HOUSE OF ASSEMBLY

Tuesday 2 December 1980

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

ASSENT TO BILLS

His Excellency the Governor, by message, intimated his assent to the following Bills:

Adoption of Children Act Amendment,
Domicile,
Electricity Trust of South Australia Act Amendment,
Liquefied Petroleum Gas Subsidy,
Royal Commissions Act Amendment,
South Australian Heritage Act Amendment,
Stock Exchange Plaza (Repeal of Special Provisions).

PAY-ROLL TAX ACT AMENDMENT BILL

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

PUBLIC FINANCE ACT AMENDMENT BILL

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

PETITIONS: PROSTITUTION

Petitions signed by 1 616 residents of South Australia praying that the House would urge the Government to strengthen existing laws against the prostitution trade, reject any proposal to legalise the trade and request the Commonwealth Government to sign the United Nations convention on prostitution were presented by the Hons. D. O. Tonkin, M. M. Wilson, P. B. Arnold, and R. G. Payne, and Messrs. Corcoran, Gunn, Evans, Lewis, L. M. F. Arnold, Trainer, Ashenden, and Hamilton.

Petitions received.

PETITIONS: TEACHING STAFF

A petition signed by 4 staff members and parents of Black Forest Primary School praying that the House urge the Government to take all possible steps to prevent the erosion in numbers of seconded teachers and support services in the Education Department was presented by the Hon. D. O. Tonkin.

A petition signed by 17 residents of South Australia praying that the House urge the Government to take all possible steps to prevent the erosion in numbers of seconded teachers and support services in the Education Department was presented by the Hon. M. M. Wilson.

Petition signed by 24 staff members of the Morphett Vale East Primary School praying that the House urge the Government to take all possible steps to prevent the erosion in numbers of seconded teachers and support services in the Education Department were presented by the Hons. D. O. Tonkin and M. M. Wilson, and Mr. Becker.

Petitions received.

PETITION: CULTURAL PROGRAMMES

A petition signed by 231 residents of South Australia praying that the House urge the Government to maintain educational programmes already existing in schools, in particular foreign language and cultural programmes in primary schools, was presented by Mr. Slater.

Petition received.

PETITION: PARABANKS SHOPPING CENTRE

A petition signed by 476 residents of South Australia praying that the House urge the Government to provide a lottery agency at the Parabanks Shopping Centre, Salisbury, was presented by Mr. L. M. F. Arnold.

Petition received.

PETITION: CLASSIFICATION OF PUBLICATIONS ACT

A petition signed by 11 residents of South Australia praying that the House legislate to tighten restrictions on pornography and establish clear classification standards under the Classification of Publications Act was presented by Mr. Ashenden.

Petition received.

QUESTIONS

The SPEAKER: I direct that the written answers to questions, as detailed in the schedule I now table, be distributed and printed in *Hansard:* Nos. 172, 505, 536, 596, 644 to 646, 653, 661, 667, 676 to 678, 680, 703, 706, 712, 713, 718 to 721, 723, 730 to 732, 737, 738, 742, 752 to 754, 758, 760, 763, 766 to 769, 771, 777, 781, 782, 784, 788, 790, 795, 796, 815, and 825.

HERCULES AIRCRAFT

In reply to **Mr. LEWIS** (22 October).

The Hon. D. O. TONKIN: The matter raised by the honourable member is somewhat timely. Several months ago, the Australian agent for a Canadian aircraft manufacturing company approached me (and I believe similar approaches were also made to other State Premiers) seeking support for a proposal placed before the Commonwealth Government to demonstrate two Canadian CL-215 aircraft in aircraft fire fighting techniques during the 1980-81 summer.

I advised the agent of South Australia's interest in such a proposal and then referred it to the appropriate departments for evaluation. Soon after, I received advice from the Rt. Hon. the Prime Minister of the Commonwealth's decision to co-ordinate the evaluation of specially equipped aircraft to combat bushfires and inviting all States to participate.

The Country Fire Services Board had in the meantime undertaken a review of aircraft use for attack on bushfires and came to the conclusion that a full scale cost benefit analysis of the use of such aircraft in the Eastern States would be desirable.

I have therefore accepted the Prime Minister's invitation for this State to participate in the evaluation programme by the C.S.I.R.O. which will examine: the

effectiveness of bombing fires of varying intensities with both water and fire retardant chemicals; the effectiveness of conventional fire fighting techniques under similar conditions; and a cost benefit analysis of forest and bushfire suppression in Australia.

Whether or not Hercules aircraft, and specifically the superseded C130 model used by the R.A.A.F., will be involved in this evaluation is a matter for the Commonwealth and the appropriate State authorities to examine. I will therefore ensure that the honourable member's suggestion is fully considered, and I once again thank him for bringing it to the attention of this House.

HORSE TRAM DEPOT

In reply to **Mr. CRAFTER** (4 and 5 November).

The Hon. D. C. WOTTON: On Monday 10 November 1980, the Heritage Committee recommended that the former Horse Tram depot at Maylands be placed in the Register of State Heritage Items. Of 19 such depots constructed, only three remain, and the Maylands Depot is the most complete and typical example. It is also recognised of this building that the materials and form make it a 19th century industrial building of considerable merit. The depot will be listed on the next interim list. The auction was postponed until a later date.

GRANTS ALLOCATION

In reply to the **Hon. R. G. PAYNE** (8 October).

The Hon. D. C. WOTTON: The grants allocation for 1980 is as follows:

	$
Australian Conservation Foundation	8 000
Conservation Council of South Australia	25 000
Keep South Australia Beautiful Inc.	25 000
Australian Environment Council Fund	1 800

Sundry payments of approximately $2 000 have already been made for special projects.

QUESTIONS

The SPEAKER: Before calling upon Ministerial statements, I indicate that the honourable Deputy Premier will receive any questions in relation to the honourable Minister of Industrial Affairs and the honourable Minister of Agriculture, and the honourable Minister of Transport will receive any questions in relation to the honourable Minister of Environment.

MINISTERIAL STATEMENT: DEPARTMENT OF CORRECTIONAL SERVICES

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

Leave granted.

The Hon. W. A. RODDA: On 10 September I announced that a major corporate review of the Department of Correctional Services would be undertaken by the Public Service Board in conjunction with a private consultant. I now wish to state that as of 1 December the Government engaged Touche Ross Services to work with the Public Service Board in conducting this review.

Four officers from the consultancy firm will be involved in the study; they are Mr. H. J. Swinks, Project Manager; Mr. L. E. Shannon, Senior Consultant; Mr. P. A. Speakman; and Mr. J. Harrington. The Government has also decided to engage a specialist consultant, Mr. J. Van Gronigen, who has wide experience in the correctional field in academic, consulting and line management capacities.

The terms of reference of the review are to examine: the adequacy of existing security measures, and the effectiveness of the upgrading proposals which are currently with the Government; the organisation and staffing levels of the department, with particular attention to the executive management needs of the department; the cost effectiveness of the South Australian prison system in comparison with other prison systems in Australia, with particular reference to prison industry activities; the adequacy of training of prison officers at various levels of classification, with special reference to the need for succession planning to ensure an adequate supply of appropriately experienced prison managers; the recruitment process for prison officers and desirable standards for recruits; the need for, and scope of, a research function to meet the information requirements of departmental specialists and senior managers; the adequacy of existing information services and procedures; and any other matters which are likely to improve the efficiency of the prison system in the next five years.

As members are aware, the Government has already received the Stewart Report on some aspects of correctional services, and there is under way at present a separate investigation by the Public Service Board into institutional staffing and a Royal Commission investigating specific allegations of impropriety.

It should also be made clear that the corporate review I have announced today complements, rather than duplicates, these other investigations, which together constitute the most searching review of correctional services undertaken in this State for many years. Briefly, the lines of demarcation separating the different inquiries are as follows:

The Stewart Report investigated such matters as:

- Accommodation requirements,
- Institutional security standards,
- Security procedures,
- Equipment,
- Staff.

Already, many of the Stewart Report recommendations have been implemented and others are under active consideration.

Security will be improved by the installation of television surveillance equipment at both Adelaide Gaol and Yatala Labour Prison, at a combined cost of $563 000, and by the installation in both centres of a radio communication system costing $261 000. New security fencing at Yatala has been approved at a cost of $95 000, a new tower has been erected in No. 5 yard at that prison, and approval has been granted for the establishment of a full-time Dog Squad.

Staff levels have been increased on three occasions since October 1979 resulting in the employment of a further 56 officers: five in the Dog Squad, six in the Probation and Parole Branch, and 45 additional prison officers.

With respect to new capital works for improved accommodation, industrial facilities and security, expenditure of $3 870 000 has been approved in the last 14 months, a further $1 600 000 has recently been before the Public Works Committee, and another 10 projects costing $16 700 000 is planned for future development.

In the most important area of staff morale, training programmes have been instituted for both new and existing prison officers, and significant progress has been achieved in preparing academic courses in justice administration.

These initiatives in areas affecting accommodation, security and staff are related directly to the ambit of the Stewart Report and do not, in any way, cut across the other investigations in train.

A separate matter of organising staffing levels and responsibilities within the correctional service institutions is being examined by the Public Service Board in consultation with the appropriate unions.

The investigation I have announced today, as the terms of reference clearly indicate, will be concerned primarily with the structure, management, effectiveness, and staff development functions within the central department.

PAPERS TABLED

The following papers were laid on the table:

By the Minister of Mines and Energy (The Hon. E. R. Goldsworthy)—

Pursuant to Statute—

I. Mines and Energy, Department of—Report, 1979-80.

By the Minister of Education (The Hon. H. Allison)—

Pursuant to Statute—

I. Kingston College of Advanced Education—Report, 1978.

II. Sturt College of Advanced Education—Report, 1979.

By the Minister of Water Resources, for the Minister of Agriculture (The Hon. W. E. Chapman)—

Pursuant to Statute—

I. Country Fire Services Board—Report, 1979.

By the Minister of Transport, for the Minister of Environment (The Hon. D. C. Wotton)—

Pursuant to Statute—

I. Whyalla Regional Cultural Centre Trust—Report, 1979-80.

II. Corporation of Adelaide—By-law No. 16—Central Market.

III. Corporation of Whyalla—By-law No. 34—One-Way Streets.

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

Pursuant to Statute—

I. Motor Vehicles Act, 1959-1980—Regulations—Label Destruction Exemption.

By the Minister of Health (The Hon. J. L. Adamson)—

Pursuant to Statute—

I. Equal Opportunity, Commissioner for—Report, 1979-80.

By the Minister of Water Resources (The Hon. P. B. Arnold)—

Pursuant to Statute—

I. River Murray Commission—Report, 1980.

By the Minister of Lands (The Hon. P. B. Arnold)—

Pursuant to Statute—

I. Lands, Department of—Report, 1979-80.

QUESTION TIME

ELIZABETH TOWN CENTRE

Mr. BANNON: Can the Premier say whether the Government is considering, or has already decided on, the sale of the Elizabeth Town Centre, a commercial property of the South Australian Housing Trust, to private interests, and, if this is so, why?

The Hon. D. O. TONKIN: Not to my knowledge.

ADELAIDE ZOO

Mr. RANDALL: Will the Minister of Education advise what action has been taken as a result of complaints received from the public in relation to concessions offered to schoolchildren visiting the Zoological Gardens? I, like many other members, have received complaints from the public, particularly from schools that wish to take schoolchildren to the zoo for excursion and educational purposes and who look for concessions. The reason why they have been unable to have the opportunity to visit the zoo has been given as being that there has been a shortage of education officers. This is an important issue. I believe the Minister has looked into it and will have an answer.

The SPEAKER: Order! The honourable Minister of Education.

The Hon. H. ALLISON: I conferred this morning with Dr. Claus Meuller, the Director of the Adelaide Zoo, and with Mr. Burfield, President of the Royal Zoological Society of South Australia, and it was decided that the embargo placed on concessions would be completely removed. The existing staff at the zoo for 1981 will be two members, and one of the conditions of the removal of that embargo was that all school excursions should be booked through the Education Branch, with a view to ensuring that no more than 1 000 students a day passed through the zoo on the concessional basis. The Director pointed out that one of the main wishes of the zoo was that there should be a strong educational bias in accepting students going to the zoo and, at the same time, it was pointed out that this educational bias should not be so strict as to remove any natural enjoyment and exuberance on the part of younger children.

As a compromise, we discovered that among the objections that the zoo was lodging towards students who attended in large numbers was that, in a number of cases, there was inadequate supervision, not on the part of the regular Education Department staff but on the part of those who normally accompany the students from schools. Another concession was that the supervising ratios should be one for every five kindergarten students (that would be either teachers or interested parents), one to every 10 for years 4 to 7, and one to 15 for years 8 to 10 and 11 to 12.

Another point was made that some objection had been raised to people accompanying incapacitated disabled persons having to pay. The zoo Director pointed out that, for many years, there had been an automatic concession for people who accompanied the disabled on a one-to-one basis, provided that the people at the gate or the Education Branch officers were made aware that the visitor was disabled. That concession will continue. I am sure that, as a result of today's discussions, the 60 cent concession (reducing the $1.20 fee to 60 cents) will be availed of by a wide number of students in the community, ranging from kindergarten through to upper school.

PETROL PRICES

The Hon. J. D. WRIGHT: Can the Premier advise the House what is happening about the petrol prices order which the Premier said more than a week ago he hoped to be able to lift within a fortnight?

Mr. Millhouse: I think it was extended last Thursday. It's in the *Gazette*.

The SPEAKER: Order!

The Hon. J. D. WRIGHT: I am asking this question because of the confusion caused by apparently contradictory statements made by the Premier. In the *Sunday Mail* of 22 November the Premier was quoted as saying that he

hoped the petrol prices order, which fixes the maximum wholesale price, could be lifted in a fortnight. Yet, in the *Advertiser* of Monday 24 November the Premier denied the *Sunday Mail* report while repeating virtually the same words as appeared in the *Mail*.

In another place on 26 November, the Minister of Consumer Affairs advised the Leader of the Opposition that the action taken could be lifted in a fortnight, provided that the oil companies gave proper assurances. Have the oil companies given the assurances required by the Government, whatever they were, and when can the public expect a further announcement to clear up this matter?

The Hon. D. O. TONKIN: I would have thought the matter was very clear at present. As a result of the action taken by the Government, an action that was taken not without a great deal of thought, consideration and, indeed, concern, there has been—

The Hon. R. G. Payne: A 3c reduction brought a 5c increase.

The SPEAKER: Order!

The Hon. D. O. TONKIN: I am well aware that the member for Mitchell would like to see all independent operators put out of business at the drop of a hat, because that is what he is saying. I totally and absolutely refute such a suggestion. No-one in the community would in any way object to paying a fair price for petrol if he knew that by doing so he would keep his fellow men, people in the community, solid citizens, in business. If the member for Mitchell believes that that is not so, he certainly does not deserve the confidence of the community as a whole.

I am pleased that the Deputy Leader has asked this question, because I am not in any way able to explain why I am said to have denied something in one press report when, as he has very properly pointed out, what I said in that report and what I was reported as saying was much the same as what was reported in the earlier publication. There has been no doubt or confusion: we have made quite clear that we would like to lift the prices order, because, as a Government, we are not particularly pleased with prices orders and we believe very much that the open market is probably the best way to deal with things wherever possible.

We have now interviewed almost all of the petrol companies involved, and have put to them that the situation that applied before the prices order was brought in was, to put it mildly, chaotic, that people in the country were asked to pay an excessively high price for petrol compared to the price paid by people in the city and, what was more to the point, that a large number of independent businessmen were being threatened with the closure and loss of their business. I will not go into the reasons behind all of that: I think the Deputy Leader would know very well of the practices about which people have been complaining.

If we could receive assurances from the petrol companies, all of them, that they will do nothing to allow a return to that chaotic situation, we would be prepared to lift the prices order, and I have made that quite clear publicly on a number of occasions. Whether that will be within two weeks from the time of the last report, whether it will be in three or four weeks, or whether it will not be until the Prices Justification Tribunal comes down with its findings, I am not able to say at present, but as soon as I have received the necessary assurances from the oil companies, the Government will consider its position.

May I say that, although the decision was taken with a great deal of hesitation and concern in the first instance, the Government is quite determined to ensure that such a situation in the market does not occur again, and we are resolute in that determination. The support we have received from members of the Automobile Chamber of Commerce and from many people throughout the community who have taken the trouble to write to thank the Government for the step it took is more than ample reward and acknowledgement of the responsible attitude we have taken. If the honourable member believes it is nonsense, I can only say that he confirms my poor opinion of the Labor Party's concern for small businessmen.

CLASS SIZES

Mr. SCHMIDT: Can the Minister of Education say what effect class sizes have on education and what is an ideal class size for primary and secondary schools? Would he also have a comparison of these figures with the figures relating to schools in my district? Following a meeting of some 400 teachers at Thebarton yesterday, a motion was passed calling on the South Australian Institute of Teachers to implement the Australian Teacher Federation Charter of a maximum of 25 primary pupils per class, 25 pupils in lower secondary classes, and 20 pupils in upper secondary classes by March this year.

My concern has also be instigated by a public meeting in my district that I addressed last Wednesday, at which people from high schools supported the allegations that they were running into difficulties because of class sizes and were facing the possibility of having to reduce some courses in order to maintain their teacher/pupil ratios.

The Hon. H. ALLISON: I do not have the precise figures available for the member's own district. However, Education Department statistics for the current year indicate quite clearly that in South Australian primary schools 54 per cent of them have class sizes of 25 students or fewer and this should be compared to the previous year, when 46 per cent of primary schools had class sizes of 25 or fewer, and, 92 per cent of South Australian primary schools have class sizes of 30 students or fewer. I think that those statistics alone indicate that, whatever criticism has been levelled against the present Government, it is still working progressively towards attaining overall the A.T.F. requirements for smaller class sizes; not only that, but the Government is doing that at a faster rate than any other State in Australia.

The member's question about the relationship of class sizes to educational standards was a valid one. I believe that the former Minister of Education addressed himself to a similar question over the past several years. Indeed, I remember asking an almost identical question a couple of years ago. In fact, recently a report has been released in the United States and is reported in the American Educational Research Journal, of Spring, 1980, Vol. 17, No. 2, at pages 141-152. It was an experimental study of the effects of class size, conducted by Stan M. Shapson, of the Simon Fraser University, and three of his colleagues from the Toronto Board of Education.

Mr. Millhouse: Where is the Simon Fraser University?

The Hon. H. ALLISON: It would be very near Toronto.

Mr. Millhouse: That's a guess, isn't it, on your part?

The Hon. H. ALLISON: No, it is in Toronto, but I am not sure whether it is inside or outside the metropolitan area.

Mr. Millhouse: Are you sure you know?

The Hon. H. ALLISON: Yes, I can spell it too—it is F-r-a-z-e-r.

Mr. Millhouse: I am not worried about the spelling: I just wondered whether you—

The SPEAKER: Order!

The Hon. H. ALLISON: There is no relationship to Mal, if that was the basis of your objection; that is all I was thinking of.

Mr. Millhouse: No, it was not.

The SPEAKER: Order!

The Hon. H. ALLISON: I thought it was the name, rather than the venue, that was offensive. I must apologise, for acknowledging an interjection. The tenor of that report was that class sizes really have not been found to affect adversely the standard of education. In fact, the study indicated that investigation of class sizes varying between 16, 30 and 37 students per class failed to confirm teachers expectations and opinions that smaller classes did in fact lead to better results. Although student mathematics-concept scores were higher in classes of 16, in classes of 30 or 37, there were no class size effects for the other achievement measures, which related to reading, vocabulary, mathematics solving, art and composition or for students overall attitudes and self-concepts.

The survey itself was conducted over 67 different classes in the Toronto district and the findings were that, although teachers expected that smaller classes had many advantages over those with 30, or 37, especially in the extent of individual help, after the study, the teachers felt that they had made changes to adjust to different class sizes, and that there was very little change in the overall method of instruction. The findings are very interesting, because they bear out a report from Harvard University which I quoted in this House some three years ago and which indicated that in three classes of students with almost identical ability, with a cross-section of high IQ median and low IQ, three teachers in a school, one of whom was excellent, did in fact achieve very different results and the one person whose overall methodology and attitude was excellent achieved a complete high rating. That is, everyone of her students was an achiever in the sense that the student was in an above-average job some 10 years after the student had left school. That was one study which indicated a parallel to this one, namely, that the standard of teaching from the teacher himself or herself, rather than class size, is probably of paramount importance.

Perhaps it would be relevant to comment that in New South Wales very recently, in an article in the *Sydney Morning Herald* the question was raised why there was a move in New South Wales to send children to non-government schools, a move which is far stronger in the Eastern States than it is in this part of the country. It was stated that, in eastern suburbs Catholic schools, the class sizes averaged 37 students, yet parents were still wanting to send their children to these schools, the inference being that the New South Wales Catholic schools were offering something which the State schools could not match, even with smaller classes.

The question is obviously very complex, and we would have to point out that, even given the South Australian teacher-student ratios, which are currently the lowest in Australia, the responsibility for allocating staff within a school is still that of the principal and the senior staff. It is possible within any one school, for example, to have some classes with very low teacher-student ratios and others with high ratios, and quite frequently the staffing decision is based on educational rather than economic or any other factors.

BARBITURATES

Mr. HEMMINGS: Does the Minister of Health support a change in prescription scheduling for barbiturates, and will she direct the Health Commission to conduct a compulsory survey of the level of barbiturate prescription in Adelaide?

The Minister will be aware of the increase in South Australian deaths due to barbiturate overdose. Recently the A.B.C. programme *Nationwide* did its own investigation which revealed that some doctors were prescribing large amounts of barbiturates, apparently on request. The Minister will also be aware that the programme claimed that one inner city practitioner gave 29 sedative prescriptions to one youth in a period of 10 weeks.

The programme interviewed patients who claimed they could get barbiturates on demand from certain doctors without examination, and interviewed health and social workers who said that some practitioners were being grossly irresponsible in the way they were prescribing barbiturates. I am told that a survey of barbiturate prescription has been conducted, but this was voluntary and was considered quite inadequate in obtaining a true picture of the level of barbiturate prescription. I am also informed that, when the scheduling of Mandrax was changed from schedule 4 to schedule 8 (which did not prevent prescription at all but required the South Australian Health Commission to monitor this), the number of Mandrax sold fell from 39 000 a year to 2 000 after the schedule had been changed. What action does the Minister plan for barbiturates?

The Hon. JENNIFER ADAMSON: As the member for Napier has indicated, the Health Commission has the capacity to monitor prescription patterns of doctors in respect of any particular drug. If there is any evidence (and I mean hard evidence as distinct from allegations, because the two are very different) that certain doctors are misusing their ability to write prescriptions for drugs, monitoring should take place. I would normally receive advice from the Pharmacy Services Unit of the South Australian Health Commission if there was a high level of concern about the prescribing of a particular drug, and an indication that monitoring would take place in respect of that drug. I have not yet had any such report in respect of barbiturates, but I would be happy to inquire whether it is considered desirable for such compulsory monitoring to take place and, if it is, to ensure that that monitoring occurs.

I did not see the *Nationwide* programme to which the honourable member refers. I was aware, however, of allegations that had been made in respect of certain medical practitioners, but without evidence (and there was no hard evidence, as I understand it) it is so easy to make allegations but so difficult to prove those allegations and to take the necessary action. However, I must stress that I regard with the utmost gravity the abuse of prescriptions of any kind of drug, and I would be pleased to consult with the Pharmacy Services Unit of the Health Commission to see what action, if any, needs to be taken in respect of controlling the use and prescription of barbiturates.

BOATING ACCIDENTS

Mr. GLAZBROOK: Would the Minister of Marine and Harbors advise of his concern over accidents, particularly by electrocution, occasioned to some yachting people, and the necessity for caution to be taken when launching or sailing such yachts, and will he say whether he will issue such a warning? A recent edition of the *Advertiser* contained a small article headed "Yachtsman electrocuted", which stated that a yachtsman in Melbourne was electrocuted when his boat's mast hit high-voltage wires.

The deceased and four others were carrying their catamaran across land near Waranga Boat Club when the mast clipped a live 22 000-volt wire.

I draw the attention of the Minister and of the House to the fact that last Australia Day weekend, the only son of two of my constituents died tragically at Currency Creek, near Goolwa, when, as a passenger on a trailer-sailer, he was sitting next to and with one hand on the mast, and when unfortunately the mast clipped live Electricity Trust of South Australia wires and he died instantly. My constituents, and I with them, are obviously concerned that such repetitions are avoided and seek the Minister's assistance in issuing some warnings to those who will be engaged in recreational boating during the coming summer months.

The Hon. W. A. RODDA: As the holiday season is approaching, it is timely that the honourable member should raise this question, and I commend him for doing so. I am not unaware of this problem and I do not know whether we should see to it that henceforth all live wires in boating marinas are buried. I think this is already being done in many places.

I do know of one serious accident that occurred at Arno Bay, on the West Coast, when an aluminium mast clipped a wire about a quarter of a mile from the landing ramp. One of the crew members was riding on the boat jinker steadying it, and, as the honourable member pointed out in relation to another accident, death was instantaneous.

An honourable member: What about Currency Creek, too, last summer?

The Hon. W. A. RODDA: The honourable member has referred to that. The Government has made available $500 000 this year for a survey into the small boat haven south of Adelaide and we are in the process of setting up an advisory—

An honourable member: Who was the consultant?

The Hon. W. A. RODDA: I forget the name at the moment but one of the leading marine consultants is handling this project. The advisory committee that we propose to set up will be asked, among other things, to look into this problem. We are concerned that accidents are happening and I do not think one can make too many calls for caution, as the honourable member has requested. I will make a call to the boating public to pay heed to this problem. I think one could even communicate with local government bodies who have control of many of these facilities throughout the State, and I will be pleased to arrange for my office to do that.

SEMAPHORE RAILWAY

Mr. PETERSON: I wish to ask a question of the Minister of Transport which is supplementary to a question I asked on 22 October. Has a decision been made on the route for the standard gauge railway line on LeFevre Peninsula and, if so, which of the three alternatives is to be used? I have been told that all surveys and exercises relating to the alternative routes have been completed and that a decision has been made. I am further informed that, contrary to the Minister's statement on 22 October when he said that it will be left to the Australian National Railways Commission to announce when it has finally made a decision, the information has been handed to the Minister for release. The Minister is well aware of the concern held by residents along the existing rail route and the absolute community support for the Elder Road option. If a decision has been made, it is to the Minister's discredit that he should retain it.

The Hon. M. M. WILSON: As I told the House during the debate on the railways legislation, the working party comprising the A.N.R. Commission, the Highways Department, the Department of Marine and Harbors, and the State Transport Authority has investigated the alternative routes for the standard gauge connection to the sidings between Birkenhead and Outer Harbor, and has recommended the re-establishment of the track in Dunikier Road or Semaphore Road East. That recommendation has been submitted to the A.N.R.C., and an e.i.s. has been prepared by the commission and is being assessed by the Department for the Environment. The South Australian Department of Transport has also commented on the e.i.s., and my department has recommended the Semaphore Road East route. The e.i.s. has been returned to the Federal Department of Home Affairs and Environment in a draft form, and the South Australian Department for the Environment expects it to be returned by 5 December. When it is received on that day, I understand that it is to be released for public comment. I cannot give the member any more information than that, because that is the most up-to-date information available.

SUNBURN

Mr. BECKER: Can the Minister of Health say what action the South Australian Health Commission intends to take to warn the public of the dangers of sunburn? On 15 and 16 November, a weekend that was exceptionally hot, five people attended the Flinders Medical Centre with serious sunburn. I also understand that nine people attended the Queen Elizabeth Hospital outpatient clinic on Sunday, Monday and Tuesday, and that two of them were admitted to hospital. I understand that most of the patients were teenagers and people under 30 years of age, and at both hospitals babies were also treated. Excessive sunburn can be painful and dangerous to health, and I understand that in extreme cases treatment and cure can be expensive.

The Hon. JENNIFER ADAMSON: The honourable member's explanation certainly indicates the seriousness with which sunburn should be considered as a public health issue. An all-over tan can be far more damaging than attractive, despite what some people may think. The common belief that the more sun we get the healthier we are needs to be dealt with effectively in the public mind, because Australians are doing themselves much damage. They have a higher rate of skin cancer than has any other nation in the world. The Sunshine State, Queensland, has recognised this and has embarked on a public health and education campaign to alert people to the dangers of sunburn.

The member's explanation indicates not only the personal suffering and distress caused to those who allow themselves to be sunburnt but also the high economic cost to the community of treating these people. Sunburn is a completely preventable health hazard, and there needs to be a far greater understanding, especially in respect to the proper care of children on beaches and when exposed to the sun. It is heartbreaking to see small infants on the beach with no head covering, no cream covering their skin, and with exposed skin when they should be wearing light clothing. To see little babies unprotected is horrifying.

The other group at great risk comprises those in their teens and early twenties who tend to believe that they will be more attractive, if tanned, and that they can tan quickly. The Health Commission, at my request made towards the end of last summer, is embarking on a public

education programme to alert people to the dangers of sunburn. Special efforts are being made by the School Health Branch, in primary and secondary schools in the coastal areas, to alert children to the dangers of sunburn, and it will be part of the effort of the Health Promotion Unit of the commission this summer to embark on sunburn prevention as a public health measure.

WATER CHARGES

The Hon. R. G. PAYNE: Following an announcement yesterday, will the Government, through the Minister of Water Resources, assure the House that its ultimate objective in reviewing methods of charging for water is not to shift more of the burden of payment for providing water on to the household sector and away from commercial and industrial users? Sir, with your leave and that of the House and the member for Mallee I seek to indicate that I have no need to make further explanation of this question.

The Hon. P. B. ARNOLD: The report released by Cabinet, and made available to the press, indicated a number of factors. The key recommendations in that report were, first, that the public accepts the need for water conservation. That is the first point, and that is fundamental. Secondly, this acceptance is universal, irrespective of age, location or income. That, in itself, is a clear indication that the people at large, across the whole spectrum, accept that the need for water conservation is an important issue in South Australia. However, it indicates that the public at large is unsure of how to go about this water conservation programme or how to save water, and this is the object of the study, the report, and the recommendations that will flow from it in the near future.

On the actual water pricing side, the key factor coming out of the study by P.A. Consultants so far is that people generally want to move to a charge for water used.

One of the key objections (while there has been little objection to the water conservation programme) has been from those people who live in flats or in areas where they are not actually using the full volume of water at 27c a kilolitre, compared to their actual water rate. Those persons can justifiably say that there is no incentive for them to use less water if they are not using the full value of their actual water rate. In the main, most people accept and agree that water should be on a charge-for-use basis, whereby they are not being charged for water that they have not used. The study is continuing; it is out for public comment, and all public comments made in relation to the report will be carefully considered by the department.

RAIL STRIKE

Mr. RUSSACK: Has the Minister of Transport seen the headlines in today's *News*? If he has, will he—

Mr. Hamilton: Disgusting!

Mr. Millhouse: I was absolutely right!

Mr. Bannon: If you choose the right words, you can keep the dispute going for another three months.

The SPEAKER: Order!

Mr. RUSSACK: If he has, will he act on the reported suggestions made by the member for Mitcham? Associated with the industrial dispute concerned with the metropolitan rail services, the headline states:

> As train confusion rolls on . . . sack them all, urges Millhouse.

Members interjecting:

The SPEAKER: Order!

Mr. Millhouse: I'm absolutely—

Members interjecting:

Mr. Millhouse: I'm worried about the people, not myself.

The SPEAKER: Order! I warn the honourable member for Mitcham. The honourable Minister of Transport.

The Hon. M. M. WILSON: The member for Mitcham has been a Minister of the Crown in this State, and I would have thought that he had learnt enough about industrial relations in that time to know that one does not make irresponsible statements, such as he has just made, in the middle of an arbitration conference. Commissioner Walker was presiding over a conference this morning between the parties to this dispute: the conference adjourned at 12 noon, to reconvene at 2.15 this afternoon and, no doubt, all of the parties, including Commissioner Walker, would have had the benefit of reading the headline-seeking statements of the member for Mitcham in today's *News*.

Mr. Hamilton: Cheap publicity, that's all it was.

The SPEAKER: Order!

The Hon. M. M. WILSON: The position is difficult enough as it is. For those in this House who do not know, I want to put on record that the employees made available to the State Transport Authority by the Australian National Railways Commission are not employees of this State: they are not employed by me or the State Transport Authority and no disciplinary action can be taken by any body except the Australian National Railways Commission.

Mr. Hamilton: Even though you would like to.

The Hon. M. M. WILSON: Indeed, we would like to be able to control our own employees.

Mr. Hamilton: And force them in that situation.

The SPEAKER: Order! The honourable member for Albert Park must cease interjecting.

The Hon. M. M. WILSON: I have to run the metropolitan railways of this city, and it is an impossible situation when we cannot have control over our own employees. It all dates back to the 1975 Railways Transfer Agreement and it is a legacy that I believe even my predecessor regretted. It is an absolutely impossible situation when the only body that can take action is the Federal ANR Commission, and of course, the commission is guided in its actions by Federal policy. I want to make quite clear the severity of the situation, and I condemn the member for Mitcham for the remarks he made this afternoon.

ABORIGINAL COMMUNITY COLLEGE

The Hon. D. J. HOPGOOD: Has the Minister of Education had discussions with either the Commonwealth Minister for Education or the Commonwealth Minister for Aboriginal Affairs about the future of the Aboriginal Community College, in particular the current and projected funding for this institution, and, further, the possibility of its absorption within the TAFE sector? I have been advised that at about 12.30 or 12.45 p.m. today, some sort of protest meeting was held at the college by the students of the college because of the cut-back in the funding coming from the Commonwealth Government. Those people in attendence were aware that that Government is of the same political colouration as is the Government of this State and, therefore, were also aware that the Minister and his colleagues may not be without influence with the Commonwealth Government in regard to the advocacy of a better deal for that college. However, I am given to understand that the viewpoint was also expressed that the squeezing of the funding position at the

college by the Commonwealth may be part of a long-term plan to force the college into the State's TAFE sector where more assured procedures for funding are available. Will the Minister comment, in his reply, on that aspect?

The Hon. H. ALLISON: The simple answer is that there is no negotiation currently under way between the South Australian Education Department and the Federal Government to squeeze the Aboriginal Community College in any direction. A complaint has been lodged by the South Australian Government, through my own Ministry, to the Federal Government regarding funding, but no discussions have yet been entered into. Of course, there is a new Minister (Senator Baume) and we have not yet met for the first time since he has taken up his new portfolio. I am interested that there was a demonstration at the Aboriginal Community College, because no notification of that or of the intention to hold a demonstration was forwarded to my office. If those people believe that I have influence, they have made no attempt to use it so far.

However, the college can rest assured that we are aware of the problem. We have been addressing ourselves for the past 12 to 14 months to the question not only of the college but of its accommodation and future funding. It is not something that we intend to let rest.

HORSNELL GULLY FIRE

Mr. OSWALD: Has the Deputy Premier studied further statements made last week about the fire at Horsnell Gully on April 13? I refer to reports in the press in which the Hon. J. R. Cornwall has continued his public criticism about errors of judgment, confusion of the chain of command and lack of communications; also his criticism of the fire management decisions taken by the Country Fire Services and the National Parks and Wildlife Service; and particularly his criticism of the performance of Mr. Fitzgerald, the Fire Emergency Officer of the National Parks and Wildlife Division, and Mr. Johns, the Director of the Country Fire Services.

The Hon. E. R. GOLDSWORTHY: Yes, I have indeed, because in the original series of wild allegations made by the Hon. Dr. Cornwall, I was implicated, together with the Minister of Environment. The Hon. Dr. Cornwall accused, first of all, the firefighting authorities of inefficiency in fighting the fire; he then went on to suggest that the Minister of Agriculture had acted quite improperly in giving orders in relation to the direction of the fire; and he then said that a koala colony had been wiped out. Last week I dealt at some length with the Coroner's findings in relation to those matters. I was a bit surprised that that complete refutation of the allegations of the honourable member did not find any publicity. However, a further series of allegations did, and these allegations are even more serious, in my opinion, than were his original fulminations because they reflect on two officers of this State. In fact, they accuse Mr. Fitzgerald and Mr. Johns of lying to the Coroner. They are very serious allegations indeed. The member for Mitchell may well smile, but if he does not think they are serious then obviously he does not have much sensitivity in relation to the accusing of people under the cover of Parliament, as Dr. Cornwall so readily does.

Members interjecting:

The Hon. E. R. GOLDSWORTHY: I can understand the Labor Party's excitement to get some publicity at any cost. We know that Labor Party members front up for preselection this weekend. Both the Hon. Mr. Sumner and the Hon. Dr. Cornwall were reported in the *Advertiser*, so publicity at any cost is obviously very much in vogue with the Labor Party members at the moment—but at what cost? Is it to be at the cost of the reputation of two valuable officers of this State?

The Coroner said not only that the fire control measures were conducted very efficiently, but also that no koala colony was wiped out and that the Minister of Agriculture had not acted improperly; in other words, he completely debunked what the Hon. Dr. Cornwall had been saying on that occasion. Neither was there any hint in the Coroner's report of any malpractice on the part of Mr. Johns or Mr. Fitzgerald. So, in an attempt to wriggle out of the situation, we have now had this series of even wilder allegations by the Hon. Dr. Cornwall. Unfortunately, it seems that Mr. Johns was out of the State when this matter was publicised and so there was no comment from him, but Mr. Johns, for one, is most upset at these allegations. In fact, it was put to me that the allegations were "b . . . cowardly" and that if they had been made outside of Parliament—

The Hon. R. G. PAYNE: On a point of order, Mr. Speaker. I raise a point of order under Standing Order 154. The member who has just resumed his seat was imputing improper motives to a member of another House, which is not permitted under the Standing Order.

The SPEAKER: I do not uphold the point of order. The honourable Deputy Premier, in replying, was referring to a statement made by an officer of the department, not a statement of his own. I also point out to members of the House that the area of grey which exists and which I explained last week in relation to using letters which imputed against a person makes it most difficult for the Chair sometimes to appear totally even-handed in this matter. Where there is any doubt, I intend giving the benefit of that doubt. I do not uphold the member's point of order.

The Hon. E. R. GOLDSWORTHY: In the name of natural justice where an officer is impugned, as he has been under the cloak of Parliamentary privilege, he has no recourse other than to have the matter aired in Parliament, because if those accusations were made outside the House the Hon. Dr. Cornwall would find himself in court. That is a statement of fact.

Quite frankly, I was surprised that the media gave these wild allegations such a run without any reference to the quite scandalous allegations made earlier, which the Coroner completely debunked. In fact, it made the Hon. Dr. Cornwall look quite ridiculous. I am glad that the honourable member has asked this question, because the allegations of the Hon. Dr. Cornwall are complete nonsense; not only that, they also defame and dishonour two very valuable officers of this State who have no way of defending themselves against this sort of attack.

We know perfectly well that members of the Upper House are busy trying to shuffle their places on the Legislative Council card. We know the intense competition which exists between two of the major proponents —they are in the *Advertiser* today. However, it ill behoves them to seek the precedence and support of their own members in this way. If the Labor Party has any sense of honour, it will despatch that honourable member to the bottom of the card.

AIR FARES

Mr. SLATER: Has the Premier issued a protest in the strongest possible terms to the Commonwealth Minister for Transport following that Minister's request last week to the independent inquiry into air fares to conclude its

hearings by 31 January? This would apparently exclude South Australian groups, including the Premier, from making submissions prior to that date.

The Premier has already stated in this House that he intended to make submissions to the inquiry and that the inquiry was to be held in Adelaide in November. It was unfortunate that the inquiry was adjourned, and it was intended that it reconvene in Adelaide in February 1981. The Federal Minister has requested the committee to complete its hearings before 31 January, and this will actually preclude the Premier and other South Australians from making submissions to the inquiry. I therefore ask the Premier whether he has made any protest to the Federal Minister in regard to the inquiry's being finalised by 31 January.

The Hon. D. O. TONKIN: From the fact that the proceedings of the inquiry are to be concluded before the end of January, and also that the decision was made to reconvene the inquiry in February, I do not think one can draw the same conclusion that the honourable member draws. I do not know whether the committee intends to reconvene in Adelaide at any time before 31 January. In any event, there will be nothing to preclude officers of the Government from making submissions to that inquiry before 31 January. I suggest that, before the honourable member starts to become too concerned and excited about it, we should find out exactly what all the facts are.

BRIGHTON JETTY

Mr. MATHWIN: Has the Minister of Marine seen a recent press criticism of Brighton's battered jetty, stating that it was an eyesore, complaining of its bad condition, and stating that it was very bad for tourism, and does he intend to take any action to rectify its bad condition?

I recently inspected the Brighton jetty, which is certainly in need of repair and painting. There are many rust spots on the metal of the jetty, and certainly the woodwork is screaming out for paint and some protection. I have also had reports on and have seen for myself the effects of vandalism on the woodwork of the jetty, where some young people have been whiling away their time hacking, among other things, their names. That is normally called whittling, I understand, by some people of the community, and it is an eyesore. I also draw the Minister's attention to the importance of the jetties, because, in a number of cases, they provide the means for young people to take an interest in the sport of fishing. Many older residents of Brighton visit the jetty to have an outing, get some fresh air and enjoy the walk along the jetty, having done so for many years. I ask the Minister whether he has seen the recent newspaper article and whether any action has been taken.

The Hon. W. A. RODDA: Somebody was kind enough to send me a clipping from the *News* last week drawing my attention to comments made by a Mr. Tom Hewitt. I have had discussions with the Department of Marine and Harbors about this jetty, as it is one of the piers under the control of that department. The vivid description given by the honourable member is quite correct, according to the report I have had on it. The jetty is scheduled to be upgraded. I point out to the honourable member that, due to rearrangement, the Department of Marine and Harbors has taken over all of the promenade jetties in the State, and this year there is an on-going programme from Cape St. Clair, on the far west coast down to Yorke Peninsula, to oversee the piers of which the honourable member speaks. The Brighton jetty is on the programme. I have had discussion with the Director-General of Marine and Harbors, and I will add the comments made by the honourable member to the already large file that I have on these matters.

PUNWOOD

Mr. ABBOTT: Will the Premier say what submission or recommendation was made by the South Australian Government to the Foreign Investment Review Board on the matter of transferrring the shares held by the Government in Punwood to the Punalur Paper Mill, whether the Government supported the Punalur submission to the Foreign Investment Review Board, and whether the Government is happy with the final decision of the Foreign Investment Review Board on this matter?

The Hon. D. O. TONKIN: I cannot give the details at this stage, but I will obtain a report for the honourable member.

MINIATURE CONTAINERS

Mr. LEWIS: Will the Minister of Health take steps to ban completely the use of plastic miniature copies of popular brand cigarette packs and liquor bottles, the kind of which I have already given her a sample, from being distributed as prizes to children at country shows and other carnivals by sideshow operators, if she believes the practice to be an undesirable influence on the subconscious mind of the children receiving them?

The Hon. JENNIFER ADAMSON: I have seen samples of the kind of material to which the honourable member refers, namely, little mock packets of cigarettes. I have not seen the liquor bottles, but the cigarette packets in miniature form that are being distributed do seem to me to be a pernicious way of advertising by the tobacco companies, because they are trying deliberately to get the notion into children's heads that possession of a packet of cigarettes is a desirable thing.

That, to my mind, is a pernicious notion that should be discouraged at every possible opportunity. I think the tobacco companies are feeling the effect of community pressure to discourage the consumption of tobacco. They are feeling the effects of the general trend towards health promotion and disease prevention which regards tobacco smoking as an anti-social habit that is damaging to personal health and, consequently, a cost on the public purse and on public health; they are using every means at their disposal to promote their product in unconventional and, to my mind, unacceptable ways. Whether or not these little nick-nacks can be banned is a situation that deserves consideration.

In reply to a question last week, I said that, had medical science been aware of the link between alcohol and road traffic accidents when the motor car was first being developed and sold on a mass scale, I think legislation reflecting that knowledge would have been introduced far earlier in this century than it was. The causal link between tobacco smoking and ill health has now been proved, but legislative and administrative reaction to that evidence is slow to come. Although I am not aware of any action that could be taken in law at the moment to ban distribution of these products, I am prepared to consider any action which, taken overall, can be seen to be responsibly discouraging the promotion of tobacco among children. It is against the law in this State to sell tobacco to children. I believe the law in that respect needs to be tightened and I

think that, when it is tightened, consideration should be given to aspects of the promotion of tobacco products among children, and I can assure the honourable member that that will be done.

TRAFFIC LIGHTS

Mr. O'NEILL: Is the Minister of Transport aware of the increase in the number of faulty traffic signals that is causing problems to motorists daily in the whole metropolitan area since this Government gave most of the maintenance of such signals to private enterprise to the exclusion of the majority of units formerly operating as the traffic signals maintenance section of the Highways Department? Yesterday, I received a report from a constituent on this matter. This is quite serious, even though the Premier thinks it is a joke.

The SPEAKER: Order! I ask the honourable member to give the explanation without commenting.

Mr. O'NEILL: My constituent stated that on a trip yesterday, between the Sturt Street and West Terrace intersection and the Black Diamond Corner at Port Adelaide, he found only two traffic signals functioning without some fault.

The Hon. M. M. WILSON: No, I was not aware of it, but I will get a report for the honourable member. I doubt very much whether there is any foundation in the accusation made.

SPECTACLES FOR PENSIONERS

Mr. OLSEN: Following the announcement by the Minister of Health that disadvantaged people in South Australian rural areas are to receive free spectacles and optical aids, can she say when the scheme will start to operate? Since the announcement of approval for the scheme to proceed, I understand that electorate offices of country members have been deluged with inquiries from pensioners wanting to know where and when the services will be available.

The Hon. JENNIFER ADAMSON: The scheme will operate as soon as tenders have been called and the appropriate arrangements have been made for each individual area. I made the announcement that the scheme had been approved in principle, because I know how long it has been eagerly awaited in country areas. For many years State Governments have provided free spectacles to pensioners, who have had access to the service only through the Royal Adelaide Hospital. The Government now intends to make the provision of spectacles available to pensioners through 11 country centres, and this scheme has been arranged in consultation with the Royal College of Ophthalmologists, the Optometry Association, and Optical Dispensers, consulting with the South Australian Health Commission. Tenders are now being called for an open tender for a contract for the supply of those spectacles.

