HOUSE OF ASSEMBLY

Thursday 19 November 1981

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

HOUSING AGREEMENT BILL

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

SOUTH AUSTRALIAN COLLEGE OF ADVANCED EDUCATION BILL

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

PETITIONS: PRE-SCHOOL COSTS

Petitions signed by 224 concerned residents of South Australia praying that the House urge the Government to provide sufficient funds to cover all pre-school operating costs were presented by Messrs Lynn Arnold and Evans.

Petitions received.

QUESTION

The SPEAKER: I direct that the written answer to a question, as detailed in the schedule that I now table, be distributed and printed in *Hansard*:

PORTER BAY PROPOSAL

In reply to **Mr BLACKER** (29 October).

The Hon. P. B. ARNOLD: Investigations for a scheme to provide sewerage facilities to the Porter Bay and Kirton Point area at Port Lincoln are well advanced. Preliminary design to determine the size of mains required and their location in the area has been completed. As indicated in my reply to your question in the House on 29 October, finance for the scheme will be reviewed at the time Estimates of Expenditure for the 1982-83 financial year are considered. Approval of the scheme will, of course, be subject to a favourable report by the Parliamentary Standing Committee on Public Works and the availability of finance at the time.

MINISTERIAL STATEMENT: TOTALIZATOR AGENCY BOARD

The Hon. M. M. WILSON (Minister of Recreation and Sport): I seek leave to make a statement concerning the operations of the T.A.B.

The SPEAKER: Is leave granted?

Mr Millhouse: No.

The SPEAKER: Leave is not granted.

The Hon. D. O. TONKIN (Premier and Treasurer): With great reluctance, I move:

That Standing Orders be so far suspended as to enable the Minister to make a statement before the onset of questions without notice.

Mr MILLHOUSE: Briefly, I give my reasons for opposing the granting of leave today for this Ministerial statement.

Mr Mathwin: I will move that the reasons be inserted in *Hansard* without their being read, if you like.

Mr MILLHOUSE: It will take longer if I have interjections like that asinine interjection from the member for Glenelg. I will be as quick as I can. There is not much that I need say, except that it was on 9 November that I wrote to the Premier protesting and saying that, unless some settlement of the problem that had arisen was made, I would object each time to the seeking of leave. I have not yet had any answer from the Premier to that letter. Therefore, the situation is precisely the same now as it has been all along. In the very unsatisfactory conversation that I had one evening last week with the Deputy Premier, he said, in a rather condescending way, that he would give me a reply, but I have not had it. So far as I am concerned, the situation still remains: while we have these flagrant abuses of leave to give Ministerial statements, and so long as there is no undertaking that that will not occur and there is no agreement to my suggestions, I will continue on each occasion to oppose leave, and to oppose the subsequent suspension of Standing Orders to get around my opposition.

You know, Mr Speaker, because you alone so far have replied to or acknowledged the letter that I have written since, making a suggestion to get over the whole problem by giving the House power to withdraw leave if there is anything offending in a Ministerial statement. That may be an alternative way out of it. You have said that it will be referred to the Standing Orders Committee.

The SPEAKER: Order! The honourable member is now transgressing. The debate relative to this particular motion relates to suspension for today for a particular Ministerial statement.

Mr MILLHOUSE: I have said all I wanted to say. I just wanted to mention that I had written a letter and what that suggestion was. Those are, briefly, my reasons. I will continue each time there is this seeking of leave to oppose it until I get a reply and until we get some satisfactory resolution of the situation. So, the matter is entirely in the Government's hands.

The SPEAKER: The question before the Chair is that the motion be agreed to. Those of that opinion say 'Aye', against 'No'.

Mr Millhouse: No.

The SPEAKER: There being a dissentient voice, there must be a division. Ring the bells.

While the division was being held:

The SPEAKER: Order! There being only one member on the side of the Noes, the motion therefore passes for the Ayes.

Motion carried.

The Hon. M. M. WILSON: There are two major matters relating to the operation of the T.A.B. in South Australia to which I wish to refer. The first deals with a shortage of funds at the Riverton sub-agency of the T.A.B. and the other, the reorganisation of the management of the T.A.B. for the purpose of improved operations.

Loss of funds at Riverton sub-agency: As members would be aware, a serious loss of funds was disclosed at the Riverton sub-agency of the T.A.B. in August this year. The loss was discovered by the T.A.B. staff when a cheque for the settlement of bets from Riverton to its controlling agency at Clare was dishonoured. The Chairman of the T.A.B., Mr Powell, was advised of a problem at Riverton on Friday 14 August, and on Sunday 16 August the General

Manager advised him that a substantial loss had been discovered. Mr Powell immediately contacted me, and the following morning a special meeting of the T.A.B. was held. An independent investigation by the T.A.B. solicitors was instituted. Following further discussion between the Chairman and me, the Auditor-General was asked to undertake an immediate inquiry. Simultaneously, the matter was referred to the Fraud Squad, and detectives attended at Riverton on the same day.

These investigations showed that a loss of $348 066.35 had occurred. The Riverton sub-agency was closed and has remained closed since Monday 17 August. It was established that the cause of the loss was due to the sub-agent at Riverton granting credit betting to a punter, which is strictly forbidden by the rules of the T.A.B. and the Racing Act itself. Legal proceedings have been instituted and therefore the matter is *sub judice*.

The Auditor-General has reported that indications of unusually large investments were apparent at Riverton as early as April 1981. In fact, the weekly turnover of the Riverton sub-agency grew from approximately $1 500 a week in April to approximately $50 000 a week in June and rose to over $130 000 in a week in July. This was known to officers of the T.A.B., but was not reported to the board. The Auditor-General in his report said it was:

> . . . surprising that management reaction to the level of business activity at Riverton did not solicit a positive response.

The Auditor-General went on to say that the T.A.B.'s procedures, although generally satisfactory, were not such as to cope with an abnormal situation as arose at Riverton. The Auditor-General said there were:

> sufficient warning lights to alert T.A.B. personnel to an abnormal situation at T.A.B. Riverton which warranted further investigation. If early action had been taken, credit betting and the shortfall of funds would have been detected and the loss minimised.

The Auditor-General also said:

> . . . The established T.A.B. procedures were satisfactory for normal business activity: the volume of business at Riverton was abnormal, moving into this category in mid-April. Where abnormal conditions emerge in an enterprise, additional controls that need to be brought into motion are usually those initiated by management. It is considered that responsible management should have looked at the following options:
>
> *(a)* instruct field operations staff to conduct an inspection and cash audit;
>
> *(b)* insist upon more frequent settlements from the sub-agency—this would be consistent with proper cash management of business funds; and
>
> *(c)* request the Audit Manager to carry out a special audit.

The Government is most concerned about the whole affair at Riverton, and in particular that action was not taken until a dishonoured cheque was presented. The Chairman of the board has been advised by letter of this serious concern.

As already stated, the loss by the T.A.B. was $348 066.35. However, the gross outlay by the punter at Riverton was approximately $962 000, and it is estimated that $109 000 in commission was deducted from it in the normal way by the T.A.B. before dividends were calculated and paid out to winning punters. This, in effect, puts the net loss to the Government and the racing codes at $239 000.

The overall effect of the betting transactions by the punter at Riverton means a reduction of $239 000 in funds available for distribution to the codes and the Government. After operating costs of the T.A.B. are deducted, the codes receive half the T.A.B. profits; therefore, the loss to them is $118 500. Based upon 1980-81 figures, this would be divided as follows: 68 per cent to galloping, $80 580; 20 per cent to trotting, $23 700; and 12 per cent to greyhounds, $14 220. Having completed its investigations into the loss at Riverton, the board of the T.A.B. has taken the following actions:

1. The General Manager has asked for and been granted early retirement, and a new Chief Executive will be appointed; applications will be called for the position throughout Australia.
2. The Riverton sub-agency has been closed.
3. One officer has been dismissed.
4. Four officers have been reprimanded.
5. Writs for recovery of funds have been served on the punter and sub-agent.

In addition, police are continuing their inquiries, and I am awaiting a report on any further action.

Reorganisation of the management of the T.A.B.: To allay any concern of members and the public about the operations of the T.A.B., I advise that in July of this year the board, on its own initiative and after consultation with me and without knowledge of the Riverton problem, engaged P.A. Australia to review and report on the current staffing levels and the balance of skills at management level of the T.A.B. having regard to current activities. Future activities over the period to 1986, and possible changes in technology or the market situation were also included. The T.A.B. recently received the report and has put forward the following main recommendations:

1. An audit and efficiency department reporting directly to the General Manager to be established. This department would be concerned with:
   - existing internal auditing;
   - audit of the computerised operations;
   - extension of the audit programme for agencies and sub-agencies.
2. Staffing levels in the computer area to be reviewed.
3. The board to determine a clear marketing policy.
4. The board to evaluate the feasibility of the purchase of another computer compatible with the existing equipment which could be used for programme development, testing and statistical reporting. This would enable:
   - the life of the present equipment to be extended;
   - the response time on weekdays, when the computer is being used for system development and testing concurrently with handling race-day operations, not to be affected;
   - the current computer equipment to be dedicated to betting operations and thereby increase the system 'up' time.

Decisions on these recommendations will be taken as soon as possible. The present computer was acquired in 1978. Prior to this, the T.A.B. had an unhappy experience with a proposed computer when the then board considered that, by automating the on-course totalizator facilities, clubs would be provided with increased profits.

On 1 July 1971, the board took up a 46 per cent shareholding for $150 000 in Dataline Holdings Pty Ltd, a company which purchased the shareholding of Dataline Systems Pty Ltd. The remaining 54 per cent shareholding in Dataline Holdings Pty Ltd was subsequently purchased by the board for $19 800.

On 10 December 1973, the board, having not had delivered at that date any computer equipment which was fully operational, despite having paid $1 000 000 in advance, resolved that no further funds would be committed to Dataline Holdings Pty Ltd, and that the board would cease operating on-course totalisators on behalf of clubs. The total loss amounted to $1 820 834.

In conclusion, I would comment on complaints which are received about the breakdowns in computer operations which occur from time to time at branch offices of the T.A.B. The T.A.B. started using its present computer in September 1978 and, like most computer installations, there are times when unavoidable breakdowns occur. Because of

the type of operations carried out by the T.A.B. it is not possible to use a manual service when the computer goes down. Given the nature of the T.A.B. computer and the service it provides through its many on-line terminals, the amount of down time is comparatively small; 84 metropolitan sales outlets are connected to the system and 245 selling terminals. Also, the T.A.B. is in the process of computerising its 33 rural agencies and 55 subagencies, which will involve a further 140 terminals. Statistics show that the computer has remained in service for 99.5 per cent of betting time in 1980-81, which compares favourably with other States' performances, which are between 99 per cent and 99.6 per cent.

I point out that, since July 1981, there have been five occasions when serious interruptions have occurred in selling time at T.A.B. agencies. This has been the subject of a number of complaints and can be attributed largely to the conversion of manual country agencies to computer operations and the use of two new types of terminals. The latest figures to hand cover the 12 months to 10 September 1981. In this period there were 312 operational days, during which 203 faults were experienced in the existing computerised system. Of these faults, 106 held up selling for less than five minutes, 53 from five to 10 minutes, 28 from 11-30 minutes, and 16 above 30 minutes.

To summarise, it should be noted that selling was affected for 2 669 minutes out of a total of 266 855 minutes of computer operation, which gives an 'up' time for selling of 99 per cent. This is still a satisfactory performance, notwithstanding that it represents a deterioration on the performance for the financial year 1980-81.

Nevertheless, the Government views breakdowns in the T.A.B. computer as a serious matter, particularly as it affects the public, and it is pertinent to reiterate that the T.A.B. in its reorganisation will immediately evaluate the feasibility of the purchase of additional computer equipment with a view to improving its computer operations.

The T.A.B. considers that it is now time to upgrade and improve the operation. Such proposals will have regard to the desirability of having more capacity for betting functions, better response rates in betting transactions, and reduced 'down' time in agencies. These proposals will be considered by the Government in the near future.

QUESTION TIME

The SPEAKER: Before calling on questions, I advise that the questions normally directed to the Minister of Industrial Affairs will be taken by the Deputy Premier; the questions to the Chief Secretary will be taken by the Minister of Agriculture; and questions to the Minister of Tourism and Minister of Health will be taken by the Minister of Transport.

FROZEN FOOD FACTORY

Mr BANNON: What assurances did the Premier give to the deputation that he received from the Food Preservers Union and employees of the Frozen Food Factory that the retrenched employees of the factory would have their jobs saved in accordance with his undertakings at the time of the sale to Henry Jones, and what action is the Premier taking to ensure that this is done?

Over the past week, at least 84 workers in South Australian industry have lost their jobs. During the weekend we heard that 16 workers had been retrenched at Sola Optical, which has a remaining work force of 500 employees who, at the moment, are not receiving any assurances about continued employment. There were also 49 job losses at Wunderlich and 27 at the Frozen Food Factory, which was the subject of a question to the Premier yesterday. At the time that the contract was signed between the Government and Henry Jones (IXL), the Premier was able, by both press statement and in this House, to reassure the work force that its employment would continue and that, far from it being under threat, the work force would expand in what he described as a very good deal for South Australia.

In answering the question yesterday, the Premier sought to draw a distinction between the employees involved in that transfer, and he said:

> I must point out that all 27 were on short-term contract appointment so in fact there was no continuity.

Documents produced as a result of this action taken by the company indicate that the so-called 'short-term employees' were in fact made firm offers of employment as part of the transfer, at the time the Premier was making his announcements. In fact, a circular was sent to all employees, setting out conditions of future employment, in which it referred to the fact that no retrenchments were to be made of permanent employees, and, in the case of short-term employees, the following was stated:

> At the date of sale each short-term employee will be offered employment with SAFFO. Employees will have 48 hours in which to accept such offer.

The third clause states:

> Employees who take up employment with SAFFO will be granted continuity for annual leave and sick leave purposes.

A letter was sent to each of those employees, the 27 that the Premier attempted to dismiss yesterday—

The SPEAKER: Order!

Mr BANNON:—making this offer as part of the transfer and saying that particular positions would be offered, commencing from a certain date. The employee was invited to accept this position. I understand that among the former short-term employees who were offered the new contract of continued employment as part of this transaction were several who wanted to leave and one who was in the process of switching across to Mitsubishi, but, by reason of the company's offer and the Premier's reassurances, all were induced to stay at Dudley Park. Those same workers are those who have been given notice.

The Hon. D. O. TONKIN: There are a large number of matters which the Leader has raised. I am not sure whether he wants me to deal with the general matters raised in relation to Wunderlich and Sola Optical or whether he wants me to deal specifically with the situation at the Frozen Food Factory. There is limited time for Question Time so I think, therefore, that I should deal with the Frozen Food Factory because—

Members interjecting:

The SPEAKER: Order!

The Hon. D. O. TONKIN:—that, I think, concerns the Leader more than the other matters he raised. Let me repeat what undertakings I have given. First, I undertook to speak to representatives of Henry Jones Ltd today and to ascertain from them what their plans are for the future and what they can see as the problem now.

I have done that, and I am able to report that I was able to speak to Mr John Elliot, who informed me that planning had been undertaken now for some time for an expansion of the operations of the Frozen Food Factory in March next year. The reason why March and April of next year were chosen for the timing of the introduction of new product lines and new processes is because all of Henry Jones' activities now are fully extended in dealing with the vegetable season.

It is the height of the season at the present time. They are processing peas and beans in large quantities, and it

was not at any time intended that the suggested increases in production and employment would in fact take place any earlier than March or April next year. That planning is still going on, but Henry Jones has been able to assure me not only that the planning is going on and that they are planning expansion for that time, but that, as a result of the totally unforeseen failure of the Chinese food line, they will be looking at that company and at the process to see whether or not there is some way in which it can be continued, perhaps in a modified form or at a modified level. Finally, I have the company's assurance that those people who have been laid off at this time will have jobs offered to them as jobs become available when, on the present planning, the activity of the Frozen Food Factory increases in March and April next year.

These are the things that I have done since speaking to the deputation this morning. I think it is important to make the position very clear indeed so that there can be no misunderstanding about the situation of these people. We would of course like to help them, but the point is that the Leader of the Opposition has said that the Government undertook to maintain them in employment or to make sure that they were maintained in employment. That is so, but the continuity was to be on the same basis as they were employed as employees of the Frozen Food Factory when the Government owned it, and there has never been any suggestion that that should be otherwise. When the offers of employment were made to those workers they were made after the take-over; they were made by Henry Jones and there has been no breach of that contract as laid down in the contract of sale.

Mr Bannon interjecting:

The Hon. D. O. TONKIN: It is not a question of trying to sell it. It is true, it is fact, and there is no way that can be overcome. Further, the Leader has said that there were guarantees of continuity of service in relation to long service leave, sick leave, and so on. Again, there certainly has been no breach of that agreement because the conditions, the length of service, the continuity for long service leave, for sick pay, and so on, have in fact been maintained and all workers have been given due credit for the period that they qualified for long service leave. That again is in the agreement that was made and there is no question of that having been breached. Indeed, the Government is quite satisfied that there has been no breach of the conditions relating to the sale of SAFFO to Henry Jones, and the present situation is entirely one between Henry Jones and the unions involved.

The maximum staff ever retained at the factory was 120 people. At the time of the take-over by Henry Jones the total staff complement was 95. There were 21 public servants who were seconded to SAFFO at that time. They chose to transfer back to the Health Commission after the take-over, and that reduced staff numbers to 74. Those people were quite entitled to change back to the Health Commission, and it was part of the conditions of sale that those permanent employees would be maintained in permanent employment.

Production of Chinese food has fallen over a period of some four months. Prior to the take-over the production had fallen from five days a week to two days a week and in mid-October production fell to zero, because of a lack of demand. The production of Chinese food is labour intensive and accounts for 37 per cent to 40 per cent of the production staff.

Stocks continued to be built up for as long as possible, but it became quite clear that the over-capacity situation in the freezer, which had also led to some difficulties in the factory itself, could not continue, and the lay-off of 27 production personnel has resulted in total staff numbers at the factory falling to 48. All of the 27 people who have been laid off, I repeat, were on short-term contracts with SAFFO prior to the take-over. At the time of the take-over they all decided to join Henry Jones. All but one of the 27, I think, are members of the Food Preservers Union.

The point is that, even if the sale of SAFFO to Henry Jones had not gone ahead, those people would still have been laid off under the circumstances that have arisen with Honourable Chinese Food. No amount of talking can get over that fact. It would not have mattered whether the factory had been transferred or not; those people would still have been laid off. That was the very reason why they were employed as short-term contract employees, because there is, as is well known, a very variable supply and demand situation in relation to frozen foods.

I cannot accept the Leader's comments that there has been, in some way, a breach of conditions. Employment was continued on the same basis. Continuity of long service leave and sick leave has been honoured. I repeat that the original plans of Henry Jones to continue and to expand are to be carried out. I have that assurance. It is most unfortunate (and it would have been under any circumstance) that the failure of the Chinese food operation has resulted in this present situation.

SCHOOL VISITS

Mr RANDALL: Will the Minister of Education clarify why departmental officers visited schools in my electorate to assess their resources? It has been said publicly to parents in my electorate that the schools, two of which are Kidman Park High School and Henley High School, are part of a number of schools in the western region being assessed for possible closure. Parents quite rightly have contacted my office out of concern, because they do not want to see any of the high schools in the area closed. Therefore, we need urgent clarification on the matter.

The Hon. H. ALLISON: I assure the honourable member that his electors, particularly the parents of students in the area, need feel absolutely no cause for concern simply because a group of departmental officers has been conducting a survey into the five schools that exist along the transport corridor between Thebarton and Henley Beach. In fact, probably some of that fear may have arisen because the survey came almost coincidentally with the release of a departmental report on future rational use of Education Department buildings. However, the survey did not stem from that report at all, although references made in that report to the correct use of facilities are certainly relevant in this case; they are not completely isolated. But, the real cause of the survey was two-fold. One was that Thebarton High School itself is part of the proposed six schools project, which involves metropolitan and country high schools in the school-to-work transition programme. Thebarton, of course, is intended to be an important component in that programme, particularly since it was formerly a technical high school and had resources which a number of other State high schools simply do not have.

Another point, which I might well have made when I was asked a question by someone in Opposition only a couple of weeks ago and which was really the most important part of an answer I was giving at that time, was that the House will be aware that Thebarton High School has been the subject of two redevelopmentt propositions for some considerable time, in fact before we came to power. Among recommendations made a couple of years ago was that Thebarton High School itself should be completely rebuilt.

