## HOUSE OF ASSEMBLY

Wednesday 9 December 1981

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

### PETITION: PRE-SCHOOL OPERATING COSTS

A petition signed by 225 concerned residents of South Australia praying that the House urge the Government to provide sufficient funds to cover all pre-school operating costs was presented by the Hon. Jennifer Adamson.

Petition received.

### PETITION: FERRYDEN PARK PRIMARY SCHOOL

A petition signed by 40 residents of South Australia praying that the House urge the Minister of Education to upgrade the asphalted area and install carpet in the classrooms and corridors of Ferryden Park Primary School was presented by Mr Abbott.

Petition received.

### MINISTERIAL STATEMENT: SCHOOL ANCILLARY STAFF

**The Hon. D. C. BROWN (Minister of Industrial Affairs):** I seek leave to make a statement.

**The SPEAKER:** Is leave granted?

**Mr Millhouse:** No.

**The SPEAKER:** Leave is not granted.

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

That Standing Orders be so far suspended as to allow the making of a Ministerial statement.

**Mr MILLHOUSE (Mitcham):** I give my reasons for opposing today the leave for the Minister to make a Ministerial statement. In doing so, I say that the position that has obtained for several weeks has not yet been cleared up. Nothing has happened to change my resolve to stop the abuse of Ministerial statements, which started, incidentally, with this Minister. It was because of a statement that went on for 15 or 20 minutes that I took this step. We are back full circle, apparently. I noticed that when I was not in the Chamber last Thursday, I think it was, there was a good deal of hilarity, I take it because—

**The SPEAKER:** Order! We are talking not about last Thursday or any other day, but about the motion that is currently before the Chair.

**Mr MILLHOUSE:** Yes, Sir. However, I was about to say today that I am a diligent reader of *Hansard* and I read what happened in my absence.

**The SPEAKER:** Order! If the honourable member intends to defy the directions of the Chair there is only one consequence.

**Mr MILLHOUSE:** I never have that intention and I do not have it today, Mr Speaker. There really is no more I need to say today, except that I hope that you, Sir, will speedily call together the Standing Orders Committee because that may be the only way to resolve the problem.

**The SPEAKER:** The question before the Chair is that the motion for suspension 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, I declare that the Ayes have it.

Motion carried.

**The Hon. D. C. BROWN:** In accordance with my responsibilities as Minister of Industrial Affairs, I wish to inform the House of the current position in relation to the deployment of ancillary staff in schools and of today's proceedings concerning this matter in the Industrial Commission. In doing so, I reaffirm, at the outset, the Government's commitment to the practice, which has been accepted by all parties until recent times, that the Education Department must have the responsibility to adjust staffing levels according to changes in school enrolments. This is essential if the department is to maintain its ability to staff new and growing schools and to fill vacancies caused by resignation and retirement. Without it, the Education Department would simply lose its capacity to manage the staffing of our schools, and therefore to meet the needs of our children.

To consider the present case in its full context, honourable members should be reminded of its history. Early in the 1980 school year, the Minister of Education sought to reallocate ancillary staff because of changes in school enrolments. This reallocation was consistent in all respects with similar action undertaken by the previous Government when circumstances required it.

In particular, the Minister sought to shift ancillary staff allocations from schools with declining enrolments to those with increasing enrolments. In most cases, metropolitan enrolments were declining, while country and outer suburban schools were gaining in numbers. In the first term of 1980 the two unions which represent school assistants, the Institute of Teachers and the Public Service Association—

*Members interjecting:*

**The SPEAKER:** Order! I indicate to members on both sides of the House that it is normal practice when a Ministerial statement is being given for it to be heard in silence. Normally, I can indicate that that is because leave has been given. Today, because of the decision of the vast majority of the House, and the fact that no actual vote was taken, it is my intention to require the same degree of attention.

**The Hon. D. C. BROWN:** Thank you, Sir. In the first term of 1980, the two unions that represent school assistants, the Institute of Teachers and the Public Service Association, offered their support for and committed themselves to the achievement of this reallocation if it was pursued on a voluntary basis. However, by December last year (that is 1980), while many schools had achieved the reallocation in this way, 46 schools remained over their entitlement for ancillary staff resources. This, of course, had the effect of penalising other schools that were entitled to additional hours. To minimise the impact of the refusal of these schools to co-operate in the matter, I emphasise that, recommended by the unions, the Government decided to carry the extra 900 hours per week of ancillary staff, resulting in a budgetary allocation in 1980-81 of $500 000 in excess of original commitment.

At the same time, the Government had regard, as any responsible Government must, to the impact that any contiuing over-expenditure on this scale might have on its ability to meet its responsibilities and commitments in all other areas, and the Government consequently determined that the formula for allocating ancillary staff could be altered to apply a 4 per cent reduction in staff hours. This decision related to ancillary staff hours only and not to other provisions in the Education budget, as some have attempted to suggest, and was determined only after the Government had assured itself that continued rationalisation was necessary because of declining enrolments.

Honourable members will recall that this decision resulted in industrial action by ancillary staff and teachers. The matter has been the subject of a number of hearings before the Industrial Commission. At all times, the Government has been willing to negotiate on all the industrial issues involved, such as payment of superannuation, leave provisions and so on.

In addition, on two occasions this year, the Government has deferred action that it has a right to take under the School Assistants Award, a right upheld by a Deputy President of the commission, to achieve the reallocation through a compulsory reduction in the hours of ancillary staff. I remind members that again in July this year the Government tried to achieve the rationalisation on a voluntary basis. That agreement said in part:

> Efforts will be made for such voluntary rationalisation to be completed by the end of term 2, namely, 28 August 1981.

Again, the full rationalisation agreed to by the unions was not achieved. That agreement also recognised that clause 13 (3) of the award, to enforce compulsory reductions, if necessary, could be invoked after the end of term 3 of this year. In all these circumstances, honourable members must concede that the Government has been patient and prepared to resolve this matter in co-operation with the unions, rather than in a manner which might lead to industrial action, which can be only to the detriment of the education of our children.

However, there is a limit to the extent to which the Government can continue to allow the ability of the Education Department to manage our school resources to be undermined by the constant refusal of a few to co-operate in a scheme of reallocation of hours on a voluntary basis. That limit has been reached after two years of trying to achieve that rationalisation by voluntary means.

The unions were advised in October of the Government's determination to ensure that ancillary staff allocations in accordance with the established formula were achieved by the beginning of the first term of next year, even if this required, in the final report, the use of the award provision to effect this by compulsion. The unions have again attempted to orchestrate industrial action, completely without justification in the light of the Government's patience over two years, and the original commitment of the unions to ensure that a reallocation of resources was achieved voluntarily.

Yesterday, the matter came before the Industrial Commission and Commissioner Stevens, in a voluntary conference. The advocate for the Public Service Board pointed out to the Commissioner that, in a previous hearing of this matter, he had refused to make a recommendation which he knew would be unacceptable to one party or the other. This was a reference to a hearing in the commission in April when at issue was a proposal of the Institute of Teachers and the Public Service Association to hold a strike over the proposals for the use of clause 13 (3) and a 4 per cent reduction in the hours of ancillary staff. The Government, on that occasion, asked the Commissioner to recommend to the unions that the strike should not proceed. He replied as follows (and I quote from the transcript of 7 April 1981):

> I have given due consideration to the submissions of counsel representing the Minister and the advocate representing the board that I should make a strong recommendation to the unions that Friday's stoppage be called off. I note, as I am sure the unions have done, that the Act does not provide for any legal stoppage by public servants. I am not in the habit of making recommendations that do not relate to a dispute as a whole or, indeed, that are likely to be non-productive. I do not believe that the action that has been proposed for Friday has been entered into lightly by the unions and their members concerned who would be well aware of the implications thereof. I do not condone those actions that are going to take place, but in the circumstances of the dispute, I am not prepared to make a recommendation that relates to only one part of the dispute and which, in any event, I am of the opinion would not, as the matter stands today, have any chance of success.

The Commissioner, in fact, refused to make the recommendation not to strike, despite the fact that such a strike was illegal. Honourable members should now be aware that yesterday the Public Service Board informed Commissioner Stevens that any recommendation that he might make which involved delaying the use of the award provisions to achieve the re-allocation of resources from the beginning of first term next year would not be acceptable to the Government, the Education Department, or the Public Service Board.

That advice notwithstanding, and with the Commissioner's earlier stated attitude that he would not make recommendations which he knew stood no chance of success, he decided yesterday to recommend a delay in the implementation of the relevant award provisions, even though these powers had been granted to the employer legally by the Industrial Commission.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. D. C. BROWN:** Accordingly, the advocate for the board has submitted to the Commissioner in the following terms this morning:

> The Public Service Board, the Education Department and the Government express deep concern that despite being told that any recommendation which involved delaying the use of the powers in clause 13 (3) of the school assistants award after the beginning of first term 1982 would not be acceptable to the Government or the department or the board; despite being reminded of the dangers inherent in making recommendations which you knew to be unacceptable, you still went ahead and made such a recommendation.
>
> We are amazed that you should do so when you knew the recommendation would not be acceptable to the employer when previously you have refused to make a recommendation which you knew to be unacceptable to a trade union and said so. For example, in response to a request by the employer in this case in April this year that you recommend that a stoppage be called off, you said:
>
> > I am not prepared to make a recommendation that relates to only one part of the dispute and which in any event I am of the opinion would not as the matter stands today have any chance of success. (transcript, page 65, 7 April 1981)

**An honourable member:** Why don't you sack the Commissioner?

**Mr Bannon:** Why don't you really intervene in the courts?

**The SPEAKER:** Order! The Chair will protect whichever member is on his feet. I would ask any honourable member who is on his feet to continue and not to wait for a response from the Chair. The honourable Minister of Industrial Affairs.

**The Hon. D. C. BROWN:** The advocate further stated:

> The making of such a recommendation with the anticipated refusal of it provides no positive benefit at all. Indeed, it only serves to inflame an already delicate situation.
>
> Not only did you make the recommendation in the knowledge that it would be refused, but also in the knowledge that to delay any possible use of clause 13 (3) until the second or third week of first term would put the department into the same situation as it was in at the beginning of the 1981 school year, that is, where the inappropriateness of rationalisation during the beginning of the school year was successfully argued as a reason for delaying the use of clause 13 (3) still further.
>
> The Government is against delaying the use of 13 (3) beyond the beginning of first term of 1982, as to do so would be to relinquish forever the ultimate but nevertheless essential means by which the department can fulfil its responsibilities to maintain correct staffing levels according to enrolments when voluntary means have not achieved the necessary results.
>
> To relinquish 13 (3) would have the effect of allowing individual staff the ultimate decision of whether or not they should reduce their hours. That is a management decision, to be made in the light of the needs of the pupils, the needs of the school, the needs of other schools, the needs of the department, and the needs of the individual, within whatever budgetary framework exists at a particular time.
>
> The Industrial Commission recognised that the power to so manage staffing in the terms of clause 13 (3) was essential for the

proper management of schools when it first included the provision in the School Assistants Award in 1976; and the employer's right to use the clause has since been confirmed by a more senior member of this commission.

It is thus essential that the power conferred in clause 13 (3) be retained and be available for use by the employer when in its opinion all other voluntary means of rationalisation have not achieved the necessary results.

As a result, during the next week, notification will be sent out to the ancillary staff involved, in accordance with the provisions of the award—provisions which have been confirmed on previous occasions by two higher authorities than Commissioner Stevens, namely, the President and a Deputy President of the commission. The Government regrets that in all the circumstances of this matter—

**Mr BANNON:** I rise on a point of order. I wish to take a point of order concerning the subject matter of the Ministerial statement that we are listening to. I refer to page 368 of Erskine May's *Parliamentary Practice,* which refers to the fact that a matter awaiting or under adjudication by a court of law should not be brought before the House by a motion or otherwise. That passage of Erskine May which refers to reflections being placed on members of the Judiciary applies to much of the substance of the Minister's statement, which is an unbridled attack and interference in the Industrial Commission's—

**The SPEAKER:** Order! The honourable Leader sought leave to make a personal explanation—

**Mr BANNON:** No Sir, a point of order.

**The SPEAKER:** I am sorry. He rose to take a point of order, not to debate the issue. The honourable Leader has made his point, and I will answer it in due course.