The local arrangements in each case will depend on the local situation. For example, in one town the fitting may be done by a resident optometrist, but in another town where there may be no resident optometrist the fitting may be done by arrangement with the contractor. Each area will have to be looked at in connection with its circumstances and whether there is an ophthalmologist as, for example, there would be at Whyalla, in the area where the pensioners live.

PITJANTJATJARA LAND RIGHTS BILL

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

That Mr. Olsen be appointed a member of the Select Committee on the Bill in place of Dr. Billard.

Motion carried.

PERSONAL EXPLANATION: RAILWAYS SERVICES

Mr. MILLHOUSE (Mitcham): I seek leave to make a personal explanation.

Leave granted.

Mr. MILLHOUSE: During Question Time, the Minister of Transport answered a question from one of his back-benchers about my remarks in the *News* this afternoon. You had just warned me, Sir, because of an interjection I had made, and therefore my lips were sealed, as I did not want to be thrown out today; there is important business on the Notice Paper, to the discussion on which I may wish to contribute, otherwise I may have transgressed again by interjecting while the Minister was speaking, thus risking your further displeasure, Sir, and your naming me. I wish to explain now that I do not regret what I have said on this matter. I am exasperated by the present situation. I do not care who takes the action—the Minister, the State Transport Authority or the Australian National Railways. It was noteworthy that the Minister did not suggest any alternative action—

The SPEAKER: Order! The honourable member is getting way beyond a personal explanation.

Mr. MILLHOUSE: I have only a half a sentence to complete, Sir.

The SPEAKER: Order! The honourable member may proceed only so long as it is justifiably a part of a personal explanation.

Mr. MILLHOUSE: —in case the arbitration decision this afternoon fails to obtain a result.

The SPEAKER: So that the record may be clear, I think it is only right that the Chair should also indicate that the honourable member was warned for persistently interjecting—

Mr. Millhouse: I thought it was only once.

The SPEAKER: —not for having interjected only once.

At 3.18 p.m., the bells having been rung:

The SPEAKER: Call on the business of the day.

PAY-ROLL TAX ACT AMENDMENT BILL

The Hon. D. O. TONKIN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the Pay-roll Tax Act, 1971-1979. Read a first time.

The Hon. D. O. TONKIN: I move:

That this Bill be now read a second time.

It makes provision for three matters in relation to pay-roll tax. First, it gives effect to the intention of the Government announced in the Budget to give further relief from taxation. The Bill proposes an increase in the exemption levels of 16·6 per cent following the increase of 9 per cent granted from 1 January 1980. As stated in the Budget papers, it is proposed to increase the present exemption level of $72 000 to $84 000 tapering back to $37 800 at a pay-roll tax level of $153 300. This will be brought into operation with effect from 1 January 1981.

This reduction will mean that on any fixed pay-roll within the present tapering scales (which are the pay-rolls

of small businesses) the pay-roll tax liability will be reduced either to zero or by $1 000 per annum. The maximum general exemption proposed is higher than that applying in New South Wales, Western Australia and Tasmania, and below that in Queensland and Victoria. The minimum exemption proposed is equal to that applying in Victoria and higher than all other States. It is estimated that the cost of this concession will be approximately $1 750 000 in a full year.

Secondly, the Bill alters the circumstances in which organisations such as religious bodies, public benevolent institutions, hospitals and schools may claim exemption from pay-roll tax. This alteration will not affect operations carried out in good faith. It is proposed in order to counter a tax avoidance scheme which has operated in the Eastern States. Under this scheme a public benevolent institution was used to employ persons and to hire those persons for a nominal fee to a trading company. The wages of the public benevolent institution was not subject to pay-roll tax.

The effect of the scheme was that the trading companies substantially reduced their pay-roll and pay-roll tax. A small part of the pay-roll tax saving was incorporated in the hire fee paid for the services of the employees, and at the end of the financial year was passed on to the charity. However, the bulk of the tax saving was retained for the benefit of the trading company. The amendments proposed limit the exemption to persons genuinely engaged in the work of the exempt body concerned. These amendments are similar to those made in New South Wales, Victoria and Queensland.

Thirdly, provision is made for child care centres which meet the requirements for Commonwealth Government subsidy under the Commonwealth Child Care Act to be exempt from pay-roll tax. About one half of these centres are already exempt from tax because they are part of an exempt organisation, such as a religious or public benevolent institution, and it is considered that an exemption should apply to all such centres. As the remainder of the explanation refers to the clauses, I seek leave to have it inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clauses 3, 5, 6 and 7 amend, respectively, sections 11a, 13a, 14, and 18k of the principal Act. These amendments all relate to monetary limits stipulated in the Act for the purposes of providing general exemption levels in relation to the payment of pay-roll tax. The modifications set out in the amendments give legislative effect to the Government's proposals to increase these levels.

Clause 4 amends section 12 of the principal Act, which provides for a special exemption from liability to pay-roll tax in the case of certain specified persons or institutions. Child care centres which are eligible organisations within the meaning of the Commonwealth Child Care Act of 1972 have been included in this group, and existing provisions of the section which relate to what might be termed charitable or *quasi*-charitable organisations have been strengthened to ensure that only wages paid in relation to work carried out exclusively for the organisation and in connection with the *bona fide* functions of the organisation attract the exemption.

Clause 8 inserts a new subsection (3) in section 37 of the principal Act, providing that any amount paid on an assessment subsequently quashed on appeal or objection shall be refunded by the commissioner.

Mr. BANNON secured the adjournment of the debate.

RACING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 November. Page 2283.)

Mr. SLATER (Gilles): This legislation will bring into effect several recommendations of the report of the Committee of Inquiry into Racing. The principal reason for the establishment of that inquiry was to consider the problems associated with the financial viability of the three racing codes (galloping, trotting and dog racing), and to report on ways and means by which the financial situation of the racing industry generally could be improved. The committee proposed about 30 recommendations, and the Government, by this Bill, is proposing to give effect to only some of those recommendations.

One of the main reasons that financial problems have arisen for the three codes has been a substantial reduction in the amount made available by the Totalizator Agency Board to the clubs following a decline in the surplus earned by the T.A.B. in 1978-79, and the static or declining surplus from 1974 to 1977-78. As a consequence of the declining return from T.A.B., the clubs have sought to open other avenues of revenue but, with the static or declining attendances at race meetings, and especially at trotting meetings, and because of the present economic climate, they have been unable to achieve the additional revenue necessary to enable them to increase prize money. With the lack of increase in prize money, plus inflation, there has been a decline in horse ownership and the transfer of better class horses to other States in which prize money is greater than it is in this State. With poor quality fields, racing, trotting and dog racing have become less attractive to the public, thus leading to lower attendances. A downward spiral can occur in attendances, in revenue, and in prize money as each factor reinforces any downward trend in the other factors.

It is realised that the racing industry is important to this State, its capital value having been assessed at more than $200 000 000; and it provides employment, part and full-time, for about 11 000 people. It cannot be argued that the industry is important to this State. In addition, the breeding industry has been a significant export earner for this State, and the industry, as a sport, provides interest and entertainment for many thousands of people.

The report of the committee of inquiry indicates that about 1 000 000 people passed through the turnstiles at metropolitan meetings of the three codes for the year ending 30 June 1980, and that there were 12 000 000 transactions by T.A.B. and 10 000 000 transactions by bookmakers on the course and in premises (no doubt at Port Pirie) in the same year. The betting turnover was about $300 000 000, with $5 000 000 being distributed in stake money and $10 000 000 in Government revenue. These figures indicate the importance of the industry to South Australia.

As the report points out, the industry provides other significant contributions to the economy of this State: it attracts interstate and overseas visitors to feature racing carnivals and to yearling sales, and so on. It is obvious that the racing industry plays a vital part in the economic well-being of this State, and it is essential that the industry should be given a chance to survive and prosper.

The Opposition approaches the proposed amendments with a sincere and genuine desire to ensure that all sections of the industry mutually benefit; owners, trainers, clubs, bookmakers, and, the life blood of the industry, the investor, the punter—all must benefit. We on this side support the Bill but, in order to ensure that all persons

associated with the industry do benefit mutually, we will consider closely certain aspects of the amendments. We support the provisions of the Bill concerned with T.A.B. distribution, which will provide clubs with additional finance. In a full year at present turnover levels the T.A.B. distribution proposed in the Bill would provide $3 770 000 to the codes compared to $2 460 000 under existing arrangements.

It is proposed that these new financial arrangements will operate from 1 January 1981, and it is proposed that the distribution of the board's surplus under the existing arrangements with respect to the first half of the present financial year will be paid in advance in a manner authorised by the provisions of the principal Act. The Bill also amends section 70 of the principal Act dealing with a return to the Treasurer from on-course totalizator operations, and the new scales proposed in the Bill will mean a net gain to the clubs of about $250 000 a year, with a corresponding reduction in revenue to the Government.

The Bill proposes to increase the amount that the T.A.B. may retain for capital expenditure, and that it be raised from 0·5 per cent to 1 per cent of the turnover. The committee of inquiry considered that the T.A.B. was at a disadvantage because of the lack of funds for capital purposes, including the computerisation of T.A.B. facilities throughout the metropolitan area and in the country. Because of this lack of capital the T.A.B. has been forced to borrow funds which, in order to meet capital costs, have incurred substantial liabilities for interest and repayment of capital. The amendments are proposed to ensure that, in future, the T.A.B. will be adequately provided with capital funds. The Opposition supports those aspects of the Bill.

In relation to the unit of betting, it is proposed that the T.A.B. itself will make the decision in regard to increasing the unit of T.A.B. betting. Regarding the on-course operation, the value of the unit will be decided by the appropriate consulting authority, with the approval of the Minister. I have certain reservations about the unit and will express them later. I wish now to show how sensitive T.A.B. is to other forms of gambling and how it has been greatly affected by the success of the various innovations by the Lotteries Commission, in particular X-Lotto and, to some degree, Instant Money. T.A.B. is also sensitive to other economic factors and competition for the investor's dollar.

In 1969-70 the Lotteries Commission had a total turnover of $5 700 000, whereas in 1978-79 it had a total turnover of $43 370 000, or an increase of about 750 per cent. In 1972-73, T.A.B. had a total turnover of $48 100 000, whereas in 1978-79 the total turnover was $97 000 000, or an increase of about 100 per cent. When one considers the inflationary spiral that has occurred during that time, the increase is not particularly good when compared to that of the Lotteries Commission: it indicates to a marked degree the effects that other forms of gambling have on T.A.B. investments. With your leave, Mr. Speaker, and that of the House, I seek leave to have a statistical table inserted in *Hansard* without my reading it. It relates to Lotteries Commission and T.A.B. turnover.

The SPEAKER: With the honourable member's assurance that the table is totally statistical, is leave granted?

Leave granted.

LOTTERIES COMMISSION TURNOVER AND SURPLUS ($1 000 000)

	Lotteries	X Lotto	Instant Money	Total	Surplus	Transfer to Hospital Fund
69-70	5·70	—	—	5·70	1·82	1·93
70-71	6·00	—	—	6·00	1·86	1·83
71-72	6·20	·002	—	6·20	1·90	1·98
72-73	6·60	·15	—	6·75	1·97	1·90
73-74	7·05	·97	—	8·02	2·35	2·35
74-75	8·41	3·56	—	11·97	3·65	3·35
75-76	7·66	8·19	—	15·85	4·99	5·20
76-77	10·28	8·39	—	18·65	5·66	5·49
77-78	12·20	12·76	—	24·96	7·86	6·98
78-79	8·80	15·07	19·50	43·37	14·38	14·14

Source: Lotteries Commission Annual Reports.

T.A.B. TURNOVER AND INDEXES ($1 000 000)

	Galloping	Index	Trotting	Index	Dogs	Index	Total	Index
72-73	31·7	100	10·5	100	5·9	100	48·1	100
73-74	37·9	119·6	13·5	128·7	7·8	132·6	59·3	123·2
74-75	49·8	157·2	17·7	168·2	10·5	178·9	78·1	162·2
75-76	56·5	178·3	19·4	184·1	11·7	199·3	87·7	182·1
76-77	63·5	200·2	20·6	196·2	13·3	226·1	97·5	202·5
77-78	64·8	204·4	20·1	191·1	12·3	209·0	97·3	202·1
78-79	66·4	209·5	18·8	178·2	11·8	201·0	97·0	201·6

Source: T.A.B. Reports

Mr. SLATER: The table indicates clearly what has happened in those years in regard to T.A.B. surpluses and turnovers, together with turnovers from the Lotteries Commission. It might be worthy of note that, during those years, the smaller denomination lottery was gradually replaced by lotteries of larger value. It may have been the failure of the T.A.B. to move from a 50c unit to a $1 unit that has been a limiting factor in the growth of the T.A.B. turnover. However, one factor is intriguing, namely, despite the economic climate and increased unemployment, the commission has rapidly expanded its turnover, whereas T.A.B. has not made the same rapid growth. It

must be accepted that the T.A.B. computerisation has just been achieved, and operating costs may reduce. A moderate increase in turnover will certainly assist the T.A.B. to obtain better results.

The query I raise in relation to the increase in the unit size is in regard to multiple betting. Many people find that multiple betting is a very encouraging form of investment, with the fourtrella, trifecta, triella, and so on. My concern is whether, if the unit is increased, those people who invest in multiple betting will resist the increase in the unit size. I would be pleased to know the Government's view on this matter and whether the Minister believes that the increased unit may affect this form of betting. If it does, it will have a consequential effect on the surplus available by the T.A.B. for distribution. I should be pleased if the Minister, in reply, would indicate what is proposed in regard to the unit, because, with due respect, the Minister's second reading explanation did not indicate what is proposed. I know that the T.A.B. will be the organisation to make the determination but, at the same time, I would like to know what type of proposal will be made in regard to multiple betting.

One of the matters that cause me some concern is the proposal to amend section 66 of the Act to delete the obligation of the South Australian Jockey Club to provide totalizator facilities on flat enclosures. An exception is made in the case of Oakbank racecourse but, in the metropolitan area, the obligation on the South Australian Jockey Club to provide a new computerised tote will be forgone as far as the flat enclosure is concerned. This matter causes me much concern, because it could be the death knell of flat enclosures. The report of the committee of inquiry states that there has been declining patronage of flat enclosures by racegoers. However, it has been one of the unique features of racing in South Australia for many years.

I appreciate that other States do not have flat enclosures, but flat enclosures have been a significant factor in racing here for many years. They have provided racegoers and their families, with limited means, the opportunity of attending and enjoying an afternoon at the races. The flat has always been regarded as the working persons' enclosure, and I believe that they have an entitlement, along with patrons of the derby and grandstand, to the same facilities that may be provided to the more affluent racegoers. Although the Bill does not specifically refer to the closing of the flat, it will, if the facilities of a computerised totalizator are not available, thus spell the death knell of the flat enclosures. The Minister's second reading explanation refers to this matter and states:

> The experience of recent years has seen a diminishing use of flat facilities by racegoers. In 1971, flat bookmakers had 28 per cent of total bets and held 12 per cent of turnover. By 1980, those proportions had dropped to 19 per cent and 10 per cent, respectively. The committee considered that the expense of maintaining totalizator betting facilities in the flat enclosures was not justified.

Even though that may be the case and the economics of the matter may not, at first glance, appear to favour a computerised totalizator being placed in flat enclosures, I do not have any figures to show me whether there has been a comparative decline in totalizator investment at the same time as there has been a decline in bookmaking investment on the flat.

When one compares the total turnover in both bookmaking and totalizator investment, it is also worth considering that people who attend the flat enclosures are the smaller punters. Regarding the sum of money taken on the flat, there may be as many bets, but the bet of the average person may be a lesser amount, say, $2 on average, compared to $50 or $100 in the grandstand enclosure. It is worth considering that the smaller investments made by the flat patrons should be allowed to continue to be made on the flat.

As I have stated, I believe that the flat is the working persons' enclosure, and these people are entitled to the same facilities as the patrons in other enclosures. Consequently, the Opposition will oppose this clause. If the flat is closed, the 17 or 19 flat bookmakers and the seven emergencies will be affected and, from the figures I have noted in the Committee of Inquiry's Report, I doubt that they will be absorbed into the derby enclosure or the grandstand. It is fairly obvious that the derby, not the flat, was the disaster. I cannot see how the bookmakers can be absorbed into the derby. I also point out that there will be lost employment. Those who work for the bookmakers will not be employed, even though they are employed on a part-time basis. Some are employed full-time. The services of the caterers on the flat will not be required, and those persons employed on the course totalizator in the flat will also not be required.

The closure of the flat might reduce the average number of patrons who attend the races, which could lead to a loss of interest in racing. These people could be lost to the racing game, with a consequent diversion of interest to other sporting activities and other interests. We oppose this clause, which gives the opportunity for the S.A.J.C. not to provide the facilities of the computerized totalizator in the flat enclosures.

Clause 10 proposes to increase the revenue tax on bookmakers by ·3 per cent and provides for a corresponding increase in the amount to the clubs. At the same time, it removes the stamp duty that is now payable on betting tickets. While I could not agree more that additional funds in revenue are required by the clubs, I have very grave doubts whether this proposal will not rob Peter to pay Paul. The Committee of Inquiry in its report (page 39) made the point:

> In analysing the betting operations of bookmakers, the committee considered it inappropriate to be guided only by averages because of the widely varying turnover from bookmaker to bookmaker. Some field only on a few meetings per year, with an annual turnover of less than $300 000 per bookmaker. Others field on more than 100 meetings per year, with an annual turnover in excess of $3 000 000 per bookmaker. Moreover, in 1979-80, 63 per cent of the total turnover was held by 30 per cent of the bookmakers.

It appears to me that the additional tax of ·3 per cent could have a very serious affect on many bookmakers in South Australia. If one reads closely the content of this section of the report, one will see that the committee gives little credence to the fact that many bookmakers do not enjoy the successes that one would expect. The table on page 38, which shows on-course bookmakers' net profits for 1979-80, indicates that the total net profit was $2 550 000, which I believe is shared amongst 130 bookmakers in South Australia, giving a net average income of less than $20 000 per year. I believe that the committee did not give sufficient credence to the problems that exist for bookmakers and, consequently, the Opposition will not support an increase of ·3 per cent in tax.

However, we believe that the stamp duty on betting tickets should remain, so we do not support the proposal that that provision be deleted. It is significant that the bookmakers' on course hold a significantly higher proportion of investment than the tote, and I believe that the vast majority of people who attend racing, trotting, or dog racing meetings do so because of the existence of on-

course bookmakers who provide the punter with a much better opportunity for betting at attractive prices. On course, the bookmakers' turnover is some nine times greater than the turnover of the tote.

It must be realised that, by law, the totalizator makes a certain gross return, while bookmakers must accept a risk of loss, and it is rare that a bookmaker accepts all bets on all runners. No matter which horse or dog wins, a profit can be made. To make a book, some risk is involved, and it is necessary to take these risks to obtain turnover. Bookmakers usually take risks on the well-fancied runners. The greater degree of competition on an event, the greater the risk the bookmakers incur, and the ultimate price reflects the punters' collective opinion on the chances of each runner. An on-course opinion can differ from an off-course opinion, and at galloping meetings, on-course opinion varies from enclosure to enclosure.

Horses are backed at various times during the betting, and a reasonably competent punter can expect to get set at a price that is normally better than the bookmakers' starting price or the T.A.B. price, and this provides an attraction for people who regularly attend races, because they are able to compete against the bookmakers and get a better price than the starting price or with the T.A.B. It is normal bookmaking practice that sometimes the bookmakers have the opportunity to lay off bets, and I believe that it is not used as much as ordinary market principles would suggest. The different practices adopted mean that gross profit margins are significantly lower on local races as against betting on interstate races. I understand that this tendency is more pronounced when turnover is lower or is not rising as rapidly as the consumer price index because of the basic competition for turnover that exists in local betting. The slower growth of turnover that has been indicated since 1976-77 has emphasised this trend.

There is always a potential loss for bookmakers, whereas the totalizator pays a certain gross result. Particularly in regard to betting on local races, the bookmakers quite often collectively lose or, alternatively, make very small profits. This situation is attractive to the punter, because it places him in a position of competition with the bookmaker. In that situation, the bookmaker must accept some risk if he is to improve his turnover. The Hancock Inquiry into racing emphasised that the nature of the bookmakers' operations and the fact that the cost per dollar of turnover falls as turnover rises should mean a need for higher profit margins in the flat, progressively falling through the derby to the grandstand and rails. In fact, in recent years the reverse has applied.

The difficulty in maintaining turnover and the actual decline in profits have produced patterns of profit that are abnormally lower than usual. Bookmakers in the derby enclosure, and to a lesser extent in the flat, have been in considerable difficulty. This suggests that any further tax on bookmakers' turnover would place them in further difficulties. A comparison of the figures for various enclosures with the consumer price index from 1972-73 to 1979-80 shows that net profits have declined. In actual fact, after all costs are met there has been a 59 per cent decline in real net profits from 1972-73 to 1979 by bookmakers operating at galloping meetings. This arises basically from profits after taxes, but other expenses rose by 50 per cent in that period, while the cost of the c.p.i. doubled and the average weekly wage in South Australia rose by 116·6 per cent.

Other aspects of bookmakers' operations need to be considered. There are permit fees, wages, and other costs. Some of the other costs involve transport and petrol costs, the keeping of records, accountancy costs, and all those sorts of things which are hidden costs and which have increased significantly over the past five to 10 years. Similar figures to those that I have mentioned in regard to galloping meetings apply more significantly to trotting and dog-racing meetings.

The history of the bookmakers' turnover tax is interesting in South Australia if compared to that in other States. It shows that South Australia is significantly higher than New South Wales and slightly higher than Victoria, despite the fact that turnover in those States is much greater. The picture shows a very general decline in profits of bookmakers, and any increase in turnover tax would have serious effects in reducing the odds offered to punters, making racing less attractive to racegoers. The result of all this would be a further decline in attendances. It is very vital that sufficient attendances be maintained for the overall financing of the racing industry in this State. I think an increase in turnover tax would have a rather deleterious effect on the racing industry. If the tax is applied (and it certainly will be) the effect will filter back to the pay-out to the customer, the punter. This will have the effect of reducing attendances and the situation in which we are seeking to assist racing clubs would certainly not pertain in the long term.

The role of the bookmaker is vital to maintain attendances. We need to make sure that the bookmaker has a reasonable opportunity to compete with the punters to ensure that the odds he can offer are significantly better than the T.A.B.

The Hon. M. M. Wilson interjecting:

Mr. SLATER: It is a balanced situation, I assure you, but there must be an incentive for attendance figures to be maintained or improved. One of the vital things in the industry is the challenge of the racegoer against the bookmaker and it is probably the reason why most people attend race meetings in South Australia. Without meaning to be unkind, I do not think that the average punter has a great knowledge of horses. However, the punter believes that he has an opportunity to invest at a reasonable price, and that is the attraction as far as racing is concerned.

From time to time we have been told that it is the policy of the Government (and the Premier from time to time has espoused it) to reduce taxes. Succession duties and gift duties have been eliminated and land tax has been reduced. However, this is a tax on one section of the community, which the Opposition believes is unwarranted and we do not support the proposal. We believe that the situation should remain as it is; that the duty on betting tickets should remain on the scale that is currently payable and that the tax on turnover should also remain at the present scale.

The overall problems of the racing industry are as a consequence of three main factors. The first is the T.A.B.'s problem with cost control, in expanding its turnover. As I mentioned previously, competition from other forms of gambling, other forms of competition for the customer's dollar, and the economic climate generally have significantly affected the T.A.B., and to some degree have affected the bookmakers and the on-course tote.

Another factor has been the practice of illegal betting. It is very hard to determine (and I think we are all guessing when we try) the amount of illegal betting in South Australia. From time to time we are told that it is very rife. We are told in the report that illegal bookmaking is supposed to be rampant throughout South Australia. Perhaps I am not in a position to assess that, but I assure the Minister that Opposition members certainly support the proposition to increase penalties in regard to S.P. betting, although it is difficult to know whether that will be the be all and end all of that betting.

Penalties are one thing but law enforcement is another. It is important that intensified action by the police is necessary if the amount of S.P. betting in South Australia is to be reduced. Perhaps one of the best ways to do this is to ensure that the Police Force is adequately manned to perform the necessary duties, and that it has sufficient manpower to ensure that it can carry out law enforcement in regard to S.P. betting. It is unfortunate that many members of the community do not regard the operations of S.P. bookmakers as a criminal activity. As a consequence, this makes law enforcement particularly difficult.

A point I want to make to the Minister is that I believe we should promote a public campaign concerning illegal betting, emphasising to the public and persons who indulge in illegal betting that the S.P. bookmaker pays no tax. There is no revenue accruing to the racing clubs, or the Government and, as a consequence (I suppose I can use the term) that they are parasites on the racing industry. This means, of course, that if the public does not regard S.P. bookmakers in this sense, in some degree their activities are condoned. This makes law enforcement extremely difficult.

I would like to see a campaign waged encouraging people to utilise the legal forms of gambling, that is, the T.A.B. and on-course bookmakers. The Opposition supports the Bill except for the clauses referring to the flat enclosures and the ·3 per cent increase in bookmakers' turnover tax. The Opposition has some reservation about the increased unit and multiple betting and I trust that the Minister will be able to explain what is intended in regard to that matter when he replies.

With those remarks, I indicate that the Opposition supports the Bill and will, in the Committee stage, be seeking more information from the Minister and opposing those clauses I have indicated.

Mr. MAX BROWN (Whyalla): Perhaps first I should point out to the Minister that, if the Government intends to maintain its current numbers in the House, I have no doubt that not only will I be able to convince the Minister that what I am about to say is correct in the interests of the racing fraternity but also, ultimately, that if I cannot convince him I will outvote him. Over a considerable number of years, the racing industry has been in a very severe plight. I never cease to be amazed in this sort of situation, at the odd bods and the number of people who come forward with all sorts of reasons why the racing industry is in difficulties and, of course, to give their answers to the plight of the racing industry. It is rather ironical that, on the back page of the Adelaide *News* this afternoon—

An honourable member: It's better than the front page.

Mr. MAX BROWN: I do not want to refer to the front page, because he may be running on Saturday. I never cease to be amazed at the odd bods who seem to have the solution to the problems of the racing game. On this occasion, lo and behold, the Editor of the Adelaide *News* has the answer. Kerry Sullivan says:

> It is a great pity John Letts has been dissuaded from writing for the *News*. As the leading racing newspaper [I do not know in what poll, but I will assume it is his] we viewed the "Letts Talk Racing" column as an ideal venue to give the sport another boost. It would have generated more racing interest and benefited everyone in the industry.

An honourable member: Particularly John Letts.

Mr. MAX BROWN: That is right. That statement, coming from a supposed leading journalist in this State, absolutely astounds me. I do not know how on earth the problems of the racing industry in this State would even remotely be reviewed by John Letts writing for the Adelaide *News*.

Before going into this debate at any great length, perhaps I should say that some people might be of the opinion that I have pecuniary interests in racing. I point out to the House that I have some small ownership interest in several horses, both in this State and in Victoria. In fact, at one time I had a small interest in what I considered a fairly good racehorse in Sydney.

Mr. Keneally: At great cost to you.

Mr. MAX BROWN: At great cost to me, as rightly pointed out by my learned colleague. I believe that the proposed increase in financial assistance provided in this Bill to racing clubs is a must if the industry is to survive. Having made that statement, I believe that one should take time to examine the facts: the racing industry is big business. It is an industry that not only brings revenue to the State Treasury, which is important from the Government's point of view, but also provides through the various breeding establishments an overseas trading aspect to which probably many of us pay no, or very little, attention.

We should remember that, apart from the two things that I have mentioned (finance to the State Treasury and the overseas trading aspect), there is an employment part of the industry. I believe it is not good enough for the administration of the industry to cry poverty, as it were, and not be subjected in turn to some responsibility in the field of administrative costs. I have privately pointed this out to the Minister on more than one occasion. It seems to me that the controlling interests of the racing industry in this State are perhaps not looking deeply enough at, or perhaps are prepared to forget, their real responsibilities and duties to the industry. Sometimes it should be remembered that to keep costs down in the administrative area is just as important as, if not more important than, the income derived. I believe we should note the comments of the Committee of Inquiry into the Racing Industry on the financial viability of the industry. I will refer to page 3 of the report of that inquiry (and I think this is the important crux of the whole debate), as follows:

> Although financial viability is a concept which is not easy to define, the committee considers that, for the purposes of this inquiry, the key to the viability of the racing industry is the level of stakemoneys. Stakemoneys have a direct relationship to the quality of fields. Good quality fields, measured by the standard and consistency of competing horses and greyhounds, attract more people to the tracks and provide more revenue to the clubs through increased betting turnover both on-course and off-course.

I believe that we should be looking at the proposals of this Bill in those terms. In fact, I believe that those remarks by the committee are the crux of the whole issue that we are discussing.

It is now proposed that the race meeting at Victoria Park next Saturday could conceivably have a six-race programme. That is the point I really make about the whole issue: if that is so, and there is every likelihood that it will be so, I suggest that the racing industry in this State is in a very poor situation overall.

Mr. Becker: Why have you got your horses in Victoria?

Mr. MAX BROWN: I am doing my part. I will deal later with the reason why I race horses in Victoria. Having dealt with that aspect, let me say that some of the other parts of this Bill hinge on the remarks of the committee of inquiry that I have quoted. The submission made to the inquiry by the South Australian Bookmakers' League opens by dealing with prize-money. The league says in its submission that the question of prize-money or an increase in prize-money attracts a good type of horse and by doing

that attracts the general public to keep the turnstiles turning. On page 1 the submission states:

> Any failure to raise prize-money along with inflation may lead to a decline in horse ownership—

perhaps that answers the member for Hanson—

> and to poor quality horses. If this occurs, racing may become less attractive to the public and cause lower attendances. Thus, the fundamental financial problem may lead to a downward spiral in attendances, revenue and prize-money, each reinforcing the downward trend in the other.

I agree completely with that. To sum up my remarks in respect of the proposed increase from T.A.B. turnover to racing, I support it. However, I believe responsibility must be accepted by racing administration to curtail unnecessary spending. Increases in stakemoney must be achieved in the overall position so as to allow all owners and trainers to benefit by such increases. I pointed this out to the Minister privately some weeks ago, because the question of an increase in stakemoney should not be attempted, on the basis on which we are going to race in this State, for higher prize-money for richer races.

We should be looking at the overall picture. I suggest that changes should be made in an attempt to increase attendances at races for the enjoyment of seeing good horses race and keeping the unit of the betting within the pocket of the average punter. I say that because, in my opinion, it is the average punter who keeps the industry going.

To some degree, I am sorry that the value of the minimum bet is being questioned at this time, because I have some doubt as to whether it should be brought in at all. The South Australian Bookmakers League in its submission supported an increase from 50c to $1, as did the committee of inquiry. On page 29 of its report the committee stated:

> The committee recognises the need for an immediate increase in the value of the minimum T.A.B. investment to at least $1, and believes that decisions on the minimum investment and the value of the unit should be made by the T.A.B. and reviewed from time to time in accordance with changes in money values.

I wonder from where it got its values and its philosophy. I have grave doubts whether we will do anything for the racing industry by increasing the minimum investment unit; certainly it will not do much for the betting public, nor will it create any improvement in turnover. First, I believe that we should not be unmindful of the fact that the only recent increase in the investment unit was an increase in the New South Wales T.A.B unit from 25c to 50c. The mecca of racing in the State of Victoria retains the minimum investment of 50c a unit.

The second aspect that ought to be considered is the multiple bet. I contend that the biggest revenue earning and most popular type of betting at the moment is the multiple betting factor. I refer to fourtrella, trifecta and doubles betting. I suggest also that this type of betting is increasing in popularity, resulting in increased revenue. Only recently, the Victorian and South Australian T.A.B.'s have increased the number of races on which they operate trifecta betting. I believe this shows clearly the popularity of this type of betting with the betting public, resulting in added income.

For example, a punter partaking in a multiple fourtrella bet might take three horses in each leg of the fourtrella, the cost of which at the moment would be $40·50. An increase in the betting unit to $1 would mean that the same bet would cost $81. I would suggest that such an increase would exclude the ordinary punter from this type of betting. Thus, there would be a decline in real terms in the betting turnover and, more importantly, it would do nothing for the industry. It must be borne in mind that it is this type of punter, with this type of betting, who keeps the industry going.

I have other reasons for opposing the increase in the minimum betting unit, but I simply refer back to my remarks and the comments of the racing inquiry that the main philosophy for assisting the industry was to determine ways of increasing attendances through the turnstiles and to increase T.A.B. turnover. I have real doubts as to whether an increase in the minimum betting unit will achieve this.

I oppose also the proposal to increase the bookmakers' turnover tax by ·3 per cent. Page 35 of the bookmakers' submission to the racing inquiry states:

> There is no case for an increase in taxes on bookmakers because *(a)* real profits of bookmakers have declined significantly.

The Hon. J. D. Corcoran: You've got a big audience.

Mr. MAX BROWN: That may be so; I take the interjection quite seriously, because certainly I am not arguing whether or not that is correct. Probably this Bill should not have been brought into the Chamber until we had found out whether or not that is correct. Does the Minister know whether that is correct?

The Hon. M. M. Wilson: I did not hear what the honourable member said; I am sorry.

Mr. MAX BROWN: I was referring to the suggestion that the real profits of the bookmakers have declined significantly.

The Hon. M. M. Wilson: Yes.

Mr. MAX BROWN: The submission continues:

> *(b)* turnover tax has already risen more rapidly than turnover, the c.p.i. or most other sources of club or Government revenue and *(c)* the State Government has political commitment to lower taxation.

I think that is a fairly important fact, too, although I do not want to delve into that with the Minister.

The Hon. M. M. Wilson: The increased revenue is not going to the Government.

Mr. MAX BROWN: That may be so, but I will say something about that in a moment. I am quite aware of where the increased revenue is going, and I am also aware of where at least a proportion of the increased T.A.B. revenue is going. What I am concerned about is whether we will be actually increasing the turnover; that is what worries me. I am suggesting that, if the Government has reached a decision to increase the bookmakers' turnover tax, that decision was made hastily. I suggest also that the Government has not done its homework about the viability or otherwise of bookmakers. I have put that to the Minister, and he has not said that I am wrong. I suggest, more importantly, that this will simply create a device for the bookmaker to pass on to the punter the overall cost of the increase, so that we will be back to square one with the punter paying.

Mr. Slater: And a loss of attendances.

The Hon. M. M. Wilson: Have you worked out the adjustment of the odds required to get an extra ·3 per cent?

The Hon. J. D. Corcoran: They do that.

Mr. MAX BROWN: It would be difficult for anyone in this House to say that any added tax on the bookmakers' turnover will be passed on to the punter, because it would have to be looked at closely, even minutely. There would be no doubt in my mind that the bookmakers would finally say that they were not going to be lobbed with this extra tax and that they would pass it on to the punter and odds, instead of being 6 to 1, will become 5 to 1. It is as simple as that.

The Hon. M. M. Wilson: It is better than ·3 per cent.

The Hon. J. D. Corcoran: Perhaps they will do it every third race!

Mr. MAX BROWN: I believe there is some merit in that. My last remark is important, because the punter, the fellow who keeps the industry going, will ultimately have to bear the extra costs, and this will play a negative role instead of a positive role in any attempt to boost the attendances at races, and that is what this is all about. The other factor is that the proposed increase will bring South Australian bookmakers' turnover in line with those of Victoria, and it will be higher than those in New South Wales.

Mr. Becker: They're looking at it, aren't they? They want to increase theirs.

Mr. MAX BROWN: I do not know whether the honourable member is aware of that situation, but it is important. He should do something about it. This Government came into power on a policy of reducing taxation, but it has increased taxation at every turn and this is another classic example of increased taxation. I strongly oppose the suggestion to take facilities away from the flat, because that will force people who can ill afford to do so to go into either the Derby Stand or the Grand Stand, and that will cause a drastic change in attendances. Facilities on the flat engender employment; bookmakers employ clerks and others. There will be a drastic fall in catering services at race meetings. The T.A.B. also employs people, and even parking attendants will get the order of the boot.

This employment will be lost and some difficulties will arise in the placing of the 19 bookmakers involved. What happens to them? Will they lose their licence and become unemployed, or will they be jammed in the Derby Stand or Grand Stand? I am concerned that the proposed removal of flat facilities will deprive unemployed and underprivileged people of the opportunity to get away from their overall drastic economic problems, which they do by visiting race meetings, thus also boosting turnstile figures in the industry.

I recall a story about a well-known indentity of Whyalla. I had thought that he always lived at Whyalla, but he told me that he had come from Flemington, and that he had attended the 1934 Melbourne Cup. He told me that it was raining cats and dogs, and that the winner was Peter Pan, at lengthy odds. This punter was on the flat, because he could not afford to go elsewhere, and he had backed the winner. During the running he was asked by a person what horse was in front, and he pointed to a horse and said, "That one". The chap said, "That's the policeman's grey." My friend, said, "That's the only horse I have seen since I have been on the course and he's miles in front." If we were to take away facilities from the flat, that person and many others like him would not attend the race meeting.

I questioned the proposed increase of penalties for S.P. bookmakers. I can understand why the committee of inquiry was in a predicament, because such people do little to assist the racing industry. For the first offence, the Bill increases the fine from $2 500 to $5 000 and for the second offence from $5 000 to $10 000; and that has doubled the monetary penalties. However, the imprisonment provision of the penalty has been halved, and I cannot understand that. The likelihood of a more severe imprisonment penalty would be more of a deterrent to an S.P. bookmaker than would a $5 000 fine. I suggest that to the Minister, quite seriously.

I have been interested in the racing industry for about 30 years, and we have always talked about stamping out S.P. bookmaking, but I do not know whether we are closer to doing it in 1980 than we were in 1940. By saying that he is undesirable for the industry and increasing the penalty are we solving the problem?

The Hon. M. M. Wilson: You are cutting out the agent's fee.

Mr. MAX BROWN: I am not taking that point away from the Minister, but I do not believe that the increased penalty will be a deterrent. It would have been better to increase the period of imprisonment rather than the monetary fine.

The Hon. J. D. Corcoran: Surely, the provision of better facilities for punters is necessary.

Mr. MAX BROWN: Of course: instead of worrying about S.P. bookmakers, I believe we should be worrying about the non-service and non-facilities provided by T.A.B. I do not know whether the Minister has had a bet.

The Hon. M. M. Wilson: Do you agree with after-race pay-outs?

Mr. MAX BROWN: I do, but it is not in this Bill. I make the point there, if the Bill provided improved facilities by T.A.B., I could understand it.

The Hon. M. M. Wilson: It will come.

Mr. MAX BROWN: I should think it would be the first priority. The few times that I have gone into a T.A.B. office, especially on a Saturday, I have found a line of about 20 people, and in front of me there has been some old duck, who will remain nameless, but who probably intends to invest $5. Not only do I have to wait for about 25 minutes to get rid of her, but she ends up with more paper than I have in my toilet. Yet, we are debating the issues on the basis of getting rid of S.P. bookmakers. I am more interested in getting rid of the person in front of me on the Saturday morning who takes so much time.

Mr. Slater: Do you have a computerised tote?

Mr. MAX BROWN: No. Perhaps that might be the answer.

The Hon. M. M. Wilson: They might be able to get a computerised tote.

Mr. MAX BROWN: That may be so. I conclude on that basis, because I believe seriously that the answer to our problems is to increase T.A.B. facilities so that we are assured of an increase in turnover, not only in the T.A.B. services, but also as regards increased attendances at racing, and that is what it is all about.

Mr. KENEALLY (Stuart): Racing is a very important industry in South Australia, not least because it employs so many people; it is a great employment generator. I understand from the report that 13 000 are employed full or part-time in racing in South Australia. Unfortunately, over the past few years, the health of the industry has declined, when compared to other States. That is to be regretted, because in South Australia we have the framework for a very successful racing industry. We have some of the best bloodstock lines in Australia, as evidenced by the fact that 55 per cent of the thoroughbred sales made in South Australia go to interstate and to international buyers. We also have in South Australia some of the best, if not the best, trainers in Australia, together with some of the best jockeys.

Although the industry is solidly based, unfortunately, because of the limited stake money available, South Australian patrons are not able to see the best of the racing industry that this State could provide. Our best jockeys, trainers and horses are seen more commonly on tracks in other States than here. That is unfortunate, because it means that our patrons are disadvantaged. I support any move that the Government or the industry might make to increase stake money. If that means that a greater percentage of the T.A.B. turnover should be directed to the racing industry to increase stakes, I support it. Having said that, I do not want to canvass the many

excellent points made by previous speakers, namely, our spokesman for the racing industry (the member for Gilles) and his excellent contribution, and the member for Whyalla, who made some comments on which I will enlarge later; they deal with the racing industry and the provision of betting facilities for country patrons, a matter that the Government ought to consider closely.

There are one or two provisions in the Bill on which I will spend some time. The first is the Government's intention to change the unit of investment from 50c to $1. I notice, in the report on the racing industry in South Australia, that the argument used to support increasing the unit of investment from 50c to $1 is that lotteries and X-Lotto, and so on all work on the basis of a $1 unit. It is not quite the same. I would argue that that point cannot be substantiated because, in X-Lotto, for instance, for $1 patrons get not one unit of investment, but four units. Also, in the lotteries, people invest $1 and have the opportunity, limited though it might be, for a considerable win. In racing, people on a limited income, namely, pensioners and, increasingly, the unemployed, would like to go to a race meeting and have as many investments as they possibly can. It is much more interesting for a follower of racing to have a number of 50c investments during the day than to have one or two $1 investments, and that is what we are arguing about. If people have limited money to spend on a Saturday afternoon, or at any racing, trotting or dogs meeting, they are better able to enjoy their outing if they are able to invest in every race at 50c than in half the number of races at $1.

I am not pleased that the Government intends to increase the unit of investment to $1, because I believe that it will work against those in the community who enjoy racing as a recreation, not as an opportunity to make a lot of money, and those who have limited investment potential. I do not view that provision in the Bill with any joy. I am also very much opposed to the closing of the flat enclosures that the Government wants to implement. All the advice I have received indicates that the racing clubs would like this to happen.

If the Minister can spare me a moment, I will put to him what has been put to me on this score. Racing clubs, over many years now, have been letting the facilities on the flat deteriorate, so that people will not patronise the flat enclosures and so that that, in turn, may be used as an argument to close them completely. It is a vicious circle, and it is working. If the racing clubs were encouraged to improve the facilities on the flat, the facilities from which catering takes place for food and drink, and if the toilet facilities were improved, people might more readily patronise the flat, where many of them would prefer to be.

The racing clubs intend to get rid of the flat, and they are being helped in this by the Bill. I believe that, here again, the people who are affected by the increase in the unit investment will be affected also by the closure of the flat. The flat is a place where families can go, where the increasing number of unemployed, who like to see racing as a recreation, can afford to go, where pensioners can afford to go and where people of limited income, whether in or out of work, can more readily be found. Some consideration ought to be given to these people. So, I am opposed to the closure of the flats, and I will be voting in that way.

The major reason for my contribution in this debate is to talk about the problem of illegal betting and to compare it to the facilities provided for T.A.B. betting in the country. A strong point made in the Minister's second reading explanation and in the report of the committee of inquiry into racing is that we need, in South Australia, an increase in totalizator patronage. I would have expected that the Government and the racing industry would be anxious to see that increase take place in the country, where there is a considerable investment in betting.

It has been reported to me that there is the odd illegal bookmaker or two in Port Pirie, Port Augusta and Whyalla, and that there are punters prepared to invest $1 or $2 with these people. That occurs in Port Augusta particularly (I will not refer to Port Pirie, where there are a number of licensed bookmakers operating betting shops), and the difficulties applying to Port Augusta are not the same as those applying to Port Pirie. People are forced to go to the unlicensed S.P. bookmaker because facilities are not present for them to bet on the T.A.B. The problems enumerated by the member for Whyalla are very real.

During the peak period in the T.A.B. at Port Augusta, which is between half past 11 and one o'clock on a Saturday or any afternoon that there is racing on, one cannot place a bet. It seems quite ludicrous that we are increasing the penalty for people betting with S.P. bookmakers and at the same time preventing the opportunity to bet elsewhere.

It would be more appropriate to upgrade the T.A.B. facilities to enable all prospective punters to place their bets quite adequately before the race meeting starts, or during the afternoon of the race meeting, before increasing the penalties for betting elsewhere, because people who want to bet will do so. We are placing these people in the invidious position of being liable for a heavily increased penalty while at the same time not providing them with the alternative of betting elsewhere. I ask the Minister to consider this point seriously. This is not an argument in favour of S.P. bookmaking, but I believe that, if the adequate facilities were available for country punters to bet elsewhere, the argument to increase the penalty, not so much for the bookmakers but for those who place bets with the bookmakers, could be more readily substantiated.

When the T.A.B. was initially set up, I understand, the policy was to make betting in these agencies as unattractive as possible so that it acted as a disincentive to punters. If the racing industry is to survive, the T.A.B. offices must be made attractive so that people will be encouraged to place their bets with the T.A.B. rather than with the S.P. bookmakers. Computerised betting and attractive agencies would be needed, and eventually after-race payouts will be required. This could be extended to night trotting and dog racing as the requirement is proven. I have always been in favour of after-race payouts, which is interesting, because I cannot recall the last time that I had a bet. I am not a punting person, but many punters live in my district. In the 10 years during which I have been a member of Parliament, one of the most consistent problems that has been brought to my attention has been the inadequacy of the local T.A.B. betting facility.

The member for Whyalla and I have made representations to previous Ministers to obtain an improvement in the services that are provided in our districts, but we have not been successful. We have been sympathetically heard, but nothing has transpired. I trust that, as a result of the reports that the Minister has available, he can give a categorical assurance that dramatic action will be taken in relation to country T.A.B. services so that they can provide a better service than at present. I do not want to argue about what should be done in city T.A.B. offices that are within a certain distance of race meetings: that point can be taken up by other honourable members. I am particularly concerned about the facilities that are available to country people who do not have the opportunity to travel the short distances that city people travel to attend race meetings, such as one, 10 or 15

kilometres; country people must travel 300, 400 or 500 km to attend race meetings, and it is quite stupid to expect them to do so.

By legislation, we appear to be supporting that action, because we are placing heavy fines on those people who cannot attend racing meetings, who cannot bet at the local T.A.B., and who have a bet elsewhere. That matter must be considered and cleared up, and when that occurs the problem of S.P. bookmaking may also be cleared up. The basic reasons for my contribution are, first, to indicate my opposition to the closure of the flat, because this will react against those people who are on the lowest wage scale and those who are on no wage scale and, secondly, to bring to the Minister's attention the problem that exists in country areas where people wish to have a bet but cannot because of the restrictions that are in force and because of the poor service that is provided by the T.A.B.