The student population statistics that were being floated around at that time were for a total of about 550 youngsters

attending. Those figures have had to be quite radically re-estimated, and we are down some 100 to 200 on those original figures. Quite apart from that—

An honourable member interjecting:

The Hon. H. ALLISON: Yes, but since that time the lowest figures that we are estimating have again been upgraded. More significantly, apart from the obvious fluctuation in figures, the Public Works Standing Committee (I think I said the Public Accounts Committee in answer to a previous questioner), which investigated the redevelopment of Thebarton, pointed out to the Education Department that one of the propositions that was for the demolition of the existing solid structure at Thebarton was probably an unwise recommendation. The committee asked that the department reconsider because, after all, the provision of walls, solid construction and roofing, such as already exists there, are the most expensive components in modern school buildings.

So, the committee asked the Education Department to have another look at that problem and see whether it could not utilise the existing solid structure. Rather than come to an immediate decision, it was decided that the five schools along the Thebarton to Henley Beach transport corridor should be examined as a logical group of five schools that might complement one another by the provision of education services to their mutual benefit. That survey has been completed, and I can assure the honourable member that closure of any one of the schools is not envisaged.

Apart from that, even were the parents a little worried about the release of the report on facilities and the coincidental timing of this survey, I point out that one of the recommendations was that closure of schools should be as a very last resort and certainly not as a first resort. Closure would be recommended only after lengthy consultation with parents, school councils and school staffs. So, the fears that are being triggered in the minds of parents are quite unjustified.

FROZEN FOOD FACTORY

The Hon. J. D. WRIGHT: Will the Premier table all letters, records of agreement and any other documents relating to the sale of the South Australian Frozen Food Factory and the guarantees to the employees by the Government and I.X.L. concerning continuity of employment so that the House can decide for itself whether the Government and, in particular, the Premier and the Minister of Industrial Affairs, are telling the truth and, if not, why not?

The Hon. D. O. TONKIN: Basically because I regard that as grossly insulting. I certainly will not accede to any such request.

SYDNEY TOURIST PROMOTION

Mr OLSEN: Will the Deputy Premier tell the House who is funding the current Sydney tourist promotion of the Barossa Valley? In addition, who is the promoter or co-ordinator of those activities? Newspaper reports of the first day's promotion have highlighted the success of the venture and have led to suggestions that have been made recently that similar such activities should be undertaken to promote South Australian tourism and the industry generally.

The Hon. E. R. GOLDSWORTHY: I shall be pleased to give the honourable member—

An honourable member interjecting:

The SPEAKER: Order!

The Hon. E. R. GOLDSWORTHY: Well, the member for Baudin has entertained us for the last 11 years in the corridors, and I think that honourable members have probably had enough.

An honourable member: Oh, no, you haven't.

The Hon. E. R. GOLDSWORTHY: They have had too much, in fact.

The Hon. H. Allison: An ill wind that nobody blows good.

The SPEAKER: Order! I remind members on both sides of the Chamber that I have a long list of members desiring to ask questions and receive answers.

The Hon. E. R. GOLDSWORTHY: I shall not answer the interjections. The festival, of course, has been a great success. It is the biggest promotion of its type ever undertaken in Australia by the South Australian Government. We used to get a lot of huffing and puffing about tourism during the life of our predecessors, but there has been nothing to equal this.

In relation to funding, the results thus far have been quite outstanding, as I will relate to the honourable member if he is patient. In the main, the funding has been by the Barossa Valley Winemakers' Association, assisted by two sponsors—Australian National and T.A.A. The total expenditure which has been mentioned to me is about $300 000, of which the Government's contribution has been $35 000.

The festival is being co-ordinated by the State Development Department, which has done an excellent job indeed. I attended the opening ceremony in Hyde Park. The opening was performed by the Lord Mayor of Sydney, Alderman Sutherland, who was greatly impressed by what South Australia had to offer in the range of wines, with the Tanunda Town Band and other artists performing there. The opening attracted a crowd while I was there of about 10 000 people, and by the time it finished I think the figure had swollen very considerably.

That honourable member will be interested to know that I also visited the South Australian Travel Centre while I was in Sydney. It was quite apparent that the VISA programme, which the Minister of Tourism has promoted, is attracting a great deal of attention, and the interest being shown at the Travel Centre was greatly heightened by the promotion in Sydney. I think that all those who have been involved in the promotion in Sydney are certainly deserving of the Government's thanks, and that all fair-minded members of this House would agree that this has been a quite outstanding event.

PRE-SCHOOLS

Mr LYNN ARNOLD: Will the Minister of Education countermand the endorsement given by the Director-General of Education to the Chairman of the Childhood Services Council on 29 September concerning staffing ratios for pre-schools and, if not, why not? On 10 November, in answer to a question from the member for Newland concerning possible changes in pre-school staffing, the Minister indicated that the source of concern was a discussion document circulating within the Childhood Services Council which had not been presented to the Minister for consideration. However, he categorically stated:

> The Government firmly believes that the present staffing ratio of one to 10 should remain in the 1982 school year.

From information I now have, while it appears that the Minister may have been correct in assuring the House that he himself had not had the document presented for his consideration, that document did go beyond the Childhood Services Council level in at least one instance. A copy of the paper was forwarded to the Director-General of Edu-

cation for his comments. He replied on 29 September, and the pertinent comments of his letter are as follows:

Your attached paper relating to pre-school staffing ratios deserves early implementation. I fully endorse the proposal 'that centres which have the least number of factors which militate against the well-being of children and which are required to provide fewer supportive services be staffed on higher ratios than other centres'. However, in my view the paper does not go far enough in terms of its differential staffing basis. It would seem necessary to examine the teacher/aide ratio also.

He then went on to say:

While we have the policy to provide for a year's pre-schooling for all children and yet there is a long list of submissions still awaiting initial staffing, a more radical policy may need to be adopted in the short term. If it is necessary to have a teacher/aide ratio of 1.5:1 in some centres to achieve basic staffing for all four-year-old children, then this should be considered as a temporary solution.

The Hon. H. ALLISON: It is unfortunate that the honourable member did not have a more recent leak, and that would have been one from my office which substantiates what I told the House some few weeks ago—

Mr Lynn Arnold: That countermands it.

The Hon. H. ALLISON: Well, it did not have to countermand it, because the Director-General, or whoever the supporting statement came from, did not put the submission to the Minister. He rightly addressed the matter to the Childhood Services Council, which had a discussion paper circulating among a much wider range of people than the Director-General of Education. I understand that diametrically opposed points of view may have been returned to the Childhood Services Council.

The simple fact of the matter is that the discussion paper, as I termed it a few weeks ago, came across my desk very recently, and the recommendation that I have made to the Childhood Services Council is that a plain Government policy of a ratio of 1:10 shall remain unchanged for 1981-82.

ROAD WIDENING

Mr GLAZBROOK: Will the Minister of Transport elaborate on the comments made in yesterday morning's *Advertiser* in an article headed 'Government scraps plans to widen roads', and, in particular, to the subheading 'Properties can be sold'. That article quotes the Minister as saying that:

. . . removal of the road would free the sale, purchase and development of properties affected by the plan.

I ask this question because others have asked me whether the Minister intends to publish a list of houses, or properties, and values, together with any other actions proposed to dispose of the homes and properties so affected.

The SPEAKER: Before calling on the Minister, I indicate yet again to members that asking any Minister to comment on a newspaper report is virtually inadmissible and that it will be viewed so in future.

The Hon. M. M. WILSON: The question of planning blight caused by the drawing of lines on maps is well known to most members of this House. The fact that there is a statutory plan of one type or another where either transportation corridors or roads are drawn means that a situation is reached where house-holders who wish to sell properties find that, when they try to sell them, there are no buyers, because prospective buyers have found that such properties or houses are either in a transportation corridor or adjacent to a road that it is intended to widen at some time in the future—often many, many years in the future, if at all.

I am reminded that not very long ago I had to sign the authority for the Highways Department to purchase for well over $100 000 a house that was situated in a Salisbury transportation corridor that may never be used or built on.

An honourable member interjecting:

The Hon. M. M. WILSON: I did not say that it would never be used; it may never be used. Certainly, it would be many years hence, and quite obviously that sort of thing can not be allowed to go on, because not only does it produce a planning blight and provide hardship for property owners, but also it prevents development in the areas concerned. Certainly in the case that I have mentioned it has a pretty serious effect on the aspirations of local government in that area.

The Hon. J. D. Corcoran: It would be a bit rough on the highways purse.

The Hon. M. M. WILSON: I was coming to that. It certainly does get a bit rough on the highways purse, as I have been reminded, because when those properties cannot be sold by householders or property owners, the Government must acquire them on the basis of owner approach and owner hardship. I do not believe that there is an honourable member here who has not had a constituent making that point to him at some time or another. It is high time that something along these lines was done. I congratulate the Highways Department for doing an excellent job.

Often the Highways Department is criticized both in this place and outside for some of the decisions and some of the work that is done, but I have nothing but admiration for the planners in the Highways Department for the work that they have done on this document. As members will be aware, that document is not finalised, but it has been released for discussion with local government and interested parties.

As to whether I will publish a list of properties to be disposed of (and I point out that the main benefit for the Highways Department will not be in the sale of those properties but because it will not have to acquire at least $1 000 000 worth every year in the future), I will take on board the honourable member's suggestion that such a list of properties should be published; I will look at that matter for him.

FIRE STATION

Mr PETERSON: My question is directed to the Minister of Agriculture, in the absence of the Chief Secretary, regrettably, because I will not get an answer.

Members interjecting:

The SPEAKER: Order!

Mr PETERSON: He will not know the answer.

The SPEAKER: Order! The honourable member will come to his question.

Mr PETERSON: Is the Minister of Agriculture, representing the Chief Secretary, aware that a petition containing the prayer that this House take all possible steps to retain a fire station upon the LeFevre Peninsula to provide protection for the lives of those who live and work there, and to protect homes, properties, businesses and industries on the peninsula, was lodged with this House yesterday? Will the Chief Secretary now agree to the retention of a fire station in the electorate of Semaphore?

The matter of fire protection for this area is one of great public concern because of the nature of the industries in the area and of the old housing in the area, and this petition, which contained 4 300 signatures (which is only the start because they are still flowing in), is a substantial indication of the feelings of people who will be placed at increased risk in the case of house or other fire if a station is not retained. The risk is clearly illustrated by the events of the last week where a person died in a house fire and only this

morning a fire on a vessel under construction at a boat yard at Snowdens Beach was attended by that fire unit. The owner of that yard said to me (and these are his exact words):

The prompt attention by the Semaphore unit prevented $1 000 000 in damage.

To further explain my question, I will quote from a letter that I received from the Chief Secretary in April this year, as follows:

Plans for a new station at Strathfield Terrace, Taperoo, have been prepared. If approved, it is anticipated that construction will commence later this year.

Therefore, it was considered in April this year that a fire station was warranted. What has altered to change that situation so that now we do not need one? The people of the peninsula have illustrated their feelings regarding this matter, and any responsible Minister would heed those opinions.

The SPEAKER: Order!

The Hon. W. E. CHAPMAN: I shall get a report for the honourable member about the question that he has raised. I am aware of an inquiry that took place for the purpose of identifying the need for fire stations in various parts of the State, but I am not in a position to say, nor do I recall, whether that site was identified as one recommended for the facilities desired. I am aware, however, of the great importance to the agricultural industry of that peninsula. It is that site, indeed, from which we dispatch our live sheep exports. I would be interested, of course, to take up the subject along those lines, because I recognise its importance to the hub of the State. As to the facilities to protect life and/or property in that immediate area, as I said, I will get a report from my colleague for the honourable member.

SOLA INTERNATIONAL

Mr MATHWIN: Can the Premier report to the House on the future of Sola International in South Australia? Considerable concern has been expressed by some employees at Sola International over rumours that they understand were originated by the A.L.P. that their factory would be closed and relocated in Singapore. This has caused extreme anxiety, fear and concern for the workers of that particular factory.

The Hon. D. O. TONKIN: It is a great pleasure to be able to scotch one of the Opposition rumours in the bud, so to speak, immediately after it has been floated. There is no truth whatever in the rumour, and I may say that a senior member of the firm of Sola International was horrified when he heard that this rumour had been spread around.

It is true that the local plant has closed the glass-moulding section, which is a labour-intensive area. It had increased unit costs to the extent that the finished products just were not competitive, either locally or overseas, and we all know the very fine record that Sola has in overseas markets. All but 16 employees from the section have been redeployed in the strengthened mould development section, and those 16 who were retrenched cannot be taken in any way as an indication of the company's failure or of any move that the company is going to make. The present work force is in excess of 560, and there is going to be no suggestion whatever of any move of the operation to Singapore. To suggest so is totally irresponsible and mischievous. It seems to me that—

An honourable member interjecting:

The Hon. D. O. TONKIN: I think there is a perfect way of describing the sort of damage that is being done by this irresponsible rumour-mongering and peddling of doom and gloom by members of the Opposition.

A seminar is to be held on 30 November at the Grosvenor Hotel by the Industrial Development Committee for the Gold Coast and Albert shire region. It will have experts attending to explain incentives and advantages of the region to try to persuade businesses to relocate. Assistance is being given by the Queensland Tourist Bureau, the Department of Industrial Development in Queensland and a national airline. However, as the member for Newland so rightly says, assistance is also being given by Opposition members in this State who, by peddling their doom and gloom stories, are, in fact, bringing about a loss of confidence and a frame of mind in some people that could persuade those people to move.

Mr Bannon: Give us some facts. Be realistic.

The Hon. D. O. TONKIN: The Leader of the Opposition is only too happy to push them to the seminar and push them out of South Australia to the Gold Coast. I think it is unlikely that that seminar will have any success, but, if it does have any success at all, I think that it will be totally and absolutely due to the assiduous efforts of the Opposition in spreading doom and gloom about a State for which the rest of South Australia is only too happy to stand up, to support and of which to be proud.

FROZEN FOOD FACTORY

The Hon. PETER DUNCAN: My question is supplementary to the questions of the Leader and the Deputy Leader concerning the Frozen Food Factory. Does the Premier now admit that his statement yesterday in this House, namely, 'I must point out that all 27 employees were on short-term contracts', is wrong, and will he please explain why he misled the House by making that statement? Since the Premier made his statement yesterday, I have received a copy of a letter sent to each—

Members interjecting:

The Hon. PETER DUNCAN: I am sorry, Sir. I seek leave briefly to explain my question.

The SPEAKER: The honourable member may continue.

Members interjecting:

The SPEAKER: Order! The Chair does not need any assistance; nor does the member for Elizabeth.

The Hon. PETER DUNCAN: Since the Premier made his statement yesterday, I have received a copy of a letter which I understand was sent to all employees of the Frozen Food Factory following the sell-out by the Government to the company Henry Jones Pty Ltd. The letter, dated 6 October, is as follows:

Dear Sir,

As you are aware the Frozen Food Factory has been purchased from the S.A. Government by General Jones Pty Ltd, a division of Henry Jones (IXL) Ltd. The purchase is operative from Monday, 5 October 1981, and at this stage we will continue trading under the name S.A. Frozen Food Operations Pty Ltd.

Since your contract of employment with the Health Industrial Services terminates on 9 October 1981, we are pleased to offer you a position with the company as operator commencing Monday 12 October 1981.

The company will now be a respondent to the Federal Food Preservers Award (1973), and your conditions of employment will be governed by the terms of that award. Union membership under the award is with the Food Preservers Union of Australia, which is the only employees organisation party to the award. Although new pay rates have not been finalised, you will not be disadvantaged in this respect.

If you wish to accept the position offered, please acknowledge by signing and returning the enclosed copy of this letter to Mr Davey by Thursday 8 October 1981.

Yours faithfully,
Noel Carroll, General Manager.

I have perused the Federal Food Preservers Award, 1973, and nowhere in that award is there any reference at all to contract employment. The employees are either full-time permanent employees or they are not covered by that award at all. It is quite obvious from that letter that the Premier's statement yesterday was incorrect, and hence I ask him to explain why he misled the House on that matter yesterday.

The Hon. D. O. TONKIN: I am not too sure whether the honourable member was actually in the House when I gave the answer.

An honourable member: What difference does it make whether he was here or not?

The Hon. D. O. TONKIN: If he was, I refer him to that answer. He is not always in the House, as honourable members should know. If the honourable member is trying to do better than his Leader for the time being in raising this matter, I can only say that he has not done well at all. In fact, he will lose marks on this one, and his Leader comes out of it better, because at least he got down to what he thought was his understanding of the matter. The fact that I was able to correct him and put him right does not change, but at least he made a better effort of it.

The people who were laid off were on short-term contract at the time that the agreement was signed. There has never been any doubt or question about that. There is no question of misleading the House. The matters of their being offered alternative work conditions by Henry Jones occurred after the sale, as the honourable member has confirmed by reading out the letter. The conditions they were offered were better than those of short-term contracts; they were certainly no worse. As far as the Government is concerned, they were short-term contract employees at the time of the transfer.

The Hon. Peter Duncan: You didn't say that—

The Hon. D. O. TONKIN: Really, the Opposition is scraping the bottom of the barrel. As for the long service leave and membership of unions, that is something entirely between Henry Jones and the employees of the unions. That is the way it lies. There has been some suggestion (the member for Elizabeth did not make it absolutely clear, but I think that this is what he was getting at) that the awards are different, that the jurisdiction has been changed from a Federal award to a State award and that, therefore, conditions for long service leave and other benefits have been changed. The arrangement was that there would be continuity of benefits of service, and that continuity has been respected and honoured.

ROXBY DOWNS

Mr GUNN: Has the Minister of Mines and Energy noted statements made yesterday by the Executive Director of Western Mining Corporation, Mr Hugh Morgan, about employment and other opportunities to be provided by the Roxby Downs project?

The Hon. E. R. GOLDSWORTHY: Yes, indeed I have, and I sincerely hope that the Leader of the Opposition read the report.

The Hon. R. G. Payne: Yes, I did, too.

The Hon. E. R. GOLDSWORTHY: I am very pleased that the shadow Minister of Mines and Energy read it, because it points out just how silly have been the recent comments of the Leader of the Opposition in relation to the project. It makes them look absurd, if members want me more accurately to describe the comments made by the Leader of the Opposition. Let me remind the honourable member and the Leader of the Opposition just what he did say. No-one, not even the Opposition, is accusing Mr Morgan of telling untruths. Speaking yesterday in Adelaide in relation to the Roxby Downs project, Mr Morgan said that the development of the project would see well in excess of 60 per cent of the funds to be spent being spent in South Australia.

Of course, we know the attitude of members opposite; the only impediment to its going ahead will be if Opposition members defeat the indenture. He went on to say in that address that the cost would be of the order of one billion dollars. If Opposition members are capable of doing the sum, it means that about $600 000 000 would be spent in South Australia during the developmental phase alone. In addition, the multiplier effect of employment in mining and the spending of those to be employed must be considered.

Mr Morgan also estimated that, on the basis of 100 000 tonnes annual production of contained copper, between 2 000 and 3 000 people would be directly employed at the mine. Taking his lower estimate, and a conservative estimate of the multiplier effect, that means that at least, at a minimum, there would be 6 000 jobs elsewhere in South Australia. Added to this, of course, is all the impetus given to a whole range of things.

An honourable member interjecting:

The Hon. E. R. GOLDSWORTHY: I can understand the discomfiture and embarrassment of the honourable member. I think he is one of those who had a look, at first hand, at what was going on there. He must have been suffering—

An honourable member: What you quoted—

The Hon. E. R. GOLDSWORTHY: Let the honourable member read the whole speech and deny the facts that I am putting before the House. It is getting more absurd every time the mouth is opened. Added impetus will be given to a whole range of manufacturing industries. Added consumer spending would occur, and this State would be recognised as a major producer of resources in national and world terms. How anybody could conceivably describe this as a mirage in the desert or pie in the sky, I fail to see. These are real estimates being made not by the Government but by the companies concerned, by one of the directors. It is not me I speaking; this is Mr Hugh Morgan.

The Leader has said that an indenture Bill is not necessary, but the companies have clearly contradicted that point. The Leader persists in propagating these myths. He says that he is in a better position to judge than are the people who are going to spend the money. He is the one who describes this project as a pie in the sky and a mirage in the desert when the people who are putting up the money and have put up almost $50 000 000 now quote these statistics. If members of the Opposition care to examine what Sir Arvi Parbo said on television a week or two ago, and if they examined Mr Hugh Morgan's speech, it will be clear that the Leader of the Opposition and his Party do not know where to jump, so they propagate statements that simply will not stand up. I hesitate to use a word, for fear—

The Hon. D. O. Tonkin: Use it anyway.

