to 30 June 1979 indicates that, during that period, almost 25 per cent of prosecutions in the Adelaide Magistrates Court were pursuant to the Companies Act. Some 792 prosecutions were launched under that Act out of a total of 4 186 cases disposed of in the Adelaide Magistrates Court, so there is undoubtedly a large number of prosecutions under the Act. There is, at the moment, some difficulty in expediting those prosecutions, many of which are simply pleas of guilty for failing to lodge annual returns, and other such matters.

The Bill seeks to provide a speedier way of expediting these prosecutions. In particular, it will allow the commission to serve summonses by post and the offending company to plead guilty by post. This will undoubtedly bring about a decrease in the burden on the Magistrates Court and on the magistrates' time. It will involve less cost for the corporate bodies, particularly in relation to the need for representation before the Magistrates Court.

It is interesting to note that, in those matters to which I have referred that came before the Magistrates Court in the period under review by the Attorney's office, substantial fines were levied against the defaulting companies. The maximum fine amounted to $858 and the minimum fine to $19. The mean average fine during that period was $70, so not only is there a large volume of prosecutions of this nature but also heavy fines can be levied against companies that fail to obey the law.

It is on this point that the Opposition raises its concern about this measure, in that the ambit of seriousness is not delineated in the measure. The Opposition is concerned that the measure will allow for some quite serious offences to be dealt with in this way without the public officer or counsel for the offending company having to appear in court. I notice that some 109 of the 784 Companies Act prosecutions resulted in no penalty being recorded, so obviously there is a great deal of representation in such matters and there are many pleas of not guilty. This measure will not eliminate those prosecutions, and no doubt much of the court's time will be taken up with companies trying to explain their reasons for not following the law. However, there is a sufficient number to warrant measures of this nature.

This Bill does not bring down any guidelines, so in the Committee stage we will be seeking further information about this matter. The measures being sought here have been in existence for many years in other areas of the law, particularly in road traffic matters and in local government by-law breaches, where they have served both the defendants and prosecutors well. This measure will undoubtedly lighten the load on the courts and assist in the administration of the Companies Act, in particular. However, I point out that there needs to be some further explanation of how these amendments will be administered.

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

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Service of summons by post."

The Hon. R. G. PAYNE: I believe that service of a summons by post is generally preferable to other methods often adopted. Recently in my electorate a summons was served, in person, on a person 74 years of age at 10.40 p.m. From your expression, Sir, I think I can understand your opinion on that matter. I realise that here we are dealing mainly with company matters, but this is the section of the principal Act which applies. The summons to which I refer was served by a police officer working in his own time on a paid basis. I have no quarrel with that activity, but I would think that delivery of summonses could be a matter for consideration, bearing in mind particularly that service by post would appear the most suitable method in many cases.

Clause passed.

Clause 3—"Procedure for plea of guilty to be entered in writing."

Mr. CRAFTER: I foreshadowed in the second reading debate that I would seek some clarification from the Minister in regard to the interstices within which the officer designated under this legislation would exercise his authority in relation to those matters that would be the subject of a prosecution in writing. This is a matter of some concern to the Opposition. If there are monetary penalties in Companies Act prosecutions, they are not matters where there is a designated maximum penalty, because the penalty flows from each day for which the return, for example, is not forthcoming, so that penalties can be quite substantial, even running into thousands of dollars.

It would seem that there is a requirement that some discretion be provided so that directors or public officers of companies must be required to attend at the court and answer in the public interest why they have not complied with the law. It may well be that much more substantial penalties or lesser penalties would be provided if an explanation could be given to the court personally rather than in writing. This is a matter of concern, and the Opposition would appreciate some clarification of the position.

The Hon. H. ALLISON: This technical point was raised, somewhat surprisingly, in another place, and has been raised again in this Chamber. I say "somewhat surprisingly" because the intention of the legislation is essentially to ensure that the Corporate Affairs Commission can issue summonses *ex parte,* and this means that the Corporate Affairs Commissioner himself, who used to appear before a justice of the peace and was directly involved in the summonsing procedure, no longer has to go through that. This is significant in the light of the very large number of summonses issued by the commission, many of them, as the honourable member said, ending up without any penalty being imposed.

The question of guidelines within which the Corporate Affairs Commission and other prosecuting bodies might operate has not been completely addressed, but the Attorney-General did undertake to obtain guidelines as soon as possible and to make them available to the Leader

of the Opposition who led the debate in another place. I would make the same undertaking. The Opposition in another place said that it had no intention of holding up the legislation. In fact, this piece of legislation was drawn up, I believe, 18 months ago, with the intention of satisfying the desire of the previous Attorney-General to amend the legislation. It has not been altered in any way before being brought into this Chamber, and therefore I suggest that both Parties have previously agreed in principle with the legislation. I will undertake to do precisely what the Attorney-General promised to do in another place, and that is to make the guidelines available as soon as possible for the honourable member.

Clause passed.

Clause 4 and title passed.

Bill read a third time and passed.

CHILDREN'S PROTECTION AND YOUNG OFFENDERS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 June. Page 2452.)

Mr. ABBOTT (Spence): The Opposition is prepared to support the second reading of this Bill, but it will raise a number of objections to it in Committee. The major proposal as outlined in the second reading explanation is that a system of work orders should be introduced for those juvenile offenders who have a fine imposed on them and who have had ordered, in default of payment of that fine, a period of detention. The proposal, therefore, is a limited one; it is limited to juvenile offenders who are ordered detention in default of payment of fines, and it does not relate to juvenile offenders who, as part of their initial sentence, are ordered detention.

The Labor Party has, as part of its policy, supported the implementation of a system of periodic detention for all offenders in general terms, and along lines similar to those which I understand are applying in New Zealand. Our policy in this respect applies also to adult offenders. However, that is beside the point in relation to this Bill and I will not delve into that any further.

We therefore support this proposition, even though it is a limited one. The Opposition does not regard other amendments proposed as sundry amendments for the purpose of easing a few minor difficulties—far from it. I believe that the Government has introduced this Bill in a very hurried fashion and before getting its priorities in order. I shall explain that a little later.

I agree with the comment that has been made that the detention of juvenile offenders in institutions can be non-productive, but by the same token I cannot agree that this will be a major cost-saving factor to the Government. On the contrary, I believe that it could be more costly to operate this system than it costs to operate the present system. What some of the remaining clauses do is try to implement Liberal policy in this area. The Government is attempting to introduce into this Bill those amendments put forward when the legislation was first introduced last year. Hence, there are a number of significant amendments in addition to the work order proposals.

The Opposition is opposed to a number of these amendments. In regard to clause 4, the existing Act provides that guardianship of infant matters, which are currently dealt with by the Supreme Court or the Local and District Criminal Court, should be dealt with in the Children's Court. The philosophy behind that was that a specialist children's court dealing with the problems of children, should logically deal with problems of guardianship of children. That was agreed to by the Parliament last year when the Bill was passed.

The sections providing for guardianship of infants to come within the jurisdiction of the Children's Court were not proclaimed, as the Act had just come into effect and it was believed that there would be insufficient judicial manpower to deal with guardianship of infant matters in the Children's Court immediately upon proclamation of the Act. However, the previous Government intended to proclaim these provisions and to transfer the jurisdiction to the Children's Court at the appropriate time after assessing the work load of that court. There is no sound argument why the Government should now change this provision and, accordingly, we intend to oppose that provision when the Bill goes into Committee.

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, watchhouse or lock-up until he is brought before the court. The Opposition considers that this provision is unwarranted. If a problem exists in a country area or a remote area it ought to be solved by providing separate facilities for juveniles in those areas.

I know that the Department for Community Welfare is looking at plans to upgrade training centres and secure residential centres in South Australia. Planning is under way to provide separate secure accommodation for youths who require such care. It is envisaged that two secure units will be available in the metropolitan area, and one in the northern part of the State, in a township such as Whyalla or Port Augusta. The Government needs to get its priorities in order. The upgrading and expansion of these facilities should be given high priority, and that work should be completed before the proposals that are presently before us are implemented.

I ask the Minister to define a remote area. This could well depend on the circumstances prevailing at the time—how busy the authorities might be, or who is available to handle such cases. I believe that if it suits the occasion we may well find that towns close to larger townships will be deemed to be in remote areas.

The Department for Community Welfare has implemented an intensive neighborhood care scheme, and I am well aware that that scheme is functioning very well. I believe that this scheme could be implemented throughout a far wider area of the State; it could take care of this problem.

Recently we read in the press a statement by the responsible Minister that he had introduced a system of bush sentences for young Aboriginal offenders. The department could run into quite serious problems with that scheme. For example, I know that there could be problems as to whose responsibility it is to deliver young offenders to the home that is designated to operate under that scheme. Also, there will undoubtedly be absconding from homes by young Aboriginal offenders. Although the Opposition is prepared to allow that scheme to operate, and hope it will operate successfully, we believe there could be problems with it. If the department can introduce schemes along those lines, I cannot see why it cannot introduce similar schemes for other young offenders within the remote areas of South Australia. The Opposition is opposed to this provision because there are better ways of solving the problem, as I believe I have outlined. Further, clause 7 deletes a provision that has not so far been brought into operation. The Act presently provides that once the trial of a child has been completed, the court must, within five working days, deliver its verdict as to the child's guilt. The amendment seeks to provide that the court must deliver its verdict as expeditiously as is

reasonably practicable. If judges have difficulty delivering judgments expeditiously, and if there are delays, surely the answer lies in increasing the judicial staff of the courts. People should not be left waiting for judgment, and the Opposition believes that that provision should not be taken out of the Act.

An Opposition amendment to clause 8 was successful in another place. I understand an amendment will be moved by the Minister in the Committee stage; therefore I will comment further in relation to this clause at that time.

Clause 10 provides that the Children's Court, in 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 Opposition does not believe that, in the parole area, the police should be notified, or should participate in decisions relating to parole. We therefore intend to oppose that clause. The Government intends to introduce an amendment to clause 15 in Committee, and I will comment on that clause at that time. I am sure that other members want to debate this Bill, and questions will be asked in relation to the various clauses. I support the second reading.

Mr. HEMMINGS (Napier): Like the member for Spence, I have reservations about this Bill, and I will oppose some clauses in the Committee stage. One of the problems mentioned by the member for Spence relates to clause 5, which 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 in an approved police station, watchhouse or lock-up until he is brought before the court. Evidence from country areas indicates that young offenders are placed in police cells that contain literally no furniture or blankets but only a mattress on the floor. Adult detainees do not have to suffer these conditions; it is wrong that young offenders have to suffer in this way.

The Government is saying, in effect, that in remote areas appropriate accommodation cannot be provided. We believe that at certain centres young offenders can be provided with adequate accommodation until their case is brought before the court. The cost to the State would be minimal. We agree that, in certain circumstances in which a young offender may be on a serious charge, it may be necessary to place that offender in a secure area such as a police station but, generally (and I think the statistics bear me out), most young offenders are not detained as a result of a serious charge.

I refer to clause 7, under which the Commissioner of Police is to be notified that a young offender will be brought before the training review board for release. The Opposition believes that this situation does not occur in relation to adults in this State and, therefore, young offenders should not be subjected to these conditions. The points I have raised cause the Opposition some concern, and I may ask the Minister questions in the Committee stage. I support the second reading.

The Hon. R. G. PAYNE (Mitchell): I ask members to consider the main import of this Bill. In introducing the Bill, the Minister stated that its principal object was 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. Those to whom this proposed amendment would apply must be considered—the children who, for one reason or another, have not been able to pay a fine. This is, in effect, an alteration to the law that recognises that there are inequities in society. The fact that alternatives other than detention are to be provided for children who are unable to pay a fine means exactly that.

In respect of any offence for which the fine was awarded, other children, who might have committed the same offence, on being sentenced might have been able to produce the cash, either from their own resources or from their parents' resources. That is what it boils down to. Children who in the main come from what the sociologists delight in calling the lower socio-economic area will be those children who are unable to provide the cash. I do not suggest that detention is preferable, but, in considering this Bill, there may be a tendency for members to think "This could be nice; it will take care of a problem whereby some people are detained and others are not."

We must remember that, despite our good intentions in regard to this Bill and despite the fact that there is some agreement, as has been indicated by members on this side, the Bill applies to juveniles in a certain section of the community only, people who, through no fault of their own (and remember that we are speaking about children), are not able to do much about their place in society or to dictate what should happen to them.

They will be required, because they are unable to come up with the cash from their own resources or from those of their parents, to be subjected to the requirements of the Bill. For that reason, we ought to be able to look at the Minister in this House for considerable explanation. Naturally, he has more than one opportunity to provide it. It may well suit him in Committee to give the explanation as to how this scheme will actually work. He has the choice, and he may choose to do that. He may, in closing the debate, have information that has not yet been aired in the discussions in the other place or was not provided in the second reading explanation which will explain to us the proposed workings of the provisions of the Bill that will apply to those unfortunate children to whom I have referred who will not be able to come up with the cash, and thus be required to be detained or else opt for the system of working out the fine. The Minister's second reading explanation states:

> 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.

That tells us the time. If we study the explanation further, we get a suggestion of how the total time might be worked out. The explanation further states:

> 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 . . .

There are no details. Could this be a form of punishment allied to the stocks of yesterday? The honourable member who is attempting to interject has not been in the House a great deal. I appreciate that he is paying attention to my remarks, but he should wait until I finish the point I am trying to develop before he interjects. Is it intended that persons will be punished in this way (use whatever euphemism you like, the real punishment is that you have not got the dough; if you have go it, you would not have to work it out)? Let us not gloss over the matter. It could be preferable to straight-out detention: I do not want the honourable member to get the wrong impression. The children who will be involved will be those who cannot pay. No child, in the main, has any control over that. He did not ask to be born, or come from a given level of

society, or have control over his genes or the education he has had so far, or to be put in the circumstances he is in.

Let us not gloss over that and say, "This is nice. We are doing some forward thinking in South Australia. We have this Bill. We have come up with a scheme whereby they will work it out." It may be better than being in detention, but we ought to know whether that is what is proposed for our youth who will be subjected to this scheme. There are some ameliorating factors. The Bill refers to the Director-General. If that reference is to the Director-General of Welfare (Mr. Ian Cocks), some of my fears are removed. I know him very well, and his reputation in these matters throughout Australia is beyond compare; so one of my worries could be said to be answered. I suggest that the honourable member who interjected does not even know who is the Director-General of Community Welfare; I am not being critical. The member for Mallee has not been here all that long and could not be expected to know. He should think before he opens his mouth and interjects; that is reasonable to put to him at this stage. I will not be diverted from my point.

There are no details of the scheme, nor will Mr. Cocks or other officers of the department necessarily be present all the time when the juveniles we are speaking of are being required to enter into these programmes. What will happen? Will they be paraded at a community project and be pulling up onion weed when people are passing and saying, "It's that lot. They're doing a bit of out-of-McNally time." It could degenerate to that. We are considering a most important matter. In no way is Parliament normally always able to foresee what can happen under the legislation we are asked to consider and approve. I shall be looking for some detail, hopefully, from the Minister in charge of the Bill. I did not say that these things would happen; I said that they could happen. Let no honourable member suggest that they could not happen, because from time to time all over the world eventually ill treatment, brutality, and all the other things which on occasion occur with offenders and prisoners go on for years, and are suddenly brought to light. I am not suggesting that they will have whips over them and that, if they do not pull up 1 000 onion weeds every 10 minutes, they will be in trouble.

What is proposed in this matter? There is nothing to suggest the kind of work they will be doing. Will they be handed over to service clubs, which will have the say in what they are to do? That may or may not be a good thing. There is something wrong with the member for Mallee. He can never wait to find out what the speaker is going to say. He is always trying to jump in. If he waits he may make a point that we will note some day. I do not want to descend to that level. I am trying to suggest that I am genuine in what I am saying on this matter. If he believes that the details are in the second reading explanation, let him get up and say so, but I cannot find any. I do not want a detailed list of everything that a person participating in a programme of the nature suggested will be doing. However, I believe that members will be doing less than they should to the young of this State if they do not take the trouble to attempt to find out at least some of the detail involved in this matter.

That is the main part of this Bill. I chose to bring to members' attention that it is not just a matter of saying, "They will not be held in detention. That sounds better. We ought to give the okay." We have not heard from any Government member about his feelings on the matter proposed, but we ought to hear. I think that we would probably find that there is a fair commonality in relation to the handling of juveniles, whether detention, sentencing, court procedure, or the proposed new scheme. This is a special area, and we all have an investment in seeing that this is the best system we can devise, with the aid and assistance of the Public Service and the assistance of members, in providing a legislative framework to allow for the best in that area, as far as we are able to judge, to take place.

I know that the Minister has interests in this area. He has been in the House for some time, and has spoken on these matters more than once, so I believe that he would understand in a way in which the member for Mallee has missed. The Minister would know that I am not attempting to be critical. I am trying to draw to members' attention that we are entitled to have more information concerning the framework of the proposal than the bare bones with which we have been presented.

I look forward, if the Minister chooses to reply on this matter, to receiving some reassurance from him that we are not just passing something that has not been worked out at all and that will be introduced on a completely *ad hoc* basis. I know people throughout the community in all sorts of organisations to whom I would have no qualms whatever in entrusting this kind of programme, or the work associated with it, or putting the young people concerned in their care. But there are others about whom I might have some doubts, whether it be based on their qualifications for handling this sort of thing, the example they are setting, or something else.

I see that the honourable member for Mallee is sitting up. I think he is now understanding what I am saying, that there is a reason to be a little careful about this matter, because, once we give the imprimatur of this House, away it goes and is proclaimed. It is far better that we attempt to foresee and have as orderly and as sensible an arrangement as possible in this matter before it comes into operation than later to find by way of press reports, or from some other area, that insufficient care and thought was given to the proposal when it was before this House when we were supposed to consider it. I believe I have said enough about this matter. The Minister no doubt will have information available, and I look forward to hearing it. I support the Bill, but with the qualifications I have mentioned.

Dr. BILLARD (Newland): I support the Bill. I do not wish to discuss the clauses cleaning up certain sections of the Act, but will discuss the main thrust of the Bill, which is to introduce the concept of children working off fines rather than being placed under detention. I think it is a most laudable concept. I do not agree with the previous speaker, who expressed great reservations about how this scheme would work in practice. I believe we have to be constantly looking to devise better methods of operating the laws of our land, and the laws that apply to juveniles are part of the laws of the land. We cannot hope to progress unless we step out and try new things. If we sat back and waited until we had all the t's crossed and the i's dotted before we took those steps, we would never move.

I believe the principle that has been enunciated in this Bill is commendable and that, especially with children, fines imposed by a court can be rather meaningless.

The Hon. R. G. Payne: If they can pay it.

Dr. BILLARD: I would think it is usually the parents who pay the fine, and therefore it is a fine on the parents and not the children. As has been mentioned, the parents' financial situation largely determines ability to pay, so it is not a punishment or discipline of the child, and it therefore does not have the effect on the child that the community would hope. I believe that any move away from that system is commendable, and I hope that, in the longer term, if this scheme proves effective, we can move to a

situation where work sentences are imposed by courts from the start without going through the process of applying a fine and then imposing work alternatives if the fine is not paid.

If a man or a child has to work for so many hours for the community to work off his debt to society as a result of an offence, it is the same for a child, from whatever background, and is not related to his own or his family's resources. I think that that is fairer. Moreover, the paying of a fine, if it can be paid, is a quick affair, and the offender, once he has paid the fine, no longer has any need to think back on what he has done to the community, or about the lesson which he would, hopefully, have learned.

Another benefit I see from this scheme is that children, rather than being put into detention, need not be removed from their family circumstances. We know that when people, whether children or adults, are put in detention, many social problems are generated from that process. Children, especially teenagers, need to be within a family environment at a crucial stage of their growing up, just as many adults depend upon their family environment. For example, breadwinners are important in the support of a family environment, and if they are put into prison the family suffers and social problems result.