If the Minister can give assurances that the flat will not be closed, that T.A.B. services to country areas will be upgraded, and that there will be payments after each race, he will have my wholehearted support for this measure. The other point I would like to stress is that an increase in the unit of investment from 50c to $1 will also react against the lower income earner. The Minister should not accept the argument that, because the lottery and X-Lotto minimum units are of $1, that automatically relates to the racing industry.

Mr. ABBOTT (Spence): I want to speak briefly in regard to two aspects, both of which have been covered by previous speakers on this side. However, I feel that it is my duty to also make a contribution in this regard. The first matter relates to the possible closure of flats, to which I am strongly opposed. The effects of this provision are many and varied, and I do not believe that this move will assist the financial viability of the S.A.J.C. Whilst it is stated in the report that the experience of recent years has been a decline in use of flat enclosures by racegoers, the patronage in that area is still 19 per cent or more of all racegoers, and that is a fair proportion of the total attendance for any sporting function. I believe that 19 per cent attendance is worth keeping and certainly worth looking after. I do not consider that that percentage is disproportionate to the cost of staffing and maintaining the area.

Before deciding on the closure of the flats, members should make themselves familiar with the existing facilities within other enclosures, such as the derby and the grandstand areas, at all metropolitan racecourses. I visit the racetracks occasionally and, in my opinion, the existing facilities are inadequate: they cannot cater adequately for the additional 19 to 20 per cent patronage. I admit that attendances could be much better than they are at present, but there is also a need to improve the racing programmes with larger fields and better quality horse racing events.

Most racegoers will say that, when there are special attractions and racing events, such as the Adelaide Cup, the Port Cup, the Christmas Handicap, or other important programmes, it is a very big squeeze and people are pushed and shoved from pillar to post. On these days, the attendance on the flat is much larger and that is the time when the public is really made to suffer. Imagine what it would be like on those days with a further 20 to 25 per cent crammed into the present enclosures!

South Australia does not have to be the same as other States. I understand that other States do not have flats, but that is no reason why South Australia should change and follow the other States. Much money would need to be spent to provide adequate and comfortable facilities. Additional staff would be required, so the cost of staffing would be almost as great as it presently is to maintain the flat operations. Another problem, although perhaps not as great (and this was touched on by the previous speakers) is the placing of the 17-odd bookmakers who field in the flat. No doubt a number of those can be accommodated, but what happens to the others? Are they to be put out of business?

They are some of the reasons why I oppose the closing of the flat operations. However, my main reason is the major effect that this will have on the several hundreds of regular racegoers who always attend only in the flat enclosures—the poorer people. Inevitably, the burden will be placed on those people; they will be required to pay something like 100 per cent more if they continue to patronise the racing industry, and many will decide not to continue going to races. Consequently, attendances will drop even further.

The other important aspect of the Bill to which I am opposed concerns the proposed changes to the percentage taxation on bookmakers' turnover. The ·3 per cent increase is totally unjustified. We can milk the racing industry until the cows come home, but every increase is met by the punter's dollar. If the provision for the ·3 per cent increase is agreed to, the bookmakers will pass this cost on to the punters and consequently punters will be required to pay for everything. The report shows that bookmakers made record profits in 1979-80, and at page 39 of the report the committee commented as follows:

> When considering the ability of bookmakers to pay additional commission, the committee took into account the surplus available for bookmakers after the payment of taxes and other expenses, as well as the volume of betting and the number of bookmakers. In analysing the betting operations of bookmakers, the committee considered it inappropriate to be guided only by averages, because of the widely varying turnover from bookmaker to bookmaker. Some field on only a few meetings each year with an annual turnover of less than $300 000 per bookmaker. Others field on more than 100 meetings per year, with an annual turnover in excess of $3 000 000 per bookmaker. Moreover, in 1979-80, 63 per cent of the total turnover was held by 30 per cent of bookmakers.

The fact is that only 30 per cent of bookmakers are doing well. Seventy per cent earn only between $10 000 and $20 000 per year, and I understand that there are only some 40 bookmakers who do not have a second job. South Australian bookmakers will be required to pay 2·9 per cent on all interstate bets. In Melbourne, bookmakers are required to pay only 2·5 per cent, yet the South Australian bookmakers are expected to offer the same betting prices as are called from Melbourne. It will simply mean that the same prices will not be offered by the South Australian bookmaker, and again, the only ones who will suffer as a result will be the poor old punters.

The present Government was elected on the promise of not increasing taxes, but it seems that it is now changing that course of action, and this is regarded as another broken promise. I oppose those two aspects of the Bill that I have mentioned and I hope the Minister will give serious consideration to reducing the recommended ·3 per cent turnover tax increase.

The Hon. M. M. WILSON (Minister of Transport): I am grateful to the Opposition for its support of the second reading. I take on board the fact that Opposition members intend to oppose at least two of the purposes of the Bill. The Government regrets that this measure has had to be brought in with some haste, and from the speech by the member for Gilles (which I must say was very well

researched and an excellent contribution to the debate), it is obvious that the Opposition does realise the reason, namely, that the new redistribution for the T.A.B. surplus, which was announced by the Government some months ago, following the receipt of an interim report from the Committee of Inquiry into Racing, must come into effect by 1 January.

It is quite obvious that, if one were to introduce one financial measure, all financial measures should be dealt with as one. That is what this Bill seeks to do. It seeks to bring together all the financial measures, save one, and, of course, the one not referred to in the Bill is the recommendation of the committee of inquiry on the question of Databet. This is something that the Government will be dealing with at a later date.

The committee of inquiry recommendations encompass well over 30, and it was not possible to deal with all of them in the limited time available, as honourable members will realise that the report was brought down only two or three weeks ago and it has required a great deal of work on the part of the Government and the Government's officers to bring this Bill into the House at this stage. No one regrets more than I that it has had to be brought in so hastily but we had hoped that the report of the committee of inquiry would be with us long before it was.

I was referring to the other recommendations of the committee of inquiry. During the speech by the member for Stuart or the member for Whyalla, I interjected and used the words "after race pay-outs". Of course, that was one of the other main recommendations. Again, I inform the House that the Government will be dealing with the other recommendations of the committee, I hope, during the second part of this Parliamentary session. A lot of consideration must be given to those recommendations and I take on board the remarks made by the member for Stuart concerning the plight of people in the country and his criticism of facilities provided by the T.A.B. I will not give the member for Stuart the assurances that he demanded of me in his speech. He asked for assurances that I could not give him, because one or two of them would have to go to Cabinet. However, I give the member for Stuart an assurance that a great deal of attention will be given to the remarks that he and the member for Whyalla made concerning the question.

Regarding the clause in the Bill which seeks to appropriate an extra ½ per cent of T.A.B. turnover which is to be retained by the Totalizator Agency Board for capital facilities, and which will amount to some $560 000 a year, I expect that a good proportion of that will be used to improve facilities in country areas. I give an assurance to the member for Stuart and the member for Whyalla that I will take this matter up very seriously with the T.A.B.

Mr. Keneally: We are currently forcing country people who want a bet to break the law.

The Hon. M. M. WILSON: Yes, I understand that. I turn now to the question of the unit of investment, because members opposite made much play about this. I point out that we are talking about the unit of investment, and we are also talking about a minimum investment.

Honourable members will realise that the Bill gives the Minister power before the clubs can make this change.

Mr. Slater: This is only on course.

The Hon. M. M. WILSON: Yes, but I point out that I am particularly concerned with the minimum investment and not with an increase in the unit of investment. An increase in the minimum investment from 50c to $1 will not alter the situation in relation to multiple betting. It will alter the situation regarding a single 50c bet, for a win or a place, but a 50c each way bet would be quite in accord with a $1 minimum investment.

Mr. Max Brown: How would the dividend be shown?

The Hon. M. M. WILSON: The unit of investment would stay at 50c. The only person it would affect would be the person who puts on a 50c bet for a win or a place. There may be a few people who do that as a hobby. They go to the races and they might put on their 50c for a win or a place, and it would affect those people, but the unit would remain at 50c. If the honourable member wanted to box the trifecta, it would cost $3 now. In fact, it would cost $3 if the minimum investment was increased to $1. I would want a lot of convincing from a racing club before I would agree to an increase in the unit of investment to $1.

Members opposite also said that they intended to oppose the increase in turnover tax on bookmakers, which is intended to be a 0·3 per cent increase. This is a very difficult question. Members were quite correct when they brought up some of the problems. The Government has had to make a judgment on the likely results of the recommendations of the committee of inquiry. Members have quite rightly quoted from the committee's report that the urgent need of the racing industry is to get an increase in stake moneys, because an increase in stake moneys brings a better quality horse, brings people to the course, and therefore brings better facilities for patrons and, of course, it has a cumulative roll-off effect. Bearing in mind that some South Australian stakes in racing are one-third of the amount pertaining to Victoria, and that is the sort of competition we are facing, an increase in stake moneys will have that cumulative effect.

It is argued by the bookmakers that an increase in turnover tax will be passed on to the punter, and members have made much of that. It is also argued that that would have a counter-effect. It would stop people coming to the course, they say. The Government has to make a judgment, and this is the judgment we have made. We have said that by these financial measures, including the 0·3 per cent increase in turnover tax, that money will all be going to the clubs, except for the 0·5 per cent capital requirement for the T.A.B. All the other measures are designed to give money back to the clubs to increase their stake money, improve their facilities, and get more people to the course; if we get more people to the course, bookmakers' turnover will continue to rise and the bookmakers will reap the benefit of that increase in turnover as, of course, will the clubs. That is a judgment that members have to make. They either adjudge that the 0·3 per cent will bring added benefits along with the other financial measures, and that those added benefits will flow through to the clubs and to the public, and, eventually, to the bookmakers, or they have to take the view that the 0·3 per cent is a severe increase in turnover tax which will make the bookmakers less attractive to the punter and, therefore, the bookmakers will suffer. It is a judgment that has to be made. The Government has made the first judgment. It is subjective, and we are not going to know who is going to be right, I suggest, for at least another 12 months, but I think it is very important, and members have to realise that.

Members have also made much of the question of the closure of the flat. I recognise the sincerity of some of the remarks that have been made by the member for Gilles, and the member for Spence had something to say about that, as well as other members who have spoken. It is an undeniable fact that turnover has decreased. Some reasons were given for this. It was the honourable member for Stuart who, I think, said that the poor facilities provided on the flat is perhaps one of the reasons that the patronage has dropped. That may or may not be so.

The member for Gilles was talking about the decrease in the on-course totalizator. It has gone from 13 per cent to

7 per cent between 1970 and 1980. Once again, the Government has to make a judgment. The Government went to a great deal of trouble and expense, and waited for many months to receive the report of the Committee of Inquiry into Racing, and a very competent and a very well received report it is. I do not think there is any member in this House who would deny that.

I do not think there is any member in this House who would deny the competence of the membership of that committee. I estimated when the Government appointed those members that they would have finished their work by last May. So many submissions were received by the committee and so much consideration was given by the committee to its work that we did not receive the report until the beginning of November. That just shows the amount of consideration given to the subject. That is why the Government is prepared to accept the recommendation for the closure of the flat—because the committee gave a great deal of consideration to it. I believe it is also a mirrow image of the recommendation in the Hancock Inquiry on the same lines. I think that is very important, because there are now two Committees of Inquiry, both in the 1970's and one as recently as one month ago, which have reported that they believe that the flat should be closed. I shall be pleased to deal with some of the other matters in committee.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Interpretation."

Mr. SLATER: I refer to subclause *(b)*. I take it that the Minister has power under another clause to determine both those authorities given under subclause *(b)*. I listened with interest to the Minister's remarks regarding a minimum investment, which alters the complexion of the matters I raised in my speech in relation to an increase in the unit. I take it that the minimum investment for multiple betting will not be affected and it is intended that the unit will remain at 50c with a minimum investment of perhaps $1.

I want to be absolutely clear that the minimum investment will be $1 or $2 at the T.A.B. or on-course totalizator. I want to be absolutely sure that that is the situation because that was not expressed in the second reading explanation, nor is it expressly clear in this interpretation. I want to be absolutely sure that what the Minister has said is clear so that no problem arises in the future when the on-course and off-course totalizator determines a unit and I want to be sure that the Minister has absolute control in approving the appropriate authority's determination of a unit.

The Hon. M. M. WILSON: The honourable member was quite right in referring to another clause where I do have power to approve. The honourable member wants an assurance that what I am talking about is the minimum investment and not an increase in the unit to, say, $1. I give the honourable member an assurance that that is what is intended. I really cannot say any more than that. If the honourable member does have a particular query, I give him an assurance that I will not let the Bill go through the Parliament without that assurance, even if it needs to be amended in another place. If the honourable member will give me some time, I may need to be absolutely sure that that is covered, but he has my assurance that that is what is intended.

Mr. SLATER: I accept that, Mr. Acting Chairman.

Mr. LANGLEY: I have listened intently to what the Minister has just said about the guarantee he has given concerning the minimum betting unit. I cannot see how there can be a 50c unit when there is a $1 unit for other bets such as $1 for a win and 50c each way on a horse. When the dividends are announced it would have to be stated that they were dividends for a 50c unit, compared to a $1 unit. It would have to be halved, I take it. I cannot work out how it will apply, especially in the case of multiple doubles and things like that that are now at 50c value. It would be possible for a person to have invested $10 or $20 in multiple doubles. I know the Minister has given a guarantee, but I do not know how this could be worked out.

The Hon. M. M. WILSON: It is intended that the 50c unit remain the same but that, if someone put 50c each way on a horse, that would be a minimum investment of $1, and we are talking about a minimum investment of $1.

Mr. Langley: On one horse?

The Hon. M. M. WILSON: Yes. Of course, someone wants to put 50c; it is all up to the club. It is extremely unlikely that the greyhound or trotting clubs will alter the present situation but if the South Australian Jockey Club decides that it wished to prevent a minimum investment of 50c, they would do away with the 50c window.

Mr. Langley: At the course?

The Hon. M. M. WILSON: Yes. A punter could not put 50c on the nose or for a place, because he would have to make a minimum investment of $1. I have to be fair to the Committee, because this legislation, as I understand it, gives power to the clubs to recommend an increase in the unit of investment. I am saying that both things are intended, but that I give honourable members an assurance that I will not agree to an increase in the unit of investment to $1 but the power is in this because it is recommended by the committee of inquiry, and the reason for that is that the committee of inquiry decided that, if ever we were to get racing on to its feet, whether it be trotting, greyhound or horse-racing, we had to give the people who control the sport the flexibility to make recommendations to the Government and virtually what we are telling them is, "We are giving them the money, we are giving you the tools: get on with the job." I can give the Committee an assurance that I would not agree to any increase in the unit of betting from 50c to $1, but I would agree to the increase in the minimum investment.

Mr. MAX BROWN: I accept what the Minister is saying but I want further clarification, because I believe that, whatever the Minister has said, this clause gives the decision on what the unit value might be to the board.

The Hon. M. M. Wilson: That's right.

Mr. MAX BROWN: It seems to me that, although the Minister genuinely gives the Committee a guarantee that the unit will not alter, the only thing that will alter is the minimum bet. It seems to me that sooner or later the Minister in this place or in another place will have to look at this clause on the basis of not only guaranteeing but also putting in some provision so that the Minister will decide and also provide for a part of the clause where the minimum bet is stipulated. I simply say that because I do not know whether the Minister could override that clause, which to me is spelling out in no uncertain manner the role of the board.

The Hon. M. M. WILSON: I have given an undertaking that I will accede to the member's request.

Clause passed.

Clause 4 passed.

Clause 5—"Totalizator betting facilities for metropolitan horse-racing meetings."

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

Page 2, lines 34 to 40—Leave out all words in the clause after "repealed" in line 34.

The clause I wish to delete is an anomaly, because it leaves the Minister the power to decide whether facilities for

totalizator betting only are adequate on metropolitan horse-racing courses but says nothing about country courses, and does not refer to dogs or trotting.

Mr. SLATER: The Opposition opposes the amendment, because if we delete this clause we take away the power of the Minister in relation to totalizator betting. Why do we have to delete section 66? The original purpose of the clause was to enable the South Australian Jockey Club not to provide the facility of computerised tote betting in a flat enclosure. What effect will this deletion have on other enclosures? We would like the totalizator in the grandstand and derby stand to be maintained. If this clause is deleted, something should replace it.

The Hon. M. M. WILSON: There is no control by the Minister on facilities for dog-racing and trotting. I know that the Opposition opposes repealing section 66 because of the question of the closure of the flat. However, if this clause is passed and the closure of the flat is agreed to, this clause is not necessary any more. It gives the Minister power only to decide what totalizator facilities are adequate at metropolitan race courses, and says nothing about the country areas or about trotting or dog-racing. If members said that the Minister should have power to decide what is adequate at all the other places, there would be something in their argument, but to have this provision on its own is anomalous.

Mr. KENEALLY: On my reading of sections 65 and 66, there may be some merit in the Minister's argument, but deleting section 66 entirely would give racing clubs the opportunity to close totalizator services on flats. If the Government agrees that those services should be closed, it should say so clearly, because this is an issue about which we are in dispute. I should like the Minister to direct his comments to this specific objection by the Opposition to the deletion of section 66, which brings all codes under the one set of rules but which has a much more serious result than that, because it does away with flat enclosures.

The Hon. M. M. WILSON: The honourable member is correct. What the Government is doing is giving the racing club the power to delete the totalizator on the flat. The Committee should realise that that is what we are doing. The amendment to which I am referring is a minor matter compared to that most important issue, which is at stake with this clause.

Mr. MAX BROWN: I oppose the Minister's amendment. What he is doing is saying that, because something has not eventuated in the trotting or dog-racing code, we ought to bail out from Ministerial control, hand it over to the Jockey Club, in this case, and say to the club, "If you are unhappy about the cost of providing facilities on the flat, you close them." That is what the repeal does, and I think that the Minister would agree.

Two or three matters concern me, because there is a difference between the horse-racing code and the dog-racing and trotting codes. First, the flat facilities provided by the horse-racing code have existed for as many years as I can remember. I suggest to the Minister that, in the original clause, for example, he excluded the flat at Oakbank, and there was a good reason for his doing so. I suggest also that, to repeal the provision, does not get him out from that area. Why the Oakbank flat is so popular, and even making money, is the picnic atmosphere that provides a family-type day. Some months ago, when Kevin Sattler organised the Adelaide Cup meeting, it was a huge success as a result of publicity pointing out that it would provide a family-day atmosphere. We should not close facilities and say, "They're not being used." We should use the existing facilities and ensure that they operate to their full capacity.

We are simply putting the onus on the Jockey Club, which will, in turn, look at the matter as a current economic downturn. What will happen at Cheltenham and, in the new year, at Morphettville, with the provision of flat bookmakers and employment in T.A.B., catering and car-park facilities? What we will do is force everyone into paying grandstand prices, and I question whether we have the proper provisions to do that at Morphettville, Cheltenham or Victoria Park.

The Hon. M. M. WILSON: I do not agree that we will do that. I believe that it has been accepted, ever since the Hancock Report, by most people, even the bookmakers, that the flat would eventually have to go. Most bookmakers on the flat are part-time, and that has to be accepted. The Betting Control Board will have problems. There will be a phasing-out period, and it will take some time before this all occurs. There will need to be an agreement between the Jockey Club and the B.C.B. before it can go ahead. There are 20 flat bookmakers (13 licensed and 7 emergency). What the Committee must do is accept it as a philosophical difference between the Government, which is accepting the recommendations of the committee of inquiry, and the Opposition, which is putting up fairly stringent arguments for its point of view and which is not accepting the committee's recommendations. It is as simple as that.

Progress reported; Committee to sit again.

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

Adjourned debate in Committee (resumed on motion).

Mr. SLATER: Although the real issue in dispute is, as the Minister has said, a question of philosophical difference, it is an important one. He has said that the racing inquiry and the Hancock inquiry indicated that it would be in the economic interests of racing if the flat enclosure were closed. There may be some arguments for that procedure, but I believe that people with limited means should have the same opportunities as those who can afford to patronise the grandstand.

The real problem (even though the flat may create some difficulties) is declining attendances and declining turnover in on-course bookmaking betting. If one studies the figures closely one will see that the enclosure which should be closed is the derby stand. In the other codes of racing, only one area caters for all the patrons. Trotting has one enclosure, and dog-racing has one enclosure. If the computer tote is uneconomic in the flat, it will also be uneconomic in the derby. That must be considered very closely. The real issue is not only a philosophical difference, but the fact that every person who wants to attend the races, if he has limited means, should be able to do so.

Mr. LANGLEY: As one of the racecourses is very close to my district, I know that many people go to Victoria Park. If people do not attend the flat, I can see no reason why the tote areas are not limited. People who go to Victoria Park enjoy an afternoon's outing. In many cases, these racegoers do not have great means. However, I will not return to the argument in regard to the 50c tote unit. On days like Adelaide Cup Day, imagine what would happen if the S.A.J.C. did not open up the flat. It does not happen that part of the ground at a sporting event is not opened. It is important that the racing clubs do not utilise the Minister who is in charge of the Bill to suit themselves, but I am sure that they do this. I have owned a couple of racehorses and, frankly, I believe that racing is the sport of kings. No matter where I went, I was not successful.

Mr. Mathwin: You can't have been trying.

Mr. LANGLEY: I did not have a battery, but, as you know, I am a very good tipster. We are getting to the stage where racing clubs will control us. If the clubs cannot run their sport properly, there is something the matter with them. If dog races and other sporting events are not run properly, they run into trouble. Why should the racing clubs dictate terms to the Government? The same thing applies in regard to cricket. This provision will hurt many people in my district who have a low earning capacity and who like to go to the races and other sporting events. I agree that if one area is to be closed it should be the derby. After all, it is payment that counts. I might be wrong, but I believe that people can walk into the flat of Victoria Park without paying.

Mr. MAX BROWN: The Minister's amendment to repeal this clause will obviously place the responsibility in the hands of the S.A.J.C. to decide what it will do in regard to what I call proper facilities for the racing public.

The Hon. M. M. Wilson: Only totalizators.

Mr. MAX BROWN: If the facilities for betting are taken away, the overall facilities are taken away. No other avenue can be explored. As pointed out by the member for Gilles, the derby is the worst area, so we may as well not worry about the flat: we could do away with the derby. I believe that this exercise was designed to provide ultimately for a procedure that would bring in extra revenue through the turnstiles to the racing industry.

I cannot see why the Minister allows the S.A.J.C. to dictate. The S.A.J.C. has always had a very big responsibility for the mess into which it has got itself. By repealing this clause, and giving the club more responsibility, in 12 months we may have taken away not only the facilities of the flats but also the derby. That is not the answer. The Minister should consider this closely. We should not take away facilities: we should try to build them up.

The Hon. M. M. WILSON: The only facilities that will be taken away are those on the flat. If members opposite really want to receive a violent public reaction, they would advocate the removal of the derby, because this suggestion would really cause a public controversy. This amendment deals purely with the flat. I have explained the situation: the Government is accepting the recommendations of the committee of inquiry.

Mr. Keneally interjecting:

The Hon. M. M. WILSON: Yes, but the member for Gilles suggested that, if we looked at the figures, we would do away with the derby.

Mr. Slater interjecting:

The Hon. M. M. WILSON: Well, I believe that these measures will make a significant difference to the racing industry and that we will see a reconstruction of the industry over the next 12 months.

The Committee divided on the amendment:

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

Noes (19)—Messrs. Abbott, Bannon, M. J. Brown, Corcoran, Crafter, Duncan, Hamilton, Hemmings, Hopgood, Keneally, Langley, McRae, O'Neill, Payne, Peterson, Plunkett, Slater (teller), Trainer, and Wright.

Pairs—Ayes—Messrs. Chapman and Gunn. Noes—Messrs. L. M. F. Arnold and Whitten.

Majority of 3 for the Ayes.

Amendment thus carried; clause as amended passed.

Clauses 5 to 7 passed.

Clause 8—"Fixing the amount of betting unit."

Mr. SLATER: This clause deals with the question of fixing the amount of betting units. New section 71 (3) provides:

> A notice shall not be published under this section except with the approval of the Minister.

The Minister has already given us an assurance that he will advise members in regard to the unit investment and in regard to the question of multiple betting and minimum investment. I point out that new section 71 provides that the board may fix the amount that shall, for the purposes of the Act, constitute a unit in relation to off-course totalizator betting on any form of racing, and it also deals with the on-course totalizator. I want an assurance from the Minister that the minimum amount of investment will be applied.

The Hon. M. M. WILSON: I give an assurance that I will agree to an increase in the minimum investment to $1, but I will not agree to a $1 minimum unit of betting. The first part of clause 8 states:

> Section 71 of the principal Act is repealed . . .

The member for Gilles will realise (and this was the part that I was trying to find when I was explaining this before) that existing section 71 provides:

> Subject to this Act and any rules made under this Act, the Totalizator Agency Board or an authorised racing club shall accept a totalizator bet of one unit and may accept totalizator bets of a number of units.

That section is being repealed. I repeat the assurance that in the interim we will have a very close look at this matter, and the member for Gilles has my assurance that, although the right for a club to set a minimum unit will remain in the Act, the Government will not agree to an increase in the unit of betting, but the Government will agree to an increase in the minimum investment.

Mr. KENEALLY: Not every person who goes to a race meeting is there to win a lot of money through betting—many people go to race meetings as a form of recreation and because it is a sport that they like. Also, a great number of people who go to race meetings have only limited means at their disposal for investment. The Minister may have clearly explained this to the Committee, but I am still confused: if a person were to place a minimal bet for a win on the tote, which I understand will now be $1, although the minimum unit may be 50c, therefore the minimum bet that one may have is two units for a win. My concern is about persons who go to the race meeting with limited moneys available for investment who may prefer to have the facility to place a 50c bet on each of the South Australian races and a 50c bet on each of the Victorian races, which is likely to be $8 worth of investments. With the minimum bet being $1, the people who have only $8 a week to invest will be allowed only eight bets, and this deprives them of an interest in the other eight races. These are the people who go along to race meetings because they enjoy racing and want to have an interest in each race, and with these provisions they will be deprived of that enjoyment. This is the point I made earlier and the reason why I am opposed to the increase in the minimum bet from 50c to a $1. This provision does not worry the investor who is at the race meeting to make many dollars through betting, but it does worry those who go along because it is a form of recreation that they enjoy and who have limited means at their disposal.

The Hon. M. M. WILSON: I do have sympathy with the sort of person to whom the honourable member is referring. I discussed this matter with members of the committee after the committee's report was brought down, as I believe this is a very important clause of the Bill. The committee looked at this question very closely. I suppose that in any measure someone will suffer a little,

and that is always unfortunate. However, the Government accepts that the committee has gone into this very thoroughly, has made its recommendation accordingly, and considers that very few people would be affected. I suppose it depends on how one defines "a few", but it is a comparative few.

Mr. MAX BROWN: I appreciate what the Minister is saying, and I accept his honesty. However, I consider clause 3 and clause 8 are misleading. They are worded badly, and the impression conveyed from reading those clauses does not constitute what the Minister is trying to convey to the committee. In fact, they are contrary to that. I suggest that the Minister ought to have a look at both these clauses, and perhaps either reword them or insert words to spell out what the Government is really getting at concerning a minimum bet and the unit remaining the same.

The Hon. M. M. WILSON: I have given an undertaking that I will do that.

Progress reported; Committee to sit again.

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

METROPOLITAN MILK SUPPLY ACT AMENDMENT BILL

The Hon. D. C. BROWN (Minister of Industrial Affairs) obtained leave and introduced a Bill for an Act to amend the Metropolitan Milk Supply Act, 1946-1974. Read a first time.

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

That this Bill be now read a second time.

Its purpose is to prevent possible disruption to the present system for the distribution of milk in the metropolitan area. This system is equal to any in the world. It makes available home-delivered milk to every household in the metropolitan area on six days of the week at a price which is currently the second lowest in Australia.

Under the present Act, the Metropolitan Milk Board has no power to refuse an application under section 30A for a milk vendor's licence. The pricing structure for the distribution of milk is such that, if a licence is granted to a supermarket or shop, it would be beneficial for the retailer to purchase milk direct from the factory and not from the wholesale milk vendors as at present. Milk wholesalers are comprised principally of individual milk vendors whose business is mainly home deliveries but many of whom rely on supplying shops to survive. If major retail supermarket groups acquire licences under the Act, the likely result is that some of the 420 home delivery vendors will be forced out of business. Milk is a basic food and essential for the health and well-being of sections of the community, notably children. In the Government's view, it is most important that the present system of distribution be preserved, at least for the time being.

Accordingly, the Bill before the House provides that the board, with the approval of the Minister, may refuse an application for a milk vendor's licence or to cancel an existing licence if, in the board's opinion, all or most of the milk distributed pursuant to the licence would finally be purchased by the public from a shop and that the granting or continuance of the licence would adversely affect the existing distribution system of milk in the metropolitan area.

The Metropolitan Milk Board will immediately commence a full investigation into the distribution and pricing structure of the industry. The result of this study will form the basis of any subsequent legislative action.

In the interim, it is essential that the *status quo* within the industry prevail. The financial burden which the intervention of the supermarket chains would impose on the existing shop vendors would severely disrupt the existing arrangements to the ultimate detriment of the consumer and employment within the industry.

At present, the Act does not differentiate between milk and cream in respect of the issue of a licence under section 30A. As the direct sale of cream by supermarkets will not result in the same difficulties as the sale of milk, the Bill provides for the board to be empowered to grant a licence for the sale of cream only. This is consistent with the longer shelf life of cream and its similarity to other dairy products now sold by supermarkets. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 inserts new subsections (6), (7) and (8) into section 32 of the principal Act. New subsection (6) empowers the board to refuse a licence or cancel an existing licence if it is likely that the milk sold pursuant to the licence will be sold to the public at a shop and that this will adversely affect the distribution of milk in the metropolitan area. Subsection (7) empowers the board to grant a licence on condition that only cream is sold pursuant to it. New subsection (8) requires the board to act with the approval of the Minister.

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

PETROLEUM SHORTAGES BILL

Adjourned debate on second reading.

(Continued from 26 November. Page 2281.)

The Hon. R. G. PAYNE (Mitchell): This Bill has arrived in the House as a result of—

Members interjecting:

The SPEAKER: Order!

The Hon. R. G. PAYNE: Go outside, David.

The SPEAKER: Order!

The Hon. R. G. PAYNE: This Bill is about motor fuel and the necessity in modern and contemporaneous times to provide for circumstances when the supply to which we are normally accustomed is not necessarily available or guaranteed. The Minister, in his second reading speech in introducing this Bill, only a short while ago, said:

> This legislation is intended to provide permanent means of dealing promptly and effectively with problems arising from petroleum shortages in this State. It replaces the Motor Fuel (Temporary Restriction) Act, 1980, which will expire on 18 December. The background to this legislation was outlined in the second reading speech for the previous Bill. I shall outline only the key aspects here.

Implicit in that introductory speech for this Bill was a suggestion that there was really no difference between the earlier Bill to which I have referred and the Bill which we are now considering. There are differences but they are of a nature more by drafting and allocation of clauses or section numbers and not a major difference. I think it would be fair, in the circumstances, to remind the House that on the occasion of the earlier Bill before the House to which I have just referred, on the undertaking given by the Government that a Bill would be introduced in the House

within a very short period for consideration by the House as a whole and by the Opposition, the Opposition on the previous occasion exhibited qualified support for the measure which was before them then.

On this occasion I can indicate to the House that we are, once again, offering qualified support for the measure before us. If one looks at the Bill and the first matter that I believe should be at least given some consideration by the House before it is called on to place its imprimatur or otherwise by means of a vote on the matter, we do not get past clause 3.

Clause 3 is the interpretation clause, and I draw the attention of the Minister to the definition of "petroleum", which, on my examination, has not been changed from that which was before the House previously but which, perhaps, because of the very proposition that the Opposition put to the Government on an earlier occasion, suggesting that there was a need to study such a matter in a calmer and more reasoned atmosphere than when the taps were likely to be turned off, needs further consideration. The definition in this Bill provides that petroleum means any substance in solid, liquid, or gaseous form consisting wholly or mainly of hydrocarbons, and including any substance capable of being used as fuel for a motor vehicle.

The fuel which I wish to bring to the Minister's attention and which is covered in the definition is liquid petroleum gas, or l.p.g. I hope that, when the Minister replies to the debate, he will be able to suggest why the definition is so all-embracing that it appears to provide for circumstances much harder to envisage, from the point of view of a member of this House, in relation to a substance which would not normally be in demand to the degree that the liquid fuel equivalent would be. In colloquial terms, I am talking about petrol and l.p.g.

We know that l.p.g. is a fuel with a limited use, unfortunately, at this stage in South Australia. There is a production possibility in South Australia of considerable quantities of l.p.g., and the previous Government and this Government have said that they will foster the supply and availability of l.p.g. at outlets at reasonable locations throughout the State. The former Government, I think by way of press release, indicated that at least 10 outlets a year would be proceeded with so that the use of this fuel, a useful alternative to petrol, and a substance we are all acquainted with, which is available from South Australia's indigenous resources, would be more readily available to motorists and, by its use, would contribute to a lowering of the requirement for importation of the crude hydrocarbon substance from which we derive our petrol.

I question whether the definition in the Bill and the consequent restrictive provisions occurring throughout the Bill on that substance should be in the blanket form in which they appear or whether a more selective process might have been included in the Bill to cater for the fact that, when petrol is in short supply, l.p.g. may not be in the same short supply, nor is the demand of the magnitude that would be imminent on the immediate resources in South Australia of the available supply. Perhaps the Minister will say whether he has considered that l.p.g. and its users, who are being cosseted and fostered by the State Government, very sensibly (I have no quarrel with that in relation to the resource we have in South Australia), should be subject to the same provisions as those which will apply throughout the Bill under the provisions of the all-embracing definition, prefixed by the word "petroleum".

Clause 4 relates to the delegation by the Minister of powers under the Act. Quite often, as members of this House, we see a similar clause in Bills and I suspect, because I am saying what I have done on occasions, that one is inclined to gloss over it. In this case, however, it bears close examination, because the clause provides that the Minister may, by instrument in writing, delegate his powers or any of his powers under the Act to any other person or persons. Referring to the previous Bill, which was leant upon so heavily by the Minister in his second reading explanation of this current Bill, we find that, despite what the Minister said, we do not have a replica of what appeared in the earlier Bill. On the contrary, on the earlier occasion a couple of weeks ago, clause 4 (1) stated:

> The Minister may, by instrument in writing, delegate any of his powers under this Act to any other person.

Now we have this subtle difference (and I suspect that that is what it is):

> The Minister may, by instrument in writing—

and so far we are on common ground—

> delegate his powers—

speaking of the present Bill—

> or any of his powers under this Act.

There is a difference which has been put before the House for its consideration. The Minister may say that, as a result of consultation with the legal officers available to the Government and with Parliamentary Counsel, it was thought better to use the words now appearing in the Bill, but I ask him to explain why this difference has arisen over a period of about two weeks in a matter of importance, the delegation of his power, the might of the Minister, which is put forward in the form we are now considering.

Clause 4 (2) does not, as far as I can see, differ from the provisions of the previous Bill. If anything, that clinches even more the necessity for the Minister to explain why there is a need to vary such a basically simple provision, one with which we are all familiar, in the manner in which it has been varied in this Bill.

I turn now to another aspect of clause 4. Clause 11 relates to Ministerial directions, and those provisions appeared in the previous Bill under another heading, although substantially and essentially with the same content. In Part III of the Bill, in relation to Ministerial directions, the House is asked to endorse that the Minister, simply if it is his opinion, may give certain directions.

The House is not asked to make any other query of the Minister. If it is his opinion, the Minister may give directions in relation to the extraction, production, supply, distribution, sale, purchase, use, or consumption of petroleum. I have referred earlier to what the definition in that respect encompasses. We are asked, in clause 4, to give our approval that the Minister may, by simply preparing an instrument in writing, delegate that awesome power to which I have just referred, in peace time. I am not talking about war or urgent national or State disaster. We are not only asked to give the Minister power, if we couple clauses 4 and 11, to make major decisions of a Draconian nature, but we are also asked to agree that the Minister, simply by preparing an instrument in writing, may delegate those awesome powers, in the words of the clause, to "any other person or persons".

I am not going to suggest that that means that the Minister will give it to his brother, or to some other extraneous person. We all know that the provision is a means of trying to set out in legislative fashion that the Minister cannot run around and give the direction, or whatever is called for, to every individual person who might be required to carry out some action under the Act. We also know, because of that same area that I have just canvassed (because the Minister cannot do it all personally), that he can be required to, or can, delegate some of that power, for which he is responsible to this

Parliament, and, as a Minister of the Crown, there are clearly delineated lines of responsibility that he may delegate that awesome power to a lower level not specified in the Act at all.

Let us be fair, once again. We know that the Minister will not delegate that power to a person who is not required in the normal chain of command in relation to these events, or who would not normally be liable under the provisions of the Act, to be concerned with an area where a direction is required or where some response, under the clauses to which I have been referring, is likely to be called on to be executed. Nevertheless, we are entitled, at least, to ponder along the way on the awesome nature of the power that we are called on, with little more than a stroke of the pen, to agree to give to the Minister. I am looking forward to the Minister's talking about, in any response he may make, the class of person to whom the delegation referred to in clause 4 may be given by the wellknown instrument in writing.

The Minister said, also in his second reading explanation, that the National Petroleum Advisory Committee had a view on these matters; that is, to provide for problems and shortage of liquid fuel supply relative to hydrocarbon derivatives, there ought to be some unanimity. The term "standardised code of behaviour" was not used, but he alluded to that requirement as being sensible in the circumstances that require the approval of the House for such a measure. The Opposition has no quarrel with that as a prognosis.

What I believe the Minister failed to establish, after his grandiloquent references to the N.P.A.C., was a relationship between what he said were the requirements of the committee and its wishes in these matters, and what was actually contained in the Bill. Nevertheless, I am prepared to admit, on behalf of the Opposition, that it is likely, anyway, that what is contained in the Bill is of a nature which the N.P.A.C. would agree to and, certainly, from the inquiries I have been able to make, the Bill is not at serious cross-purposes with any legislation already extant in certain other States or in the process of becoming the law in States that have not yet taken the step that we are contemplating. Therefore, I think it fair to say that, looking overall at what the Minister said in his explanation on this aspect, the Opposition does not have any major quarrel, either. The specific statement by the Minister (and I quote from page 2279 of *Hansard*) was:

> The powers sought in this Bill reflect the experience gained from the deliberations of the N.P.A.C. and also reflect the practical experience of implementation in other States, as well as our own recent experience of odds and evens restriction. Adequate powers are essential to enable implementation and administration of the necessary controls and to ensure that fuel emergencies can be dealt with in the best interest of the community as a whole.

That paragraph in the explanation is such that it is difficult to argue against it, because it does not really say anything too specific. It simply says that, with the Minister speaking, as it were, "The Bill before you is such that it is in line with the deliberations of the N.P.A.C., and it reflects the experience in other States of what has happened so far." He did not say (and it was sensible of the Minister), "I guarantee that this is a perfect solution to the problem," or, "this is the best thing that can be done in the circumstances." He said, "On the basis of what we know about this matter now, and what has happened in the past, I have before you a matter that combines the collective wisdom of experience so far, whether by the N.P.A.C. or by other States, and we ask you to approve it on the basis that the legislation applies only when an emergency occurs and when there is a need to take steps in the State in the best interests of the community."

What the Opposition readily concedes is that the previous Government found itself in the same position on occasion, and had to take not dissimilar steps in order to make the best of the situation that can arise, whether because of a state of conflict at the source of the supply about which we are talking, or whether it is a local problem, industrial or otherwise. It could be a technical problem.

There is no mention in the second reading explanation of this matter. The general tendency is to say either, "There is strife again in the Middle East and we are not sure whether we can get the crude oil which is important for our petrol," or "There is a local blue on, an industrial dispute, and therefore we have to have legislation to cover it." However, there is a third possibility—that production of motor spirit from the raw material, hydrocarbon, is such that technical problems can occur, have occurred in the past and are likely to occur again despite the best efforts of the producers, the technical people employed by them, and so on.

It is at least worth recording in *Hansard* that it is not just a matter of a blue occurring a long way away or a local dispute: there is a third possibility that can cause the problem for which we are seeking a legislative cure. Technical problems can and have occurred in every Australian refinery over a long period. One can easily cast about for recent examples: within the past 18 months there has been an Avgas problem in Australia. There were technical problems in the only refinery that was at that time capable of producing aviation gas with the then present technical refinery process. Since that time, other steps have been taken. There was a situation in the aviation field where measures that were never enshrined in any legislation that I know of became necessary, were carried out on an *ad hoc* basis, and led to some confusion and perhaps some inequality throughout Australia so that there was a scramble for the available supplies.

The Bill we are now considering at least sets out to try to avoid that sort of scene in regard to the local transportation industry, whether for private, commercial or public benefit. The matter the Opposition wishes to canvass, apart from those that I have already mentioned, would not be news to the Minister, and that is that clause 11, which deals with Ministerial directions (and I have referred earlier to the question of coupling that clause with clause 4, but I am now canvassing a different area), sets out to do the following:

> (1) If, during a period of restriction, it is, in the opinion of the Minister, in the public interest to do so, he may give directions in relation to the extraction, production, supply . . .
>
> (2) A direction under this section may be given—
>
> *(a)* may relate to petroleum generally, or to petroleum of a specified kind—

now we get down to the nitty gritty—

> and
>
> *(b)* may be given—
>
> (i) to a particular person;
>
> (ii) to persons of a particular class; or
>
> (iii) to members of the public generally.
>
> (3) A direction under this section shall be given—
>
> *(a)* by instrument in writing . . .

That is the mechanics of the matter, and the Minister has listed a couple of options. It can be done either by writing or by notification in the *Government Gazette*, and so on. At this stage, honourable members may be asking what I am on about, and I refer them to subclause (4), which states:

> A person to whom a direction is given under this section shall not contravene or fail to comply with the direction.

There are no ifs or buts: a person shall not fail to comply with the direction that is given, not necessarily on facts or circumstances, but on the opinion of the Minister. If I were to be a little facetious, I could suggest that the Minister is a human being, and there is argument about that at times—

The SPEAKER: Order! I ask the honourable member to come back to the clauses of the Bill.

The Hon. R. G. PAYNE: Certainly, Sir; that is why I said only "at times". The Minister is a human being and he may get up with a liver, and all he has to do is give a ruling and require that certain things will happen. Clause 11 (4) explains how serious that can be, because it provides that a person to whom a direction is given under this section shall not contravene or fail to comply with the direction. It also states:

> Penalty: Where the convicted person is a body corporate—ten thousand dollars; where the convicted person is a natural person—one thousand dollars.

That is interesting: it struck me as quite intriguing why the penalty appeared between the subclause that provides that dire consequences face a person who contravenes or fails to comply with a direction and subclause (5), which makes provision in relation to a person who is convicted in that way. There is such a clear-cut definition following the failure to comply that one almost wonders how the court fits in between subclause (4) and subclause (5), because it is so mandatory and dictatorial in nature (and I have deliberately tried to avoid using the word "Draconian", because that word is bandied about so often) that it almost appears that it is a formality that a court will confirm that a failure to comply has occurred and, bang, one gets hit.

The Opposition objects to the general nature of the clause, and I am sure that that is not news to the Minister: my views on this matter may be news to the Minister, and that is all I am saying. I believe that there are occasions on which circumvention of the normal democratic expectations of citizens is permissible, and I go no further than that by saying that it is permissible, not desirable or that it should occur, or anything else. I simply say that, owing to the circumstances, it may be permissible for a denigration of the normal democratic expectations of a citizen, body corporate, organisation, or anything else. In this case, I do not believe that circumstances are such that we, as a Parliament representing all persons of this State, should be agreeable to giving the Minister the okay in regard to this clause, because it gives the Minister such awesome powers on no other premise than that, in his opinion, it is necessary to issue some instructions or orders to any person, group of persons or a body corporate.

One must find that out the hard way, because it is only on the penalty side that one finds that there is a difference between a person and a body corporate. The Minister can do this simply on the basis of his opinion. On behalf of the Opposition, I cannot countenance approval of such (and I think it is fair enough to say) a terrible power. We are dealing with a time when there would be a problem in relation to the provision of petrol, distillate and so on to the South Australian scene, when there may not be enough to go round, and where the future of the supply may not be guaranteed for a foreseeable time. Does that situation warrant the Minister's having this tremendous power to place in jeopardy rights which the normal citizen in the community has grown up to expect and to which he has every right in a democratic society? They are rights so clearly enshrined in our way of living that they do not need to be written down. They certainly do not need to be taught in schools. Such rights are accepted by us from the time we can read and they lead to our being fortunate enough to be able to say, "Hooray for being born in Australia." People can expect that there are certain requirements to be met but one does not have to worry about whether they were written in the Constitution. One can say that at least up to a point the Government will leave one alone, and that the Minister will not get stuck into people if they are going about their business normally and if they are not doing anything to interfere with other persons' rights.

Yet this provision provides that because there is a fuel situation (and remember that we would not be at war; the national identity would not be at stake, and South Australia would not be trying to repel Russians as was the case in 1870 or whenever they did it) and there is not enough fuel to go round, there is a need to provide for essential services. The Opposition has no quarrel with that, but does the Government have to make the provision entitling the Minister to go up to anybody and say, "You'll do this or God help you"? If one wants to put it into scale, it may not be God but a $10 000 penalty or whatever the specified penalty is. However, the penalty is serious, and the Opposition cannot wear this provision. As I remarked earlier, our Party has a history in time of war of recognising that special measures are necessary. However, we are not at war now; this is a time of civil peace.

Of course, in this State no-one is going to say that it is not important if we run into a fuel crisis (let's leave all the other words out—I don't think anywhere in the Bill the words "fuel crisis" are used, but let us talk in terms we can understand) for action to be taken, but does that require the Minister to have the power to act in such a way as was countenanced only in time of war? Of course not. We are talking about a matter where we want to get a result; where we want to get fuel distributed in a way that is to the best benefit of the community at such a time; where we want to get action in the refinery to occur to the best benefit of the community; and where we want to get a response from people who have every right to pursue their livelihood in the way that they did the day before the emergency, so-called, occurred, whether they be members of a union in a particular industry or non-union members. Because of the decision of 47 people in this House and the decision of whatever the number is in the other place, why should there be a change to people's normal expectation of democracy?