*Members interjecting:*

**The SPEAKER:** Order! The honourable Leader takes the point of order on the basis of whether, in fact, what is being stated by the honourable Minister is *sub judice*—that is the thrust of the argument—and he refers to page 368 of Erskine May because our Standing Orders are silent upon this matter. I have listened with a great deal of interest to what the honourable Minister has been saying. I have questioned in my mind the matter of this subject being *sub judice,* in the sense that it is currently before a court or tribunal, and the matter of what has previously been indicated to the effect that if a hearing is before a tribunal it is to be looked upon in a different light than if it were before a court. I now want to seek clarification from the honourable Minister as to whether the matter is currently before the court or whether the action taken this morning was, in fact, a final action in respect of the issue.

**The Hon. D. C. BROWN:** Mr Speaker, the final hearing took place at 11 o'clock this morning and, at least until I walked into this Chamber, there was no notification of a further hearing on the matter, and there were no further recommendations from the commission and the required response from the Government as an employer.

**The SPEAKER:** Order! To be consistent with rulings which have been given by the Chair previously, where the matter has concluded before a court, the matter may be discussed. Members will recall that on an earlier occasion I sought clarification in a matter which it was believed might go to appeal but which was not, in fact, at appeal at the time when a question was asked; that is not the case. The honourable the Minister may proceed.

**Mr BANNON:** I rise on a point of order, Mr Speaker. The fact is that a dispute has been notified to the Industrial Commission and is currently in the hands of that commission. The Minister's statement is in fact about that dispute and indicates that it is a continuing dispute and therefore it is a continuing subject of continuing consideration by the commission, which at any time can call parties back into conference, and which, as I understand it, has not made a decision.

**The SPEAKER:** I do not accept the point of order that the honourable member has taken. To do so would be to presume an action which might or might not take place. The requirement so far as Parliamentary process is concerned is that if an action is not current before a court at the time that the matter is being debated in this House, it may proceed, there being no opportunity of presumption.

**The Hon. PETER DUNCAN:** I rise on a point of order, Mr Speaker. You, Sir, in dealing with the Leader's point of order, asked the Minister whether the matter had concluded. I raise the fact that the Minister, in answer to that question, did not say that the matter had been concluded. All he alluded to was his own knowledge of the matter and he did not say that the matter had been concluded. Unless the Minister can assure you of that, I suggest, with respect, that the matter of *sub judice* has not been properly determined.

**The SPEAKER:** I cannot accept the point of order made by the honourable member. I accept the premise upon which it is made, and it is quite proper that it should be made. The Chair challenged the honourable Minister as to the current situation and I accepted the statement made by the Minister that to his knowledge, to the time of his coming into this House, the matter had concluded before the commission. If subsequently that is proved not to be the case, then the weight of the argument is upon the shoulders of the Minister, not upon the Chamber or the Chair.

**Mr MILLHOUSE:** I take a further point of order, Sir. I must admit that it is in support of the points that have been taken by the Leader and the member for Elizabeth. There is no doubt that this dispute is still going on and that these proceedings to which the Minister referred in the statement (he uses the word 'proceedings' in the statement) are still current, because there is still a dispute. Very frequently the *sub judice* rule is used in this House to protect the Government from a debate. I do not agree with that, but on this occasion there is no doubt whatever that the whole thrust of the Minister's statement is to influence what is going on. This is the very sort of occasion on which the *sub judice* rule ought to be applied.

**The SPEAKER:** Order! The member for Mitcham is now seeking to debate the issue.

**Mr Millhouse:** No, Sir.

**The SPEAKER:** Order! I do not accept the point of order made by the honourable member for Mitcham. The position has always been that it is not as to whether there is a dispute or there is not a dispute; it is as to whether there is an action before a court or a tribunal. Therefore, I rule that the matter is not *sub judice.*

**Mr MILLHOUSE:** In that case, Sir, I move to disagree with your ruling.

**The SPEAKER:** The honourable member knows the requirement of bringing it up in writing.

**Mr Millhouse:** Yes, Sir.

**The SPEAKER:** The honourable member for Mitcham has delivered to the Chair a motion in the following terms:

I move to disagree with the ruling of Mr Speaker that the subject matter of the Ministerial statement being given by the Minister of Industrial Affairs is not *sub judice* and therefore may continue.

**Mr MILLHOUSE:** You reproved me a moment ago for starting to debate the matter. With respect, I do not think I was debating it, but—

**The SPEAKER:** Order! The Chair will make those decisions.

**Mr MILLHOUSE:** I said, 'with respect', with great respect.

**The SPEAKER:** Order! That does not allow the member to proceed on a course of action which is foreign to the requirements of the Chair and then hope to get away by giving an assurance that it was not meant to be.

**Mr MILLHOUSE:** I think I have understood you, Mr Speaker. Let me get on with this. Very frequently I disagree with the exercise of the *sub judice* rule in this place because it is merely a device to protect the Minister or the Government as a whole from debate on some sensitive topic, and the whole principle behind the *sub judice* rule is that debate in here, what is said in here, may influence a tribunal. Very frequently what is said could not possibly influence any tribunal, but the rule is invoked. However, on this occasion there is no doubt that the whole object of the Minister in giving this long Ministerial statement (of course, I have it here) is to attack a Commissioner and—

**Mr Lewis:** To inform the public.

**Mr MILLHOUSE:** What?

**Mr Lewis:** To inform the public.

**Mr MILLHOUSE:** Oh, don't be so absurd. I am rather tired of the member for Mallee and the silly things he does in this House, and the consequences will be pretty grave if he goes on like this.

The whole object of this Ministerial statement is to attack a Commissioner and to influence the commission through that Commissioner in the handling of a dispute. It is, with great respect to you again, an artificial distinction to say that the Arbitration Commission is not a judicial body, that it is not a court. There are judicial members of it and a dispute, as I understand, can go from one to the other. The two are so interlocked and interwoven that it is quite artificial to suggest that a Commissioner exercising powers of the commission is not a court. There is a dispute, there is a real chance that, by the Minister's giving this statement and the publicity which no doubt will be given to it, that will influence this Commissioner and the rest of the commission if the dispute comes before other members. The very purpose of the *sub judice* rule is to stop that sort of thing happening.

This is the most blatant example one can imagine of an attempt to influence, through Parliament, a judicial body. This is a case in which a *sub judice* rule ought to apply and the Minister should not be allowed to go on with his statement, even if he were given the opportunity to make it in the first place, which I would not have given him.

**The Hon. E. R. GOLDSWORTHY (Deputy Premier):** I support the ruling of the Chair in this matter. The fact is that the so-called dispute has been called before a voluntary conference that has now ended. To follow the line of argument of members opposite, including the member for Mitcham, that because a dispute exists it cannot be commented on in Parliament, is obviously absurd. A number of conferences have been held during the past two years in relation to this matter. On numerous occasions the Opposition has raised the matter outside and inside the House. To suggest that the evidence that there is a dispute precludes discussion in this place, when there has been a series of conferences over those two years, is plainly absurd.

The Minister of Industrial Affairs is simply quoting facts to this House; he is quoting from transcripts of proceedings during that voluntary conference, which has now ended. We know that members opposite may not like these facts being put before the House, but it is important that the record be put straight. But, to suggest that because there is a dispute it cannot be commented upon is plainly absurd.

**The SPEAKER:** Order! The Chair presumed that the motion moved by the member for Mitcham was seconded. Is that so?

**The Hon. J. D. Wright:** Yes, Sir.

**The SPEAKER:** Order! As far as the Leader is concerned, Standing Order 164 is quite clear. There shall be a proposer and one other speaker and the speaker may, if he desires, defend the position.

**Mr BANNON (Leader of the Opposition):** I rise on a point of order. Information has just been conveyed to me that the Commissioner had advised that the matter is continuing. It has been adjourned *sine die* and, therefore, is still before the court. In the light of that, I suggest that the need for this motion is obviated, because, if your ruling, Sir, is complied with, it will prevent the Minister from proceeding further with his statement.

*Members interjecting:*

**The SPEAKER:** Order! The point of order does not require response. The Leader will recognise that, the facts having already been discussed by the Chair earlier.

The House divided on the motion:

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

Noes (21)—Mrs Adamson, Messrs Allison, P. B. Arnold, Ashenden, Becker, Billard, D. C. Brown, Chapman, Evans, Glazbrook, Goldsworthy (teller), Gunn, Lewis, Mathwin, Olsen, Oswald, Randall, Russack, Schmidt, Wilson, and Wotton.

Pairs—Ayes—Messrs Corcoran, Hopgood, and McRae. Noes—Messrs Blacker, Rodda, and Tonkin.

Majority of 2 for the Noes.

Motion thus negatived.

**The SPEAKER:** So that there may be no misunderstanding, the suspension of Standing Orders taken earlier this afternoon does permit the honourable Minister to proceed, even though the period of time since the commencement is beyond 15 minutes. Under normal circumstances, the Minister would be required to seek leave to continue.

The second point which has been made and which I believe needs to be quite clearly understood by the House, is that the Chair sought an assurance from the Minister relative to the state of the hearing, and an assurance was given by the Minister. The Chair is not of knowledge other than that conveyed to it second hand, albeit factually, of the current situation. The Minister may, with the ruling of the Chair, proceed. The only way that that would be brought to a stop or subsequently brought to the attention of the House is by a substantive motion directed at the Minister. I do not put that forward as a course of action. I want the whole House to clearly understand the situation that exists.

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

That standing orders be so far suspended as to allow the following motion to be moved, namely:

> That this House censures the Minister of Industrial Affairs for both misleading the House and attempting to interfere with the workings of the Industrial Commission, and calls on him to resign.

In moving this motion, which will override the motion that was passed earlier in relation to Ministerial statements, I think that we are brought face to face with a gross, flagrant abuse of Parliamentary procedure on the part of the Minister. We all know that this matter of Ministerial statements has been a somewhat controversial area.

**The SPEAKER:** Order! The honourable the Leader has the right to speak to the suspension motion but not to canvass the detail of the motion that he wishes to move if the suspension is permitted.

**Mr BANNON:** Obviously, for the House to accept such a motion, it must be made aware of the basis of that motion, because in normal circumstances it would seem an unusual

thing to do. We have not given notice following the normal courtesies of the House, because this matter has just arisen as a result of the Ministerial statement made by the Minister. As that Ministerial statement is the cause of this motion's being moved, the matters that are raised in it must be brought to the attention of the House.

**The SPEAKER:** The Leader must refer to the motion for suspension.

**Mr BANNON:** Yes, Mr Speaker. In order to justify a suspension so that this matter can be properly debated, the matters raised in the Minister's statement must be brought to the attention of the House. The Minister, on being called to order by you, Mr Speaker, in relation to the substance of his Ministerial statement, contended in plain words that the matter could be *sub judice* because it had been disposed of by the Industrial Commission this morning.

Information that has come to me and to the member for Elizabeth from the commission makes quite clear that that is not the case and that the matter is continuing. The Minister's statement indicated that it was a continuing dispute, because it was for the purpose of influencing that dispute that the Minister read that statement to the House. Not only is the matter continuing but also it was adjourned by the Commissioner, who gave the parties leave to apply at any time for the proceedings to be resumed. Perhaps even more importantly, the Commissioner, by his own motion, reserved the right to call the parties before him if circumstances developed in a way that would prejudice the workings of the school system.

That is a matter of grave moment. That information which the Opposition received is fact. The Minister did not check that matter, but boldly asserted, in order to justify—

**The SPEAKER:** Order! The Chair has been tolerant of the Leader's explanation. The member for Todd will please remain silent and resume his seat. The Leader was given an opportunity to set the scene of the suspension that he is seeking. He has been warned previously that he may not debate the issue, and the Chair believes that that is what he is doing. I bring the Leader back to the point of the suspension. Does the member for Todd wish to be heard on a point of order?