I refer now to the concern expressed by the previous speaker about the possible damaging results if a child who is working in the community was somehow belittled. I feel that there has been, over recent years, a trend which perhaps has gone to an extreme whereby people have been almost afraid to apply psychological pressure to people who have offended against society. We can go to extremes in that regard. I believe we have to treat these people as human beings and with respect, but that does not mean that we have to be so afraid of discipline in society that we should veer away from applying psychological pressure.

I view this in rather the same way as a parent may view the disciplining of a child; because a parent punishes a child in a circumstance, it does not mean that the parent loves the child any less. In fact, if the parent fails to punish the child or fails to exert psychological pressure, I suggest that he may be showing less love towards the child than if he punished the child.

Mr. Millhouse: You are only echoing what is put better in Proverbs, aren't you?

Dr. BILLARD: The member for Mitcham can make his comments later, if he wishes.

Mr. Millhouse: You're only thinking of "spare the rod and spoil the child", aren't you?

Dr. BILLARD: I am going beyond that. I am saying that you have to have respect for the individual, but I am drawing the comparison between the discipline that society should exert on people within society and the situation within the family.

I think there are many parallels that should be drawn. In relation to the concept of work, I think there are also benefits if people who have work sentences can become involved in community work, and I would readily recognise that there are many potential problems in defining just what the work is, what the appropriate work should be, and how it should be supervised. However, if that work can be defined and can be supervised, I think there are many benefits, both to the community and to the offender who becomes involved in creating or repairing some community facility and therefore, hopefully, comes to appreciate what has to go into creating community facilities and what, by implication, has to go into creating a community, and I think there are benefits there.

I think that what applies for children also applies for adults, and I know that the work substitute for detention has been tried and has been in operation in other States of Australia for at least 10 years. I think this is a good start. I do not think we need to know all the answers before we start, but I think we need to make that start without shirking the problem.

The Hon. H. ALLISON (Minister of Education): I do not intend to deal with the individual clauses at this stage, because they will be dealt with more fully in Committee, but the member for Mitchell seemed to allege that in some way this might be regressive legislation and might be taking young offenders back to the age of the stocks.

The Hon. R. G. Payne: I said it could.

The Hon. H. ALLISON: The implications were there. I was somewhat reassured afterwards when the honourable member said there was a great degree of commonality between the two sides of the House, that we both had the same common intent regarding this legislation. I should like to give the honourable member one or two reassurances. The Director-General referred to was the Director-General of Community Welfare, Mr. Cocks, a person in whom both the honourable member and I would have considerable faith, and I think his administration is to be relied on.

Regarding the work proposals and how precisely are we going to provide adequate work for these young people, the point was made in another place that the finer details have not been negotiated, although there are a number of suggestions. As all of us know, there are many people in the community with great concern who would regard this as liberal legislation, a more humane treatment of young people, and I acknowledge that, while we have under-privileged youngsters (not all parents are able to pay fines), there are many under-privileged parents. Perhaps this is a better alternative than the alternative that generally is not preferred, and that is incarceration. I think there are many trusties who are in prison who would prefer the open work they are given even within confinement to being kept in close confinement all the time. This is a better alternative, even though there may be shortcomings.

While the working details have not been finalised, some of the suggestions which have already emerged from the debate are that there would be some community involvement, that departmental officers of varying types may supervise, that groups of people—pensioners, under-privileged people, and Community Welfare itself—may be able to isolate cases where assistance is required. Youngsters may have their efforts channelled into that type of work supportive of other under-privileged people, and generally there are many service organisations throughout the State which would be willing to make suggestions about where help might be given. There is some assurance to be given that no extreme punishment would be meted out to these young people and that it certainly is not intended that it be a return to the stocks, as was feared. I know the honourable member has great concern for young people.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Jurisdiction of Children's Court."

Mr. ABBOTT: This clause takes away from the Children's Court jurisdiction over the Guardianship of Infants Act in relation to matters currently heard in the Supreme Court or the Local and District Criminal Court. The Children's Court, as has been said, is a specialist court dealing with juveniles, and all matters relating to juveniles should be dealt with by that court. The Opposition therefore opposes the deletion of this provision from the present Act.

The Hon. H. ALLISON: The main point behind the honourable member's contention ignores the fact that in the Guardianship of Infants Act that section has not been proclaimed to come into effect, and I do not think it would be this Government's intention to proclaim it. Whether this was left in the Bill or withdrawn, it would not alter the present situation. The Attorney-General and the former Attorney-General had representations made to them with respect to difficulties which the Children's Court would experience if it had to deal with the jurisdiction of the Guardianship of Infants Act, and those problems, I believe, were generally associated with sheer manpower loads. The jurisdiction was being adequately exercised by the Supreme Court in particular, the Attorney-General averred, to the extent that there was no need to interfere with the present Supreme Court Act with regard to matters under that Act.

The Hon. R. G. PAYNE: Notwithstanding that the related legislation has not been proclaimed, and is being held in abeyance, I think we need to indicate from this place our intent on this matter, irrespective of whether or not the Government intends to proclaim it straight away should it become law. It would seem to me that the original proposition (speaking of the parent Act) was that juvenile and children's matters are in a special category. Two speakers only a few minutes ago, the Minister and the member for Newland, indicated that they understood the principle that there is a special case for considering juvenile needs as distinct from those in relation to the adult population.

On more than one occasion the Premier, when he was in Opposition, indicated quite clearly that he supported this sort of proposition. In more than one speech as reported in *Hansard*, he supported this very principle. We are now looking at what is not even an extension of that principle, since we are talking about guardianship of infants. Surely that in itself is an area pertaining to children and juveniles. My understanding of the situation (and this is going back 18 months) was that the Children's Court was not averse to handling these matters. It had no objection other than on the grounds that it would need to have sufficient judges to handle the work-load. Surely that is an administrative matter for the Government and the Attorney-General of the time. The reasons which have been put forward by the Government for this provision and to which I have referred are not sufficient.

The Government apparently agrees with the principles involved (and previous speeches indicate it does) that this area involves a special aptitude and expertise that some people have. In most cases those people seem to find themselves gravitating towards areas involved with children, whether it be welfare areas or the courts or whatever. We have had some examples in South Australia of excellent judges in this area.

In relation to what the Minister told us concerning the difficulty of handling these matters in the Children's Court due to staffing problems, I would be interested to know whether any request has come forward to the Attorney-General from the judge in charge of the Children's Court along these lines. I would be surprised if that is so. I think this is an area where we need to think with our hearts, as it were, rather than with our heads. This is an area where quite rightly matters of guardianship of infants and matters pertaining to that subject should be associated with the court involved with young people and juveniles generally. I ask the Minister to reconsider what he has said so far in this matter.

The Hon. H. ALLISON: I am not aware of any specific requests having been brought forward by the judge in charge of the Children's Court. However, one or two other points should be made. I point out that 1 500 orders that are relevant under the Guardianship of Infants Act would have to be negatived if the present provision were proclaimed, and they would be rendered not enforceable in respect of the persons in relation to whom those 1 500 orders have been made. Another point is that courts other than the Supreme Court do not have jurisdiction to issue writs of *habeus corpus*, and that is considered by the Attorney-General, and I assume by others, to be a most useful power that is exercised by the Supreme Court; in fact, it has been exercised under the Guardianship of Infants Act. That power having been invoked, the Attorney-General believed that it would be inappropriate to remove that power.

Another point is that complaints have been received by the Attorney-General concerning the enforcement of interstate orders, and it was drawn to his attention that difficulties were experienced in enforcing interstate orders under legislation which was similar to the Guardianship of Infants Act. We believe that in light of the fact that the present system seems to be operating satisfactorily it would be better to let the *status quo* prevail rather than change it.

The Committee divided on the clause:

Ayes (20)—Mrs. Adamson, Messrs. Allison (teller), P. B. Arnold, Ashenden, Becker, Billard, Blacker, Eastick, Evans, Goldsworthy, Lewis, Millhouse, Olsen, Oswald, Randall, Rodda, Russack, Tonkin, Wilson, and Wotton.

Noes (16)—Messrs. Abbott (teller), Bannon, M. J. Brown, Crafter, Hamilton, Hemmings, Hopgood, Keneally, Langley, O'Neill, Payne, Peterson, Plunkett, Slater, Trainer, and Whitten.

Pairs—Ayes—Messrs. D. C. Brown, Chapman, Glazbrook, Mathwin, and Schmidt.

Noes—Messrs. L. M. F. Arnold, Corcoran, Duncan, McRae, and Wright.

Majority of 4 for the Ayes.

Clause thus passed.

Clause 5—"Apprehension."

The Hon. R. G. PAYNE: Clause 5 proposes that children who are apprehended outside the prescribed area may be detained in a police prison or in a police station, watchhouse or lock-up approved by the Minister. I admit that difficulties were experienced in regard to this area during the previous Government's term of office, and they are still being experienced. What additional action may be taken in circumstances in which a child must be detained in this manner?

The Minister would know that problems have been encountered in Mount Gambier in relation to the detention of juveniles and the conditions under which they have been detained. At that time, the Minister rightly commented about the conditions, and steps were taken to amelioriate, as far as possible, the circumstances, which were not dissimilar to those that we are now considering. It would be unreasonable for anyone to expect the Government, in the short time since it has taken office, to make major changes in this area. However, will the Minister say whether he has additional information about the conditions in which children will be detained in the institutions as listed?

The Hon. H. ALLISON: I am not aware of any specific changes that the Government intends to make. This clause will give more flexibility in difficult circumstances, and does not apply to incarceration right across the State in any remote area. The Government intends to proclaim those areas (which would be remote areas only) to which this provision will apply. The Chairman of the Children's Court Advisory Committee, Judge Newman, has sug-

gested that this provision may help alleviate the difficult circumstances in which youngsters who are detained behind lock and key must be transported a considerable distance in remote areas. This applies particularly in areas where suitable establishments are not provided. Where it can be ascertained that appropriate conditions are available for children to be kept under secure conditions, an area will be proclaimed. The Government does not intend to establish considerable new premises for this kind of detention.

The Hon. R. G. PAYNE: The Minister's reply was somewhat comforting; clearly the Government has considered this area and I respect what the Minister has said. The clause refers to police prisons and police stations; has the Commissioner of Police, or have senior officers in the department, been consulted in relation to this proposal?

The Hon. H. ALLISON: I assumed (and I consider that it was a logical assumption) that such a procedure had been carried out. I believe that Parliamentary Counsel also assumed that some such consultation would have been a pre-requisite before the clause was drawn up. However, I cannot say categorically that that consultation occurred. This action would have been a common-sense approach, and I hope that the honourable member will accept what I say. If I am wrong, I will obtain further information.

Mr. ABBOTT: I believe that it is wrong that one set of laws applies to children who are apprehended for an offence and who live in one part of the State, and a different set of laws applies to children who live in built-up areas or major cities. As I said at the second reading stage, a remote area could be proclaimed to suit the circumstances of a particular case at a given time. Will the Minister say where these remote areas of the State are likely to be? The Opposition is concerned that this provision will be used as an excuse not to provide proper juvenile detention centres in country areas.

I also mentioned at the second reading stage that, some time ago, the Public Works Committee approved funds for the redevelopment of secure training centres in South Australia. I am aware that the Director-General of Community Welfare toured America to investigate the American system of secure training centres, and I understand that he intends to develop the American concept in this State. The Opposition will oppose this clause unless we receive satisfaction from the Minister.

The Hon. H. ALLISON: I cannot give the honourable member any more reassurance than I have given him already. The areas in question will be limited and will be very remote. They will be prescribed and this will not be done at the whim of a few people in regard to a specific case. "Prescribed" means that the areas will be prescribed permanently and not temporarily.

The Government does not intend to initiate major reconstruction programmes at present. I reiterate that the request was made by Judge Newman, senior judge in the Children's Court, in order to alleviate some difficulties.

Mr. PETERSON: What conditions will be necessary for the approval of the institutions referred to in the clause?

The Hon. H. ALLISON: I cannot say precisely what conditions will apply. I am aware of conditions of which I did not approve and which were used to detain young offenders overnight. I protested to a former Minister about a situation in which a youngster was delivered at about 11.30 p.m. to the police, who had to make emergency provisions to detain her overnight. Subsequently, with the help of the Department for Community Welfare and other people, more humane arrangements were made for the following night. The girl in question was not a dangerous detainee. I would assume that a humanitarian approach would be made almost invariably, unless the detainee was such that lock and key and forcible restraint was necessary and, let us face it, some offenders must be detained under conditions vastly different from those that can apply to the majority.

Mr. HEMMINGS: The Minister, in reply to the member for Mitchell, stated that the Government does not intend to build new detention centres; however, this clause deals with remote areas only. I think that the member for Stuart would support my saying that there are problems with young offenders in Port Augusta, Port Pirie and Whyalla, but I would not call those areas remote. I follow the Minister's argument that the transportation of young offenders from Port Augusta to Adelaide would be classed as a long distance. If we are talking about prescribed areas being only remote areas, such as in the Far North and Mid North, what will the situation be in areas such as Mount Gambier, Port Augusta, Port Pirie, Whyalla and Port Lincoln if we are not going to build vast new detention centres?

The Hon. H. ALLISON: I do not class my own home town or the other cities to which the honourable member has referred as remote areas in the sense that Mount Davies, Ernabella, and others are remote. By definition, I regard the places to which the honourable member has referred as more settled areas, with modern amenities and with more suitable accommodation than you would be finding in very remote areas. The Attorney-General's previous assurance given to me was that these were limited remote areas, and I presumed that they would be remote areas outside the settled areas, as a general principle, and areas in which difficulties had already been experienced by the Children's Court.

The Committee divided on the clause:

Ayes (20)—Mrs. Adamson, Messrs. Allison (teller), Ashenden, Becker, Billard, Blacker, Chapman, Eastick, Evans, Glazbrook, Goldsworthy, Lewis, Millhouse, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, and Tonkin.

Noes (16)—Messrs. Abbott (teller), Bannon, M. J. Brown, Crafter, Hamilton, Hemmings, Hopgood, Keneally, Langley, O'Neill, Payne, Peterson, Plunkett, Slater, Trainer, and Whitten.

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

Majority of 4 for the Ayes.

Clause thus passed.

Clause 6—"Remand proceedings."

Mr. KENEALLY: In the area that I represent, in Port Augusta or Port Pirie, if a court decides to detain a child in a place other than a prison, the facilities available, despite what the Minister has said, are totally appalling. It has been brought to my attention that the Government believes that adequate facilities prevail in areas that are not remote areas in the interpretation of the Minister in charge of the Bill. In Port Augusta, for instance, where the circuit court sits regularly, there is no facility for the court to detain a juvenile; the only place available is in the police cell. I know that the Department for Community Welfare and the Police Department in that area are appalled at the prevailing situation. The present Government might say that it is a reflection on what the previous Government did, but this is one of the many things that were in progress.

Mr. Millhouse: You were going to do it, but never got around to doing it.

Mr. KENEALLY: Yes, as the member for Mitcham has said. If the Minister believes the facilities are adequate in areas other than remote areas, I disabuse him of that. The

facilities at Port Augusta, where we frequently have cause to remand juveniles, because they are brought from Port Pirie, Whyalla, or the West Coast, are not adequate for adults, let alone juveniles. I hope that the Minister will report to the appropriate members of his Cabinet that this situation still prevails at Port Augusta, and the Minister ought to be aware of that.

The Hon. H. ALLISON: I will certainly convey to the appropriate Minister the honourable member's expression of concern regarding the accommodation provided or not provided in Port Augusta. I remind him that alternative accommodation has to be approved by the Minister. There is no stipulation that that accommodation should be in Port Augusta. I do not know whether alternative arrangements would be made outside, or whether there is accommodation that might be approved for a child under close supervision overnight. I will have to determine that.

Mr. HEMMINGS: When I posed a question about certain areas relating to the previous clause I was told that the prescribed areas would be the remote areas such as Ernabella, Mount Davis and I think, Amata. The areas I mentioned, such as Mount Gambier, Port Augusta, Port Pirie and Whyalla were classed as settled areas and created no problem, yet now when we are questioning the Minister about clause 6 he agrees that there is a problem and says that he will be communicating with the Minister in charge of this Bill about the member for Stuart's problems. Where do we stand? Are the assurances we have received about the previous clause no longer valid in relation to this clause?

The Hon. H. ALLISON: I was not determining the precise answer to the honourable member's question. I point out that these cases are generally less common than the cases referred to in the preceding clause, and I would assume that more frequently youngsters arraigned for major crimes would be taken to major centres where accommodation is more readily available. That may be an incorrect assumption.

Clause passed.

Clause 7—"Provisions relating to verdict of court."

Mr. ABBOTT: The present provision requires that the court deliver a verdict within five days. That was not proclaimed in the original Act. The Opposition believes that five days is a reasonable period within which to deliver a verdict and that the provision should be proclaimed. I understand that a defendant in the Supreme Court or the Local and District Criminal Court, when charged with an offence, obtains a verdict from a jury within a few hours. If there are court or judicial staff problems, that matter should be looked into. The Opposition opposes this clause. Will the Minister inform us whether the staff situation is to be looked at?

The Hon. H. ALLISON: I understand that, even during the presentation of evidence before the Select Committee considering this matter, considerable evidence was given regarding the difficulty that was liable to be experienced. The Attorney-General assures me that the Children's Court has always acted to hand down its verdicts as expeditiously as possible, and that there has not been any experience of great delay. However, the delivery of a judgment within five days of the completion of a hearing has not always been possible. I do not know whether there is any immediate intention to improve the staffing situation considerably, or whether that is relevant. Perhaps it is the nature of the case before the Children's Court rather than staffing matter that causes the delay for longer than five days

The Hon. R. G. PAYNE: I consider it is worth while looking at the way in which we are amending the existing subclause. If one takes at face value what we are looking at in the amending Bill, we are asked to strike out a passage which states:

> "not later than 5 o'clock in the afternoon of the fifth working day after the day on which"

If members look at the provision that this clause seeks to amend, I believe they will be assisted in understanding why we on this side would not like to see this provision carried, because section 50 (2) provides:

> In any proceedings before the Children's Court under this part the court must deliver its verdict not later than 5 o'clock in the afternoon of the fifth working day after the day on which the hearing of evidence and addresses by counsel, if any, are concluded.

We are talking about the time when the hearing of evidence and the addresses of counsel, if any, have been concluded There are no more proceedings to go before the court, and there is no one else to call. Everything appertaining to the matter has, presumably, been canvassed by that time. It would not seem unreasonable, I suggest, that it be not later than 5 o'clock on the fifth working day.

The Minister, perhaps unintentionally, said five days, but it is not five days—it is five working days, which is a different period. What about the child or children involved in the matter? They are aware that the proceedings have finished. I think it has long been a precept of what I was taught when I was a child was called "British justice" that an accused has a right to know what is going to happen after everybody has had their say. All those sorts of matters are canvassed before the court, and when that is all over it does not seem unreasonable that all that is needed even in the knottiest of cases should be a minimum time.

This matter was carefully thought out on the previous occasion when the parent legislation came into the House. It did not seem unreasonable to me then, nor did it seem unreasonable to the then Attorney-General, that it would be until 5 o'clock on the fifth working day after the day all the business was over. Judges are human beings and need time to consider things. I am not suggesting that they are machines. We have not yet got computer justice, although it may be around the corner: I do not know. At the same time, they must take into consideration the feelings and the justice due to the accused. I ask the Minister to consider this matter carefully. I know that no change is required by other persons associated with juveniles. I know that, if there had been any request for a change in the law on this matter, it could have come only from one quarter, the Children's Court.