The Hon. E. R. GOLDSWORTHY: —it would be deemed unparliamentary, so one casts around to find a kinder construction to put on what the Opposition is doing, to describe its attitude and its statements. But, statements made by company representatives (the Chairman, Sir Arvi Parvo, and the Commercial Director, Mr Hugh Morgan) are perfectly clear. It will be nothing short of a tragedy if all the effort which is currently being undertaken at Roxby Downs, and which the Leader and his shadow Minister have witnessed, is to grind to a halt as a result of an ideological struggle within the Labor Party.

That will be a tragedy, and there is no other way to describe it, for South Australia in view of all the employment opportunities that have been and will be generated to an increasing extent.

An honourable member: Now answer the question.

The Hon. E. R. GOLDSWORTHY: I think the member who asked the question was entirely satisfied with the answer.

Members interjecting:

The SPEAKER: Order!

At 3.15 p.m., the bells having been rung:

The SPEAKER: Call on the business of the day.

SITTINGS AND BUSINESS

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

That the House at its rising adjourn until Tuesday 1 December 1981 at 2 p.m.

Mr MILLHOUSE (Mitcham): This is an absurd motion. I cannot see, for the life of me, why Parliament should not sit in the normal course of events next week. That is what we are avoiding doing, and instead we are to go on for an extra fortnight, which will mean, so far as I can remember, the latest sitting into December we have ever had.

Members interjecting:

The SPEAKER: Order!

Mr MILLHOUSE: We know perfectly well that there is only one reason why the House is being kept sitting in this way, and that is in the hope that the Government can complete the indenture agreement with whatever the company is, Western Mining Corporation, so that it can be brought into the House with a great fanfare of trumpets before Christmas. There is no other reason why we are sitting as late as this. We know that the work of the House has been rather light on in the past couple of weeks. There has been very little of moment that the Government has brought forth. Now we are having the sittings of the House spun out even longer. As I said, this is an absurd situation.

Members interjecting:

Mr MILLHOUSE: I can remember rather well when the House gets up, because I think this is the first time we will have been sitting on 9 December. Honourable members will know that I made an announcement yesterday that that is my birthday.

The SPEAKER: Order! The honourable member needs to be careful that he does not become repetitive.

Mr MILLHOUSE: Just because I said it yesterday, can I not say it again today in another debate? I do not think we have ever before sat as late as 9 December, on any occasion. I brought it in especially yesterday and it was interesting to notice how the little member for Fisher jumped up and showed his real feelings towards me by saying, 'the little boy' or something when he moved the adjournment of some motions. It is funny how in small ways like that people's real feelings towards others are disclosed. But, that is just by the by.

The Hon. Peter Duncan: Very small feelings, almost—

Mr MILLHOUSE: Absolutely, as the member for Elizabeth said; he said it far better than I could have myself.

The SPEAKER: Order! I ask the member for Mitcham to come back to the motion before the Chair.

Mr MILLHOUSE: In my respectful view, Sir, if the Government really has business for us we ought to sit next week and perhaps the week after, then get up, as we have done before, instead of stringing out this process as long as we can in the hope (and we do not even know yet) that the Government will be able to get that indenture agreement signed, get an indenture Bill prepared, and put it before the House.

There is no chance whatever, of course, of the indenture Bill being dealt with before Christmas. But, I suppose they think that if it goes from December into February they will be able to keep up the constant barrage of propaganda about this being the only thing that will save the State from stagnation, and so on, for a longer period. But, if they cannot get themselves organised with W.M.C.—

The SPEAKER: Order! The honourable member for Mitcham has been warned for the last time that he will be relevant to the motion before the Chair or he will be no longer heard.

Mr MILLHOUSE: In my respectful submission, I am being entirely relevant. What I said is that if the Government cannot get itself organised in time to bring the indenture Bill in before the second week in December, the whole thing ought to be left until we come back in February, whenever that may be. We should not string out the sittings of the House by having a week off now. It is an absurd situation and one which I personally (and I do not know what other members will do and I do not really care) oppose entirely. I think we ought not to pass this motion. We ought to sit next week and then the matter can be reviewed again. If the Government cannot keep its business up to the House in time, then we ought to get up.

The Hon. E. R. GOLDSWORTHY: Let me say again, as has had to be said on numerous occasions, that the member for Mitcham uses the right word but in the wrong direction. His objection is quite absurd. The programme for the sittings of the House has been advertised for quite some time and has been circulated. The sittings for February next year have been advertised and circulated. Maybe the member was not here; the chances of his being here would probably be of the order of 100 to 1. However, we have seen more of him for the last week or two because he obviously has lost his briefs again. Apparently the courts are not sitting, because we have seen more of him in the last week or two than we have seen of him for the last two years. Obviously, it does not suit the convenience of the member for Mitcham to come back in the second week of the December sitting, because he has probably got his beach house booked, and he is going to have his two months off. He cannot have it all ways. He complains that the House does not sit enough; when the House seeks to sit, it is sitting too much.

Mr Becker: He is never here of a night time.

The Hon. E. R. GOLDSWORTHY: It is interesting how he bobs up. He is going on with the absurd charade of objecting to Ministerial statements. He stands there on his own, day after day, wasting the time of the House, because he is trying to prove he is here, or something, that he has got a point.

The SPEAKER: Order! I did indicate to the member for Mitcham the need to speak to the motion which is before the Chair. I have a need now to advise the Deputy Premier that the position is similar for himself.

The Hon. E. R. GOLDSWORTHY: This is the first we have heard from the member for Mitcham that the sittings do not suit his convenience. The fact is, as we know, that there is a lot of legislation to be introduced. It takes time to process that legislation. It will be necessary to sit for those two weeks to deal with legislation that we believe that it is essential that we deal with. I gave notice today—I do not know whether if the member for Mitcham picked it up or not—that the Government intends to bring in a Bill to ratify the Stony Point liquids project. Does not the honourable member think that is a matter of some importance to the State? Is he unaware of the fact that this is a high priority with the Government? Is he unaware of the fact

that the official Opposition has been suggesting that the Government does not give this a high enough priority? Is he unaware of the fact that the Government is trying to accelerate this development? Is he unaware of the fact that the producers require an indenture to give them the security to get on and spend this $700 000 000? Does he not think that is important enough to occupy his time when he would perhaps normally be down at the beach, at Maslins or somewhere, taking in the sun?

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! Has the honourable Deputy Premier concluded in respect of the motion before the Chair?

The Hon. E. R. GOLDSWORTHY: No, Sir.

Mr Millhouse interjecting:

The SPEAKER: Order! The honourable member for Mitcham will need to be very careful that he is here for the vote when it eventually is taken.

The Hon. E. R. GOLDSWORTHY: The official Opposition has been perfectly happy with the arrangements for the sittings of the House. It was generally agreed that it was a good idea to have two weeks sitting and one week off to get about electorate business. I do not know how the honourable member conducts his affairs, but if this is inconvient for him, too bad. In the 11 years in which I have been in the House I can remember sitting well into December. Unfortunately, the member for Mitcham has a most convenient memory, because we also know that he used to make long Ministerial statements when he was a member of the Government. Things are a bit different now. I sympathise with him if he has not the work in court which he cherishes.

The SPEAKER: Order!

The Hon. E. R. GOLDSWORTHY: Let me conclude by saying that the objection is patently absurd. I have a feeling that he may be standing on his own again, looking as silly as ever.

The SPEAKER: The question before the Chair is the motion of the Deputy Premier. Those of that opinion say 'Aye', against, 'No'. I believe the Ayes have it.

Mr Millhouse: Divide!

While the division was being held:

The SPEAKER: Order! There being only one member on the side of the Noes, I declare that the Ayes have it.

Motion carried.

STATUTORY AUTHORITIES REVIEW BILL

The Hon. D. O. TONKIN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to provide for the establishment of a committee of the Legislative Council to be entitled the 'Statutory Authorities Review Committee'; to provide for the periodic review of certain statutory authorities by the committee; and for other related purposes. Read a first time.

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

That this Bill be now read a second time.

The object of the Bill is to establish an Upper House committee to review South Australia's statutory authorities, thus implementing another undertaking made by the Government before it came to office. The promise to introduce sunset legislation to ensure Government corporations, commissions and trusts are reassessed by a Parliamentary committee requiring them to justify their continued existence will be fulfilled. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Remainder of Explanation

Before deciding upon this approach to a statutory authority review process, a detailed investigation of interstate and overseas experience was undertaken. Also, it was necessary to clarify what is a statutory authority and what is the extent of their operations in this State. This Government is concerned at the apparent large increase in the number of authorities in South Australia in the past 10 years. Because of the autonomous nature of these authorities there did not seem to be adequate Parliamentary scrutiny over their borrowings, annual budgets or overall programmes. Increasing indebtedness of statutory authorities and the apparent lack of accountability to Parliament, and in some instances the Government itself, led us to take immediate steps to unravel the bureaucratic and financial web confronting the Government.

First, the Government has been working on improving the accountability of statutory authorities and reviewing the operations of other authorities since coming to office. During the past two years the Government, through the combined efforts of the Department of the Premier and Cabinet (Research Branch and Deregulation Unit) and the Public Service Board, with the co-operation of other departments and authorities, has:

1. Compiled a comprehensive list of statutory authorities categorised into those with separate corporate status and those without separate corporate status. Also categorised the authorities by Act of Parliament and responsible Ministerial portfolio.
2. Surveyed during early 1980, by way of questionnaire, all authorities to provide information on board membership and fees paid, financial matters including borrowings, enabling legislation, objectives and achievements and annual reporting.
3. Undertaken comprehensive reviews of fees payable to board members with particular reference to public servants serving on the boards.
4. Established a semi-governmental borrowings committee to review all requests for borrowings and to consolidate the Government's borrowing programme for presentation to Cabinet for smaller authorities.
5. Undertaken major reviews of some statutory authorities in accordance with stated Government policy to either wind up or restructure the authority.

The success of this continuing work is clearly demonstrated by the action already taken and decisions implemented. Additionally, this background information was not only invaluable but essential to enable a clear assessment of the situation in South Australia before this significant and well thought through legislation was brought down. Action taken to date includes:

1. The abolition or restructuring of the following statutory authorities:

   Monarto Development Commission
   South Australian Land Commission
   South Australian Meat Corporation
   Apprenticeship Commission
   Red Scale Committees

   The Land Settlement Committee is the subject of legislation to be considered by this House.
2. Borrowings by statutory authorities under the semi-government borrowing programme have been rationalised and geared to meet the needs as they arise. This action has resulted in vastly improved overall financial management, savings in interest charges against Revenue Budget and less pressures from Government on the capital market in South Australia.
3. Fees paid to board members of authorities have been rationalised and a decision taken to phase out

fees being paid to public servants serving these boards during working hours. This has resulted in savings and clarified the policy in relation to fees for board members.

4. These initiatives, combined with the background work undertaken during the past two years mentioned earlier, have undoubtedly contributed to increased awareness amongst the management of statutory authorities for the need for tighter financial control, cutting red tape and improved accountability to Parliament and Ministers.

While this background work was progressing, a detailed investigation was also undertaken into the alternatives available for a review mechanism for statutory authorities. A study was carried out of overseas experience in the United States, Canada and the United Kingdom, together with interstate experience, particularly the Public Bodies Review Committee in Victoria. The alternatives considered were:

1. Sunset clause in Acts creating authorities.
2. Independent review body or commission.
3. Administrative process through Government departments.
4. Auditor-General or special commissioner.
5. Parliamentary committee.

The Government has decided upon the establishment of a Parliamentary committee to review the justification for the continued existence of statutory authorities for the following reasons:

1. A sunset clause for all statutory authorities would overload Parliament with Bills to permit authorities to continue to exist after the sunset date. A five-year review period for example would average 50 Bills per year.

2. Additionally under the sunset clause proposal—

(i) A formal structure or committee would still be required to make recommendations to Parliament, but would find it impossible to review objectively each authority with so many subject to a sunset date review each year.

(ii) Also by declaring a review date in advance the statutory authority concerned would have several years' notice of review and there would be a tendency for authorities to spend considerable time and effort justifying their continued existence.

3. The Government desires greater Parliamentary scrutiny of the affairs of authorities and accountability to Parliament. A Parliamentary committee with Government and Opposition members appears the best alternative to achieve this objective.

4. The powers of a Parliamentary committee and the requirement to publish its findings will ensure public confidence in the recommendation concerning the future operations of authorities reviewed.

5. A Parliamentary committee will be able to utilise the expertise existing in the Public Service from, say, the Auditor-General's Office or Public Service Board as required by arrangement with the Minister concerned. Additionally, subject to budgetary constraints, private consultants could also be utilised by a Parliamentary committee.

These are the major reasons why the Government is proposing a Parliamentary committee to review the need for the continued existence of South Australia's statutory authorities. Sunset clauses will still be considered in other legislation, where appropriate. The committee will not overlap the work of the Public Accounts Committee but rather compliment the work the P.A.C. does in the area of Government departments via the Auditor-General's Report. The Statutory Authorities Review Committee will have specific objectives quite distinct from those of the P.A.C. as detailed in the explanation of the Bill.

Considerable attention has been given to defining which authorities come within the jurisdiction of the committee. Single-person authorities which include some Ministers and Commissioners are excluded as are the Houses of Parliament, the courts and tribunals. To further clarify the situation, authorities subject to review will need to be listed in regulations provided for by the Bill. I am sure we can look forward to a significant contribution from the Statutory Authorities Review Committee once it is established.

Clause 1 is formal. Clause 2 provides for the commencement of the Act. Clause 3 provides the necessary definitions. 'Statutory authority' means only those bodies that are established by or under an Act of Parliament and that are specified in regulations made under this Act. The House of Assembly, the Legislative Council, the committee established under this Act, any other Parliamentary committee and all courts and tribunals are specifically excluded. Clause 4 establishes the Statutory Authorities Review Committee. The committee will come solely from the Legislative Council, with three members from the Government benches and two from the Opposition benches. All members are appointed to office for a term that expires on the day immediately preceding the beginning of a new Parliament, thus enabling the work of the committee to continue during the gap between one Parliament and another.

Clause 5 provides that the Legislative Council may remove a member from the committee upon certain grounds. Subclauses (3) and (4) provide for the filling of casual vacancies that occur in the various ways set out in paragraphs *(a)*, *(b)*, *(d)*, *(e)* and *(f)* of subclause (2). A member is eligible for reappointment to a new committee provided that he is still eligible under the other provisions of the Act. Clause 6 deals with the allowances and expenses to which a member is entitled. Clause 7 preserves the validity of acts of the committees notwithstanding any vacancies on the committee. Clause 8 provides that the Legislative Council may appoint a Chairman upon the nomination of the Leader of the Government in the Council. Clause 9 sets out various procedural requirements for meetings of the committee. Three members, one of whom must be an Opposition member, form a quorum of the committee.

Clause 10 provides that the Governor, the House of Assembly or the Legislative Council may refer a statutory authority to the committee for review. The committee may of its own motion nominate a statutory authority for review. The statutory authority and its Minister must each be given written notification of an impending review. The committee need not necessarily review statutory authorities in the strict order in which they were referred to the committee, but when the committee is determining the order of priority, it must consult with the Minister (i.e., the Minister to whom the administration of this Act is committed).

Clause 11 provides that the primary purpose of a review under this Act is to determine whether or not the statutory authority in question ought to continue in existence. The committee is empowered to look into all relevant matters when carrying out a review, but particular attention is drawn to five main areas of concern. The committee must look at the purposes, cost, effectiveness, structure and functions of the statutory authority.

Clause 12 sets out the powers of the committee in carrying out a review. Ministers of the Crown may not be summoned to appear before the committee. The Minister administering this Act may prevent the production of a document to the committee if he thinks it would be against the public interest to do so. Subclause (6) gives the statutory authority being reviewed and its Minister a clear entitle-

ment to appear before the committee, to have access to all evidence taken by the committee, and to make submissions to the committee. The committee may take steps to suppress the identity of a person who gives evidence, or makes submissions, to the committee. All meetings of the committee must be held in private, unless the committee decides otherwise in respect of a particular meeting. A decision to admit members of the public to a meeting is valid only if it was concurred in by an Opposition member. Clause 13 provides that an incoming committee must complete any review that the outgoing committee was in the course of carrying out immediately before it lapsed.

Clause 14 provides that the committee must, on completing a review, prepare a report on the review. That report must contain the findings of the committee, its recommendations as to the continuance or abolition of the statutory authority, and the reasons for its recommendations. Whether the committee recommends the continuance or the abolition of the statutory authority, it is given a wide power to make recommendations on all matters relevant or incidental to that continuance or abolition. The committee must table its report in each House of Parliament. Clause 14 provides that any member of either House of Parliament may move that a report of the committee be noted. Once such a motion has been moved in a House, no further such motion may be moved in that House in respect of the same report. If debate on such a motion is not completed within eight sitting weeks (24 sitting days) then that debate must take precedence over all other business of the House, unless an absolute majority of the House resolves otherwise.

Clause 16 provides that, once a statutory authority has been reviewed, any later reviews must be at least four years apart. Clause 17 provides for the staffing of the committee. The committee must seek the approval of the Minister before engaging consultants to assist in any review. Clause 18 provides that the office of member of the committee is not an office of profit. Clause 19 provides for the payment of the moneys required for this Act. Clause 20 provides that offences must be dealt with in a summary manner. Clause 21 provides a regulation-making power.

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

SOUTH AUSTRALIAN COLLEGE OF ADVANCED EDUCATION BILL

The Hon. H. ALLISON (Minister of Education) obtained leave and introduced a Bill for an Act for the establishment of the South Australian College of Advanced Education; to provide for its administration and define its powers, functions, duties and obligations; to incorporate within the college the educational institutions presently known as the Adelaide College of the Arts and Education, the Hartley College of Advanced Education, the Salisbury College of Advanced Education and the Sturt College of Advanced Education; to repeal the Adelaide College of the Arts and Education Act, 1978, the Hartley College of Advanced Education Act, 1978, and the Colleges of Advanced Education Act, 1972-1979; to amend the Tertiary Education Authority Act, 1979; and for other purposes. Read a first time.

The Hon. H. ALLISON: I move:

That this Bill be now read a second time.

It will complete the amalgamation of the Adelaide College of the Arts and Education, the Hartley College of Advanced Education, the Salisbury College of Advanced Education and the Sturt College of Advanced Education to form the South Australian College of Advanced Education. This merger is the result of policy adopted by the Government in November 1980 following a Report of the Tertiary Education Authority of South Australia which dealt, *inter alia*, with the consequences of a prospective decline in teacher education numbers.

Granted this decline, a multi-campus proposal offers at the very least staffing flexibility for, while it will not increase the absolute level of natural attrition, it will consolidate the number of positions falling vacant each year. Moreover, because the resources of the total college are larger and more diverse than its constituent parts, there will be more scope for maintaining the level of teaching service without replacing all losses with new appointments.

But this flexibility in staff matters is by no means the only advantage of the proposed amalgamation; it will lead, in turn, to an ability to cope with the vagaries of supply and demand in the specific field of teacher education and more generally to respond with greater ease to other emerging needs. It is proposed, for example, that pre-service teacher education enrolments will have decreased from about 6 000 in 1978 to less than 3 500 in 1984. As a consequence, the college will be able to expand in other fields of community need, such as health, art, design, business, community languages and in particular areas of concern related to teacher education, such as early childhood and family studies. The new college will thus be a diverse, flexible and significant institution within the Australia-wide context. Furthermore, it will be geographically well balanced to serve the needs of the metropolitan area and, through its external studies programmes (already well established) the State.

Given, therefore, the pressure on the four colleges to effect a major transfer of resources from teacher education by 1984, the Government acted promptly to establish a committee to recommend on the procedures appropriate to the amalgamation—a decision which was well justified in view of the subsequent statement by the Prime Minister in April of this year concerning the review of Commonwealth functions. In South Australia planning was already well advanced; the office of the Principal designate for the new institution had, for some time, been working towards a detailed management plan. The present Bill will allow the college to be established by the beginning of 1982, implementing thereby the decisions taken thus far. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. It is the intention of the Government to proclaim the Act in the new year. The interpretation clause provides the usual range of definitions on matters relating to the identification of the college. Clause 4 establishes the college as a self-governing body resulting from the merger of the four constituent institutions. It also, however, indicates a limitation in terms of its ability to dispose of property. Clause 5 sets out the functions of the college and establishes its commitments in the area of advanced education, as approved by the Tertiary Education Authority of South Australia, and in the provision of consultative and research services and of refresher courses for the benefit of the community. In performing the first of these functions the college, as indicated in clause 6, may award degrees, diplomas or other accredited awards.