**Mr ASHENDEN:** No, Mr Speaker. It was in relation to a personal explanation.

**Mr BANNON:** There is, as you, Mr Speaker, have acknowledged, a fairly thin line between debating the substance of a motion and putting before the House cogent reasons for acceptance of the motion for debate. I will attempt to keep to that aspect, and I will be guided by you, Mr Speaker, as to any transgressions that may occur. In considering this motion for suspension and in order to allow us to debate, in effect, what the Minister has told the House, it is relevant that we understand the framework in which the motion has been moved.

Continuing problems have occurred in regard to the question of Ministerial statements, the subject matter that they traverse, their length, and a number of other problems. It is in that context that I believe that there is an urgent requirement to tackle this statement by means of the motion of which I give notice. It is a fact that this Government has abused the Ministerial statement procedure. It has used Ministerial statements to an enormous extent. A recent study—

**The SPEAKER:** Order!

**Mr BANNON:** I suggest that my comments are relevant as to why we should suspend, because continuing problems will occur in relation to Ministerial statements unless we can grapple with this statement, which represents the most flagrant abuse of the procedure. In a comparable period of the previous Government's term of office, 99 Ministerial statements were made, compared to 217 by this Government. It has taken considerable patience and negotiation to obtain some sort of agreement on this.

Now we have come to this matter. As you, Mr Speaker, have pointed out on so many occasions, once a Minister is granted permission to make a statement, there is very little that the House can do about it. On this occasion, the Minister transgressed most blatantly in answering a point from you, Mr Speaker, after being requested by you, to respond to a point of order on a factual basis. The Minister misled the House, and I would go so far, if it was not unparliamentary, to say that he lied to the House. The Minister misled the House and stated as an absolute fact something that was completely untrue. This came as part of a disgraceful statement attacking the Industrial Commission and its handling of a dispute.

Mr Speaker, you were called to rule on a *sub judice* matter, and you can rule only on the basis of the supposedly factual information given to you by the Minister. The fact that on checking it from this side of the House it proved to be grossly untrue puts you in a very difficult position indeed, and I acknowledge the point you made, Sir, that faced with two sets of facts and no way of objectively analysing it, you could only persist with the ruling you made; but, in fact, the ruling you made would have been different if the facts as I have described them could have been established. The only means we have of establishing those facts is to allow this motion to be moved and this debate to proceed. That is why I say it has particular relevance to the matter before the Chair. The only way we can put to the test the false assertions made by the Minister about the conduct of these proceedings and his attempts to manipulate—stand over, if you like—the Industrial Commission and his apparently successful attempt to take it out of the hands—

**The SPEAKER:** Order! The honourable Leader will come back to the subject matter.

**Mr BANNON:** Thank you, Mr Speaker. I said I would be guided by you when I transgressed, and I will attempt to keep on this side of the line. The attempt by the Minister to mislead this House and, perhaps more gravely, mislead the Chair on a matter of fact is something that cannot be allowed to pass. Unless the House does something about it here and now, it will occur again and again, because the Ministry will become so arrogant that they think by using their sheer weight of numbers they can simply get away with it. By using their weight of numbers to oppose this motion, they can prevent proper debate, and by preventing proper debate they can prevent the Minister from being called to account. That is simply not good enough. It is tragic that the House's valuable private members' time and Question Time is being interrupted by these procedures. But the 10-page statement containing untruths and threats in a particular industrial situation is a matter that must be debated by this House. Accordingly, I commend the motion to it.

**The SPEAKER:** I have counted the House and, there being present an absolute majority of the whole, I accept the motion. Is it seconded?

**Opposition members:** Yes, Sir.

**The Hon. E. R. GOLDSWORTHY (Deputy Premier):** The Government will not agree to this motion for reasons which are perfectly plain, I hope, to members of the Opposition.

*Members interjecting:*

**The SPEAKER:** Order! The honourable Leader was heard in silence. I ask that the honourable Deputy Premier also be heard in silence.

**The Hon. E. R. GOLDSWORTHY:** The argument revolves around the state of the hearings of the commission. The last time, to my knowledge, that the commission sat

was in April, on which occasion the Commissioner adjourned the proceedings *sine die*. During the intervening period, there have been numerous references to the dispute under consideration. Today, I understand, the Commissioner adjourned the hearing in like fashion, *sine die*. He said that there appeared to be no reason for further conferences. In other words, the present position, as the Government understands it, and as the Minister rightly pointed out to the House, is precisely the position that has obtained between April and now. It seems strange to me that a question was allowed yesterday on this very matter when the matter was before the commission, and nobody saw fit to challenge it.

**The Hon. R. G. Payne:** Are you reflecting on the Chair?

**The Hon. E. R. GOLDSWORTHY:** I am not reflecting on the Chair. I am suggesting that the Opposition should have rightly raised the matter yesterday when a question was asked in the House. A question was asked on 1 October—

**The SPEAKER:** Order! The question before the Chair is the suspension of Standing Orders. I ask the Deputy Premier to come to that subject now.

**The Hon. E. R. GOLDSWORTHY:** The suspension of Standing Orders is requested to try to allow the Leader to indicate to the House the state of the hearing of the commission—

*Mr Bannon interjecting:*

**The Hon. E. R. GOLDSWORTHY:** The Leader suggests that the censure is necessary because the Minister of Industrial Affairs has misled the House. The Minister has not misled the House; he has correctly indicated to the House the state of this voluntary conference, and the state of this voluntary conference at the moment is precisely what it has been between April and this week. It is preposterous in these circumstances to suggest that the Minister of Industrial Affairs has misled the House. The Leader of the Opposition sought to widen his remarks in suggesting that the Minister had presented the House with untruths.

That in itself is an untruth. The Minister has been quoting from transcripts. This is plainly simply an argument about who is correctly informed about the relation of these hearings: it is not a matter of censure of the Minister. The Minister has not misled the House, and I think that an examination of the current situation of that hearing will make that quite plain.

The House divided on the motion:

Ayes (19)—Messrs Abbott, L. M. F. Arnold, Bannon (teller), M. J. Brown, Crafter, Duncan, Hamilton, Hopgood, Keneally, Langley, Millhouse, O'Neill, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Noes (21)—Mrs Adamson, Messrs Allison, P. B. Arnold, Ashenden, Becker, Billard, D. C. Brown, Chapman, Evans, Glazbrook, Goldsworthy (teller), Gunn, Lewis, Mathwin, Olsen, Oswald, Randall, Russack, Schmidt, Wilson, and Wotton.

Pairs—Ayes—Messrs Corcoran, Hemmings, and McRae. Noes—Messrs Blacker, Rodda, and Tonkin.

Majority of 2 for the Noes.

Motion thus negatived.

**The SPEAKER:** The honourable Minister of Industrial Affairs.

**The Hon. D. C. BROWN (Minister of Industrial Affairs):** The Government regrets that in all circumstances about this matter it appears that the unions involved are intent on industrial action at the expense of the interests of their children.

This Government, which is spending more on education than has any previous South Australian Government, does not, however, resile from its position, which it maintains in the interests of all South Australians, especially, in these present circumstances, those children attending schools that have been denied additional ancillary staff resources because of the selfishness and complete irresponsible behaviour of the unions involved.

## PAPERS TABLED

The following papers were laid on the table:

By the Deputy Premier (The Hon. E. R. Goldsworthy):

*Pursuant to Statute—*

1. Supply and Tender Board—Report, 1980-81.

By the Minister of Health (The Hon. Jennifer Adamson):

*Pursuant to Statute—*

1. Equal Opportunity, Commissioner for—Report 1980-81.

## QUESTION TIME

**The SPEAKER:** Before calling on questions without notice, I indicate that any questions to the honourable Premier will be taken by the Deputy Premier and any questions to the Chief Secretary will be taken by the Minister of Agriculture.

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

That Standing Orders be so far suspended as to enable the asking of questions without notice to continue until 3.30 p.m.

**Mr MILLHOUSE (Mitcham):** This always seems to happen on private members' day. It is the only day on which the Government seems willing to do this. I have a great deal of private members' business, which will not come on until 4 o'clock in the normal course of events. I am prepared to accept this only if I know that that time is not going to be cut into, or at least certainly not by the quarter of an hour that has been extended now. If the Minister will give me a nod or something, I will be quite happy, but otherwise I am not prepared to do it.

Motion carried.

## ROXBY DOWNS

**Mr BANNON:** Will the Deputy Premier say what problems have occurred during the negotiations with the Roxby Downs partners to cause him to now say that it is quite unrealistic to give a specific date on which the indenture Bill will be introduced into Parliament? Yesterday the Deputy Premier told the House that it was unrealistic for the Opposition to expect him to give a specific date on which the indenture Bill might be introduced. However, on 7 October the Premier told the Liberal Party Luncheon Club:

The facts are quite simply that we intend to bring the indenture Bill before Parliament in the current session before it rises in mid-November . . .

The sitting has since been extended. On 12 November the Deputy Premier released a press statement in which he said that he expected to be able to introduce the Bill into Parliament 'early next month following substantial agreement being reached with the Roxby Downs partners'. On the same day the Adelaide *News* reported that date of introduction as 1 December. Over the past few days the Deputy Premier has refused to explain to the House why the Bill has been delayed, even though he has admitted that negotiators were working all weekend, and often all night, in an attempt to reach agreement.

Yesterday, the Australian *Financial Review* reported that the Executive Director of Western Mining Corporation, Mr

Hugh Morgan, had said that, unless there were signs of a recovery on world commodity prices by the first half of next year, a number of major resource projects could be deferred, as mining companies would have difficulty financing new projects. Mr Morgan, giving the annual review of the mining industry in his capacity as President of the Australian Mining Industry Council, said in a further comment, which appeared to be aimed at State Governments that expect royalty bonanzas from mining, that the industry was concerned about the widespread perception that it was highly profitable, when in fact conditions since the close of the financial year pointed to a further 'inevitable and serious decline in profitability, greater than that experienced in 1980-81'.

**The Hon. E. R. GOLDSWORTHY:** I know now why the Opposition is quite willing to waste 40 minutes of its Question Time, when I realise that that is the level of questions it has to ask me. The fact is that there have been no particular problems. Negotiations continued over a long period of time. The Leader has made a number of statements that are not accurate. As often happens, statements are attributed to me that I have not made and a gloss is put on statements that is not there. That is quite inaccurate and unfair. There is no contradiction in the Government's having said that it hoped to bring the indenture Bill in this year. The fact is that negotiations have proceeded. There is no particular problem. The fact is that it will not be finalised before tomorrow and it will not be introduced unless the sittings of the House are extended further.

The Leader says that I am saying that people are now working all night and working at weekends. What I was pointing out in relation to the Stony Point indenture was that the negotiating team had seen fit to work all one night, not at any pressing from me. In relation to the Roxby Downs indenture, which is a rather more complicated indenture because it includes a whole range of matters that are not addressed in the Stony Point indenture, it is impossible to be quite precise. If the indenture had been ready, we would have brought it in this year. I do not think that is a terribly big deal, particularly in view of the fact that the Leader of the Opposition says he does not want it. In one breath he is saying that he does not want the Roxby Downs indenture, that it is not necessary. He shifts his ground almost daily, let alone weekly. He said, as reported in the *Advertiser* this morning, that he would not support the bringing in of the indenture Bill even if there was no uranium up there. That is the latest throw.

The fact is that there were no crisis talks at the weekend as the Leader suggests. Negotiations are continuing and when negotiations go on for a period, stretching over almost a year, it is quite impossible to say that on a certain date the indenture will be finalised. That would be nonsensical. If the indenture had been ready, the Government would have brought it in. It is as simple as that. That will not occur before tomorrow but, as I said, when the negotiations are concluded the indenture will be brought in. If that is the depth of the questioning we can get from the Opposition, Lord help us.

## VISITING TRADESMEN SCHEME

**Mr MATHWIN:** My question to the Minister of Industrial Affairs is consequent upon a question asked by the Deputy Leader of the Opposition yesterday. Can the Minister provide more information on the visiting tradesmen scheme? Yesterday the Deputy Leader accused the Minister of operating in secret. He said that he had never heard of the scheme and added that none of his friends had either.