I know the feelings of some of the most respected, experienced, and mature officers in this State about juvenile matters generally and juvenile offending; that is, that the trauma of apprehension and incarceration (and in these cases that is not in prisons, but it is not in good quarters) leading up to a trial has an effect on young people that we do not need to mention any further. Everybody realises that that is a major thing in the life of a young person. Overseas authorities can prove conclusively from statistics that intervention is really the worst thing that can happen in a juvenile's development, but that is not the issue here. What I am putting is a plea for the juveniles concerned in a trial to be entitled to know as soon as reasonably practicable what is to be his or her fate. The Opposition feels very strongly on this and we would oppose it with all the persuasive power of which we are capable.

Mr. MILLHOUSE: My friend from Mitchell made a curious slip of the tongue. He said just a second ago that the juvenile is entitled to know his fate as soon as is reasonably practicable. They are just the words we are

putting in, because the amendment will take out the definite time limit and put in "as expeditiously as is reasonably practicable". That is what he says the juvenile is entitled to have, and I entirely agree. I do not think that the judges will slack on the job and deliberately make defendants wait for a judgment out of spite or laziness. No-one would suggest that, and I am sure the honourable member is not suggesting it.

I can think offhand of two flaws in the argument put up by the Labor Party on this matter. First of all, the point was made that in a criminal court the adult gets a verdict straight away, or at least within a few hours. Of course he does, because it is a jury trial, and the jury has to answer "Yes" or "No", guilty or not guilty. The jury does not have to write a judgment. It is not an exact analogy, because in a magistrate's court, where there is no jury, frequently the magistrate reserves his decision and takes weeks, sometimes months, even though it is a criminal matter, to deliver his judgment. That, of course, is the proper analogy. In the Children's Court, as I understand it, the judge writes a judgment. In a criminal trial there is no judgment. That is the first flaw in the argument. It is not an exact comparison. I know that the member for Norwood will agree with me, despite the frown on his face now.

The other thing is that it is all very well to say that it must be five working days at 5 o'clock, after the finish of addresses, and so on. That is all very well if the poor devil in the Children's Court has not got any other work to do, but what if other urgent matters arise or if the routine list comes in? Do they have to wait because there is no-one to deal with them whilst someone writes a judgment to satisfy this requirement? We must be practical.

It is all very well to ask whether it is intended to increase the number of judges. That was not said, but obviously it was meant. We could do that if the State has the money to pay them $40 000 a year, or whatever it is they get, and if there is accommodation for them so that they have a slack job and can deal with one case at a time. But that is not the way the courts work. The member for Norwood knows that, but whether he will admit it I do not know. Judges do not have the luxury of dealing with only one case at a time unless they are Supreme Court judges or District Court judges sitting on the District Criminal Court where there are jury trials and that must be done. It does not happen in other jurisdictions.

I think the Labor Party should consider these matters, especially the fact that, if a judge finishes a case one afternoon and cannot give judgment straight away, he might have half a dozen cases to deal with next morning. Which is better? Is it better for the new offenders who have come in to have to wait? They will have to wait and not be dealt with at all. Or is it better in the occasional case for a judgment to stay over for a few days? I think one has only to pose the question to see the answer. My recollection is that, when the Bill was originally before the Parliament with this provision in it, there were grizzles which came to me from the Juvenile Court that this was an unworkable proposition, and apparently it has turned out to be so.

The Hon. R. G. PAYNE: The member for Mitcham said I made some kind of slip when I said "as soon as is reasonably practicable." On the contrary, I did not make a slip. If we are talking about a time that is "reasonably practicable", prefixed by "as soon as", it all depends whose mind is considering the term. Many times I have heard the member for Mitcham talking in this House about the meaning of "reasonably". Now we have the same member advocating the use of that word. I know that judges have problems; Judge Newman told me so some time ago. No doubt he also told the Attorney-General of that time and has told the present Attorney-General. In these matters, who is best equipped to handle themselves? Is it a judge of the Children's Court, or the offender who is awaiting his fate? That is what we are talking about. Judges have to organise their business, and they do not need Parliamentarians to worry about whether they have the list to do for the day or whether they have got their laundry back. Judges are capable of organising themselves without help from the honourable member. They have been doing it for a long time and may go on doing it in future, although, as is sometimes suggested, the honourable member may join their ranks in another jurisdiction.

Five working days is not an unreasonably short time. At no time has anyone been able to show me when this matter has been canvassed in the community and has been before the House previously that five days is unreasonably short, to use the words of the member for Mitcham. Nor is it unreasonably long. I think it is the right period to provide for some balance in this matter. To have a requirement upon a judge that the matter be completed in five days and up to 5 o'clock is not at all unreasonable.

In speaking against the proposition I was supporting, the member for Mitcham attempted to produce some kind of evidence against what is in the Bill and what we say should remain, but he did not produce anything other than the suggestion that, if a judge was a bumbling idiot, he might find it difficult to make the deadline. I do not know any judges of that type who do not have their affairs in order. The judges I have met have been decent and intelligent human beings who would normally do their best, but they are still human.

In a matter such as this, we must, if necessary, veer slightly in the direction of the offender to make sure that the offender gets simple justice and is not required to wait too long. If that requires a judge to work a little harder, then I am sorry, but I still believe that, as members of Parliament, we should keep foremost in our minds the interests of the children concerned.

Mr. CRAFTER: The principle we are debating is an important one, and the pity of it is that it does not apply in lower courts, because justice delayed is justice denied. What we have heard from the member for Mitcham is the classic position as portrayed by a judge in that situation. No judge wants to be tied to having to deliver a judgment within a certain period of time. No doubt very persuasive arguments can be put up by judges. Obviously they have done so in submissions to the Select Committee that considered the principal Bill, and no doubt that was done by members of the judiciary to the present Government, thus persuading it to eliminate this provision from the legislation

Although it has not been proclaimed, it is an important principle that should remain in the legislation, for the reasons that the member for Mitchell has explained. The member for Mitcham put up a series of arguments which clearly indicate the conflict in which he finds himself. As a practising barrister, no doubt he, like most practising barristers, aspires to a position on the bench, but he is also a Parliamentarian, and there lies the conflict of interest. In fairness to this House and to the debate, he should have disqualified himself from speaking on the subject, as he is not in a position to give an objective opinion to the House because he has vested interests in the matter. We should not have those sectarian interests put before the Legislature, just as a company director, if he were a member of the House, hopefully would withdraw from the House if we were dealing with matters that affected his company.

We must ensure that we do not create an unjust situation in the courts for juveniles, and that is what could be created in the Children's Court where there are no jury trials; matters there are heard by a judge alone. This Parliament must ensure that justice is provided in those circumstances and that there are not long delays, and that is why this principle has been inserted. It has not been proclaimed for very practical reasons, but that is no reason for saying that it should be taken from the legislation. If it is taken from the legislation as the Government intends, we will have weakened the rights that a juvenile accused has. I think that is the disappointing aspect of the contribution that the member for Mitcham made this evening, because he has not considered this matter from the point of view of the accused; he has considered it from the point of view of the judge. In these circumstances, we must consider the point of view of the accused as paramount, and recognise the rights that the accused has in the Children's Court, where he does not have the privilege of a trial by jury.

Dr. BILLARD: With regard to some of the things that the member for Norwood has said, I feel that I must defend the member for Mitcham. The suggestion was made that, if a matter arises in this Parliament that is relevant to an area in which a member is qualified to speak, that member should withdraw from the debate. I find that most objectionable. It would be a pretty state of affairs if we all had to withdraw from a discussion and disqualify ourselves from speaking on a matter that we may know something about. The member for Mitcham was elected to this place, and he has as much right as anyone else to speak on any subject. Because he works in the area relevant to the matter that we are discussing, I think he has a special right to give the Parliament the benefit of his experience. I would defend that right on behalf of anyone.

The Hon. H. ALLISON: The principal Act was assented to on 15 March 1979. It is interesting that this clause was not proclaimed by the former Government, nor has it been proclaimed by this Government. The member for Mitchell asked us to look at the section in question, namely, section 50, and to determine the effects that this clause would have on that section. The point that must be made is that it has not been proclaimed. Subsequent to that, we would then ask what effect the non-proclamation of this clause has had upon the general working of the Children's Court. We have not heard from either the Attorney-General or the former Attorney-General that any complaints have been received regarding the inefficient working or the slow handing down of decisions by the Children's Court.

If we do accede to the member for Mitchell's request and look at section 50, subsection (2) quite clearly says that the verdict has to be delivered not later than 5 o'clock in the afternoon of the fifth working day, but subsection (3) states that nothing in this section renders invalid any verdict given after the expiration of the period referred to in subsection (2). So, while subsection (2) is prescriptive, subsection (3) immediately removes the brakes. Subsection (4) says that nothing in the section renders unlawful the detention of a child until the verdict is delivered. Even if this section were proclaimed, there is still permission for the courts to defer a verdict, and I would suggest that they act in a very humanitarian manner, hence the absence of any complaints about the existing practice.

It seems that we are arguing a rather nice distinction, and one could well ask why the amending provision before the House has been moved at all. Of course, in giving evidence before the Select Committee, Judge Newman requested that this provision be removed entirely and that nothing be substituted in its place. Of course, it is the present Government's intention, as expressed in the Bill, that decisions should be handed down as quickly as possible after the termination of the hearing. I assume that the courts would accept that and would continue with their present humanitarian practice of getting matters finalised as quickly as possible.

The Hon. R. G. PAYNE: That was a very nice dissertation from the Minister, but unfortunately he did not canvass all the possible requirements which have caused subsections (3) and (4) to be in the existing legislation. It could well be that that provides for a situation where a judge is taken ill before the expiration of the five working days and where he may be precluded physically from giving—

Mr. Millhouse: It's not limited to that.

The Hon. R. G. PAYNE: I did not say that it was, but I suggest that there is more to it than the neat, rather concise dissertation to which we have been subjected. Nothing that the Minister said detracted from the principle that we have been arguing. I do not believe that there is any suggestion by the Opposition that the judges of the Children's Court have not been functioning as well as the honourable member has been suggesting. That was not brought forward by us as a point. What we are trying to put forward is that there is a need, as expressed by the people's representatives in this Parliament, to protect those least able to look after their interests (juveniles, who we all know have no Bill of rights or anything like that in this State).

I do not know whether judges will consider that remark to be slighting, but I suspect that more than one judge has done so. I do not mind if they feel that way (they are entitled to do so), but they must recognise that we have duties in these areas, and I strongly believe that we must make clear that, when all the business of the trial is over, there is no need for anything other than a suitable period, as has been specified in the Bill, to expire before an accused child knows what his fate will be.

Mr. ABBOTT: Obviously, difficulties will be incurred in the expeditious delivery of judgments by the various courts. Will the Minister advise whether any steps are being taken to overcome the delayed judgments within the various jurisdictions?

The Hon. H. ALLISON: I am not sure whether that question is answerable, since a number of verdicts are handed down rather belatedly for very good reasons. I do not agree that many decisions are delayed deliberately, as the question implies. Reference has been made to delays relating to manpower. I believe that decisions that are delayed are delayed for sound judicial reasons rather than for flimsy reasons.

The CHAIRMAN: I advise the honourable member for Mitchell that he has already spoken to this clause three times.

The Committee divided on the clause:

Ayes (20)—Mrs. Adamson, Messrs. Allison (teller), Ashenden, Becker, Billard, Blacker, Eastick, Evans, Glazbrook, Goldsworthy, Lewis, Millhouse, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, Tonkin, and Wilson.

Noes (16)—Messrs. Abbott (teller), Bannon, M. J. Brown, Crafter, Hamilton, Hemmings, Hopgood, Keneally, Langley, O'Neill, Payne, Peterson, Plunkett, Slater, Trainer, and Whitten.

Pairs—Ayes—Messrs. P. B. Arnold, D. C. Brown, Chapman, Mathwin, and Wotton.

Noes—Messrs. L. M. F. Arnold, Corcoran, Duncan, McRae, and Wright.

Majority of 4 for the Ayes.

Clause thus passed.

Clause 8—"Powers of court on finding child guilty."

The Hon. H. ALLISON: I move:

Page 2, after line 14 insert paragraph as follows:

(aa) by inserting in paragraph *(d)* of subsection (1) before the word "without" the passage "upon convicting the child, or";

This clause refers to permanent detainees who would formerly have been sent to institutions such as Vaughan House or McNally. It allows for a review of the Director-General's decision by the Review Board. This does not apply to remandees, because of the relatively brief period that is involved in such cases.

Mr. ABBOTT: The proposed amendment to section 51 of the Act seeks to provide that, where a child is discharged without penalty, the court may enter a conviction. That is a nice how do you do, if ever there was one. In other words, the amendment provides the possibility for the court to convict and then discharge without penalty. At present, if a child is discharged without penalty, there can be no conviction, and that is exactly as it should be. We believe that existing provisions should be maintained. If an offence is of such a kind that a child is to be discharged without penalty, it is not appropriate that a conviction be recorded. The Opposition opposes the amendment.

Amendment carried; clause as amended passed.

Clause 9 passed.

Clause 10—"Absolute release from detention by court."

The Hon. R. G. PAYNE: This clause proposes an addition by way of amendment to section 65 of the principal Act so that, where a child is to be released from a training centre, and where an application for release is under consideration, the court may, for the purposes of determining an application, hear or receive submissions from any person it thinks fit.

What that really means in practice, and what it seeks to provide for, is for the police to be notified and, if the amendment is carried, for the police to be able to make submissions. This matter was heavily canvassed before the Select Committee, and was discussed considerably during the passage of the parent Bill. The overall effect of that consideration in this matter was that another place did not finally insist on an amendment which had been inserted at that stage and which would have had the same effect.

I have had no explanation why this new subsection is needed or why the police should be notified when, all other requirements having been satisfied, the child is applying in terms of section 65 for a release from a training centre. That section refers to section 64, which sets out all sorts of requirements that need to be met before an offender may be able to seek release.

The court may, on the application of the child, a guardian of the child, or the Director-General, made on a recommendation to the Training Centre Review Board, order that the child be discharged absolutely from his detention order. The Minister is suggesting that we should check it out with the police also, but they would have had an earlier opportunity when they were involved with that offender. Submissions could have been made from the beginning in relation to bail, or whatever, depending on the offence.

I suggest that the police probably have enough duties now, and would not particularly want the additional one of being able to apply to the court by way of submission in relation to an offence. There may be some other reason not apparent at this stage for the insertion of this new subsection in section 65 of the parent Act and, if there is, I should like to hear from the Minister.

The Hon. H. ALLISON: I believe that the Opposition is opposed generally to the principle of having police involvement in the area of decisions being made regarding parole for adult or young offenders, irrespective of where they may be. The point really must be made that the involvement of the police ensures that the Parole Board is in full possession of all relevant facts before it arrives at a decision.

The Hon. R. G. Payne: The Training Centre Review Board in the case of a juvenile.

The Hon. H. ALLISON: Yes. The honourable member implied that the police already had sufficient work to do and may resent an additional duty being imposed on them. I understand that the police have requested that this condition be inserted in the legislation, and that the Parole Board itself has requested that additional information, if necessary, be made available. That does not mean to say that the board will necessarily consider the matters; it simply means that it will have all the relevant information before any decision is arrived at.

The Hon. R. G. PAYNE: I want to know from the Minister what training juvenile qualifications a police officer may have at whatever level that he may be required to exercise if called before the Training Centre Review Board. The Minister suggested that it might be two-way traffic. He said there was a requirement by the Training Centre Review Board. Will a child be discharged only provided that the police agree? Is that what is intended? If that is the case, I would utterly oppose it. I do not think that it is the province of the police to be sitting as a final arbiter or judge after everyone concerned in the process in the whole of the Act has carried out his responsibilities.

Every possible due process has been gone through in the case of a child who may have committed any sort of offence. He has been in detention and has done all those things that society is entitled to require from a person who has broken the law. Now, it seems to be proposed that he must get the approval of the police also before it can be decided that that juvenile be released. That is a most unfair requirement.

The Hon. H. ALLISON: I probably misled myself slightly because, in answering the former question of the member for Mitchell, I attacked it by referring, first, to the question of parole for adults saying that, in principle, the Opposition was against police involvement. My reference to the Attorney-General's requests for police involvement came, as I initially said, from the Parole Board. The honourable member subsequently corrected me. However, the request was indeed from the Parole Board and from the police for information to be made available to the board for consideration in adult cases.

Regarding the Children's Court, the intention of the present Bill is that similar provisions should be included in this legislation so that at least the Commissioner of Police and the Director-General of Community Welfare are made aware of the fact that the Children's Court is considering such a matter and that information can be placed before it, but that the matter would be judicially considered. Whether the Children's Court took any notice of the evidence that might be produced by the Commissioner or the Director-General would depend on the court itself. So, the case is not quite the same. I apologise for misleading the honourable member.

The Hon. E. R. GOLDSWORTHY: I move:

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

Motion carried.

The Committee divided on the clause:

Ayes (20)—Mrs. Adamson, Messrs. Allison (teller), Ashenden, Becker, Billard, Blacker, Eastick, Evans,

Glazbrook, Goldsworthy, Lewis, Millhouse, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, Tonkin, and Wilson.

Noes (16)—Messrs. Abbott, Bannon, M. J. Brown, Crafter, Hamilton, Hemmings, Hopgood, Keneally, Langley, O'Neill, Payne (teller), Peterson, Plunkett, Slater, Trainer, and Whitten.

Pairs—Ayes—Mesrs. P. B. Arnold, D. C. Brown, Chapman, Mathwin, and Wotton. Noes—Messrs. L. M. F. Arnold, Corcoran, Duncan, McRae, and Wright.

Majority of 4 for the Ayes.

Clause thus passed.

Clauses 11 to 13 passed.

Clause 14—"Periodic detention on default in payment of fine, etc."

The Hon. R. G. PAYNE: What would be the position if an offender causes damage while engaged in a programme under this provision? Is there any provision for compensation to be made by the Government?

The Hon. H. ALLISON: I am not aware of any specific consideration being given to this matter. I assume that common sense would make that one of the first considerations to be given, but I am not sure of any decisions that have been arrived at by the Attorney-General, who introduced this Bill in another place. Most aspects of this Bill were canvassed in the other place, so I will make inquiries about this matter for the honourable member. The Parliamentary Counsel assures me that this question has arisen time and again in a wide variety of matters, and I am sure the question of compensation would be one to which the Government would have addressed itself.

The Hon. R. G. PAYNE: I am not sure that I am prepared to accept that answer. The Minister was a member of the Opposition for some years before it came to Government, and more than one member of his Party criticised the previous Government, of which I was a member, for the fact that there was no provision for compensation when damage was caused by people who absconded from institutions, the very sorts of places in which these people are detained. The circumstances in this case are not very dissimilar, the only real difference being that an offender is working on an agreed programme that has been worked out in terms of the clause we are considering. Certainly, at that stage he has not expiated the offence, as he (or she) may not have completed the programme. Therefore, technically, he or she would be in some kind of custody, and if some damage is caused at that time compensation would have to be paid. I am surprised that the Minister is not able to say that this has been considered. All we are told is that he assumes the matter would have been considered. I think we are entitled to a more positive answer.

The Hon. H. ALLISON: I am aware of at least one instance where a youngster absconded from custody and certainly did damage, both to people and to property, after he had run away. I would not have thought that that circumstance was precisely akin to the one we are outlining here. In this instance, the young people would have been adjudged suitable to be put on certain programmes, and therefore there is some admission of liability, I would have thought, on the part of the Crown, in that it has taken the risk already in making the decision to put the youngster to work.

In the other case that I am personally aware of, negligence was attributed to the officers of the Crown, and the young man voluntarily removed himself from imprisonment in a country goal. After he had escaped, the wrongs were performed and the damage for which the Crown later denied responsibility was done. I would not have thought that the two were identical or even similar. One is at the direction of the Crown and the other is a wilful act against the wishes of the Crown. I will certainly transmit the honourable member's expression of concern to the Attorney-General and suggest that this be one of the first pieces of machinery to be fined down and to be resolved before the rest of the work programme is put into effect.