The Minister has been remarkably calm, and I congratulate him on his behaviour so far, but I ask him to consider seriously what I am putting to him. If what we are setting out to do is get an equitable distribution of available fuel and get a continuation of fuel supplies in an emergency situation, what is going to work best—confrontation, strife, threat, pressure, a sword of Damocles hanging over one's head—whether in the form of a person, a union or a body corporate, or a call to co-operation to a degree of understanding that an emergency exists and that the Government requires certain things to be done? What will get the best results?

What is the recent history on this matter? Legislation of this type with this type of clause included was enacted by the Victorian Government, and it hung all the time in the library or wherever they keep it during the duration of the Latrobe Valley problem. All members will know that that matter went on at least for a year, and probably longer. It involved more than one jurisdiction in respect of unions in relation to the people who are involved, but never at any time was the legislation invoked, and thank heaven it was not. The reason why it was not invoked was first, that the legislation would not work, and secondly, it would not have achieved the desirable result in the interests of and

for the benefit of the community. Any Government, never mind whether it is Labor, Liberal, and I will not include the Democrats Party, as it does not have the numbers yet, would know that the legislation to which I referred is not in the best interests of the community. That has been shown. Farther afield (and perhaps this situation is more prominent), I refer to the Queensland legislation of this nature which is on the books, and I am referring in particular to clause 11, which says that God in the form of the Minister will give a direction to anybody and that if he does not comply he will incur a fine of $10 000, or $1 000 if he does not rate corporate status. In South Australia or Victoria or wherever, one will not get anywhere with that type of provision. I think it is of some note that the member for Mitcham is in the House, because he was advocating Draconian measures today. If the Minister agrees that the provision will not work and that it is not a proper solution, I hope he will give consideration to what I am putting to him in relation to clause 11.

Mr. Millhouse: What I said could have brought about a settlement, you know.

The Hon. R. G. PAYNE: I do not often get thrown by interjections, which I realise one should not listen to anyway, Sir, but when they come from the member for Mitcham at night one can be excused for being thrown, because they are so infrequent.

Mr. Millhouse: Can you tell me which Bill you are debating?

The SPEAKER: Order! I draw the member for Mitcham's attention to the fact that the manner to enter a debate is by way of a call from the Chair, and not by way of interjection.

Mr. Millhouse: If Your Honour pleases.

The SPEAKER: Order!

The Hon. R. G. PAYNE: In answer to the honourable member who arrived so late that he does not know what the relevant topic is—

Mr. Millhouse: I have been listening for quarter of an hour.

The SPEAKER: Order!

The Hon. R. G. PAYNE: —we are speaking to a Bill for an Act to provide for the rationing of motor fuel and all the other jazz that appears in the long title.

Mr. Millhouse: Heavens, that's—

The SPEAKER: Order!

The Hon. R. G. PAYNE: One can examine the Bill in its entirety, as I have done, and I have one other point that I wish to raise, but I trust that the remarks that I have made about clause 11 have at least registered with the Minister. The Minister could, and I believe he probably will, reply; I have heard similar remarks before on similar occasions. But I would ask the Minister to give consideration to the consistency of the response from the Opposition on this matter. We are firm, we stand in defence of the democratic right of the people concerned, whether a person, a body or group of people or whatever. Let that be clear. Only when there is a need for (and I will avoid "Draconian") dictatorial measures will they even be considered by the Labor Party, whether at a State or Federal level, and only in circumstances such as have occurred in the past which is known to all members, and I am speaking of so-called war-time emergency powers, and so on. No way in peace time are we prepared to countenance such a severe provision in a Bill.

The Minister is sitting there jotting on his pad, and he can say "we have 23 and they have only 21, what have I got to worry about?", but the Minister may also need to take note of what occurs in another place. I trust that he will, because it is not unknown for people who operate under the name of Democrat occasionally at least to exhibit behaviour of that nature, so one can look forward at least on this occasion to—

Mr. Keneally: They don't always maintain their position.

Mr. Millhouse: You'd better not entreat me too much or you might come a gutser.

The Hon. R. G. PAYNE: Over the years I have never sought to entreat the member or insult the honourable member; I have given him due credit to which he is entitled. He is here by virtue of the fact that he is elected by the majority of people in his electorate, and he is entitled to the respect that goes with that honour. What is more, he has done it a hell of a lot more times than we have, because he has wrapped up 25 years, and that takes some doing, so he is entitled to a regard.

The Hon. M. M. Wilson: Cut out the soft soap.

The Hon. R. G. PAYNE: I have not finished yet, Mr. Minister. Would you finally restrain yourself. At the same time, I address exactly the same message to every member, including the member for Mitcham—that he consider the fact that the Opposition is not arguing about all of the Bill. We are saying there is one bit of it which gives us a pain in the guts, to use a simple term, because it is out of time and out of place. We are not fighting for our lives; this is not a battle to the death; and we are not heavily engaged in war and so on, when it might at least be reasonable to consider such a severe power. It certainly is not now. On top of that, as I have just demonstrated to the Minister, who has gone away to consult on the matter because he is shaken on it, it will not get the result anyway if it is left in the Bill.

Mr. Millhouse: Which clause is this?

The Hon. R. G. PAYNE: This clause 11. It upsets you, too, to read it.

The SPEAKER: Order! This is the second reading debate and not a close examination of the clauses.

The Hon. R. G. PAYNE: There is only one other point that I wish to raise, and I speak of it in a general way and will reserve my right to raise the matter, as you rightly reminded me, in specific terms when one comes to that clause. On clause 15, I believe you, Sir, would be the first to spring to the defence of the ordinary citizen going about his business in the community who, because of some piece of legislation passed by this House and another House, might well be placed in an onerous position. In fact, I believe I have heard you address remarks to the House on earlier occasions specifically related to this point. I can recall legislation, as I am sure you can, Sir, wherein certain powers were provided and which would have an effect which might not arguably be desirable to, as the member for Fisher is wont to say, to Mr. Everyman, or the man in the street. I will do no more than just have a quick look at that clause.

Mr. Millhouse: You've passed 14. What do you think of that?

The Hon. R. G. PAYNE: We are allowed to go back on the clauses. Clause 16 (2)—how do you like them apples? It says "a person shall forthwith". Now I hope the lawyers in the House have had their hackles raised and their bristles are bristling.

Mr. Millhouse: We have.

The SPEAKER: Order! I draw the honourable member for Mitcham's attention to the fact that he will have the opportunity to enter the debate only if he is still in the House.

The Hon. R. G. PAYNE: The wording of this clause worries me, and I think if the Minister has a look at it he will see why. It provides:

> A person shall forthwith comply with a request to stop a vehicle under subsection (1).

I have no quarrel with *(b)*. I was reciting 16 (2) *(a)*. Clause 16 (2) *(b)* says that you have to do the right thing, give your name and so forth, and I have no quarrel with that. But clause 16 (2) *(a)* says "shall forthwith stop a vehicle". How does this happen in practice? How many members have been ordered by police to stop forthwith? I have. It was a long time ago, but I was driving my car along South Road, with due care, I hope, and alongside appeared another vehicle, and a light, a torch with crook batteries (I was in electronics, so I hope you will take me as a technical and expert witness), flashed a couple of times and somebody said, "Pull up". What might be the average response of the ordinary citizen in that circumstance? Are we going to blame the bloke who says, "To hell with this", jams his foot down and bugs out of it? I was tempted to do that. I had another look and heard somebody saying, "Police, police" and realised it was not Alice but was the police. I did pull up, but certainly it was not forthwith. I reckon we did a quarter of a mile at least. So, I draw to the Minister's attention that relatively simple matter.

A subclause such as that (and I am glad that the member for Mitcham is here, because I am going to suggest something he particularly likes) ought to say "a person shall soon as reasonably practicable pull up when requested to comply with the request to stop a vehicle", and so on. It is not reasonable on a matter of small detail to require a person to stop a vehicle forthwith. Let us take it almost to the point of asininity. In the day time you can see it is a police vehicle nine times out of 10, but not 10 times out of 10. Unmarked cars can be used, but let us say it is a light blue car, even with the flashing lights. If you jam your foot on the brake (that is forthwith) in lane two on South Road you may be responsible for a fairly nasty situation. The Minister might say that the police call on you to pull up only when it is safe. That may well be so, but let us not put police officers in the position of checking that everything is 100 per cent before they ask a person suspected of being involved in something contravening this Act to pull up. I think it ought to be made somewhat more reasonable.

There are other aspects of the Bill on which the Opposition will have queries, but I have done my best to indicate that we on this side recognise the need for such a measure. Everyone knew that. It has been coming in and going out like a yo-yo for years. The Bill appears to meet the requirements of a general provision of this nature. The Opposition cannot fault it to any major degree. We have raised a couple of quibbles which the Minister has noted, but we have one major area to which we object as strongly as possible on the basis that I have put forward. I ask the Minister to consider what I have said. At this stage, I indicate the support of the Opposition for the second reading, with the reservations that I have outlined.

Mr. MILLHOUSE (Mitcham): Mr. Speaker, thank you for your forbearance in allowing me to speak in this debate. I realise that it is necessary to have legislation of this kind, and I expect that it will become more and more necessary as time goes on and as petroleum and other fuels become scarcer and scarcer. We are entering into that period. In the long run, I hope we will find some way of doing without the internal combustion engine, but that will be a long way ahead and, therefore, we should have some legislation to deal with the crises which will come.

As I imagine the member for Mitchell said, it is absurd for Parliament to be dramatically (but less dramatically each time, the press having taken less and less interest each time it has happened) called together to pass a Bill which, in many cases, has not been used but which in some cases, such as the one which we passed a few weeks ago, has been put into effect, even if only for a little time and without doing much damage.

I accept that we must have legislation of this kind and that it will not necessarily be pleasant or necessarily conform with all the things we would like to see, the safeguards of individual rights, and so on, that we say we like to see in legislation, unless we happen to be in Government, in which case it does not matter so much, because there is always some justification for it. I have seen that repeatedly from members of the Labor Party and the Liberal Party.

Mr. Keneally: We are learning, out of Government.

Mr. MILLHOUSE: If honourable members are learning in Opposition, it is a good thing to learn in Opposition. Perhaps, when the Opposition gets back into Government, it will be more zealous in preserving these individual rights. The Liberals do not seem to have learnt much in 10 years. They are doing the same things in this Parliament as the Labor crowd did in the last one. I am not too hopeful of either Party's learning.

Mr. Keneally: There's no alternative to either side, Robin.

Mr. MILLHOUSE: There is a very good alternative, Mr. Speaker, and our Party would not go on like that, because we are Democrats. Let me come back to the Bill before you tell me to, Sir. I do not like some things about it, and the clause which I particularly dislike is clause 14. I have said when similar Bills have come in previously that I believe it is a very bad thing indeed to oust the jurisdiction of the courts. Clause 14 states:

> Subject to this Act, no action to compel the Minister or a delegate of the Minister to take, or to restrain him from taking, any action in pursuance of this Act shall be entertained by any court.

I ask honourable members to realise the enormity of that clause.

The Hon. R. G. Payne: There was an appeal in the previous one.

Mr. MILLHOUSE: There is an appeal under another clause. This means that a person cannot go to the court, as is the right of every citizen now, under the common law, to get an injunction or mandamus—an order for injunction to stop the Minister doing something, or a mandamus. It can be argued that in an emergency we must have a dictatorship. I do not think the emergency will be as bad as that for some time to come, and I do not think we need it now, and yet there it is in the Bill, and it means that the traditional last-ditch safeguard of the individual to go to a Supreme Court judge and try to persuade him to exercise the power he has is taken away.

Mr. Trainer: Martial law.

Mr. MILLHOUSE: Call it that if you like. It is not quite martial law, because it does not invoke the Army, but it is dictatorship. It is taking away the last safeguard of the individual, which is the law, and putting the Minister above the law. That is what this clause is doing, and I am surprised that the Labor Party has not made more of it. Perhaps the member for Mitchell did that, when I was not here, but this is a very bad clause. It would be a bad clause in any Bill.

The Hon. R. G. Payne: I am not a lawyer.

Mr. MILLHOUSE: One does not have to be a lawyer to understand what we are doing. I do not believe that we should do it. It is all very well to say that there is a power of appeal. I thought I saw it.

The Hon. E. R. Goldsworthy: Under the permit system.

Mr. MILLHOUSE: That is a very limited power of appeal. Even if it were a general power of appeal under the Act, it would not make up for taking away that safeguard to the liberty of the individual.

The Hon. E. R. Goldsworthy: It is clause 10.

Mr. MILLHOUSE: Is it? Parliament should be very jealous of the rights of the individual and not let them go without a fight. I do not mean to let this one go without a fight. It is quite wrong. Clause 10 (1) states:

> A person who is aggrieved by a decision of the Minister to refuse to grant or to cancel a permit . . .

That is all we have got. That is the only appeal. Anything else could happen to a person. Let us face it: until this Bill becomes law and is put into operation, no-one will know precisely what its effect will be. It is the same with any Act of Parliament. It looks very different when it is going through Parliament from the way in which it appears afterwards, when it is in operation, because we cannot foretell the circumstances in which it will be operating. Those circumstances are infinite, and we cannot provide for everything. What we are doing is taking away that final safeguard for the individual.

It is not as though a Supreme Court judge would act irresponsibly. If a person goes before the court to seek an injunction on any matter or to get an order for mandamus, which is the positive of the negative injunction, to oblige a Minister or anyone else to do something, the judge is extremely wary about granting it. He does not do it automatically; he exercises a discretion. I suppose we could say anything we like about Supreme Court judges or anyone else. They make mistakes, but we do our best to put there people who act responsibly and who will not destroy—

Mr. Trainer: Like the member for Mitcham.

Mr. MILLHOUSE: Happy thought. We do our best to put there people who will not destroy the purpose of an Act by overriding what the Minister wants to do unless they believe there is a real reason for it. It is not as though simply leaving this power in will destroy in any circumstances automatically what the Government or the Minister wants to do. It simply means that a person who is supposed to be responsible and to act in accordance with the law will not be allowed to intervene on behalf of a private individual. I think that is a bad thing.

It does not sound to me as though the Labor Party is going to oppose it, but I oppose it as strongly as I can. I do not believe that it should stay in the Bill. It has been suggested to me that there is another provision (and, in all fairness, it was suggested to me that it should be a sort of *quid pro quo* for allowing that clause to stay in the Bill) that any proclamation or direction that the Minister gives in the Bill should remain in force only until after Parliament next meets.

So, Parliament will have an opportunity to scrutinise whatever may have happened for, say, three sitting days. Whatever has happened, there will be some opportunity for Parliament to pull it up. If we are going on one of our long holidays for three or four months and the House is not sitting, it is a fairly nugatory provision but if, on the other hand, we have this three weeks on and one week off caper that we have had in the past couple of years, that has some effect, because the other safeguard to a Bill like this is Parliament and Question Time, and publicity, and so on, can be got.

The Hon. E. R. Goldsworthy: But it's built in that you have to come back after a month.

Mr. MILLHOUSE: Yes but, if Parliament is not sitting, there is nothing you can do about it, is there? I now understand that we will finish on Thursday, unless someone plays up, or something goes wrong, and come back in February. What is that? That is practically the whole of December, plus January off. I do not know when we are starting again in February. There is usually about three or four months break until July from the end of the session and that is what I am talking about. If we have this dictatorial power in section 14, and it can be exercised, and many months go by before a meeting of Parliament, where it can be ventilated and voted on, that is again a very serious matter.

I do not have much faith in the suggestion made to me that these things will automatically expire a certain time after Parliament meets. I put it to members of the Labor Party that it is not much good moving it here because we will be rolled, whatever we do here; that might be worth while thinking about it for the Legislative Council. I have not even discussed it with the Hon. Mr. Milne, but it might be worth while thinking about it. We want to be careful before we give away powers like this.

It is an absurd parallel (and I am not suggesting otherwise), but I cannot help remembering that Adolph Hitler got legally all the power he needed to become the dictator of Germany. He did not do anything illegal ever. He got it all from the Reichstag. When he got the power, that was the end of the Reichstag, but he got the power.

Mr. Trainer: They all voted to get their throats cut.

Mr. MILLHOUSE: That is right, and it is not only Germans who can do that sort of silly thing. The Bill does not do that, but it is the first small step toward it. It is only a small step, but it is the first one, and it will not be taken, except over my protest. Apart from that, I have nothing much to say about the Bill. I wish that it were not necessary, but I think that a Bill like this probably is necessary.

There is another thing I would like to see in it. I believe that, when offences are to be charged under this Act, they should be triable by jury. That would be another safeguard, but we have put in what Governments love to put in. In all fairness, I must say that when the Hon. Mr. King was Attorney-General, I sometimes persuaded him to change them, but the draftsman puts it in automatically. Clause 18, which provides that proceedings for offences shall be disposed of summarily, means that you lose the other safeguard of trial by jury. All you have is a magistrate dealing with it, not even a judge.

There are, and I heard the member for Mitchell say it, provisions that fines of thousands of dollars can be imposed by a magistrate. I do not think that that is right, either. If we are going to be harsh and severe (Draconian is the word we have used, and I used it in regards to the last Bill), we should provide some safeguards for the individual, and that would be another one. That is all I have to say about the Bill. I do not oppose it *in toto*, but I oppose that clause, and suggest that the proceedings should be triable by judge and jury, not summarily. If the other suggestion I have made appeals to the Labor Party, perhaps its members can act on it upstairs.

The Hon. E. R. GOLDSWORTHY (Deputy Premier): I have found this debate quite refreshing. I guess that most members said what they wanted to say when a similar measure was before the House while I was absent. I have no knowledge of how that debate was conducted, but there has been an absence of heat and rancour, and this debate has been conducted in a very good spirit, which I have appreciated. The comments by the member for Mitchell and the member for Mitcham have been genuine and well-intentioned, and I will deal with them briefly.

I am indeed pleased that it looks as though the intent of the Bill has the unanimous support of the House, although some detail is causing some problems for the Opposition. I point out to the member for Mitchell that the definition of "petroleum" is a standard definition, and includes l.p.g. I also point out to him that it certainly is not to be read into the Bill that, whenever there is petrol rationing or

restrictions on petrol, it applies to l.p.g. It could likewise be argued that the definition includes distillate and that, if there are restrictions on petrol, they automatically apply to distillate, but that is not the case. In all cases in the past, distillate has been excluded, and so has l.p.g.

The order that will specify the matters that have to be dealt with, and the restrictions that have to be applied, will be specific, and, if there is a surplus of l.p.g., no restrictions will be put on the use of it. True, the definition of "petroleum" is all-embracing, and it includes l.p.g. and distillate, but no-one should construe that, because of that, restrictions will apply across the board in an identical fashion to all of those hydrocarbons.

Regarding the powers of delegation, there is nothing sinister or unusual in the fact that the wording is not precisely the same as that in the original Bill presented to the House. The powers of delegation are standard in this type of legislation because, obviously, the Minister cannot do everything that has to be done. He cannot personally hand out the tickets, if rationing is introduced. Powers of that type must be delegated. In response to the member's request to me, as the Minister responsible, to outline the sort of people envisaged, I can think for instance, of the Director of Energy having powers delegated to him in relation to the sorts of mechanics to which I have referred. That is only sensible. I think the member realises that this sort of standard delegation clause is included in this type of measure.

The Hon. R. G. Payne: It has different words—"In two weeks time."

The Hon. E. R. GOLDSWORTHY: It is more all-embracing. There is nothing sinister: it is to make it clearer. The Minister would not want to delegate all of his powers, unless he was sick or something. He would delegate some of his minor powers in relation to the mechanics and working of the Bill. The only reason for the change is to make it more specific: he can delegate any of those powers that it is desirable to delegate at any time during the period. The member raised the matter of the N.P.A.C. As was pointed out, the committee has been keen to see that legislation of this type is enacted throughout the whole of Australia. Some sort of emergency exercise was mooted on the world scene while I was overseas. It was a sort of dry run to see, if a situation arose in the Middle East and supplies were cut off, how countries and States would be able to react to such a crisis.

It was hoped that States would have legislation in place before that occurred, but we were not able to do so. The council is of the view that it is desirable for the States to enact this legislation, particularly because of the situation in relation to the supply of petroleum to this country. We are not self-sufficient and, unless we find greatly increased quantities of liquid fuel, our dependence on imports will increase so that the country will become more vulnerable as time goes on. The new dimension that has emerged since legislation of this type was first introduced is the insecurity in regard to the supply of crude oil from other parts of the world; this has given a degree of urgency to this type of legislation that was not present when the legislation was first considered.

The member took the Government to task in relation to clause 11, and I must confess, although I was not here for the earlier debate, that this does not surprise me. Let us face it: the powers are very strong, but, in a time of crisis or emergency, if it is to be effective, the legislation must be strong and, in the judgment of some people, may be Draconian. Clause 11 does not give the Minister any more powers than the powers obtained for Ministers in Victoria and New South Wales. The member referred to the Queensland situation and made some unkind references to the Premier of Queensland, but it is pertinent to note that he is singularly successful at elections, not that I am any apologist for—

Mr. Millhouse: He had a gerrymander to help him.

The Hon. E. R. GOLDSWORTHY: The percentage vote was not reflected precisely in the seats, but it is a fact of life that right of centre Parties collectively win the vote handsomely, if I can put it that way.

Mr. Millhouse: The Labor Party is not very happy, is it? Only the member for Flinders can smirk about this one.

The Hon. E. R. GOLDSWORTHY: I do not wish to be drawn into a discussion of the Queensland situation: it will be a source of continuing interest to many political commentators. I simply point out that the only reference made by the member for Mitchell was to Queensland. The Wran Government in New South Wales enacted emergency legislation.

Mr. Millhouse: A damn good fellow, too.

The SPEAKER: Order!

The Hon. E. R. GOLDSWORTHY: The New South Wales legislation gives the same sorts of powers during a crisis or an emergency situation as this Bill and as the Victorian legislation give.

The Hon. R. G. Payne: Read the Wran legislation.

The Hon. E. R. GOLDSWORTHY: I will read them both because they both invest that sort of power, in the Minister in Victoria and in an authority in New South Wales (not a court). The Victorian fuel emergency legislation, in clause 4, states:

> (1) During a period of emergency the Minister may in relation to the production supply distribution sale use or consumption of the fuel to which the period of emergency relates provide operate control regulate and direct any service (whether by way of continuation or modification of, or substitution for, any service theretofore provided).
>
> (2) The Minister may employ at not less than award rates such persons in such numbers and upon such terms as appear to him to be necessary for the carrying into effect of the powers referred to in the last preceding subsection.
>
> (3) Without limiting the generality of the foregoing provisions of this section the Minister may by notice in writing in relation to a fuel in respect of which a period of emergency is in force—
>
> *(a)* give such directions as are necessary to control direct restrict or prohibit the production supply distribution sale use or consumption of the fuel;
>
> *(b)* direct a person who extracts produces transports or distributes the fuel to extract it for or produce it transport or distribute it to a person specified in the direction;
>
> *(c)* direct a person to comply with such terms and conditions as the Minister determines relating to the extracting production supply distribution sale use or consumption of the fuel;

It goes on in far more detail in that vein. The powers are equally as strong as those contained in this Bill and spell them out in rather more detail. I point out to the honourable member that the penalties are precisely of the same magnitude.

The Hon. R. G. Payne interjecting:

The Hon. E. R. GOLDSWORTHY: Yes. The other point is that the delegation powers are not dissimilar. The New South Wales Act states:

> (1) So long as a proclamation referred to in section 31 (2) remains in force the Governor may make a regulation:
>
> . . . *(b)* authorising the Authority or a person specified in the regulation to exercise and discharge such functions as to the Governor appear to be necessary or expedient to carry into effect the purposes of this section or the regulation and in particular but without limiting the

generality of the foregoing provisions of this subsection authorising the Authority or that person—

(i) to control, direct, restrict and prohibit the sale, supply, use or consumption of the proclaimed form of energy, whether generally or for any purpose or purposes specified in the regulation;

(ii) to direct a person who extracts, provides, transports or distributes the proclaimed form of energy to extract it for or provide, transport or distribute it to a person specified in the regulation;

The Hon. R. G. Payne interjecting:

The Hon. E. R. GOLDSWORTHY: It is an order. It refers to a proclamation referred to in section 31 remaining in force.

The Hon. R. G. Payne: By regulation.

The Hon. E. R. GOLDSWORTHY: You can do that when the House is not sitting. It continues:

(iii) to specify the terms and conditions on which the proclaimed form of energy shall be extracted . . .

I make the point that agreement was reached at the national level and at the N.P.A.C. in relation to the need for a similar type of legislation throughout Australia and in regard to the fact that the Minister needs strong power in times of emergency to do what is needed. South Australia is not an orphan in relation to clause 11; in fact, we are seeking to enact clauses that are similar in other legislation. I must confess that I do not have the Queensland legislation, but I would be surprised if it differed very much from this Bill or from the legislation in the other two States. We are not seeking powers that do not exist elsewhere to deal with crisis situations.

The member made passing reference to clause 15 and there was some discussion about clause 16. I believe that the member stretched the bounds of credibility a little and let his imagination run away with him to some extent when he talked about the police pulling people over and asking them questions about their fuel supply.

The Hon. R. G. Payne: Don't you think that has happened?

The Hon. E. R. GOLDSWORTHY: It happens every day of the week. It is not as though the police are being asked to embark on some new practice with which they are not familiar. The police are pulling people off the road every day of the week.

Mr. Millhouse: It is the word "forthwith".

The Hon. E. R. GOLDSWORTHY: Well, we should let commonsense prevail. If the police are going to pull someone off the road they will run alongside the person's vehicle and signal that person to pull in. They will not speak to the person while they are driving along.

Mr. Millhouse: Why not use the words "as soon as practicable"?

The Hon. E. R. GOLDSWORTHY: I think that is indulging in an exercise in semantics. If the word "forthwith" is a bit peremptory for the member for Mitcham, maybe his phraseology may be a slight improvement, but I do not know that I particularly agree. I think common sense dictates that all that clause is implying is that the police will pull people over and ask them where they got their fuel, if they have a good reason to make such an inquiry. The honourable member was not challenging the necessity for that clause. I think that members are now quibbling when taking exception to the use of the word "forthwith" in that context. I point out to the honourable member that precisely the same words appeared in the Bill introduced by the Labor Party when in Government. Maybe the honourable member did not seize on that point then, but I do not believe that was the major point of criticism. In fact, the honourable member himself acknowledged that he really only had a series of quibbles; that he was in general agreement with the legislation and that his main problem was with clause 11.

The member for Mitcham made a thoughtful contribution, and I do not say that in any patronising fashion, because he raised a new point which had not been raised in this debate previously. However, the member for Mitcham will not be surprised to learn that the Government is not prepared to accede to his request to delete clause 11, because in times of crisis and emergency, as I pointed out earlier, the Minister must have powers to see that things happen immediately. The matter of a day or so in a petrol shortage can be critical. That is the reason why Parliament has been rushed into sitting, virtually without notice, in the past—the fear of panic buying and so on.

By the taking out of a court injunction this whole procedure could be delayed, and it is not true to say that Parliament does not have any chance to scrutinise what is happening, because, if the crisis continues for any long period of time Parliament must be called back after four weeks, otherwise there are no powers for the Government to make proclamations—so, Parliament must be called together. Whether Parliament is in the long recess or whenever the situation occurs, if there is a continuing crisis, Parliament will certainly have a say in relation to the matter. It was said that, although the Supreme Court judges will act responsibly, they are not infallible. That is accepted, but in such a situation the Minister must act responsibly and at such times a Minister would have the glare of the public spotlight on him. It is inconceivable that a Minister would act irresponsibly. He might not act sensibly, but he certainly would not act consciously in that fashion.

The honourable member suggests that judges do not act irresponsibly, and I would suggest that Ministers do not act irresponsibly in such situations. Therefore, it is a matter of judgment, and, whether it is the judgment of a Supreme Court judge, which could well delay the situation and exacerbate it, or the judgment and good sense of a Minister, it is a human judgment which is being made. In my view, in a situation such as this, where proclamations must be made in a situation which can arise in a matter of hours, to remove that clause, which appeared in legislation previously, would inhibit the operation of the Act at a time when it needs to be operative, that is, at the start of a crisis. There are all sorts of strictures on the Minister in such a situation which ensures that he acts sensibly.

In conclusion, I refer to comments by the member for Mitcham that it was absurd to suggest that this Bill is similar to, or the first step in a series of activities which would lead to, the powers which Hitler finally achieved being accomplished. I think the honourable member's own words were that it was absurd to use that analogy, but nevertheless he used it. Quite frankly, I do not think anybody in this place would accept that that would and could occur. This legislation, as the honourable member has acknowledged, is necessary; the world situation in relation to supplies has deteriorated—it certainly will not get any better. If the legislation is to have any real teeth, if it is to be effective, if action is to be taken at the start of the crisis when it is needed, if fuel supplies are depleted, as they could be within a matter of a day or so, any real impediment to the Minister's powers would render the legislation ineffective. I thank honourable members for their contribution to the debate, and I am pleased that it appears that the Bill will receive the unanimous support of the House.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Delegation by the Minister of powers under this Act."

The Hon. R. G. PAYNE: The Minister, in replying to the second reading debate, responded to a point I raised and said words to the effect of "it is highly probable that I would delegate the power that the member is querying to the Director of Energy". Does the Minister envisage any other level to which he might delegate the very serious powers contained in this Bill?

The Hon. E. R. GOLDSWORTHY: No, I cannot envisage the Minister's delegating his power to direct persons to do things in the circumstances that the honourable member envisages.

Clause passed.

Clause 5—"Declaration of periods of restriction and rationing periods."

The Hon. R. G. PAYNE: This clause appears to set out a progression which must always occur. I think the Minister will appreciate the point I make—that one goes from restriction to rationing. Is that the intention of the Bill? I just wonder whether it is limiting that position? It could be that an emergency is so sudden that, when it is necessary to go straight to rationing, at least there is a kind of progression in the clause which suggests that one goes from restriction to rationing.

The Hon. E. R. GOLDSWORTHY: As the honourable member points out, it does seem to be a logical progression. It covers the sort of matters that one would envisage would occur in a proclamation. The circumstances he envisages could well be the case, however—that you could go straight into rationing.

Clause passed.

Clause 6—"Exemptions from the provision of this Act."

The Hon. R. G. PAYNE: I believe I have to ask this in the interests of the people of this State and also of the members of this House. Clause 7 requires special consideration to be given to those living in country areas. That is all I want to say about that clause. Is the Minister in a position to say whether, in granting exemptions provided for in clause 6, he envisages that he would be granting exemptions on the basis of persons living in the country, or would it be on the basis of persons where there is an emergency need for a service such as an ambulance, fire brigade, and so on?

The Hon. E. R. GOLDSWORTHY: I envisage that clause 6 would apply to the sort of services that the honourable member has mentioned. I think that the essential services which would need to be exempted would be ambulance, fire brigade, and so on, simply for the security of people. Clause 7 is simply an acknowledgment that country people depend very heavily on fuel.

Clause passed.

Clauses 7 to 10 passed.

Clause 11—"Directions in relation to petroleum."

The Hon. R. G. PAYNE: I must draw to the attention of the Minister once again how my Party, as the majority Opposition Party, feels about this matter. We believe there is no need for such a horrendous provision to appear in the Act. In the final analysis, the equitable distribution of fuel at a time of shortage does require a degree of co-operation, and this cannot be bought at the price of coercion. Earlier I mentioned a provision already in existence in other States, and spoke about what use it had been. The Minister said, "Well, why are you going crook about it? Legislation like this already exists in other States." However, there is a degree of difference, which is apparent even on listening, and if study were directed to that area I am sure that further difference could be developed. I point out to the Minister that people cannot be bludgeoned into compliance whatever the area. This has been demonstrated wherever one looks to check out the argument I have just put forward, whether we are talking about the fight of nationalism in a country, the distribution of fuel, or an attempt to squash minority views. The day of the bludgeon has ended, and that is what this clause is really about: if you do not do it you will get a direction and you will be hammered into the ground like a tack. It just does not work, and it is so abhorrent by its very nature to us on this side that in no way could we support it.

We do not wish to rest on that argument alone, however. We want the Minister to understand that it is not just a blind approach, as it were, to this matter by members on this side. It is based on an abhorrence of this degree of coercion at a time when it is not justified, and I am talking about peace time, albeit an emergency in relation to fuel, and also it does not work. So why should we be asked to pass legislation which will never work and which I believe will be called on only in the worst circumstances, which they will guarantee that, even if it had the slightest chance of working, it will never work? It will be in a situation of confrontation and it just does not work. I mentoned earlier that the Minister of Transport, in another context certainly, showed a degree of common sense, for which he needs to be commended, when he was asked to comment on some remarks by another member who had said the ultimate: "If people will not do what they are supposed to do, get rid of them." There is not a great deal of difference between that argument and the one with which we are faced in this clause.

As I said when I began, a lot has been said on the matter. I said also, somewhat jokingly, that I would be flat out thinking up any new arguments which have not been presented before between the side of the House which the Minister represents in terms of his politics and the side I represent in terms of my politics. The Minister had been reasonable earlier, when he said he welcomed the fact that the Opposition had treated the Bill as one that requires a degree of application and recognition of this whole need. I ask him to consider whether the fate of the legislation overall might not well be tied up with this clause and its reception outside of this place by anybody, whether individual persons, bodies corporate or whatever. If the Government backed down on this clause, it might well be the factor which causes outside acceptance of all the rest contained in the Bill —that is, a need for somebody to be directing the division of the available fuel at a time of fuel shortage. I ask the Minister to understand that the Opposition is 100 per cent firm on that issue. There is no way that we will ever support such a provision couched in the words that appear in clause 11.

The Hon. E. R. GOLDSWORTHY: I repeat that, in an emergency crisis situation, these powers are necessary. I do not know whether, in making his comments, the member for Mitchell has any group in mind, but I believe such a power is accepted by the community as being a necessary power.

The Hon. R. G. Payne: When you give a direction of this nature to the first person, that is when you will find out.

The Hon. E. R. GOLDSWORTHY: Directions have been given in the past and will be given in the future in a crisis situation. The honourable member makes much of the fact that the legislation would have community support if this provision were modified, but I firmly believe that the community accepts the directions of the Minister in relation to rationing if it means that they will have fuel when otherwise they would not have it. The honourable member is supposing that the Minister will use these powers arbitrarily and capriciously. Obviously, there will be immense community reaction, and rightly so, but the

Minister must have the power of dictation if we are to have a system of restriction or rationing. If that is administered sensibly, and if it is perceived by the community to be administered sensibly, no-one will buck about the powers.

If the Minister acts in a discriminatory way against any section of the community, there will be a public outcry—and rightly so. The existence of the powers does not mean that they will be exercised in anything but a responsible way. The Minister would be insane to do anything else. The point is whether the powers are necessary—and they are. If the Minister's directions are to be effective, and if the situation is to be dealt with effectively, obviously the powers are necessary. I do not care what is the political persuasion of the Minister; he must have the power to give directions. If he has not got that power, we might as well throw the legislation out the window.

The whole thrust of the argument seems to be that the Minister will exercise these powers in a Draconian and discriminatory way. Obviously, he will not if he is to maintain public support, and no legislation is successful, in the long term, without majority public support. The emphasis is in the wrong place. If the Government, through the Minister, is to control the situation, the Minister must have these powers. If the honourable member has any group in mind, let him be specific. In my view, the law should apply equally across the community. It is a question of whether the Minister has the power or whether he has not, and if he has not the legislation is useless. This is acknowledged in the other States where such legislation is in operation, including the Labor States. With all charity, I must reject the honourable member's arguments.

The Hon. R. G. PAYNE: One aspect of the Minister's response needs clarification. At no time in the debate this evening do I recall having championed any group. The Bill provides for directions to be given to a person, to a class of persons, or to members of the public generally. The Minister seems to suggest that I am trying to be discriminatory in some way. On the contrary, I find the provision abhorrent to the whole of society; that is the point. If we were talking about war time and a defence requirement, that is another matter, but we are talking about civil conscription, and nothing else, where a Minister can issue directions interfering with the normal liberties and democratic expectations of a person, a class of persons, or a group in the community.

I will not wear it. The Minister can use his powers and thrash it through with the numbers, but that does not detract from the occasion, and it requires me, to the best of my ability, to put to the Minister the enormity of what he is trying to do in the circumstances. No-one is arguing that the Bill does not require a measure of compliance in various areas, and it contains those provisions, but in 12 or 13 areas he may give directions which are capable of all sorts of determinations and explanations. The Minister says, "Don't bug me about that. I'm a nice guy and I will use it responsibly and so will every other Minister to whom the legislation applies." If that is the case, why worry about any legislation that comes in? All the people who will exercise it are nice people and, if they have a nasty provision in a Bill, they will not use it. That is what the Minister is saying, but I do not accept that.

If I find something abhorrent, whether in legislation or elsewhere, I speak out about it, and that is what I am doing on behalf of the Opposition. The Minister has not made one point in favour of why this clause is necessary. Is he saying that, if he had to give a direction to a class of persons as specified, they will openly defy him if the direction is reasonable? If it is a reasonable direction, one would expect reasonable behaviour to follow. The Minister is saying there are circumstances in which he will be damned unreasonable and worse than that, and he wants a provision to allow him to do that. I will guarantee that I will not rise again, but I also guarantee that the Opposition will not support this clause. We oppose it.

The Hon. E. R. GOLDSWORTHY: I did not say that I intended to be damned unreasonable if I happen to be the Minister if this legislation is invoked. I said the constraints are on the Minister to be reasonable. The other point I made which the honourable member cannot get around is that, if the Minister has not got the power of direction, the legislation will be meaningless. The Minister must be able to direct people to do certain things simply in imposing restrictions and issuing tickets. This power existed in the Labor Party legislation, and the powers are equally strong. They may be invoked in a slightly different way, but they are equally strong and the constraints would be less powerful during the long break, as referred to in New South Wales.

The Hon. J. D. Wright: Have they been used in New South Wales?

The Hon. E. R. GOLDSWORTHY: There have been powers in Bills here that have not been used.

The Hon. J. D. Wright: Have they ever been used in New South Wales?

The Hon. E. R. GOLDSWORTHY: Who is saying they will be used here?

The Hon. R. G. Payne: Why do you want them?

The Hon. E. R. GOLDSWORTHY: Because they might be needed. That is why they have been in New South Wales; in a crisis situation they might be needed. If this legislation is to be effective, this clause is necessary.

Mr. MILLHOUSE: I feel that the member for Mitchell, leading for the Labor Party, is shedding a few crocodile tears.

The Hon. J. D. Wright: Like you were today.

The ACTING CHAIRMAN (Mr. Russack): Order!

Mr. MILLHOUSE: I suspect that the real reason why he is opposing this clause is that it gives power to give directions to trade unions.

The Hon. R. G. Payne: Give directions to anyone.

Mr. MILLHOUSE: I know, but I honestly cannot see, if we have to concede, as I did reluctantly and as he has in the second reading debate, that you must have strong powers to—

The Hon. E. R. Goldsworthy: I didn't say it, because I didn't wish to stir him up.

Mr. MILLHOUSE: It is never my wish to stir anyone up. I thought that it was worth saying. If we concede that there must be harsh powers to deal with an emergency, it must follow that the Minister must have power to give directions. You have to have it. I know that hidden in 11 (2) *(b)* (ii)—ghastly drafting, and I wish that the blasted draftsman was here to hear me say it, too, when you get down to 11 (2) *(b)* (ii)—is the power to give direction to persons of a particular class. You do not need to be Einstein to know what the Labor Party dislikes about that.

The Hon. D. O. Tonkin: Or a Philadelphia lawyer.

Mr. MILLHOUSE: All right. I have been there, but I did not come from there. They seemed to be perfectly normal lawyers when I was over there. That is the real reason why the Labor Party is opposed to the clause. I am afraid that I cannot support it in its opposition, because I think it is necessary to be able to give powers to individuals, groups and the public generally if the Bill is to have any teeth. I wish it were not necessary, but I think it is. Having let the Opposition know I will not support it in this, let me tell the Minister, in defending the power, that I

suppose that every Minister thinks that he is immortal when in office, and will not go out of office. When considering a power like this, or any power given to the Government, he ought to try to imagine that his worst political enemy has the power, and is using it, not himself, but someone he does not like or trust politically.

The Hon. R. G. Payne: I've seen it time and again.

Mr. MILLHOUSE: That is right. Unless our democratic system breaks down, which heaven forbid, as sure as sure within a few years it will be a Minister of another political complexion.

The Hon. R. G. Payne interjecting:

Mr. MILLHOUSE: That is right, it could easily be he who will be using this power. I do not say it necessarily only of this clause: it is true of every clause. In a Parliamentary democracy, a Government should not be there merely to aggregate to itself power. Everyone loves exercising power. Sooner or later, and it may be sooner than later, in the case of this Government, its political enemies will be using the power it is now giving to itself by pushing the Bill through Parliament. That is the way to look at these things. It is all very well to say that no Minister would ever abuse power but we have heard the Minister, when in Opposition, inveighing against the use of Ministerial powers by his political opponents. That may well happen again.

The Hon. R. G. PAYNE: Over the years, I have not often bothered to take up matters with the member for Mitcham, because the truth of the matter is that he does not represent any major faction in the House. However, I will take up this point with him. I understand that he postulates to the public as a champion of individual rights and is a first-class poseur of this stance in society. Over the past day or so, we have been treated in the press to an example of the honourable member's pique and response as to what he saw as the injustice wreaked upon a child in relation to travel on a train.

Mr. Hamilton: One said it was two children.

The Hon. R. G. PAYNE: It depends on which newspaper one reads. If one reads the Liberal newspaper, the *News*, one may get a slightly jaundiced version of what appears in the *Advertiser*, the New Liberal newspaper.

The point I make is that, on the one hand, we had the member posing in that manner all the time; yet, he was given the opportunity to stand up and be counted on a matter where (and he used these words) a class of person or a person (I am damned if I can see the term trade unionist, or whatever, there) or members of the public generally are involved. Who are they but the individuals the member claims to be such a champion of? In this case, he says, "Never heard of them".

Mr. Millhouse interjecting:

The Hon. R. G. PAYNE: I have already explained the Opposition's stand on that matter. There are degrees of seriousness in modern society. Degrees of behaviour were imposed by Governments in the Second World War, in which I acquiesced and said that I would serve the King for whatever number of years it was, willingly, but I damned well would not now, because it is peace time. There are rights which every citizen has to fight for every inch of the way, and not allow people to produce bits of paper encroaching upon that area. I will never accept the necessity for this class of clause. I was not going to let that effort by the member for Mitcham pass. I am opposed to the clause on my own behalf, on behalf of the member for Mitchell, and on behalf of the Opposition, and I will always be opposed to such dictatorial measures when there is no demonstrated need for them. If the Minister wants to claim that he cannot get compliance in the matter of equitable distribution of fuel at a time of shortage, let him get out of the benches and give the power back to someone who can, and we can do it.

Mr. Lewis: Can you?

The Hon. R. G. PAYNE: Yes. The honourable member would not have a clue about these matters. We have had experience in it, whereas he is still serving his apprenticeship, and even tries to restrict the right of free speech in the House by cutting across the normal right of a member to explain his question.

The ACTING CHAIRMAN (Mr. Russack): Order! I ask the honourable member to come back to the clause.

The Hon. R. G. PAYNE: I would not normally have strayed in that direction, but I was provoked by the inane interjection. The clause is 11, which gives us the main pain in relation to the subclause concerned.

Mr. Lewis: Which page?

The Hon. R. G. PAYNE: If you were to respond to the cheap inanities from the Government member, you would be giving rulings all night, Mr. Acting Speaker. The Opposition tries to raise the level of debate beyond that normally available to those who are much younger than we are, and not even allowed to vote yet, let alone to be here representing people. If that is what the honourable member is asking for, we will endeavour to accommodate him in future. Anyone can make a cheap quip. This is a matter of principle: a person who has done no harm may be directed by the Minister to do almost anything. I invite the honourable member to read the Bill, which he has not done. Otherwise, he would not be sitting there so smugly, thinking that his constituents will not have problems with the Bill.

Mr. Lewis interjecting:

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

The Hon. R. G. PAYNE: Clearly, the Minister will not shift. My purpose was to illustrate that the member for Mitcham uses the right to individuals as a variable yardstick, and I believe that I have done that. The Opposition still opposes the clause.

The Hon. D. O. TONKIN: The hypocrisy of the member for Mitchell appals me. When his Party was in Government his Party introduced legislation which included the clause with just one difference. That was that members of trade unions were exempted. The attitude that he now displays is totally and absolutely hypocritical.

The ACTING CHAIRMAN: Before I put the question that clause 11 be agreed to, I indicate that the words "may be given" in line 25 clearly do not make sense, and I intend to leave out those words as a clerical adjustment.

The Committee divided on the clause:

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

Noes (18) —Messrs. Abbott, Bannon, M. J. Brown, Crafter, Duncan, Hamilton, Hemmings, Hopgood, Keneally, Langley, McRae, O'Neill, Payne (teller), Peterson, Plunkett, Slater, Trainer, and Wright.

Pairs—Ayes—Messrs. Chapman, Gunn, and Wilson. Noes—Messrs. L. M. F. Arnold, Corcoran and Whitten.

Majority of 4 for the Ayes.

Clause thus passed.

Clauses 12 and 13 passed.

Clause 14—"Actions for injunctions and *mandamus* against Minister."

Mr. MILLHOUSE: I am opposed to this clause and I hope that it will not pass. I spoke in this regard in the second reading stage. This clause takes away the last

safeguard to the liberty of the individual by abrogating the jurisdiction of the court.

Mr. Keneally: The liberty of the individual? You voted for the last one.

Mr. MILLHOUSE: All right, now we will let the Labor Party be consistent. I was chided for not supporting them on clause 11, which they said was civil or industrial conscription or something, and if they really believe that, they will support me now, because they know (and if they do not know, let the honourable member for Playford tell them) what this means.

An honourable member: Try your luck, Robin.

Mr. MILLHOUSE: I jolly well will. This is a very bad clause and I cannot let it pass without giving it the utmost opposition that I can muster: I oppose it as vigorously as I can.

The Hon. R. G. PAYNE: I will endeavour to set the record straight and I apologise for the fact that I do not hold an LL.B. There is a difference between the provision in the previous Bill and the provision in this Bill. It is my understanding that the 1977 Bill provided:

> A prosecution for an offence against this Act shall not be commenced without the consent of the Attorney-General.