**The Hon. J. D. Wright:** I did not say 'friends'.

**The Hon. D. C. BROWN:** I was concerned yesterday when the Deputy Leader of the Opposition made certain allegations across the House that we were operating this scheme, helping outside charitable bodies, and that the scheme had not been announced publicly and no members of the House had been told about it, at least he had not been told about it, and the facts had been kept secret. I did some checking. I looked at the Estimates of Payments under the Budget Estimates for the years 1980-81 and 1981-82. I found on page 43 of the Budget papers for 1980-81 a line under 'Miscellaneous' for the Minister of Public Works or the Public Buildings Department, 'Aid to charitable and other organisations $150 000'. That amount was allocated.

**The Hon. J. D. Wright:** You said $300 000, yesterday.

**The Hon. D. C. BROWN:** Hold on. I also looked at the 1981-82 Parliamentary papers, against Estimates of Payments, and I found on Parliamentary Paper 9 of the Budget papers, page 50, Public Buildings Department, Miscellaneous, aid to charitable and other organisations, 1980-81, $150 000 voted, actual payment, $149 997, and 1981-82, $50 000.

*Members interjecting:*

**The Hon. D. C. BROWN:** I realise that members opposite cannot be bothered to look at the Budget papers but, I think they should at least listen to this next part, because in Estimates Committee B on 8 October 1981, exactly two months ago, the Deputy Leader of the Opposition, leading for the Opposition in the Estimates Committee, asked the following question:

> Can the Minister explain what is meant in his own booklet where it states, in essence, that redeployment of large numbers of weekly-paid staff (particularly building trade tradesmen) is difficult to achieve because of the general high unemployment levels?

In answer to that question, I gave a reply that was fairly lengthy. I will not read it all, but I will read that portion that dealt specifically with the visiting tradesmen scheme, as follows:

> There have also been one or two other schemes that we have looked at. We have successfully done work for outside groups, particularly charitable bodies, where we use our surplus employees to give the labour component. I can give some examples and the member for Hanson can verify at least one. The Epilepsy Association wanted some renovations and repainting done in its premises, and the Government supplied the labour by contributing surplus employees. I believe that the Epilepsy Association contributed the cost of the paint, and the task was carried out. Normally that work could not have been done except for the contribution by the Government. I understand that the honourable member's association was very pleased with the result. That is only one of a dozen or so cases where that has been done. We are currently assisting Bedford Industries.

I find it incredible that the Deputy Leader of the Opposition, having asked the question only two months ago, apparently did not listen to the answer I gave him, and then had the hide to go out and accuse me publicly of hiding this scheme and not telling anyone about it. He had asked the question and I gave him the answer. I realise that the honourable member is ignorant and that he has a short memory, but one would hope that a Deputy Leader's memory might last a little longer than two months. I would like to read the projects that have been completed and those in progress.

**Mr Hemmings:** And the electorates?

**The Hon. D. C. BROWN:** Honourable members can work out the electorates for themselves, but I will highlight some of the electorates. The schemes are: the Adelaide Repertory Theatre Company, the Burnside Old Council Chambers, the Charles Sturt Memorial Museum, the Epilepsy Association of South Australia, in the electorate of the Leader of the Opposition, the Festival of Food and Wine Frolic Incorporated, which was held in the electorate of the Dep-

uty Leader of the Opposition, the Girl Guides Association at South Terrace, in the electorate of the Deputy Leader, the Mount Barker Boys and Girls Club, the Multiple Sclerosis Society of South Australia, in the Deputy Leader's electorate of Adelaide, the National Trust of South Australia, in the electorate of the member for Mitcham, who was also complaining yesterday, the Scouts Association of South Australia, Sheidow and Trott Parks, and the Tubercular Soldiers Aid Society of South Australia in the Deputy Leader's electorate of Adelaide. They are all the projects that have been completed.

Works in progress are Bedford Industries, I think in the electorate of the member for Mitcham, who complained yesterday, the Girl Guides Association, Hawthorndene Kindergarten Incorporated, Lutheran Welfare Centre, Townsend House, and Williamstown Jubilee Park Incorporated. In looking at the projects I must confess there has been some bias as to where they have been carried out. More projects have been carried out in the electorate of Adelaide than in any other electorate in the State. I was particularly amused because the Deputy Leader apparently takes so little interest in what goes on in his own electorate that he is not aware of what the Government has been doing and what aid it has contributed.

I highlight to the House that the projects carried out by the Government are worth while. I particularly refer to the fact that I believe the actions of the Deputy Leader of the Opposition yesterday were unforgiveable and despicable. He made those accusations inside and outside the House, when he had asked the question and I had given him the answer only two months ago. It shows how shabby and pitiful he is.

**The Hon. J. D. WRIGHT:** I also have a question for the Minister of Industrial Affairs. Will he say what has been the method of notification used by the Government to council and community concerns regarding the scheme he now describes as the visiting tradesmen scheme? Yesterday, the Minister revealed to me, my colleagues, and the member for Mitcham, for the first time, that his Government had for 18 months been dispensing favours in the form of access to surplus P.B.D. labour, under a scheme known as the visiting tradesmen scheme. Yesterday, I told the House that no such scheme was known to local government in my area. Last night the Secretary-General of the Local Government Association (Mr Hullick), who was visiting Parliament House, said he had never heard of it. I may say that members of the Liberal Party had not heard of it in this House.

The Minister maintained that his scheme had been talked about openly and publicly. I think it must have been restricted to the Liberal Party room. He further told the House that, if I looked at last year's Budget papers, I would find a special allocation of $300 000 in last year's Budget. He suggested that I had not bothered to read my Budget papers and called me ignorant. I plead guilty immediately to ignorance of this scheme. After checking the Budget papers again today, I see absolutely no mention of the visiting tradesmen scheme anywhere in the Budget, nor is there a mention of $300 000 in the Budget papers.

I have rechecked the Ministerial press statements and have once more concluded that no word was made public. The reference yesterday by the Minister to the restoration of the old council chambers at Burnside, making use of Government labour, is recorded in the local newspaper of 8 July, where it is reported that assistance was arranged by the local member, the Minister to whom I am referring. The report does not confirm that the Burnside council took its turn in the queue after public announcements that $300 000 worth of labour was available for community organisations. Finally, I think the Minister should know that I have sent out the following, after his answer yesterday, to all councils in South Australia—

**The SPEAKER:** Order! The Deputy Leader sought leave to explain the question, not to give his press release.

**The Hon. J. D. WRIGHT:** Clearly, there has been pork-barrelling by this Government.

**The Hon. D. C. BROWN:** I find it incredible that the Deputy Leader had worked out his question today before I gave the last answer. Has he again accused me of saying that I released absolutely no details of this publicly?

**The Hon. J. D. Wright:** What were the methods?

**The Hon. D. C. BROWN:** The honourable member himself stood in the Estimates Committee on the floor of the Legislative Council on 8 October 1981 and asked the very question and I gave him the very answer. I also point out that there is a line in the Budget, which I have quoted to him, for 'Aid to Charitable and other Organisations'.

**The Hon. J. D. Wright:** All I want to know is the method you used to tell the councils. How did you tell them?

**The Hon. D. C. BROWN:** The councils were not informed, because, as I indicated to the House yesterday, it was the Ministers who were asked to bring forward projects. It is reported in *Hansard.*

**The Hon. J. D. Wright:** It's called the Minister's visiting scheme.

**The SPEAKER:** Order! The honourable Deputy Leader of the Opposition will remain silent.

**The Hon. D. C. BROWN:** I indicated to the House yesterday that it was the Minister's. I find it incredible that we have here an Opposition which purports to become the Government of this State and which in two consecutive years was prepared to allow an entire line of the Budget to go unquestioned. It did not pick up the fact that for the first time ever, I believe, there was a Miscellaneous line for the Department of Public Buildings, that there was on page 50 of this year's papers and on page 43 of last year's papers the heading 'Aid to Charitable and other Organisations', indicating that—

**Mr Hemmings:** Is Burnside council a charitable organisation?

**The Hon. D. C. BROWN:** It refers to 'charitable and other organisations'.

**The SPEAKER:** Order! The member for Napier will be silent.

**The Hon. D. C. BROWN:** It says, 'Aid to Charitable and other Organisations'. As the property was owned by the Church of England, I believe that it can truly be regarded as a community organisation.

**An honourable member:** Because it is in your electorate.

**The Hon. D. C. BROWN:** I also point out, because Opposition members seem to be persisting, that apparently I favour my electorate, in fact one was done in my electorate and four were done in the electorate of the member for Adelaide, from whom apparently the scheme was kept confidential. I find it incredible. After today, I find little point in notifying the honourable member because, when I notified him of something only two months ago, he had already forgotten—either deliberately or unfortunately. The Deputy Leader has made an absolute fool of himself, going outside, riding his white charger, and saying, 'This scheme has been kept confidential; it has been allocated only to the electorates of a few Liberal members,' when—

**The Hon. J. D. Wright:** Well, only the Liberal Minister knew about it.

**The Hon. D. C. BROWN:** I wrote to the Ministers—

*Members interjecting:*

**The SPEAKER:** Order! The honourable the Deputy Leader of the Opposition has been warned previously this afternoon. I do not want to have to do it again, nor do I want to have to speak to the member for Glenelg, who has

consistently been involved in a barrage across the Chamber with the honourable Deputy Leader.

**The Hon. D. C. BROWN:** The facts speak for themselves. I realise that they embarrass the entire Opposition, as does the Deputy Leader of the Opposition.

## ROXBY DOWNS

**Dr BILLARD:** I ask the Deputy Premier what is the significance to the Roxby Downs project of two statements emanating from the Labor movement in recent hours. The first is the position that has now been taken by the Leader of the Opposition in relation to the project in which he suggests that he might oppose the project even if it did not involve the mining of uranium, and the second is the change of policy on the part of the Australian Council of Trade Unions.

**The Hon. E. R. GOLDSWORTHY:** It is very difficult to know what the significance is in relation to the policy of the Australian Labor Party. The Leader of the Opposition is reported as saying in the *Advertiser* this morning:

For, according to John Bannon it is just as likely his Party would be obstructing the indenture Bill if the Roxby Downs site promised no more than copper, gold and rare earths.

One must compare that with his statement on 23 February, when he said, 'We still see it as a major and possibly vital project for South Australia.' In between that, all sorts of views have been expressed. The most interesting development in the past 24 hours for the Leader and no doubt for the public of this State and elsewhere is the attitude now adopted by the A.C.T.U. on the uranium question. That, of course, has complicated life for the Opposition quite markedly. The Leader is also quoted as saying, 'Of course, that is the A.C.T.U. policy; it is not the Labor Party policy.' However, we all know, of course, that the Australian Labor Party is simply the political wing of the trade union movement. So, I suggest that the Leader of the Opposition will have to change his stance yet again.

From the Leader's position on 23 February, when he said, 'We still see it (that is, Roxby Downs) as a major and possibly vital project for South Australia,' he has up to this morning gradually done a slow back-flip (if it is possible to do a slow back-flip). He has done a slow back-turn in relation to this statement. Until this morning, all his opposition has been in relation to the dangers of uranium. Then the Leader said this morning that he will be opposed to it whether or not uranium is there.

The decision of the A.C.T.U. to allow uranium to be mined and taken out of this country complicates life still further for the Leader, very markedly indeed. All he can do is to ask flippant questions about when he is going to be able to see the indenture that he does not want to see. He says, 'We do not need the indenture.' In the process, of course, in this morning's newspaper interview the Leader made one or two other interesting observations. Among other things, he said:

What it all adds up to is that Western Mining, with the indenture Bill, are wanting a one-sided deal.

Of course, that is grossly insulting to the company, which the Labor Party, when in Government, actively encouraged, by way of letters of intent and so on, to go into the business of uranium exploration. By 'actively encouraged', I mean that both former Premiers Dunstan and Corcoran sent off letters of intent. One of the first things that this Government had to do was suggest that we would reinforce and honour those letters of intent, which, of course, we gladly did. Yet here we have the Leader saying that he is opposed to the project whether or not uranium is there. He is saying that the company is trying to rip off the State. That does not sit very comfortably with the other statements that he has made over a period of time.