The Hon. R. G. PAYNE: I am not going to try to canvass the possible legalities of the matter. I raised the subject initially because it seems to me that it is as least reasonable that some organisations in the community which might well be prepared to work with people who are expiating parking fines, and so on, in programmes such as this may be somewhat deterred if they believe that they have no cover for any act done by an offender. I do not suggest that every offender who may enter into a programme will be all that happy about having to expiate a fine by doing a number of hours work, and we might get an anti-social act on occasions. I accept the Minister's assurance that it will be given attention.

The Hon. H. ALLISON: It is obvious, from the honourable member's expression of concern and my knowledge of a few things that have happened, that a number of cases such as the one he quotes have not previously been supported by Governments, and that Governments generally have been quite reticent, whether Liberal, Labor or whatever shade of political colour.

Mr. Millhouse: That means me.

The Hon. H. ALLISON: I was trying not to exclude the honourable member; I am all-embracing. Governments generally have been reticent about the question of compensation, and one matter which comes to mind is that the recently announced study of victims of crime will be addressing itself to this issue. So the matter has been acknowledged by the present Government, and I assume that the findings of that committee will be made applicable to cases such as this.

Clause passed.

Clause 15—"Transfer of children in detention to other training centre or to prison."

Mr. ABBOTT: As the Act presently stands, the removal of a child from one place of detention to another may be carried out only by the Director-Genral 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. Can the Minister inform the Committee what those administrative difficulties relate to?

The Hon. H. ALLISON: The main administrative difficulty is that it is necessary to call the board together before the neccessary decision can be arrived at.

Mr. Abbott: What's so difficult about that?

The Hon. H. ALLISON: It is an administrative problem.

Mr. ABBOTT: Our concern is that, where a judge has decided that a person should not be sent to any one institution, the Director-General would have power to over-ride completely that judicial decision. For those reasons, we oppose the clause.

The Hon. H. ALLISON: With the question of permanent detainees, people who would normally be sent to what were formerly Vaughan House and McNally, the review of the Director-General's decision by the Review Board is one issue, but where the young people are not remandees (where the detainment is probably for a short period), that is really the issue to which the amendment is addressing itself. It is the short term. I move:

Page 5, line 11—After "section" insert:

(not being a direction relating to a child on remand).

The Hon. R. G. PAYNE: The Minister is trying to make clear that the provisions in the amendment will not apply to children who are on remand?

The Hon. H. ALLISON: Yes.

Amendment carried; clause as amended passed.
Clause 16 and title passed.

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

That this Bill be now read a third time.

The Hon. R. G. PAYNE (Mitchell): I think it is a pity that the Bill has come from Committee to the third reading stage as it has. There are a number of principles about which the Opposition feels very strongly, and we have endeavoured to illustrate the strength of our feeling to the Minister and the Government. I regret that we were unsuccessful, and I hope it was not because of any shortcoming on our part. I believe that we are dealing with very important principles where it is the expressed will rather than the act which could be judged by people in society as to how this Parliament feels about young people and their struggle to find their identity as they grow up in society. I regret that the Government did not see its way clear to understand what the Opposition was on about. It was not a political game or a points scoring exercise, but an endeavour to retain a little compassion in an area where it is all to easy to resort to the rod and the birch.

Bill read a third time and passed.

CONSTITUTION ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 10 June. Page 2450.)

Mr. HEMMINGS (Napier): The Opposition wholeheartedly supports this Bill, which at last entrenches local government within the South Australian Constitution. It ensures that local government shall continue to function in this State under which elected local government bodies are constituted with such powers as Parliament considers necessary. More importantly, it is firmly entrenched in the Constitution, in that new section 64a (3) provides that the section shall not be removed from the Constitution Act unless a Bill for its removal is passed by both Houses of Parliament with an absolute majority in both Houses. I think this is the important part of this Bill.

With regard to the history of the Bill and its recognition of local government, we really need to go back to 1972, when the Whitlam Labor Government in Canberra made a commitment to enlarge the role of local government in Australia. It was the Whitlam Government that gave a commitment that local government should have access to the Federal Grants Commission. The Hon. Chris Sumner, in another place, gave details of funding made available to local government in the form of untied grants. I think it is important that I give these figures again.

It was from 1972 that these grants allowed local government to proceed with the many programmes for the benefit of the community, and as a result services were vastly improved without the cost being borne by the ratepayers. In 1974-75 the sum of $57 000 000 was made available, and $80 000 000 was made available in the 1975-76 financial year. This was money that could be disbursed to local government through the Grants Commission, and it was untied money. Up until that time, any form of funding from the Federal Government or the State Government was tied to a particular area. It was the Whitlam Government which instituted the untied grants to local government. The Fraser Government has continued that function through tax sharing arrangements, although I would like to add that local government throughout this State and throughout Australia is not happy with the percentage that they are receiving.

At every Constitutional convention from 1973 onwards, the Whitlam Government supported the inclusion of local government within the Australian Constitution. Local government was given a place at these conventions due to the pressure brought to bear by the Prmie Minister, Gough Whitlam, and there was much argument, especially by State Liberal Governments, that local government should have no reference in the Australian Constitution.

I think the Hon. Chris Sumner referred in the other place to the fact that you, Mr. Speaker, voted at one of the Constitutional conventions against local government being included in the Australian Constitution. Bearing in mind your deep involvement in local government prior to your election to this House, I find that hard to believe, so perhaps I should check that to see whether it is true.

In 1976 there was a breakthrough. It happened in Hobart, and at that Constitutional Convention a resolution was passed in relation to local government. I want to read out that resolution, because I think that not only is it important to the Bill but also it concerns what we need to do in the future if we are going to be sincere in putting local government as the third tier of government in this country. The resolution was as follows:

> That this convention, recognising the fundamental role of local government in the system of government in Australia, and being desirous that the fulfilment of that role should be effectively faciltated—
>
> *(a)* invites the States to consider formal recognition of local government in State Constitutions;
>
> *(b)* invites the Prime Minister to raise at the next Premiers' Conference the question of the relationships which should exist between Federal, State and local government; and
>
> *(c)* requests Standing Committee "A" to study further and report upon the best means of recognition of local government by the Commonwealth.

This Bill deals with part *(a)* of that resolution, and we support it wholeheartedly, although I might add that when we were in Government we were moving very rapidly towards the introduction of a Bill which I understand was almost word for word the same as that before us today.

On 27 April 1979, at the opening of Local Government House, my Leader, the then Minister of Local Government, had this to say. I think this is fairly important, because not so much in this House but in another place much was said by Government members about the Labor Party's not having time to bring local government into the South Australian Constitution. There have been many times that Liberal members, particularly in the other place, have said that the Labor Party has no time for local government, but I think our record over the past 10 years has proved that to be wrong. The Leader stated:

> With the diversification of local government activities there will be an increasing recognition of local government as a tier of representative government and as a partner with State and Federal Governments in efforts to improve the economic, social and cultural conditions of communities.
>
> As Minister of Local Government, I will be continuing the work of my predecessor in moving towards recognition of local government in the State Constitution. The State Government has received a legal opinion on this matter and I am expecting a report from the Local Government Office in the near future. When I have received the report I will be discussing this matter with the Local Government Association.

> Local Government has the capacity to develop its position as the key institution at local level—not just in terms of administering legislation and regulations—but in terms of becoming the chief policy making body, planner and advocate for all aspects of development in the local community.

I am sure all members in this House would echo those remarks made by my Leader in April of last year.

In a policy speech delivered in August 1979, the then Premier (The Hon. Mr. Corcoran) stated:

> We see local government as a partner in efforts to improve the quality of life in local communities. We will introduce legislation to recognise local government in the State Constitution in the first session of the new Parliament. We will also take steps to enable local government to develop as a modern and efficient sphere of government capable of meeting the needs of local communities.

Those two statements lay to rest the charges made in another place that the Labor Party objects to local government's entering the Constitution of this State. I refer now to the Minister's second reading explanation in regard to local government in this State, in which he stated:

> 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.

I agree entirely with these comments. Without Federal grants, initiated by the Whitlam Government and continued by the Fraser Government, these innovative programmes would never have taken place. Without adequate funding from Federal and State Governments, enshrinement in the Constitution would have been very hollow indeed. I can cite my own experience of 10 years in local government.

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

A quorum having been formed:

Mr. HEMMINGS: Prior to the calling for a quorum, I stated that I could cite my own experience of 10 years in local government.

Mr. Millhouse: You were the mayor, weren't you?

Mr. HEMMINGS: I was. At the advent of the Whitlam Government's untied grants, the RED scheme and the State Unemployment Relief Scheme, we in Elizabeth were able to proceed with significant community-based projects, such as a child care centre, which was funded by the Whitlam Government; a large leisure centre, which was funded by the State Government, the Federal Government and local government; the employment of social workers and community development officers; and the building of numerous recreational facilities for all sections of the community and for people of all ages in the community.

It is important that honourable members recognise that the incorporation of local government into the Consitution is only the first step. The question of the financial relationships between the Federal Government, State Governments and local government, which involved the second part of the resolution passed at the Hobart conference in 1976, is just as important. I am sure that honourable members opposite will debate this Bill, and we should all realise that some honourable members have never served in local government. You, Sir, served for some years in local government.

Mr. Trainer: Very well, too, I believe.

Mr. HEMMINGS: Yes, as Mayor of Gawler. The member for Rocky River served his area quite well in local government, and ended up as the Mayor of Kadina. The member for Goyder had considerable local government experience; I believe that he, too, ended up as the Mayor of Kadina. Unfortunately, that honourable member's experience was not recognised by the Government, and that is a real pity. I am the only member on this side who has served some time in local government, and I realise the importance of local government.

Members interjecting:

Mr. HEMMINGS: I will ignore the noises that come from the other side, as I am sure you, Mr. Speaker, will do. It is important that local government is recognised by the State Government, and this Bill does that. It is also vitally important, as I said previously, to realise that recognition of local government by placement in the Constitution is not enough. There should be complete financial support for local government from both the State Government and the Federal Government, because, without that financial support, the burden would be placed on the ratepayers alone, and this should not occur. The State Government must provide financial relief, as does the Federal Government.

I hope that the Government will exert pressure on the Federal Government to increase its percentage under the tax-sharing arrangement, as the previous Government attempted to do when in office. I hope that this Government will be more successful than we were. In the meantime, the Opposition supports the second reading.

Mr. RUSSACK (Goyder): I support the second reading, and I was pleased to hear the member for Napier state that his Party supports this measure wholeheartedly. He went through the history of the Australian Constitutional Convention and cited what has taken place at meetings of the convention. My Party introduced a Bill of this nature on 25 September 1978 in order that local government be recognised in the Constitution of this State. The then Minister of Local Government, Hon. G. T. Virgo, on 11 October suggested that time be given for consideration and that the matter be postponed. He requested that the Bill be re-introduced in the next session of Parliament. Little did the Minister know that there would be insufficient time in that next session of Parliament, because it came to an abrupt end with a change of Government on 15 September. I am happy that the present Government has taken the initiative and that the Minister of Local Government has introduced this Bill. I am confident that the Bill will be accepted by the Parliament and will become law. The Local Government Act Revision Committee of 1965 reported in July 1970 on the importance of local government. It stated:

> Local government plays a fundamental part in the Government of this State. The more that fact is realised, the more effective local government can become and, accordingly, the more it can contribute to the development of the State itself.

At the Constitutional Convention held in Perth on 26 July 1978, His Excellency the Governor-General said:

> The presence of local government representatives is of real significance. It focuses attention on this level of Australian Government and administration.

The Hobart session of the convention resolved to invite the States to consider formal recognition of local government in their Constitutions. A Victorian Bill has already been drafted to give effect to this invitation. My

understanding of the convention was that, in the early days, the then Labor Government in Canberra was eager that local government be recognised in the Federal Constitution, but this enthusiasm waned later, as it was found that perhaps there were legal problems that made it difficult for this recognition in the Federal Constitution.

Mr. Millhouse: Quite impossible.

Mr. RUSSACK: As the member for Mitcham says, it was impossible. Therefore, interest was directed to the Constitutions of the various States. That is why, on 20 September 1978, I had the honour of introducing a private member's Bill. Although the Labor Government of the day did not oppose the measure, the then Minister said that, in line with Victoria, it would be given greater consideration and would be introduced in the next session. The real truth of the matter was that the Minister did not want credit to be given to the Opposition; therefore, in the next session, immediately the opportunity was there, that Government would have introduced a Bill.

It is interesting to know that the Premier of the day (Hon. Don Dunstan) openly espoused his objection to any recognition of or any seat on Loan Council by local government. Therefore, he did not have the same respect for local government in the Federal sphere, as some of his counterparts have suggested tonight that he did.

Mr. Millhouse: That's a complete *non sequitur;* it just does not follow at all.

Mr. RUSSACK: Nevertheless, if it does follow, it is a fact. The Bill contains a provision which, I suppose, entrenches the recognition into the Constitution of this State. Local government will be recognised, and that recognition can be removed from the Constitution only by a vote of an absolute majority in both Houses of Parliament. After this Bill is passed, people in local government will have the assurance that new subsection (3) will apply. Only under certain conditions applying to the introduction of future legislation, including the joining of both Houses of Parliament to repeal the Act by an absolute majority, can changes be made, and the Local Government Act will forever be on the Statute Book of this State. Previously, that assurance, guarantee and recognition did not apply, but they will if this Bill is approved.

Mr. Millhouse: Not in its present form.

Mr. RUSSACK: That is how I understand it. I will answer the allegation made by the member for Napier concerning certain members of the Liberal Party who, when attending the Constitutional Convention, voted against the introduction of local government recognition in the Federal Constitution. That was done in the belief (as the member for Mitcham has said tonight) that it was an impossibility. Therefore, that was seen, and a vote was taken in that light, but those members were absolutely in support of local government being recognised in the South Australian Constitution. South Australia is acknowledged as the first state in which local government existed. If my memory serves me correctly, this happened about 1840.

Mr. Millhouse: And the City of Adelaide went bankrupt.

Mr. RUSSACK: After a year or two, the city solved its problems, and it was reconstituted in the same established manner as it is today. It has been a most successful council in South Australia.

I am sure that all members appreciate and acknowledge the work that has been done by hundreds of councillors in this State not only at present but in years gone past. They have spent many hours working willingly and voluntarily. I suggest that, in recent years, the task has been more onerous than ever before for councillors and officers. They are to be congratulated and, in recognition of the work that they do, in association with the State Government and the Federal Government, the least that can be done is to give them security in relation to the continuation of local government.

I am particularly pleased to see that in South Australia this initiative has been taken. When the Bill, which I am confident will pass this House, is proclaimed, we will have a recognition of local government of which all in this State can be proud. The Local Government Association of South Australia has asked for this legislation. A year or two ago the Adelaide City Council became involved in the matter. The then Lord Mayor and everyone involved, directly or indirectly with local government in South Australia, will be pleased that this measure has been introduced, thus ensuring that local government is recognised in the South Australian Constitution.

Mr. OLSEN (Rocky River): I support the Bill. I support the principle that local government ought to receive encouragement and ought to be fostered by the other two tiers of Government, State Government and Federal Government. It is pleasing to note that the Federal Government has taken some initiatives in this area. During the life of the current Federal Government we have seen tax-sharing arrangements introduced whereby funds directed to local government in this State have increased, as a percentage, to 2 per cent, and this will mean that some $26 000 000 will be distributed to local government in South Australia, so that it is participating in funds collected by way of taxation revenue. That is not to suggest that I believe that 2 per cent should be the highest figure that the Federal Government should consider giving to local government as funds.

Mr. Russack: But it is the acknowledgement of a promise, isn't it?

Mr. OLSEN: Yes, it is the acknowledgement of a promise; it is a promise that has been honoured by the Federal Government in terms of giving contributions to local government and a basis by which it can participate at a greater level in the affairs of this nation. To establish it, rather than as the poor partner in government, as a partner of some significance, an equal partner, ought to be the desire in the long term. I believe that local government has the capacity to accept the role and responsibility of providing community services and facilities. I also believe it has the greatest capacity to determine what those community needs are by being closest to the people and being able to indentify local community problems. It is therefore able to have a better and closer appreciation than have remote Governments, or departments for that matter, in determining the allocation and expenditure of resources.

Moreover, if local government is to be included in tax sharing, and in the revenues received from income tax, it ought to discharge its responsibilites effectively and efficiently, and it ought to accept those responsibilities. I believe it can rise to that challenge. It has, as I have said, a capacity to participate in community affairs in a far more meaningful way than has remote government. The State Government, like the Federal Government, has taken some initiatives in a very short period to include local government in various areas. In this connection, I refer to the report of the Select Committee on meat hygiene. The consultative committee and the Minister have seen fit, and Parliament has agreed, to local government's having a representative on that authority.

There are other areas in which the State Government has taken some initiatives to give local government a more vocal voice on various aspects on legislation in this State. Therefore, I believe that both State and Federal

Governments have taken some initiatives to involve local government in a more meaningful way for the future. I believe that is but a start and that many other areas can certainly be included. Hopefully, this will be the start. I support the Bill now before the House.

Mr. EVANS (Fisher): I support the Bill. As a delegate to the Constitutional Convention I am conscious of the fact that this matter received some recognition, particularly in Hobart. I am thankful for your help in isolating the conversation that took place in Hobart and the resolution, Mr. Speaker. It was a matter recommended to a committee to which you belonged, Mr. Speaker, committee A, which was to investigate further the matter. That was a committee of which I was not a member. The resolution which was put before the convention, and which was moved by Mr. Jensen and seconded by Mr. Hunt, was as follows:

> That this Convention, recognising the fundamental role of local government in the system of government in Australia and being desirous that the fulfilment of that role should be effectively facilitated—
>
> *(a)* Invites the States to consider formal recognition of local government in State Constitutions;—

we are doing that here tonight—

> *(b)* Invites the Prime Minister to raise at the next Premier's conference the question of the relationships which should exist between Federal, State and local government; and
>
> *(c)* Requests Standing Committee "A" to study further and report upon the best means of recognition of local government by the Commonwealth.

During that debate the Hon. E. G. Whitlam said, in part:

> I support the motion as far as it goes. It has been difficult to have any motion on local government placed before this meeting of the convention. In fact, there were requests from the Premiers' Conferences in February and April of this year that no matters concerning financial relations of the States or of local government should come before this convention. The Executive Committee accepted that request from the Premiers' Conferences.

I do not need to go any further. I think that that is a clear indication of the attitude taken. The intention was, of course, that the States would formally recognise local government in their Constitutions, local government being regarded as the lowest tier of government. I might even take that a step further. Members of the Labor Party have said tonight that local government has under it community associations, recreation associations, and so on. In a way, they are another form of government. They fall under local government and, in most cases, work on a voluntary basis in the community, organising a certain section of society whether it be in relation to recreation, sporting facilities, libraries or whatever it may be. Libraries are not always voluntary, but some are. We have through the system these tiers of government. I think it is proper that local government be recognised in the State Government Constitution but not necessarily the Federal Constitution.

I think local government keenly wanted to be recognised in the Federal Constitution because by that method it was hoping that it would have direct access to Loan funds and be able to go around the State and make direct applications. The member for Rocky River made the point that the Federal Government has recognised the needs of local government to some degree by the money it makes available at the moment. Some local governments were hoping that they could go around the State, making direct application on a regular basis.

Mr. Crafter: And you oppose that?

Mr. EVANS: I think it is fair to say, that even members of the honourable member's own party were not keen on that when it came to final discussions about the complications it might cause. I was not in favour of that, either, and I am happy to accept the interjection. What we are doing tonight is the proper thing. I support the Bill. This is another indication that the Constitutional Convention did have some input, which has eventually brought about a change that most people in Australia would think is desirable if it happened in every State Constitution.