That was an oversight or watchdog on careless exercise of this power by the Minister through his delegation. No such safety valve is present in this Bill, and on this basis the Opposition would have to object also to clause 14. I wonder why the Minister has not provided this safeguard. I do not believe that even the Minister would say that the two Bills are the same.

Mr. Millhouse: Look at clause 18.

The Hon. R. G. PAYNE: Thank you. That is interesting. Clause 18 (2) states:

> Proceedings for an offence against this Act shall not be commenced without the authorisation of the Attorney-General.

I did not read the Bill as carefully as has been brought to my attention. However, there is a subtle difference that needs to be considered. In the 1977 Bill it was stated that the prosecution shall not be commenced without the consent of the Attorney-General. This placed the Attorney-General in a power supra to the Minister in control of the Bill.

In this case, all that is required is the authorisation of the Attorney-General, which is a totally different level, I suspect, in relation to what may be argued to be the tier or tree of authority in the matter. I bring to the Minister's attention the fact that it may well be that if he is prepared to amend the Bill (and, Mr. Acting Chairman, I need your indulgence again as I am referring to clause 18) so that the clause reads "consent" rather than refers to the authorisation of the Attorney-General—

An honourable member: We are dealing with clause 14.

The ACTING CHAIRMAN: Order!

The Hon. R. G. PAYNE: I understand that but as in many cases one cannot work through the Bill clause by clause, line by line, word by word and make the sense of it that the people put us here to make. Members are not supposed to come in here as robots. We are supposed to come in here as intelligent people and to try to the best of our ability to get legislation passed, for which we ask God's help every day, in the best interests of the community. It would be rather futile if we were not to exercise our ability, limited through that may well be. I am simply bringing to the attention of the Minister and of any advisers that he may have in the House that he can meet the worries of the Opposition in this area. Until now we have been very nice and we have not said anywhere that we do not trust the Minister. All we have said is that we do not know who is Mr. Good Guy and who is Mr. Bad Guy. We consider that the provision in the old Act is somewhat more of an insurance against capricious, selective or indiscriminate behaviour by a Minister than is the requirement in the Bill that we are now considering. I have to refer to clause 18, because that is the only clause where this matter appears. I have kept away from it as far as I can.

The ACTING CHAIRMAN: Order! I will allow the honourable member, if it is imperative to refer to that clause, to do so very briefly for the purpose he has mentioned, where he sought my indulgence.

The Hon. R. G. PAYNE: Thank you, Sir. I do not need to refer to clause 18 any more, other than to say the wording there provides a break, as it were, on the protection given in clause 14—a watch, a guard, if you like, which would satisfy the Opposition a little more in our dilemma of not having numbers to oppose the matter outright. Can the Minister indicate that perhaps in another place he will see to the matter to which I have referred?

The Hon. E. R. GOLDSWORTHY: I want to clarify some matters for the benefit of the member for Mitchell. First, there is some confusion about the clause I was referring to when I said there was an identical clause in earlier legislation promoted by the Labor Party. I was then referring to the police powers in relation to pulling a vehicle over to the side of the road to inquire of the occupant the source of his fuel. Then, the member for Mitchell sought to support the member for Mitcham, despite the fact that the member for Mitcham did not support the Labor Party. I can assure the member that precisely that same clause was promoted by the Labor Party in even more recent times. I will read the clause which was promoted in this House. I think that an election intervened before the Labor Party had time to enact the legislation. The 1979 legislation, in clause 11, under "Miscellaneous" (and it was the first clause under "Miscellaneous", as indeed it is in this legislation) stated:

> . . . no action to restrain or compel the Minister or a delegate to the Minister to take or refrain from taking any action in pursuance of this Act shall be entertained by any court.

That was the legislation prepared by Parliamentary Counsel. It was "reported with amendment; report agreed to; Standing Orders suspended; passed remaining stages; 2 August 1979." So much for the inconsistency and the argument of the member in suggesting that this Draconian power would not be entertained by the Labor Party. I move:

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

Motion carried.

The Hon. R. G. PAYNE: The Minister in charge of this Bill containing such large powers, to which the Minister himself referred earlier, could offer no real point to support that the Opposition should accept clause 14 when that clause was contained in previous legislation put forward by the Party now in Opposition. Really what the Minister is saying is, "Even if one learns something on the way, ignore it". One is never able to adjust or modify one's thinking on these matters.

The Hon. E. R. Goldsworthy interjecting:

The Hon. R. G. PAYNE: It might stagger the Minister, who has often stood up in this place and said that we on this side are not allowed to do anything, that we get directed by all sorts of people. As I have told the Minister before, no-one has ever told me to do anything. I have always worked things out for myself.

It would seem to me that the request I made to the Minister is such that, if the clause is so dear to him and if he wants to make the political points that he has already

made, I will not gainsay that. If it is so important, why does the Minister not agree to incorporate the change that I have asked for? How will it affect anything he wishes to gain? The Minister may say that Opposition members are arguing against something that it put in legislation previously and that he got it through. We will not be able to deny that. If he argues that he needs the clause in order to make the legislation work, he still has that. All the Opposition is asking is that there be a little more strength in the other clause that I have referred to in providing a useful break, even a consultation factor with at least one other Minister, to provide for a situation where we may have a Minister who attempts to act in a capricious manner. All the Opposition is asking is that the Minister undertakes to change, not here but elsewhere, a couple of words. If ever there was a chance to test the Minister's *bona fides,* I would suggest that this is it.

If the Minister claims he needs the clause, he has the numbers anyway, but after a period of time doing that it even filters through to places outside here that reason is not prevailing in relation to Government and that all that is being used is the terms that were thrown at us by the Minister, who momentarily raised his head from the paper and mumbled something or other—the naked use of numbers and that sort of stuff. I have heard it all over the 10 years when we were in the benches opposite, but the Minister is in the position now where he is supposed to have learned something from those 10 years, too. Why does he not attempt a little compromise in the matter which is not really, as far as I can see, going to upset the operation of the Bill but which might well go some small way towards meeting the worry of the Opposition on this matter, even if we only did get it in the last 12 months? Is the Minister saying we are not entitled to have another look at any matter, or any view on a question change over a period of time? Of course he is not. I am asking him to be more considerate and have another look at the matter.

The Hon. E. R. GOLDSWORTHY: I think the honourable member is confused. There is a plea for a minor change in clause 18, and somehow the honourable member has linked it up to the substance of clause 14, which simply states that no court actions will be taken to inhibit the Minister in the powers which are vested in him.

Mr. Millhouse: It puts him above the law.

The Hon. R. G. Payne: That's right.

The Hon. E. R. GOLDSWORTHY: That is the way the member for Mitcham described it. As I pointed out earlier, if an injunction were taken out against the Minister, it would take at least a day to dispose of, and that would be critical in a time of crisis. Coming back to the member for Mitchell, I cannot for the life of me see what he is trying to trade off. One clause is dealing with somebody trying to take the Minister to court, and the other is simply dealing with offences against the Act as delineated in the Act, stating that no action will be taken without authorisation of the Attorney-General which is eminently sensible. If somebody does not follow an order or direction of the Minister that is essential for the resolution of the matter under that Draconian clause, as he described it, the person to whom a direction is given shall not contravene or fail to comply. If he does not comply, he will be fined. However, the matter can go to court only if the Attorney-General authorises it; I would have thought that is a safeguard.

Mr. Millhouse: That is if you trust the Attorney.

The Hon. E. R. GOLDSWORTHY: One normally has to put that sort of faith in the Attorney-General. It seems a sensible safeguard to me, but the two are unrelated.

Mr. Keneally: Not really.

The Hon. E. R. GOLDSWORTHY: Quite unrelated. The member for Mitcham's complaint is legitimate in the sense that he believes that a safeguard should be there, but in my view that could well be critical at a time when action, as mentioned, could delay proceedings. For that reason we reject it. It has nothing at all to do with clause 18, which talks about prosecutions against somebody who fails to comply with an order. Surely it is a safeguard. That clause contains the power of prosecution, and that clause has been passed. This is a safeguard to see that it will not be done except on the direction or authorisation of the Attorney-General. Lord help me, that is a safeguard.

Members interjecting:

The Hon. E. R. GOLDSWORTHY: The two are unconnected. I cannot for the life of me see what the honourable member is getting at as some sort of a trade off. The authorisation is a safeguard.

The Hon. R. G. Payne: If you can't see it, I would be wasting my time trying to explain.

The Hon. E. R. GOLDSWORTHY: I am afraid the honourable member is wasting his time, because the two are quite unrelated, and the argument seems to me to be quite specious.

The Committee divided on the clause:

Ayes (20)—Mrs. Adamson, Messrs. Allison, P. B. Arnold, Ashenden, Becker, Billard, Blacker, D. C. Brown, Eastick, Evans, Glazbrook, Goldsworthy (teller), Lewis, Mathwin, Olsen, Oswald, Rodda, Schmidt, Tonkin, and Wotton.

Noes (18)—Messrs. Abbott, Bannon, M. J. Brown, Crafter, Duncan, Hamilton, Hemmings, Hopgood, Keneally, McRae, Millhouse (teller), O'Neill, Payne, Peterson, Plunkett, Slater, Trainer, and Wright.

Pairs Ayes—Messrs. Chapman, Gunn, Randall, and Wilson.

Noes—Messrs. L. M. F. Arnold, Corcoran, Langley, and Whitten.

Majority of 2 for the Ayes.

Clause thus passed.

Clause 15 passed.

Clause 16—"Powers of investigation."

The Hon. R. G. PAYNE: We have already put to the Minister (and the member for Mitcham also made this point) that, in relation to a person travelling in a moving vehicle on today's roads, it is not sensible to provide that he shall forthwith comply with a request from a police officer to pull up.

I ask the Minister to see whether something should be done about this in another place. Time and time again, we hear from the courts that Parliament did not put sensible provisions into legislation which the courts are called upon to adjudicate on. On that basis, and for the reasons I have already advanced, I move:

Page 7, line 32—Leave out "forthwith" and insert "as soon as practicable".

The Hon. E. R. GOLDSWORTHY: We are getting down to the absurd but, to satisfy the honourable member and to show how reasonable we are on this side, we will accept the amendment. Precisely the same word was in the Labor Party Bill, but the honourable member did not recall that, nor did he recall that the clause was there in relation to the courts; he said it was not there. However, to show that we are reasonable, and although there is nothing to it, we will accept the amendment.

Amendment carried; clause as amended passed.

Clause 17 passed.

Clause 18—"Proceedings for offences against this Act."

Mr. MILLHOUSE: I do not like this clause, for reasons I mentioned in the second reading debate. I believe that, whenever there are provided in an Act penalties as harsh as those provided in this Bill, a person should have the

right to trial by jury. I believe that where we have as severe a Bill as this is, giving such enormous powere to the Government, there is some safeguard in the Government's having to put up a person for trial by his peers, by 12 ordinary citizens, rather than by a magistrate, because experience shows that, if people believe that a person who is charged with an offence is not getting a fair go, whatever the letter of the law may be, there is a good chance that he may be acquitted. That does not happen with a magistrate. This is one small safeguard.

It is not as good as taking out that wretched clause 14, and I will not reflect on that, but it is something that we can do. I do not intend to vote against the whole clause, because I think the authorisation of the Attorney-General, which is the word used here, for a prosecution should stand. We could cut out simply subclause (1). I have prepared an amendment, I hope in the proper form. There was no draftsman to guide me, but I have drawn up this one myself, as I did the previous one. I move:

Page 8—Leave out lines 17 and 18.

That is effectively leaving out subclause (1).

The Committee divided on the amendment:

Ayes (2)—Messrs. Millhouse (teller) and Peterson.

Noes (36)—Mr. Abbott, Mrs. Adamson, Messrs. Allison, P. B. Arnold, Ashenden, Bannon, Becker, Billard, Blacker, D. C. Brown, M. J. Brown, Crafter, Duncan, Eastick, Evans, Glazbrook, Goldsworthy (teller), Hamilton, Hemmings, Hopgood, Keneally, Lewis, Mathwin, McRae, Olsen, O'Neill, Oswald, Payne, Plunkett, Rodda, Schmidt, Slater, Tonkin, Trainer, Wotton, and Wright.

Majority of 34 for the Noes.

Amendment thus negatived; clause passed.

Clause 19 and title passed.

Bill read a third time and passed.

WORKERS COMPENSATION (INSURANCE) BILL

Consideration in Committee of the Legislative Council's amendment and suggested amendments:

Page 5 (clause 7)—After line 7 insert new subclause as follows:

(2) The powers conferred by the Industrial Conciliation and Arbitration Act, 1972-1979, to make Rules of Court shall be deemed to include power to make Rules of Court in relation to appeals under this Act.

Schedule of the amendments suggested by the Legislative Council

No. 1 Page (clause 5)—After line 43 insert paragraph as follows:

(c) in respect of costs—

(i) that were reasonably incurred in attempting to recover moneys from an insurance company in respect of liabilities arising under a policy of workers compensation insurance, or from an employer in respect of workers compensation liabilities; and

(ii) that are, by reason of the insolvency of the insurance company or the employer, not recoverable from the insurance company or employer.

No. 2. Page 4 (clause 5)—Before line 1 insert new subclause as follows:

(1a) Where a liability referred to in subsection (1) is a liability in respect of weekly payments, the liability shall be regarded as being unsatisfied when any one of the weekly payments is not paid in full on the day on which it falls due, and a claim based upon that liability may then be made under this section in respect of weekly payments whether, at the date of the claim, they have fallen due or are to be made in the future.

No. 3. Page 4 (clause 5)—After line 3 insert new subclause as follows:

(2a) A claim under this section must be made within six months after the claimant becomes aware of the circumstances on which his claim is based unless he became aware of those circumstances before the commencement of this Act, in which case the claim must be made within six months after the commencement of this Act.

No. 4. Page 4 (clause 5)—After line 25 insert new subclause as follows:

(7a) Upon an appeal under this section—

(a) the court shall, subject to any relevant Rules of Court, be constituted of a single judge; and

(b) the court shall have power to review all aspects of the determination of the commission.

No. 5. Page 4, line 27 (clause 5)—Leave out "eighty per centum" and insert "the whole".

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

That the Legislative Council's amendments be agreed to.

I will explain to the Committee the effect of the various amendments and why the Government is now agreeing to them. We take a different stand on a number of these amendments. The first and fifth amendments were requested by the President of the Industrial Court. We believe that they make no substantive change to the Bill whatsoever. They tidy up the Bill, and certainly the Government does not oppose them. Regarding amendments Nos. 2, 3 and 4, I see no problem with these. I think that two of them were raised in a slightly different form by the Leader of the Opposition in the debate in the House of Assembly. I took those back to the working party, and discussed them in detail; it did not object to those amendments, and we agreed to accept them. One of the three amendments was specifically recommended by the working party. As a member of that working party, I point out that an insurance company had found one of the anomalies, and suggested that an appropriate amendment be made. On the first five of the amendments, there is no disagreement by the Government with the majority point of view expressed in the Legislative Council. There was complete support for those first five amendments in the Legislative Council. However, with the sixth and final amendment, there has been disagreement.

The effect of this amendment is to change the original intent of the Bill from 80 per cent to 100 per cent. I expressed the view strongly in the debate in the Lower House that the Government did not agree with that and that the working party that worked on this proposal for six or eight months was also opposed to that view. I took the matter back, as I promised the Leader of the Opposition I would, and discussed it with the working party, which upheld its original intention, with the exception of one member of the working party, who asked for 100 per cent. All the other members of the working party specifically requested that the matter be left at 80 per cent.

The Bill, since we last considered it, and since taking these amendments back to the working party, has been before the Legislative Council, which has amended the original Bill, as moved by the Government and as it left the House, to make the payment to an employer 100 per cent. The Bill already provided for payment of 100 per cent to an employee, so there is no argument about the employee. However, I argued strongly that there were good sound reasons why the payment to the employer should be only 80 per cent.

The key reasons were that the Government sees that it is important that there be some obligation on employers to select wisely when selecting an insurance company with

which to place their workers compensation insurance. Equally, there must be some onus on insurance brokers to ensure that they choose wisely with which insurance companies they will insure. There is the real danger that, by paying out 100 per cent, you will completely remove any onus on the employer, meaning that employers will automatically insure with the cheapest insurance companies and thus encouraging the fly-by-night companies.

The ultimate effect of that would be that a substantial number of insurance companies might go broke, and the less reputable companies will be those with the lowest premium rates. It is possible for an insurance company that, in all real senses of the term, is insolvent to continue to exist by increasing each year the total amount of premiums it collects and, therefore, remaining, in a practical sense, insolvent by an increase in the flow of funds. These insurance companies would be in a position where their actual liabilities would exceed the money taken through their premiums but, by substantially increasing each year the flow of funds taken in through premiums, by ever reducing the premium rates in competition with the other companies, they would be able for a period of two or three years to remain, in a practical sense, solvent.

Mr. McRae: You've learnt since 1977, have you?

The Hon. D. C. BROWN: Why?

Mr. McRae: In relation to the upkeep of insurance.

The Hon. D. C. BROWN: I realise that, and I do not believe anyone has disagreed with the point of view that I expressed. The 1977 Bill did not stipulate a percentage: it assumed 100 per cent. It did not bring out this point. Why is the Government now accepting this amendment? The Government sees this Bill as an important measure, and we have said so throughout. We have said that it is important to protect both the employers and the employees who were employed with companies that were insured with Palmdale Insurance from the collapse of that company.

Furthermore, this Bill ensures that there is protection for people in the future. Unfortunately, we are faced with a decision that runs counter to Government policy and to the agreed working party statement as to what level of payment should be made. In this case, we see the threat of defeat of this Bill by a hostile Upper House. One member of the Legislative Council has spoken in favour of the original 80 per cent, and voted for the 80 per cent when a vote was taken. However, since then, that member, who is a member of the Australian Democrats, has indicated that he has decided to change his vote and that in no circumstances would he vote for 80 per cent and that he would vote for 100 per cent.

If that is the case, the Government is placed in a position where the policy as to what level of payment should be made has been taken out of its hands. We are faced with the alternatives of either being prepared to accept 100 per cent or to see the defeat of this Bill. Because of the importance of the measure, the Government is not prepared to see the defeat of this Bill and, therefore, we have no alternative but to turn around and accept the 100 per cent payment.

In doing so, I point out to people, particularly those employers who now will be required to pay an additional levy to meet the additional requirement for the fund because of the additional payment, that they should turn their attention and their annoyance, as I believe many of them face, to people who have insisted and stated that they are now going to vote for 100 per cent in the Legislative Council and who have been responsible for writing this amendment into the Bill.

The argument that has been persistently put in the Legislative Council is that it is in the interests of small businesses that the payment be 100 per cent. The background to that argument is that the larger companies would have the financial resources to cover the other 20 per cent pay-out without financial embarrassment but a small business operation would not have those financial resources available. There is some validity in that argument, but it is equally important to put the other side of the argument, which is that, by insisting on 100 per cent pay-out rather than 80 per cent pay-out, the ultimate levy that is collected from the employers who pay for this fund must be increased, either left at 1 per cent for a long period or increased above 1 per cent.

Ultimately, the employers (including the small employers) will pay. The large companies are able to write into their costs the additional costs of the additional levy, and there has never been any argument by economists that large companies are price setters for their products. Small businesses, on the other hand, are not price setters: they must accept the price set by the market place.

Mr. Lewis: They are price takers.

The Hon. D. C. BROWN: That is right. They are not in a position to flow on through their prices the additional cost of the workers compensation levy. Although the small businesses are faced with an increased potential risk, equally their profits each year will be lower because they are being asked to pay more into the levy and they are not able to pass on those additional costs in the price of their products, because they are price takers. It is interesting that so many people have used the first argument but they have failed to use the second argument.

When a large number of small businesses come to pay the levy, they will be irritated and annoyed at having to pay, across all employers in the state, this additional levy to cover 100 per cent, particularly when many of those small businesses will be very responsible in selecting which insurance company they insure with. It is the companies that are responsible that take some care about which company they insure with, and it is fair to say that many of the small employers pride themselves on insuring with the traditional, reputable, long-standing insurance companies that have had a history of at least 100 years of sound insurance cover.

Mr. Bannon: What about brokers?

The Hon. D. C. BROWN: You would be surprised. A lot of the small employers do not use brokers. Brokers often are used by the medium-size companies. Many of the small employers take out all their insurance with one insurance company, and they do not have the time or the understanding and do not bother to shop around with insurance brokers. I suggest that the honourable member contact a large number of these small businesses, because I believe that he would be surprised at how few of them insure through brokers. It is my understanding that most of the work of insurance brokers tends to be done with the slightly larger company which is not large enough to have its own staff with the expertise to do the shopping around but which realises that there are benefits in going to a substantial broker and using his services.

Equally, the brokers are interested in the larger companies and are not willing to shop around to the extent that may be necessary to gain the business of the small operators. The premium, and therefore the percentage of the premium for the insurance broker, is too small to make shopping around worth while. I am disappointed that the Government is in a position of having to accept the 100 per cent, particularly because the working party with which the Government has worked so closely has agreed to the 80 per cent. It is unfortunate that the views of that working party are not upheld and are not taken into consideration

by the Legislative Council. In fact, I believe that the Legislative Council, in making its decision, has failed to appreciate the long-standing working relationship that has existed between employers and the insurance industry in trying to come up with this measure.

Unfortunately, members of the Legislative Council have also ignored the retrospective nature of this legislation. Without the co-operation of those employers in the insurance industry, there is no obligation whatsoever to provide the finance to cover an insurance company which was already in liquidation, or to protect employers or employees who have already suffered a liability because of the collapse of Palmdale. I stress that there is certainly no legal obligation, and one could argue that there is no moral obligation, upon these employers to come to the rescue. It is to their credit that they have done so, but I believe that they have done so out of general public concern and feeling that people who have been injured at work need to be protected, and that is the very reason why that working party so readily agreed, I believe, to 100 per cent payment for the injured worker, but not 100 per cent payment for the employer who, perhaps rather unwisely and without taking due counsel, decided to insure with a company that was not sound and reputable.

Perhaps they went after the fast buck or the low premium rate rather than sit back and decide whether or not in the taking of a low premium rate they were facing increased liability.

Mr. Bannon: Are you saying that this is what those who insured with Palmdale did?

The Hon. D. C. BROWN: No, I am talking generally. The Leader of the Opposition would realise that Palmdale had a longstanding tradition with the building industry and that is the reason why so many members of the Master Builders Association were insured with Palmdale and, of course, that is one fundamental reason why the M.B.A. staunchly supported the payment of 100 per cent, because so many of their own members were insured with Palmdale Insurance. When I refer to those general remarks, I am referring not ony to Palmdale, but to a number of companies in this area, operating recently. Insurance brokers have expressed their concern to me. Each year they see companies dropping their premium rates and, they believe, dropping them by far more than companies can justifiably argue, considering what their liabilities would be.

So, the insurance brokers, who are fairly impartial in this area, believe that some of these companies are extremely risky. The more reputable insurance brokers will not advise their clients to insure with insurance companies that they believe will collapse, because they know the liability that that is placing with the insurer. Perhaps we have been rather fortunate up to now that as these fly-by-night cut-rate insurance companies continue to cut their rates so more and more employers, on the advice of some insurance brokers, are steering away from them. That may not be the case in the future if all the potential liability of the insurer or the employer is removed. I can well see the case where the employer himself may well say, "Well, although they are a cut-rate company, although they look quite unsound, don't worry; the Government is protecting us. The Government will come to our aid through this general fund and we will take the lowest premium we can get."

The other point that has been made is that all other States, with the exception of Queensland, are covered to the extent of 100 per cent under their legislation. That is certainly the case in New South Wales, Victoria, Tasmania and Western Australia. I do not accept that as a valid argument; just because a measure is applied in other States, I do not think it is the case that we should naturally follow the other States, especially as, from discussions I have had with other State Governments, I do not think they followed through the agrument to its logical extent. I think they have thought of it purely in terms of covering the immediate disaster, and therefore covering to 100 per cent. They did not think of the long-term potential risks that they were placing on the insurance industry.

The other factor highlighted by debate in the Upper House has reinforced the view I expressed in the second reading explanation that urgent action needs to be taken by the Insurance Commission, which is a Federal Government statutory authority, to make sure that insurance companies in Australia are kept under closer scrutiny than has been done in the past. I do not know what measures the Commissioner should take to uphold that point. I indicated in the second reading explanation that the Government will be making representations to the Commissioner to alter his practices and to increase the scrutiny, compared to what has been done over the past few years. We cannot afford other cases like Palmdale, or Northumberland or other insurance companies going into liquidation. We are still just covering the tip of the iceberg. There are many other areas of insurance where there is no such protection whatsoever for the insurer or the employer.

I shall give a classic example. The United Farmers and Graziers made a very strong submission to me that there should be payment of 100 per cent. They said so because their farmers are small employers, who do not have the financial resources to pay even 20 per cent of a worker's compensation claim should the insurance company go into liquidation. I point out that many of those same farmers are insured for, say, fire damage to their crops for amounts substantially greater than any claim they would face under worker's compensation. To be realistic, most of them have one and possibly two employees. Under the Workers Compensation Act the maximum payment for a lump sum is $25 000 and, therefore, the maximum payment they are likely to make on the total lump sum payment is only $5 000, yet, if their crops were entirely burnt out and their insurance company went into liquidation at that point, the amount of money that they would have to find from their own financial resources would be substantially greater than would the amount that they would need to find to cover a worker's compensation claim. The risk there in the general insurance area where they have no protection may be substantially greater than it is under the worker's compensation area. I think some of them have not fully appreciated the risk that they face in other areas.

The other point I make, and the argument has been used by a number of people, again in the Upper House, and certainly by parties that have made representations to me, is that this fund should cover people to the extent of 100 per cent because workers compensation is a compulsory insurance. That is quite correct, in the same way that third party motor vehicle insurance is also a compulsory insurance, and that is why that was covered to the extent of 100 per cent . I point out that the common law coverage associated with a person being injured at work is not a compulsory area of insurance, and yet, under the original Bill as presented by the Government, we were covering on a voluntary basis up to 80 per cent of the amount of that common law claim for which the person was insured.

So, the original Bill as brought into this House went well beyond the compulsory insurance sphere, and the very argument that is used, that because workers compensation insurance is compulsory, and that payment should be 100 per cent, falls apart when one comes to the common law

area. Let us be realistic; the potential claim that any employer faces under the common law area for a worker injured at work is likely to be substantially greater than is the claim under workers compensation.

I know of one or two employers who were insured with Palmdale Insurance that have at least two common law claims of about $50 000 each outstanding against them, whereas the workers compensation claims may add up to only $16 000 or $20 000. That highlights the fact that the far greater risk is in the non-compulsory area, which is the common law claim against an employer for a worker injured at work.

I reiterate that it is with regret that the Government is forced into the situation that it has to accept this amendment of the Legislative Council, but it does so to make sure that the Bill as presented to this House is saved and that the people affected by the collapse of Palmdale are saved.

Mr. BANNON: I place on record the Opposition's support of the amendments moved in another place. I congratulate the Government on seeing these amendments as being reasonable enough to accept. As the Minister pointed out, at least three of them were moved by the Opposition in Committee in this House, and the Minister undertook to consult with interested parties about them. The Opposition has also conducted its own consultation with the various bodies concerned and received a positive response, except in respect of the 100 per cent compensation, which is the major matter of controversy.

When I say that the response was positive in all except that area, a number of organisations, in particular the Master Builders Association and also the Insurance Brokers Council, have indicated that they were in favour of 100 per cent compensation. However, other organisations were not keen on it. The Government's acceptance of that final amendment has been, I would suggest, somewhat grudging. If indeed it did such violence to the principles contained in the Bill as the Minister suggests, and if the Minister does not want to lose the Bill (we fully appreciate that, and it would be very bad indeed if this Bill was not passed so that immediate relief was denied to the victims of the Palmdale collapse), the Government could have taken the matter to a conference and discussed it there.

It is interesting that the Government has not felt inclined to do that. If it really believed that this was a matter of such importance, and if there was such unanimity about it outside the House, one would have thought that it could have gone to that place and, if a deadlock or a compromise position had been reached, that could have been reported to both Houses and the Bill would not have been lost in that situation. Obviously, the Government is not prepared to test it at that stage. In giving one of the reasons for this, the Minister said that the Australian Democrats' member in another place who had voted with the Government in Committee had subsequently indicated that he had changed his mind and supported the 100 per cent provision, and that this was a vital consideration to the Government. I fail to understand that, because that honourable member's vote was not relevant or crucial in this issue. Obviously, if he had changed his vote it would strengthen the majority in favour of the provision, but the motion to provide for 100 per cent compensation in lieu of the 80 per cent proposed by the Government for all situations, both the Palmdale situation and the future, was moved by the Hon. Mr. DeGaris, a member of the Government Party, who, having moved it, naturally voted in favour of it.

With the Hon. Mr. DeGaris in support of the proposition, obviously the amendment would be carried in another place, and I fail to understand the significance of the change of mind of the Hon. Mr. Milne. However, I think the arguments adduced by the Hon. Mr. DeGaris, which supported those we had advanced in this Chamber, are sound and relevant. In moving our amendment previously, we indicated that it should be looked at in two parts: if the Government was not prepared to accept a situation where 100 per cent compensation should be paid in all cases, at least it should do so in the Palmdale situation. In other words, there was obviously a compromise position spelt out which would have satisfied the immediate needs. It would have covered the Government's principle, as outlined by the Minister, that employers should not feel that they could get cheap insurance anywhere at any low price and not take all the consequences, but it would have preserved what we think is an equally important principle, that those persons innocently caught up in the Palmdale collapse, most of whom had placed their business through reputable insurance brokers, should not be made to suffer.

Obviously, there was room for negotiation and manouvre in this area, but the Government has decided to accept the 100 per cent. We support it in that because, for all the arguments put to the Minister (and I concede the relevance of a number of them, arguments which the Chamber of Commerce and Industry, for instance, would support), I still think the alternative case is a stronger one. We have an insurance commission which has a responsibility to register and provide licences for insurance companies to operate. We agree with the Minister that the powers of that commission and its surveillance should be more rigorous. If that were so, it would be most unusual for the collapse of an insurance company to occur. In the rare situation where it does, bearing in mind that registration, it seems unreasonable to expect an employer who has acted responsibly in placing his insurance to be made to suffer in this way.

It may mean, as the Minister pointed out, that the levy provided for this fund would need to be slightly higher, but I think experience will show that that levy can be reduced over time, because these collapses are fairly few and far between. That fact is clear when one looks at the way in which New South Wales handles this situation.

The Hon. D. C. Brown: If you get a really big one it won't. I understand the levy in Victoria is now 20 per cent.

Mr. BANNON: Obviously, it would depend on experience. I am suggesting that, coupled with this sort of safety net, there should be a more rigorous enforcement and tightening of the insurance registration provisions and greater surveillance of the industry. We join the Minister on that. In that case, that levy could be reduced. In New South Wales it is done on a case by case basis, and here we look at the principle of interstate equity. The Minister said we should not have regard to what happended in other States because they do it differently, and that does not mean we have to follow. That is true. We do not have to follow what has happened in other States, but it would seem a bit anomalous that an employer in New South Wales who has taken insurance in Palmdale or its equivalent, its holding company there, should be able to claim full compensation and another employer, because he happens to be in South Australia, gets only 80 per cent back.

The Hon. D. C. Brown: But paying a higher levy.

Mr. BANNON: They are paying a higher levy to cover all things. There is no continuing fund. In other States, 100 per cent compensation is provided as well. No evidence has been produced that it is encouraging employers to take out cheap jack insurance in shaky companies. I do not

think that would be the case, and there is no evidence of that. The other States have found by experience that they can live with that situation. It is fairly compelling. They have had experience of those things. They have set up and established their funds, and I think we could well look to them. On the principle of equity, I do not see why employers in this State should be disadvantaged in terms of the safety they are provided with as opposed to other employers.

The Hon. D. C. Brown: I don't think you could call it experience. In some of the States the legislation has been in for less than three months. In Victoria, it has been in for only a short period.

Mr. BANNON: The Minister is drawing attention to his tardiness in moving to deal with this situation, as we have said in the other debate, but I do not wish to raise this larger matter. It took many months for the Government to act. He talks about his working party and the difficulties involved in reaching a consensus, but a bit more positive action by the Government in the early stages would have had this legislation tidied up many months ago, and a lot of the disquiet and worry people have been suffering could have been avoided.

We join the Government in supporting these amendments. We do not see that any great violence has been done to a principle or that any horrendous consequences will stem from it. We think this is a perfectly sound situation, a perfectly reasonable safeguard to employers and employees in this State. Accordingly, we support the motion.

Mr. BLACKER: I support the amendments from the other place. Most of the points I had in mind have been covered, and I think we should take the issue one stage further and say that, if the Government is not prepared to accept the 100 per cent cover, then the greatest losers, the employers who would stand to lose most, would be the small business people.

I refer to those companies with only one or two employees; the larger companies are better able to accept losses of this kind. In thinking in terms of the one-man and two-man operation, they are the ones for which I feel the most. There is, as the Leader of the Opposition mentioned, no evidence that cheap insurance companies have been used as a result of other States introducing 100 per cent cover in this matter. It may well be the case, as the Minister pointed out, that employers will tend to go for the cheapest option available. Should that be the case, it strengthens the point that Governments should look for a greater influence on companies that take out insurance in this field. I am thinking of a vetting or screening of insurance companies to ensure that those companies required by law to take out liability are taking it out with reputable insurance companies. I do not think any of us envisaged that the Palmdale company could or would get into these sorts of difficulties, but it has happened with one, and it may well happen with another. However, that responsibility should not fall back on the employer, who is obliged to take out workers compensation insurance.

Mr. McRAE: I support the motion and the Leader's comments. First, I find it somewhat ironic, and I guess that the Minister does, too, that he is now placed in the position that his predecessor almost habitually was in relation to workers compensation law and other matters relating to industrial affairs generally.

The Hon. D. C. Brown: What? The hostile Upper House?

Mr. McRAE: Yes. The Minister will recall the discomfiture of his predecessor on numerous occasions.

The Hon. D. C. Brown: Remember, it was your Party that made it hostile in this case.

Mr. McRAE: I cannot agree with that. It is the Hon. Mr. DeGaris who has come to the rescue of reason. We know that the other place claims to have a balance of reason, but I will not get involved in that matter, otherwise I might be ruled out of order. The Hon. Mr. DeGaris has carried the day here, and that must make the Minister's discomfiture even greater. I wonder whether the Hon. Mr. DeGaris will join Mrs. Cooper and Mr. Geddes in the list of misfits.

The CHAIRMAN: Order! The honourable member must come back to the motion.

Mr. McRAE: I defer to your ruling, Sir. The Minister correctly pointed out something that is anomalous about the South Australian situation; it has been under both Labor and Liberal Administrations, and I believe that it must be brought to an end, namely, employers of labor are not required to take out insurances in relation to their common law obligations. I believe that the collapse of companies like Palmdale, and others, evidences the fact that this moral duty should be a legal duty.

The Hon. D. C. Brown: I didn't say there should be an obligation on them; I just said that their exposure there is greater than it is under compulsory workers compensation.

Mr. McRAE: I am not attempting to misquote the Minister; I am just saying that, under Labor and Liberal Administrations, the position has been for many years that, while it has been illegal for an employer not to have workers compensation coverage, no obligation is created in respect of the common law cover. Accidents are very much matters of a lottery, in the same way as you may be on the road about your lawful business and, almost as a matter of chance, you have had no play in the circumstances, but someone swerves into you. In the work situation, you may be the person working under a high beam when a heavy object falls. There is a need for the company and employers to accept that there should be automatic and compulsory common law coverage as well as workers compensation coverage.

I fully agree with the Minister relating to his representations to the Insurance Commission. I think that there should be a greater deal of surveillance over insurance companies than there is at present. There is little doubt that we have had a succession of insurance companies, not just in this field but in related fields of negligence cover, which have gone to the wall and, in so doing, have caused tremendous discomfort and injustice to so many people. The debate on this whole area has been relevant, and it has raised for consideration other points that do not need to have Party bias, because they can be looked at in the light of what should be the legitimate protection of people in industry and what the community, I suspect and hope, would want anyway.

Motion carried.

EVIDENCE ACT AMENDMENT BILL

The Legislative Council intimated that it had agreed to the House of Assembly's amendments Nos. 2 to 5, had disagreed to amendment No. 1, and had agreed to amendment No. 6 with the following amendment:

After line 9 (clause 7) insert new subsections as follow:

(2a) Where an order is made under this section authorizing the inspection of banking records relating to the financial dealings of a person, and that person was not summoned to appear in the proceedings in which the order was made, the judge shall, within 30 days after making the order, cause written notice of the order to be given to that person.

(2b) The Commissioner of Police shall, in each month,

cause to be published in the *Gazette* a notice setting out—

(a) the number of applications made under subsection (1a) during the preceding month; and

(b) the names of the judges to whom the applications were made, and the number of applications granted by each judge.

Consideration in Committee.

The Hon. H. ALLISON: I move:

That the House of Assembly's amendment No. 1 be insisted on.

This amendment sought to abolish the unsworn statement. The matter was well and truly canvassed during the previous debate on the issue, and the House of Assembly reaffirmed the decision it made then.

Mr. McRAE: The Opposition is totally opposed to the proposition put by the Minister. This whole situation has now become a Parliamentary disgrace. So that the Committee may be clear on what is going on, I point out that, on the last occasion on which we discussed this matter, the Hon. Mr. Milne has voted in the Legislative Council, for the moment at least, until a Select Committee could look at the matter, not to proceed with the matter the abolition of unsworn statements.

The course of events in the Upper House was quite simple: because the Hon. Mr. Milne voted with the official Opposition, the result was that the Government's proposal in relation to the total abolition of unsworn statements was defeated. Very shortly thereafter, it was moved and accepted by the Upper House that a Select Committee be formed to investigate the whole area. That committee was formed and has commenced its hearings: witnesses of substance and of esteem in the community have begun to give evidence for the community. Without breaking confidences, I indicate that I am also assured that a number of other persons wish to give evidence. As far as the Opposition is concerned, it would not matter if not a single person had volunteered to give evidence: it is the principle and the constitutionality that concerns us.

The Government well knows that a Select Committee of the Upper House is investigating a matter that is part of the legitimate Constitution and democratic framework of this State, and it also knows why that Select Committee was formed in the first place, and now by this indirect route it attempts to abrogate the existence of the Select Committee. The fact is that the Opposition could not participate (this is the depth of our objection) if the matter reached the stage of a conference between the two Houses to discuss the concept of the unsworn statement while a Select Committee was still dealing with the matter under the aegis of the Upper House. The Opposition regards the matter as so deeply against the Westminster principle that it would refuse to participate altogether. Thankfully, I do not believe that it will come to that, but only the course of events will show. Certainly, we believe that the Government's attitude on this whole area has been quite disgraceful.

I will not canvass the arguments for and against the abolition of the unsworn statement, or the middle ground position (which I hold) as to the partial abolition of the unsworn statement, but I do say that, if the Opposition is to be put into a position at the conference in which the Government seriously maintains in some fashion that it wants to force this Bill through knowing that the Select Committee is still sitting, the Opposition would have to consider its position very seriously depending on the course of events that follow from here.

Motion carried.

The Hon. H. ALLISON: I move:

That the Legislative Council's amendment to amendment No. 6 be disagreed to.

This amendment seeks to impose certain limited time constraints upon the amendment originally moved, and the House of Assembly refuses to accept that.

Mr. McRAE: That must be about the understatement of the century: the Minister said that certain limited time restrictions had been placed on the amendment. The limited restriction is to insert "30 days" instead of "two years". The Minister will well recall that the Opposition in this place, when the matter was last debated (and I am now talking about the inspection of banking records), totally opposed the conception of judges making orders unknown to persons who were potentially or actually innocent of any offences, and in the context where those persons might know nothing of any investigation or inquiry for a period of two years.

That was the whole context of the debate, and the Minister will recall that the member for Mallee placed on file but did not move an amendment that is somewhat akin to the amendment before us tonight from the Legislative Council. That amendment was originally moved by me on behalf of the Opposition in a slightly modified form, but the effect of the matter as it now stands is that the Legislative Council's amendment, while not being exactly in accordance with what the Opposition originally proposed here, certainly would introduce a great deal more equity into the situation and would equally be far more in accordance with the practical propositions that were made by the member for Norwood during the debate on that occasion.

It will be recalled that, in addition to whatever expertise the Opposition has in the general area, the member for Norwood was not only a legal practitioner but also worked in the very arm of government where such cases are dealt with and, therefore, he was in a unique position not only to deal with the principles of law but also to deal with the practical realities of an officer of the Crown Law Department endeavouring to carry out his duties. Certainly, I have made no official or unofficial inquiry of any Supreme Court judge, but I suspect that the whole judicial framework and belief is such that judges would be offended by being asked first to be semi policemen and then to be almost bailiffs by causing notices to be served.

I believe that the Legislative Council's amendment is much more in accordance with reason than what the Minister had put before us. I do not want to delay the debate, but I want, with no pride or malice, to jog the memory of the Minister of Education, because both the member for Norwood and I pointed out to him on a previous occasion that the structure of the Bill was such that it was inevitable that there would be changes to it somewhere along the line, either in another place or by the Government once the backlash of reaction was felt. Here it is, within just a couple of weeks, and so it should be. I totally disagree with the Minister's approach.

Motion carried.

ART GALLERY ACT AMENDMENT BILL (No. 2)

Received from the Legislative Council and read a first time.

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

That this Bill be now read a second time.

On 20 September 1979 new Department for the Arts was established in accordance with the Government's election promises. It is of course, appropriate for the Art Gallery to be incorporated within the administrative structures of this new department. The elimination of the small Art Gallery Department would accord with the

principles of the Corbett report and would make possible the grouping of the bodies concerned with the arts into a single administrative and Ministerial structure. Thus, efficient arrangements such as apply in other States (e.g., Victoria) where all arts organizations are within the one Ministry for the Arts could be implemented in this State. The purpose of the present Bill, is therefore, to abolish the Art Gallery Department.

Clause 1 is formal. Clause 2 repeals section 15 of the principal Act under which the Art Gallery Department is established.

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

PRICES ACT AMENDMENT BILL (No. 4)

Received from the Legislative Council and read a first time.

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

That this Bill be now read a second time.

The purpose of this Bill is to afford adequate protection to grape growers against the practice of some winemakers who withhold payments for previous vintages while paying out on more recent ones.

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

Leave granted.

Remainder of Explanation

Section 22a of the Act empowers the Minister of Consumer Affairs to fix and declare the minimum price at which grapes may be sold or supplied to winemakers (including brandy distillers). That section also implies into every contract for the sale or supply of grapes such terms or conditions as are determined by the Minister relating to the time within which the consideration shall be paid and to payments to be made in default of payment within the time specified.

The Minister's powers under section 22a have been delegated to the Prices Commissioner who on 14 December 1979 specified several terms and conditions that are to be included in contracts for the sale or supply of grapes to wineries, in regard to payments for those grapes.

The effect of these terms and conditions is that every such contract requires the winemaker to pay for grapes supplied by grapegrowers no later than 30 September in the year of delivery. Any late payments by winemakers attract substantial rates of interest.

The Bill will not adversely affect the majority of winemakers who pay for grapes supplied by grapegrowers on or before 30 September in the year of delivery.

The major provision of the Bill prohibits a winemaker or distiller of brandy from accepting delivery of any grapes from grapegrowers unless all amounts that have previously fallen due for payment to grapegrowers have been paid in full. In effect, this requires all grapegrowers to be paid for grapes supplied in one vintage before the next vintage begins. Provision is made for the Minister to exempt a winemaker from this prohibition. The Bill does not apply to co-operative wineries.

The Government believes that this provision is straightforward and will promote early settlement of debts by winemakers. Close attention has been paid to ensure that loopholes do not exist in the Bill, and that the interests of all parties have been properly protected, particularly those parties who have already entered into long-term contracts. The Bill is to apply in relation to any grapes delivered on or after the commencement of the Act whether the contract was entered into before or after that commencement. This will ensure that grapegrowers are paid in full for all payments that have previously fallen due in accordance with the Prices Commissioner's terms, before any further deliveries can be accepted pursuant to the contract. This will benefit grapegrowers who have already entered into such contracts. Grapegrowers will be further protected in that a winemaker will be unable to avoid the prohibition by entering into long term contracts, as payment must be made by the date specified in the Prices Commissioner's terms for each year of delivery.

In order to prevent winemakers who are prohibited under this Bill from accepting grapes victimising growers by not releasing them from their obligation to supply grapes even though the winemaker cannot take delivery of them, the Bill provides that in such cases the grower may elect to avoid his obligation to supply grapes under the contract. Therefore, if the winemaker is prohibted from accepting delivery of the grapes, the grower may elect to take his grapes to another winemaker, and he will not be disadvantaged if he wishes to do so.

The other important aspect of the Bill is that although it does not alter the law relating to bankruptcy or insolvency, the practical effect will be that if a winery goes into liquidation, growers will be owed payment for only one vintage, not several as in the recent Vindana situation. Also, by including provisions concerning related purchasers, a re-occurrence of the Vindana situation should be avoided, as a winemaker will not be able to pay preferred growers for supplies of grapes in one vintage while ignoring payments to suppliers in previous vintages.

The Government has a genuine concern for grapegrowers who suffer as a result of the failure of wineries, and this Bill attempts to afford greater protection to growers, in such circumstances. While the Bill does not prevent growers from supplying grapes to a winemaker if they have not been paid for grapes supplied previously, it gives them the option of refusing to do so, and it is hoped that it will foster better business practices among the minority of winemakers who will be affected by the Bill.

The Government stresses that this Bill merely reinforces the obligations that winemakers have as a result of terms and conditions as to payment for grapes imposed by the Prices Commissioner. As such it does not constitute further regulation of the industry. The majority of winemakers abide by the terms set by the Prices Commissioner and will not be affected by the Bill, but there are some winemakers who are slow or reluctant payers and others who accept further supplies of grapes with little or no intention of making payment, and it is these winemakers at whom this Bill is directed.

In genuine cases of a winery that is in financial difficulties and cannot pay growers, but which has a reasonable prospect of trading out of its difficulties, the Minister may allow the winery to accept grapes without settling existing debts to growers. Such an exemption could also be made where special reasons exist to allow further acceptance of grapes before full payment is made, for example when a grower has agreed to plant a specially selected grape variety at the request of a winery. Any exemption may be subject to such conditions as the Minister determines, and the conditions or exemption may be varied or revoked.