Clause 7 provides for the establishment of the college council. There will be equal representation of academic staff, general staff and students on the council. In the first instance, provision has been made to ensure that elected membership is drawn widely from the constituent colleges.

Since the new college will have a diversity of interests, it is not proposed to prescribe the categorisation of members appointed by the Governor. Further, because it will be possible from the large number of such appointees to choose persons with a broad range of skills and expertise of value to the college, no provision is made for the council to co-opt additional members from outside the college. Subclause (4) defines the initial electorates for student and staff representation on the council.

Clause 9 defines the terms of appointment of members of the council and the means by which they may resign. Although the normal term of office will be for two years, some of the initial appointments to council will be for one year only, with the right of reappointment. The intention of introducing staggered appointments is to ensure some continuity of experienced membership, while at the same time allowing for a regular turnover of council.

Clauses 10 and 11 are normal provisions for the conduct of council's business and include a precise definition of a quorum. Clause 12 sets out the specific powers of the council. Clause 13 requires collaboration with other appropriate authorities and in subclause (2) provides for particular involvement of the Minister with a view to ensuring the public interest. This latter provision extends a power in all constituent college Acts presently referring to the admission of students to courses for the training of teachers. The extension is related to the new college's substantial interest in fields outside teacher education. Clause 14 gives the council authority to determine the internal organisation of the college, and subclause (2) perpetuates the designation of one of the schools or divisions within the college as the de Lissa Institute of Early Childhood and Family Studies.

Clause 15 provides for the position of Principal as the chief executive and for the appointment of the first Principal. The interests of staff transferring from the constituent colleges of the new institution are protected under clause 16. It is proposed that staff within the present colleges transfer automatically to the new college as from the date of proclamation of the Act. Subclauses (2) and (3) protect existing salary and accrued leave entitlements, whilst subclause (5) entitles staff to continue as contributors to any superannuation scheme already approved. More specifically, under subclause (6) staff may remain or become contributors to the South Australian Superannuation Fund.

Clause 17 makes possible the encouragement of an active student life within the college while at the same time not making membership of any student association or council compulsory. With regard to this second matter, the Bill varies from present provisions to bring the Act into line with the Government's policy on the membership and funding of student organisations. The Government believes that funds derived from student sources for the provision of amenities and services should not be used for socio-political activities. The council of the college will, of course, be able to fix fees for provision of such amenities and services under subclause 12 (c).

Clause 19 gives the council authority to make statutes governing the detailed operations of the college. Members will note that any such statutes will be subject to disallowance by either House of Parliament. Similarly, the by-laws, provision for which is made in clause 20, will be subject to disallowance in the usual way. In each case, provision is made for promulgation by the Government in the first instance. Clause 21 attests the validity of statutes and by-laws.

Clause 22 requires the college to report to Parliament annually, while clause 23 requires the keeping of accounts audited by the Auditor-General. Clauses 24 and 25 relate to the funding of the college and its borrowing rights. Clause 26 specifies the college's exemption from certain charges. Clause 27 makes the powers conferred on the college subject to the powers of the Tertiary Education Authority of South Australia. Clause 28 refers to legislation which will need to be repealed or amended consequent upon this Bill.

Mr LYNN ARNOLD secured the adjournment of the debate.

ABORIGINAL HERITAGE ACT AMENDMENT BILL

The Hon. D. C. WOTTON (Minister of Environment and Planning) obtained leave and introduced a Bill for an Act to amend the Aboriginal Heritage Act, 1979. Read a first time.

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

That this Bill be now read a second time.

The Aboriginal Heritage Act received the Governor's assent on 15 March 1979, but has not yet been proclaimed. The Act will replace the Aboriginal and Historic Relics Preservation Act of 1965 and, unlike that latter Act, will deal solely with Aboriginal culture. All European culture will then be covered by the South Australian Heritage Act of 1978.

The aim of the Aboriginal Heritage Act of 1979 is to provide for the protection and preservation of sites and items of sacred, ceremonial, mythological or historic significance to Aboriginal people. To secure this end the Act makes certain provisions. The Minister is required to initiate searches for Aboriginal sites and items, and to keep a register of them. An Aboriginal Heritage Fund is established for use in the administration of the Act, and there is a nine-member Aboriginal Heritage Committee to advise the Minister. Protected areas may be declared to protect Aboriginal sites, and it is an offence to enter or use a protected area in contravention of a restriction contained in a notice of declaration. Intentional damage to or destruction of registered items of the Aboriginal heritage is prohibited, while exploration for, removal and sale of items are permitted subject to the Minister's approval. A person is obliged to report the discovery of an item and to take reasonable measures to protect an item in private possession.

Although the framework of protection established by the Act is basically sound, there are some discrepancies and inconsistencies which will result in inadequate protection for Aboriginal sites and items. Consequently, a number of amendments have been proposed, prior to proclamation, to rectify these matters. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Remainder of Explanation

Most of the proposed amendments are aimed at bringing the legislation into line with accepted Aboriginal heritage conservation philosophy which seeks to secure the preservation of a selection of sites and artifacts. Ideally, this would be achieved by the collection of sufficient information about all sites and artifacts in the State to allow an assessment of which should be preserved. There is, however, an immense number of sites and artifacts, and the difficulty of identifying and assessing all of these before too many are destroyed renders achievement of the goal by this means well nigh impossible.

An accepted legislative approach gives Government power to control damage and destruction of sites while identification and assessment is under way. This does not imply that all sites and items should be preserved. It is

recognised that other legitimate activities may entail the destruction of some sites. What the approach seeks to ensure is the consideration, but not dominance, of heritage issues, together with other relevant matters, prior to the commencement of particular activities.

The first group of proposed amendments is therefore designed to provide greater protection for sites and items. Further proposed amendments relate to the Aboriginal Heritage Committee, to the need to clarify the question of proprietary rights in relation to sites and protected areas, and to the need to prevent third party proceedings for offences against the Act. Amendments to more adequately protect sites and items have been made in a number of areas. The first of these relates to registration. The Act, as it now stands, requires the Minister to keep a register of sites and items. Subsequent provisions specify the protection afforded these. Some of these protective measures, for example the prohibition on removal or sale of items without Ministerial approval, may be applied regardless of whether or not that item has been entered on the register. Other protective measures are available only to those sites and items which have been registered. One such provision is that which prohibits the damage or destruction of an item of the Aboriginal heritage. The restriction of some protective measures only to those sites and items on the register gives rise to the danger that important sites and items may be destroyed during the time-consuming process of identifying, documenting and registering significant sites and items from the huge State-wide resources. It is therefore considered that registration should not be used as an instrument of protection.

Other States, for example, New South Wales and Western Australia, recognise this danger of loss, and protective measures do not depend upon prior registration. Their Aboriginal sites registers function as a data base incorporating all information about Aboriginal sites in the State, and can be used as a management tool in site protection work (for example, assessment of the likely occurrence of sites in areas to be developed), and as an aid to research by providing basic information on sites and their distribution. It is therefore proposed that provisions which currently relate only to registered sites and items be amended so as to apply to all sites and items.

To offset any perceived adverse effects of this wider provision for the protection of sites and items four further amendments are proposed. The first is to allow the destruction of sites and items with the written consent of the Minister, and the second entails a narrowing of the definition of 'item' to introduce an element of significance. The third provides for the addition of a defence so that it will not be an offence to remove or interfere with an item if the act was neither intentional or negligent. A similar defence is proposed if a protected area is entered or used in contravention of a restriction made by the Minister for its protection.

The second major area of proposed amendment to ensure the protection of sites and items is provisions relating to protected areas. During the preparation of protected area proposals, every effort will be made to contact those people with an interest in the area. However, since this process may not be exhaustive, it is proposed to allow a period after gazettal for the public to comment on the protected area, and any conditions placed upon use of or access to it. The Minister should then be allowed a further period to consider any objections and to confirm or withdraw the declaration as he considers appropriate. If any variation to the conditions are approved, the area should be gazetted again to allow for public comment on the new conditions. Gazettal of protected areas before the public review period is considered essential to prevent damage resulting from widespread knowledge of the sites' location. A definition of 'owner' has also been added to the Act to clarify provisions requiring the Minister to notify the owner of any land to be declared a protected area.

The disposition of portable items also requires some amendment to ensure that items of importance to South Australia's heritage do not leave the State and are properly housed and conserved. The Act at present gives the Minister first option on the sale of any item, and it is proposed to extend this to apply to any form of transaction involving items of the Aboriginal heritage, for example, gift. Provision may then be made by regulation, allowing any items purchased by the Minister, or any items obtained under excavation or collection permits, to be vested in the Crown. These views reflect those of national and international heritage conservation organisations (e.g. I.C.O.M.O.S., of which this department is a member), which recognise the need to preserve cultural items in their area of origin.

It is also felt that there is a need for stricter control on research activities involving Aboriginal sites and items. The Act provides that it is an offence to damage or destroy an item of the Aboriginal heritage and requires that the Minister's consent be obtained before an item is removed or interfered with. There are some research activities, however, which do not fall within any of the above categories but which may adversely affect sites or items. For example, the repeated taking of rubbings of rock engravings may cause accelerated weathering in some rock types and eventual erosion of the engravings. So that research can be monitored and control exercised over which sites are studied and in what manner, it is proposed that a new provision be added to the Act making research activities at an Aboriginal site subject to the consent of the Minister.

There are also a number of inconsistencies in the legislation in provisions for the protection of sites and items, and in penalties for offences in relation to them. Three further amendments are aimed at correcting such inconsistencies. While the Act makes it an offence to damage or destroy an item, there is no complementary provision with regard to sites. Such a provision is considered essential since there is an important category of sites that do not contain items. These are sites of ceremonial or mythological significance to Aborigines which are natural features of the landscape. There is therefore a need to amend the Act so that it is also an offence to damage or destroy an Aboriginal site. A similar situation occurs in the provision obliging the Minister to cause searches to be made to discover items of the Aboriginal heritage. Sites should also be added here.

There is also an inconsistency in the penalties provided for offences against the Act. While there is a fine of $10 000 for damaging or destroying an item, and for removing or otherwise interfering with an item, there is a fine of only $1 000 for excavating an item without the Minister's consent. This is a more serious offence than removing items, since more damage can occur to sites through uncontrolled excavation. A penalty of $10 000 for excavating without a permit would more accurately reflect the seriousness of this offence, and it is proposed that the Act be amended accordingly.

In addition to providing better protection for sites and items, there is a need to amend several provisions relating to the Aboriginal Heritage Committee. The first involves membership of the committee. The Act states that the coommittee shall consist of nine members, and specifies that at least three must be Aboriginal, one must be a nominee of the board of the South Australian Museum, and one must be a nominee of the Pastoral Board. It is believed that the Minister may be better served if the non-Aboriginal members of the committee are not representatives of specific institutions but are drawn from a wider

variety of involved groups. This would allow the committee greater flexibility to meet changing needs. Adequate Aboriginal representation is still required, since Aborigines may maintain a spiritual and often functional relationship with sites and items, and are best able to advise the Minister in such cases. An amendment to omit the requirement for nominees of specific institutions to be on the committee is therefore proposed.

The committee's functions also require review. Previous proposals which redefine the role of the register make it no longer necessary for the committee to consider register entries. It is suggested that this function be removed and replaced by a more appropriate provision for the committee to advise on the protection of sites and items. An additional important function which the committee should undertake is recommending the acquisition of land as allowed for in the Act.

A further amendment concerns one of the requirements of the committee, which is to present an annual report to the Minister on the administration of the Act. It seems clear that the intention is that the committee should be purely advisory. It seem inappropriate therefore for the committee to report on the administration of the Act when it has no executive duties. If a report from the committee is required, it should more properly be concerned with the committee's stated functions and it is proposed that the Act be amended so that the committee is required to present a report on its work each year rather than on the administration of the Act.

With regard to proprietary rights, it has been suggested that the legislation does not make it sufficiently clear that inclusion of a site in the register or declaration of a protected area will not give rise to rights of proprietary nature. It is not the intent of the Act to confer rights of that nature and an amendment to clarify this issue is proposed.

Finally, some clarification of proceedings against the Act is considered necessary. The Aboriginal Heritage Act does not vest the right to take proceedings in a particular person, so that, according to the Act's Interpretation Act of 1915, anyone could bring an action under it. This would not be desirable, since a large amount of time and effort may be required in responding to actions if there is no control over which ones are worth pursuing. It is therefore proposed that the right to take proceedings be vested in the Minister.

These proposed amendments are designed to upgrade the Aboriginal Heritage Act so that it might conform to the best such legislation in Australia and elsewhere. The introduction and implementation of effective legislation allowing for the systematic identification and assessment of Aboriginal sites and items and for the protection of significant examples of these will ensure that this State's Aboriginal heritage is preserved for the future benefit of all South Australians. In addition it will allow other important and potentially conflicting interests, notably resource development, to be planned and implemented without unnecessary delay.

Clause 1 is formal. Clause 2 amends the definition of 'item of the Aboriginal heritage'. The reference in the definition to 'traces of Aboriginal culture' is limited to apply only to 'significant' traces. A definition of 'owner' of land is inserted amongst the definitions. The definitions of 'registered Aboriginal site' and 'registered item' are removed in view of the fact that the statutory protections conferred by the Act will no longer be dependent upon registration. Clause 3 amends section 7 of the principal Act. The amendment requires the Minister to cause searches to be made with a view to the discovery of Aboriginal sites (as well as items). Proposed new subsection (3) makes it clear that the register is purely a register of information and its contents have no evidentiary value for the purposes of legal proceedings.

Clause 4 amends section 9 by providing that the Aboriginal Heritage Fund may be applied for the purpose of acquiring sites and items notwithstanding that they have not been registered. Clause 5 amends section 11 of the principal Act. The amendment removes reference to nomination of members of the Aboriginal Heritage Committee by particular bodies. Clause 6 amends section 16. Reference to recommendation of registration is removed. The committee is empowered to recommend the acquisition of land as well as items, and to advise the Minister on steps that should be taken to protect Aboriginal sites and items. Clause 7 relates the annual report of the committee to the work of the committee rather than the administration of the Act.

Clause 8 amends section 21 of the principal Act which relates to the declaration of protected areas. The amendments confer a public right of objection to a declaration. A defence is provided for a person who contravenes a restriction on entry to, or use of, a protected area if he does so unintentionally and without negligence. Clause 9 makes a consequential amendment to section 22. Clause 10 amends section 25. The prohibition against interference with items without the consent of the Minister is related to discovery of items and a defence is provided if the act alleged against the defendant was neither intentional nor negligent. Notice of the proposed sale or disposal of an item must be given to the Minister. Clause 11 extends section 27 (1) so that it prohibits damage to or destruction of an Aboriginal site. Clause 12 provides that the consent of the Minister is required for prosecution of an offence under the new Act. Clause 13 enacts new sections 31a and 31b. New section 31a provides that the consent of the Minister is required for research on an Aboriginal site. New section 31b provides that rights of a proprietary nature do not flow from declarations or registrations under the new Act. Clause 14 makes consequential amendments to section 32.

Mr ABBOTT secured the adjournment of the debate.

LAND SETTLEMENT ACT REPEAL BILL

The Hon. P. B. ARNOLD (Minister of Lands) obtained leave and introduced a Bill for an Act to repeal the Land Settlement Act, 1944-1978. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The Land Settlement Act was enacted in 1944 at a time when there was a need, following the Second World War, to assist in developing and further utilising land in South Australia. To facilitate this, the Act established a Parliamentary committee, the Land Settlement Committee, which was to inquire into and report to the Governor on land settlement questions and to make recommendations on land acquisition. The need for the Act has now disappeared. The last formal reference to the committee was in the mid-1970s and concerned soldier settlers' land on Kangaroo Island. Therefore, in accord with the Government's policies of repealing unnecessary legislation and abolishing unjustified statutory authorities and committees, the Government now proposes to repeal the Act.

Since the Land Settlement Committee also has responsibilities under the Rural Advances Guarantee Act, the Government proposes to amend that Act so that all future applications for guarantees will be referred to the Industries Development Committee. Clause 1 is formal. Clause 2 provides for the Act to come into operation on a day to be proclaimed. Clause 3 repeals the Land Settlement Act.

Mr ABBOTT secured the adjournment of the debate.

RURAL ADVANCES GUARANTEE ACT AMENDMENT BILL

The Hon. P. B. ARNOLD (Minister of Lands) obtained leave and introduced a Bill for an Act to amend the Rural Advances Guarantee Act, 1963. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This small Bill is consequential upon the Land Settlement Act Repeal Bill, which I have just introduced. The Land Settlement Committee has the functions of looking at all applications for guarantees of rural loans, and at requests made by borrowers for deferment of mortgage repayments, and of making appropriate recommendations to the Treasurer. It is believed that these functions can be carried out by the Industries Development Committee, being another Parliamentary committee which has the necessary expertise. Clause 1 is formal. Clause 2 provides for the Act to come into operation on a day to be proclaimed. Clause 3 amends the definition of 'the committee' so as to refer to the Industries Development Committee.

Mr ABBOTT secured the adjournment of the debate.

LICENSING ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

It introduces a rebate for low-alcohol liquor, alters the system of liquor licence fees payable under the Licensing Act, 1967-1981, and increases some fees payable under the Act.

In February 1981 a departmental working party was established to examine the feasibility and ramifications of reducing the liquor licence fee for low-alcohol liquor following initiatives undertaken in Victoria. After considering the issues involved and examining available reports and statistics, the working party concluded that a reduction in liquor licence fees for low-alcohol beer and wine is feasible and warranted as a step towards lowering the road toll in South Australia.

The Government is concerned with the carnage occurring on our roads and it is clear that alcohol is a contributing factor. However, the problem of alcohol abuse is much wider and includes health and social problems such as alcoholism, alcoholic illnesses such as brain damage and cirrhosis, drink-driving, family disruption, marital breakdowns and ultimately the costs of health and social problems to the community.

The report of the Select Committee of the Legislative Council on Assessment of Random Breath Tests recommended that licence fees for low-alcohol liquor be reduced. On page 20 of the committee's report, it is stated that 'a lower level of State taxes should apply for l.a. beverages to encourage lower blood alcohol levels for the same amount of liquor consumed'.

It is clear that Australia's drink-associated problems can only be diminished by reducing levels of alcohol consumption. One way to achieve this is to encourage the production of low-alcohol drinks. Two South Australian wineries have marketed low-alcohol wine but until recently only one of the wines, described as a blend, was sold locally due to requirements under the Food and Drugs Act regulating the minimum alcohol content of wine and spirits. However, the Food and Drug Advisory Committee last year recommended changes to allow the sale of wine with less than the then required 8 per cent by volume of alcohol. The regulations under the Food and Drugs Act have been amended to allow the sale in South Australia of wine with a modified alcohol content. The two wines produced locally contain an alcoholic content of between about 5 and 6.5 per cent compared with between 10 and 12 per cent for normal table wines. Both low-alcohol wines are now sold in South Australia. In addition, two local breweries produce low-alcohol beer, and several other such beers which are produced interstate are available in South Australia.

Although low-alcohol beers and wines account for a small percentage of the South Australian liquor market, measures should be introduced to increase the consumption of low-alcohol liquor. Therefore, the Government has decided to reduce the licence fees applicable for the sale of such liquor. It is hoped that the introduction of random breath tests in this State, together with the reduction in fees for the sale of low-alcohol liquor, will encourage the substitution of low-alcohol liquor for stronger drinks.

Licence fees payable under section 37 of the Licensing Act are presently calculated at 8 per cent of the gross amount paid or payable for liquor purchased for the purposes of the licence during the 12 months ending on 30 June preceding the date of application for a grant or renewal of the licence. 'Gross amount' is defined in section 37 as 'the amount paid or payable for liquor including any duties other than sales tax thereon but excluding packing, delivery and freight charges'.

This Bill provides that, in relation to low-alcohol liquor, the licence fee shall be only 2 per cent of the gross amount paid or payable for such liquor. At the same time, the rate of calculating fees on normal liquor wholesale purchases is to be increased by 1 per cent. This will more than cover the shortfall in revenue from the new reduced low-alcohol fees and bring South Australian licence fees into line with those charged in Victoria.