The Hon. D. C. WOTTON (Minister of Environment): I want to thank members on both sides of the House for supporting this legislation. The Government is, as has been said by my colleagues, committed to supporting local government in South Australia, and is not just committed to supporting local government, but also committed to working closely with local government. I could quote many examples of policy of the present Government in the support that it is showing. As an example, I refer to my own field, and we have continued on from the previous Government in planning and giving more responsibility to local government, as I believe we should. There are many other areas that I could suggest in which we are giving back some of the responsibilities that local government should have.

I would like to clarify one point, although the member for Napier is not in the Chamber at present. He referred to grants to local government beginning in 1973. That is fair enough, but revenue sharing, where all councils benefited, was introduced by the Federal Liberal Government in 1976, and not in 1973, as was suggested. It has been said by members on both sides of the House that 2 per cent is not enough, but it is interesting to note that the percentage for 1980-81 at 2 per cent of income is an increase from 1·75 per cent in 1976, so it is a step in the right direction.

I commend tonight the member for Goyder, who spoke this evening in this debate, because it was he who introduced a private member's Bill very similar to the Bill before the House tonight. As a private member, he was keen to bring in the legislation that in fact we are debating in the House tonight. As I have said, it shows that we have recognised local government in South Australia as an integral part of the governmental system of this State, and indeed of Australia, and it is a major acknowledgment of the maturity and the place that local government has in our system of Government in South Australia.

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

SUPREME COURT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 February. Page 1327.)

Mr. CRAFTER (Norwood): The Opposition supports this measure, which clarifies two minor points in the administration of justice in the State concerning the Supreme Court. First, it clarifies the Supreme Court Act in relation to the retirement of Supreme Court judges. It is possible that an interpretation could be placed on the Supreme Court Act whereby only judges who contribute to the pension fund must retire at 70 years of age, and clearly that was not the intention of Parliament.

Mr. Millhouse: I don't think there are any who don't contribute. They would be mad if they didn't.

Mr. CRAFTER: I think there are considerable incentives for contributing to the fund. However, the situation may arise, for example, where a person has a

Parliamentary Superannuation Fund which is sufficient for his needs and does not intend to contribute to the Supreme Court fund, or a situation of that sort. However, this is not a position which must be left unattended, because the legislation does not intend to have judges continue in office for ever and ever. Immortality on the bench is something that the Government, I am pleased to see, does not accept. So that will be rectified by the passage of this measure.

Secondly, the Bill relates to the completion of hearings by judges who have announced their intention to retire. The present Act covers the position where judges retire at 70 years of age. They clearly have the authority, under the existing legislation, to complete any hearings they may have part heard at the time of their retirment. However, there was some doubt whether a judge who retired before the age of 70 years could complete the hearing of any part-heard matters. In recent years a number of judges have retired prior to the age of 70, and that is a situation which must be left flexible.

It is my personal view that some judges may feel that they could make a better contribution to the community other than on the bench, having sat on the bench for some years, and they might not have gone on to the age of 70 years. Some judges may be unwell and, whilst not sufficiently unwell to be unable to sit, they may feel that in fairness to their duties they should retire. This position also must be tidied up so that those judges who wish to retire, for whatever reason, prior to the age of 70 years should be able to have their part-heard matters completed and the matters before them decided so that there is no injustice to the parties.

The Opposition has raised in another place the point of this principle applying in other jurisdictions, especially in relation to justices of the peace who sit in Magistrates Courts. It is the practice in many areas that many justices over the age of 70 sit quite regularly in Magistrates Courts. In the opinion of the Opposition, that is not to be encouraged, and we would hope that the Government would continue the policy of the previous Government to discourage justices from sitting once they reach the age of 70 years. With those comments, I indicate the support of the Opposition for the Bill.

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

A quorum having been formed:

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

PETROL RESELLING

Adjourned debate on motion of the Hon. M. M. Wilson (resumed on motion).

(Continued from page 2509.)

Mr. GLAZBROOK (Brighton): It was regrettable that the Leader of the Opposition chose to play politics with a very serious problem. He intimated that this Government was not interested in the problem and that we had waited until 3 June or 4 June before taking any action. He suggested that this motion was a direct result of his statement to the press on 30 May, when he called on the Premier to make urgent representations to the Federal Government to implement the Fife package. I wish to correct that assertion by the Leader of the Opposition. The Premier made strong representations to the Prime Minister as long ago as 19 November 1979, when he wrote to the Prime Minister urging him to implement the Fife package in full. Indeed, he has done so on a number of occasions since that date.

The Minister of Consumer Affairs and the Minister of Industrial Affairs have met representatives of the petroleum retailers and the oil companies and have ernestly worked to find a solution outside of legislation. Following correspondence with the South Australian Automobile Chamber of Commerce (Service Station Division), the Government was informed of the resolutions passed on Sunday 1 June. The first motion from that meeting was that the State Government be asked to initiate an inquiry into the Amoco problem, this inquiry to be conducted by the Motor Fuel Licensing Board. The Minister stated earlier today that he and the Minister of Consumer Affairs would be meeting soon to present a recommendation for consideration by the Government on this very question.

The Government has been labelled this afternoon by the Leader of the Opposition as being tardy in its action, and it was said that it is acting now because of pressures exerted by outside sources. To that I say, "Rubbish!" The action taken by the Minister's motion is only a part of the action that has already been taken and is continuing. If the Leader took time to read the motion carefully, he would realise that it is non-political, in the sense that in this motion the following words appear:

> In the opinion of this House the Federal Government should, as soon as possible, enact legislation to give effect to the provisions of the Fife package. . .

At least this Government is addressing itself to the question and has been working behind the scenes to ensure that the rationale which is so badly needed today is implemented. The previous Government had the opportunity to do something about the matter, but it could not achieve everything. The problem did not start yesterday; as the Minister said earlier, the problem has been lingering on for many years.

The amended motion seeks to politicise the issue, and that is deplorable and should be seen in its true light. It attempts to take away the initiatives of the petrol retailers and of this House by urging the Federal Government to heed the call of the Federal Labor Opposition. Indeed, it could be construed that the Opposition is slating the petrol resalers instead of supporting them, simply because the Leader seeks to introduce bipartisan politics into the issue.

The substance of the motion is to support the petrol resellers, and asks that the Federal Government enact legislation to give effect to the Fife package. The resellers, this Government, and indeed, by the latter half of the amended motion, so too do the Opposition. However, in the first part of its amendment all the Opposition attempts to do is slant a sensible motion for political purposes. We support small business, and the implementation of this package is essential to ensure that the rights of petrol resellers are protected and that no heavy-handed tactics are used against those dealers who have campaigned for so long and, above all, so responsibly.

This Government has stated publicly its support for the Fife package and wants to ensure a reasonable approach is undertaken by all parties. The plight of the petrol retailers is known to us all, and there have been many examples of retailers unable to cope with the indiscriminate marketing arrangements currently being practised, whereby resellers, even within a space of two kilometres, are forced to become the pawns in the chess oil game of cutting each others throats. The retailers would all agree that they are all for competition, but on the proviso that they can all buy petrol at the same wholesale price.

When companies are able to manipulate the market by manoeuvring their own products through their own sites, at a real cost below that given to other retailers, then that competition is totally abhorrent. The success or failure of

people within a trade is in the belief that all have equal opportunity to buy at the same wholesale price. Once that is achieved, it is then a matter of who can operate at a competitive pace on overheads. It is a question of budgeting and sound management. However, it does mean that each can compete, and can sell the fuel at whatever price it chooses, provided it does not, of course, go above the approved retail level.

They also seek protection in their leasing arrangements with the oil companies. For it is an invidious situation that finds many resellers hanging on, on monthly or short-term leases, unable to gain security of tenure from the oil companies. Some retailers have had to exist on this knife-edge of security, and under the threat that, if they push too hard, they are told they are always free to pack up and leave the tenancy. This, of course, is an unrealistic answer from the oil companies, simply because many resellers have invested large sums of money in repair equipment and service bays, and for them to walk out would obviously cost them dearly. Many of these small business men and women have sunk their life savings and even mortgaged their homes to stay in business. They just cannot walk out, for to do so means to lose everything. This is the plight of the small business sector, particularly in this field.

This package is necessary to bring rationale back into the market place. This Government is not against fair and just competition and upholds the right for resellers to compete. We are against indiscriminate wholesale favours to selected sites.

I turn now to fuel distribution problems encountered during shortages through strikes or industrial action. Instances that have been stated from within the trade that the first service stations to be refuelled are the oil companies' own sites, which take preference over the private operators, thus causing anger and loss of business in favour of the oil companies. I also refer to the seemingly extortionate demands that are being made in relation to the rental of sites by oil companies. As honourable members may be aware, Amoco agents and resellers held discussions last week detailing several cases where rentals had risen from $980 per month to $2 840 per month. Leaving aside all the other peripheral incentives that only confuse the situation further, it must be agreed that we can do without the wheeling and dealing behind the scenes, which I feel sure is put there to confuse the situation, and, whilst seeming to give with one hand, certainly takes with the other.

It is also said that the country resellers are being put to great disadvantages and are now paying top dollar for their petrol, and that this is being done to offset the losses incurred in the city by this wholesale price warfare. Thus, it could be said that the country people are subsidising the city prices. There is more than enough evidence to show that some country dealers are, in fact, paying far more at wholesale prices than the price at which the general public is buying petrol in Adelaide, and even if they added to the city retail price the cost of transporting that fuel to country stations, the aggregate price and cost would work out lower than what people in the country are paying for petrol.

I am sure that, if competition at wholesale price was to continue between dealers in the same family (Shell, B.P., Amoco, Esso and so on), the net result must be total chaos. If oil companies want to compete with each other and ensure that dealers within their own family are supplied with fuel at one common wholesale price, again. no one would really complain, because the arguments used in relation to competition are most probably correct—up to a point.

That point is reached when the dealers become the pawns of the suppliers. In their anxiety to increase the volume of sales, the suppliers select a site to sell at the lowest price just under that of an opposing brand close by. This is done irrespective of the damage it will do to another family agent and members in the area. As the proprietors of the unselected sites lose volume sales, they are then forced, cap in hand, to ask, like Oliver Twist, for another serve, by way of a subsidy. An oil company reply to one of those requests stated:

> We refer to earlier discussions with our Territory Manager concerning your request to us for assistance to implement your decision to match motor spirit prices offered by one or more of the attended service stations with which you compete. This letter is to confirm that, commencing on . . . and until further notice from us, which may be given at any time:
>
> *(a)* we will allow you a rebate of 1·5c for each litre of motor spirit purchased by you from us for sale through your abovementioned service station.
>
> *(b)* instead of invoicing you for your purchases of motor spirit as provided in your current lease, we will prepare such invoices on the basis of our ruling market price per litre to resellers at the place and on the date of delivery, less the further rebate per litre mentioned above.
>
> We remind you that the granting or withdrawal of the abovementioned allowance or any other allowance we may make to you from time to time should not be taken as in any way an attempt on our part to induce you to sell motor spirit or any other product at a particular price. The fixing of price levels at which you sell petroleum or any other products is entirely a matter for your own judgment.

The seller of the opponent brand, likewise, is forced to go to his supplier to ask for help to compete. That supplier can decide to do nothing until the site goes under, or he can offer a similar deal and the whole programme starts again. At this stage, the only loser is the retailer who, unable to compete, unable to pursuade his supplier that he needs the assistance of a subsidy, sadly closes his pumps and vacates the site, leaving staff unemployed and costly equipment lying idle. In an effort, therefore, to rationalise and stabilise the petrol reselling industry, the implementation of this package proposal in required and I call on members of this House to fully endorse the motion by their unqualified support, and to withdraw the amendment that has tried to politicise the issue. I second the motion.

The Hon. R. G. PAYNE (Mitchell): The motion is a public admission of the failure of the private enterprise system as such in relation to petrol reselling. The Minister's speech was basically a recital of all the defects of private enterprise in regard to the oil industry. This must have been a bitter pill for the Minister to swallow for political purposes—to have been directed by the Government, no doubt, to introduce this motion. For a Government that professes to believe that a minimum of interference with the market (that is, private enterprise) is the best system for society to have to come into the House with a motion of this sort must have been extremely galling.

I propose to deal with the way in which the Minister handled the matter, but first I will refer to one or two points raised by the member for Brighton. He tried to show that the previous Government had been dilatory in some way in regard to this matter and, at the same time, he tried to defend the actions of the Minister of Industrial Affairs (the Hon. Dean Brown) and the Minister of Consumer Affairs in another place. I believe that his argument that the Government did all it could, albeit

behind the scenes (whatever that means—it must have been a long way behind the scenes, judging by the results), could bear further examination.

During my Leader's reply, in which he moved the amendment before the House, reference was made to certain actions of the Minister of Industrial Affairs. The member for Brighton also stated that it was a pity that there had been politicising in this matter, and suggested that the Leader of the Opposition had been wrong in some way in introducing the amendment, because that action was politicising. Who has been politicising this matter all along? If one looks at the situation last year, when the present Minister of Industrial Affairs was in Opposition, one would see who has been guilty of politicising.

If that, in itself, be a crime anyway, I would have thought that one would expect politicians to be involved in politics, and it would not surprise me in the slightest if they on occasion politicised some matter. If we accept the premise put forward by the member for Brighton, let us see who has been politicising. On 12 July 1979, in the *Advertiser*, the then Opposition member for Davenport is reported as saying:

> The Government can act in the petrol row—Brown. The South Australian Government is not powerless to take action to protect Southern Cross petrol dealers, according to a Liberal M.P. . . . The Australian Consitution allowed a State Government to prohibit unfair distrubution of petrol.

The following is the interesting part, I believe to you as well, Mr. Speaker:

> A South Australian Liberal Government would use State legislation to ensure that Southern Cross Petroleum outlets and other independent outlets were not unfairly discriminated against by some oil companies. Mr. Brown gave this undertaking at a meeting between Liberal Party M.P's . . .

Soon after that date, the member concerned found himself in Government, to his surprise or otherwise; the will of the people does not take that into account. It puts you there and expects you to operate.

Mr. Millhouse: I suppose you were surprised, too.

The Hon. R. G. PAYNE: Not entirely, but I got a shock just the same. The honourable member then found that is was not quite so easy for the South Australian Government to take the sorts of action he advocated, exhorted, and castigated the previous Government for not taking. Last January, we had another episode of that continuing saga relating to the oil industry and the petrol reselling field. We found that some action was threatened, after meetings with persons connected with the oil industry, by the two Ministers to whom I referred previously, namely, the Minister of Industrial Affairs and the Minister of Consumer Affairs. There were vague hints, almost threats, that, if something was not done, action would be taken. What has that action been, in practice? We have been told by the member for Brighton that a letter was written by the Premier asking the Prime Minister (Mr. Fraser) to implement the Fife package.

The Hon. M. M. Wilson: That was late last year.

The Hon. R. G. PAYNE: Obviously, that does not apply to what was promised by the two Ministers about whom we have been talking. I suggest that it illustrates even more strongly that nothing has been done, except for some vague kind of behind-the-scenes operation which has not resulted in anything except the presentation to the House today of a motion which is an attempt to salvage the scene; that is all it is. They have been caught in that respect so we find that we have presented to the House a motion which tries to show that, all along, we really meant this to happen, and have done our utmost, even though we said that every Government should have been able to fix it up locally. However it is a national scene and problem. The public and everyone else understand that oil companies do not operate on only one State. The Government and the honourable member understood it, but it suited him politically to make those charges against the then Government and to press on the Government of the time actions which were not of any real help or substance. If the member for Brighton believes that all he has to do is say that the Leader of the Opposition attempted to politicise, and that that is the end of the matter, I hope that I have been able to show him in some small way that that is not as simple as it may have seemed to him at the time.

The real guts of the matter is certainly some inaction, but it is not inaction on the State scene that is the cause of the problem; it is the inaction that has been occurring in the Federal scene. In the *Commonwealth Record* dated 30 October to 5 November 1978, we find the following under the heading "Petroleum marketing". This is a report of Mr. Fife speaking to the Australian Automobile Chamber of Commerce, fittingly enough at a Sydney theatre. The performance given at the time was the following:

> In May 1977, my predecessor (John Howard) announced that the Government had decided to reject the recommendation contained in the Fourth Report of the Royal Commission on Petroleum.

Interestingly enough, when the Minister was making his speech this afternoon, that passage became transposed to indicate "not to accept" as distinct from "reject", which, I suppose, could be argued is the State's view of what is bascially a Federal matter. Mr. Fife continued (and these are the more important parts):

> The announcement was being made before the conclusion of the Government's review of the industry in order to ensure that interested groups could concentrate on the development of practical solutions to the industry's difficulties.

I remind you, Mr. Speaker, that the time frame about which we are talking is 30 October to 5 November 1978—a considerable time ago. He went on to say, speaking of Mr. Howard:

> Announcing this decision, Mr. Howard stressed the concern of the Government about the place of small business in the industry. Mr. Howard said small business for many years has played a significant role in the retail side of the industry, and the Government attaches much importance to its maintaining its position in the market.

The Government indicated at the time that it had no intention of inhibiting proper price competition at the retail level, but that it was concerned that many petrol retailers were unable to compete fairly in the retail market, due to disparities in wholesale pricing. This was in October-November 1978. It was so concerned about the difficulties of small business and the fact that it was unable to compete fairly that it had not done a thing about it two years later.

Mr. Randall: Tell us what you did when in Government.

The Hon. R. G. PAYNE: The honourable member would not understand. I believe that the Minister would agree that it is difficult for a State Government on its own to do much in this area, but we are talking about the Federal Government, in which the power lies to do something about this matter. The solution was already there, because the Fife package was announced and spoken of at the same time about which I am speaking, namely, 30 October to 5 November, as recorded in the *Commonwealth Record*. Surely there has been enough time for the concern expressed by the Minister at the time to have shown itself in some action or other; that is irrefutable, and I doubt whether any Government member would try to refute it.

It would be foolish to try to say that maybe they did not do it, but what did the State do about it? The real guts of

the matter is that it required action by the Commonwealth. One could excuse it if it were unaware of the importance of its acting, but it was not unaware, because it said it knew it was vital and concerned small businesses—that is one of the cornerstones of Liberal philosophy. It said, "We know they are not able to compete fairly".

What is the logical conclusion that can be drawn from that? One can only assume that the Commonwealth Government was prepared to allow a further period for all the other things the Minister spoke about this afternoon to occur, not just on a State scale but on a national scale; that is, rationalisation and sorting out of the poor business men, those who were not operating their sites well and who ought to fall by the wayside, and so on. Surely that is a logical conclusion that one can draw, but only now, in a Federal election year, do we find ourselves with a motion before us suggesting that the present State Liberal Government is so concerned about this matter that it is calling on the Federal Government to do something about it.

The Federal Government has known about all these problems, anyhow. I am quite certain that the proper approach to this matter is contained in the amendment that the Leader moved this afternoon. That amendment takes into account what has actually occurred, and the fact that the present government did not do anything. Part of the wording states:

. . . deplores the inaction of the Tonkin Government . . .

We have been told that one letter was written about this matter last December. We have not been told of any other action being taken, despite State Ministers putting on a show (which is the only way to describe it) and saying, "Look you blokes in the oil industry, if you are going to continue to be naughty we may do something". That is all that was said. The reality of the matter is that it is difficult to do anything that is going to be effective at a State level. What is needed is action on a national level.

The conclusion that I think one is justified in coming to is that the Commonwealth has waited and done nothing about this matter on purpose. There are a number of reasons why that might have occurred. I think it might be fair to say that it might be at the behest of certain oil companies and combines. Perhaps we might change those words to "Pressure from certain oil companies and combines". Whatever the reasons, there has been a complete lack of action.

The amendment that the Leader has put before the House draws attention to inaction by the State Government when it was trying to make out it was doing something. We all know it was doing nothing, otherwise this motion would not have appeared here. The Leader went on to point out that at least the other group on the scene, the Federal Labor Opposition, has given its support to the Fife package, which we refer to, and calls on the Government to enact the legislation as soon as possible to give effect to the provisions of that package.