Let met quote from the results of a public opinion poll that have become available today. The poll asked this question, 'Do you believe the Roxby Downs development will benefit or not benefit South Australia?' Sixty-eight per cent of the respondents said it would benefit the State; only 18 per cent said that it would not. Of A.L.P. voters polled, 56 per cent said Roxby Downs would benefit South Australia, and I am also told that, although not a very large number of Democrats were in that sample (because they do not represent a very large proportion of the population), something like 76 per cent of the Democrats supported the development of Roxby Downs.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. E. R. GOLDSWORTHY:** Clearly, not only is the Leader of the Opposition out of step with the vast majority of the public in this State, but also his confusion grows daily, and that becomes more apparent to the public of this State. The latest decision of the A.C.T.U. has, of course, made life incredibly more difficult for the Leader.

## RADIATION PROTECTION

**Mr SCHMIDT:** Will the Minister of Health advise the House of the Government's intentions in regard to radiation protection and control, and indicate in what respect, if any, the Government's approach differs from that taken in other States?

**The Hon. JENNIFER ADAMSON:** I certainly can advise the House that the Government intends to introduce comprehensive radiation protection and control legislation. The approach is distinguished from that taken in other States in the emphasis that the South Australian Government will place on health authorities monitoring the standards and ensuring that those standards are met. In no other State is this done in the way that it is proposed in South Australia. I find it extraordinary that the Leader of the Opposition describes this action as a smoke screen, and I will be happy to obtain for the honourable member a report containing full details.

*At 3.31 p.m., the bells having been rung:*

**The SPEAKER:** Call on the business of the day.

## URANIUM

**Mr LEWIS (Mallee):** I move:

That this House commends to the Government and other State and national Governments the safety recommendations regarding radiation which are contained in the Legislative Council Select Committee Report on Uranium Resources and calls on the Government to introduce legislation to enable those safety recommendations to be implemented.

As indicated by the answer that the Minister has just given to the question asked by the member for Henley Beach, the Government now intends to introduce legislation to enable these safety recommendations to be implemented. This issue was the subject of a press release from the Minister's office dated 6 December that was given wide publicity. This occurred not long after my notice of motion was given to this House. I draw honourable members' attention to the transcript of the *Nationwide* programme of 3 March this year, as follows:

But from a personal point of view I believe on masses of evidence that I have been able to examine over the last 15 months that we have probably reached a stage with the equipment that is available,

the more sophisticated monitoring equipment and so forth, that you can say that it is relatively safe to mine, to process, and to enrich uranium.

It was further stated:

I think they do tend to think with the heart rather than the head.

Those two comments were made by none other than a member of the committee, Dr Cornwall, an honourable member in another place, who was answering questions put to him in discussion on the *Nationwide* programme. That being the case, I wonder whether members opposite will find any difficulty in supporting the motion that I have been pleased to move this afternoon.

Not only does the substance of my motion refer to the need for the State Government to introduce legislation to enable the implementation of those safety recommendations but also it urges other State Governments in this country and other national Governments (not only the Australian Government, as that Government already has safety and precautionary regulations) that may be users of radioactive material to take similar action.

This motion not only relates to the question of mining and milling of uranium: it relates to all forms of radiation, whether used for peaceful purposes or for any other purpose. Of course, the anti-uranium lobbies that are on the extreme left of politics in this country and around the world prefer to think, argue, and mislead people (and, therefore, to discourage the development that technology can bring to civilised society) by saying that there is some difference between the kind of radiation that one gets from the sun, from standing on a granite outcrop (or adjacent, therefore, to the footing stones of this building, which are granite), from a television set, or from a jet aircraft flight from one centre to another, and the kind of radiation that comes from a nuclear power house, from the mining and milling of uranium, or from medical X-rays, which are deliberately induced sources of radiation and are used for the benefit of mankind.

Every member in this place would know (and if he does not know, he should know) that two plus two equals four. It does not matter whether one adds two of this and two of that, the result is still four. Radiation is radiation, no matter where it comes from. There is no difference in it; it does not depend on its source. Members opposite, other members of the A.L.P. and members of the Australian Democrats find themselves in the awkward position of believing that they can mislead and delude themselves and the general public that there is some difference.

We see from the front page of today's *News* that there is to be a showdown in the A.L.P. about uranium. That article must refer to the decision that was made by the A.C.T.U. to ship uranium from Darwin. I suppose that some time in the near future we will hear that the uranium that was mined before 9 December 1981 is appropriate for use (whether for nuclear power generation of electricity, or for X-rays used by a dentist to determine whether a person's teeth need attention) whereas the radiation produced from that same source after 9 December 1981 is in some way different.

That is the kind of gobbledegook and ridiculous argument that is being projected by the kamikaze left of the Labor Party. It is interesting to note that the French are happily continuing with their programmes of weapon testing and are using radioactive materials for the generation of electricity for consumption by citizens and industry, although the people of that country elected the avowed socialist President Mitterand recently.

I now refer to a man who was given one of the most difficult jobs of the 1970s in addressing the problems related to the proposition that I have put to the House. I refer to none other than Mr Justice Fox, who appeared before the Select Committee to which I referred and who gave evidence in response to questions asked by the Hon. Mr Legh Davis, a member of that committee from another place.

I quote part of the evidence given by Mr Justice Fox at page 86, as follows:

293. The Hon. L. H. Davis: As you are aware, this Select Committee is specifically looking at developments since the completion of the Ranger Inquiry in 1977? . . . Yes.

294. Your first report, which was produced three years ago, among other things in its findings and recommendations, observed that the hazards of mining and milling uranium, if those activities are properly regulated and controlled, are not such as to justify a decision not to develop Australian uranium mines, and that the hazards involved in the ordinary operations of nuclear power reactors are, if those operations are properly regulated and controlled, not such as to justify a decision not to mine and sell Australian uranium. Has anything that you have observed occurred since that report that has changed your personal view on those recommendations? . . .

Mr Justice Fox gave a short answer, after giving some background information, as follows:

I am afraid that that is a long answer to a question that could have been answered shortly by my saying 'No, I do not know of any change.'

Further on he said:

In substance, there has been no change in my views on those matters.

Thus Mr Justice Fox, in dealing with a source of nuclear power for generating electricity, found no reason whatever for leaving uranium in the ground, provided that safety recommendations of the kind to which my motion refers are implemented. This is further evidence of the necessity for this Government to act in the matter. The Government has responded rapidly to the needs confronting it, and has expressed its intention to draft and introduce safety measures relating to the use of radioactive materials where radiation is involved.

I have made some general remarks about the background of this subject, and accordingly I would now like to explain some of the details that will help persuade people that radiation is not harmful provided those who are exposed to it are not exposed to excessive doses.

**Mr Hemmings:** That's a stupid statement, isn't it?

**Mr LEWIS:** I cannot understand why the honourable member finds it a stupid statement.

**Mr Hemmings:** Read the evidence of the Select Committee.

**Mr LEWIS:** The honourable member would be aware that if I were to read the evidence of the committee I would detain the House for as long as it would take me to read the 206 pages in the report.

**Mr Hemmings:** You read it before you stand up and speak.

**Mr LEWIS:** I have. Although it may not give any comfort to members opposite, including the member for Napier, nonetheless I point out that, so long as there are levels that are known to be safe and so long as man is not exposed to radiation exceeding those levels, there is no reason whatever for anyone to be concerned. There is a region in south-west India called Kerala—

**Mr Millhouse:** It's a State, isn't it?

**Mr LEWIS:** It has been taken as the name of a State, but the geomorphological region to which I am referring has the same name, and the soil in that region comprises a monazite sand; and it is a thorium resource which is a substance that gives off very high levels of background radiation. In that general locality 10 villages were surveyed, and readings were taken from inside houses in which people have lived for a long time. The reading gave mean dose rates ranging from 131 up to 2 814 millirems a year. In

one village where there is a population of 11 000 people, the mean dose rate was calculated at 2 164 millirems a year.

It should be noted that in that locality absolutely no discernible sonatic or genetic effects, including Downs syndrome, are to be found in any greater proportion than is statistically acceptable and provable in any other sample of population of that same size in a completely different environment where the background radiation is very much lower. In other words, to this day the many generations of people who have lived there have suffered no ill effects from being exposed to that level of background radiation.

Having established that as a benchmark, if you like, of naturally occurring radiation in an environment which man has inhabited for thousands of years, we can then look at the kind of levels of exposure that we are saying must not be exceeded in this country. The levels of exposure described in the safety recommendations, which I believe the Government should introduce and which the Minister has now said she will introduce (I commend her for that), can now be established as safety levels and upper or maximum limits.

We ought to first look at some facts about low-level radiation where it occurs in the natural environment. In a booklet published by the International Atomic Energy Agency and the World Health Organisation (printed at Granville in May this year by the Ambassador Press), and entitled *Facts About Low-Level Radiation,* there is a table on page 3 listing such things as natural radiation comprising cosmic rays, which in the environment can be detected at the rate of 40 millirems. Radon in the ground and in building materials produces the same number of millirems per year, and 'potassium 40' produces about 20 millirems per year. I refer here to the cosmic radiation for a passenger on a 10 000 kilometre flight at an altitude in an aircraft of more than 10 000 metres.

That is the type of flight that aircraft travellers would take from, say, here to Rome or to Germany, flying 10 000 kilometres at an altitude of some 33 000 feet to 34 000 feet. During that one flight, an individual would be exposed to about five millirems. With regard to man-made radiation, we find that one dental X-ray (not a major X-ray of a limb, an internal organ or a CAT scan) would expose the recipient to about 40 millirems. Fall-out from nuclear explosive tests could expose the individual to about eight to 10 millirems, and miscellaneous sources of radiation to which we are exposed, such as television, radioactive watch faces, clock faces that glow, and so on, amount to about four or five millirems per year.

If one looks at another category of radiation, in terms of its source, specifically, radiation from nuclear power generation, one finds that if one lives on the boundary of a nuclear power station, one will be exposed to about four or five millirems of radiation a year, which is less than one-tenth of the amount of radiation to which one would be exposed from the naturally occurring cosmic rays to which I referred earlier.

If a person lived eight kilometres from the boundary of a nuclear power station, he would probably be exposed to three or four millirems. If one were exposed to any radiation that might emanate from working in waste management, one would probably receive an additional one millirem a year. You, Sir, and I know, and indeed members opposite know, that there are people who would take at least two journeys a week of more than 10 000 kilometres at heights of 34 000 feet, or 10 000 metres, thereby exposing themselves to about 10 millirems of radiation. Such people would do that every week for, let us say, 45 out of 52 weeks a year. That means that they would be getting 450 millirems of exposure a year, and they do that, year in and year out. Yet we find, in keeping with what Dr Cornwall said, there are people who oppose this entire industry, which can provide mankind with such an enormous source of power, just so long as everyone knows that there are safety recommendations and regulations in place and that they are being observed.

Such people tend to think with their hearts rather than with their heads. They are exactly my sentiments on their attitude. They are the sentiments expressed by Dr Cornwall, and they are the sentiments that anyone who does any reading at all would have to come to, because the facts support no other scenario. It should be remembered that I told members previously that there are people in the Kerala region of India who are exposed throughout their lives to over 2 000 millirems a year. They have been so exposed for generations, and have not suffered any ill effects. Yet we find opposition from the kamikaze left that has taken control, at least in part—

**Mr Millhouse:** Where is the opposition coming from?

**Mr LEWIS:** You, Robin, have long since self-destructed.

**The SPEAKER:** Order! The honourable member will know the requirement of the House in reference to addressing a member.