The Bill leaves to regulation the prescription of the volume of alcohol which liquor must contain before it can be classed as 'low alcohol'. It is envisaged that the maximum proportion of alcohol allowable will be 3.8 per cent in the case of beer and 6.8 per cent for wine. All low-alcohol products now on the market in South Australia fall within these limits.

Australian beer and Australian wine do not attract sales tax but imported beer, imported wine and all spirits attract sales tax at a rate of 15 per cent. No other State in Australia excludes sales tax in the definition of the amount

paid or payable for liquor for calculating licence fees. This Bill amends the Licensing Act to bring South Australia into line with other States.

The Bill also increases the parameters of several other fees payable under the Act. These parameters have not been altered for several years and are increased to accommodate inflation since their determination, and more realistically to reflect the costs of administering the relevant licences. The Bill also increases the retiring age of the Licensing Court Judge from 65 to 70 years.

The provisions of the Bill are now outlined. Clause 1 is formal. Clause 2 provides for the commencement of the amendments on 1 January 1982. Clause 3 amends section 5 of the principal Act by increasing the retiring age for the Licensing Court Judge from 65 to 70 years. Clause 4 amends section 37 of the principal Act. Paragraph *(a)* rewrites subsection (1) in a form that is both more concise and comprehensible than the existing provision. The percentage prescribed in paragraph *(b)* of subsection (1) for the calculation of fees for wholesale storekeepers' licences and the other licences referred to in that paragraph is four-fifths of the percentage prescribed for other licences. This reflects the existing provisions in respect of these licences. Paragraph *(b)* increases the fees that may be fixed in respect of club licences. Paragraph *(c)* adds new subsections (5) and (6) to section 37 of the principal Act. New subsection (5) provides definitions of terms used in the section and subsection (6) prescribes certain requirements in calculating the gross amount under the section.

Clause 5 makes consequential changes to section 39 of the principal Act. Clause 6 increases the limits of fees that may be prescribed under section 66a in respect of reception house permits. Clause 7 increases the limits of fees that may be prescribed under section 67 in respect of permits for the supply of liquor to a club.

Mr ABBOTT secured the adjournment of the debate.

RACING ACT AMENDMENT BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 2, lines 32 and 33 (clause 5)—Leave out 'nominated by the Minister from a panel of three persons'.

No. 2. Page 2, lines 36 and 37 (clause 5)—Leave out 'nominated by the Minister from a panel of three persons'.

No. 3. Page 2, lines 40 and 41 (clause 5)—Leave out 'nominated by the Minister from a panel of three persons'.

No. 4. Page 3, lines 28 and 29 (clause 12)—Leave out 'nominated by the Minister from a panel of three persons'.

No. 5. Page 3, lines 31 and 32 (clause 12)—Leave out 'nominated by the Minister from a panel of three persons'.

No. 6. Page 3, lines 37 and 38 (clause 12)—Leave out 'nominated by the Minister from a panel of three persons'.

No. 7. Page 4, lines 16 and 17 (clause 19)—Leave out 'by striking out subsection (5) and substituting the following subsection:' and insert:

(a) by inserting after subsection (2) the following subsection:

(2a) Notwithstanding the provisions of subsection (2), the controlling authority for horse racing shall be paid in respect of each quarter an amount that is not more than seventy-two per centum nor less than sixty-five per centum of the amount referred to in paragraph *(b)* of that subsection, and, where such a maximum or minimum amount is payable to that controlling authority by virtue of this subsection, the balance of the amount referred to in that paragraph shall be divided between the other two controlling authorities in the proportions that the amounts bet with the board in relation to each of those two forms of racing (whether within or outside Australia) bears to the total amount bet with the board in relation to both of those forms of racing (whether within or outside Australia) during the quarter;

and

(b) by striking out subsection (5) and substituting the following subsection:

No. 8. Page 6, lines 21 to 25 (clause 30)—Leave out the clause.

Consideration in Committee.

Amendments Nos. 1 to 6:

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

That the Legislative Council's amendments Nos. 1 to 6 be disagreed to.

Amendments Nos. 1 to 6 from the Legislative Council deal with the question of bodies nominating members to various controlling organisations in the racing industry. The amendment of the Legislative Council seeks to remove what is now Government policy, and what in fact was recommended by the Committee of Inquiry into Racing, namely, that there should be put to the Minister a nomination in a panel of three. I do not want to recanvass the whole matter in detail, as that was done during a previous debate in this House. I can only reiterate that this was a recommendation of the committee of inquiry. I add that I do not have the power of Ministerial direction over the controlling bodies in racing (and I refer particularly to the Trotting Control Board and what will now be the Greyhound Racing Control Board). I do have the power of Ministerial direction over such bodies as the Totalizator Agency Board and various other organisations within the racing industry, but I do not have the power of Ministerial direction over such organisations as the Greyhound Racing Control Board, the Trotting Control Board, or indeed the South Australian Jockey Club, nor do I believe that I should have, or that the Government should have the power of direction over those organisations. Also, those organisations administer a good deal of the taxpayers' money.

The taxpayers' money to which I referred comes from a distribution of T.A.B. surpluses and there has been some mention of that earlier today in the House. There is a responsibility on the racing bodies for the administration of taxpayers' funds. At this stage I must say, without equivocation, that I believe the controlling bodies in the racing industry generally administer that taxpayers' money wisely.

Bearing in mind that they have that very onerous responsibility of administering the taxpayers' money, and also that the Minister does not have power of direction over those bodies, I think that that was the reason for the committee of inquiry's recommendation to the Government that they should nominate to the Minister persons to be appointed to those bodies in a panel of three, to give the Government the protection of selecting one of those three nominees.

Mr SLATER: I support the amendments from the Legislative Council. Of course, they are the original amendments that I moved in Committee in this House. As the Minister said, they deal with the appointments to the two controlling bodies, the Trotting Control Board and the Greyhound Racing Control Board. In the legislation there is a substantial change in the personnel who will be appointed to those boards, a fact that I believe the Minister has conveniently overlooked. The Minister will now have the power to appoint the Chairman and the deputy Chairman of those boards; previously he did not have that power.

The appointment by the Minister from the panel of three persons would give him the option of more or less appointing a person from that panel, which I believe gives the Minister substantial power of appointment of people to those boards; that I believe is wrong, and I said so during the second reading debate and during the Committee stage of the Bill. I do not propose to canvass that again.

I support the amendment, which is one that the bodies themselves, the country clubs' the metropolitan clubs and the bodies representing other persons involved in the industry, desire. I think that such bodies are quite capable of

nominating a person to represent them on the controlling body of their own sport. I am not prepared to accept the arguments put forward by the Minister, and, as I mentioned previously during the Committee stage of the Bill, I am rather at a loss to understand the Government's policy to appoint from a panel of persons nominated. I am at a loss to understand how and when that is applied generally in regard to appointments throughout the State.

To carry the argument a step further, if this is Government policy, I take it that every Government appointment should be made from a panel of persons nominated to the Minister or the Government. Such a proposition is ludicrous, and, as I have said, I believe that bodies that control the racing codes, both trotting and greyhound racing, are capable of nominating a person to represent them on the board and I do not believe that they ought to nominate three people.

Mr MILLHOUSE: No doubt I will be chided for being out of the Chamber at the commencement of the discussion of these amendments, but I was speaking to a senior R.S.L. member about a problem. Is this the amendment—

The Hon. M. M. Wilson: It is the same one you supported with the Opposition.

Mr MILLHOUSE: This concerns the question of the panel, and so on? I really do not remember what I did last time.

The Hon. M. M. Wilson: You supported it last time.

Mr MILLHOUSE: I was going to do the same thing again.

An honourable member: So what's new?

The CHAIRMAN: Order!

Mr MILLHOUSE: I am consistent, as a rule, but I have twice come to the same conclusion independently, because I have forgotten what I did before. It seems to me that it would be wrong for the Government to ask for a panel and not to allow the various bodies to make their own decisions. Some people from the trotting and the greyhound industry came to see me about this matter.

The Hon. M. M. Wilson: The country clubs?

Mr MILLHOUSE: Yes, the country clubs came to see me, and I was rather convinced by their argument. I must tell the Committee that a member from another place has been to talk to me about this. It was not one of the women; what he said made pretty good sense, too. Therefore, I must support my good friend, the member for Gilles, on this occasion, as I did last time, I am glad to know, in opposing whatever the Government wants to do.

Mr PETERSON: I also support the amendments. It seems to me that this principle of setting up a group of people for one to be selected by the Minister is not desirable. The system has not been explained to me, but it can be seen in legislation all the time that provision is made for groups to be set up for selection by the Minister.

I do not agree with that as a principle. I think that the best people to select the best man are those directly involved in whatever the matter may be, the Sport of Kings, for instance. I disagree with the Minister's making that choice. I therefore support these amendments.

The Hon. M. M. WILSON: I want to make quite clear, in answer to the honourable member for Gilles, that I am not suggesting for one moment that the nominees put up by country clubs and breeders, and owners and trainers' organisations to these bodies or the principal club are not worthy people. I repeat that it is a recommendation of the Committee of Inquiry into Racing.

Mr Millhouse: That's right; that's what you said before. I remember it now. You're parroting again.

The Hon. M. M. WILSON: I may be parroting, but at least I did not forget what I said.

The Committee divided on the motion:

Ayes (21)—Messrs Allison, P. B. Arnold, Ashenden, Becker, Billard, Blacker, Chapman, Eastick, Evans, Glazbrook, Goldsworthy, Lewis, Mathwin, Olsen, Oswald, Randall, Russack, Schmidt, Tonkin, Wilson (teller), and Wotton.

Noes (19)—Messrs Abbott, L. M. F. Arnold, Bannon, M. J. Brown, Corcoran, Crafter, Duncan, Hamilton, Hemmings, Langley, McRae, Millhouse, O'Neill, Payne, Peterson, Plunkett, Slater (teller), Trainer, and Whitten.

Pairs—Ayes—Mrs Adamson, Messrs. D. C. Brown, and Rodda. Noes—Messrs Hopgood, Keneally, and Wright.

Majority of 2 for the Ayes.

Motion thus carried.

Amendment No. 7:

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

That the Legislative Council's amendment No. 7 be disagreed to.

This amendment deals with after-race pay-outs. It seeks to include in the legislation both a ceiling and a platform for the pay-out of moneys to the South Australian Jockey Club. The reason given for this is that after-race pay-outs will adversely affect the night codes, that is, greyhound racing and trotting and that, therefore, the South Australian Jockey Club could receive a vastly increased percentage of the distribution of T.A.B. surplus over the next 12 months after the operation of after-race pay-outs comes into effect.

This amendment seeks to restrict the percentage paid to the South Australian Jockey Club to no greater than 72 per cent or no less then 65 per cent. It has put in a floor as well as a ceiling. Honourable members will recall that I gave an undertaking when this Bill was before this place previously that the situation would be reviewed independently after 12 months of operation. I said that if it was found that the night codes, namely, greyhound racing and trotting, were disadvantaged, action would be taken to correct that.

I am pleased to say, for the benefit of the member for Mitcham, that this amendment was not supported by the Australian Democrat in another place. I was grateful to see that the Hon. Lance Milne considered the matter very carefully and accepted the assurance that I had given in this place that the matter would be reviewed.

I realise that the Hon. Lance Milne was opposed to the principle of after-race pay-outs, as I believe is the honourable member for Mitcham. Nevertheless, given that that clause was passed and that both Houses of Parliament have accepted the principle of after-race pay-outs, the Hon. Lance Milne showed a tremendous amount of wisdom in not agreeing with this amendment in another place. I know that I cannot discuss what goes on in another place, nor shall I, but I am grateful for the support of the Hon. Lance Milne on the matter.

The only other thing I want to say is that this may well be the type of amendment that is made in 12 months time if it is found that the night codes are disadvantaged. However, there is no way of knowing whether the night codes will be disadvantaged until we have some figures. I know exactly what the member for Gilles is going to say, namely, that the night codes will be disadvantaged. It may well be that they are disadvantaged on a percentage basis, but on a monetary basis in fact they are getting more money. It means that there must be an independent review 12 months after the introduction of after-race pay-outs, and I have given that undertaking.

Mr Hamilton interjecting:

The Hon. M. M. WILSON: The member for Albert Park can live in hope, but the night codes certainly want a fixed percentage of the T.A.B. distribution for themselves. There is no doubt, and no one denies, that the night codes want

a fixed percentage of T.A.B. distribution, but they do not want the South Australian Jockey Club to have a fixed percentage, as espoused in this Bill. That information was obtained only a few minutes ago in a conversation between one of my officers and staff of the Greyhound Racing Control Board and the Trotting Control Board.

Mr SLATER: I listened with interest to the comments made by the Minister, and I understand that it will be a complicated and complex procedure to establish what is likely to happen in relation to after-race pay-outs and what effect it will have on the investment made in the three racing codes. However, based on interstate experience, it appears that there will be a certain change of investment with the T.A.B., because the two night codes (trotting and greyhound racing) will be considerably disadvantaged as they will be racing when the T.A.B. will be closed. So, the opportunity for them to participate in after-race pay-outs will be strictly limited, if it is available at all. They certainly will be placed at a disadvantaged.

The experience interstate has shown that the night codes have been seriously affected by the introduction of after-race pay-outs. I do not believe that this amendment is the answer to the problem. A similar situation has existed in New South Wales, where the maximum ceiling has been 70 per cent, and I understand that currently an inquiry is being held into that situation. None of the States has yet come up with an ultimate solution in regard to the distribution of T.A.B. profits to the three racing codes.

The Hon. M. M. Wilson: Then we should wait and see.

Mr SLATER: I am suggesting that we should not wait and see at all, because, once a particular pattern is established in regard to investment by patrons of the T.A.B., the two night racing codes are certainly likely to be at a tremendously greater disadvantage as time goes on. This has been established in New South Wales particularly. Trotting has been significantly declining in New South Wales by 6 per cent or 7 per cent in the past two years.

It is significant that in this State the same situation might occur. I am suggesting that this is not the ideal situation in regard to the equitable distribution of the surplus T.A.B. funds each quarter. I am conscious of the Minister's assurance that in 12 months the matter will be reviewed, but I make again the point that I made in the second reading speech and in Committee, namely, that we ought to look at it much sooner than that. We ought to look at the matter after the first quarterly distribution has been made from the T.A.B. to the various codes immediately after the introduction of after-race pay-outs.

I think that is fair and reasonable and that it can be done. I cannot see why we must wait 12 months to assess the situation. I believe that it will be fairly obvious to us all after the first three months of the operation. I would suggest that that is probably a better method than is proposed in this amendment, although I believe that this amendment is better than nothing. As a consequence, I support the amendment.

The Hon. PETER DUNCAN: I think the member for Gilles has just hit the nail on the head. This amendment is better than nothing, and that is why I have risen to say a few words on this matter. I would know less about greyhound racing and trotting than most people in this House, I suspect. I have had little experience, and on no occasion in my recollection can I remember being at a greyhound meeting or a trotting meeting. However, nonetheless we as members of this Parliament have some responsibility to the community at large. I have received some representations on this matter and I think that they have some considerable merit. I have taken close note of the Minister's assurance that, if he is still the Minister in 12 months time—

Mr Mathwin: And he will be.

The Hon. PETER DUNCAN: Well, I was just going to make a couple of points about that. I think that this Minister's assurances are worth something, and I would certainly accept that he makes those assurances in good faith, and I accept them at face value. I want to make that very clear. However, it does concern me that for the next 12 months the two so-called minor codes may be quite seriously disadvantaged financially as a result not only of this Bill but also more particularly, I suggest, as a result of an action that the Government will not take: the Government will continue to disadvantage the so-called night codes by not opening the T.A.B. agencies and offices late enough to enable people to bet on those meetings, in effect, while the meetings are on and also to gain the benefit of after-race pay-outs.

I do not want to criticise that decision of the Government. I appreciate that that decision was made on economic grounds. Apparently, overtime has to be paid; apparently there is not sufficient business to make it worth while, and also, of course, there is the aspect of safety. If one has to have T.A.B. agencies open until late at night obviously a real problem is involved there. Nonetheless, that is a decision of Government (as I say, I believe that it is a correct decision) which, by its very nature, affects the so-called night code. I think that we have some responsibility to endeavour to protect the position of those codes. In the light of the fact as has been put to me, that they are likely to be further disadvantaged as a result of this legislation, I think that the proposal which the Hon. Mr DeGaris has put up and which is now in the Bill ought to be supported. This amendment should be supported.

An honourable member: It must be the first time that you've supported one of his amendments.

The Hon. PETER DUNCAN: That could well be, but it shows that I am a very flexible person and am prepared to look at each matter on its merits. When on the rare occasions Mr DeGaris showed some merits in his proposals, I am prepared to support them. The Minister said that he had been talking to people from the night codes or the minor codes and that they had indicated that they wanted a fixed percentage for themselves. They put that to me, but they went one step further and said that, if all else failed, they would prefer this amendment rather than the Bill as the Minister introduced it. I do not know whether they made that point to the Minister, but they certainly made it to me. If they did make it to the Minister, I would like him to put that on the record. I think that the fullest position should be known to the House.

In the light of that, and in the light of the service (whether or not one agrees with the nature of the service) that the trotting and greyhounds codes provide to a lot of ordinary wage earners in South Australia, I think that there is merit in this amendment. For that reason, and particularly because I believe that these codes will be disadvantaged because of the hours for which the T.A.B. will be open, we should give serious consideration to this amendment.

I am not suggesting that we should support the amendment and put it in the legislation, seeing it in anyway as a permanent solution to this problem. I simply think that this is a better interim solution than having nothing at all. In those circumstances, we would be better to put this into the legislation and continue with the Minister's undertaking to review the legislation in 12 months time. Hopefully, during that time we can establish what in fact is the most appropriate formula to overcome this problem.

The night codes have mentioned to me that they are not happy with the proposal for not more than 72 per cent to go to the racing codes. They would prefer 69 per cent, or something less, which is understandable. I can imagine that

there will be a lot of (and I do not want to use the word jockeying) negotiating going on between now and whenever this review takes place, to try to reach some sort of concensus and compromise in order to protect these codes. In the meantime, 12 months could see their financial ruin, and we should ensure that proper interim temporary measures are taken. I believe that Mr DeGaris's proposal is the best thing available to the Parliament at the moment. For that reason, it should be adopted.

Mr MILLHOUSE: I am in much the same position as the members for Elizabeth and Gilles, although I go further. I strongly oppose after-race pay-outs. I think it is completely wrong and a breach of the arrangement and undertaking given when the T.A.B. was set up. However, we have lost on that one, so there is no point. Both the Labor Party and Liberal Party are quite content to breach the undertaking that was given. I suppose they think that those to whom it was given are dead now (it was some time ago) and that they can safely do it. They have got away with it, so that is that. There is nothing more we can say about it.

This is probably the best thing that we can do in the circumstances to save something from that breach of faith. The Minister had a little fun at my expense because my honourable colleague in another place took a contrary view. One of the glories of the Australian Democrats is that we make up our own minds on these things, and from time to time we change our minds on them. It is entirely possible that when this matter goes back to the Legislative Council the Hon. Mr Milne may be of another opinion.

An honourable member: He may change his mind in 24 hours.

Mr MILLHOUSE: He may indeed, and I may change my mind. When it comes back again, I may be on the Government's side.

The Hon. M. M. Wilson: Not after what Mr Cornwall called him last night.

Mr MILLHOUSE: What did Mr Cornwall call him? The honourable Dr Cornwall, I suppose we should say—the doggy doctor.

The DEPUTY SPEAKER: Order! I suggest that it is not proper to reflect on a member of another place.

Mr MILLHOUSE: I am sure that the Speaker would not regard that as a reflection; he is one himself. Whether that is so or not, in my view this amendment is worth supporting, I propose to support it and, therefore, to vote against the Government.

The Hon. M. M. WILSON: To answer the member for Elizabeth's question in which he asked me to put on record the result of discussions with the Greyhound Racing Control Board and the Trotting Control Board today, the information my officers have given me (and I did not speak to them myself) is as follows: the amendment that imposes a maximum and minimum percentage of distribution from T.A.B. surplus to the S.A.J.C. does not, in their opinion, protect the night codes. They both prefer my offer to review the position after a period of approximately 12 months.