If one was analysing the efforts of the Federal Government and the Federal Opposition in this matter, one could see that one group (that is, the Government through Mr. Howard, and subsequently Mr. Fife) expressed concern, saying that it was pretty crook and that resellers could not survive under those conditions and then allowing it to go on for at least 18 months. One could contrast that with the actions of the Federal Opposition in this matter, where the leader came to this State and met with a large number of the resellers. He did not go through another Minister or representative, or write a letter; he turned up on the spot and heard directly from these people about these problems.

My understanding is that Mr. Howard was in this State on more than one occasion in the past two years. He had enough time to go to a dinner on one occassion (if I recollect correctly), but he did not seem to be able to meet with the petrol resellers, and then relate what he learnt to the Minister who had the responsibility by then, Mr. Fife.

What actually happened was that there were no *bona fides* about the matter; that is what bugs me about it. I do not mind if things are difficult or awkward to fix; we all understand that taking on the oil industry, which is what we are talking about, is a pretty hefty job. Other people have tried, and there does not seem to have been much success achieved anywhere. It is difficult when one starts dealing with combines that have a greater turnover than the annual Australian budget, and it is understandable that people run up against opposition. But what one looks for is for people to be a bit dinkum. Here we have the Minister expressing great concern and then the Government lets the matter stew for 18 months while people suffer.

What has that meant? The resellers have got together and have had large meetings as recently as 28 May when 800 resellers attended a rally. When people are stirred up to that extent, obviously there has been a great deal of inaction when action was needed. I suggest that the present State Government must bear some small responsibility in this matter because the 800 resellers we are talking about are in South Australia. One has only to have a look at the press cutting file in the library to see that this is not a thing that bobbed up every four weeks, or occasionally, it has been there all along and has been growing gradually.

There has not really been any action that we have had described to us, except the sending of a letter last December. Of course, I think we are all realistic enough to accept the proposition that, if the Government in this case is a Liberal Government, and if the Federal Government is a Liberal Government, one might reasonably expect that any continuous pressure by the State Liberal Government might have struck a chord.

Mr. Millhouse: On the other hand, you didn't do too well with the Whitlam Government.

The Hon. R. G. PAYNE: I am only saying that one might expect it; you do not always get what you expect.

Mr. Millhouse: You didn't get it.

The Hon. R. G. PAYNE: I can remember that we managed to come to an arrangement with the Federal Government concerning the railways.

Mr. Millhouse: More often than not, you didn't.

The Hon. R. G. PAYNE: There are other matters that could probably be referred to, but that is the one that comes to mind first, and everybody in this State has had some benefit from that transaction in the past few years. The honourable member is diverting me to some extent. It seems to me that what I have suggested was the only way to get over to the Federal Government the way the people in this State feel about this matter. After all, I do not suppose there were too many members of this side who went along and organised the meeting of 800 resellers; that was spontaneous. They were calling for help from the only people they could go to—the Government.

That did not happen in our time in Government; that meeting was held this year. Whatever members might argue about this matter growing (and I do not think anybody would dispute that the problem has built up over a period of time), the people who are in charge at the time it gets to this stage have to bear some of the responsibility, at least. So far I have not heard any offer from the other side to accept even a modicum of responsibility in this matter.

I suggest that probably the best way would be for members on the other side to indicate for once that they do agree and that there has been some culpability on their part, and a failure to recognise how bad the scene has become and how bad it has been for small business people. Members opposite did not do any thing to bring the matter to the attention of the Federal Government. I am not saying that the State Government could have fixed it. People might argue that, but I cannot see that any State Government could have fixed it locally, because of the repercussions and the connotations in relation to the distribution of petrol being Australia-wide. It has not happened, and I suggest to honourable members opposite that they could rescue their position somewhat if they were prepared to subscribe to the amendment that my Leader put before the House in which he clearly disposed of the inadequate motion presented to the House by the Minister. I cannot say that I have pleasure in supporting it, because it is not pleasing to be considering a matter which is so important to so many people in South Australia, with the suffering involved, but I heartily support my Leader's amending motion.

Mr. MILLHOUSE (Mitcham): This motion is utterly hollow in intent. When I first heard the notice of it given yesterday, I thought it was meant to be merely a fill-in while we waited for business from the other House, and as a sort of sop to the petrol resellers of this State, and nothing that has happened today has made me change my mind. It was the first business on the Notice Paper this afternoon. We had two speeches on it, from the mover and the Leader of the Opposition, and at about 4 o'clock we went on to other matters. We then drifted through other matters from 4 o'clock to about 11 o'clock before the motion was brought on again.

If the Government had been intent on this and had regarded it as important and as having priority, it would have given it some priority. It is a hollow motion, because the Liberals will never do anything effective about the present situation, and they will not do anything effective about the present situation because they will not bite the hand that feeds them. The oil companies give very large sums of money to the Liberal Party.

The Hon. E. R. Goldsworthy: They don't actually.

Mr. MILLHOUSE: Yes they do, and we all know they do. The Liberal Party cannot afford to offend the oil companies, and that is why the Fife package has not been brought in by the Federal Government up to date. That is the only reason, and it is a sufficient reason in the eyes of the Liberal Party. This motion, both in its original form and as the Labor Party wants to amend it,will have not one iota of effect upon those in Canberra. The Government may hope that the service station people will be misled into thinking the Government is doing something about the position by moving the motion, but I think that is a vain hope. The best that can be said of this motion is that the Government is disturbed at the campaign which the retailers are waging to get the Fife package enacted.

I may say, from my point of view, that the Australian Democrats are right behind the resellers, and we will do everything we can to get the Fife package enacted. Let me start with the policy of the Australian Democrats on small business—and it is noticeable that neither of the other Parties has mentioned its policy in this matter. I believe that the Labor Party does not even have one. This is what we say:

> Small businesses and self-employed people form a large majority of all business enterprises and employ between 40 per cent and 50 per cent of the work force. They have sound industrial relations, primarily because they can readily maintain good communications and understanding between owners, management and staff. They accord with the basic belief of the Australian Democrats that smaller groups favour better human relationships.

That is our policy, and let me quote what my Federal colleague Senator Chipp said in July 1979, as follows:

> I call on the Federal Government to implement the package of proposals promised by the Minister for Business and Consumer Affairs, Mr. Fife, in October 1978, and any other measures necessary to ensure fair dealing between oil companies and independent retailers. The whole petrol distribution system in Australia requires urgent investigation. I have set in train arrangements to prepare a private member's Bill to implement the Fife package with the ultimate view of copying the State of Maryland legislation in the United States, where it is illegal for an oil company to control any retail outlet. It is illogical and dangerous to have both wholesale and retail outlets of such a precious resource as petrol in a monopoly situation with multi-national foreign companies.

That is what Don Chipp said about the matter. Let me quote now from a letter written by Mrs. Janine Haines, our No. 1 Senate candidate at the next election, who has already been a Senator. It was dated 5 May 1980, and written to Mr. Rick Pearce, the Chairman of the Service Station Division of the Australian Automobile Chamber of Commerce, as follows:

> We support your action to pressure the Federal Government, whose appalling lack of action over the past few years has led to considerable hardship for your members, into legislating to remove the oil companies from the petrol retail field, to provide security of tenure to lessees and licensed dealers, and to end unfair price discrimination practices. Senator Chipp has already publicly criticised the Government's proposed legislation on the grounds that it does not implement the items of the Fife package.

That is the Petroleum Retail Marketing Franchise Bill, of which we have heard remarkably little from the Liberals in this debate. The letter continues:

> He has also indicated his intention of supporting any legislation put forward by the Government which would implement these if it comes before Parliament prior to the coming election. If no such Bill is introduced, and I repeat that the present Government draft is not considered satisfactory by the Australian Democrats, he will endeavour to introduce a private member's Bill drafted along the lines of the N.S.W. Service Station Division of the A.A.C.C.'s proposals.

I may pause here to say that the only hope the petrol resellers have of getting any justice is by the Australian Democrats, after the next Federal election, holding the balance in the Senate and being able to exert some influence on the Government of the day, whether it be Liberal or Labor.

We have heard a lot about the Fife package, but no-one so far has said just what it is. I want to quote from the same speech as the member for Mitchell used a little while ago, but another quotation. It is a speech of Mr. Fife himself, on 30 October 1978, to the Australian Automobile Chamber of Commerce. He said, in part:

> I should now like to outline one package of measures which the Government has under consideration. If this package is proceeded with it will be by way of legislation basically to achieve four objectives. First, oil companies (that is companies or affiliated groups of companies which both refine, or have product refined for them, and also wholesale petroleum products) would be prohibited from unfairly discriminating in price between their lessee or licensed dealers. It is envisaged that oil companies would not be permitted to discriminate in price between their lessee or

licensed dealers except on the grounds that such discrimination is cost justified or is engaged in only to meet competition of a competitor of the oil company.

Secondly, this prohibition on unfair price discrimination between lessee or licensed dealers would not impinge upon the freedom of oil companies to price their sales to other, independent, buyers as they wish, subject to the existing law.

Thirdly, oil companies would be prohibited from themselves retailing petroleum through direct sales sites. While it would not be envisaged that oil companies would have to divest themselves of the property of presently owned sites, if they wished to continue operating them they would have to do so through an independent lessee or licensed dealer.

Fourthly, lessee or licensed dealers would be given the right to obtain compensation from oil companies for an unjust termination of their lease or licence or a refusal by the oil company to renew a lease or licence. Lessee or licensed dealers would be permitted to assign their leases or licences and oil companies would be required to disclose details of site viability to incoming lessees or licencees.

That is what we are talking about. This is how Wal Fife went on:

In examining the elements of this possible package, the Government has been mindful of the fact that they would complement each other. It is considered that only by adopting a comprehensive package of measures in relation to the problems being experienced in the petroleum retail industry, can the problems be properly overcome. To approach the matter in a piecemeal fashion would only open up other possible areas of difficulty which would then have to be examined in the future.

And that, of course, is exactly what the Federal Government is doing in its present Petroleum Retail Marketing Franchise Bill. The Minister knows that. If he thinks he is going to change the Prime Minister's mind by passing a resolution and sending it off in letter form to him, I think he has another think coming. He knows he will not. That is why, as I have said, this is an absolutely hollow motion. The resellers know this. That is why they have mounted the campaign which has led to this motion. I have one of their broadsheets here, dated April 1980. I shall quote from part of it:

In December 1977, just prior to the general election, Mr. Fraser [the very man to whom this resolution is addressed] issued a press statement and said he understood the difficulties faced by small service stations in maintaining their position in the industry and went on to say that "it should be understood by all the parties to the discussions that the Government can legislate to achieve a fair solution".

Well, that was December 1977; here we are in June 1980. The broadsheet continues:

Since that time nothing of value has been done by the Federal Government to eliminate discriminatory pricing practices or to remove oil companies from the retail scene.

The one step taken by the Federal Government was the exposure in February of the Franchise Bill. The fact that this Bill was prepared clearly shows that the Government realised that petrol retailers need the protection of legislation. Unfortunately, the Bill as tabled was not good enough; in fact it would be simple for the oil companies to circumvent all of its provisions. It contained no provisions to remove the oil companies from the retail field (divorcement) and offers no security of tenure whatsoever to commission agents.

Then, under the sub-heading "Bill rewritten", the broadsheet states:

Legal experts working on behalf of A.A.C.C. have completely rewritten the Petroleum Retail Marketing Franchise Bill 1980 to include retrospectivity (to October 1978 as promised by Mr. Wal Fife) and divorcement. Copies of this rewritten Bill have been sent to all Federal Liberal politicians.

That was their broadsheet. I also have here a photocopy of another document put out by S.A.A.C.C., headed "Promises, promises". Let us see what is said about the Liberals in this. A heading half-way down the page states:

"Is this how Liberal Governments represent small businessmen?" This motion is a pathetic attempt by the State Government to salvage some of its reputation and goodwill which undoubtedly it had with the petrol resellers before this inactivity, because I am sure that most of the petrol resellers in this State and all over Australia used to vote Liberal. But they will not vote Liberal in the future if we see the inactivity continuing. This is a bit of a foretaste of it for the Liberals. This document states:

IS THIS HOW LIBERAL GOVERNMENTS REPRESENT SMALL BUSINESSMEN?

FEDERAL GOVERNMENT

"In our view it is essential to preserve the viability of small business owned or operated retail outlets in the industry.

The Government's prime objectives in the industry are the maintenance of effective competition and of a continuing and viable small business sector". Wal Fife 30/10/78

RESULT—529 conventional service stations closed in Australia from January 1979 to December 1979 and 205 oil company self-serve stations opened.

I am not surprised. One of my constituents came to me the other day and told me that he works from 6 a.m. to 6 p.m. five days a week, and I know that he opens at 6 a.m. because I often run past his premises just as he opens in the morning. Presumably on Saturday he closes at about 1 p.m. He told me that last month he made $200. The oil company then comes to him and says that it wants to rip out half of his pumps to put in self-service pumps—that is the sort of thing the companies are doing. It is no wonder service stations are closing. The document continues:

"In examining the elements of this possible package, the Government has been mindful of the fact that they would complement each other. If the Government decides to adopt these measures, following completion of its examination, they will be effective from today". Wal Fife 30/10/78

RESULT—No complete package, just a useless franchise bill with no divorcement and retrospectivity as promised.

Let us see what the State crowd had to say. The document states:

STATE GOVERNMENT

"We are very concerned that selective discounting, and in particular cut throat discounting, could lead to some retailers not making any profit and subsequently going out of business. If a retailer goes out of business, it does not help the local customer, the retailer, the employees and South Australia as a whole". The Ministers warned that if the problem was not resolved by the oil companies voluntarily, the Government may have to take ADMINISTRATIVE OR LEGISLATIVE ACTION. Joint Statement, Dean Brown & John Burdett 16/1/80

RESULT—Discounting deepened and Government has done absolutely nothing.

Then, in bold caps right on the bottom, it states:

IF GOVERNMENTS CAN BREAK PROMISES TO SMALL BUSINESSMEN THEN SMALL BUSINESSMEN ARE AT LIBERTY TO BREAK GOVERNMENTS.

So it is becoming a little clearer why we have this motion. It is known by all members that the S.A.A.C.C. has arranged a series of meetings to try to persuade, cajole, coax, do anything it can to the Federal members to get them to do something about the Fife package. It has had plenty of promises, a lot of sympathy, and nothing else. However, not all the Federal members have been receptive, even to the invitations to them to go to those

meetings. I have here a telegram which I propose to quote. It is from the senior Liberal man in the State, the Hon. John McLeay, the colleague of members opposite. As I say, he is the senior Federal Liberal in this State and presumably carries some weight with his party. This is what he said when he got an invitaiton to one of these meetings, and it is no wonder that the petrol resellers are angry with him. The telegram is addressed to R. Smith, Service Station Division, S.A. Automobile Chamber of Commerce Inc., and the address is given. The text of the telegram is as follows:

> I refer to your letter of 18 April seeking my attendance at one of a series of meetings of petroleum retailers in Adelaide. The Government recently made available for public examination and comment a draft petroleum marketing franchise Bill. We were hoping for comments by 31 March. In addition the Government has asked the Trade Practice Commission to conduct a survey into price discrimination and has deferred a decision on divorcement and price discrimination until that report is received and put to study. In the meantime your association has commenced a campaign against the Government by engaging "a professional lobbyist" to "ensure that every Cabinet Minister is deluged with all if the information necessary to convince them that protective legislation must be enacted before the election".—

As though there was a crime in that. The telegram continues:

> The following quotations are extracted from the literature being distributed in your name: "It's time Liberal Governments showed that they represent us instead of resent us"; "A.A.C.C. is now coordinating a national campaign designed to embarrass the Federal Government"; " . . . The next stage of the campaign will include mass meetings and proposed pump closure". I am very well aware of the problems of your industry as are my colleagues in the Cabinet. When the final decisions are announced they will represent the majority view of Cabinet and I shall support them, Government cannot operate in any other way. It is unfortunate that you have chosen to attack the Government while the matter is still under consideration. Yours sincerely, J. E. McLeay, Minister for Administrative Services.

How can these people in the Government benches be sincere in this motion when their own senior Federal colleague in this state will not go to a meeting and sends a telegram like that to those who have invited him? Of course, they cannot be sincere, because they are members of the one Party and they speak with one voice. It is quite wrong of the Government to move this motion and to try to mislead the service station resellers when they know, as I knew, about a telegram like that being sent to members by the Hon. Mr. McLeay.

The other Federal Liberals keep on saying, "Yes, of course, I entirely agree with you. I am with you all the way, but we cannot move Cabinet, you know, and therefore it is very unfortunate that we cannot do anything to help you". The stark fact is that that statement is as hollow as this motion, because the Liberals will never put anything ahead of their Party when the chips are down. I can assure the petrol resellers that there will not be a Liberal Party revolt in regard to this matter. Even if the Liberals cared as much as they say they care about this matter, they will never buck their Party, and that is why the resellers will never get anything out of Liberal Governments on this matter.

If I may say so, the same thing applies to the Australian Labor Party. It does not care about small businesses or small business men at all because, the fewer small businessmen there are in the community, the easier it is for a Government to control the economy and that, of course, is the ultimate aim of any Labor Party. Therefore, the resellers will get no help from the A.L.P., either. As I have said more than once (and I apologise for the repetition), the motion is hollow: it has no teeth. If passed, it will simply be ignored by the Federal Government and, if I may say so charitably to my friend from Mitchell, the Labor amendment is merely grandstanding, and Labor members know that as well as the rest of us know it. Therefore, I propose to move an amendment to the motion to give it some substance. My amendment will test the State Liberals to see whether they are sincere and whether they really want to help. Certainly, I will vote against the Labor amendment. I move to add the following at the end of the original motion:

> and that, if no undertaking to enact such legislation has been given by the Prime Minister by 31 July —

that, I understand (although the Deputy Premier studiously avoided stating that date in the House the other day), is the date of the opening of the next session of State Parliament—

> then legislation should be introduced into this Parliament during the next session to give effect, to the extent possible in South Australia, to the said provisions of the Fife package.

It obviously cannot be done as well at the State level as at the Federal level. It is one of those things that should be done at the Federal level, but something can be done about it in South Australia, and the Liberals know that. The Hon. Mr. Dean Brown, when a shadow Minister, said as much last year and it has been quoted several times. I will cite again, at the risk of it sounding *ad nauseam* to members opposite, what the Hon. Mr. Brown stated in July 1979:

> Small independent petrol outlets must be protected from restrictive supply practices by certain oil companies, both now and in the future.

Mr. Brown said he had written to the Federal Minister for Business and Consumer Affairs, Mr. Fife, requesting the introduction of legislation as soon as possible to regulate the oil industry. We do not know whether he ever received a reply or what the reply was, but obviously the letter did not have much effect. He further stated:

> The Federal Minister gave an undertaking last year to require all service stations to be independent of oil companies and for there to be no discrimination between petrol outlets. The Minister must now carry out that undertaking.

The Minister has not carried out that undertaking. Brown, in that press statement, made perfectly clear that, in his opinion, it was possible for something to be done in South Australia. Let us see whether the Government will match its actions to its words in this motion and if, as I confidently suspect, we receive no response from the Feds by the time we meet again, let us see what they will do to help the petrol resellers in this State.

The only way in which we can see that is by agreeing to an amendment such as mine, and it will be interesting to see whether today's little exercise, of trying to woo the petrol resellers by passing a pious, meaningless motion, is given some teeth by the additon of my amendment. If my amendment is added to it, the motion as amended will have some teeth and the resellers will know that they will get some action, in this State at least, if they cannot get it at the Federal level. So, let us see what happens. You, Sir, have a copy of my amendment, and it has been circulated. I look forward (I do not know with what confidence) to the unanimous support of the House. I cannot see why the Labor crowd should not support my amendment or why the Government, if it is sincere, should not also support it. After all, if the Government members believe that this motion will have any effect, they will never have to do

anything because it will already have been done. I look forward to that.