**Mr LEWIS:** I regret the momentary lapse in concentration in addressing the member for Mitcham by his first name.

**Mr Millhouse:** Christian name, actually.

**Mr LEWIS:** I had not realised that there was any difference between that and your first name. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

## SMALL BUSINESS

Adjourned debate on motion of Mr Olsen:

That this House affirms that small business in this State would be irrevocably harmed and thus render irrelevant the provision of loan funds to small business operations if the policies of the Australian Labor Party, South Australian Branch were effected, with particular reference to the introduction of—

*(a)* a 35 hour week;
*(b)* *pro rata* long service leave after five years of service;
*(c)* full quarterly cost of living adjustments based on the c.p.i. which is inconsistent with Australia's centralised wage fixation system and an attack on eminent members of successive national and State wage tribunals who have rejected the proposal;
*(d)* annual productivity cases; and
*(e)* mandatory severance pay for redundancies—

which the Hon. J. D. Wright has moved to amend by leaving out all the words after the word 'That' and inserting in lieu thereof the words:

this House is of the opinion that the failure of the Government to adjust the exemption level for the payment of pay-roll tax will mean that many South Australian small businesses will now be liable to pay-roll tax for the first time and that South Australian small business as a whole will be disadvantaged in relation to its competitors in other States and calls on the Government to immediately raise the exemption level so that it corresponds with that applying in Victoria.

(Continued from 11 November. Page 1846.)

**The Hon. D. C. BROWN (Minister of Industrial Affairs):** I compliment the member for Rocky River for bringing this matter to the attention of the House. It is interesting that since this motion was first moved the Australian Labor Party in this State has taken this matter further. It has now formally adopted these policies as part of its industrial relations policy for the next election, whenever that might be, either next year or the year after. Therefore, we now have the very real situation where the Deputy Leader of the Opposition, the so-called champions of small business,

and the Party to which he belongs, have now adopted what could only be described as the most damaging, damning and destructive policies for small business that any Party has ever put forward as a platform for an election.

How could small business in this State ever survive under a policy of full wage indexation, a 35-hour week, and other issues such as severance pay and finance going to trade unions to increase the power of trade unions, and other dictatorships, as proposed by the policies of the Australian Labor Party? It would bring small business in this State to its knees. I think it is appropriate at this stage that I highlight to members of the House what the Liberal Government has done to assist small business in South Australia during the two years that it has been in Government. I do this because more has been achieved during the past two years than the Labor Party ever achieved or tried to achieve during the previous nine years that it was in office. In fact, the one group which suffered under the Labor administration of this State during the 1970s and which felt no greater effect was the small business community.

**Mr O'Neill:** You've done a lot for service stations proprietors, haven't you?

**The Hon. D. C. BROWN:** Small business is really big business in South Australia. There are over 70 000 small firms in this State and they support more than 60 per cent of the private sector work force. In the two years since taking office the Government has recognised the vital contribution of small business to the well-being of the people of South Australia. A healthy small business sector is important to the State, not only as an employer, but also as an innovator and entrepreneur.

The Government has established a Small Business Advisory Council to advise the Minister on matters relating to the small business community. The council of eight members is made up of small business men, together with educators and business association representatives. Its function is to sense areas of concern among the people in small business and to communicate that concern to Government, to consider proposals from Government, to advise on the likely impact of such proposals on the small business sector, and finally to monitor the activities of the Small Business Advisory Bureau to ensure that the day-to-day service it provides is relevant to the needs of small business.

In the few months since its formation the Small Business Advisory Council has considered such matters as shop trading hours, deregulation, and training for people in small business. It currently has before it consideration of commercial leasing agreements and it continues consideration of avenues for finance to small business proprietors, both as venture capital and working capital. The activities of the Small Business Advisory Bureau have been stepped up over the past few months by the appointment of further staff and the determination of a forward plan for the bureau. I take this opportunity to compliment the appointment of Mr Peter Elder as Manager of that Small Business Advisory Bureau.

The bureau works in four main areas. First, it provides an information service. The bureau has gathered together a significant body of information concerning establishing and maintaining a business. It has produced an extremely comprehensive *Starting in Business Checklist*, which is made available to inquirers. In the 24 months since October 1979, 3 073 checklists have been handed to individual people considering starting in business. On average, 10 to 15 telephone calls for information alone are dealt with each day. The bureau is a channel of information for types of business undertakings, on accounting, on management and on regulations. It receives information from its counterparts in other States and from the Commonwealth Government and makes this available through a number of avenues.

The first Small Business Newsletter was produced in October and it is planned that this newsletter will be published several times each year. The wide circulation of and the favourable response to the first edition have already led the bureau to a reprint. The second area of activity of the bureau is in training. The officers of the bureau are not involved in the provision of training courses but it is their function to determine the kinds of management training appropriate for people in small business and to encourage the large number of metropolitan and country training agencies to make courses, seminars and workshops available. The bureau makes input to, and receives information from, a wide range of training organisations. It is closely associated with the work of the Small Business Committee of the National Training Council.

The third, and probably the most important function of the bureau at the moment, is counselling. Each officer of the bureau, including the manager and the receptionist, plays a part in counselling people in small business. The senior counsellors deal with a wide range of questions, from preliminary discussions about starting in business to complex counselling on financial, production and sales matters. The counsellors aim to isolate the real problems and then to help the client consider alternative courses of action that might help solve those problems. It can be appreciated that counselling by the bureau, because it is free, can only be taken to a certain point, beyond which the client must seek an expert consultant on a fee-for-service basis.

After all, the Small Business Advisory Bureau needs to ensure that private small business consultants remain in business and that its counsellors are available to serve the widest need. In the period October 1979 to October 1981 significant counselling contacts (that is, those which involved at least an hour of personal contact) totalled 2 938. I think it is quite staggering that about 3 000 small firms were given assistance on a counselling basis of at least one hour or more. Counselling involves each counsellor in five to six small businesses each day.

The fourth function of the bureau is to administer the Government's consultancy grants scheme. From time to time small businesses encounter specific problems for which the solution would not be readily apparent or, where it is apparent, a detailed plan of action is a remedy. The small business consultancy grants scheme provides a subsidy for part of the costs of retaining a consultant to give specific advice to firms. The officers of the bureau help the applicant to determine the area of his business in which the consultancy would be of help, they assist the applicant in writing a consultant's brief and they help him to call tenders for the work. The client and consultant work together and the grants scheme provides a subsidy for part of the cost of the consultancy.

Subsidised consultancies were approved in 1980-81 totalling $49 873 to 14 businesses. During the current financial year consultancy grants have been approved to five businesses and another five are being discussed and examined to formulate appropriate briefs.

It is often said that the greatest single problem confronting the operators of small businesses is the lack of finance, both venture finance and working capital. This matter has been subject to considerable report and also has been a matter for considerable speculation. The Campbell Committee report, which was recently tabled in the Federal Parliament, says that there are inadequacies claimed to exist in the flow of finance to small business, and these can be grouped under three special headings. They are:

A 'credit gap', which refers to the disinclination of banks and other institutions to lend to small business because of interest rate controls over small overdrafts: that is, overdrafts of $100 000 or less.

An 'equity gap', reflecting the lack of organised market facilities for the sale of shares in small businesses and the limited range of institutions providing risk venture capital.

An 'information gap', reflecting inadequate access by small business to information on available finance sources, together with management's lack of financial experience in presenting proposals for finance.

The Campbell Committee suggests that a freeing up of the financial system and making it more competitive will remove most of the financial constraints experienced by small business and it therefore recommends no further Government intervention in respect of small business and new ventures.

The South Australian Government has moved to make earmarked funds available to small business. I referred to this yesterday when debating the Industries Development Act Amendment Bill and I believe it is one of the most significant initiatives taken by any Government in Australia to assist small business. In a scheme announced on 29 November, the State Bank and the Savings Bank of South Australia are to set aside up to $5 000 000 initially for small business and tourism ventures. I stress that this money is additional to funds that the banks would normally lend to these sections of business, and does not include or supersede the sum of $5 000 000 available for the development of the tourist industry recently announced by the Minister of Tourism.

The interest payable would be at commercial rates related to the banks' costs of raising and administering the funds. The banks and the Government will make all possible arrangements to ensure that this programme of lending will not prejudice lending to their normal clients, including rural and housing customers. The thrust of this initiative is to direct loan funds to small businesses which at present are finding it very difficult to obtain finance at reasonable rates. The only solution is to increase the proportion of bank finance to be allocated for small loans, which is what we asked the State Bank and Savings Bank of South Australia to do. Small business plays a vital role in our economy, but it is a role that is being stunted by lack of finance. We have acted to break the log jam to make sure funds are available.

This Government realises that the need for venture finance with flexibility of repayment terms for so-called seedbed industry is essential. A number of proposals are being examined to encourage small companies with special technology to rapidly expand commercial development. Seedbed industry is a Japanese concept under which finance is provided for the development of a product or service which will result in substantial growth for the company. Such finance is often needed when the product or service does not generate sufficient revenue, or when a firm may not have sufficient security to allow financing from conventional sources.

It is hoped that this new initiative in the provision of small business finance will see a quickening of the pace in the establishment and development of small businesses in this State. It is the experience of the Small Business Advisory Bureau, and its counterparts throughout Australia, that most approaches to the bureau for help are first in terms of financial need. However, in the great majority of cases the counselling process reveals the lack of management skill from within the business, rather than outside financial constraints, as the real problem.

It is obvious that the thrust of the bureau must be in the areas of information supply and training, to ensure that people going into business, and already in business, are better informed and better trained to undertake the diversity of roles they must exercise. In the large firm there are opportunities for management specialisation. In the small firm the operator is owner, manager, salesman, accountant and innovator. It is little wonder that he has difficulty in developing any particular skills. The bureau is required to serve all small businesses in South Australia and is currently developing a programme of country visits by counsellors and the establishment of linkmen in country centres who will be able to hand on information, arrange counselling sessions, and feed back details of particular problems requiring assistance.

As the mover of this original motion and as a country representative in this Parliament, Mr Acting Deputy Speaker, I am sure that you will be pleased to know that information. The bureau is consulting with the Health Commission Promotion Unit to develop programmes promoting a healthy lifestyle among people in small business, many of whom work extended hours with little time for recreation activity. I think we should pay tribute to the dedication of so many of those small businessmen who work in retail outlets such as delicatessens, literally 12 to 14, or, in some cases, 15 or 16 hours a day in an attempt to make their business viable. That is the very group about which we are concerned, because we believe that their health and perhaps their family life suffer considerably because of that strain.

A close liaison is being had with the Corporate Affairs Commission in the hope that starters in business and stayers in business can be made aware of the bureau's services through the commission's facilities. The Small Business Advisory Council has commenced consideration of commercial leasing arrangements, and the bureau has begun preparing guidelines to tenants and prospective tenants in response to a recommendation of the Working Party on Regional Shopping Centre Leases. The bureau has established a working relationship with the Australian Council of Shopping Centres to assist in its promotion of a guideline booklet for prospective lessees. Again, from the feedback that I have had, I think such a service will greatly assist the small shopkeeper and those currently suffering some difficulties because of leasing arrangements. The Small Business Advisory Bureau provides committee representation to the self-employment ventures scheme, which was initiated by the Department of Industrial Affairs and Employment and which encourages unemployed people of all ages to go out, find a demand within the community, and become self employed by fulfilling that demand.

This scheme is a possible avenue of assistance to anyone who is unemployed and registered for full-time employment with the Commonwealth Employment Service. The Small Business Advisory Bureau liaises with the self-employment ventures section both before and after assistance is granted to applicants under that scheme. Advice is given, and, where necessary, it provides assistance in the monitoring of particular businesses. In reponse to the need for its counsellors to have up-to-date information on licences and permits, the bureau has prepared a comprehensive counsellor's guide which, coincidently, accords with a recommendation of the deregulation committee that such a document should be produced. During the current year consultancy grants have been approved to five businesses and a further five are being discussed and examined to formulate appropriate briefs to consultants, for them.

It is anticipated that in 1981-82 the amount of subsidised assistance will exceed that for 1980-81 and the number of firms assisted will also exceed the number helped in the previous year. This expert advice from consultants I consider to be very important to resolve problems and to improve the efficiency and quality of management in the small business sector. The ultimate benefit is the maintenance of stable employment and in some cases an increase in job opportunities. I consider this function of the Small Business Advisory Bureau to be a most important avenue of assistance. I cannot stress too strongly that I believe that

the one area where the greatest development opportunity exists for expanding employment is in the small business sector. I will give one example. About a month ago I had the opportunity to promote for small business in South Australia a new product that recently received an Australian design award. In the three years that the company has been manufacturing that product in South Australia, sales have gone from $300 000 a year to over $2 000 000 a year. The week I was there an overseas order was anticipated for $6 000 000, and employment has gone from eight to 47 people.