I wanted to take this opportunity to make something else crystal clear to this House. This Government was accused in another place of pork barrelling the S.A.J.C. I make quite plain that this Government is not pork barrelling the S.A.J.C. with the introduction of after-race pay-outs. It is a most ridiculous suggestion from the honourable gentleman previously mentioned in this place. Of all the organisations in this State most opposed to after-race pay-outs, including the Australian Democrats, it was the S.A.J.C. There is no way in which this Government can be accused of supporting or pork barrelling the S.A.J.C. in this measure.

Mr SLATER: I point out that we are trying to establish an equitable formula for the three codes. I am not suggesting that the Government or anyone else is pork barrelling anyone, although I do not quite understand what that means.

An honourable member: It's a quote.

Mr SLATER: Yes, I understand that, but its true meaning, I think, is to give them assistance which is not justified or which they do not deserve. It is true that some officials and members of the South Australian Jockey Club were strongly opposed to the introduction of after-race pay-outs, but their opposition moderated considerably over a period. Also, the S.A.J.C., in its annual report this year, indicated acceptance of something that might be considered inevitable in their annual report. That report indicated that opposition to after-race pay-outs has moderated. Some of the club's members probably still believe that the introduction of after-race pay-outs will in some way affect racecourse attendances. Again, this is something of an assumption.

We are not quite sure exactly how this will affect future race meeting attendances. I believe that there will be no change in race meeting attendances as a result of the introduction of after-race pay-outs, because people who attend races substantially invest with the bookmaking fraternity rather than with the on-course tote. If one looks at the percentage of investment in those two areas, one sees that bookmakers certainly hold more money than the on-course tote.

The Hon. W. E. Chapman: Jack, you have just given a bag full of reasons why you should oppose the amendment.

Mr SLATER: I know that the Minister of Agriculture has an interest in racing. He attends regularly. I, too, have an interest in racing, and attend perhaps fewer meetings. I enjoy those occasions when the opportunity arises for me to attend. I would like those three codes to have an opportunity to prosper, because they form an important industry for this State. We need to encourage people to take an interest in this industry. For the benefit of members opposite, I repeat something that I have said in the past: I do not believe that gambling in itself is evil. Some members opposite are opposed to any form of gambling, but I believe that gambling gives people a very good opportunity to indulge in some form of relaxation. However, there is always a danger that some people will gamble to excess, but that can apply in many other fields as well.

Mr Max Brown: Whether it is legal or otherwise.

Mr SLATER: Yes, whether it is legal or otherwise. I believe that racing, trotting and greyhound racing form an important industry in this State. In addition, that industry provides entertainment and an opportunity for relaxation which this Parliament should assist. I think that is the very reason why we are debating at some length the legislation now before us. Despite comments made by members in another place, we are trying to find a fair and reasonable formula for the distribution of the T.A.B. surplus. I would like to see the matter attacked from another angle. This afternoon the Minister referred to the T.A.B. in a Ministerial statement. Despite those comments, we should be doing as much as we can to change the Totalisator Agency Board's public image to encourage people to invest with it rather than with illegal S.P. betting operators.

I could suggest and have suggested a number of ways in which this could be achieved. I am not suggesting that we should open T.A.B. agencies for extended hours, because that would be uneconomic and, more important, there would be problems with security. I am suggesting that the image of the T.A.B. could be improved quite considerably to encourage people to participate. I am sorry if the Minister is leaving the Chamber. I wanted to tell him that last year the Victorian T.A.B. had a turnover of $666 000 000, compared with the South Australian turnover of $120 000 000. Although there is a significant difference in population between those two States, it bears no relation to a compar-

ison between the figures for New South Wales and Victoria. Therefore, I believe there is plenty of room for improvement to increase the T.A.B. turnover in this State. If that turnover increases the three codes will benefit. Therefore, it is important that we—

Mr Millhouse: That will only encourage people to gamble more.

Mr SLATER: As I have said, I do not believe that gambling in itself is immoral. I do not believe that it does anyone any harm to invest in or have an interest in racing, trotting or greyhound racing. I believe it is up to the individual to make that particular choice, as it is with many other things in life. I believe that this measure will not encourage people to gamble; it will simply give them an opportunity to participate in an activity that is very widely indulged in in South Australia and in Australia generally. I support this amendment, although I do not believe that it is the ultimate solution. I am aware of some apprehension felt by the three codes towards the operation of this measure. However, I repeat that it is better than nothing because it at least provides some form of insurance against the tremendous fluctuation that could occur following the introduction of after-race pay-outs by the T.A.B.

Motion carried.

Amendment No. 8:

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

That the Legislative Council's amendment No. 8 be disagreed to.

This particular amendment brings back to this House something that received a good deal of debate in the second reading and in Committee. It deals with the right of bookmakers, the T.A.B. and approved racing clubs to sue and be sued. It is a very difficult question and it is probably the most difficult of the three questions with which we are dealing at the moment.

Mr Millhouse: It's not really.

The Hon. M. M. WILSON: Perhaps the honourable member regards it in simple black and white terms; I understand that and I accept it. I do not wish to repeat all of the points that have already been made: suffice to say that it was a recommendation of the committee of inquiry. It was carefully considered by that committee, which heard very good advocacy by many people both for and against this question. In its wisdom the committee of inquiry recommended the inclusion of this measure in the Bill. It is not exactly in the same form as it appears in Queensland, New South Wales, Victoria, and Tasmania. I take this opportunity to correct the impression that I gave earlier that this measure applies Australia-wide. I understand that it does not apply in Western Australia or in the Northern Territory. Bookmakers certainly have the right to sue and be sued in the other States I mentioned.

My inquiries lead me to believe that there has been no social upset caused by this particular measure in other States, and it has been in force in those States for some time. The committee of inquiry thought that it was a worthwhile measure, particularly in view of the fact that bookmakers in South Australia must lodge a bond with the Betting Control Board. In fact, one class of bookmakers—those operating in the grandstands—must lodge a bond of as much as $30 000. That bond is a protection for the public. Therefore, the public can recoup, through the bookmaker's bond, any gambling losses incurred by a bookmaker who defaults on a bet. At the moment, bookmakers do not have the same advantage to recoup losses incurred through defaulting bettors, especially from nod bets, which is really what we are talking about. Once again, I ask the Committee to support the motion.

Mr LEWIS: I do not support the motion. I do not believe that this measure should be included in the Bill. For reasons beyond the proper conduct of business in this House I was unable to express my view and make my opinion on this measure known, or otherwise qualify my position by voting on it when this clause was previously before the House. I believe that the committee of inquiry erred in recommending this clause. Considering the composition of that committee, I believe it is understandable that it erred in the way that it did. That committee was certainly looking after the interests of its peers and colleagues in the racing industry.

I believe that, whereas other parts of this Bill are quite proper and necessary administrative amendments in relation to racing in all codes in South Australia (and I have happily supported the Government in the way in which it has gone about doing that), clause 30 is not administrative in its substantive part. It relates to the way in which gambling can be conducted.

I make clear, in case it is not clear to members, that to administer the industry is one thing but to change the way in which the relationships between people who gamble arise has nothing to do with racing, whether horse-racing or dog-racing, any more than it has to do with any other form of gambling. It changes the nature of the way in which gambling debts can be collected. For that reason, I believe that the matter should exercise the conscience of all members, even those who are not here, and I note that there is not a great number in attendance at present, least of all the member for Flinders. The provision gives bookmakers and other organisations the right to sue.

It is understandable that the general public would want the right to sue a bookmaker, because they pay betting tax, as part of their likely winnings, every time they bet, and they would feel aggrieved if, in paying that tax to the Government, in turn the Government gave them no protection to collect their debt. I see that point, although I do not necessarily agree with it. On the other hand, if we give bookmakers the prerogative and right to sue to collect debts that they believe or claim are owed to them, we change the whole nature of the relationship between a bookmaker and a punter.

At present, a bookmaker knows that he cannot take bets from someone who is not absolutely and utterly likely to honour those bets, and who therefore is not, in the bookmaker's personal opinion, a good credit risk. The bookmaker does not take the bet, because he knows he has no recourse in law to collect the debt. If there is any doubt about the punter's capacity to pay, the bookmaker does not take the bet. We are changing all that. The bookmaker now has the right in law, if we include clause 30, to sue. He does not have to worry about whether the punter will pay the debt immediately: he can sue him.

That may mean that the bookmaker could liquidate the assets of the punter. Whilst not everyone is a compulsive gambler, thank God or whatever else is responsible for that, nonetheless there are people who are compulsive gamblers and, once they get into debt and have run out of cash on the course, they will be tempted, knowing that they have assets still to back any bets that they make, to bet on what they think is a sure thing, whether it is a dog, a horse or whatever. The bookmaker could literally and legitimately, under this clause, accept that bet, knowing that he may then sue the punter to collect it and, if necessary, require the home and personal effects of the punter and his spouse and family to be sold to collect that bet.

I think that that proposition is shameful. If the bookmaker cannot be certain that the punter making the bet is capable of and reliable in paying the bet, he should not accept that bet on credit. He should require the cash to be put down when the bet is made. We should protect the oft-forgotten wives and children of those irresponsible people,

who may not of themselves be irresponsible but who, virtually by their make-up, are psychologically disposed to become compulsive gamblers.

Further, I do not see any proposal here whereby the bookmaker is required to demonstrate some constructive proof of the debt, other than that he says to the court, 'I took a nod bet from Joe Bloggs for $1 000 and my penciller wrote it on my betting sheet: here is the ticket. Sure, he was across on the other side of the ring and I could not get the ticket to him then.' We then find that this man, with that evidence, the only evidence that he has, sues the punter, and what defence has the punter? He has none whatever, if he has never laid a bet with that man previously. If a bookmaker was in difficulty and had in the ring a number of punters who from time to time bet with him on the nod, I put it to you that it is not unreasonable to expect the bookmaker to be tempted to say that he took some nod bets and to go to court to collect them, because this clause gives power to do that. For that reason, I urge every member to oppose it, as a matter of conscience.

The other point I wish to make about that aspect of the clause and its effect is that, if we want to be dispassionately cold and callous about the consequences of allowing this clause to take effect in law and if we examine how much additional betting tax revenue the Government will get by allowing bookmakers the right to sue and to be sued and therefore to take nod bets on credit and to sue for them, presuming that that will increase bookmakers' turnover and thereby increase Government revenue in the form of betting tax (and I have yet to see anyone show me figures that will prove that), I doubt that the extra amount of tax revenue will equal the pay-out on welfare costs to the spouse and family that lose their home, personal effects, and security as a result of the impulse of a compulsive gambler who makes the irresponsible decision to make the bet.

If the provision had been included in the original Bill, it would have been my wish to amend it in a way that at least protected the principal place of residence of the family if the punter had a dependent spouse and children. That would have made it possible for me, in conscience, to at least contemplate giving it support. However, as I have said, I was denied that opportunity. No amendment to that effect is now possible and I have no alternative but to avoid embarrassing the Government and to abstain from voting. That is my intention. I know that the sentiments that I have expressed are those held by other members of my Party.

Mr SLATER: I have listened with great interest to the comments made by the member for Mallee. Indeed, the matter was discussed in the Committee stage of the Bill, and I wonder whether he was in the Chamber then, because we divided on the question. Obviously, he was not in the House at the time. No-one has given me any valid reason why this is necessary. The Minister has not given us any valid reasons why it is necessary for a bookmaker to take action against a punter to sue for a debt.

The current position, as I understand it, is that there are certain persons who go to the races regularly, and who are well known to the bookmaking fraternity. I understand that some very large bets are made, particularly in the grandstand, of course, and persons do not always carry that amount of money. We would not expect that a person who bets in thousands would carry that ready cash in $50 notes to the racecourse, for the obvious reasons—there could be pickpockets, and they do not want to lose it. So, over a period of time the bookmaking fraternity and the punters who bet to that degree have established a question of trust. This will destroy that trust. It means that in future there may be fewer opportunities for those persons to bet on credit on the nod.

I do not deny that it has come into existence because people do not want to carry large sums of money on a racecourse, but those who participate in the practice regularly must be known to the bookmakers. I see no valid reason why we need to change that situation. For the benefit of the Minister of Recreation and Sport, who said there was great advocacy to the Committee of Inquiry on this matter, let me read the advocacy of the submission of the South Australian Bookmakers League. It says:

> Under current legislation, a bookmaker cannot take legal action to recover a debt. As this right applies in Victoria and N.S.W., it should also be introduced in S.A. The standard of racing is dependent, *inter alia*, on appropriate practices being adopted by bookmakers. There is no case for a different standard being applied to punters who are unwilling to meet their obligations.

That was the extent of the bookmakers' submission to the racing inquiry in South Australia.

An honourable member: Who was the advocate?

Mr SLATER: The advocate was a person well known to this House—a former Minister of the Crown, a former member of this House.

An honourable member: What was his name?

Mr SLATER: The Hon. Hugh Hudson. That was the extent of his advocacy on behalf of the bookmaking fraternity in their submission to the racing inquiry. The racing inquiry recommendation at page 43 was as follows:

> Recovery of Betting Debts: In other Australian States, legislation enables bookmakers and their clients to take action for the recovery of gambling debts. There is no comparable legislation in South Australia. The committee sees no reason why there should be any longer an immunity from recovery action in the courts.

That is the extent of its recommendation. It means nothing. As far as I am concerned, we are going to harm the situation that exists at the present time. It is a question of trust between the investor, the punter, and the bookmaker. I do not know, and I challenge the Minister of Recreation and Sport to tell us, of one instance that he knows of where a punter has welshed and not paid his commitment to the bookmaker. I do not know of any. None have been referred to me. No-one has told me that punters have not paid their debts. I challenge the Minister to say whether he knows of any instances where that has occurred. I support the proposition from the Upper House.

Progress reported; Committee to sit again.

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

> That the time for moving the adjournment of the House be extended beyond 5 p.m.

Motion carried.

PARKS COMMUNITY CENTRE BILL

Received from the Legislative Council and read a first time.

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

That this Bill be now read a second time.

Its object is to establish the Parks Community Centre as a body corporate, with clearly defined powers, functions, duties and responsibilities. I seek leave to have the remainder of the explanation inserted in *Hansard* without my reading it.

Leave granted.

Remainder of Explanation

The centre was established in the late 1970s to provide a combined community resource for residents within the

areas of Angle Park, Mansfield Park, Woodville Gardens, Athol Park, Wingfield and Ottoway. These areas had been identified earlier as either lacking certain basic facilities and services, or as having facilities and services that were quite inadequate.

The centre cost approximately $16 000 000 and was financed jointly by the Commonwealth and South Australian Governments. The Corporation of the City of Enfield contributed significantly to the cost of the swimming pool and library. Community facilites and services include a secondary school, a Department of Further Education facility, a joint school/community library, an indoor sports centre and swimming pool complex, a Department for Community Welfare District Office, a community health centre, which also offers dental facilities, a legal services unit, a child minding centre and performing arts and restaurant facilities.

An interim board, chaired by Ms. B. Elleway, has the responsibility for managing and supporting a variety of these activites, on-going funding for which is provided through the Department of Local Government, such as the childminding service, the legal service, the library service, and the sporting and recreational, arts and crafts and performing arts facilities. The Board also offers an extensive range of self-help programme to help the disadvantaged, the unemployed and the youth of the area.

In addition, the interim board provides a support service in respect of the security, cleaning and maintenance of all buildings and the development, cleaning and maintenance of the grounds. This service extends to those areas occupied and utilized by the Departments of Education, Further Education, Community Welfare and Health Commission. However, those agencies continue to manage their own facilities and are fully responsible for their own programmes. The Bill does not alter this arrangement.

The interim board, in the course of its duties, has faced a number of problems in implementing policies and enforcing rules because it has not had the backing of legislation. In the meantime, it has become apparent that the arrangement whereby the Department of Local Government oversees the operation of the functions of the interim board is unsatisfactory for a community complex of the size and nature of the Parks Community Centre. In the preparation of this Bill, officers from my department have consulted at length with the Interim Board and I have met deputations from the board.

The Government recognises the importance of involving the community in the management of the centre and accordingly has made provision for staff and community representation on the twelve member board, thereby giving those who use the centre the opportunity to have direct involvement in the management of the centre. Power has been given to the centre to operate licensed premises so as to improve the present catering facilities.

The Government acknowledges the benefits of allowing an exchange of staff between the Public Service and the centre by including provisions for staff to be appointed under the Public Service Act where appropriate. I wish to record the Government's appreciation and thanks to the Chairperson of the interim board, Ms. Barbara Elleway, and to all board members, for the conscientious manner in which they have carried out their responsibilities. I commend this Bill to honourable members as a measure that will enable the further implementation of a concept that is unique and of immense benefit to a large number of the citizens of this State.

Clause 1 is formal. Clause 2 provides the Act to come into operation by proclamation. Clause 3 supplies the necessary definitions. 'Member of the staff' is defined to include Government and local government personnel working at the centre. Clause 4 establishes the Parks Community Centre as a body corporate with all the usual powers. The centre holds all its property on behalf of the Crown.

Clause 5 provides for the board of management which will run the Centre. Of the 12 members, eight will be appointed by the Governor upon the nomination of various Ministers of the Crown and the Enfield Council, three will be elected by persons who use the Centre's facilities and services, and one member will be elected by the permanent staff of the centre. The members to be elected by the users of the centre must themselves be users of the centre, thus ensuring direct consumer participation in the affairs of the centre. The Governor will appoint three interim members until an election by registered users can be held.

Clause 6 provides for the compilation of a register of users. The Electoral Commissioner will conduct elections by registered users. Clause 7 provides for the terms of office of members. The interim members will be appointed for no more than one year. Other appointed members will be appointed for terms not exceeding three years. Members elected by the registered users of the centre will be elected for terms of office determined in accordance with the regulations. The staff member will be elected annually. Clause 8 provides that the Governor may appoint deputies to the appointed members of the board.

Clause 9 makes provision for the payment of allowances and expenses to board members. Clause 10 sets out the usual provisions relating to removing members from office and filling casual vacancies. Clause 11 gives board members the usual immunity from liability. Clause 12 sets out various procedural requirements for meetings of the board. Clause 13 gives the board power to delegate any of its powers, functions or duties to a committee appointed by the board or to an individual board member or staff member. Clause 14 requires board members to disclose any interest they may have in contracts on the centre.

Clause 15 sets out the major functions of the centre. It is provided that the centre itself may provide any facility, amenity or service, apart from the Government or local government facilities, amenities or services located at the centre. It is made clear that the centre will not interfere with the way in which any Government or local government facility, amenity or service is run. Clause 16 provides that the centre is subject to the control and direction of the Minister. Clause 17 provides that public servants may be appointed to the centre, and that the centre itself may appoint staff, and use volunteers. Ministerial appointees currently working at the centre will automatically become officers or employees of the centre upon the commencement of the Act.

Clause 18 provides that officers and employees of the centre may continue in, or join, the South Australian Superannuation Fund. Full portability of leave rights is given to persons who are employed by the centre immediately upon cessation of employment with the Public Service. Where there is a break of not more than three months between employment with the centre and previous employment with the Public Service or with prescribed employment, portability of leave rights will be given to the extent directed by the centre. This overcomes problems that occur where a person has already been paid out for his accrued leave rights before starting with the centre, or has such a large amount of accrued leave that the centre might be wary of taking him onto its staff, thus pejudicing his chances of employment with the centre.

Clause 19 defines the lands that comprise the premises of the centre over which is has control. The centre cannot acquire any land, or lease, dispose of or in any other way deal with land vested in the centre, unless it has the approval of the Minister. The lands referred to in subclause

(1) (a), the current premises of the centre, are vested in the Minister of Education, and will remain vested in that Minister, or such other Minister as at any time may be appropriate. Clause 20 sets out various financial provisions, including the power of the centre to borrow or invest money with the approval of the Treasurer.

Clause 21 requires the centre to maintain a fund into which all its income, from whatever source, must be paid. Clause 22 requires the centre to keep proper accounts, to be audited by the Auditor-General at least once a year. Clause 23 requires the board to furnish the Minister with an annual report which will be laid before Parliament in the usual way. Clause 24 gives the board power to make by-laws for the proper control of the use of the grounds of the centre. Such by-laws must be submitted to the Minister for his approval before being laid before Parliament in the usual way. Certain evidentiary provisions relating to the prosecution of offences against the by-laws are provided. Clause 25 provides that offences against the by-laws are summary offences. Clause 26 empowers the Governor to make regulations for the purposes of the Act.

Mr MILLHOUSE secured the adjournment of the debate.

ROAD TRAFFIC ACT AMENDMENT BILL (No. 2)

Returned from the Legislative Council without amendment.