The SPEAKER: Is the member for Mitcham's further amendment seconded?

Mr. PETERSON: Yes.

Mr. O'NEILL secured the adjournment of the debate.

APPROPRIATION BILL (No. 1), 1980

Returned from the Legislative Council without amendment.

SUPPLY BILL (No. 1), 1980

Returned from the Legislative Council without amendment.

FISHERIES ACT AMENDMENT BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 2, lines 39 to 42 (clause 5)—Leave out "by reasons relating to the proper management of the fishery in relation to which the licence was applied for. ;

and".

No. 2. Page 3, lines 1 to 6 (clause 5)—Leave out all words in these lines.

Consideration in Committee.

The Hon. W. A. Rodda (Minister of Fisheries): I move:

That the Legislative Council's amendments be agreed to.

The Legislative has carried two small amendments which relate to clause 5 and which should be dealt with together. The effect of the amendments does not materially alter the Bill, but it removes the reverse onus of proof provision, to which there has been some objection. Clause 5(c) removes the objections that were made that, on completion of the review of this section, the person conducting the review may make such order of costs as he thinks proper, and any costs ordered to be paid by any person under this section may be recovered from that person as a debt. The Government agrees to and accepts the amendments.

Mr. KENEALLY: The Opposition will not oppose the amendments. I understand that this is the third amendment which seeks to change the original Bill in relation to the appeal provisions. Although the first two amendments give the Bill a little more substance, in so far as they enable a fisherman to have some grounds for appeal, nevertheless, they do not go as far as we wish. However, a little cake is better than no cake at all.

Motion carried.

CROWN LANDS ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

SOUTH AUSTRALIAN MUSEUM ACT AMENDMENT BILL

The Legislative Council intimated that it had agreed to the House of Assembly's amendment.

PETROL RESELLING

Adjourned debate on motion of Hon. M. M. Wilson (resumed on motion).

(Continued from page 2542.)

Mr. O'NEILL (Florey): I support the further admendment moved by the member for Mitcham. He has put to the Government a proposition that it must take seriously and, if it is interested in the problems confronting the petrol resellers, it should do something for them. However, I make clear, if I could offer advice to the petrol resellers, that they should not lean too heavily on the Australian Democrats, because it has been clearly indicated in the daily press recently that, if the honourable member of that Party in this Parliament receives the right offer from the Government, he will not be in Parliament. Likewise, his Federal colleague in another place (Senator Chipp) would be similarly inclined if he could get an offer of similar dimensions.

I was amazed to hear the other night the member for Henley Beach almost claim credit for the whole campaign of the petrol resellers and intimate that he alone was responsible for having that matter introduced in the House. Almost two years ago, I had the pleasure of being involved with the people who initiated the Southern Cross Co-operative, and I was pleased and proud to be able to help them (I was not in the Parliament then). I did not notice any Liberal Party member trying to help those people who took a stand against the oil companies at that time.

One of the problems that has faded into history is that many years ago there was a bulwark against the invasion of multi-national oil companies. They had not achieved that status at that stage, but they had entered the embryonic stage. We used to have the Commonwealth Oil Refineries and, to the eternal damnation of the Liberal Party, the creator of Liberal Party, the mastermind who knew that the Conservative Party would not be a wise name to adopt in Australia, having studied the British situation and knowing that we would have a large influx of British migrants, he deliberately selected the name "Liberal" to apply to the Australian Conservative Party. I refer to Menzies, and his colleagues, who were instrumental in getting rid of that major bulwark against the type of problem with which we are now confronted when they sold off C.O.R. to British Petroleum.

The problem that confronts the petrol resellers is not a new one. It is interesting to hear members like the member for Brighton and the arguments he put. If he applied them to the trade union movement (and the problems are synonomous), he would get much more sympathy from me. However, he appeals in terms that have been used by the Opposition when talking about the exploitation of individuals who have to work for a living and for a wage.

I support the small business people in the community, including the petrol resellers, but we have had recently a situation where we heard Government members sympathising with the problems of small business in the food industry and in other service retail sections because of the problems with which they have been confronted as a result of multi-national retailers who are putting them under similar pressure. The present Government has no answer. The Government cannot answer because while it is truthful when it says it represents the interests of business, the Government is extremely untruthful when it says that it represents the interests of small business because it does not and cannot, because it is the Parliamentary representative of big business.

The problem that confronts the Minister when he moves

his motion, and the members of the Government, is that it is (as the member for Mitcham said) a hollow or pious motion because, when it goes to Canberra, Fraser will not take any notice of what they are saying. We saw how much notice Fraser took of the Premier of South Australia when he went to the Loan Council meeting last November.

The predictions of the former Premier were quite true: that if we did not have a strong Premier over there we would get nothing out of him, and the Premier got nothing out of him. The situation may change towards the end of this year because the Prime Minister has some ulterior motive in making a hand-out to bolster his position. One of the major problems that confronts him is that he has stirred up an extremely important group of individuals in the community who have finally arrived at the conclusion, from their own thought processes and from the way they have been treated, that they are not receiving equitable treatment from the distributors of petroleum products. Of course, they have no hope, and we have no hope unless this nation stands up to the Prime Minister. Anybody who has read the book *The Seven Sisters* will know what is going on in the oil world—we are confronted by an oligopoly which is out to screw the world; that is, the western world—it cannot screw the other side. The oligopoly, is prepared to take risks with nuclear warfare in the process.

It is interesting to see the way in which the members of the Government treat this matter. The member for Henley Beach and the member for Mawson are laughing their heads off because they are not concerned about the problems that confront the small petrol resellers. It is obvious that they do not care about those problems, despite the fact that the member for Henley Beach tries to promote himself as the Saviour of small petrol retailers. We have a situation where one company, Amoco, has really come out to teach the retailers a lesson and teach them not to talk about a fair go and not to talk about the rights of service station owners. It has quite clearly shown petrol resellers that they are lackeys and that if they do not like it they can get out.

I have a list here (I will not name the service stations) which states that Amoco put the rent up on one station by 179 per cent. It just dropped it on them and said, "Your rent is going up 179 per cent—if you do not like it you can get out. To omeliorate the effects somewhat we will give you a proposed rebate of 2·54 per cent". That is very magnanimous! Another service station was told that their rent would go up by 121 per cent and that they would get a proposed rebate (I guess "proposed" probably means that they might get it if they are lucky) of 0·56 per cent. Another station's rent went up by 205 per cent and they were to get a proposed rebate of 0·96 per cent. I cannot see any rhyme or reason in that. I do not know whether it is because of the attitude of the owners of these service stations *vis-a-vis* the company or whether it is something to do with the location. However, it seems a very strange way of doing business with somebody who is trying to sell one's products.

The problem that confronts these people (and the member for Mitcham has saved me the trouble of reading out *in toto* the so-called Fife package) is that a member of the current Federal Government finds that in fact (and we must assume this, or they would not want to prohibit it) these major companies are unfairly discriminating in price between the lessees or licensed dealers. It is proposed that this be stopped. The oil companies will be prohibited from themselves retailing petroleum through direct sales sites. Companies are owning sites and operating them through managers, and the people that they supply are in the invidious position of having to sell petrol and make a profit on the basis of what the companies will supply them with, when they know very well that the companies are supplying their own outlets at a much cheaper wholesale price. The problem with those companies is not new. I am informed by people in the industry that the oil companies have been working up to this position since 1930 or 1933. Every inquiry commission since then has shown that there are inequities in the marketing system. It is unfortunate that previous Governments have not acted to contain the line.

One of the things that has probably underlined the problem of recent date is the consolidation of interests in the oil business and the narrowing of interests and controls as well as the extremely high increases in the cost of petroleum products, increased considerably by the policies of the current Federal Government which have brought the matter to a head. It may be thought by some people that this is a situation peculiar to Australia, but it is not. In fact, in the United States there has been a considerable amount of work done on it, and it is interesting to note that in the home of capitalism they have realised some of the problems and have taken steps to control it. However, if members of Parliament in this country attempt to improve the position of the small business people they stand in grave danger of being accused of being socialists, communists or agents of the Kremlin. I am glad to see that the member for Mitcham is not afraid of being fitted with that label. He has been able to get up tonight and put it right up to the Government that there is a need for change and we must not allow ourselves to be sidetracked by the sort of descriptions that I have just mentioned.

The situation in Canada is such that an inquiry showed that one of the problems that they were able to come to light with (and undoubtedly they exist here, because the companies that are ripping off the small operators in Canada and the United States are very likely the same companies that are doing it here) was one of clever draftsmanship in the writing of contracts. With the aid of a con man working for the company, who can explain all the advantages of working for a great company like one of the major oil companies but gloss over the dangers inherent therein, an unwary would-be small business man can be induced to sign a contract.

I think we would probably all know people who have signed seven-year contracts with major oil companies. I know three such people of long standing, going back to the 1950's. The three people I know are quite competent motor mechanics who thought that they could expand their income and their business by taking on a franchise to sell petrol. Quite the contrary was the case; in fact, they were caught up with these cleverly drafted contracts and they found out they were working their backsides off in the mechanical side to bolster up the petrol sales side to try to stay afloat.

As one fellow put it to me, if he had not got out of the contract he would have finished up in a mental home because he was under so much coercion from the oil company to meet the commitments set out in a cleverly-drafted contract. Another thing they found out in Alberta was that the companies used what they termed over there "the rental squeeze", and I have refered to this aspect of one company here which, without rhyme or reason, put conditions on the rental that can be used as a lever to force people out if they will not accept the company line.

Another point raised in Canada, which is related to the matters I have just mentioned, is that profit to the operators came not from the petroleum retailing business but from other sources. This is the major problem in this country, and in this State. If one goes to practically any petrol retailing outlet, especially in the so-called golden

mile (although I think from the point of view of the operators it is more like the leaden mile at the moment), they have got almost as much junk around the place that they are trying to retail as one finds in chemists' shops these days, where chemists are trying to stay afloat.

The Hon. M. M. Wilson: There's one at Ingle Farm that does not have all that junk.

Mr. O'NEILL: The Minister wants to get in a free plug for his chemist shop, and I do not mind that. I know that a lot of my constituents need the services of a good chemist because they have been placed under so much strain by the present Government that they need tranquillisers and headache pills to get them through the day. Let me get back to Alberta, where a lot of problems they found are consistent with problems we have here. Another problem in Alberta is that the retail price is virtually controlled by the oil companies. That used to be the case here until last year, or the year before, when the Fraser Government came up with the brilliant idea of using the petrol pumps in Australia as an office for the Australian Taxation Department. We all know that they have been ripping off the Australian public and, when one fills up an average six-cylinder car, a Holden or Falcon, nowadays, one is paying for petrol and making a donation to the Consolidated Revenue of the Commonwealth Government of about $15.

We learn from tonight's *News* that that will change and that, in view of the latest movement in the price of petroleum products, we will now be up for another 1·2 billion dollars to the Federal Treasury because of the Federal Government's policy on petrol. So not only do we and the small businessmen in South Australia have the problem of the retail price being controlled by the oil companies, but we also have the Fraser Government getting in on the act and screwing the Australian public to a greater extent than are the oil companies which, after all, produce the oil. They produce something, but the Fraser Government is engaging in political bushranging by ripping us off.

In Alberta it was found that operators are not really independent business men. I think that the gentlemen who were here earlier this evening, whom I have known for a number of years (one in particular), would agree. They have finally come to the conclusion that they are not independent business men. In fact, they are extremely limited in their independence. In Alberta, it was found that there was a lack of security in the business. One has only to look at the turnover of people who try to operate service stations to verify this. Members of the Government would know as well as members on this side know that there are many people, probably some among their acquaintances, who have tried to operate service stations and have either gone through the hoop or got out before that has happened and handed the station over to some other poor person who had been conned by the earlier referred to cleverly-drafted contract and the con men who haul them in to work as slave labour for the oil companies.

In Alberta it was found that price competition was eliminated. Of course, we have no such thing here, although we have an inverted case. If you do not toe the line of the oil companies, you find out all about price competition, but it does not work in favour of the small business man; it works against him.

The finding in Alberta (and, as the member for Mitcham said, this applies here) was of long hours, low earnings, and a lack of freedom. I think it is disgraceful that people are conned into a position in which they believe that if they invest, in many cases, their life's savings and become a small business man they will be looked after by Liberal Governments and will be able to make a decent living by working long hours. Indeed, they think they will make a modest fortune. That is not the case. They work the long hours, and they find out that there are so many traps involved that they finish up with $200 a month, which is disgraceful.

Mr. Millhouse: That is the chap in my area.

Mr. O'NEILL: That is disgraceful, that a man in a service station works 12 or so hours a day for five or six days a week and finishes up with $50 a week. It was also found in Alberta that the oil companies were using devious methods devised by them to evade restrictions; they, in fact, worked their operators into a position where, presumably, under the threat of blackmail, they had to work their way around and risk their position and good name by evading Government restrictions. If they are caught, the service station operators are fined, not the oil companies.

It is a bit like the interstate transport business, where the sub-contractors are pushed into a situation where they have to break the law to make a dollar and, if they are caught, it is not the prime contractor who pays the fine, but the poor mug driving the truck. It was found in Canada that a network of contracts was set up which was unconscionable, and that the operators were resentful of the oil companies for the aforementioned reasons. The operators enjoyed freedom only to follow the oil companies' suggestions, and freedom to go broke.

Financially, it was found that operators in Alberta were locked into a system of economic slavery. People might think that that is going a bit far, but that is the case. It is interesting to hear people such as the member for Brighton talk about the problems of small business men, because, when one considers this matter with an open mind and logically, it is the problem of many ordinary working people in this country. They do not own a service station; they have ability to carry out a job. They are placed under similar coercion and similar pressure, and are plagued by similar large companies who put them in an invidious position, saying that they have freedom—if they don't like it, they can get out. If they resign, they find that they cannot get any sustenance from the Social Services Department.

We have heard much talk about the Fife proposal, and I have already said that, if the Government does not implement it, I am prepared to support the proposition of the member for Mitcham to make the Government put up or shut up on this matter. However, I point out that Mr. Hayden, the Federal Leader of the Australian Labor Party, has given an undertaking that a Federal A.L.P. Government will implement the Fife plan within six months of its attaining Government. This is a brave move because, by saying that, Mr. Hayden has almost certainly guaranteed the Prime Minister an injection into his election funds of probably about $10 000 000 from the oil companies.

All honourable members know what happened in 1975 and 1977, when the money came in from the Bank of Japan or the Bank of Tokyo (I have forgotten which one it was). The money will come from the oil companies, because they will not tolerate a bunch of hard-working small business men in Australia who are prepared to stand up and demand of the Government that they get some protection against the rapacious desires of the international oil cartel. They will therefore make sure that Mr. Fraser, who has taken the smart step of removing all financial limitations on the forthcoming election campaign, has his millions of dollars to attack the Australian Democrats, the A.L.P. and anyone else who sticks his head up. They will have the billions.

I referred recently to an inane remark make by the

member for Fisher about the financial power of the trade union movement, and showed that 20-odd companies took more in profit in 12 months than the trade movement in Australia has been able to accumulate in over 100 years of operation. The Australian Labor Party is concerned about small business men, but the Liberals are not. They know very well that they will have the power of the media and the monetary power to try to knock us. However, I warn them that, if they do not do something for the small petrol resellers, they will be in big trouble, because they will have thousands of petrol station owners across Australia telling the truth and saying that they are being treated unfairly, and that the Fraser Government is using their industry as an arm of the Australian Taxation Office.

Mr. RANDALL (Henley Beach): The motion before the House is as follows:

> That, in the opinion of this House, the Federal Government should as soon as possible enact legislation to give effect to the provisions of the Fife package in relation to petrol reselling and that the Premier be asked to convey the substance of this resolution to the Prime Minister.

Support of the Fife package and an explanation of why it was developed need to be canvassed in this House. The Chamber of Commerce put to the Government some measures, and I believe that this House should consider those measures and should understand how the Fife package, which we have talked about so much today, came into being. It goes back to a submission of 11 January 1979 made to the Hon. Wal Fife. The first measure is as follows:

> First, oil companies (that is companies or affiliated groups of companies which both refine, or have product refined for them, and also wholesale petroleum products) would be prohibited from unfairly discriminating in price between their lessee or licensed dealers. It is envisaged that oil companies would not be permitted to discriminate in price between their lessee or licensed dealers, except on the grounds that such discrimination is cost justified or is engaged in only to meet competition of a competitor of the oil company.

I do not proposed to develop these measures as the submission does so well but, if honourable members want to know more, I am sure a copy of the submission will be available and further reading will reveal the substance of it. I want to highlight to members that the Fife package began because of a submission of this nature. That is important when we look at these measures, and it is important to remember, when we see the Fife package, that if we sectionalise this package we are destroying what is required of it. The second measure is as follows:

> Secondly, this prohibition on unfair price discrimination between lessee or licensed dealers would not impinge upon the freedom of oil companies to price their sales to other independent buyers as they wish subject to the existing law.

The third measure states:

> Thirdly, oil companies would be prohibited from themselves retailing petroleum through direct sales sites. While it would not be envisaged that oil companies would have to divest themselves of the property of presently owned sites, if they wished to continue operating them they would have to do so through an independent lessee or licensed dealer.

Mr. Keneally: We will give you permission to have it incorporated in *Hansard*, and then you can sit down.

Mr. RANDALL: The honourable member talks of giving me permission to have it incorporated in *Hansard*, but I do not believe that honourable members opposite know what the chamber has put before the Government and do not understand how the Fife package eventuated, so I would like to bring to their notice the measures involved. I heard mention of repetition, but this is the first time this evening that we have heard about these measures and had them spelt out. The fourth measure is as follows:

> Fourthly, lessee or licensed dealers would be given the rights to obtain compensation from oil companies for an unjust termination of their lease or licence or a refusal by the oil company to renew a lease or licence. Lessee or licensed dealers would be permitted to assign their leases or licences and oil companies would be required to disclose details of site viability to incoming lessees or licensees.

I do not think that there are any members of this Parliament who have any argument with the Fife package. We are concerned for these resellers. Whilst we may take different roads to help them, we have the same aim. I do not propose to speak at length, because that would repetitious, but I propose to introduce what I believe is information which this House has not heard so far. Like other members of Parliament, I received a pamphlet which states, in part:

> In particular we draw your [Parliamentarians] attention to the campaign of coercion being conducted by the Australian Automobile Chamber of Commerce.

I do not think it is a campaign of coercion. I believe it is a campaign of information for members of Parliament so that both sides of politics and all members have an opportunity to hear both sides of the issue. Not only have the oil companies had an opportunity to put their case to Parliament, but so has the Automobile Chamber of Commerce, and it has done it well. The chamber has got its act together and is to be complimented on its action. As members of Parliament, we are better informed on both sides of the issue, and that is to the chamber's credit. I refer briefly to the Trade Practices Commission Report of 1979, which is available in the Library. I refer to section 5.19 on page 123. In respect of the lessee and licensee claims of discrimination in favour of commission agents, the final paragraph on page 123 states:

> The problems of lessees and licensees in the petrol industry do not stop with price discrimination; there is not only the obvious imbalance in the economic power of a particular lessee and his particular lessor supplier, but the landlord/lessee relationship itself acts as a significant deterrent to a lessee seeking cheaper petrol elsewhere so as to enable him to compete at the retail level.

That is one of our problems which has been highlighted time and time again this evening—the imbalance and the problem of the small business man acting against the oil company. The oil company has a great number of resources behind it, and the small business person, with a minimum of resources, has to try to compete on equal shares.

I believe there is a need to secure adequate protection for the rights of small business men against boycotts or threats by companies or trade unions. I believe this, and the Federal Government also believes it, because we find that the Trade Practices Consultative Committee in its report "Small Businesses and the Trade Practices Act", volume I, December 1979, stated:

> . . . small business constitutes approximately 90 per cent of business enterprises by number in Australia, and accounts for approximately 40 per cent of employment in the private sector and somewhere between 20 per cent 25 per cent of gross non-farm domestic products.