That shows the potential for very rapid growth of small business, and that is only one example. I could quote numerous other cases, literally dozens, where those small businesses anticipate, because of a successful product, that they will be able to rapidly expand their sales and, therefore, their employment next year. Another example I mentioned in the House yesterday was of the gentleman who invented the Maco wheel for boats and caravans. During the past six months he has moved into three new factories because the demand for his product has been so great. First, after winning a design award, then after becoming a finalist for the Duke of Edinburgh design award, demand has been so great that he has had difficulty in meeting production through the existing factories, and so he has moved into his third new factory in the space of just six months.

They are classic examples of small business people who have established a good product, produced it efficiently, and marketed it not only in South Australia but throughout Australia and, in many cases, even overseas. We need to encourage that sort of enterprise in South Australia. That is the kind of area in which the Government's financial incentives for industrial development are directed. The Government is committed to the success of small business in South Australia. The Small Business Advisory Bureau's activities over the past two years, and the programme of extension of its services, will ensure that it is relevant to the real needs of the small business community, and the economic strength of the State is shown not only in the number of small businesses but, more importantly, in their success rate, their viability and their innovation.

I willingly join with the member for Rocky River, who moved this motion and who has, quite rightly, brought to the attention of this House the very damaging policies that have now been adopted by the Australian Labor Party. I have considerable concern for the future of small business in this State if those policies are adopted.

I again quickly run through them. Nothing would place a greater financial burden and stranglehold on small business than the immediate introduction of a 35-hour-week, as supported by the Australian Labor Party in this State, full wage indexation, and implementation of severance pay policies, which includes giving at least six months notice to any employee before employment is terminated. That alone will scare out of this State any small business that might be in the manufacturing area. They could go to Melbourne, Sydney, or Brisbane, where they are not faced with that sort of damaging policy. Finally, the very thing that has spread a wave of fear throughout the entire industrial sector in this State is the radical, revolutionary policies of industrial democracy as proposed by the Labor Party.

Not only has that Party returned to the tired, failed policies of the Dunstan era, but it has gone further, this time having promised financial assistance to trade unions to implement those industrial democracy policies. I support the motion and the points raised by the member for Rocky River. I wish him every success in having the motion carried because it is so relevant to the success of small business in this State.

**Mr HEMMINGS** secured the adjournment.

## MOTOR FUEL (REGULATION OF MARKETING) BILL

Adjourned debate on second reading.

(Continued from 18 November. Page 2055.)

**Mr ASHENDEN (Todd):** Before I move on to new points, I would very briefly like to summarise the main points that I made when I was speaking some two weeks ago. I wish to state again very clearly that I appreciate and sympathise and agree with what the dealers are trying to achieve and the courses of action that the S.A.C.C. has taken on their behalf. However, as I indicated in my last speech (and I am sure that the member for Mitcham, if he were honest, would be the first to acknowledge this), the Bill will not achieve the aims that the dealers and the S.A.C.C. are trying to achieve.

The main reason for this is that the Bill will not stop the oil companies from discriminating in areas other than price, in that they would still be able to provide an incentive to certain dealers. They could offer fuel to dealers more cheaply by offering rental rebates. With rentals, as I pointed out two weeks ago, in the region of $2 500 a week and higher, that would certainly offer the oil companies a vast area in which to affect the price in the market. Secondly, as the dealers so rightly want, they would like to have more opportunity to own their own service stations (a point with which I agree totally), but they would appreciate that customer-owned outlets, as they are known, certainly do offer oil companies again an opportunity to influence the market price by offering rebates and incentives to certain customers to re-sign with that oil company. Because of those two big areas that the oil companies could still act in, I do not believe that the Bill before the House goes far enough.

I also point out that constitutionally there are very serious doubts that the Bill would be able to operate in one State alone, in that section 92 would certainly be utilised by the major seller of fuel in the State, the Shell Company, because it imports over 90 per cent of its fuel from interstate, and therefore it could invoke section 92 because of the restraint of trade that could be pointed out. Secondly, the other oil companies would undoubtedly indicate to the courts that there is a conflict between section 109 and section 10, which would also, in the opinions that I have been given, allow oil companies to continue in the present system of trading. Therefore, the member for Mitcham just has not done his homework, as is so often the case. He has raised the hopes of a number of small business men, knowing full well that his Bill cannot possibly bring about what he purports to want to do for them.

There is no doubt that one State going it alone will create tremendous difficulties. This has already occurred in the U.S. It comes back to the point that any action in this area must be taken by the Federal Government. Certainly, this Government has already placed, and will continue to place, tremendous pressure on the Federal Government to bring about action that will provide the protection that the S.A.C.C. and the dealers so rightly want to achieve. All the indications are that a move in one State alone just will not bring about what they are seeking to achieve. I have already pointed out, too, that the Bill would not remove the differential pricing system that could be brought in by rental rebates and customer re-signing deals.

Another point that must be borne in mind is that the present system does offer some advantages. There are (and I know that the S.A.C.C. is aware of this because I have discussed it with them) a number of dealers who do not want the oil companies withdrawn from the market, particularly those who operate what are called C agent outlets, because they do have some very real advantages in that those dealers are not required to carry the stock that other dealers are required to carry. At the moment, with the cost of fuel, that is not inconsiderable. Therefore, there are two sides to the argument that have been placed to me by dealers. There are dealers who want to have divorcement. There are dealers who do not want to have divorcement. I certainly admit that I have had more approaches from those who would like to see divorcement than from those who would not, but I think that this House must bear in mind that a substantial proportion of dealers do want the present operation of C agents to continue because of the advantages they enjoy in relation to the lack of funds that they are required to invest in stock compared to those dealers who are required to own their fuel.

Another point that I would like to make is that one thing the dealers want to have is the right to be able to get 50 per cent of their fuel from other oil companies. In other words, if they are operating a B.P. outlet they would like to be able to put pressure on B.P. by being able to shop around to obtain some fuel supplies. Again, I think that that is good. That is market competition, if dealers are able to get a better deal from one company than another. But the point is again that, if the member for Mitcham were honest, he would admit that his Bill does not allow this to occur. Again, I see him as hanging out a carrot to dealers without being honest with them. The aim of the dealers is admirable. I wish that they could achieve their goal, but the Millhouse Bill certainly does not do that.

There is one other point that I must raise, and that is the effect that this move would have, if it were to occur in one State alone, on the price of fuel that South Australians could be forced to bear. Some three weeks ago I telephoned the United States to get the latest information that I could on fuel pricing in Maryland, which is a State that has divorcement, to see how the price of fuel in that State compared to the price of fuel in neighbouring States. The information that I got (and this certainly was not through an oil company, but from a completely independent source) indicated that the price of fuel is higher in Maryland than elsewhere. The S.A.C.C. has said that this is caused by discrimination by the oil companies, forcing the price up. That is where I come back to what the oil companies could do if divorcement were to occur in one State. If, as the S.A.C.C. acknowledges, the oil companies have been able to have an undue effect on the price of fuel in Maryland, surely those companies are going to do the same thing in South Australia. Therefore, we must make a move that affects the whole country, not just one State, if that allegation is true.

However, the S.A.C.C. subsequently contacted me and gave me information that indicated that the pricing information with which I had been provided was incorrect. One of its members went to a lot of trouble to set out in a detailed letter to me the situation as he saw it in relation to the price of fuel in that State. I therefore contacted the United States again, and have obtained information from a Senate Judiciary Committee of Inquiry held on 21 October this year to find out what was the true situation in relation to the price of fuel in Maryland compared to that in its neighbouring States.

I received a summary of points from the testimony of various people who appeared before the subcommittee, including Mr Goldstone, the Maryland State Comptroller. The summary indicates that the current price of fuel in Maryland at customer-operated outlets is from 4.25c to 5.66c per United States gallon more expensive in comparison to neighbouring States. I believe that one of the reasons for the discrepancy between this information and that supplied by the S.A.C.C. is that the tax in Maryland is 9c a gallon lower than the tax in other States. When one considers the total price, one sees that one set of figures shows that Maryland is not at a disadvantage in comparison to the rest of the United States, but if State fuel taxes are subtracted, one finds that the price is about 5.77c a gallon higher in Maryland than in other States.

It must also be borne in mind that divorcement was brought about in Maryland not because of discrimination in pricing but because (as the report states) there was a fear that oil companies were not distributing their product fairly in that State and that they were looking after their own outlets and not customer-owned outlets. In other words, divorcement occurred in Maryland for a different reason to that which applies in this State.

Therefore, I intend to continue to work behind the scenes with the Minister to ensure that the Federal Government does all that it can to bring about an Australia-wide move that will provide protection for the dealers and the public, because I could not countenance any action that would disadvantage the public in this State in regard to the purchase price of fuel compared to the price in other States. I could make many other points, but due to lack of time I will conclude my remarks by saying that this Bill is a cynical attempt by the member for Mitcham to try to score political points, and to embarrass the Government. The honourable member knows full well that the Bill would not work; it would not be legal. Certainly, through his Federal colleagues, the honourable member should work towards an Australia-wide measure, and not a measure that would apply in South Australia alone.

**Mr BLACKER (Flinders):** I indicate at the outset that I support the second reading. However, that does not mean that I will necessarily support the third reading, because I see some problems in the Bill. Nevertheless, there is too much good in this measure to have it thrown out at this stage. Therefore, I intend to support the second reading in the hope that in Committee amendments will be made. It has been brought to my attention that the fear about divestiture of interests could have some long-term effects on the ability of retail outlet proprietors to buy their facilities. They would have to rely on a financial institution taking over the facilities. I believe that some arrangements could be made in this instance, and this matter need not necessarily constitute sufficient reason to throw out the Bill at the second reading stage.

I do not intend to talk at length, but, as I have demonstrated on previous occasions, I believe that something should be done about fuel marketing issues and services. Very grave anomalies exist. Apparently, in one area of my district some of the dearest petrol in Australia is sold. One of my constituents, who has just returned from an around-Australia trip, said that within my district he bought some of the cheapest petrol and some of the dearest petrol in Australia. I do not believe that that is necessarily right. In fact, if anything, I believe that my constituent, in his around-Australia trip, would have bought the cheapest petrol at Mambray Creek. If any area had a reason to escalate prices because of locality disadvantage, perhaps it would be Mambray Creek. Anomalies such as this must be ironed out. For that reason, I support the second reading.

**Mr MILLHOUSE (Mitcham):** I will be very brief in replying to the debate. My object is to obtain a vote on the

second reading and, hopefully, if the Bill passes that stage, we can get to the Committee stage and then adjourn the debate. As honourable members know, if we advance as far as that, the Bill can be revived in the next session of Parliament. I hope that at that time we will be able to pass the Bill right through Parliament without having to start again. That is what I aim to do.

I will make only one or two points in this brief reply. First, the Minister of Health, in her inordinately long speech, representing her colleague, opposed the Bill, and made two points. She stated that there should be Australia-wide legislation, or nothing. That means that we would either have to wait for the Federal Government to do something (which it has steadfastly refused to do, and that is why I have introduced this Bill), or we can hope for co-operation from all of the other States (and as all honourable members know, that never happens). It is almost impossible to get co-operation from all other States in regard to uniform legislation. Those members who propose such action, from the Minister down, are merely making an excuse for doing nothing. They know as well as I know that the Federal Government will not move, nor will we get uniformity with the other States. By saying that, members are able to make an excuse for doing nothing, and they know it.

Personally, I would much rather see a Bill at the Federal level. In answer to the member for Todd, I point out that my colleagues in Canberra are doing their best in that regard, but they are unlikely to succeed in the short run. Therefore, the only alternative is to go it alone in South Australia, and that is what this Bill aims to do. Let there be no more about uniformity. Let us not hear that there must be uniformity or nothing.