Consultations have taken place with representatives of the Wine and Brandy Producers Association and the Wine and Grape Growers Council of S.A. The winemakers agree that the Bill will not adversely affect the industry as a whole because most winemakers pay by the date

specified in the Commissioner's terms to avoid interest charges. The grapegrowers support the Bill as it will remove their fears of victimisation.

Clause 1 is formal.

Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation.

Clause 3 amends section 22a of the principal Act which empowers the Minister to fix a minimum price for grapes supplied directly or indirectly to any wine maker or distiller of brandy and to fix a period within which payment for the grapes must be made by the wine maker or distiller of brandy. The clause amends this section by inserting a new subsection (7) which provides that it shall be an offence for a wine maker or distiller of brandy to accept delivery of grapes either under a contract subject to a price fixing order or from a related purchaser who acquired the grapes under any such contract unless all amounts that have previously fallen due for payment by the wine maker or distiller or any related purchaser under such contracts have been paid in full.

Proposed new subsection (8) provides that where a wine maker or distiller of brandy is so prohibited from accepting delivery of any grapes, the contract for the supply of the grapes shall be voidable at the option of the other party to the contract. The clause inserts further new subsections empowering the Minister to grant exemptions from compliance with proposed new subsection (7) subject to such conditions as the Minister may impose and to revoke any exemption or vary or revoke a condition of an exemption. Breach or failure to comply with a condition of an exemption is to attract the same penalty as breach of the offence in respect of which the exemption applies.

Proposed new subsection (13) provides that a person is to be treated as being a related purchaser in relation to a wine maker or distiller of brandy if he purchases grapes as agent for the wine maker or distiller, if he purchases grapes for the purpose of selling or supplying them to the wine maker or distiller, if he purchases them for processing by the wine maker or distiller or if that person and the wine maker or distiller are related bodies corporate. Bodies corporate are to be treated as being related for the purposes of these provision if they are related for the purposes of the Companies Act or if the same person has a relevant interest in not less than twenty per centum of the voting shares in each body corporate.

A "relevant interest" is defined as having the meaning assigned to that expression by the Companies Take-overs Act, 1980. Proposed new subsection (12) provides that the proposed new offence is to apply to grapes delivered after the commencement of the measure whether or not the contract under which they are delivered or under which they were obtained by a related purchaser for delivery to the wine maker or distiller was made before or after that commencement. This offence is not to apply, however, where any failure to make a payment in respect of grapes previously supplied has been caused by the insolvency of the wine maker or distiller or the related purchaser, as the case may be.

Mr. BANNON secured the adjournment of the debate.

PRICES ACT AMENDMENT BILL (NO. 5)

Received from the Legislative Council and read a first time.

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

That this Bill be now read a second time.

Section 21 of the Prices Act empowers the Minister to fix maximum prices in relation to the sale of commodities declared to be subject to the Prices Act. This section was enacted in 1948 and there have, of course, been substantial changes in trading practices since the date of its enactment. It is now often necessary, as in the case of the recent order fixing wholesale prices for petroleum, for the order to focus on a particular part or aspect of the market. Some doubts have been expressed as to whether section 21, in its present form, has the necessay flexibility to allow this to be done. The purpose of the present Bill is to make it clear that an order of limited application is possible under the Prices Act.

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

Leave granted.

Explanation of Clauses

Clause 1 is formal.

Clause 2 repeals section 21 and substitutes a new section. Under subsection (1) the Minister is empowered to fix maximum prices in relation to the sale of declared goods. Subsection (2) provides that differential maxima may be fixed, and declares that the order may apply to sales generally or to specified classes of sales, and may apply throughout the State, or in specified parts of the State.

Mr. BANNON secured the adjournment of the debate.

SHOP TRADING HOURS ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (NO. 4)

Returned from the Legislative Council without amendment.

SOUTH-EASTERN DRAINAGE ACT AMENDMENT BILL (NO. 2)

Returned from the Legislative Council with the following amendment:

Page 2, lines 17 to 20 (clause 6)—Leave out "Where the authority for an area considers that a person has refused or failed to comply with any provision of this Act, or any requirement made of him in accordance with this Act, in relation to its area, the authority" and insert "Where a person refuses or fails to comply with a provision of this Act, or a requirement made of him in accordance with this Act, in relation to an area, the authority for that area".

Consideration in Committee.

The Hon. P . B. ARNOLD: I move:

That the Legislative Council's amendment be agreed to.

The amendment does not alter the objective and purpose of the Bill, and I believe that it will not affect the validity of the proposed amendments that have to go with this amending legislation. Therefore, the Government has no objection to it.

The Hon. R. G. PAYNE: The Opposition agrees to this amendment.

Motion carried.

REGIONAL CULTURAL CENTRES ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

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

That this Bill be now read a second time.

The Hon. D. C. WOTTON: The principal object of this short Bill is to provide for an increased membership for the various regional cultural centre trusts. Following a review of the boundaries of the regional cultural centres, which have in the case of Whyalla and Pirie been considerably extended, and re-named, it is deemed necessary to increase the number of members of each trust from six to eight persons. This increase will give each of the existing trusts the additional necessary representations from their expanded regions.

The basis on which the boundaries have been determined is that of Local Government boundaries. The Whyalla Trust, which is to be re-named the Eyre Peninsula Regional Cultural Centre Trust, includes all Local Government areas in the Eyre Peninsula. The Port Pirie Trust, which is to be re-named the Northern Regional Cultural Centre Trust, includes all Local Government areas in the Yorke Peninsula, Lower and Mid-North. The South East Regional Cultural Centre Trust will retain its name and its boundaries have been extended to include the District Council of Coonalpyn Downs. With the establishment of the Riverland Regional Cultural Centre Trust the whole of the State will be serviced by regional cultural centre trusts, other than Adelaide and Kangaroo Island, which are currently serviced by the Adelaide Centre Trust. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading them.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides for the commencement of the Act upon proclamation. Clause 3 provides that the Minister may revoke or vary any proclamation that designates the title of a regional cultural centre. Clause 4 increases the membership of a Regional Cultural Centre Trust from six persons to eight persons. Clause 5 increases the quorum of a trust from four to five, in line with the increased membership.

Mr. BANNON secured the adjournment of the debate.

LICENSING ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

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

That this Bill be now read a second time.

The Hon. JENNIFER ADAMSON: It makes several technical amendments to the Licensing Act to overcome problems that have arisen in the administration and enforcement of the Act, which regulates the sale and supply of liquor in this State. I seek leave to have the remainder of the explanation of the Bill inserted in *Hansard* without my reading it.

Leave granted.

Remainder of Explanation of Bill

At present the Act specifically allows the Electricity Trust of South Australia to be granted a full publican's Licence in respect of its mess and canteen facilities at the township of Leigh Creek. The canteen sells liquor and provides meals to employees of the Trust and to visitors to the township, and provides an important social facility for that isolated community. The Trust is establishing a new township at Leigh Creek South in association with the extension of its mining activities to that area. This Bill allows the Trust also to be granted a full publican's licence in respect of facilities it provides in this new township.

The Trust wants to be able to make arrangements for an independent contractor to operate the kitchen facilities of the new canteen at Leigh Creek South, under which that contractor would share in the profits of the canteen's operations. Section 141 of the principal Act prohibits such an arrangement and therefore it it proposed to exempt the Trust from the operation of section 141. The Bill replaces section 16 (2) to cater for this. The Act at present prohibits a licensee from permitting an unlicensed person to share in profits arising from operations under the licence, or to have other interests in licensed premises. Instances have arisen in the past of licensees who wish to enter into arrangements of this type, and of persons who want to obtain a licence only on the basis of such arrangements, but who do not know for certain whether those arrangements are prohibited under the Act. In the case of persons wishing to apply for a licence, the only way to determine the matter is to apply to the Court for a licence on the basis of the proposed arrangements (which can be a costly and time-consuming process) and to await the Court's decision.

The Bill proposes that persons, whether licensed, applying for a licence, considering applying for a licence, or parties to an agreement or arrangement with a licensed person or person applying for a licence may apply to the court for a ruling on whether those arrangements, whether existing or proposed, are or would be prohibited under the Act and, if so, the court is given a discretion by the Bill to approve them. If an arrangement is prohibited under the Act, the court must either take the drastic step of declaring the licensee's licence void or impose a relatively small fine of between $10 and $200. The Bill increases the amount that the court may impose as a fine to no less than $200 and no more than $500, so that a substantial fine may be imposed if a breach is not serious enough to merit declaring the licence void.

Section 192 of the Act empowers the Governor to declare any premises to be an historic inn if those premises are of national special historic or architectural interest and should be preserved for the benefit of the public generally. The effect of the wording of the Act, however, is that the Governor may only make such a proclamation in respect of premises that are or have been licensed premises after 1932. This means that many of the premises that would be most suitable to be declared historic inns, such as hotels that operated in the last century but which ceased operations before 1932, cannot be so declared. Clearly, this was not the intention of section 192. There are other problems with the section. The Government believes that it should be a requirement instead of an option that the court enquire into an application that premises be declared a historic inn, before a declaration is made.

The Government also believes that it should have power to vary conditions under which a declaration or exemption is made and to revoke the declaration or exemption if there is a breach of condition. To make piecemeal amendments to the existing section is unsatisfactory and accordingly the Bill replaces it with a new section. The new section is designed to ensure that only in proper cases are premises declared historic inns, and to ensure that historic inns do not enjoy trading advantages over their competitors. Section 20 of the Act now allows the grant of a limited publican's licence (which allows the licensee to

sell or supply liquor only to lodgers, or with meals in specified parts of the premises) only in respect of premises specifically constructed and primarily used for the accommodation of travellers. The Bill proposes that such a licence, which is the type usually granted to motels, can also be granted in relation to premises that have been adapted for use primarily to accommodate travellers but which were not constructed for that purpose.

Section 67 of the Act relates to the grant of permits for clubs that supply liquor for consumption by members on the club's premises. A club's permit may not be re-issued if, under the preceding twelve month permit, its gross takings from the sale of liquor has exceed $25 000. This upper limit was last increased in 1974, and the Bill proposes that it be further increased to $50 000 to allow for increases in the price of liquor since then. Clubs will now be able under this Bill to increase their gross takings from liquor sales to $50 000 before they have to apply for a licence. In 1976 section 68 of the Act was repealed. That section regulated the issue by the Court of packet certificates to allow the sale of liquor on boats that only travelled short distances. For longer journeys a packet licence under section 28 could be granted. The amendment in 1976 enabled the Court to grant all vessels a packet licence under section 28, and abolished packet certificates. Section 69 related solely to the issue of packet certificates under section 68, and so is now redundant. The Bill simply repeals this redundant section.

Clauses 1 and 2 are formal. Clause 3 amends section 16 of the principal Act so that a full publican's licence can be granted in respect of both Leigh Creek and Leigh Creek South. The clause also replaces subsection (2) of section 16. The effect of the new subsection is the same as that of the old except that the Trust will in future be exempt from section 141 of the principal Act as well as the other provisions specified in the subsection. Clause 4 removes a passage from section 20 of the principal Act. This passage has confined the granting of limited publican's licences to premises constructed for the accommodation of travellers. This prevents the conversion of premises built for other purposes and is an unwarranted restriction. Clause 5 amends section 67(11). Subsection (11) limits the value of the liquor that may be sold under a club permit. The new figure of $50 000 is now more realistic.

Clause 6 repeals section 69 of the principal Act. This section has been redundant since the repeal of section 68 in 1976. Clause 7 makes a consequential change to section 74 of the principal Act which will allow the court to declare a licence granted after premises have been declared to be a historic inn to be forfeited if a condition specified in a proclamation under section 192 has been breached. Clause 8 amends section 141 of the principal Act. Paragraph (a) makes a consequential amendment. Paragraph (b) increases the penalty provisions to more realistic levels. Paragraph (c) inserts three new subsections in section 141. New subsection (2) allows the court to grant an exemption from the operation of the section in specified circumstances. The subsection also allows the court to approve an agreement or arrangement that does not offend against the section. In this way the parties to an agreement or arrangement can ascertain in advance whether their proposals will be subject to the section.

Clause 9 replaces section 192 of the principal Act. An exemption or declaration made under subsection (1) of the new provision can be made subject to conditions under subsection (2) and the conditions may be varied or revoked under subsection (3). The declaration or exemption itself may also be revoked under subsection (3). Subsection (4) requires an enquiry by the court before the declaration is made. Subsection (5) ensures that declarations are made in respect of premises that are currently or have previously been licensed. Subsection (6) is a transitional provision that brings premises already declared to be historic inns under the new provision.

Mr. McRAE secured the adjournment of the debate.

RACING ACT AMENDMENT BILL

Adjourned debate in Committee (resumed on motion).

(Continued from page 2436.)

Clause 8—"Fixing the amount of betting unit."

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

Page 3—

After line 19, insert paragraph as follows:

(ab) determine the minimum number of units that may constitute a bet for the purposes of off-course totalizator betting on any form of racing;

After line 27, insert paragraph as follows:

(ab) determine the minimum number of units that may constitute a bet for the purpose of on-course totalizator betting on that form of racing;

Since this Committee debate was adjourned a lot has happened. I can inform the Committee that Miss Sportsgirl 1980 is Miss Carol Anderson, of Murray Bridge.

Members interjecting:

The ACTING CHAIRMAN (Mr. McRae): Order! The Chair has been very benevolent, but there is a limit.

The Hon. M. M. WILSON: We were discussing clause 8 before the dinner adjournment and the question of the difference between a minimum investment and an increase in the betting unit. Concern was expressed that removal of section 71 of the principal Act, the section that forces the racing codes to allow betting on a single basis, would allow the racing codes to raise the minimum investment to any amount that they wished. Of course, there is no protection in the clause, in that no Ministerial approval is required.

The amendment I have just moved gives that protection. The two paragraphs (ab) in the amendment are both subject to Ministerial control. I think that was the concern expressed by members opposite and the concern to which I addressed myself when we were considering this matter in Committee previously. Therefore, I commend that amendment. The clause will now allow the codes to determine the number of units that may constitute a minimum investment and, also, to determine what the minimum unit will be. However, both of those determinations are subject to Ministerial, and therefore Cabinet approval.

Mr. SLATER: I am pleased that the Minister has moved this amendment. I think it spells out more clearly the intention of the Bill. The Opposition supports it. We believe that it gives a wider scope so far as the clause is concerned. It does, as the Minister has said, indicate the minimum number of units that may constitute a bet. We support the amendment.

The Hon. M. M. WILSON: I wish to correct a false impression I may have given. I am not aware of, have nothing in writing and have had no official approach from the codes as to what their intentions are. It had certainly been fixed in my mind that, in fact, we would be looking at a minimum investment of $1 and that the 50c unit would be retained, certainly by the TAB and the on-course totalizator so far as dogs and the trots were concerned. I must tell the committee that I am not in possession of any official correspondence signifying the intentions of the codes at this stage. I do not want the committee to think that I have that firm information.

Amendment carried; clause as amended passed.

Clause 9 passed.

Clause 10—"Payment to board of percentage of moneys bet with bookmakers."

Mr. SLATER: The Opposition opposes this clause, for the reasons I have already given. However, I want to go further and look at the history of the turnover tax in South Australia. The tax was increased from 1 per cent to 1.5 per cent in 1964, and was further increased in 1969 to 1.8 per cent. In 1971, it was raised to 2 per cent for the metropolitan area but remained at 1.8 per cent in the country. Following the Hancock inquiry into racing, the turnover tax was raised by another .6 per cent on interstate betting but was left unchanged on local betting. Levels of taxation are now comparable with those in other States, and a further increase of .3 per cent will raise the turnover tax beyond that payable in other States. In addition, other costs incurred have increased from the bookmakers' point of view.

I want to make a comparison of turnover taxes existing in each State at present. In South Australia, at metropolitan meetings, the turnover tax is 2 per cent; on interstate races it is 2·6 per cent; for country meetings on local races it is 1·8 per cent; on interstate races at country meetings it is 2·4 per cent. In New South Wales, in metropolitan galloping it is 2·25 per cent, for country galloping 1·75 per cent, and country trots and dogs 1·25 per cent.

The Hon. M. M. Wilson: It's the other way around, isn't it?

Mr. SLATER: On my information, the figure on country trots and dogs is 1·25 per cent. In Victoria, for metropolitan meetings the turnover tax is 2·25 per cent and for country meetings 1·75 per cent. In Queensland, for metropolitan meetings it is 2·5 per cent. In Western Australia, for the first $100 000 turnover the tax is at 2 per cent, and for sums of more than $100 000 it is 2·5 per cent. In Tasmania for all meetings it is 2·5 per cent. For galloping and trots in Canberra the tax is at the rate of 1·5 per cent, and for dogs 1·25 per cent. It appears that, if the tax is increased by ·3 per cent, as proposed, South Australia will have the highest turnover tax of any State in Australia.

The turnover in Victoria and in New South Wales is far greater than has been the case in South Australia, and I have pointed out previously that additional costs are incurred by the bookmakers. Permit fees are payable, and other costs involved in wages, accounting, and so on, have increased over a period. I believe that we should consider very carefully the effect on the racing industry that this tax might create. I have said that no doubt in due course it could prove detrimental to racing generally. The Opposition opposes the clause. We consider that it is robbing Peter to pay Paul and that it in no way assists the racing industry generally.

The Hon. J. D. WRIGHT: I oppose the clause. I have been approached by different sets of bookmakers, as has the Minister. I am talking in the main of the official organisation, the Bookmakers Association, but I have been approached also by another group of bookmakers who indicated to me that they thought they had something to add to the official submission made to the Minister. The Minister has indicated across the Chamber that these people did have something more to offer in relation to this problem. I do not want to relate that to the Committee, because I would not be giving the Minister any information he does not have already. He is concurring, which is sufficient for me to believe that he knows what I am talking about.

It was pointed out to me by those groups of bookmakers that the increase in tax would certainly jeopardise some bookmakers more than others. Obviously, some are doing better than others in certain areas, referring to the grandstand bookmakers as opposed to those in the derby and on the flat. It could force bookmakers to do one of two things: to make a conscious decision that the punter will pay in the long run, or to go out of business.

I do not believe that any business man, whether extremely or moderately successful, will make a decision to go out of business. He will amend his own business propositions to such an extent that he will be able to survive; that is, if he is a good business man, as are most bookmakers. Otherwise, they would find it extremely difficult to stay in what is rather a tough game. Numerous professional punters are able to play the bookmaker at his own game by having records and computerisation programmes, betting accordingly in a methodical way, and making it very difficult for bookmakers to survive. I make a plea to the Minister. I suppose he has given fairly strong consideration to the submissions of the official section of the Bookmakers League, as well as those of the unofficial section which probably presented a submission to me similar to that presented to him. If the Minister is adamant that he must go on with this amendment, I think that, even at this late stage, he should be giving sincere consideration to those submissions. If he will not do that, I think it is necessary to take the next step and to explain to the Minister that I believe the punter will pay. In the final analysis, it will not be the bookmaker who will pay this turnover tax, but the man who keeps racing going (or the dogs or the trots), who goes along to invest a few dollars or hundreds or thousands of dollars each week. They are the people who will pay this tax, because the bookmakers will reduce their prices accordingly. If that happens, the punter's chances of winning will be reduced. If he finds it more difficult to win, he will not attend those meetings, whether they be racing trotting, or greyhound meetings, on which he likes to bet.

I believe that there is a chance that punters will support the sport while there is some opportunity for them to win but, if the odds are reduced to such an extent to cover this increase, I believe that there will be not only a major decrease in attendances at tracks, but also a strong possibility of the falling away of T.A.B. takings. I will rely on Don Scott for some of the authorities I will put to the Minister in this debate. He has written a book called *Winning*, which sells for about $25. It is a fairly expensive book for a punter to invest in, but, being a punter, I have tried this and, if you are able to mathematically follow this genius, you will have some chance of winning by punting, but I do not have the time or inclination to do it. I will give some quotes, as follows:

> The punter is the consumer of the racing game. Bar the horse, all the other participants are trying to put their hands into his pocket. These include the breeders, owners and bookmakers down to the hot dog vendors and newspaper boys at the racecourse gates.

That is an apt description of how the punter fares in this difficult game to survive. Mr. Scott continues:

> Its customers are those it entertains, and, apart from the few who enjoy racing as a spectacle, the entertainment is betting. The show may be staged on the racecourse but most of the audience are in T.A.B. branches or at home listening to the radio or watching TV.

He says that, even now, when things are not as difficult as I visualise they will be after this legislation is passed, if it survives, only about 6 per cent of people attend race meetings in Australia. That is not a large percentage. If the percentage is increased because of this legislation, the racing industry will be in some difficulties. I understand that the racing clubs themselves supported an even higher percentage of the turnover tax on bookmakers than the

recommendation. I will not quarrel with those people who ought know the industry better than I do, but it seems to me to be shortsightedness on the industry's part if it made that submission. The book continues:

> It would be wise for those who control racing to remember that the punter plays as important a role as any other section of the racing game and the welfare of racing includes the welfare of its consumers. For this reason those in control of racing should resolutely oppose any move to increase turnover tax on the punter's dollar or any attempt to establish a tote monopoly by abolishing bookmakers.

That matter is not before the Committee now, but the first part is, namely, taxing the punter's dollar. The Minister will have to agree that, finally, this provision will get back to the punter, and I believe that that will affect the racing game. Mr. Scott continues for a couple of pages about the theory and then says:

> This is not just theory. In Britain a Conservative Chancellor Reginald Maudling raised the tax on fixed-odds football betting to an unrealistic level of 25 per cent—later increased to 33 per cent—and thus reduced a growing fixed odds turnover of over $45 000 000 in 1963-64 to less than $1 500 000 in 1970-71, with the correspondingly disastrous loss of Government revenue.

While that was a fairly drastic effect and I am not suggesting that the amendments to this could be as drastic, I warn the Minister that I think it is possible that there could be a heavy reduction in the sum invested once this legislation is concluded. The final quote states:

> In its Final Report (1978) the British Royal Commission on Gambling takes the same point of view. The Commissioners state "The people who provide the subsidy for racing are ultimately the punters. The amount of the levy (or tax on betting) and the way in which it is spent ought therefore to be determined primarily in accordance with the interests and the views . . . of the punters."

I wonder whether the Minister has considered the views of the punters. Have any punters seen the Minister to put their point of view, or has he asked them to come along? Have the punters put any propositions to the inquiry and were those representations considered by the Government? Here is clear evidence of what has happened in the past and what effect it can have on punters. The quote continues:

> The Commissioners add, "We have also found it difficult to ignore some considerations of social justice . . . The punters who pay are often drawn from the lowest paid members of the community. The owners who would principally benefit from an increase in prize money are among the wealthiest."

We used to call racing the sport of Kings many years ago, but I do not believe thay they keep it going any longer or that the wealthy people who might be fortunate enough to own racehorses keep the game going any longer; it is the average person who wants to have his $1 or $10 on a horse and, unless we take care of those people in whatever legislation we pass, clearly there is some chance that the game will fail. If you have no punters, you may as well not hold a race meeting. It is the only thing the Government gets revenue out of and the only thing that keeps the clubs going, because people are prepared to bet.

If they are not prepared to bet, because of having little chance of winning, because of reduced prices or by having a higher turnover tax, the industry will fail, whereas it ought to be flourishing. I support the industry and go to the races probably more often than does any other honourable member, not very successfully, but my support is there. Mr. Scott continues by saying:

> Fortunately punters in Australia are not so stupid. They are intelligent, knowledgeable and articulate in a nation with an egalitarian tradition that is still a dream in France. They are perhaps the best served gamblers in the world but this does not mean that things cannot be improved, especially for off course punters who make up the majority of the racing game's consumers.

I would like to keep the level of interest in racing as high as Mr. Scott points out it already is in Australia. I do not believe that this part of the legislation will enhance that situation. I put to the Minister that, even at this late stage, he should reconsider the Government's position in relation to this turnover tax and, while he may not be prepared to withdraw it, he may at least consider the points I have made, corroborated by Mr. Scott's book. At least there is some chance that the Minister should relent in this attack on bookmakers and punters, and reduce the turnover tax, as suggested in the amendment, which I oppose.

The Hon. M. M. WILSON: I deny completely and categorically that this is an attack on bookmakers and punters. The Deputy Leader mentioned that, if we increased this tax on turnover, we would be doing great harm to the racing industry and the punter and, in his opinion, it would cause a reduction in the number of people attending the course. If that is the case, we might as well throw the whole Bill out of the window, because it is designed to put the racing industry in South Australia back on its feet after a most exhaustive inquiry by three people who, I think, have been accepted without question by the racing industry. It does not making sense.

The Hon. J. D. Wright: To you it doesn't but a human being can make mistakes.

The Hon. M. M. WILSON: I do not deny that, and I suppose that Oppositions and Governments make mistakes.

Mr. Mathwin: And punters.

The Hon. M. M. WILSON: And punters make mistakes. We received submissions, and the Deputy Leader knows from whom they were received. Those submissions were given the greatest consideration, because some of the arguments were persuasive. The second group to which the Deputy Leader referred put forward compromise schemes that were considered in great depth by the Government. As I explained earlier, the whole purpose of this Bill, and particularly of this clause, is to give back revenue to the racing industry and the clubs. This increase in revenue from the increase in turnover tax will go to the clubs and not to the Government. The only part of it that will go to the Government will be the increase that comes from the betting shops at Port Pirie, and that is a very small amount in the scheme.

Mr. Keneally: They are very important.

The Hon. M. M. WILSON: I know that they are very important, but I indicate to the member for Stuart, in case he was not aware of it, that the increase in the turnover tax on those betting shops will go to the Government. The bookmakers put up a very strong submission to the committee of inquiry, which I am sure the Deputy Leader has received (I am sure that he was given a copy, as I was). That submission was put to the committee by none other than the Hon. Hugh Hudson, and I do not think that there would be a better advocate in South Australia for that cause and for many other causes. I do not believe that anyone in this place would doubt the ability of the Hon. Hugh Hudson to put a case forcibly and with strong argument.

Notwithstanding that, the committee of inquiry recommended that there should be a .3 per cent increase in the turnover tax as part of a whole package of financial recommendations, all of which we are dealing with here except the question of Databet. I know I am straying from

the clause, Sir. The Government had to decide whether it would accept its committee's findings (and the committee took 12 months to come up with those recommendations).

The Hon. J. D. Wright: Will you accept all the findings of every committee in the future that you are going to appoint?

The Hon. M. M. WILSON: I did not say that, as the Deputy Leader knows.

The Hon. J. D. Wright: You don't have to say that.

The Hon. M. M. WILSON: The Deputy Leader knows I did not say that. The Government will not necessarily accept all of the other findings of the committee, but in this case it had to decide whether it would accept the committee's findings or the recommendations in the submission from the Bookmakers League and other interested parties. The Government came to the conclusion, after deep consideration, that it should accept the findings of the committee and seek to increase the turnover tax by .3 per cent.

We all get ourselves into a contradictory situation sometimes, and one of the main points in the bookmaker's submission was that there should be no after-race pay-outs for the T.A.B. Because some members consider that after-race pay-outs would have far greater effect on racecourse attendance than an increase in turnover tax of .3 per cent, they have said to me, as no doubt they had said to the Deputy Leader, and as no doubt they will say to members in another place that that will be passed on to the punter. I am not a mathematician, and I do not know how one can adjust odds finely enought to cater for .3 per cent increase, but I have no doubt that a way will be found. I cannot really see—

Mr. Slater: You just turn the knob.

The Hon. M. M. WILSON: If the knob is turned too much, they will be deserving of the opinion that the punter will have of them.

The Hon. J. D. Wright: You will be responsible for them.

The Hon. M. M. WILSON: They may turn the knob too much, because it is only .3 per cent. I am not a mathematician and I would not like to work it out.

Mr. Keneally: Actually, I think you are a penguin.

The Hon. M. M. WILSON: I am glad that the member for Stuart is impressed. Miss Sportsgirl was impressed, too. I make that point, because some members of the Opposition have said that they support after-race pay-outs.

Mr. Slater: It is not part of the legislation, is it?

The Hon. M. M. WILSON: It is connected with this clause, in that the bookmakers are bitterly opposed to after-race pay-outs, and in that they have the support of the racing clubs. Once again, members opposite are in a contradictory situation. They support after-race pay-outs—

Mr. Keneally: For country T.A.B.'s.

The Hon. M. M. WILSON: There we have a difference, but we are starting to stray from the clause. I assure the Deputy Leader that this matter was given the utmost consideration and a great deal of deep thought, by me and then by Cabinet. Obviously, I will not tell the Deputy Leader what happened in Cabinet. Because of that, the Government has decided to press ahead with the legislation.

The Hon. J. D. Wright: You just told me.

The Hon. M. M. WILSON: Would the Deputy Leader rather I was not so frank?

The Hon. J. D. Wright: No, I am grateful for your frankness. You got rolled.

The Hon. M. M. WILSON: The Deputy Leader can make any assumption he likes. It will not be confirmed or denied by me. The utmost consideration was given to the matter, and the Government has decided to press ahead with the Bill.

Mr. MAX BROWN: We are talking about two things in relation to this Bill that have a great bearing on the future viability of the racing industry. The Minister quite rightly pointed out that one issue is off-course TAB. One of the major reasons why the Opposition supports strongly the after-race pay-outs is the fact that it will increase substantially the turnover of the T.A.B. off-course, which provides the revenue for the racing industry.I believe that that is conceded by everyone. However, this clause attacks the other concept that is so important to the racing industry, the provision of on-course betting through a bookmaker. It is all very well to say that this clause does not attack the bookmaker, and I take the Minister's concept very kindly, but I do not believe that the Minister wants to attack the bookmaker. This is not the reason behind the clause.

I put to the Minister quite seriously that this clause will, indirectly and ultimately, attack the bookmaker, particularly the person who is at this stage experiencing some financial strain. Figures will show that some bookmakers are under financial strain and, if they are put under more pressure, whether the Minister likes it or not, they will be turning the knob and the punters will pay.

The Hon. M. M. Wilson: How many points does he drop his odds to cover .3 per cent?

Mr. MAX BROWN: Like the Minister, I am not a mathematical genius, but it does not take many brains to work out that, if he starts turning the knob, it will come down a point, and he will gain overall. The thing that intrigues me about this is that the industry is in some difficulties, yet if we look at the attendance figures overall we find that in the metropolitan area of Adelaide the figures supplied by the South Australia Jockey Club show that average attendances for 1978-79 were 10 400. In Sydney, which is three times as big on a population basis, the average attendance was 12 100. I question why South Australia is in such dire straits, having regard to those figures. One of the reasons why people go to the races is that they can bet with bookmakers.

Mr. Slater: That is the major attraction.

Mr. MAX BROWN: Yes. I do not know whether the Minister has done any betting at all—

The Hon. M. M. Wilson: I was in the ring a few weeks ago.

Mr. MAX BROWN: Then the Minister would know that the major difference for punters between a bet with a bookmaker or a bet with the T.A.B. is that the punter can walk into the ring, shop around and get the best possible price. Once the bet is placed, the price remains. This cannot be done with the T.A.B., and that is what is wrong with that system. The punter cannot shop around; when he puts his money on with the T.A.B. the odds may be 6/1, but by the time everybody else has placed a bet the odds could be odds on.

Although the Minister may not be aware of it, he is attacking the form of betting that is the major attraction to on-course punters. If we are attempting to get the punters back through the turnstiles of Victoria Park and Cheltenham, and so forth, we ought not to be attacking this type of betting; we should be trying to boost the attendances, and not attacking the major reason why punters go to the races. This clause will do nothing in regard to that aim. It is very disturbing to think that, although we all agree that we must get people back on to the racecourse and that off-course we must get people to invest more in the T.A.B., it is a pity that this clause, through weight of numbers, will go through. However, I

do not think it will play any major role in trying to bring about the situation that we want, namely, to get people back on to the racecourse. I hope that the Minister will have a look at this matter at another time.

Mr. SLATER: The history of the turnover tax from 1960 has been one of substantial increase as time has gone on. There is a limit to the extent to which we can tax the bookmaker. In monetary terms, based on 1979-80 turnover, the Bill means that there will be an additional tax payable of $505 000. If we take off the betting tax which is proposed, which is $112 000—

The Hon. M. M. Wilson: It is stamp duty.

Mr. SLATER: I am sorry—the stamp duty on betting tickets will be $112 000, so the net amount payable each year based on 1979-80 turnover will be $303 000.

The Hon. M. M. Wilson: The money will all go to the clubs.

Mr. SLATER: Yes, it will all go to the clubs, and the emphasis in this debate has been on the racing aspect, the galloping aspect, of the industry. I go to the races only on rare occasions, and I do attend trotting meetings occasionally. Of the three racing codes, trotting has suffered the greatest difficulty in maintaining its financial viability, and it is fairly obvious to me, as a patron on occasions, that the crowds at Globe Derby are not as large as the trotting club expected when it made the shift from Wayville some years ago. There have been problems for the trotting club. It was suggested that Globe Derby was the wrong site, but the problem was access to the track, and the Cavan bridge was also a problem. Members will remember the arguments in regard to the two-way bridge at Cavan. However, people are now able to get easy access to Globe Derby Park, yet that was supposedly an impediment in regard to attendances at Globe Derby Park. With the exception of last Saturday night, when a special type of event was held, during the last 12 months attendances have been much improved over those of the preceding 12 months.

The Hon. M. M. Wilson: If clubs receive more money they will be able to have more of the special functions to which you have referred.

Mr. SLATER: True, but, if bookmakers were not on course, that affect would not be achieved. If they are not providing patrons with the opportunity—

The Hon. M. M. Wilson: You don't believe that an increase of ·3 per cent will take the bookmakers off the course?

Mr. SLATER: It will not take the bookmakers off the course, but it may take the punters off the course if they do not get reasonable odds. It is generally accepted that, from the punters' point of view, the odds for trotting are much worse than they are for the gallops. I understand that is the case; I do not say that with any great deal of expertise, but that fact has been expressed to me by people who claim to have expertise in this matter.

I accept that trotting odds are far more unsatisfactory from a punter's point of view. However, it has been shown in the report that 63 per cent of the total turnover is obtained by 30 per cent of the bookmakers. So, it is fairly obvious that many of them are not making a great profit. Also, I believe that many bookmakers have a second area of employment, that they are not working full time as bookmakers. It is fairly obvious that, over the last 10 years or so, bookmakers have had some difficulties in maintaining their net profits.

The Minister mentioned the fact that the Bookmakers' League made strong advocacy to the committee of inquiry. No doubt it did. I also have a had a copy of the submission made by the Bookmakers' League.

On the other hand, I think the Minister will accept that strong representations were made on behalf of the clubs, and the committee had to balance the submissions made by all parties. I agree that the report is a good one and I accept most of its recommendations. Some I do not accept, and I have no doubt that the Minister feels the same way. We are looking to improve the racing industry, an important industry to South Australia, and we want to make sure that it works. The purpose of the exercise is not to shift the balance of responsibility from one section of the industry to another.

I believe that there is a general misconception in the community that bookmakers are normally fairly wealthy and affluent people. This may be so in some cases but on a general basis, according to the figures in the report and statements made by the advocate for the Bookmakers League, it is not the case. Many bookmakers, over a period of time, especially if the flat enclosures no longer exist in metropolitan racing, will go out of business. As fewer bookmakers compete, so the competition will be keener. Efforts perhaps will be made to retrieve the turnover by having fewer bookmakers so that there is a greater turnover to be divided among those remaining in business, but that will not solve the problems of the racing industry. We want to ensure that all those participating in the industry—owners, trainers, bookmakers, racing clubs, and punters—get a fair go and that one section of the industry is not working to the detriment of another. They must work together. If it is fair and reasonable, the industry must prosper. The real problem is that the T.A.B. turnover has not returned what was expected, and the racing clubs consequently are finding themselves in some difficulty.

The Committee divided on the clause:

Ayes (20)—Mrs. Adamson, Messrs. Allison, P. B. Arnold, Ashenden, Becker, Billard, Blacker, D. C. Brown, Eastick, Evans, Glazbrook, Goldsworthy, Lewis, Mathwin, Olsen, Rodda, Schmidt, Tonkin, Wilson (teller), and Wotton.

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

Pairs—Ayes—Messrs. Chapman, Gunn, Oswald and Randall. Noes—Messrs. L. M. F. Arnold, Corcoran, Langley, and Whitten.

Majority of 4 for the Ayes.

Clause thus passed.

Clauses 11 and 12 passed.

Clause 13—"Offences in respect of bookmaking."

MR. KENEALLY: Once again, I indicate my concern that the increase from $500 to $1 000 in penalties for persons placing a bet discriminates against country punters. People living in the city have an opportunity to go to weekend race meetings, and they have T.A.B. agencies within a reasonable distance of where they live if they wish to place a bet. People living in the country do not have an opportunity to attend race meetings to have an on-course bet and very limited T.A.B. facilities are available to them. A person in the country who wishes to place a bet is often forced to break the law.

I believe that, before the Government increases the penalty for a person placing a bet in the country, it should provide that person with adequate betting facilities somewhere else. If the present situation is not to be changed so that people are not forced to break the law, it is unreasonable to increase the penalty. I have no argument with the increased penalty for the bookmaker in the country. I am not prepared to argue that point.

However, I strongly believe that it is unreasonable to increase the penalty on those people who, by the very

nature of the service we provide them, we are forcing to break the law. Will the Minister consider the points I am making? I understand the difficulty in proclaiming certain parts of the legislation, and not other parts of it. I believe that my point is valid. I know that it is a strongly held view of my constituents in Port Augusta. In Port Pirie, the position is different and people have access to seven licensed betting shops, but that is not the case in Port Augusta or Whyalla. In every other major country town, people will have to travel 300 or 400 kilometres in order to participate in on-course betting at a race meeting. This is a matter which I am sure the Government could look at, and undertake not to increase the penalty on country patrons who bet, until adequate alternative facilities are available to them.

The Hon. M. M. WILSON: The member for Stuart was concerned about people in the country and the effect on them of the $1 000 fine, and he made the point in his words that they had to break the law. This is a maximum penalty. If he has read the report of the committee of inquiry, he will realise that it recommended that the Government should impose minimum penalties in all of these categories, not only the categories to which he has referred, but to the category of illegal bookmaking. The committee took the view that, if any crack-down was going to be successful, as it appears to have been in New South Wales, minimum penalties would have to apply, but the Government did not wish to pursue that recommendation.

The Deputy Leader asked whether we accepted all of the committee's recommendations; we did not accept this one. At this stage we think it might be too Draconian. The philosophy of minimum penalties is a matter for another debate at another time. Strong recommendations were made for minimum penalties, but they have not been included in the legislation; there is a maximum penalty only. Therefore, it is a matter for the magistrate or judge to decide. There is no doubt that, unless we show that we mean business with the imposition of penalties in relation to the $50 000 000 to $150 000 000 illegal bookmaking take (no one seems to be able to put an exact figure on it but, cutting it down the middle, and saying that it is the same as the total T.A.B. turnover, which is about $115 000 000, it is a lot of money), we will not have an effect on S.P. bookmaking as they have had in New South Wales. I assure the member for Stuart that I will be looking at the question on the country punter, and how he is disadvantaged, and, if the honourable member believes that he is disadvantaged because of lack of facilities, we will also look at that, but the Government was not prepared to alter the recommendation.

Mr. KENEALLY: I am disappointed in the Minister's response. If there is a crack-down on illegal betting at Port Augusta, so that all the S.P. bookmakers are prevented from operating, the punter will be expected to place his or her bet at a T.A.B. agency at Port Augusta. If the Minister thinks that that will have the dramatic effect in the country that it has had in New South Wales, it is a pipe dream, because the facilities are not there to be able to cope with the demand for betting in towns such as Whyalla and Port Augusta, and that is where this discrimination takes place. In areas where alternative betting facilities are available to the people, the logic of the Minister's point is clear, and it will have the effect that it has had in New South Wales. Where no alternative facility is available, we are taking away an illegal facility by the imposition of a heavier penalty on people who are forced to punt illegally. The Minister is not going to do anything about that, but he should consider providing adequate facilities in the T.A.B. agency at Port Augusta and at Port Pirie to enable those agencies to cope with the demand that will inevitably come as the result of this Bill's becoming law. My point is still valid. I am disappointed that the Minister cannot see his way clear to take any action.

The Hon. M. M. WILSON: I have already said that I will examine that matter.

Mr. MAX BROWN: I concur in what my colleague has said about the question of the penalty for a person guilty of an offence, for the reasons he has given. I do not want to deal with that at this stage, but perhaps the Minister could inform the Committee why it has been decided that the penalty for S.P. bookmaking should be doubled in a monetary way but halved in regard to the penal provisions. If a person believed that he would go to gaol for six months instead of three months, I think then that would be more of a deterrent than would the doubling of a financial penalty. Perhaps the Minister could say how the penalty system was reached.

The Hon. M. M. WILSON: I can only say that, like all legislation, the provisions of this measure will be reviewed after it has been in practice. Honourable members will want to know how it is going and whether it is having an effect on S.P. bookmaking. If the provisions are inadequate, the matter will be considered.

Clause passed.

Remaining clauses (14 to 16) and title passed.

Bill read a third time and passed.

LOTTERY AND GAMING ACT AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 2284.)

Mr. SLATER (Gilles): This Bill proposes a number of amendments to the Lotteries and Gaming Act that are of a varying nature. First, clause 3 amends section 4 of the principal Act and proposes to include defintions in relation to betting and will provide that the definition of "bookmaker" includes a bookmaker's agent. It also proposes exempted lotteries and allows for trade promotion lotteries. The Opposition has some doubts about trade promotion lotteries, but I do not intend to pursue that matter at this stage, because it is the subject of another Bill that will come before this House in regard to the Trading Stamps Act.

This Bill gives power to make regulations in regard to the conduct of free lotteries and for the advertisement or promotion of those lotteries. It is important that the rights of participants in lotteries or competitions of that nature are protected and that conditions and penalties are prescribed for proper conduct, to check the *bona fides* of promotors, to eliminate spurious schemes, and to protect the participating public. My colleague the member for Ascot Park gave an example in this House recently of a game known as Aussie Pools, in which no entrance fee is required from participants. The information given by the honourable member indicated quite conclusively the need for some control over schemes of this nature. Therefore, the Opposition supports this part of the Bill.

The Bill also proposes to insert a new section 59a in the principal Act to allow for the declaration of certain things as an instrument of unlawful gaming. I understand this proposal has arisen as a result of the introduction of an electronic machine activated by a coin or a token known as "in-line bingo". I understand that it is a product of a well known manufacturer of poker machines, the Bally Corporation, and is distinguished from other amusement machines because it can pay up to 300 free games, either by automatic pay-out of coins or tokens. It is possible that

cash credits can be given in lieu of the free games won, and, as the Minister indicated in his second reading explanation, this has come to the attention of the Government. The Opposition supports this clause of the Bill, but I indicate that we intend to move an amendment in Committee to cover the control of machines for amusement and things of that nature, whether for gambling purposes or otherwise.

The other clauses of the Bill seek to increase substantially the penalties for betting and gaming offences as recommended by the racing inquiry. While the Opposition supports these clauses, I make the point that penalties cannot be effective without adequate law enforcement, and, in association with law enforcement, a campaign is needed to advise the public that illegal or S.P. bookmakers do not make any contribution to society, to Government revenue, or to the racing industry. They contribute to the decline of the industry on which they rely to obtain the opportunity to invest.

I have said previously that there is general misconception in the public mind that S.P. betting is not harmful; in many cases, it is considered acceptable, and I urge the Government to initiate a campaign to overcome this misconception and to promote as much as possible the legal avenues of gambling through the T.A.B. and licensed operators. The proposed increased penalties are very substantial, but whether they are sufficient to eliminate or deter S.P. betting and illegal gambling is problematical unless the matters that I have previously mentioned are considered. The Opposition supports this section of the Bill.

The Hon. PETER DUNCAN (Elizabeth): I refer to the clauses of the Bill that, as the Minister has pointed out in his second reading explanation, are in association with amendments to the Trading Stamps Act, which are before this or the other place at this time. I have looked carefully at the provisions of this Bill and the other Bill. Mr. Speaker, could I have ruling? Is it appropriate to refer to the other Bill during this debate? The Minister certainly referred to that Bill in his second reading explanation.

The SPEAKER: In answer to the honourable member, I indicate that this House is not yet in possession of such a Bill.

The Hon. PETER DUNCAN: The section of the Bill I want to refer to proposes to ensure that certain types of lotteries referred to as "trade promotion lotteries" be permitted in South Australia. I suppose in a sense this section of the Bill is ancillary to the Trading Stamps Bill, 1980, which has now been dealt with in another place. It is interesting that this Government should have chosen to introduce this measure at this time, because, whilst the benefit to the public of such lotteries may not be very great, it is quite well known that the benefit to certain manufacturers is very great indeed.

Judging from the Eastern States, for example, the commercial organisations that are best able to take advantage of this particular type of lottery are the newspapers and magazines, and so some of us who saw the performance of the *News* Limited during the last State election campaign have not been very surprised to see that the Government chooses to put this piece of legislation very high on its legislative priority. One would have expected that, in dealing with this matter, the Government might have followed the review of the South Australian Trading Stamps Act of May 1979 prepared by an officer of the Department of Public and Consumer Affairs. When one looks at that report, one sees that the types of competition run by newspapers (and to give an example, one is a competition called "News Telewords"), and the report says the following about this type of competition:

> This offer was issued in connection with the sale of goods and therefore breached section 5 (1) *(b)*. This competition differed from the Pub Squash competition in certain important respects. First, there was an official entry form which was available in the *News*, and only in the *News*, so that purchase of a product was involved. Second, the competition did not involve a one-off event, but required entrants to both gain access to a copy of the *News* each day for five days and to watch particular programmes on Channel Nine—

which, of course, at that stage, as everyone knows, was owned by the *News*—

> each day for five days. These two conditions made the competition a short-term tying agreement, and with only a small chance (one prize in total) of gain. For these reasons, promotions of this type seem much less desirable than those of the Pub Squash type, and should be prohibited.

That was the advice received at that time from the Government department concerned with the Trading Stamps Act. However, what do we find this Government doing? The Government is not taking that particular advice, of course, and is proposing to implement legislation which will enable such competitions to take place. As I have said, it is hardly surprising to members on this side of Parliament to find that the Government is kowtowing to the newspaper magnates. My information is that Mr. Simon Galvin, of *News* Limited has made representations to the Government about this matter and has received the necessary assurances which have led to this piece of legislation.