That translates into the fact that there are some 370 000 separate individual enterprises within that category, and that there are some 1 600 000 people employed in the small business sector in Australia. Because the Liberal Government in Canberra is concerned for small businesses, it took note of the report. In August 1976 the Trade Practices Act Review Committee (the Swanson Committee) reported in the following terms:

> We consider that a collective boycott, that is, an agreement that has the purpose of or the effect of or is likely to have the effect of restricting the persons or classes of persons who may be dealt with.

It goes on to describe the sorts of restrictive trade practices that take place against small businesses. This was translated by the Federal Government into the Trade Practices Act of 1977. The Opposition will recall that a section often mentioned was section 45D. It was interesting to hear the member for Florey carry on about how his Party was concerned with small business, when one remembers how section 45D was thrown about in the Federal Parliament, concerning Mr. Leon Laidley. I do not intend to enlighten the House any further on Mr. Leon Laidley and the way the Labor Party or the Union movement carried on in relation to him, but I believe Mr. Mick Young, a Federal member of the A.L.P., when referring to section 45D summed it up well. It has been recorded that he said:

> In some instances section 45D has intimidated some trade unions; action that might have been taken by some trade unions has not been taken because of section 45D.

So, section 45D has worked. The Australian Government has looked after small business in this area, and I am confident that the Federal Liberal Government will look after small business again when it comes to petrol resellers in relation to implementing the Fife package.

Mr. PETERSON (Semaphore): I support the amendment by the member for Mitcham to allow discussion on the timing of any action to be taken. I do not believe that the Government's motion will have any effect on the Federal Government. I believe it is a cosmetic move done only for public image purposes, and there are no teeth in it whatsoever.

This is a matter of great urgency for many petrol resellers. Even if the 31 July date was applied, I feel it would be too late for some of the people in the industry. One has only to recall the recent reaction of the petrol resellers when they closed their premises for half a day to realise how important this matter is to these people. The garage where I buy petrol has been placed in an untenable position. I know that his rival down the road is selling petrol for less than he can buy it. At one stage he said to me that he would go down there and buy petrol and put into his own tanks. Even oil and grease sells more cheaply at the supermarket.

Action is needed right now to save many people. They have worked many years and very hard to build up a business, and they are now being squeezed out by the avarice of the large oil companies. The member for Brighton has suggested that the Leader of the Opposition is playing politics by moving an amendment; I will bounce that one back. I believe that the Government in moving the original motion was playing politics in trying to fob off the problem on to the Federal Government. If members opposite are sincere about helping the people concerned, do it now, and do it in this State to what extent is possible. They should tell these people what they intend to do as the Government of South Australia and not hide behind Canberra. The people in trouble are South Australians, the very people that they have pledged to protect. I admit that I do not really know what action can be taken, but I refuse to believe that they are completely powerless to take some action to protect the small business men and women who are now asking for their help. I shall now quote again from a paper that has been quoted several times this evening. It is an article containing a statement by Mr. Brown, Minister of Labour and Industry, when he was in Opposition. He said:

> The State Government—

meaning the then Labor Government—

> had the power to stop Alan Bond in the Santos affair, and it had the power to control petrol supplies in the various petrol strikes. No-one challenged the Government's constitutional right then; why is the Minister so timid now?

To echo that sentiment, I ask, "Why is the Minister so timid now?" It would be prudent of the Government to consider that these people who are now being damaged by the current situation are the ones who were wooed so avidly by the Liberal Party before the State election, and I know those people will have long memories. This is etched on their memories. I will not repeat what has already been said, but I reiterate that, these people are South Australians and are entitled to protection from the Government. Do not ignore their plea for help.

Mr. BLACKER (Flinders): I support the motion moved by the Minister of Transport, and oppose the amendment moved by the Government. I do so because I think every member in the Chamber is extremely concerned about what is actually happening to our small businesses. This problem has been brewing over a considerable number of years, and the part that concerns me is that, out of all the speakers that have spoken, not one person has mentioned country areas. I seek leave to continue my remarks.

Leave granted; debate adjourned.

Later:

Mr. BLACKER: I was referring to the fact that on 5 June I asked a question of the Minister of Health, representing the Minister of Consumer Affairs in another place, as follows:

> Will the Minister . . . inform the House what action is being taken by the South Australian Government to minimise the fuel price differences between metropolitan and country outlets? Secondly, does the Government support the subsiding of metropolitan discounting by country fuel users?

It is common belief amoung all country users of petroleum products that they are paying excessively high prices to fund the price war in the metropolitan area. Whilst the major oil companies are having this price war funded for them, the retail outlets and the independent operators are seriously affected.

The fuel-pricing policy in Australia is of a complex nature, and I think it is fair to say that it is damaging to the Government, because it has not been sold adequately enough to the Australian consumer. I do not intend to go through the reasons why the Federal Government adopted its fuel policy, but there are good reasons for its decision. If it had not decided on this action, the problem facing us today would be not the fuel price but the availability of fuel. We would not be arguing that consumers are paying too much for fuel but discussing the sources from which the fuel could come.

We are now facing a situation in which some fuel alternatives are emerging. It has been projected that there are large shale oil developments in Queensland that could come on tap in eight years, if all goes well. It is also known that shale oil is not an economic proposition unless fuel price is maintained or improved. If anyone suggests that shale oil is an alternative to the fuel problem, he is deluding himself, because it is uneconomic to process shale at a figure lower than the OPEC price for oil as we know it. That is only one small aspect of the situation. Much of the argument revolves around the question whether the oil companies should be allowed to take on the independent proprietors (the smaller retailers) on the open market.

There is a difference between free enterprise and free competition. Competition must be not only free but also

fair to all retail outlets. All honourable members could cite examples (and many examples have been cited by different honourable members, irrespective of their districts) of outlets. Some of the outlets in my district are independently owned and some are owned by oil companies. I know that one of those oil companies was retailing petrol to the motorist at a price that was lower than that at which the independent retailer could buy the fuel. When competition is such, one can appreciate the concern that the retailers are presently voicing to their members of Parliament.

The fuel equalisation scheme, which was introduced by the Federal Government, was designed to minimise the freight component of fuel differences throughout Australia. It was originally introduced at 4c a litre, which meant that the freight component on fuel anywhere in Australia should not vary by more than 4c. That figure has recently been reduced to 2c, so, taking the freight component of fuel pricing into account, nowhere in Australia should the difference in price be more than 2c. However, in this State there are price variations of up to 11c a litre—that is more than 50c a gallon. On that basis, one wonders where the problem lies and why country people should be hit to that extent (a very large extent) when they have little or no recourse. All of the benefits that have been gained by the oil companies in charging higher prices in country areas are being used to fund those companies in the retail price war.

The member for Mitcham moved an amendment to the amendment. Much has been said about the hollowness of the Government's proposition, and the same could be said about the Opposition's proposed amendment. However, I believe that the member for Mitcham's further amendment provides that, if no action is taken by the Federal Government, that should be introduced into this Parliament and given a go. The honourable member's amendment merely provides that, if no action is taken by the Federal Government, when this Parliament next convenes the matter should be debated here with the object of implementing as much of the Fife package as possible under the South Australian Statutes. I fully support the member for Mitcham's further amendment.

I can say little more without repeating what has been said many times, but I point out that the fuel problem is a very vexed problem for all people in this State and in Australia. Unless this Government is prepared not only to add support to the Federal Government but also to take some action of its own to rectify the problems, where those problems fall within the bounds of possibility, nothing will be solved. I support the original motion with the amendment moved by the member for Mitcham.

Mr. HEMMINGS (Napier): I was rather surprised when the Minister of Transport gave notice of this motion. I have always believed that he is an honourable gentleman, but when he moved this motion I was surprised, because it seemed to me (and I think to most of my colleagues) that the Minister of Transport was playing politics. I have often heard said in this House, "You can't play politics in this Parliament", and this action has been objected to. This is a typical case of the Minister's playing politics and trying to get the petrol retailers off the Government's back. It is interesting that, when the Minister gave notice and moved this motion yesterday, I received a letter from B.P. Australia.

Mr. Millhouse: I got one.

Mr. HEMMINGS: We all got one; however, we on the Opposition side received only the second letter. The first letter was obviously a message to all Parliamentarians of the Government Parties. There must have been a slip in the computer or the filing system so that, inadvertently, members of the Opposition received a second message. I would be interested if the Minister could give me a copy of the first message.

Mr. Millhouse: I can give it to you. I have a copy of that message.

Mr. HEMMINGS: I have only the second message. It is so interesting, because it comes from British Petroleum Australia. Coming from the Old Country, as I do, some of us in the early days were pleased that the Government in the United Kingdom took a part and took shares and control in the oil industry. What we got in the United Kingdom was British Petroleum, but now British Petroleum is exactly the same as Shell, Amoco and all the other multi-nationals.

Mr. Keneally: Big oil.

Mr. HEMMINGS: Yes, big oil. I refer to the letter that was sent to me, which states:

> Dear Mr. Hemmings,
>
> The views of some sections of the petroleum retailing industry have been put forward with some force recently.

Obviously that was dealing with the one-day stoppage involving the withdrawal of supplies by petrol retailers. The letter continues:

> The debate has been rather one-sided [it was one-sided as far as the oil companies were concerned] with very little exposure given to the alternative point of view, which I believe is the case for the free enterprise system and for the interests of competition and the consumers.
>
> The attached pamphlet attempts, in some measure, to redress this imbalance, by putting before you a group of thought provoking statements and an editorial opinion. These, I believe, will go some way to clarify the issues in question.
>
> I should be pleased to discuss with you any points you may wish amplified.
>
> Yours faithfully,
>
> G. M. Koczkar

It is rather funny that the oil companies should wish to get the support of the Opposition Parties at this time, bearing in mind that they have had one withdrawal of supply from the petrol retailers, and also that obviously they must have known that the Minister of Transport and the Government were getting cold feet and wanted to get on side with the petroleum retailers. Therefore, they sent that message to the Opposition Parties, hoping that we would support the Government's motion that is before the House tonight.

Obviously, the Opposition is not taken in by the Government or the Minister. The leader has produced an amendment, which I hope the more sane members on the Government side will support. To his credit, the member for Mitcham has stayed with us even in the early hours of the morning, and he will stay with us until we finish. I hope that members from both sides will speak to the motion or amendments to make sure that the member for Mitcham still stays with us.

Mr. Millhouse: I hope you'll stay with my amendment!

Mr. HEMMINGS: That will ensure that the member for Mitcham stays with us, as we try to find agreement. We believe that the amendment moved by our Leader is the correct one, because it exposes the Minister and the Government for the hypocritical way in which they have treated this matter. I will support the amendment moved by my Leader, and I hope that certain members who are now reading the *Advertiser* will also support the amendment.

The Hon. M. M. WILSON (Minister of Transport): I should have thought that for once members of this House would join together to support the interests of small

business, and that the Opposition could do better than the appalling amendment it has moved in the House. Obviously, there are not very many small business men on the Opposition benches, because its members do not know what it is like to have gone through such troubles. However, there are small business men on this side of the House, and that is why this Party is making a genuine attempt to try to do something to put pressure on the Federal Government to do something for the small business men in this community who are affected by this grave problem. The Opposition can only come up with this incompetent amendment; it could not even come up with an amendment such as the one moved by the member for Mitcham which, at least, has some sense in it. I wonder who drafted the amendment for the Leader.

The Hon. D. O. Tonkin: It's appalling.

The Hon. M. M. WILSON: It is a blatant example of politicking. The Leader and the members of his Party have taken the opportunity to use his amendment to prop up their own Federal Leader.

Members interjecting:

The Hon. M.M. WILSON: It is not unfair; it is the absolute truth. The Opposition has spent the whole night accusing this Government of making a cheap political trick out of the matter, when it is actually hoist on its own petard by the nature of its amendments. If the Opposition is really genuine in its amendment, it would have to oppose the Government motion and the amendment moved by the member for Mitcham because, virtually, it has turned the motion into a farce by turning the whole thing around. I will not deal any more with what the Leader had to say. There are one or two things I want to mention, because the member for Mitchell made what I thought was a moderate and reasoned contribution to the debate.

He said—and I will take issue with him on this matter—that the Government would have to swallow a bitter pill for introducing this motion, because it was totally committed, I think he said, to unfettered private enterprise; they may not have been his exact words, but that was the import of them. We deny that completely. He will realise, as I am sure all Opposition members do, that, when a Government has to govern, it has to deal with a mixed economy. This Government is not committed to unfettered private enterprise in any shape or form. When people in the community are suffering because of circumstances beyond their control, this Government will try to do something about it. The Government rejects the Opposition's amendment.

The amendment of the member for Mitcham is a logical amendment for an Opposition in this House. It has reason behind it, and it is constructive. It tries to help the debate. I want to say a few things which ensue from the amendments proposed by the member for Mitcham. The honourable member is saying to the Government that, if it does not receive a reply from the Federal Government before July 31, which, as he intimates, is probably the date of the next session, this Government should introduce legislation as the Minister of Industrial Affairs foreshadowed.

The Government sympathises with what the member for Mitcham had to say, but I regret that we will not be able to accept the amendment, because no Government can be bound to that date. Let me explain. The Government has taken the view on this important question (and the member for Mitchell supported this) that it is basically a Federal matter.

The Hon. R. G. Payne: Of course it is.

The Hon. M. M. WILSON: I am repeating what the honourable member said.

If it is possible to fix the problem federally, then it should be fixed federally. As I said when I introduced this motion to the House, the Federal Government is awaiting the report of the special Trade Practices Commission investigation. If that report is considered by the Federal Government and it decides in its wisdom not to proceed with legislation to implement the Fife package, we will (as the Minister of Industrial Affairs has said) certainly consider introducing legislation into this House. We are not going to introduce legislation until we get a response from the Federal Government.

Mr. Millhouse: How long are you going to wait for it?

The Hon. M. M. WILSON: Let me say something about that response.

Mr. Millhouse: Yes, come on. Say how long you are going to wait for it.

The Hon. M. M. WILSON: One of the reasons this motion has been brought into this House is to put some pressure on the Federal Government; we do not deny that. Since the Premier started writing late last year we have consistently tried to put pressure on the Federal Government to introduce legislation to implement the Fife package.

The Hon. R. G. Payne: Behind the scenes.

The Hon. M. M. WILSON: Behind the scenes indeed. As I said when I introduced the motion, the Premier is not going to write to the Prime Minister (as the member for Mitcham said): he is going to see the Prime Minister. In fact, the proposal was that the Premier would see the Prime Minister, together with the Minister of Industrial Affairs, or if he is not back, with me and the Minister of Consumer Affairs in the other place. We were to do this as soon as possible after this motion passed through this House.

I also have to report to the House that the Premier is also taking up the matter with interstate Premiers, because we believe that, to take action unilaterally in one State, is not going to have the desired effect because, as the member for Mitchell has said, the oil companies act on a national basis (members can talk about multi-nationals if they want to). I have given an assurance from this Government that that is the action we are going to take. I give an assurance, also, that when we do receive a reply from the Federal Government—

Mr. Millhouse: How long are your going to wait for it?

The SPEAKER: Order! The honourable member for Mitcham was, earlier in today's session, given a clear understanding that consistent interjections would not be acceptable to the Chamber.

The Hon. M. M. WILSON: As I said, the Government will give an assurance that if we do not receive a reply from the Prime Minister which states that the Commonwealth Government is going to implement the legislation necessary to implement the Fife package, we will carry out the undertaking given by the Minister of Industrial Affairs.

In this debate, members on this side have deliberately refrained from attacking the Opposition because we wanted a joint approach from this House for the benefit of these small business men who are being disadvantaged by circumstances beyond their control. I ask the House to reject the amendment of the Leader of the Opposition and also, because of the reasons I have given, to reject the amendment of the member for Mitcham. I ask the House to support the motion.

The House divided on Mr. Bannon's amendment:

Ayes (16)—Messrs. Abbott, Bannon (teller), M. J. Brown, Crafter, Hamilton, Hemmings, Hopgood, Keneally, Langley, O'Neill, Payne, Peterson, Plunkett, Slater, Trainer, and Whitten.

Noes (20)—Mrs. Adamson, Messrs. Allison, P. B. Arnold, Becker, Billard, Blacker, Evans, Glazbrook, Goldsworthy, Lewis, Millhouse, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, Tonkin, Wilson (teller), and Wotton.

Pairs—Ayes—Messrs. L. M. F. Arnold, Corcoran, Duncan, McRae, and Wright. Noes—Messrs. Ashenden, D. C. Brown, Chapman, Gunn, and Mathwin.

Majority of 4 for the Noes.

Amendment thus negatived.

The House divided on Mr. Millhouse's amendment:

Ayes (18)—Messrs. Abbott, Bannon, Blacker, M. J. Brown, Crafter, Hamilton, Hemmings, Hopgood, Keneally, Langley, Millhouse (teller), O'Neill, Payne, Peterson, Plunkett, Slater, Trainer, and Whitten.

Noes (18)—Mrs. Adamson, Messrs. Allison, Becker, Billard, Evans, Glazbrook, Goldsworthy, Gunn, Lewis, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, Tonkin, Wilson (teller) and Wotton.

Pairs—Ayes—Messrs. L. M. Arnold, Corcoran, Duncan, McRae, and Wright. Noes—Messrs. P. B. Arnold, Ashenden, D. C. Brown, Chapman, and Mathwin.

The SPEAKER: There are 18 Ayes and 18 Noes. There being an equality of votes, it is necessary that I give a casting vote, and I give that casting vote in favour of the Noes. I will not have comment from the tellers or any other members while I give an explanation of the reason. I believe that the amendment as proposed by the honourable member for Mitcham would make it mandatory upon the Government to take an action by use of the word "should". Had it been couched in the terms that consideration be given to an action to be taken, I would have found it much more difficult to take the course of action that I have taken.

Amendment thus negatived; motion carried.

CHILDREN'S PROTECTION AND YOUNG OFFENDERS ACT AMENDMENT BILL

The Legislative Council intimated that it had disagreed to the House of Assembly's amendments.

Consideration in Committee.

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

That the House of Assembly insist on its amendments.

Mr. MILLHOUSE (Mitcham): I wonder about this matter. Although I supported the Government on the first of the amendments, I think that I made a mistake. I have now changed my mind about the matter. I think that we ought to let these amendments go through. Certainly, on the second amendment the Labor Party was a little faint, and there was no division on it. Nevertheless, I think now that these are good amendments, and I purge myself of the mistake that I made previously.

The Committee divided on the motion:

Ayes (19)—Mrs. Adamson, Messrs. Allison (teller), P. B. Arnold, Ashenden, Becker, Billard, Blacker, Eastick, Evans, Glazbrook, Goldsworthy, Lewis, Olsen, Oswald, Randall, Russack, Tonkin, Wilson, and Wotton.

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

Pairs—Ayes—Messrs. D. C. Brown, Chapman, Mathwin, Rodda, and Schmidt. Noes—Messrs. L. M. F. Arnold, Corcoran, Duncan, McRae, and Wright.

Majority of 2 for the Ayes.

Motion thus carried.

Later:

The Legislative Council requested a conference, at which it would be represented by five managers, on the House of Assembly's amendments to which it had disagreed.

The House of Assembly agreed to a conference, to be held in the House of Assembly conference room at 10.30 a.m. on 12 June, at which it would be represented by Messrs. Abbott, Allison, Billard, Crafter, and Schmidt.

Later:

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

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

Motion carried.

TRAVELLING STOCK RESERVE: COBDOGLA

The Legislative Council intimated that it had agreed to the House of Assembly's resolution.

ADJOURNMENT

At 1.48 a.m. the House adjourned until Thursday 12 June at 2 p.m.