RACING ACT AMENDMENT BILL

Adjourned debate in Committee (resumed on motion).
(Continued from page 2102.)

Mr MILLHOUSE: I oppose the motion moved by the Minister. I do not believe that people should be able to sue for gambling debts; for very many years that has been the law. I believe it is not common law, but a very ancient Statute. The rationale behind it is that gambling is an activity which should not be encouraged by the law, even if it is not forbidden. One way of showing a lack of encouragement is to prevent people from suing on gambling debts. That is the fundamental reason why I do not believe we should make the provision that the Government wanted to make to allow people to sue.

I must say that I was also quite impressed by the arguments put forward by the member for Mallee. I cannot remember when I was last impressed by anything he said, but I was on that occasion, as with the member for Elizabeth and the Hon. Mr DeGaris an hour or so ago when we were discussing other amendments. I am in much the same position. I hope there will be a majority of this against the Government on this one.

Mr MAX BROWN: I rise only because I am intrigued on two points. I am intrigued, first, by the attitude of the member for Mallee on this question. Perhaps there ought to be a new Caucus meeting of the Government to sort that matter out. I am more intrigued that, during the second reading debate on this Bill, we were unable to get any satisfactory answer from the Minister as to why it was necessary to have this clause put in the Bill.

The submission made by the bookmakers to the Racing Committee does not spell out any valid reason why they want this clause, and that intrigues me. On the Channel 7 news last night a bookmaker operating in Murray Bridge was asked why the bookmakers wanted this clause, and he did not answer; in fact, he evaded the question altogether. It seems to me that there must be some logical reason why this clause was put in the Bill in the first place and why the Racing Committee suggested it, but no valid reason for it has been advanced by any of the parties. It does not seem to me at all reasonable that we should expect a punter to be responsible under the law for some heavy gambling debt. The person who what I call cut-bets with a bookmaker is usually a very heavy bettor and usually well known to the bookmaker. It seems to me that the only logical reason for the clause is some break-down in the operation between the heavy gambler (this person of supposedly good repute with the bookmaker) and the bookmaker. That matter has not at any stage come out during the course of this debate, and it seems to me a rather peculiar situation, to say the least.

Mr PETERSON: I listened to the member for Elizabeth, who expressed his flexibility and attitude to these matters, and also to the member for Mitcham, who talked about people making up their own mind as Democrats. I am not a frequenter of any form of gambling or racing, but it seems to me that this is a matter of some depth, perhaps a moral depth. I am not in sympathy with any bookmakers; I know several, legal ones and some I suspect illegal (but that is their business—until they are caught, I suppose). I always remember my father telling me that the bookmaker comes home in a car and the punter comes home in a bus, and that seems to be the rule. I am not on the side of the bookmaker at all. Like the member for Gilles, I do not believe that gambling is immoral or necessarily evil, because it is not a problem to me.

We heard today from the member for Mallee a fairly vitriolic attack on gambling and the view that there is no solution for gambling: if you believe gambling is essentially wrong, then fight gambling and try to stop it. The stopping of nod bets or giving the permission to recover at law will not stop men gambling. I do not see how it will make any difference. If people want to borrow money to bet, they will. I do not think that you will stop the gambler, and I do not believe this will encourage further gambling.

I agree that it is an odd piece of legislation in that it does not seem to be based upon anything, as the member for Whyalla said, but I believe that it is fair legislation. I have a moral conviction that if you owe money you should pay it, and that if you do not pay it in the normal course it should be recoverable at law, whatever the debt is for or however you incur it. There is no other area that I know of where you can make a bet on honour, or nod, as you call it, and not be responsible for it in some way.

Mr Millhouse: That's not right, you know.

Mr PETERSON: There is none that I am aware of; I am sure you will clarify the situation for me afterwards. I am sure that the trust that exists for nod bets will continue, and that the people using this form of gambling will continue to do so. The vast majority of gamblers will not change their way of gambling. Why should they? I do not see any reason for them to. Surely this measure is directed at only a small group of people who can afford to nod bet. I agree with what was said previously that it seems to me to be directed that way. They are the people with money, anyhow, and with a fairly substantial standing with the bookmaker. I am sure that if I walked up to a bookmaker who did not know me and I asked him to take nod bets he would throw the stand at me, so there is not much risk initially of anybody walking up and starting to gamble that way.

Mr Hamilton: What would you throw at him?

Mr PETERSON: Probably a left hook; it would depend on how big he was. I do not believe the provision will affect the vast majority of people. Nor do I see why it should suddenly create a whole new race of bookies who are going to rush around looking for people to take on nod betting

with them. Why should they? They have their own organisation that looks after their own code of ethics that they have among themselves. If a bookie plays up, I am sure that he would incur a reaction from the public and his organisation.

It seems to me that basically there is not going to be any change if this clause is agreed to. As I say, on moral grounds, if you incur a debt on honour you should be liable to settle that debt. That has always been a principle of mine, and that is the way that I would go through life. Otherwise, you must be prepared to take whatever action is taken to recover that debt. It has been said that there have been reports of people who are not settling debts incurred from nod bets, and I would suggest that those people must be wearing concrete boots or walking about very bruised for a few weeks.

Mr Slater interjecting:

Mr PETERSON: I get around among some people, and I suggest to the honourable member that if you owed a lot of money to some people in this State you would find your negotiations for a settlement brought about by some strong-arm means. We are no different from any other part of the world in that way. I do not see that this will change anything drastically, and I do not see it opening the flood gates and people rushing to get on to the nod betting list. I favour standardising legislation across Australia.

Mr Max Brown: The worker doesn't get a nod bet on.

Mr PETERSON: That is what I am saying. How is this going to affect the vast majority of people? It will affect the person who already has a nod bet and who operates on some financial basis with the bookmaker now. I support the inclusion of the clause.

Mr MILLHOUSE: The member for Semaphore said that this was the only area of which he was aware that you could not sue on an undertaking—I think that was the way he put it.

Mr Peterson: I said it was the only area in which there was no way of recovering—

Mr MILLHOUSE: Well, let me tell him that if I promise to give him some money for some reason, or even if I wrote a letter for that purpose, there would be nothing legally binding about that; unless we entered into a contract in which he gave me something in exchange for my giving him something, it does not matter at all. The expression that my word is my bond may be a matter of honour but it is not a matter of law.

There is no way in the world in which one can enforce that. This is by no means the only area where that rule applies. It is the general rule, unless one enters into a contract which has to be either 'under seal' (that is, it has to go through the formality of having a seal stuck on it and prepared in the special form) or there is 'consideration' as we call it (which is: if you give me something in exchange for what I give you), there is no way in which you can hold a man to his word.

Mr Peterson: Must I really give you something?

Mr MILLHOUSE: Yes, indeed, there must be real consideration. The courts have spent hundreds of years working out what it is. You simply cannot sue a man or woman on just their word. If the honourable member is going on that basis and saying that this is the only exception to a rule, if he thinks that one can sue somebody on just their word, then he is completely and absolutely wrong.

Mr SLATER: I want to make one point for the benefit of the member for Semaphore. He made a comment regarding the standardisation of this particular matter throughout Australia. If clause 30 is inserted, it will not mean that we will have standard situations throughout Australia.

Mr Peterson: But they are getting close to it.

Mr SLATER: They may be getting close to it, but a different situation exists in each State regarding the recovery of betting debts. I make that particular point clear to the honourable member.

The Committee divided on the amendment:

Ayes (21)—Messrs. Allison, P. B. Arnold, Ashenden, Becker, Billard, Blacker, Chapman, Eastick, Evans, Glazbrook, Goldsworthy, Mathwin, Olsen, Oswald, Peterson, Randall, Russack, Schmidt, Tonkin, Wilson (teller), and Wotton.

Noes (18)—Messrs. Abbott, L. M. F. Arnold, Bannon, M. J. Brown, Crafter, Duncan, Hamilton, Hemmings, Keneally, Langley, McRae, Millhouse, O'Neill, Payne, Plunkett, Slater (teller), Trainer, and Whitten.

Majority of 3 for the Ayes.

Motion thus carried.

The following reason for disagreement was adopted:

Because the amendments are contrary to the principles of the Bill.

MOTOR VEHICLES ACT AMENDMENT BILL (No. 5)

Adjourned debate on second reading.

(Continued from 18 November. Page 2064.)

Mr ASHENDEN (Todd): I rise to support the Bill, and I would like to state at the outset that, despite the comments made last evening by the member for Florey, I do not believe that the Government has changed its policy to supposedly support a Bill that was earlier brought in by the previous Government which not only covered this but many other aspects as well. Certainly, I do not like additional regulation but, unfortunately, in this instance it has been necessary to bring in the regulation that the Minister has proposed in this Bill because of the criminal and other ruthless elements that are present in the tow-truck industry.

It is perfectly obvious that, despite the protestations of some members of the industry, they have not been able to set up adequate controls over the business itself. Had they been able to do so, obviously Government action would not have been required. As I have said, there is no doubt that the industry has not been able to control itself and, therefore, the moves that have been brought forward in this Bill are absolutely essential.

One has only to look at some of the actions that have been taken by some drivers who operate tow-trucks when accidents have occurred. There is no doubt at all that the actions of some of these drivers are totally against the interests of the public. It is not uncommon to have tow-truck drivers fighting each other to obtain a tow; it is not uncommon for a tow-truck operator to have a vehicle connected to his truck and take it away and, when the owner has had time to think it over, perhaps preferring to have the car taken to another operator than that desired by the tow-truck driver, the owner will be unable to get his vehicle back.

We have seen what I think is probably the worst example of all, where some tow-truck drivers totally ignore the needs of injured persons involved in car accidents where, despite shock or injury which the driver or owner of the vehicle may be suffering at the time, some tow-truck drivers will come up and pester them merely to obtain a signature on a piece of paper to enable them to take the vehicle away. In my opinion, this type of activity cannot possibly be condoned by anyone, yet this has gone on in the industry for some time. Some drivers have absolutely no feeling whatever for the injured in such situations.

We have seen examples where tow-truck drivers are undoubtedly a danger to the public. I frequently use the

Lower North-East Road to travel to and from the city, and I certainly would not mind a dollar for every time I have been overtaken, frequently in a dangerous manner, by tow-trucks obviously speeding to the scene of an accident so that hopefully they can be there first and gain the tow. The fact that in many instances they cause accidents and in other instances almost cause serious accidents seems not to worry them a jot. It would appear to me that, when operators in an industry are carrying out the serious actions about which I have spoken, then obviously it is essential that the Government take action to ensure that that no longer occurs.

I believe that I must also mention statements made on behalf of the R.A.A. It is noticeable that some of the senior executives of the R.A.A. have been very critical of the action proposed by the Government. I do not believe for one minute that these people are representing the interests of the members of the R.A.A. I cannot understand why the executive of the R.A.A. is acting as it is doing. It certainly does not reflect the interests of the hundreds of thousands of members of the R.A.A. (I understand it has passed 200 000 members). Certainly, a large number of South Australian motorists who are members of the R.A.A. have had to put up with the actions of the minority of tow-truck drivers, the fighting of the drivers, the bullying of the drivers and the withholding of vehicles. Surely it would be in the interests of the members of the R.A.A. to have the type of protection that this Bill provides. I cannot understand the actions of the executive of the R.A.A., although some thoughts have been put to me and, if they were to be true, it certainly does not reflect well on that executive.

I have also had approaches to my office from members within the industry who have said they definitely favour this legislation. They have said that they are embarrased by the actions of what I believe is the irresponsible minority of tow-truck drivers, and that irresponsible minority is so irresponsible and their actions so serious that they cannot be ignored. Additionally, reports have been prepared which show to my satisfaction that a criminal element is involved in the tow-truck industry, and the only way that element can be removed from the industry is by the introduction of this legislation.

I would certainly also like to assure the executive of the R.A.A. that many constituents have approached me about this matter, of whom the majority are members of the R.A.A. They have also indicated to me that they do believe that a change is necessary. It is interesting to note that those who have spoken to me have all been involved in accidents. I think there are many people who fortunately have never been involved in an accident requiring a tow-truck (and until I studied this legislation I was not aware of the actions that have been going on), but those of my constituents who have come to me, who have been involved in accidents and who have had to put up with some of the actions to which I have referred, are strong in their praise of the action the Government is taking. I believe the executive of the R.A.A. should pay heed to this.

Many features in this Bill will bring about the protection that is so necessary for the injured and shocked in accidents from the actions of the few irresponsible tow-truck drivers. The fact that they will be licensed will certainly bring about control, because the licence can be removed and if that licence can be removed obviously a person with a licence will do all he can to protect that licence. After all, in many cases it is his bread and butter and if he loses his licence he is out of a job. That must have a very positive effect.

Rostering of tow trucks to attend accidents will also remove many of the present problems. First, it will stop any possibility of fighting between drivers to get a tow. It will stop a tow-truck operator pestering an injured or shocked person. It will also result in a fair distribution of tow-truck work, and will bring about a much calmer situation whenever an accident occurs. It will mean that police and ambulancemen will be able to go about their job without interference from irresponsible tow-truck drivers. Again, I have been absolutely staggered at a report I was given by a senior police officer within my electorate, who told me just some of the things that have happened when he has attended accidents, where these drivers have not only completely ignored the accident victim's health by pushing away St John ambulance officers, but they have, at times, even interfered with the police in carrying out their duties.

I am also pleased that standards will now be required for both vehicles and equipment before a tow truck attend an accident scene. Another action to be taken is to prevent selling 'off' the hook, as it is called. Again, responsible members from the tow-truck and crash repair industries have told me that this will also bring about a much better system for removal of vehicles from the scene of an accident, and owners' wishes as to repairs will be respected. For the many reasons I have outlined, I support the Bill wholeheartedly.

Mr HAMILTON (Albert Park): I am somewhat amazed by the gyrations of the Government, particularly when one looks at speeches made by the member for Alexandra and the member for Fisher, as recorded in *Hansard*. At page 2839 of *Hansard* of 21 February 1979, the member for Fisher said:

> The Minister should be very cautious when giving the police the responsibility of deciding who will take on any particular work.

I point out that previously the Opposition of the day opposed the Bill introduced by the then Government. He continued:

> Recently, it has been alleged in New South Wales that the police have been put in the position of being encouraged to accept inducements in certain areas of their activity and they have been suspended for doing so. The less opportunity we give the Police Force to decide priorities about who shall get a financial benefit from work that will be available within the community the better it will be for the police in the State.

It seems rather strange to me that the Government is now advocating that that be the case. Further on, the member for Fisher said:

> That is a dangerous direction in which to move, and we should be conscious of what we are doing. I hope that as members of Parliament we will reject that as an action that we should never consider. We all know that over the years a few operators have caused some trouble.

Yet, we heard the member for Todd say that Government intervention and innovation in this area is because of the so-called irresponsibility of a few members in the industry, which conflicts again with a statement made by the member for Fisher, at page 2839 of *Hansard* on 21 February 1979, in which he said:

> If Parliament is to move every time to try to eliminate those bad operators by putting restrictions on the vast majority that are trustworthy operators, society will be shackled in every way. If we introduce licensing, in particular for the crash repair group (and all sorts of crash repair work is carried out), what will happen with the new operator who wants to enter the industry?

So, it is quite clear to me that this Government has certainly twisted in its attitude to this Bill and this type of legislation. The member for Fisher also went on to say, on that date:

> This Bill will make it difficult for such a person to enter the industry because such a person will not want to be humbugged by inspectors who tell them what to do. The inspectors would take up their time, and when operating a one-man or two-man business every hour lost is important, much more so than is the case for a person who is the head of an operation employing, say, 50 people.

Then, on 21 February, on page 2840, the then Leader of the Opposition (Mr Tonkin) is quoted as saying:

A need for the legislation must be clearly shown. Not only must a need be shown but also the legislation which is prepared and brought in must be effective in improving the existing situation.

He further went on to say:

This legislation, in its complicated form, merely further complicates the issue. If it does anything to help—and that is doubtful, as the Minister has said—it does far more to hinder.

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

Quite clearly, from the information that I have received, the tow-truck operators are bitterly divided on this legislation. I quote from a transcript from *Nationwide* of Thursday, 12 November. I make it quite clear here and now that I do not necessarily support, nor do I disagree with, the comments made on that programme. I would like the Minister to inform me what the situation is in this regard. The transcript states:

The tow-truck drivers are bitterly divided on the 'roster system'. One group who has the support of the R.A.A. demonstrated its opposition to it with a convoy through Adelaide two weeks ago.

The transcript also states:

These towies say that the new legislation will eliminate competition and force up the price of a tow, consequently resulting in massive unemployment. Morrison's group also defends the action of towies at accidents as they say that tow trucks are there at the scene first and soon they will not be.

This could result in people in need of assistance at accidents not being able to get that assistance because of the regulations. A woman operator was quoted on that programme as saying that she had seen accidents whereby the tow-truck operators had gone to the cars to assist people to get out of their cars.

An honourable member: This is a restatement of *Hansard*.

Mr HAMILTON: No, this is not. If the honourable member had been paying attention, he would have heard me say that this is from *Nationwide* on Thursday 12 November. It also went on to say:

If all of the rules and regulations go through there is going to be a situation whereby, if a towie is at the scene of an accident at 3 o'clock in the morning, and someone is stuck in the car at the accident, what is he going to do?

The transcript also stated:

The drivers that do get to the customer first all have to be a gentleman type because they are there to sell their service and they are in fact very professional salesmen.

There is no such thing as harassment because the moment you start harassing a member of the public, particularly people in South Australia—they are not stupid, the public will tell them to leave.

That conflicts with what the member for Todd said, namely, that many of these tow-truck operators harass the public. It was also said on that programme:

Under the new legislation the commission, the driving force behind the present system, will become illegal.

That comment is referring to the amount of money received by way of commission. It was further stated:

It is highly lucrative. If, as some towies claim, accidents are caused deliberately, that is an old car is driven into a new one and a tow-truck placed conveniently around the corner gets the job. On a vehicle that needs $3 000 worth of repairs a tow-truck driver can earn up to 10 per cent of this amount as commission, for example, $300. This practice of selling off the hook would be outlawed because it is not a desirable practice in the first place. This is so because what is being done is that a third party, the tow-truck driver in this case, simply touts an owner's car to a number of crash repair yards until he can get the best commission on the cost of repairs that is possible.

Another driver on the programme said:

If you take away the commission then it would have to be charged in hard cold cash to the public and hourly rates would have to be charged.

It was further stated on the programme:

A lot of money is being spent chasing accidents and, if your truck is not fast enough, then you haven't a chance. Sometimes it is all in vain. Hoax calls to tie up some of the competitors has become part of the game.

Accident spotting is imperative to drivers also. Every driver has a spotter located at busy intersections or high accident zones. They are ready to phone when there is a smash and ready to collect their cut, too.

Taxi drivers also spot. One taxi company has a spotting contract with tow-truck drivers worth an estimated $15 000 per year. Every tow-truck driver listens to the police radio; otherwise he isn't in the race. This is illegal. Tow-truck drivers have spent a lot of money getting this far, that is, with spotters.

As I said, there have been problems with hoax calls and with the installation of radios, new equipment etc. It was further stated on *Nationwide:*

This will all have to go under the new legislation, but at the moment it is the only way to know about an accident and to get there before their competitors. It is what happens at the accident scene that has prompted the Government to try yet again to regulate the tow-truck industry.

Here in Adelaide in the suburbs six tow-trucks turned up to service a car which had broken down because of an engine fire. A few days before bringing in its legislation the Government supplied *Nationwide* with a list of complaints investigated in the past 12 months, which included:

1. Two tow-trucks pulling in front of the first tow-truck and forcing it off the road;
2. Tow-trucks setting up road blocks;
3. The windscreen of a tow-truck shot out;
4. A tow-truck driver and his wife knocked unconscious on the way to an accident;
5. Reports of the so-called heavies coming in from interstate to monopolise the industry.

It seems somewhat strange to me that the Opposition was not provided with this information to assist us in determining our attitude to this legislation. Further complaints were:

6. Owners not being able to claim their vehicles unless they pay very high fees;
7. Complaints that vehicles are damaged whilst being towed or the parts go missing whilst being repaired;
8. A tow-truck driver threatening a traffic inspector with a piece of chain for giving him a parking ticket.

After 20 years of bitter competition, the tow-truck industry is fought by bitter rivalary and confrontation. Is it any wonder that new legislation has created such a big division?