The Hon. M. M. WILSON: I rise on a point of order, Mr. Speaker. I believe that the member for Elizabeth is debating another Bill. He is debating a Bill which seeks to remove all trading stamp practices except third party trading stamps, whereas this measure is designed to bring in regulations for the control of free lotteries.

The SPEAKER: I uphold the point of order. The member for Elizabeth did ask earlier whether he was able to refer to a Bill which was in another place as the Minister had done in bringing down the second reading of the Bill. I did indicate to him that such a Bill was not in possesson of the House, which implied that he did have the opportunity to refer to it. I draw to the member for Mitcham's attention that it is the Lottery and Gaming Act Amendment Bill that he is debating and that the brunt of his argument must be on the clauses of that Bill.

The Hon. PETER DUNCAN: You, Mr. Speaker, have done me a great disservice by referring to me as the member for Mitcham. I am quite sure that you intended no offence by that, and I will accept your comment at this hour of the morning in that light. I wish to place on record that I have not ever been and I hope that I will not ever be the member for Mitcham in this place.

The SPEAKER: I ask the member for Elizabeth to come back to the clauses.

The Hon. PETER DUNCAN: I accept your ruling, Mr. Speaker, but it is difficult to debate this measure without referring in great detail to the other Bill, because this measure to which I am referring (the measure relating to trade promotion lotteries) is very much ancillary to the trading stamps legislation.

The Hon. M. M. Wilson: This brings promotions into where there would be a vacuum otherwise.

The Hon. PETER DUNCAN: Indeed, it will, but there is not a vacuum at present, because the Trading Stamps Act at the present time fills that vacuum. I think that it is quite unfair of the Government to have introduced this legislaton in the fashion that it has, because this Parliament is, in effect, having to debate an ancillary piece of legislation before the main piece of legislation is before the House. What a ridiculous situation that has created.

I thought, when I first saw that the pieces of legislation had been introduced in different Houses, that the Government must have been trying to slip them through without anybody realising the important relationship between them. However, when I read the Minister's speech I realised that he had referred in considerable detail to the trading stamps legislation. It is quite unfair of the Government to expect this House to be able to debate this Bill without having the main piece of legislation before it. I resent that strongly, because I believe that this piece of legislation—and more importantly the trading stamps legislation—is intended to bring about a rort, no doubt worked out in the past between this Government (maybe when it was in Opposition and certainly during the time it has been in Government) and the Murdoch organisation, to enable that organisation to be able to run various types of free lotteries through that newspaper. Anybody familiar with politics, particularly in this country, knows full well the way Mr. Murdoch operates and the way he doles out his political favours to those who kowtow to him in matters such as this. It would not be any surprise to members opposite to know the sorts of—

The SPEAKER: Order! I ask the member for Elizabeth to come back to the clauses of the Bill and relate his remarks to a particular clause or clauses.

The Hon. PETER DUNCAN: Indeed, Sir. The Bill before us provides in clause 3 for a definition of trade promotion lottery. Clauses 4 and 5 provide for the regulation of those lotteries. The sorts of lotteries that are intended to be controlled are those run by newspapers in other States. One well-known example of this is run by the *Sun* newspaper in Victoria and called "Find the ball". It is quite well known that such lotteries quite dramatically increase the number of newspapers sold by those companies. There is no doubt in my mind (in fact, I have information to this effect, as I have said) that Mr. Simon Galvin of the *News* has made representations to this Government specifically on this point.

The Hon. M. M. Wilson: He has not made them to me.

The Hon. PETER DUNCAN: He has made them to the Premier.

The Hon. M. M. Wilson: The Premier had no drafting input into this Bill; it was all my initiative.

The Hon. PETER DUNCAN: The Cabinet had nothing to do with it, I suppose. The co-ordination necessary between this legislation and the Trading Stamps Act is a pure figment of the imagination?

The Hon. M. M. Wilson: I did not say that I did not discuss the matter with the Minister of Consumer Affairs. What the honourable member is saying is ridiculous.

The Hon. PETER DUNCAN: What I am saying is that this Government is kowtowing before the Murdoch organisation with the specific intention of ensuring that Mr. Murdoch can operate these quizzes to ensure that he can sell a few more newspapers. What benefit that is to the people of South Australia is absolutely beyond me. One has only to look at the *News* day after day to see that anyone who purchases it certainly would not get any benefit out of it.

Dr. Billard: Are you objecting to his trying to sell more newspapers?

The Hon. PETER DUNCAN: I am objecting to this Government's changing the laws of this State at the bidding of a newspaper magnate.

An honourable member: Just because it was in its favour at the last election:

The Hon. PETER DUNCAN: Exactly.

Dr. Billard: You haven't established that.

The Hon. PETER DUNCAN: I am making the point, and one would have to be tremendously naive not to realise the very considerable political debt owed by this Government to the Murdoch organisation. I am making the allegation that Mr. Simon Galvin has been to see the Premier over this very matter. It has been reported to me that that is the case and that he, in fact, has leant on the Premier to ensure that this legislation is given high priority by this Government. Here we are, sitting late at night, in the last week, we are told, of the sitting of the House for this year, on this matter. It is not as though this matter could not have waited until the February session. It is not a particularly urgent piece of legislation so far as the community at large is concerned, but something has caused the Government to feel that it has a degree of urgency about it.

One does not need to have a great imagination to realise why this Government is proceeding with this matter with a great deal of urgency. I think it is a disgrace and a further example of the way this country's politics is slowly but surely being strangled in the interests of the newspaper magnates, particularly Murdoch. I think for this Government to have brought this measure before the Parliament at this time and in this fashion is a clear indication of the political debt it owes to Murdoch and the *News*, and it leaves a nasty taste in one's mouth to think that this Government apparently can simply be bought and sold by a newspaper chain such as the Murdoch organisation. I think it is a disgrace to the Government and a shameful day for this Parliament that this Bill has been put before us. I hope that the Minister will be able to give us some good reasons why it is urgent at this time.

I doubt that he will be able to do it, however. I hardly imagine that he will have the political courage to say, "The debt we owe Mr. Murdoch had to be repaid before Christmas this year, and therefore the legislation is urgent." He would hardly say that before Parliament. He would not last long in the Ministry if he was to be as forthright and honest as to say that. I think the Bill is a disgrace to the Government and, as I have said, it is a shameful day for the South Australian Parliament when the Murdoch organisation can exercise this sort of power and influence over this Parliament and over this Government.

Mr. TRAINER (Ascot Park): I support the Bill in basically the same terms as those expressed by the member for Gilles and the member for Elizabeth, who have expressed strong viewpoints on the provision relating to trade promotion lotteries, and I am sure that they have put those view points well, and most forcefully. I rise to comment on a slightly difficult aspect of that provision, that is, the incidental benefit that it provides insofar as it relates to the lucrative rackets such as Aussie Pools being brought under control.

I have spoken on this subject on 1 July and 7 August and I have put a whole series of Questions on Notice to the Minister about Aussie Pools, which was run by a company named Pro-win Australia Limited. I understand that organisation has subsequently collapsed, but it was directed by a couple of gentlemen of dubious character, Mr. Van Reesma and Mr. Wheeler.

Mr. Slater: Wheeler dealer?

Mr. TRAINER: Yes, Wheeler dealer, as the member for Gilles suggests. Much research went into my comments on those gentlemen and their firm earlier this year, as can be evidenced by referring to the *Hansard* reports of that time. This firm approached small businesses in the metropolitan area and later in rural areas.

The SPEAKER: Order! I ask the member for Ascot Park to identify the clause or clauses to which he is referring in his current contribution.

Mr. TRAINER: I refer to clause 3 (c) and clause 5 (j) in regard to trade promotion lotteries, which include the free lotteries about which I am now trying to make some comments, with your assistance Mr. Speaker. This particular firm operated a lottery—

The SPEAKER: Order! I would not want the honourable member to believe that I was giving him assistance as such. I am purely and simply asking the honourable member to identify the clauses to which he is referring. That should not be construed as assistance.

Mr. TRAINER: Thank you, Sir. The method used by this firm was to approach small firms on the basis that they would gain trade by supporting a free lottery that would be conducted through their premises, based on the football rounds played during the South Australian National Football League season. One entrant, who was a constituent of mine, claimed to have won $500 as a consolation prize in this competition and was denied that prize on the basis that he had put in multiple entries.

There was some contention about just when the organisers had introduced that particular rule. I discovered that lotteries of this nature, or free competitions of this nature, were exempt from laws, that they were not covered by the Lottery and Gaming Act or by the Trading Stamp Act, and that the organisers literally were able to change the rules as they went along. I futher discovered that the type of organisation that was operating this competition had worked out its odds well. The company was unlikely to have to pay out on any particular weekend, as the odds against someone picking all 10 teams in the order of their score was about 3 500 000 to 1: in fact, to be more precise, it was 3 628 800 to 1.

There was a possibility of their gaining substantial revenue through shopkeepers taking part in this trade promotion lottery putting down $89 deposit at the start of the season and paying $19.50 a week. Therefore, they would collect a substantial amount of money without much danger of having to pay out. Obviously, there was a fairly substantial return for the people involved, or there should have been. However, as I mentioned before, I have heard that they went bankrupt. There was very little return, apparently, for delicatessens, butcher shops, liquor stores, and other small businesses who took part in this promotion in the expectation that they would receive trade. Those small businesses seemed to receive very little return for their investment.

However, when they discovered they had been duped into participating, they were unable to pull out, because if they did they discovered that they had signed what amounted to binding contracts earlier in the season. If they attempted to withdraw, they would be hit with bills ranging from $58.50, in one case that I saw, up to $330. This was an apparently lucrative operation for the organisers of Aussie Pools. I calculated that somewhere between $70 000 and $80 000 passed through their hands in the course of the year. That was a fairly large amount for people operating an unlicensed lottery in which they were able to make up their own rules and change them as they went along.

This operation was similar to a large scale version of the old chook raffle held in pubs. There was no requirement that at the end of the season the jackpot would be paid out. A couple of small businessmen suggested to me that, since the shopkeepers were paying for this organisation through their contributions for taking part in it, the pools should have been returned to them, but, of course, there was no requirement along those lines. No advertisement of results appeared for the last two rounds of the season. Apparently, the organisation collapsed.

Even if the organisation had continued and had paid out a $15 000 jackpot, there would still have been at least $60 000 or so to cover expenses. The whole organisation of Aussie Pools was somewhat odd and I hope that one incidental benefit of this clause of the Bill will prevent something like this happening in the future. This legislation will certainly not help my constituent who was not able to receive the prize he thought he was entitled to or any other entrants who may feel that they were deceived by the organisers of this type of racket. At least this Bill will prevent another Aussie Pools type operation occurring next year when its organisers are freed from whatever institution they happen to be in at the moment. I commend the Minister for his introduction of at least that aspect of this Bill.

The Hon. M. M. WILSON (Minister of Transport): I wish to address my remarks to the member for Elizabeth. I congratulate other members who have spoken to this Bill, but the member for Elizabeth made some incredible accusations. I will tell the member for Elizabeth why this Bill has been introduced at this time. This Bill contains consequential amendments to the Racing Act which have just been dealt with, and which must be considered by the House at the same time. Secondly, it has brought to the House this particular question of free lotteries because of the activities of such people as those referred to by the member for Ascot Park.

As the member for Ascot Park has just explained, he brought to the attention of the House, and to myself as Minister before he spoke, the activities of Aussie Pools Limited. It is particularly for that reason that this amendment to the Lottery and Gaming Act was brought forward as quickly as possible.

It had to be brought forward also because of the other Bill to which the member for Elizabeth has referred. It was obvious that it should be introduced at this time. The member for Elizabeth accused us of rushing it in before the other Bill. What does he expect? Does he wish the Government to act against the people of the nature of Aussie Pools, and like organisations, or does he not? Does he want the Government to take notice of Opposition back-benchers, or does he not? He is completely out of court in what he has said tonight. There has been no collusion as far as I or anyone else is concerned with the people to whom he has referred. It has been done purely as an initiative of my department and the Department for Consumer Affairs.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—"Certain things declared instruments of unlawful gaming."

Mr. SLATER: I move:

Page 2—

Line 24—Leave out "section is" and insert "sections are".

After line 34 insert new section as follows:

59b (1) Where in the opinion of the Governor any machines articles or things are capable of being used as instruments of unlawful gaming and should, for that reason, be subject to control under this section, he may, by regulation, impose restrictions relating to—

(a) the number of such machines, articles or things that may be kept in any one place;

(b) the kinds of places in which such machines, articles or things may be kept; and

(c) the times at which such machines, articles or things may be used.

(2) A person who contravenes a restriction imposed under subsection (1) shall be guilty of an offence and liable to a penalty not exceeding one thousand dollars.

The purpose of my amendment is that some community

concern has been expressed recently at the proliferation of amusement and pinball machines. Publicity has appeared in the press about schoolchildren having spent large sums on these types of machine and the influence the machines have had on young children who have become addicted to them. One does not wish to be a spoil-sport or to deny people the opportunity to obtain some amusement by playing these types of amusement machines.

However, difficulties are involved and I believe that some form of control is necessary to protect people from the problems associated with amusement machines. I will quote from a letter I have received, via the member for Albert Park, from a high school in his district. The letter, addressed to the member by the Principal of the school, states:

> As requested in your letter of 14 November, I have discussed the matter of "pinball machines" with school councillors and others. We are all against expansion in the number of facilities including pinball machines and similar electronic devices. Where such machines already exist, we are opposed to the premises being opened while school is open. During school time, we have had occasion on which we have had to "raid" fun parlour premises and send some of our students back to school.
>
> We have well-planned truancy checking methods which were not brought about by the existence of fun parlours. These methods have however enabled us to catch students who have truanted to play the machines. Quite a few of these have been caught playing the "free" machines on display in the toy departments of a couple of retail stores at West Lakes Mall.

That letter was signed by the Principal of that high school. This indicates clearly the concern that is expressed in the community regarding the proliferation of these machines. Clause 6 inserts new section 59a, subsection (1), of which provides that the Governor may, by regulaton, declare any machine, article or thing to be an instrument of unlawful gaming. Subsection (2) of new section 59a provides that, for the purposes of this Act, a declaration may be made under subsection (1) notwithstanding that the machine, article or thing is not specifically designed for gaming. I understand that that covers the amusement and pinball machines. I therefore ask the Minister to consider accepting the amendment, which is in the best interests of the public generally.

Mr. HAMILTON: I endorse the sentiments of the member who has just resumed his seat. The letter to which he referred was one that I have received expressing concern regarding the proliferation of these machines, to which the member for Gilles referred. On 14 November, I received a letter that I understand was forwarded to the Town Clerk of Woodville council. It is as follows:

> Thank you for your letter informing us that an application for an amusement centre at—

and it gives the address of the applicant—

> has been lodged with Woodville council. We believe that an enterprise of such dimensions, open until midnight on every day of the week, will aggravate an already critical situation caused mainly by the licensed pizza bar, which is open until 3 a.m. and attracts highly undesirable elements. Pinball machines within the same shopping group would only compound the problem and the vandalism would increase.
>
> We are already subjected to late-night hooliganism by gangs of youths. Our driveways are blocked by cars, and we are abused if we complain about the beer bottles and rubbish which litter our property. There is insufficient parking for the shops in the "Court", with only room for six cars.
>
> The police are even now constant visitors to the area, but seem unable to produce any lasting results and, with the addition of two late opening shops and a multitude of pinball machines, our lives will be unbearable. As the primary school is so close, we feel that the children could be attracted to these machines to the detriment of their schoolwork and pocket money.
>
> It is our firm belief that the only acceptable solution, if the application were granted, would be to restrict the trading hours and insist on a 6 p.m. closing. If this is impractical, we must then oppose the application most strongly.

That application went before and was subsequently rejected by Woodville council. There is no doubt that the number of teenagers who hang around these parlors is an indication of the ills in society and the fact that, because these kids have nowhere else to go, they go to these parlours. I am not necessarily saying that the parlours are the cause of all the hooliganism in the area. This was demonstrated by a report such as that which appeared in the 29 November issue of the *Advertiser*. Under the heading "Judge defends pinball parlours", the report states:

> The assumption that young people were more likely to "get into mischief" through meeting in "pinball parlors" was not warranted, a judge said yesterday.
>
> These centres were becoming more popular because they provided a meeting place for young people, Mr. Justice Cripps said.
>
> A psychologist had pointed out the need for young people to have meeting places. While small groups may overuse the centres, the majority also engaged in other socially acceptable leisure activities.
>
> Complaints of hooliganism, gambling, stealing and the like were frequently made, but later found to be untrue or not caused by the existence of the centres.

The judge finally said:

> In granting consent for the centre the judge nominated operating hours and ordered that no person under 10 use the premises unless accompanied by an adult.

Quite clearly, there is some need for control, and I hope that the Minister will consider that.

The Hon. M. M. WILSON: I appreciate the honourable member's reasons for moving this amendment. He was kind enough to supply me with a copy of it yesterday afternoon, and I was able to research his proposition. Unfortunately, the Government cannot accept the amendment.

Mr. Hemmings interjecting:

The Hon. M. M. WILSON: If the member for Napier would listen, he would hear the reasons. We do not oppose the amendment because of lack of sympathy for the member for Gilles, but for other reasons. What the honourable member has suggested should take place under the Places of Public Entertainment Act, because that is where the menace lies, and I agree with the member for Gilles that it is a menace. These places are controlled under that Act, on which a fair amount of work needs to be done. In fact, I am informed that the Minister of Consumer Affairs is examining the matter, but I am prepared to undertake that I will refer the amendment and what the honourable member desires to the Minister of Consumer Affairs for action. Alternatively, the honourable member could introduce a private member's Bill to amend the Places of Public Entertainment Act.

I also point out that the Minister of Planning should be involved in this matter, because if the job is to be done properly, zoning must be considered (according to the advice I have received this afternoon). Therefore, local government is also involved. I regret that I cannot accept the honourable member's amendment, as the matter is much more complicated than it would seem at first glance. It must be given a lot more thought, and several Ministers must consult. I am prepared to supply the appropriate

Ministers with a copy of the member for Gilles's amendment and his speech in this regard to see whether anything can be done. However, I cannot make any other commitment.

Mr. EVANS: I cannot support the amendment. The member for Gilles should realise that this amendment would catch very few of the machines about which he and his colleagues are concerned. Unlawful gaming was mentioned and, as defined in the Act, covers only those areas where people are likely to gain a financial benefit, where there is a potential to gain a financial benefit, or where the house takes something off the top in relation to any gambling that may take place. If members looked at machines such as Space Invaders and the other machines that are used in large numbers by adults and young people they will find that this amendment will not catch many of them: it would be lucky to pick up more than 10 per cent or 20 per cent of those that operate in the field at present. The modern trend for young people is away from the pinball type machine to a machine like Space Invaders or a machine where one uses one's skills to try to negotiate an electronically-guided motor vehicle to pass others on varying road conditions, and so on.

Recently, I spent some time looking at them, because I am concerned, as are the Minister, and the mover of the amendment (the member for Gilles), and also his colleague. However, this will not achieve the goal that the honourable member is attempting to achieve. Although the Minister referred to places of public entertainment, that aspect will be difficult, because to open those places on Sundays one needs a licence. A former Government stopped a particular venture opening on a Sunday because it was entertaining the public, and at that stage no other open space had been licensed as a place of public entertainment. I objected strongly to that. That was the deciding factor that brought me into this place at that time, because I realised that sometimes people manipulate laws.

There is not a simple answer to this matter. The planning question is very difficult to take up, because many of the machines exist in business premises already and many people use them. A judge in Victoria has said that these machines are not harmful. He expressed the view that they are not a problem and that if young people were not playing the machines they would be causing somebody else problems elsewhere. This Parliament needs to be cautious before it goes too far. We need a study of why young people become involved with these machines and whether there is an alternative in the community for them to use up their spare time and energies, because once young people become addicted to these machines they will steal people's milk money or take other actions in an effort to obtain the money to participate in the playing of the machines. I ask the member for Gilles to look at the wording of his amendment and at the definition of unlawful gaming, and then look at the type of machines, particularly the more recent ones coming into the community. There are absolutely hundreds of them.

He would realise that he would not catch many people at all and that the old type of machines are going out of fashion because people are not interested in using them. People are paid out in cash for a win on the in-line bingo machine for games that have been won. The Minister has picked up this point in the Bill. I suggest to the member for Gilles that he takes up the Minister's offer and also that the Minister goes further with his Ministerial colleagues because I believe that the problem goes deeper than the areas that the Minister has mentioned.

Mr. SLATER: I appreciate the comments made by the Minister and the member for Fisher. The purpose of my amendment was to provide an opportunity to make some amendment to the Lottery and Gaming Act. I understood that the purpose of the Bill was to declare any machine, article or thing to be an instrument of unlawful gaming, notwithstanding that that article or machine or thing is specifically designed for gaming. All I was seeking to do was ensure some control perhaps as an interim measure. I appreciate that there are other difficulties involved with the whole question, but we would then have had the opportunity to provide some regulatory control in regard to the proliferation of amusement machines. I appreciate that there is a change of emphasis from the playing of pinball machines to the electronic games, such as "space invaders", for example. I will not persist with my amendment at this stage, but I point out that it was designed to at least give some credence to the concern that has been expressed by the people within the community about the problems that arise in regard to these machines.

I think it is accepted generally that something needs to be done on a legislative basis. I accept the Minister's comment, and perhaps in the not too distant future we can look at the whole aspect of amusement machines, in relation both to the gaming aspect and to those played for amusement only.

Mr. HAMILTON: I would like to take up the comments made by the member for Fisher in relation to the study into amusement parlours. Last evening I was talking to the Manager of Downtown, who rang me wishing to discuss the question of pinball machines and amusement parlours. He informed me, during the conversation, that there were problems with some of the amusement parlours, and as a result of that he invited me to inspect his premises on Friday of this week, which I intend to do.

Mr. Evans: Do you realise that I was there Sunday night?

Mr. HAMILTON: Congratulations! There is no doubt that some amusement parlours need investigating. The question of how many amusement parlours in the metropolitan area will be acceptable to the community in certain areas is another matter. I was pleased to hear the Minister say that he would convey it to other Ministers concerned in this area, because, being somewhat parochial, it is of concern in my electorate. As has been pointed out tonight, quite a number of my constituents have raised this concern.

Amendment negatived; clause passed.

Clauses 7 to 22 passed.

Clause 23—"Evidence relating to licences, etc., under Racing Act."

Mr. SLATER: I seek information relating to this clause. New section 98(a) states:

> that a person was or was not at the time mentioned therein the holder of a licence to act as a bookmaker granted under the Racing Act, 1976-1978;. . .
>
> shall, in the absence of proof to the contrary, be deemed to be proved.

Is that a common provision in Acts of this nature and was it part of the recommendation by the racing inquiry?

The Hon. M. M. WILSON: That is an important question. This is a reversal of the onus of proof, but only on the question of the licence. In other words, the onus of proof rests with the person accused in relation only to his being licensed or not.

Clause passed.

Remaining clauses (24 and 25) and title passed.

Bill read a third time and passed.

EVIDENCE ACT AMENDMENT BILL

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 9.30 a.m. on Wednesday 3 December, at which it would be represented by Messrs. Allison, M. J. Brown, Crafter, Olsen, and Randall.

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

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

Motion carried.

EDUCATION ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 26 November. Page 2282).

The Hon. D. J. HOPGOOD (Baudin): The Opposition supports this Bill at the second reading stage, but has ambitions about substantially amending it. The Karmel Committee recommended in 1970 that some scheme for registration of non-government schools be adopted. Until the beginning of 1979 that was one of the very few recommendations of that report that had not been implemented by either the Hon. Hugh Hudson when he was Minister of Education or me. In February 1979, however, I introduced legislation to give effect to that recommendation.

The debate was interesting in that the then spokesman on education for the Liberal Party, in addressing his remarks to the measure, concentrated exclusively on other aspects of the measure which related largely to long service leave for teachers. Incidentally, he did not gain too many friends in the teaching profession by in effect opposing that aspect of the measure that was designed to bring teachers into line with public servants in relation to this matter. In any event, we wondered what was going on until the member for Coles (now the Minister of Health), rose and attempted to rate the Government fore and aft so far as the scheme, which I introduced, was concerned.

The honourable member (now the Minister) was of the opinion that this placed far too much power in the hands of the Minister and that there had to be some sort of brake on the exercise of Ministerial power in this respect. She sought to amend the legislation but was unsuccessful. Just as an aside, I find a certain inconsistency not only in that honourable member's approach to the matter but in that of certain other members of her Party because, of course, in relation to an entirely different matter where this principle has arisen, namely, the control or censorship of pornographic literature, or what might be regarded as pornographic literature, the honourable member has always argued that the exercise of Ministerial responsibility should be there on the grounds that, if a board has this sort of control, then the democratic control on decision making is removed: who can get at the board, whereas people can get at a Minister because a Minister is an elected person within an elected body, a Government.

However, that is not the way that honourable member argued in relation to this matter. In relation to this matter it seems that it was all right for democratic opinion not to be brought to bear and that in fact somehow this area should be insulated from those pressures. That principle has been carried over into the measure which we have before us where the Government in fact is setting up a statutory body, one of those things which in other circumstances has been criticised by this Government and by the Liberal Party.

Here we are being asked to set up a statutory body. I legislated on this matter because I was particularly concerned not so much for the educational standards in what we might call the recognised non-government schools, but rather that there were so-called schools that had been obviously set up by people in order to evade the compulsory attendance provisions of the Education Act. This seemed to be wrong, and it seemed to be something that could well get out of hand and, therefore, some sort of measure was required in order to control that unfortunate circumstance. For those reasons, and because that is a problem that remains, the Opposition will support this measure in general terms.

However, we have certain criticisms of the way in which the measure is being proceeded with which I now wish to canvass. First, we are not altogether convinced, as I have already indicated, that a statutory body is necessary in order to do the work but, if that is what it has to be, and it seems to me that it would be too ambitious of me to attempt to amend this measure to do away with that aspect of it altogether, if we are struck with a statutory body, *(a)* why does it have to be the size it is; and *(b)* would it not be better that there be a majority of persons on the board who were not beholden to the non-government sector?

We believe that this can be overcome by reducing the size of the board from seven to five members, providing only one member on nomination of the South Australian Commission for Catholic Schools and one on the nomination of the South Australian Independent Public Schools Board. It is not clear why it is necessary that these two bodies should each have two representatives on the board. I am aware that the position varies from State to State and that boards such as this are not always strictly comparable. In some States the boards are set up to do things other than purely register non-government schools. For example, in Victoria, the board is also responsible for the registration of teachers and is therefore not strictly comparable. In New South Wales there are two boards to do two functions. Non-government schools have to be separately registered for two separate purposes; one for the higher school certificate and the other for the receipt of bursary students. I can find no evidence at all of any board in Queensland. In Western Australia they do the very thing which the previous South Australian Government, of which I was a part, was criticised for doing early last year; that is, there is no board and the Minister is responsible.

In any event, once we take into account all these varying functions we note that in only one other State does it appear that the non-government sector has a majority on these regulatory boards, and that is in Tasmania. The Opposition sees no reason why the board should be the size that it is. We see every reason why the membership should be such that only two out of the five members are directly representative of the two large bodies which in turn represent the non-government schools. The Chairman is simply nominated by the Government on the nomination of the Minister, and, of the other two members, one shall be an officer of the department. The other members can be from anywhere at all. If the clause is amended in the way I have indicated, I do not believe it will place any large stumbling blocks in the way of the acceptance of non-government schools in this sector.

Incidentally, it would be consequential on such an amendment that the quorum should be reduced from four members to three. The Opposition believes that the system should be self-financing to the extent that that is reasonable. It may not be reasonable to make it completely self-financing, because it may put a cost burden on non-government schools. It appears that there

is no machinery written into this Bill for any fee at all. We believe the Bill can therefore be improved by inserting a provision for a fee than can be set by regulation. There is no reason why that should be part of the Bill itself. Although it is necessary that the board should give notice to a school, I notice that conditions have been placed on registration. There is not time set out in the Bill as to how soon after the decision is taken the school should be notified. The Opposition believes that is important and that a one-month time limit should be set.

The next objection is one of my more serious objections. New section 72i (2) provides:

> If, after conducting an inquiry under subsection (1), the board is satisfied that the governing authority of the registered non-government school has contravened or failed to comply with a condition upon which registration of the school was granted, the board may, by notice in writing addressed to the governing authority of the school, cancel the registration.

So, the machinery by which registration is cancelled comes into effect where a condition placed on registration has been contravened. The question arises of what happens in the case of a school that has been granted registration, without condition, *ab initio* of the legislation. Under what conditions can it have its registration cancelled? My reading of the measure is that there are no conditions under which it can have its registration cancelled, no matter what has happened at that school.

The Hon. E. R. Goldsworthy: Have you an amendment to fix that?

The Hon. D. J. HOPGOOD: Yes. Whatever might have happened at the school, it retains its registration until kingdom come. The simple way around this matter would probably be to provide that registration would run for a certain time, after which the school has to reapply, and probably a reasonable period is five years. I will canvass that matter further in Committee.

The Hon. H. Allison: What about new section 72k (3) on page 7?

The Hon. D. J. HOPGOOD: That was the matter to which I was about to move. This provides that the governing authority may appear personally before the board or may be represented by counsel or other representative. It seems to me that, if it is fair enough that the governing authority should be represented by counsel, why should not any other person who appears before the board similarly be represented by counsel? There are two ways out of this matter, one of which is to amend the clause to provide that any person who appears before the board, be he a representative of the governing body of the school, or anyone else (it may be a representative of the Minister), should be represented by counsel. The other way would be simply to strike out the clause, the effect of which would be that lawyers could enter into the argument at that stage. The Minister has sensibly written in some rights of appeal and, at that further stage, the legal profession would be very active.

The other point I make in respect of my contention is that, if legal counsel is allowed to appear before the board, it makes it almost mandatory that the Chairman of the board shall be a person from the legal profession, or at least someone on the board should be from the legal profession. Do we want to limit the Government of the day in its appointments to the board in that respect?

Mr. Lewis: Don't you think other people except lawyers understand lawyers?

The Hon. D. J. HOPGOOD: It would be difficult for the board, if there was not a lawyer on it, given that learned counsel would be appearing before it. I am sure that before long, no matter how competent the people on it would be, the board would be asking the Government of the day for that kind of appointment. I believe that the inspection should be carried out by an employee of the Education Department, who woud probably be a P.E.O., as we call them these days. I will also move accordingly in Committee for that.

Mr. TRAINER (Ascot Park): In supporting the member for Baudin, it seems to me strange that we have a Government which has expressed its dedication to the principle of small Government and which is opposed to the proliferation of statutory authorities, and wants to reduce the number of such authorities, creating one more of the beasts to the abolition of which the Government claims it is dedicated.

The Hon. H. ALLISON (Minister of Education): This legislation has been in various forms before both this Government and the previous Government, and it was pointed out by the Chairman of the committee appointed by the previous Minister to establish regulations subsequent on the passing of the previous legislation that he personally had been involved in the issue and had been pressing for regulation and legislation for four years prior to 5 November 1979.

For a variety of reasons, the matter has been before the present Government for almost 12 months. The matter is of some urgency because of the possible proliferation of non-approved, non-government schools. They would be non-approved schools without having been subjected to any form of investigation, and that is not a really desirable situation. South Australia is, I am told, the only State that does not have a body that has power formally to approve the establishment of non-government schools. So, this legislation is somewhat overdue.

The question why the Government is establishing yet another statutory body was one of the first matters to be canvassed almost a year ago when I brought the matter before Cabinet. One of the assurances that I was able to give my colleagues was that this statutory body would run very cheaply. In fact, the mechanism is already largely in existence. The job of the secretariat will occupy very little time, and there will not be a large number of schools to be considered for recognition.

Provision was made within the Bill to allow the Secretary designate to perform other tasks. This can be ancillary to what other job he may have. In any case, I have a reliable person who is currently performing the secretarial duties for the present Advisory Committee on Non-government Schools, and there is a possibility of extending the duties of that incumbent. As I see it, the job will be a relatively infrequent one.

There was a sound reason for establishing the statutory body, namely, that, although legislation had been passed by the former Government, there was strong and continuously mounted opposition to the establishment of regulations. One of the main reasons behind that was the very reason to which the member for Baudin has already referred, namely, that no right of appeal was provided within the Education Department regulations that were to be promulgated. It was considered desirable that there should be some right of appeal against a decision and, by forming this statutory authority, small though it may be, the right of appeal is built into the legislation. That has overcome the strong opposition that was mounted against the previously canvassed regulations.

The honouable member was kind enough to let me have two or three hours ago the amendments to which he has referred. I have looked at those amendments and listened to the rationale behind them. The only possible difference that I would have is in the two persons to be appointed by the Catholic Schools Commission and the two persons to

be appointed by the Independent Schools Board. Although to reduce that membership by one may appear to resolve a difficulty, it would still be possible for the Minister to appoint a Chairman or at least one of the other two persons whom he nominates from the Independent Schools Board and still maintain some imbalance.

The Government is prepared to accept the proposed amendments, and recognises the rationale behind them as being soundly based. It gives the Minister a chance to establish some sort of balance and to keep it outside the obvious control of the independent schools, which I assume the Minister thinks may have a vested interest in having such a control were those members to be appointed on a four-to-three ratio on the board. I am not suggesting that people on the board would act more subjectively than objectively, but certainly the risk could be there. The rest of the amendments are soundly based, and the Government is prepared to accept them with a minimum of debate in order to speed the passage of the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 7 passed.

Clause 8—"Repeal of Part V and substitution of new Part."

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

Page 3—

Line 1—Leave out "two persons" and insert "one person".

Line 4—Leave out "two persons" and insert "one person".

Line 45—Leave out "Four" and insert "Three".

Page 4—

Line 43—After "must be" insert "—

(a)"

After line 43 insert paragraph as follows:

and

(b) accompanied by the prescribed fee.

Page 5—

Line 17—After "shall" insert ", within one month after deciding not to register the school, or to impose conditions upon the registration,".

After line 24 insert new section as follows:

71 ha. Registration of a non-government school shall remain in force for a period of five years from the date on which it was granted or last renewed, and may be renewed from time to time for further consecutive periods of five years on fresh applications for registration of the school.

Page 7, lines 4 and 5—Leave out subsection (3).

Page 8, line 2—Leave out "a person" and insert "an officer of the Education Department".

I have listened carefully to what the Minister has said, and I congratulate him on his reasonableness. I believe that it is the measure of the man, and it also reflects the fact that the Minister is as concerned as I always was when I occupied his position for the healthy relationship that exists between the Government and non-government sections in education. I accept the generous spirit with which the Government has received my efforts to be constructive in this matter, and I believe that the Minister is being rather more reasonable than I was in a similar circumstance.

Amendments carried; clause as amended passed.

Remaining clauses (9 to 11) and title passed.

Bill read a third time and passed.

ADJOURNMENT

At 2.10 a.m. the House adjourned until Wednesday 3 December at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 2 December 1980

QUESTIONS ON NOTICE

SPECIAL BRANCH

172. **Mr. MILLHOUSE** (on notice) asked the Chief Secretary:

1. How many members are there in the Police Special Branch; when did each member join ths Special Branch; and what are the duties of each?

2. What is now the role of Special Branch, and to whom is it responsible?

3. Have all the files recommended by Mr. Justice White to be destroyed been destroyed and, if so, when was their destruction complete and, if not, why not?

The Hon. W. A. RODDA: The replies are as follows:

1. One commissioned officer-in-charge and three other ranks. A clerical officer (female non-police) assists the officer-in-charge with his administrative duties. It is not appropriate to indicate the dates of appointment. The duties are consistent with the provisions of the Executive Council order of 20.11.80.

2. The role of the branch is in accordance with the Executive Council order of 20.11.80. It is responsible to the Commissioner of Police through the chain of command (Officer-in-Charge Region A, and Assistant Commissioner, Operations).

3. The culling and destruction of previously stored files which did not meet the criteria of the Order in Council of 17-1-78 was completed by 18 January 1980 and certification to this effect has been received from Mr. Justice White.

SCHOOL REPAIRS

505. **Mr. HAMILTON** (on notice) asked the Minister of Education:

1. What has been the cost of repairs during each of the periods 1979-80 and 1980 to date due to—

(a) vandalism:

(b) arson; and

(c) other causes,

at primary and secondary schools, respectively?

2. Where did these acts occur and what were the respective costs of renovation and refurbishing of each school?

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

1. Information in relation to cost of repairs for vandalism and fire damage at schools is contained in the following schedule. "Other causes" of repairs apart from routine maintenance are not identifiable.

Date	Vandalism Primary $	Vandalism Secondary $	Fire Damage Primary $	Fire Damage Secondary $	Total $
1-7-79-30-6-80	149 325	77 057	74 961	21 273	322 616
1-7-80-31-8-80	23 314	13 467	19 480	25 658	81 919
Total	$172 639	$90 524	$94 441	$46 931	$404 535

The above information refers to the cost of repairs only. In the event of a total loss the value of the asset is not included. Facilities which have been replaced may bear little resemblance in terms of cost to the value of the original asset. In some instances, assets are not replaced. Incidental costs, such as cleaning up, associated with total losses are included in the above table.

2. To provide the required information in respect of individual schools, detailing separate costs for renovation and refurbishing, would be a time-consuming and costly exercise and will not be undertaken.

NORTH-EAST TRANSPORT

536. **Mr. HAMILTON** (on notice) asked the Minister of Transport:

1. Will the proposed north-eastern suburbs busway be examined by the Pariamentary Standing Committee on Public Works?

2. Will each stage of the construction of the proposed north-eastern suburbs busway be subject to scrutiny by the Public Accounts Committee?

The Hon. M. M. WILSON: The replies are as follows:

1. No.

2. No.

PARLIAMENTARY STAFF

596. **Mr. MILLHOUSE** (on notice) asked the Premier: In relation to the staff of the Leader of the Opposition—

(a) how many are there now;

(b) who are they, what are the duties of each, and what salary does each receive; and

(c) is the Government contemplating appointing any more and, if so, when and why?

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

(a) Six.

(b)

Name	Classification	Duties	Annual Salary $
Mr. G. M Anderson	Ministerial Officer G3	Research duties for Leader of the Opposition	19 203
Miss M. Carmichael	MN 4	Steno secretary services for Leader of the Opposition and reception duties	14 224
Mr. B. W. Muirden	Ministerial Officer G2	Press Secretary to Leader	22 557 +5 639 allowance
Mr. M. D. Rann	Ministerial Officer G3	Research Assistant	19 203
Mrs. P. E. Robinson	MN 4	Steno Secretary to Leader of the Opposition	14 224
Mr. G. Maguire	Administrative Officer 1	Project Officer	21 028

(c) No.

ABORIGINES

644. **Mr. HAMILTON** (on notice) asked the Minister of Education:

1. How many male and female Aborigines are enrolled in each faculty at each university or college of advanced education?

2. How many in each category are receiving any technical and further education, at which institutions are they enrolled and what form of training are they receiving?

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

1. Tertiary education institutions in South Australia do not record applicants for entry to courses by race, and the information requested is therefore not available for university and college of advanced education courses generally. However, there are three institutions which have special programmes for Aboriginal people. Details of Aboriginal persons enrolled in these programmes are—

College	Field of Study	Males	Females	Total
Adelaide College of the Arts and Education	Aboriginal Studies	6	16	22
	Home Economics	1	—	1
	Teacher Education	11	22	33
Hartley College of Advanced Education	Early Childhood Education	1	10	11
South Australian Institute of Technology	Business Studies	9	2	11
	Community Development	19	17	36
	Social Work	7	4	11

2. The only information available concerning Aboriginal persons receiving technical and further education through the Department of Further Education is 432 persons involved in vocational courses and 313 persons involved in personal development/community development/enrichment courses. The majority of these programmes have operated in Aboriginal communities such as Ernabella and Amata; the remainder have been conducted in colleges of further education in country areas and, in a few cases, in colleges in the Adelaide metropolitan area.

OIL SPILLAGES

645. **Mr. HAMILTON** (on notice) asked the Chief Secretary:

1. How many instances of oil spillage have occurred along the South Australian coast line since 1978, where did each occur, and how much spillage occurred in each instance?

2. What were the names of the vessels involved, in what instances were penalties imposed, and what were the respective amounts?

The Hon. W. A. RODDA: The information is contained in the following schedule.

Instances of Oil Spillages along South Australian Coastline since 1978

Location	Amount of Spillage	Name of Vessel	Penalties Imposed and Respective Amounts
1. Bucks Bay	Slight amount of diesel discovered near beach—cause unknown	—	No action
2. Port Stanvac	1 500 litres (335 gallons)	*M.V. Afrodite*	$10 000 fine 300 Counsel fee 80 witness fee 4 costs $10 384 Total
3. Port Pirie	10 litres	(BHAS Works) Spillage of oil from pipe into harbor	No action taken
4. Outer Harbor	Due to large number of oil patches it was not possible to estimate amount of spillage	*M.V. Persia*	$500 fine 60 Counsel fee 7 costs $567 Total
5. Thevenard	Slight oil spillage from vessel	*M.V. Cape Leewin*	No action
6. Port Stanvac	100 gallons	*Mobil Australia*	$1 200 fine (Master) 450 fine (vessel) 500 Counsel fee $2 150 Total
7. Port Adelaide (No. 5 Berth)	200 gallons	*H.M.A.S. Perth*	No action
8. Port Stanvac	210 gallons	*M.V. Pacific Star*	$4 500 fine
9. Port Stanvac	3 000 gallons	*M.V. Kredy* (ex *Afrodite*)	$5 000 fine 50 Counsel fee 10 costs $5 060 Total
10. Port Stanvac	400 gallons	*M.V. Esso Gippsland*	$2 000 fine 250 Counsel fee 100 witness fee 10·50 costs $2 360·50 Total
11. Port Adelaide (No. 1 Berth)	400 gallons	*M.V. Novopoltsk* or *M.V. Dorritt Clausen* (berthed at No. 11)	No action—insufficient evidence

Instances of Oil Spillages along South Australian Coastline since 1978—*continued*

Location	Amount of Spillage	Name of Vessel	Penalties Imposed and Respective Amounts
12. Port Adelaide (No. 27 Berth)	100 gallons	*M.V. Astor Princess*	Awaiting court decision
13. Kingscote	Minor oil spillage occurred on wharf front area	Nil	No action
14. Thevenard	100 litres	*M.V. Kocaeli*	No action
15. Port Pirie	50 litres	*M.V. Vishva-Abha*	$150 fine 50 Counsel fee 10·50 costs $210·50 Total
16. Thevenard	45 litres	*M.V. Lok-Vivek*	No action
17. Port Pirie (No. 2 Berth)	5 litres	*M.V. Caryatis*	No action
18. Port Pirie	50 gallons	*M.V. Kilmelford*	Awaiting decision
19. Port Stanvac	900 litres	Jetty facilities	Awaiting decision
20. Port Pirie Baltic Wharf (No. 1 Berth)	Slight amount of oil spilt from vessel into harbor following pipeline leak	*M.V. Mobil Australis*	No action
21. Port Stanvac	Approx. 60 litres	*M.V. Vanesa*	Awaiting decision
22. Port Stanvac	Approx. 8 000 litres	*Mobil Acme*	Inquiry being conducted

DEPARTMENTAL VESSELS

646. **Mr. HAMILTON** (on notice) asked the Chief Secretary: What is the name, type and tonnage of each ship or small vessel under the control of the Department of Marine and Harbors and the Department of Fisheries, where are they located, what was the cost of maintenance of these vessels in 1978-79, 1979-80 and what is the staffing for each?

The Hon. W. A. RODDA: The information is contained in the following schedule:

Department of Marine and Harbors—Floating Plant

Type	Name	Displacement Tonnage	Location	Maintenance 78/79	Costs 79/80	Manning
SELF-PROPELLED VESSELS				$	$	
Tugs	*R. T. Tancred*	765	Pt. Adelaide	30 397	68 523	7
	Apanie	34	Pt. Adelaide	22 793	18 997	2
	Bareki	34	Pt. Adelaide	7 861	12 238	2
	Kowarra	34	Pt. Adelaide	15 868	9 173	2
Grab/Hopper Dredge	*Andrew Wilson*	745	Pt. Adelaide	41 307	166 980	6
Barges	*Denis O'Malley*	"loaded" 1 276 "light" 372	Pt. Adelaide	33 415	27 185	5
	John Sainsbury	372	Pt. Adelaide	33 847	20 278	5
Workboat	*Capt. W. F. Baddams*	155	Pt. Adelaide	10 756	14 405	6
Pilot Launches	*Natani*	10	Pt. Adelaide	17 250	22 239	2
	Narranda	10	Pt. Pirie	9 474	7 426	2
	Tarooki	6	Pt. Lincoln	10 678	6 190	2
	Gannet	14	Thevenard	3 638	10 783	2
	Nabilla	34	Wallaroo	4 145	31 360	2
	Matthew Flinders	22	Pt. Adelaide	2 598	39 013	3
Inspection Launch	*Sir Wallace Bruce*	60	Pt. Adelaide	5 823	15 967	2
Mooring Launches	*Capt. Barker*	5	Pt. Adelaide	1 038	2 301	2
	Capt. Lipson	5	Pt. Adelaide	362	275	2
	R. G. Peake	7·5	Pt. Pirie	1 051	22 088	2
	J. R. Veitch	9	Pt. Adelaide	4 929	2 949	2
	Tingara	3·4	Pt. Adelaide	6 767	8 530	2
	R. S. Baker	5	Pt. Adelaide	3 824	5 798	2
	Tarparrie	5	Pt. Adelaide	8 150	1 386	2
	C. W. Townsend	9	Pt. Adelaide	6 096	6 427	2
Survey Launch	*Investigator*	10	Pt. Adelaide	Nil costs, Purchased 14/8/80		2
Patrol Launch	*Toolangi*	2	Pt. Adelaide	4 190	8 632	1
Boating Inspectors' Launches	*Patarina II*	1·4	Pt. Adelaide	Nil—Purchased 5/7/79	6 345	1
	Sundowner MH28S	1	Pt. Adelaide	Estimated 1 600	Estimated 1 800	1
	Sundowner MH29S	1	Pt. Adelaide	1 600	1 800	1
	Sundowner MH30S	1	Pt. Adelaide	1 600	1 800	1
	Sundowner MH25S	1	Pt. Lincoln	1 600	1 800	1
	Sundowner MH26S	1	Barmera	1 600	1 800	1
	Sundowner MH27S	1	Kadina	1 600	1 800	1
	Sundowner MH04S	1	Murray Bridge	1 600	1 800	1
	Bellboy MHO1S	1	Murray Bridge	1 600	1 800	1

Department of Marine and Harbors—Floating Plant—*continued*

Type	Name	Displacement Tonnage	Location	Maintenance 78/79	Costs 79/80	Manning
NON-SELF-PROPELLED VESSELS						
Dredgers	*South Australian*	600	Pt. Adelaide	130 818	208 165	6
	H. C. Meyer	1 028	Pt. Adelaide	299 488	58 668	8
	**A. D. Victoria*	1 000	Pt. Adelaide	—	36 174	8

* On bare boat charter from 11/3/80

Department of Fisheries

Trailerable Vessels

Accommodation is not provided for the crew on these vessels.

Name	
Gadara	Skippercraft Fibreglass 5·79 m long 2½ tons Adelaide 1978-79—$1 023·85; 1979-80—$1 251·28 Crew—2
Kaluna	Skippercraft Fibreglass 5·79 m long 2½ tons Adelaide 1978-79—$745·08; 1979-90—$1 419·69 Crew—2
Papari	Skippercraft Fibreglass 7·01 m long 3 tons Mt. Gambier 1978-79—$355·52; 1979-80—$919·24 Crew—2
Makara	Skippercraft Fibreglass 7·01 m long 3 tons Pt. Lincoln 1978-79—$1 679·80; 1979-80—$1 056·60 Crew—2
Cape Borda	Aluminium 6·7 m long 1¼ tons Adelaide 1978-79—Nil; 1979-80—$553·22 Crew—2
Cape Arid	Aluminium 6·7 m long 1¼ tons Adelaide 1978-79—Nil; 1979-80—$786·75 Crew—2 Withdrawn from service. Wrecked.
Type	
Savage Osprey	Aluminium 4·57 m long ½ ton Pt. Pirie 1978-79—$301·59; 1979-80—$86·87 Crew—1
Clark Corvette	Aluminium 4·3 m long ½ ton Minlaton 1978-79—$33·50; 1979-80—$35·37 Crew—1
Caribbean Safari	Fibreglass 4·98 m long ¾ ton Kingscote 1978-79—$243·46; 1979-80—$196·77 Crew—1
Clark Corvette	Aluminium 4·3 m long ½ ton Kingston, S.E. 1978-79—$82·30; 1979-80—Nil Crew—1
Clark Corvette	Aluminium 4·3 m long ½ ton Mt. Gambier 1978-79—$100·27; 1979-80—Nil Crew—1
Reefrunner	Fibreglass 2¾ tons Adelaide 1978-79—$118·40; 1979-80—$2 276·27 Crew—2
C-Craft	Fibreglass 2⅝ tons Adelaide 1978-79—$1 461·76; 1979-80—Sold
Brooker	Aluminium 4·2 m long ½ ton Adelaide 1978-79—$20·00; 1979-80—Nil Crew—1
Type	
Dominator	Fibreglass 5·86 m long 1½ tons Adelaide 1978-79—$897·36; 1979-80—$980·89 Crew—2
Shark Cat	Fibreglass 7·01 m long 3½ tons Adelaide 1978-79—$2 535·09; 1979-80—$1 259·48 Crew—2
Savage Osprey	Aluminium 4·57 m long ½ ton Ceduna 1978-79—$67·71; 1979-80—$198·04 Crew—1
Savage Osprey	Aluminium 4·57 m long ½ ton Whyalla 1978-79—$513·35; 1979-80—$187·60 Crew—1
Savage Osprey	Aluminium 4·57 m long ½ ton Victor Harbor 1978-79—$298·12; 1979-80—$175·86 Crew—1
Clark Corvette	Aluminium 4·3 m long ½ ton Pt. Lincoln 1978-79—$168·03; 1979-80—$40·20 Crew—1
Shark Cat	Fibreglass 7·01 m long
Name:	3½ tons
Whitsnap	Adelaide 1978-79—$1 139·09; 1979-80—$949·58 Crew—2
Quintrex	Aluminium 4·78 m long ½ ton Adelaide 1978-79—$1 067·67; 1979-80—$685·18 Crew—1
Type	
Clark Corvette	Aluminium 4·3 m long ½ ton Adelaide 1978-79—$25·70; 1979-80—Nil Crew—1
Brooker	Aluminium 4·2 m long ½ ton Loxton 1978-79—$195·24; 1979-80—Nil Crew—1
Non-Trailerable Vessels	
Name	Fibreglass 12·2 m long
* F.P.V.	12 tons
Wurrabinya	Adelaide 1978-79—$8 057·31; 1979-80—$424·44—Sold Crew—2
* F.P.V.	Fibreglass 14·6 m long
Warrendi	15 tons Adelaide 1978-79—$4 160·04; 1979-80—Transferred to Police Dept. Crew—2
* F.R.V.	Steel 23·6 m long
Joseph Verco	152 tons Adelaide 1978-79—$10 260·86; 1979-80—$6 938·22 Crew—6 Wrecked—Withdrawn from service.

* Accommodation is provided for the crew.

DEPARTMENTAL VEHICLES

653. **Mr. HAMILTON** (on notice) asked the Minister of Industrial Affairs: How many—

(a) motor cars and station wagons by make and tare weight;

(b) trucks and other commercial vehicles by mass; and

(c) motor cycles,

are operated by each department and statutory authority under the Minister's control, and what is the average fuel consumption (kilometres per litre) of each type and make?

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

Department of Industrial Affairs and Employment:

(a)

Make	Tare Weight	No. of Vehicles	Average Fuel Consumption (Kilometres per litre)
Holden Kingswood Sedan	1 350 kg	13	6·92 km/lt
Holden Gemini Sedan	920 kg	54	10·25 km/lt
Chrysler Valiant Sedan	1 440 kg	8	7·30 km/lt
Chrysler Regal Sedan	1 420 kg	3	6·00 km/lt
Chrysler Valiant Station Wagon	1 570 kg	3	6·05 km/lt
Chrysler Sigma Sedan	1 060 kg	3	9·02 km/lt
Total Vehicles		84	

(b) Nil.

(c) Nil.

Department of Trade and Industry:

(a)

Make	Tare Weight	No. of Vehicles	Average Fuel Consumption (kilometres per litre)
Mitsubishi Regal Sedan	1 500 kg	1	6·5 km/lt
Holden Premier Sedan	1 490 kg	1	6·0 km/lt
Mitsubishi Sigma Sedan	1 060 kg	4	8·5 km/lt
Total Vehicles		6	

(b) Nil.

(c) Nil.

Public Buildings Department:

(a) See attached schedule.

(b) See attached schedule.

(c) The department does not operate any motor cycles.

(a) Public Buildings Department

Number of Cars by Make and Tare Weight

Make	Type	No. of Vehicles	Tare Wt.
Holden	Sedan	49	1 350 kg
Holden Gemini	Sedan	23	940 kg
Holden Commodore	Sedan	6	1 200 kg
Valiant	Sedan	12	1 440 kg
Chrysler Sigma	Sedan	118	1 120 kg
Holden	Station Sedan	9	1 430 kg
Holden Gemini	Station Sedan	9	940 kg
Valiant	Station Sedan	70	1 550 kg
Sigma	Station Sedan	41	1 140 kg
Toyota Landcruiser	Station Sedan	2	2 000 kg
Leyland Range Rover	Station Sedan	2	1 724 kg
		341	

(b) Public Buildings Department

Trucks and Other Commercial Vehicles by Mass

Vehicle Type	Vehicle Mass	Number of Vehicles	Total
Panel Vans	0-1 Tonne	8	8
Vans	1-2 Tonne	89	
Traytops	1-2 Tonne	37	174
Utilities	1-2 Tonne	47	
Tippers	1-2 Tonne	1	
Vans	2-3 Tonne	3	
Traytops	2-3 Tonne	8	
Utilities	2-3 Tonne	6	20
Tippers	2-3 Tonne	2	
Tow	2-3 Tonne	1	
Vans	3-4 Tonne	2	
Traytops	3-4 Tonne	17	20
Rig	3-4 Tonne	1	
Vans	4-5 Tonne	6	
Tippers	4-5 Tonne	9	17
Traytops	4-5 Tonne	2	
Compactor	5-6 Tonne	1	
Traytops	5-6 Tonne	6	8
Tipper	5-6 Tonne	1	
Traytops	6-7 Tonne	3	4
Stork Lifts	6-7 Tonne		
Prime Mover	10-11 Tonne	1	1
Prime Mover	11-12 Tonne	1	1
Prime Mover	12-13 Tonne	1	1
Prime Mover	13-14 Tonne	1	1
Prime Mover	14-15 Tonne	1	1
Prime Mover	15-16 Tonne	1	1
			249

Public Buildings Department

Average Fuel Consumption for each Type and Make

Make	Type	Km/ Litre	Litres/ 100 km
Holden	Sedan	6·53	15·31
Holden	Station Sedan	5·84	17·11
Holden	Utility	6·71	14·9
Holden	Panel Van	6·33	15·78
Holden Gemini	Sedan	8·62	11·59
Holden Gemini	Station Sedan	8·83	11·32
Holden Gemini	Panel Van	8·43	11·85
Holden Commodore	Sedan	New Vehicles	
Valiant	Sedan	5·89	16·95
Valiant	Station Sedan	6·07	16·46
Sigma	Sedan	8·34	11·99
Sigma	Station Sedan	8·03	12·45
Holden	One Tonne Tray	5·64	17·72
Bedford	1-3 Tonne Van	5·65	17·69
Bedford	3-5 Tonne Tipper	2·82	35·43
Bedford	5-7 Tonne Tipper	2·84	35·19
Isuzu	3-5 Tonne Van (D)	New Vehicles	
Bedford	3-5 Tonne Tray	3·22	30·99
Bedford	Compactor	2·06	48·37
Bedford	Rig	2·40	41·53
Chevrolet	5-7 Tonne Van	3·45	28·93
Bedford	5-7 Tonne Tray	3·11	32·08
Dodge	1-3 Tonne Vans and Trays	3·72	26·82
Dodge	3-5 Tonne Van	3·00	33·3

Public Buildings Department

Average Fuel Consumption for each Type and Make

Make	Type	Litre	100 km
Dodge	3-5 Tonne Tipper	2·96	33·68
Dodge	3-5 Tonne Tray	3·45	28·93
Dodge	5-7 Tonne Tray (D)	3·56	28·05
Dodge	5-7 Tonne Tipper	2·95	33·85
International	1-3 Tonne Vans and Trays	4·06	24·58
International	3-5 Tonne Van	2·60	38·44
International	Tow	3·20	31·17
International	Stork Lift	New Vehicles	
International	3-5 Tonne 4 x 4 Van	2·02	49·28
International	1-3 Tonne 4 x 4	3·48	28·67
International	5-7 Tonne Tray (D)	3·73	26·79
International	7-10 Tonne Tray (D)	3·86	25·87
International	4 x 2 Tractor Truck (D)	3·04	32·79
International	6 x 4 Tractor Truck (D)	2·11	47·3
Volkswagon	1-3 Tonne Van	5·26	19·0
Ford	1-3 Tonne Vans and Utility	5·40	18·51
International	5-7 Tonne Tray	2·88	34·64
Range Rover	Station Sedan	5·31	18·80
Toyota	Land Cruiser	4·42	22·58
Toyota	Hi-Ace Van	6·36	15·72

NOTE: (D) Denotes Diesel.

SPEECH THERAPY

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

1. How many specialists in the field of speech therapy were employed by the Education Department in 1978, 1979 and 1980, respectively, and how many will be employed in 1981—

(a) Statewide; and

(b) in each region?

2. What policy does the Government have towards the provision of this specialist service in schools?

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

1. *(a)* 1978—11
1979—18
1980 *(a)* 15 (until June)
1980 *(b)* 21 (from July)
1981—21

(b) 1978—2 Central Office
3 Central Southern Region
3 Central Northern Region
1 Central Eastern Region
2 Central Western Region

1979—2 Central Office
3 Central Southern Region
4 Central Northern Region
2 Central Western Region until late year then 3
2 Central Eastern Region
1 Riverland
2 Northern
1 South-East

1980 *(a)*—2 Central Office
1 Central Southern
2 Central Eastern
3 Central Western
3 Central Northern and 1 on study leave
1 Riverland
2 Northern
1 South-East

1980 *(b)*—2 Central Office
4 Central Northern (+ 1 on study leave)
3 Central Southern
3 Central Western
2 Central Eastern
1 Riverland
1 South-East
2 Northern
1 Eyre
1 Yorke and Lower North

2. The Government's intention is to employ sufficient qualified Speech Therapists to enable services as required to be provided.

CONTRACT POSITIONS

667. **The Hon. D. J. HOPGOOD** (on notice) asked the Minister of Education: How many contract positions are up for renewal in the Department of Further Education at the beginning of the 1981 calendar year, how many of these people have, to date, been given assurances of renewal and what will happen to the rest?

The Hon. H. ALLISON: Currently there are 74 officers engaged on limited tenure of whom 27 are to cover the temporary absence of permanent officers absent from duty. These appointments will lapse on the return to duty of the permanent staff concerned. The remaining 47 officers have been appointed on a temporary basis for periods up to three years. Following the annual budget review of programmes and student demand there has been some reduction and redeployment of resources and as a result 14 temporary officers have been advised that their appointment would not be extended. Three officers, have been offered extensions. The remaining 30 officers' contracts are not due for renewal at this time.

CIRCLE LINE BUS

676. **Mr. MILLHOUSE** (on notice) asked the Minister of Transport:

1. What is now the estimated annual cost of running the Circle Line bus service and how is that cost made up?

2. How many people is it estimated use the service, on average, each week, how is this estimate made and what is the carrying capacity per week of the service?

3. Is it considered the service is worthwhile and, if so, why?

The Hon. M. M. WILSON: The replies are as follows:

1. The annual operating cost is $684 000 comprising: Labour cost of drivers $490 000; Bus operating costs excluding interest and depreciation on buses $194 000. This cost is offset by what is collected through fares.

2. As a result of detailed passenger counts, it is estimated that 30 000 passengers use the service each week. The weekly capacity of the service is assessed at 33 000 round trip passengers.

3. Yes, as it caters for the travel needs of a significant number of passengers.

CITY LOOP BUS

677. **Mr. MILLHOUSE** (on notice) asked the Minister of Transport:

1. How much has it cost to establish the free City Loop bus service and how is the cost made up?

2. What is the estimated annual cost of running the service and how is that cost made up?

3. How many people is it estimated have used the service to date, how is this estimate made and what has been the total carrying capacity of the service to date?

3. Is it considered the service is worthwhile and, if so, why.

The Hon. M. M. WILSON: The replies are as follows:

1. The establishment of the free City Loop bus service cost $17 200 made up as follows:

Painting buses in City Loop Service livery	$13 000
Establishment of special City Loop bus stops	2 000
Publicity	2 200
	$17 200

2. Based on the average wage rates, plus the cost of fuel, oil, tyres, etc., then annual cost of running the City Loop service is $162 000, made up as follows:

Bus Operator Wages	$135 000
Bus Operating Costs	27 000
	$162 000*

*Total excludes Interest and Depreciation on buses.

3. It is estimated that some 60 000 passengers travelled on the City Loop service between 29 September 1979 and 31 October 1980.

The estimate is based on observation and limited counts.

The total carrying capacity over this period was approximately 165 000 round trip passengers.

4. Yes, because it provides connection of services to and from Adelaide Railway Station, Central Bus Station, Victoria Square and the Royal Adelaide Hospital.

HANDICAPPED PEOPLE

678. **Mr. MILLHOUSE** (on notice) asked the Minister of Industrial Affairs: How long will it be now before the alterations to Parliament House to permit access by handicapped people, described in the Minister's answer to question No. 161, is carried out and why has not the work been done already?

The Hon. D. C. BROWN: The Public Buildings Department will endeavour to undertake the proposed alterations to Parliament House during the forthcoming Parliamentary recess.

DIESEL FUEL

680. **Mr. MILLHOUSE** (on notice) asked the Minister of Transport—

1. How much diesel fuel does the S.T.A. use for its vehicles, on average, each year?

2. What is expected to be its annual consumption of diesel fuel in ten years time and how is this estimate made up?

3. What reserves of diesel fuel does the S.T.A. now maintain?

4. What are its present sources of supply of diesel fuel?

5. What planning, if any, has been done to ensure a supply of diesel fuel in the future?

6. What plans, if any, has the S.T.A. to maintain its vehicles in operation should supplies of diesel fuel not be available?

The Hon. M. M. WILSON: The replies are as follows—

1. 25 000 000 litres.

2. 38 000 000 litres. Factors considered in making this estimate are:

(a) continuation of recent patronage trends on buses and trains,

(b) anticipated population increase,

(c) development of new housing estates,

(d) effects of higher petrol prices for private transport.

3. Approximately 100 days' consumption.

4. Mobil Oil (Australia) Limited.

5. The authority has taken steps to ensure that stocks of distillate are available so that temporary interruptions to the supply of distillate do not interfere with bus or rail operations.

6. The South Australian Government's plans include the undertaking of a study of the possible future electrification of the metropolitan transport system.

OFFICE BLOCK

Mr. KENEALLY (on notice) asked the Minister of Industrial Affairs: When will construction commence on the new Community Welfare Department office block to be built at Port Pirie?

The Hon. D. C. BROWN: A proposal for the construction of office accommodation at Port Pirie for the Department of Community Welfare is at present under investigation by the Pariamentary Standing Committee on Public Works. It is anticipated that, subject to a favourable report by the Committee, construction will commence in September 1981. Tenders have now been called for the removal of the existing buildings on the site.

PORT AUGUSTA PRISON

706. **Mr. KENEALLY** (on notice) asked the Chief Secretary: When will construction work commence on the new wing to be built at the Port Augusta Prison?

The Hon. W. A. RODDA: Following a favourable recommendation from the Public Works Standing Committee for a new remand wing and inmate accommodation at the Port Augusta Gaol, current programming provides for the commencement of construction in April 1981, subject to approval of funds.

TAVERN BAR

712. **Mr. HAMILTON** (on notice) asked the Minister of Transport:

1. Why was the Tavern Bar at the Adelaide Railway Station closed on 5 November 1980?

2. What were the daily takings from that bar on 30 and 31 October and 1, 3 and 4 November 1980?

3. How many employees were on duty on those days and what was the overall cost of their wages for each day?

4. Were A.N.R. country and interstate passenger trains working on those days?

5. What are the regulations governing the closure of the Tavern Bar in circumstances relating to 5 November 1980?

The Hon. M. M. WILSON: The replies are as follows:

1. The Tavern Bar was closed on 5 November 1980 midway through a stoppage of suburban train services following a decision of train operating employees to remain on strike for a number of days. This resulted in the closure of much of the Adelaide Railway Station and a further reduction in activity at the station to that experienced early in the stoppage.

2. Daily takings for—30 October 1980—$660
31 October 1980—$684
1 November 1980—$678
2 November 1980—$289
3 November 1980—$345

3. Staff details were:
October 30 1980 4 on duty $180 cost of wages
October 31 1980 4 on duty $178 cost of wages
November 1 1980 3 on duty $183 cost of wages

November 2 1980 3 on duty $119 cost of wages
November 4 1980 3 on duty $121 cost of wages

4. Yes.

5. There are no regulations governing the closure of the Tavern Bar in circumstances relating to 5 November 1980. The State Transport Authority is permitted to sell liquor at railway refreshment rooms under the terms of the Railways Act, 1936-1979.

WOODVILLE FIRE

713. **Mr. HAMILTON** (on notice) asked the Minister of Education:

1. What was the cause of the fire that destroyed the Speech and Hearing Centre at Woodville on 5 November 1980?

2. What is the cost of replacement of that centre and when will the replacement building be available for occupation?

3. What type of audio-visual equipment was destroyed, what is the cost of replacement of each item and will insurance cover the full cost of replacement and, if not, why not?

4. How many primary and secondary schools have automatic fire systems installed in South Australia and, if such systems are not installed, why not?

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

1. The fire was caused by a malfunction in the gas heater.

2. The centre will be replaced with a dual transportable building sited in association with an existing dual building. As this building is from existing stock no replacement cost will be incurred. However, this building and the associated dual will need to be modified and upgraded at an estimated cost of $50 000. It is expected that the building will be available for occupation on the first day of term 1, 1981.

3. An extremely wide range of audio-visual equipment including specialised equipment required in a speech and hearing centre situation, and a large number of smaller items of equipment and specialised training materials were lost in the fire. The Government acts as its own insurer in these circumstances, and all of these items will be replaced using funds from the Government insurance fund.

4. There are no automatic fire systems in South Australian primary and secondary schools. The purchase and installation costs associated with such systems make their provision uneconomic.

BUILDER'S LICENCE

718. **Mr. LYNN ARNOLD** (on notice) asked the Minister of Health: Has Builders Licence R15714 been renewed by the holder and, if not, was an application lodged for renewal by the holder, and, if so, why was it not allowed?

The Hon. JENNIFER ADAMSON: The holder of Restricted Builder's Licence R15714 did not apply to renew his licence by the due date, 30 September 1980 and, subsequently, the licence has lapsed.

BUILDERS LICENSING

719. **Mr. LYNN ARNOLD** (on notice) asked the Minister of Health: Following an appeal against an order of the Builders Licensing Board, does the appeal tribunal have the power to enforce that order and, if not, why not, and what changes are proposed to permit the tribunal to enforce such orders?

The Hon. JENNIFER ADAMSON: Before the enactment of amendments to the Builders Licensing Act earlier this year there were difficulties in enforcing orders of the Builders Appellate and Disciplinary Tribunal made in substitution for orders of the Builders Licensing Board as a result of appeals, as there were no sanctions provided in the Act for failure to comply with tribunal orders. This was promptly rectified when the matter was brought to the attention of the Government and the Act was amended so that—

1. Failure to comply with an order of the tribunal is now an offence, carrying a penalty of up to $1 500; and

2. The tribunal can take disciplinary action (including cancellation of licence) against a builder who fails to carry out remedial work ordered by the tribunal.

These amendments came into operation on 1 July 1980.

BUILDERS LICENSING BOARD

720. **Mr. LYNN ARNOLD** (on notice) asked the Minister of Health:

1. In the case of *de novo* orders issued by either Builders Licensing Board or the Appeals Tribunal, is it necessary for the evidence to remain in its original state until completion of hearings and if not, what recording of condition of evidence is permitted and what modification to its state is permitted by the Board?

2. In the event that no modification is permitted, what protection is available to a consumer who is forced to live with substandard work without any modification for a period of time extended by the issuing of *de novo* orders?

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

1. The powers of the board (and, on appeal, the tribunal) in relation to defective building work are limited to orders directing that remedial work be carred out. Accordingly, if the work has already been rectified, there is no order that the board or the tribunal can make.

2. Where a builder has failed to rectify substandard work the consumer may either—

1. seek orders for remedial work from the board; or
2. have the necessary work carried out by another builder and take legal action against the original builder in the ordinary courts to recover damages for breach of contract.

If the matter is before the board or the tribunal, and the consumer is suffering substantial inconvenience or hardship by reason of defective work, application may be made for an early hearing.

BUILDERS LICENSING ACT

721. **Mr. LYNN ARNOLD** (on notice) asked the Minister of Health:

1. Is the Minister aware of the following statement that was made by His Honour Judge Taylor in the matter *H. R. Tooley vs J. H. Pincombe* trading as Bourke and Wells Painting, where His Honour said: "There is no provision in the (Builders Licensing) Act for an owner who complains that remedial work has not been done to bring the matter to the Tribunal.", and his further statement: ". . . that is Parliament's problem . . ." in regard to that matter?

2. Is any consideration being given by the Minister to investigating his problem and if so, what action is being considered and if not, why not?

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

Yes. However, the statements were apparently made in the course of examination, not in His Honour's reasons for judgment.

2. It is correct that an owner cannot complain to the Builders Appelate and Discriplinary Tribunal that, in contravention of an order of the board or tribunal, remedial work has not been carried out by a builder. Nevertheless, if the owner brings the matter to the board's attention, the board may complain to the tribunal, which can then, after due inquiry, take appropriate disciplinary action. In addition, the builder may be prosecuted and, if convicted, fined a sum not exceeding $1 500.

KANGAROO ISLAND SETTLERS

723. **Mr. LYNN ARNOLD** (on notice) asked the Minister of Water Resources: Has the Minister given his approval for the release of the Kangaroo Island Land Management Study and, if so, in line with the commitment of the Minister of Agriculture, will the report be released and if so, when and if not, why not?

The Hon. P. B. ARNOLD: No. The Kangaroo Island Land Management Study is a report which was prepared for the Minister of Agriculture, and I have been advised that the report will not be released until the determination of the appeal to the High Court in the Johnson case.

PAEDOPHILIAC CLUB

730. **Mr. HEMMINGS** (on notice) asked the Chief Secretary:

1. Is the Minister aware of an organisation called the Paedophiliac Club in Austraia?

2. Has there been any investigation as to whether such a club exists in South Australia and, if not, why not?

3. If there has been any investigation into this club, how many officers were or are involved in the investigation and when will a report be made available to the Parliament?

The Hon. W. A. RODDA: The replies are as follows:

1. The existence of an organisation called the Paedophiliac Club is not known to sources within the Police Department.

2. There has been no police investigation into the existence of such a club in South Australia nor is there any current record that such an investigation has been requested.

3. See 2.

BICYCLE STORAGE

731. **Mr. LYNN ARNOLD** (on notice) asked the Minister of Transport:

1. Is a lock-up facility for the storage of bicycles proposed for installation at the Salisbury Railway Station and, if so, how many bicycles will it provide for and how was that figure arrived at in the planning stages for the facility?

2. Are any further such lock-up facilities proposed for Salisbury Railway Station or for any other railway stations in the electorate of Salisbury and if so, where, for how many bicycles will they provide and when will they be installed?

The Hon. M. M. WILSON: The replies are as follows:

1. Yes. Initially nine lockers will be installed, on a trial basis for leasing to cycle owners. The lockers are a new innovation in South Australia and, if demand at Salisbury warrants further installations, the number will be increased.

2. No further installations are planned in the electorate of Salisbury at this stage.

RELIGIOUS GROUP

732. **Mr. LYNN ARNOLD** (on notice) asked the Premier:—

1. Is the Premier aware of the existence in South Australia of the religious group known variously as the "Moonies" or the Reunification Church?

2. If the group is operating within this State:

(a) have complaints been made to the Government or any of its departments concerning its operations and, if so, how many and what investigations were undertaken as a result; and

(b) are any actions being considered with regard to this group and, if so what?

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

1. The existence in South Australia of the religious group commonly called the "Moonies" is well known. The organisation is listed in the Adelaide telephone directory as follows:

Unification Church.

Holy Spirit Association for the Unification of World Christianity Pty. Ltd.

One World Enterprises Pty. Ltd.

2. *(a)* A number of complaints concerning the organisation's fund-raising activities have been received and investigated by the Police Department.

(b) In no instance, however, has there been sufficient evidence to support police proceedings being instituted nor are there any current proposals to take action against the group. Any specific complaints received by the Police Department will continue to be investigated in the usual way and appropriate action taken in accordance with the circumstances.

REST HOMES

737. **Mr. TRAINER** (on notice) asked the Minister of Health:

1. What requirements are laid down for the ownership and management of rest homes and do inspections only occur during normal weekend working hours?

2. What standard requirements are laid down for the bathing of patients, dispensing of medication, observation of dietary requirements and provision of occupational therapy?

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

1. Rest home operation is subject to licensing under the Health Act, section 146a and Part VI of the health regulations. No restrictions apply to ownership of a rest home. The Local Board of Health may license as a Manager of a rest home, a legally qualified medical practitioner, a registered general nurse or any other person who is otherwise suitable.

Inspections of rest homes are mainly made by a Health Surveyor of the local board and supplemented by inspections by a Public Health nurse or Health Surveyor of the South Australian Health Commission on behalf of the Central Board of Health. Such inspections are largely carried out during normal working hours, but inspections as needed are made at any time of the day or night, on any day of the week.

Health Regulation 134 provides that the Manager of the rest home is responsible for the proper oversight and care of the residents and for ensuring that they receive suitable and sufficient food and for the control of medicines and drugs.

2. Rest homes may only accept persons who are ambulant and semi-independent and capable of being kept in a clean and satisfactory condition by the staff. Persons requiring bathing probably need nursing care and are usually transferred to a hospital or nursing home where proper care, subsidised by hospital or nursing home benefits, can be given.

There are no requirements for a rest home Manager to provide occupational therapy. Again, this is an activity more appropriate to a hospital or nursing home.

I.M.V.S.

738. **Mr. HEMMINGS** (on notice) asked the Minister of Health: How many vehicles are used by the Institute of Medical and Veterinary Science for its collection service?

The Hon. JENNIFER ADAMSON: The Institute of Medical and Veterinary Science uses twelve vehicles for the collection services which it operates in the Elizabeth, Salisbury and country areas. In addition, the Institute participates in a metropolitan collection service consisting of twelve vehicles which are used for the collection and delivery of pathology services by five metropolitan hospitals, the Institute, the Repatriation General Hospital and the University of Adelaide (The Queen Elizabeth Hospital Obstetric and Gynaecology Department).

742. **Mr. HEMMINGS** (on notice) asked the Minister of Health: In regard to pathology services at the Institute of Medical and Veterinary Science, what is the proportion of tests carried out on behalf of patients directed through private practices and metropolitan and country hospitals, respectively?

The Hon. JENNIFER ADAMSON: In 1979-80 the approximate proportion of tests from various sources carried out by the Institute of Medical and Veterinary Science was as follows:

Private Practices 25 per cent
Metropolitan Hospitals 67 per cent
Country Hospitals 8 per cent

ST. JOHN AMBULANCE BRIGADE

752. **Mr. TRAINER** (on notice) asked the Minister of Health:

1. What criteria are laid down by public hospitals to determine whether or not a discharged patient is eligible for ambulance transport home and how do these criteria differ from those applied by St. John Ambulance Brigade to their subscribers in the same circumstances and what are the reasons for the difference?

2. Who makes the decision as to whether a discharged patient is eligible and how is St. John Ambulance Brigade advised of such a requirement for transport?

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

1. Eligibility for ambulance transport is based on medical need as authorised by a medical practitioner of the discharging hospital. The St. John Ambulance Brigade uses the same criteria.

2. The medical officer responsible for the discharge makes the decision as to medical need and the requirement for ambulance transport is advised to St. John by a request from the hospital.

RECREATION CENTRE

753. **Mr. TRAINER** (on notice) asked the Minister of Environment:

1. What plans exist for the development of a recreation centre on the area of land bounded by Sturt, South, and Marion Roads?

2. Is the Government committed to the preservation of all or any of this land as an open space for public use, particularly that section which is adjacent to the Sturt Creek?

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

1. No definite plans exist for the development of the recreation centre at the Sturt Triangle.

2. The Government is committed to the Sturt Triangle being used for open space and recreation uses, such uses being accommodated on the vacant, uncommitted land which is in public ownership. An interdepartmental committee suggested that a riverside reserve be created along the Sturt Creek. The implementation of this concept requires rationalisation of land ownership, and suitable arrangements will have to be negotiated with the Marion Council on the subsequent maintenance activities associated with the reserve.

CONSUMER COMPLAINTS AND CAR SALES REPORT

754. **Mr. TRAINER** (on notice) asked the Minister of Health:

1. Is the Minister aware of the report "Consumer Complaints and Car Sales" recently published in the Institute of Trading Standards *Review* (Vol. 26 Number 6, November/December 1980) dealing with the subject of additional 'on Road Costs' and their incorporation in the total retail price at which a vehicle is advertised for sale?

2. Has the Department of Public and Consumer Affairs investigated any of the following practices outlined in that Victorian report—

(a) advertised prices of new cars being rendered meaningless for comparison purposes because of the wide variation in "On Road Costs" and their exclusion from the total retail price;

(b) the exclusion of "Delivery Fees" from the advertised price and variations in the components of this additional charge;

(c) charges on sale contracts for a "Statutory Requirement Fee" which is actually part of the dealer's normal business overheads; and

(d) the incorporation of a "Freight" charge when a car is sold on finance but not on a cash sale,

and, if so, which of these practices exist in the vehicle retail industry in this State and, if any, what action is proposed regarding these practices?

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

1. Yes.

2. The Department has not received any formal complaints in relation to these practices and has not carried out any specific investigations into them. In relation to *(a)* and *(b)*, the Federal Trade Practices Commission is monitoring this type of advertising on a national basis and is taking appropriate action under the Trade Practices Act where advertisements are found to be misleading. In relation to *(b)* and *(c)*, the Department is not aware of any dealers in this State charging a "statutory requirement fee" or making a "freight charge" on credit sales but not on cash sales.

NATIONAL SERVICE

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

1. Will the guidelines for compulsory transfer of seniors (as explained in the Ministerial statement of 30 October) be extended to give consideration to regarding National Service as being equivalent to country service?

2. Were conscripted teachers, prior to the abolition of National Service in 1972, advised that they would be credited with a period of country service for serving in Vietnam and if so, how long a period was credited and was a similar policy applied to those conscripts who served in Australia and, if not, why not?

The Hon. H. ALLISON: Standard Education Department procedure provides that each year of National Service training counts as one year of country service.

STUDENT HEALTH

760. **Mr. LYNN ARNOLD** (on notice) asked the Minister of Health: Regarding the transfer of the responsibility for the identification of health problems in students away from compulsory health screening to total reliance on parents and teachers—

(a) does statistical data so far available confirm that health problems in students are being identified as accurately as before and if not, in what areas is less success being achieved and what efforts are being undertaken to counteract that;

(b) have complaints been received regarding the changes in identification from—

1. teachers or their associations;
2. parents or their associations;
3. medical practitioners or their associations;
4. schools; or
5. other sources; and

(c) will an assessment be made of the overall results of the change of procedures and if so, when will it be undertaken, who will be undertaking it and how long is it anticipated it will take?

The Hon. JENNIFER ADAMSON: The replies are as follows: There has never been compulsory health screening for children in South Australia nor is there, or has there ever been, total reliance on parents and teachers for decisions regarding screening. Parents are free to accept or reject screening programmes available for their children. In the main, screening programmes for children, along with other services, are provided by the School Health Service of the South Australian Health Commission and the Mothers and Babies' Health Association. There is also the School Dental Health Service of the S.A. Health Commission.

The School Health Service conducts a full health assessment of all children on entry to primary school with almost universal coverage in metropolitan and country schools. Selective health screening is available to other school children upon referral from a parent or teacher and a modified screening programme is carried out on entry to secondary school, mainly for vision and hearing defects.

The Mothers and Babies' Health Association provides screening programmes for infants and some preschool children.

(a) Statistics do indicate that physical health problems are being identified earlier and more accurately today.

(b) Teachers, schools and parents, but not doctors, have complained about the School Health Services. While some complaints have been about screening, most centres on the need for more School Health Services. There have been no complaints from other sources.

(c) The Child, Adolescent and Family Health Service is to review screening policies and programmes. The review is expected to be completed by June 1981 and should result in improved screening programmes to reach more infants and children.

AMARANTH

763. **Mr. LYNN ARNOLD** (on notice) asked the Minister of Health:

1. Is the food colouring additive "pure amaranth" permitted to be used in foodstuffs in South Australia and, if so, what evidence is available to the Minister that previous scientific research which showed that substance to induce birth defects and cancer in laboratory animals is no longer valid?

2. If "pure amaranth" is not permitted to be used in this State, how do health authorities ensure that imported food products do not contain that substance?

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

1. Yes. The status of substances approved for use in foods is under continual review by the Food Science and Technology Committee of the National Health and Medical Research Council. The committee takes into account the most recent research reports in making its recommendations and it has not recommended that amaranth should be removed from the list of permitted food colouring substances.

2. Not applicable.

FIRE BRIGADE

766. **Mr. LYNN ARNOLD** (on notice) asked the Chief Secretary:

1. What is the estimate for the number of homes in—
   (a) the electorate of Salisbury; and
   (b) the metropolitan area,

that fall outside the boundary of the South Australian Fire Brigade area of operations?

2. What costs are incurred by a resident in one of those homes calling the S.A.F.B. to attend a fire in his/her home and how does that compare with the costs applying in a similar situation to a resident living within the S.A.F.B. area of operations?

3. Will the Minister now give consideration to the matters referred to in question No. 487 in the last session and, if not now, when will he give that consideration and, if not at all, why not?

The Hon. W. A. RODDA: The replies are as follows:

1. It is estimated that about 2 600 homes lie within the electorate of Salisbury and within the metropolitan area but outside S.A. Fire Brigade proclaimed fire districts.

2. A resident living in the metropolitan area but outside a proclaimed S.A. Fire Brigade fire district will be charged by the brigade, for each appliance with attends a fire, $50 plus $12·50 for every 15 minutes of attendance after the first hour. A resident living within a proclaimed fire district is not charged by the brigade for attendance at fires but will, of course, contribute to the general funding of the brigade by Fire Brigade levies on insurance premiums and through his council rates.

3. This matter has not, at this time, been considered by the Government.

PARAFIELD GARDENS HOUSE

767. **Mr. LYNN ARNOLD** (on notice) asked the Minister of Transport:

1. What is the present situation concerning the partly constructed house on lot B, section 2268, Martins Road, Parafield Gardens?

2. Are any changes anticipated in the near future and, if so, what?

The Hon. M. M. WILSON: The replies are as follows:

1. The present situation is that there is an agreement between the Highways Department and the owner for the department to purchase the land on which the house is situated.

2. No change is anticipated apart from settlement of the agreement in the near future.

DAIMLER-BENZ CORPORATION

768. **Mr. O'NEILL** (on notice) asked the Minister of Transport; Will the Minister assure the House that arrangements and/or contracts made by the Government with the Daimler-Benz Corporation and/or any subsidiary companies thereof relate only to transport matters and not to any matters connected with the mining and/or processing of uranium?

The Hon. M. M. WILSON: I can assure the honourable member that any contracts entered into with Daimler-Benz Corporation and/or any subsidiary companies related to my portfolios will only concern transport matters.

O'BAHN

769. **Mr. O'NEILL** (on notice) asked the Minister of Transport; Will the Minister assure the House that the O'Bahn system when installed in Adelaide will not be used by the Daimler-Benz Corporation or any other organisation for experimental purposes and that it is a properly evaluated and guaranteed transport system?

The Hon. M. M. WILSON: The O'Bahn system that will be installed in Adelaide has been very carefully evaluated and is a proven transport system. The Daimler-Benz Corporation will be working very closely with the project team during both the design and construction stages to ensure that the facility is constructed to the highest possible standard. It is not the intention of this project to be in any way experimental, as there are test track and experimental facilities in Germany to provide any further developments and improvements to the system.

FISHING LICENCE FEES

771. **Mr. LYNN ARNOLD** (on notice) asked the Chief Secretary:

1. On what does the Government base its decision not to allow fishing associations to opt out of that portion of their fishing fee that is paid to AFIC?

2. On what does the Government base its refusal to allow fishermen to nominate a fishing association other than AFIC as the recipient of that portion of their licence fee?

3. Does the Government intend to support compulsory unionism in other spheres and, if so, which?

The Hon. W. A. RODDA: The replies are as follows:

1. The Government does not have any involvement in the fee paid by fishing associations to AFIC.

2. Fishing licence fees are set by regulation; the arrangement to pay an amount from licence fees to fund the AFIC office was made with the previous Government, and is being continued by the present Government.

3. The amount paid to AFIC from moneys collected from licence fees does not come into the sphere of compulsory unionism.

MEASLES

777. **Mr. BECKER** (on notice) asked the Minister of Health:

1. How seriously is measles considered and what is the South Australian Health Commission doing to publicise the dangers of measles and the complications that could follow?

2. Is an immunisation programme—

(a) still being carried out;

(b) still effective; and

(c) publicised in various languages?

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

1. Measles is seriously considered. Although many children do not suffer significant complications as a result of infection with measles, a significant number develop complications such as chest infection (bronchitis or pneumonia), middle ear infection (otitis media) and encephalitis. Very infrequently there are late reactions to measles which do not manifest for many years.

For this reason, at the request of the Minister of Health, the S.A. Health Commission is designing an immunisation promotion programme in 1981 during which special attention will be given to encouraging measles immunisation. The goal of the programme, which is to be a continuing one, is to achieve universal immunisation against infectious diseases in South Australia.

At present, the immunisation promotion programme is focused on newly arrived Vietnamese immigrants. A leaflet in English, Vietnamese and Laotian explaining the complications of measles and the advantages of immunisation is distributed to newly arrived Indo-Chinese. In addition, posters urging the public to have their children immunised are widely distributed through local councils and child health clinics.

2. *(a)* An immunisation programme is being carried out through general practitioners, local authorities and the Health Commission's Immunisation Unit at Norwood.

(b) The coverage of the population with measles immunisation has improved from 30 per cent to 50 per cent over the past five years. This represents a significant increase. However, there is a need for further attention in this regard, particularly among the lower socio-economic groups and ethnic minority groups where protection is lower.

(c) The immunisation programme is currently publicised in English, Vietnamese and Laotian but consideration will be given to publicity in other languages in the immunisation promotion campaign in 1981.

PARALOWIE SCHOOL

781. **Mr. LYNN ARNOLD** (on notice) asked the Minister of Education: Why did the Minister in answer to question No. 502 during the last session, state "current planning provides for the availability of additional solid construction buildings at the beginning of 1982" with regard to Salisbury North High School (now Paralowie School) accommodation for primary grades, when the

1980-81 Loan Estimates indicate no funds have been allocated for this project?

The Hon. H. ALLISON: The answer given to question No. 502 during the last session concerning planning for the availability of additional solid construction buildings for the Paralowie School was based on what was then considered the time required for determining the solid building needs at the school in a reasonable time after it opened as a holding school. Later discussions indicated that more time was necessary to be realistic to enable for settling in, gaining of community expertise in planning and community participation in considerations of the eventual solid facilities needs. The programme was therefore lengthened with completion envisaged in May 1983. As Paralowie was not planned for opening at the beginning of the 1982 school year at the time that the Loan Estimates were prepared for 1980-81 no allocation of funds in that financial year was necessary.

EDUCATION PROJECTS

782. **Mr. LYNN ARNOLD** (on notice) asked the Minister of Education: Regarding Australian Bureau of Statistics figures for approvals for education projects for South Australia—

(a) what proportion of the $12 700 000 approved in the period April to June 1979 was for Government schools;

(b) what proportion of the $5 000 000 approved in the period April to June 1980 was for Government schools; and

(c) why has there been a reduction from 1979 to 1980 in approvals for education projects involving Government schools?

The Hon. H. ALLISON: The Australian Bureau of Statistics figures quoted include Government schools and Further Education Centre projects and non-government school projects. The proportions applicable to Government projects were 88·3 per cent and 87·2 per cent respectively.

WAKEFIELD HOUSE FURNITURE

784. **Mr. LYNN ARNOLD** (on notice) asked the Minister of Industrial Affairs—Concerning the undertaking given by the Minister on 21 October 1980 to provide information on matters relating to the removal of furniture in Wakefield House—

(a) when does the Minister propose to supply that information; and

(b) why has a month already elapsed (since the time of asking this question) without any information being provided?

The Hon. D. C. BROWN: My reply to Question on Notice No. 784 for Mr. L. M. F. Arnold, M.P., was given in the House by way of a Ministerial Statement on 20 November 1980.

COMMUNITY WELFARE FILES

788. **Mr. MILLHOUSE** (on notice) asked the Minister of Health: Were files of the Department for Community Welfare found in Portus House, Gilberton, during the demolition and, if so—

(a) how many;

(b) of what nature were they;

(c) how did they come to be left there;

(d) who was responsible for leaving them there and what disciplinay action, if any, has been taken against such person; and

(e) what has happened to the files now?

The Hon. JENNIFER ADAMSON: No files of the Department for Community Welfare were found at Portus House during the demolition. Some typed and handwritten working notes were found.

(a) Two typed and six handwritten working notes.

(b) Notes of interviews.

(c) They were put in a cellulose bag for re-cycling.

(d) A student on placement with the department. She has been interviewed and informed that her action was reprehensible and contrary to departmental instructions. She is not employed by the department.

(e) They are in the possession of the department.

ADVERTISEMENT

790. **Mr. HAMILTON** (on notice) asked the Minister of Education:

1. What was the cost of the advertisement on page 32 of the *Advertiser* on 19 November 1980?

2. How many such advertisements were placed in other newspapers in South Australia and what area newspapers were involved and what were the respective costs?

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

1. $1 209·90.

2. None.

DYNASTY PROMOTIONAL ASSOCIATES

795. **Mr. LYNN ARNOLD** (on notice) asked the Minister of Education:

1. When does the Minister of Corporate Affairs propose to reply to the Member for Salisbury's letter of 6 October concerning Dynasty Promotional Associates?

2. Why was no acknowledgement of pending consideration sent as an immediate response to the letter, and why has the Minister not replied before now?

The Hon. H. ALLISON: A reply was sent to Mr. Arnold on 19 November 1980.

NORTH ARM MARKET

796. **Mr. LYNN ARNOLD** (on notice) asked the Chief Secretary: When does the Minister propose to reply to the member for Salisbury's letter of 10 September 1980, acknowledged by him on 15 September (MM 2090/80), concerning the North Arm Market, and why has he not replied before now?

The Hon. W. A. RODDA: A reply was forwarded to you on 27 November. The delay in replying was due to discussions being undertaken between the Department of Marine and Harbors and the Department of Agriculture.

PUBLIC HOLIDAYS

815. **Mr. MILLHOUSE** (on notice) asked the Premier: Will the Government now introduce legislation to amend the Holidays Act to do away with the holiday for the Adelaide Cup and substitute for it a holiday on Boxing Day and, if so, when and, if not, why not?

The Hon. D. O. TONKIN: No.

INCINERATOR

825. **Mr. HAMILTON** (on notice) asked the Minister of Environment:

1. Does the Government intend to erect an incinerator within the metropolitan area capable of destroying "hazardous industrial wastes" and, if so, where and when?

2. Will this incinerator, if so erected, be capable of destroying P.C.B.'s and, if so, what precautions will be taken when such burnings take place?

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

1. On the information available it would appear that there is insufficient quantity of hazardous industrial waste produced in South Australia to warrant the construction of a high-temperature incinerator for this purpose. the Metropolitan Waste Management study shortly to be undertaken by the South Australian Waste Management Commission will provide valuable data on which to base on assessment.

2. The destruction of P.C.B.'s will be part of the study by the commission.