A guest on the programme said that:

The benefits are that the tow-truck driver will have a better image to the public. The general public will know that the tow-truck driver that comes to pick up his car, has been approved by the inspector and is a man of good status, and has an unblemished record. The public can have confidence in that tow-truck driver. Many tow-truck drivers do want the system—many are tired of chasing 20 hours a day for accidents and then at the end of the week they find that they have not made a lot of money. The smart tow-truck drivers do not want it as he is earning big money. This legislation is so that there will be a full spread of work across the whole industry.

Towies do agree on at least one thing: there needs to be some change. Free enterprise has gone over the top. Those who oppose the roster do say they want a licensing system similar to that in the taxi industry limiting the number of trucks. As for the Government's legislation, the towies are used to chasing hard for the big money. That will never be easy.

I wanted to incorporate those comments in *Hansard*, because many issues were raised. In relation to accidents, one could ask the Minister what type of zoning is to be introduced. If various zones are to be allocated, what happens on roads that constitute a demarcation area? Who will be given the job? What qualifications will be required by the police inspector or the inspector concerned? How will he determine who is entitled to a job? Also we heard a great deal from the member for Eyre on 21 February 1979. He said, in part, at page 2841 of *Hansard*:

The Bill will set up another bureaucrats' paradise. This State has far too many Government boards and committees.

Yet, we find that here is another tribunal or board being set up. The member for Eyre intimated or suggested in the speech that he made in 1979 that some retired Australian Labor Party people would be on that board. One might also suggest somewhat facetiously that we could say the same thing about this legislation. It ill-behoves a member to make those statements in Opposition, as he will find that they can be thrown back at him.

I also ask the Minister a question in relation to drivers' licences. How is it to be determined that a person is a fit and proper person and has adequate knowledge of local requirements relating to tow-trucks, with the ability to drive and operate the equipment of tow-trucks? Will the proposed board determine that? How will it determine whether one is a fit and proper person to hold a licence?

I refer to the rushing through of the Bill. The member for Florey agreed that the Bill was rushed through. I would have liked to do a lot more research into the previous legislation proposed by the former Government and to have had the opportunity to go around and talk to people in the industry. Unfortunately, we were not given that time, and, as I pointed out previously, I would like to have had the opportunity to research the information given to the committee that was set up under the previous Government. That was not made available to members on this side of the House. I hope that in future, when that information is available, the Government will provide it to Opposition members so that they can peruse it and question the Government at greater length on the matter.

Mr WHITTEN (Price): Although I do not oppose this Bill, I do wish to make a few points about it. The member for Florey made some good points about it last night, and the member for Albert Park has reinforced them today. I would like now to reinforce some of the remarks made by the member for Albert Park but, before doing so, I will refer to some of the matters raised by the member for Todd. I never thought that I would stand in this place and support remarks made by the member for Todd, knowing his attitude towards ordinary people in the past. Now, he has come out as the great benefactor who is going to look after people. I never cease to be amazed at some Liberals.

Mr Ashenden: That is not so at all.

Mr WHITTEN: As I said before, I never cease to be amazed at the attitude of some members of the Liberal Party, because the member for Todd is, for once, on the right track. Unfortunately, many members of his Party were on the wrong track in February 1979 when they opposed similar legislation. I am not going to refer to the repair industry and loss assessors, who were included in that previous Bill (which would have made the industry so much better). Rather, I will merely refer to the tow-truck industry. I looked in *Hansard* but saw no reference to the Minister who is now in charge of the Bill opposing the Bill that was introduced by the previous Minister of Transport.

Mr Hamilton: He did, George, and asked them to withdraw it.

Mr WHITTEN: Well, it was only of a minor nature. He did not stand up and make any contribution to the Bill, although I did notice an interjection or two. I agree with the member for Todd when he says that we are unable to control tow-truck drivers under the present legislation. I also agree with his saying that some of the tow-truck drivers completely ignore the police and people trying to control the scene of an accident. I believe that many accident victims are harassed by the actions of tow-truck drivers. Evidence was brought forward about that in 1979.

I believe that the honourable member is right when he says that the Government must take action about this matter. I cannot relate the actions and attitudes of some members of the Liberal Party, who vehemently opposed this sort of legislation only just over two years ago, to their attitudes today. Although the member for Albert Park has refreshed the memories of some members of this House, I would like to further refresh some memories by quoting some of the remarks and arguments used in 1979. The lead speaker for the Liberal Party on the Bill in 1979 was the member for Alexandra, now the Minister of Agriculture. He took 1½ hours to oppose the legislation put forward by the then Minister of Transport. The honourable member spent much time speaking about tow-truck drivers. It came out strongly that the honourable member opposed any control whatsoever. At page 2833 of *Hansard* he is reported as talking about rosters, to which the member for Todd referred: he and the Minister have said how good they will be. Let us see what the member for Alexandra said at that time:

> It is a case of industry-department co-operation.

He first said:

> I repeat that this has nothing to do with the Government.

He was there referring to the setting up of a roster. I will read that whole paragraph, as follows:

> It is a case of industry-department co-operation. It is what I believe is the desirable form of assistance that a Government may give to an industry without involving itself in taking over, dictating or interfering with free enterprise.

Of course, private enterprise being the sacred cow, we must not touch it in any whatsoever. On page 2838 the present Minister of Agriculture said, after he had been speaking for 1½ hours:

> I oppose the Bill. It is not on so far as the Opposition is concerned. As a Party, we totally oppose the measure, and hope that the Government will have the common sense, courtesy and regard for the people of South Australia, and the crash repair industry in particular, to do likewise.

Some members of the Liberal Party, when in Opposition, had different attitudes then to this type of legislation. Having dealt with the member for Alexandra, I now turn to the then member for Kavel, the now Deputy Premier, who is reported as saying the following:

> I oppose the Bill and congratulate the member for Alexandra for the tremendous amount of work he has done in a fairly short time on the particularly good speech that he has made.

Then the member for Kavel went on to say:

> I am opposed to the Bill for a number of reasons. The type of measure is very dear to the heart of socialists and the bureaucrats.

The type of legislation with which we are now dealing is similar to legislation we dealt with in 1979. As I say, it does not go far enough, and I regret that it did not include loss assessors of the insurance companies and also painters and body repairers. I believe that they are part of the industry and that it is necessary for them to be brought into line. The member for Kavel, now the Deputy Premier, went on in a vehement way and talked about socialism, etc., and concluded by saying:

> This is not the type of legislation upon which the Liberal Party or the Opposition would embark without fairly strong evidence that there was a need to set up this further bureacratic structure to put further restrictions and controls on industry in South Australia.

I think the member for Todd has been amply convinced. He is a member of the Liberal Party, and I think it shows that the Liberals are quite a way behind in their thinking, probably 2½ years behind, because at last one or two members of the Liberal Party have realised that it is desirable to have legislation to control this type of industry. I do congratulate those members for at least coming out of their slumber, because certainly they needed to do so. I do not think this Bill is all it should be but it goes part of the way. Then the member for Fisher, who was very vocal back in this period, said:

> I, too, oppose the Bill. First, in relation to tow-truck operators—

He started off by saying how important it was for the tow-truck operators, but then he went on to cast slurs on the police. He said:

The less opportunity we give the Police Force to decide priorities about who shall bet a financial benefit from work that will be available within the community, the better it will be for the police in the State.

My understanding of this type of legislation is that the police will have quite a deal to do with the rosters. Later, the now Premier entered into the debate, as did the present Minister of Health and the member for Hanson. Perhaps we should see what the Premier (then Leader of the Opposition) said:

I oppose this legislation as a matter of general principle. My colleagues, including the member for Alexandra, have summed up the matter extremely will.

Mr Hamilton: Now they've got no principles.

Mr WHITTEN: I do not know whether they had any principles then, but we have seen a complete turnabout in this short space of time. The member for Coles had some disparaging remarks to make about what would happen if the police were involved with tow-trucks. At page 2851 of *Hansard* on 21 February 1979, she said:

I say that the roster system is presumably designed to prevent anything like that happening under this legislation.

She had been referring to what had happened in New South Wales, and the evidence that came before the New South Wales Government, concerning the legislation brought in dealing with tow-truck drivers. She then went on to say:

However, it seems to me that the police are there to maintain order, to enforce the law and to apprehend offenders, and they should never be put in a position where they are open to bribery or corruption.

Surely the member for Coles, now the Minister of Health, was casting aspersions there on the Police Force. That is the situation that we had then. The member for Hanson was fairly vocal at that time and talked about the tow-truck legislation. He said:

The legislation is a reflection on the whole of the free enterprise system and, if enacted, will deprive many of a livelihood and employment. It can only add to the cost of the hard-hit taxpayers and motorists in South Australia. I believe that the Government has singled out this section of the industry for undue attention that it does not deserve. For this reason, I strongly oppose the Bill.

That is what the member for Hanson said. Finally, the House heard from the great upholder of democracy, the member for Eyre. In regard to the tow-truck Bill, which has now been introduced by the Liberal Government, the member for Eyre on 21 September 1979 stated:

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

I am pleased that the Government has now a Minister who has been able to talk the member for Eyre, the member for Hanson and the Minister of Agriculture around and show them the errors of their ways.

Mr Keneally: They must be troglodytes.

Mr WHITTEN: The honourable member has used the right word—troglodytes. I said that members opposite were asleep and that they have now woken up. It is noticeable that when we look at what happened after the member for Eyre sat down and the division took place—

Mr O'Neill: A division?

Mr WHITTEN: Yes, members opposite divided on the Bill. It is very interesting. Once again, I compliment the Minister on being able to knock some sort of sense into them. When I started speaking, I referred to the member for Todd and said that I did not think then that I would be supporting some matters that he has raised, knowing how anti-working class he is and how anti-socialist he is. Now, he comes out and makes a glowing speech. I know that he did not speak for a long time and I would hope that the speech that he made was written by the Minister of Transport, because I do not think that the member for Todd could change his views as rapidly as he has done this time.

He went on to say that this type of legislation was the only legislation that would be able to control the industry. We said that sort of thing in February 1979. I know that the member for Todd was not here then, but it may have been a matter of his influence. I do not think that it was: I will say that perhaps it may have been.

Mr Mathwin: How was his footwork?

Mr WHITTEN: I am not going to answer the interjection, because I want to go on about the member for Todd. That member came out strongly in favour of rostering. I believe that the rostering system is the only system that will work, and I compliment the member for Todd. After being spoken to by the Minister, he agreed to it.

Mr Keneally: He read our speeches from last time and was influenced by them.

Mr WHITTEN: He may have. I remember the speeches made last time. I have been through them. If necessary, I could read much more about what has happened in the Liberal Party. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

RACING ACT AMENDMENT BILL

The Legislative Council intimated that it did not insist on its amendment No. 7 but insisted on its amendments Nos. 1 to 6 and 8 to which the House of Assembly had disagreed.

Consideration in Committee.

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

That the House of Assembly insist on its disagreement to the Legislative Council's amendments Nos. 1 to 6 and 8.

Motion carried.

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be represented by Messrs Ashenden, M. J. Brown, Evans, Slater, and Wilson.

Later:

A message was received from the Legislative Council agreeing to a conference, to be held in the Legislative Council conference room at 10 a.m. on Wednesday 25 November.

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

ADJOURNMENT

At 5.57 p.m. the House adjourned until Tuesday 1 December at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 17 November 1981

QUESTIONS ON NOTICE

TAXI LICENCES

208. **The Hon. PETER DUNCAN** (on notice) asked the Minister of Transport: Will the Minister give consideration to reserving a quota of taxi-cab licence plates for disabled people?

The Hon. M. M. WILSON: The Metropolitan Taxi-Cab Board does not hold in reserve taxi-cab licence plates nor does it propose to issue, in the immediate future, any additional taxi-cab licence plates. However, if a disabled person wishes to obtain such a plate, that person can negotiate with an existing licensee for the purchase of a plate in the same way as any other individual. A disabled person would, of course, be required to meet the usual conditions stipulated by the Metropolitan Taxi-Cab Board when a taxi-cab plate is transferred to a new licensee. If the question concerns the introduction of special taxis for the disabled, the Metropolitan Taxi-Cab Board would give urgent consideration to any application received for the issue of a licence to any person who proposes to supply and use a suitable taxi for the carriage of disabled persons. No applications have been received at this time for the licensing of a vehicle specifically for this purpose.

FUNDS FOR THE DISABLED

209. **The Hon. PETER DUNCAN** (on notice) asked the Minister of Health:

1. Has the Government yet accepted Federal Government funds under the special aids for disabled persons programme and, if not, why not and what are the reasons for the delay?

2. Can the Minister give any indication of when these funds might become available to South Australian disabled people?

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

1. On 8 November 1981 the Minister of Health announced that the State Government had agreed to participate in the scheme.

2. It is planned to introduce the scheme in South Australia on 4 January 1982.

SIREX WASP

211. **Mr HAMILTON** (on notice) asked the Minister of Forests:

1. How many cases of sirex wasps have been reported in South Australia this year and what are the locations and the number of hectares of forest infected, respectively?

2. What measures are being carried out to detect infestations and eliminate sirex wasp?

3. What was the cost of detection and eradication of sirex wasp during the year 1980-81.

The Hon. W. E. CHAPMAN: The replies are as follows:

1. Sirex wasp occurrences have been noted in thirteen locations throughout the South-East forests. These range from Caroline in the south to Comaum in the north, and west from the border to Mount Burr. All have been low activity findings comprising either exit holes, adult wasps or other evidences of the insects' life cycle. No tree losses can yet be ascribed to the insect, but it has apparently now spread over most of the South-East forest area.

2. Aerial detection surveys are carried out twice a year. Ground inspections are carried out continuously in conjunction with normal work. The infestations will be controlled by parasites and parasitoids, the release of which has commenced at sites of known infestations.

3. Direct costs (excluding salaries, etc.) incurred in 1980-81 were $2 659.

DRINK-DRIVING

218. **Mr HAMILTON** (on notice) asked the Chief Secretary: How many persons were arrested for driving under the influence in July, August and September 1981, respectively?

The Hon. W. A. RODDA Actual arrest figures are not maintained and it has been assumed that the number of arrests equals the number charged.

July 134
August 113
September 102.

RAILWAY VANDALISM

219. **Mr HAMILTON** (on notice) asked the Minister of Transport:

1. How many side windows of S.T.A. Supertrains have been smashed by vandals since they were brought into service and what is the cost of each replacement?

2. How many drivers windows on Supertrains have been smashed by vandals since they were brought into service and what is the cost of each replacement?

3. How many such acts of vandalism have reportedly occurred at the Sleeps Hill Tunnel?

4. How many incidents involving broken windows on 'red hens' have occurred in the metropolitan area during the year 1980-81?

5. What are the areas in which these incidents are most prevalent?

The Hon. M. M. WILSON: The replies are as follows:

1.	Number	Replacement cost (incl. labour)
Body side windows	28	$86 each
Passenger sliding door windows	3	$34 each
Front/rear end door windows	1	$23 each
	32	

2. Two at a cost of $71 each.

3. Two.

4. During the 1980-81 financial year, 68 'red hen' windows were replaced due to breakage involving approximately 50 incidents of vandalism.

5. North Gawler line.

BURGLARY

220. **Mr HAMILTON** (on notice) asked the Chief Secretary:

1. How many cases of burglary have been reported each month from 1 July 1981, and how many were in each metropolitan division?

2. What is the estimated value of goods reported stolen?

3. Are burglaries more prevalent at certain periods of the week or year and, if so, what periods?

The Hon. W. A. RODDA: The replies are as follows:

1. See attached table.

2. See attached table.

3. This information is not available.

TABLE A
HOUSEBREAKING (INCLUDES BURGLARY) FOR JULY, AUGUST, SEPTEMBER 1981

Area	July		August		September	
	Reported	Value	Reported	Value	Reported	Value
		$		$		$
'B.1' Division	60	18 359	51	23 245	61	22 265
'B.2' Division	146	177 000	184	124 000	152	57 507
'C.1' Division	179	110 000	163	87 239	164	64 856
'C.2' Division	159	74 922	140	64 407	108	52 436
'D.1' Division	101	25 834	141	30 359	152	29 859
'D.2' Division	88	48 546	125	46 280	89	41 886
METROPOLITAN	733	454 661	804	375 530	726	268 809
STATE	868	506 000	960	412 000	873	326 000

Source—Monthly Managerial Reporting Subsystem File. 28 October 1981

APPENDIX A
METROPOLITAN POLICE DIVISIONS
(as at 29.10.81)

B1 Headquarters: Adelaide—This Division includes Adelaide and North Adelaide. Its western area is bounded by Thebarton, Glandore and Clarence Park, from where the boundary runs north to Wayville where it joins the City.

B2 Headquarters: Adelaide—This Division extends from the southern and eastern sides of the City. From Wayville it is bounded in the south by Pasadena, from where a line runs east to Crafers West. On the east the area is bounded by the foothill suburbs of Waterfall Gully, Skye and Rostrevor to the River Torrens which forms the northern border.

C1 Headquarters: Port Adelaide—This Division is bounded in the east by the coast from Outer Harbor to Glenelg North. The southern border extends from the southern side of the Airport to Marleston. Richmond, Brompton, Regency Park and Wingfield are the major suburbs on the eastern side.

C2 Headquarters: Darlington—This Division is bounded by the coast from Glenelg North to south of Maslins Beach. The southern border includes McLaren Vale, McLaren Flat and Clarendon, extending to the ranges.

D1 Headquarters: Para Hills—This Division is bounded in the south by the suburbs of Cavan, The Levels, Ingle Farm and Para Hills. The north-eastern boundary includes Salisbury East and Salisbury Heights, extending to the ranges near One Tree Hill. In the north it is bounded by Willaston, Two Wells and St Kilda, from where the western boundary follows the coastline south to Dry Creek.

D2 Headquarters: Holden Hill—This Division is bounded in the north by Gepps Cross, Pooraka, Modbury and Golden Grove. The western side includes the suburbs of Kilburn, Prospect and Fitzroy, from where the boundary extends through Medindie, Gilberton and north-east along the River Torrens to the ranges.

N.B. Figures for the area of Stirling, Crafers, Eden Hills, Blackwood and Belair have been included in the State totals.

POLICE DOCTOR

224. **Mr LANGLEY** (on notice) asked the Chief Secretary: When will the Chief Secretary appoint a doctor to the Police Department as stated in Estimates Committee B on Thursday 15 October 1981?

The Hon. W. A. RODDA: The police medical officer is expected to take up full-time duties in early December 1981.

MEDICAL OVER-SERVICING

228. **Mr HAMILTON** (on notice) asked the Minister of Health:

1. How many instances of over-servicing under the medical benefits schedule were reported during 1980-81 and the period since July 1981, respectively?

2. How many doctors have received counselling and how many have been prosecuted for over prescribing?

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

1. and 2. There is a committee in each State called the Medical Services Committee of Inquiry, which is established and appointed under the Commonwealth Health Act and the National Health Insurance Act with the specific task of investigating and reviewing over-servicing involving the medical benefits schedule. This question should therefore be directed to the Commonwealth Minister for Health.

ETHNIC AFFAIRS COMMISSION

233. **Mr HAMILTON** (on notice) asked the Minister of Ethnic Affairs:

1. How many ethnic groups recommended persons for the South Australian Ethnic Affairs Commission and what were the respective names of the persons recommended?

2. What are the names of those persons appointed to the commission and what were the reasons these persons were nominated by the Minister?

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

1. This matter makes the assumption that ethnic groups were asked to recommend persons for the South Australian Ethnic Affairs Commission's part-time Commissioners. This is incorrect, as the South Australian Ethnic Affairs Commission Act, 1980, Part II, Division I, No. 6, states that the commission shall consist of the following members appointed by the Governor upon the nomination of the Minister:

(a) one full-time member who shall be the Chairman and Chief Executive Officer of the commission; and

(b) seven part-time members.

2. The Chairman is Mr B. Krumins.

The part-time Commissioners are:

Mr J. Stefani
Mr V. Konstas
Mr M. Milosevic
Mr D Fabig
Mr Z. Rostek
Ms G. Stevens
Mrs V. Hope

Under the South Australian Ethnic Affairs Commission Act, 1980, Part II, Division I, No. 6 (2) states 'In selecting nominees for appointment to the commission, the Minister shall have regard to:

(a) The knowledge;

(b) sensitivity;

(c) enthusiasm and personal commitment; and

(d) nature and extent of involvement with ethnic groups, of those who come under consideration in the field of ethnic affairs.'

Regard was given to the aforementioned aspects in selecting nominees for appointment.