Secondly, I was challenged by the Minister and by the member for Todd about constitutional validity. Of course, no-one ever knows, until an Act of Parliament is challenged and tried out in the High Court, whether or not it is constitutionally valid. All I can say is that I believe that this Bill would stand up. Certainly, the only way in which we will ever know whether it will stand up is to give it a go. There is absolutely no other way. That action has been taken dozens and dozens of times by South Australia and by other States since Federation. To say, 'Well, it will not be constitutional and therefore we will not try,' is merely an excuse for doing nothing. So, let there be no more of that.

The third and last point that I make in answer to the member for Todd (who stated repeatedly that I had been cynical in bringing forward this Bill and that I am misleading the service station proprietors and operators—and I refute that statement) is that, as he already well knows, I have introduced this Bill after consultation and lengthy discussions with those very people. I am satisfied that the overwhelming majority of those people agree with my proposition, and they are entitled to the protection of the Bill. Let us not forget that these people are quite desperate because of the way in which they are being treated by the oil companies. They must have relief if they are to survive. The only way I can see that they can get relief is by the passage of this measure.

Therefore, I commend the second reading to the House. If, in Committee, perhaps in the next session, members want to tinker with the Bill, that can be done, and perhaps we can get a consensus. I know that members of the Labor Party want to make amendments, and the member for Flinders has stated that he supports the Bill at the second reading stage. It may be hoping too much, but some Government members may also move amendments. We can consider those amendments, but at least let us accept this measure in principle at the second reading.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

## TOBACCO ADVERTISING (PROHIBITION) BILL

Adjourned debate on second reading.

(Continued from 28 October. Page 1668.)

**The Hon. JENNIFER ADAMSON (Minister of Health):** Debate on this measure is certainly timely in view of the great professional interest that is shown in this matter and also in view of the increasing public awareness of the dangers of tobacco consumption. In so far as this Bill attempts, albeit ineffectively, to limit total consumption of tobacco, I certainly support that goal and, indeed, any responsible person would support the goal of reducing the total consumption of tobacco. That was one of the principal recommendations of the Senate Select Committee on Drugs, which reported to the Federal Parliament in the 1970s. That goal has been endorsed by all Ministers of Health in Australia at the recent Health Ministers' Conference, and I believe that the House would be interested in the conclusions adopted by all State Mnisters of Health at that conference. The conclusions were as follows:

(1) Tobacco consumption is the major preventable cause of a significant proportion of disease in Australia. (Some 30 000 scientific papers published since 1962 affirm the major detrimental effect on health of tobacco smoking.)

(2) It is established that a reduction in smoking nationally would produce overall economic benefits. However, it needs to be researched whether these economic benefits would exceed the loss of revenue.

(3) Australia is approximately 10 years behind the United Kingdom, the United States and the majority of other western nations in its advertising policies and should make every effort to overcome this backlag.

(4) It is recognised that the complex nature of tobacco control determines that there cannot be quick or simple answers.

I think that that last conclusion is as important as the first three conclusions, because this Bill seeks to determine a quick or a simple answer, which in my belief will not be effective and, indeed, will be unworkable. It is interesting when examining the Bill, which has been introduced by a lawyer, to see that it is ill prepared (to put it kindly) and unworkable: it does not, in effect, define advertising. Clause 2 provides:

'advertisement' means an advertisement published or intended for publication—

*(a)* in a newspaper, magazine, periodical or other publication;

*(b)* by display of a sign, placard or poster;

*(c)* by exhibition of a film or slide;

or

*(d)* by radio or television:

Whether or not the State has any jurisdiction over what occurs in the electronic media, on radio or television, is a matter that would have to be decided at law. It is my understanding that the Federal Government has jurisdiction over those matters. At any rate, that definition certainly leaves out a number of areas in which advertising can take place, and in that respect it is not an all-embracing definition and in itself would contribute to a situation where a great number of anomalies could arise. It is unworkable in so far as it could not possibly achieve the objective which the member for Mitcham, who introduced the Bill, seeks to achieve through the introduction of a total ban on advertising. For a start, it ignores marketing and promotion and postal distribution of promotional material.

People in South Australia would be placed in immediate breach of the law if this Bill were to be passed. There are no provisions in it whatsoever for a progressive introduction

or for notice to be given. Indeed, the Bill does not even indicate who would administer the legislation. In that regard it has been drafted in an extremely sloppy fashion. I wonder whether the member for Mitcham has given any consideration to what South Australians would do and what the Government would be expected to do in respect of national publications, which are gaining importance as a means of mass media communication. What happens, for example, to the national newspaper, the *Australian*? What happens to the *Womens Weekly*? What happens to the *Bulletin*? What happens to that vast number of national publications which are circulated within this State which would be an immediate breach of the law?

As I say, there has been no thought given to the phasing in of this proposed legislation. No thought has been given to the fact that advertising contracts are let considerably in advance of the advertisements being placed or to the fact that large numbers of people are engaged in industries which deal in advertising. If this Bill were to be passed in its present form there would quite clearly be chaos, and I regard it as extremely irresponsible of the promoter of this Bill to attempt to gain some cheap mileage with the medical profession by introducing legislation which purports to achieve what I regard as a highly desirable goal, namely, a reduction in the consumption of tobacco. The whole of overseas experience demonstrates that if this goal is to be effectively achieved a great deal of thought and care needs to go into the preparation of any legislation of this kind. It is quite clear that this Bill has been thrown together: it is ill conceived, it is hasty, and it would not work. For those reasons and others that I will describe, neither the Government nor I can support it.

I would like to draw the attention of the House to the way in which I think the goal of reducing tobacco consumption can be achieved, and to indicate that in the long term I think that more and more controls will be placed on tobacco once the community has been educated to realise the extremely adverse effects that it has on health. In a sense, what is happening now in regard to smoking can be related to some of the great preventive health measures which have taken more than a decade to be adopted by Legislatures throughout Australia and the world. I refer particularly to seat-belt legislation, to random breath tests—

**Mr Millhouse:** Seat belts were brought in by Statute.

**The Hon. JENNIFER ADAMSON:** That is quite correct, but there was long and hard public debate and a great deal of scientific evidence gathered, and there was a lot of work that had to be done to sway public opinion in order to gain support in Parliament for those pieces of preventive health legislation.

I propose to outline to the House the way in which I think this goal of reduction of tobacco consumption should be achieved. One of the first steps, of course, is to ascertain community attitudes, and to establish what those attitudes are and the reasons for them, so that educational campaigns and information campaigns can be aimed effectively at a target audience in such a way that it will respond.

Earlier this year, at my instigation, the South Australian Health Commission undertook a very detailed survey of smoking in South Australia. The results of the survey will provide a sound basis on which to development an anti-smoking campaign and programme for South Australia, because I stress that, unless we change people's attitudes, there is little or no use in attempting to use the law as a bludgeon. Such an action could in fact be counter-productive. The need to recognise that attitudinal change is the key to changing health habits is fundamental to the way in which we tackle this smoking problem.

The results of the survey that was undertaken are already being used for further detailed research into particular high user groups, such as unemployed youth, to determine the best method of effectively reducing tobacco consumption for these groups. The survey results are purely statistical, and I seek leave to have certain portions of them inserted in *Hansard* without my reading them. The first tables show details of the smoking status of the South Australian population as at June 1981.

**The SPEAKER:** Did the Minister indicate that she wishes to table that portion?

**The Hon. JENNIFER ADAMSON:** I am sorry, Mr Speaker, I am seeking leave to have the survey figures inserted in *Hansard*.

**The SPEAKER:** With the assurance that the figures are statistical, is leave granted?

Leave granted.

Smoking Status of the South Australian Population, June 1981

| Age (years) | | Smoker[1] | | Ex-Smoker | | Never Smoked | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | No. | Per cent | No. | Per cent | No. | Per cent | No. | Per cent |
| 15-19 | Males | 20 600 | 34.3 | 4 800 | 8.0 | 34 600 | 57.7 | 60 000 | 100.0 |
| | Females | 17 200 | 30.5 | 5 500 | 9.8 | 33 500 | 59.7 | 56 300 | 100.0 |
| 20-24 | Males | 26 000 | 44.7 | 5 800 | 9.9 | 26 400 | 45.3 | 58 200 | 100.0 |
| | Females | 23 200 | 40.7 | 7 800 | 13.6 | 26 000 | 45.7 | 57 000 | 100.0 |
| 25-29 | Males | 19 100 | 36.1 | 12 700 | 24.1 | 21 100 | 39.9 | 52 900 | 100.0 |
| | Females | 17 700 | 33.6 | 8 400 | 15.9 | 26 600 | 50.5 | 52 600 | 100.0 |
| 30-34 | Males | 22 200 | 42.6 | 10 900 | 20.9 | 19 000 | 36.5 | 52 000 | 100.0 |
| | Females | 15 300 | 29.5 | 8 800 | 17.4 | 27 400 | 53.1 | 51 700 | 100.0 |
| 35-39 | Males | 18 500 | 43.5 | 6 900 | 16.2 | 17 100 | 40.3 | 42 500 | 100.0 |
| | Females | 11 200 | 27.1 | 5 800 | 14.0 | 24 300 | 59.0 | 41 300 | 100.0 |
| 40-44 | Males | 14 300 | 39.9 | 8 400 | 23.4 | 13 200 | 36.7 | 35 900 | 100.0 |
| | Females | 9 300 | 26.0 | 4 700 | 13.2 | 21 700 | 60.8 | 35 700 | 100.0 |
| 45-49 | Males | 14 600 | 44.4 | 8 800 | 26.9 | 9 400 | 28.7 | 32 900 | 100.0 |
| | Females | 8 100 | 25.1 | 5 100 | 16.0 | 18 900 | 58.9 | 32 100 | 100.0 |
| 50-54 | Males | 14 700 | 40.3 | 8 100 | 22.2 | 13 700 | 37.5 | 36 500 | 100.0 |
| | Females | 10 400 | 30.3 | 4 600 | 13.3 | 19 500 | 56.4 | 34 500 | 100.0 |
| 55-59 | Males | 13 100 | 37.4 | 14 300 | 41.0 | 7 500 | 21.6 | 34 900 | 100.0 |
| | Females | 8 500 | 24.1 | 5 000 | 14.3 | 21 700 | 61.6 | 35 200 | 100.0 |
| 60-64 | Males | 8 000 | 28.3 | 14 200 | 50.5 | 6 000 | 21.2 | 28 100 | 100.0 |
| | Females | 6 500 | 22.5 | 5 200 | 17.7 | 17 500 | 59.7 | 29 200 | 100.0 |
| 60+ | Males | 17 600 | 31.1 | 25 700 | 45.3 | 13 400 | 23.6 | 56 700 | 100.0 |
| | Females | 9 100 | 11.5 | 11 100 | 14.2 | 58 300 | 74.3 | 78 500 | 100.0 |
| Total | Males | 188 600 | 38.4 | 120 500 | 24.6 | 181 400 | 37.0 | 490 600 | 100.0 |
| | Females | 136 400 | 27.1 | 72 200 | 14.3 | 295 500 | 58.6 | 504 100 | 100.0 |
| | Persons | 325 000 | 32.7 | 191 700 | 19.4 | 476 900 | 48.0 | 994 600 | 100.0 |

[1] Includes persons smoking cigarettes, pipes or cigars.

Number of Cigarettes Smoked Per Day, South Australia, June 1981
(1) Males

| Age (years) | | Cigarettes Per Day | | | Total | Other[1] | Total |
|---|---|---|---|---|---|---|---|
| | | 1-19 | 20-39 | 40+ | | | |
| 15-19 | No. | 14 700 | 5 600 | * | 20 600 | 39 400 | 60 000 |
| | Per cent | 74.1 | 27.4 | * | 100.0 | — | — |
| 20-24 | No. | 10 400 | 13 900 | * | 25 700 | 32 500 | 58 200 |
| | Per cent | 40.3 | 54.1 | * | 100.0 | — | — |
| 25-29 | No. | 6 900 | 10 300 | 1 700* | 18 800 | 34 000 | 52 900 |
| | Per cent | 36.4 | 54.8 | 8.8 | 100.0 | — | — |
| 30-34 | No. | 7 200 | 12 800 | 1 900* | 21 800 | 30 200 | 52 000 |
| | Per cent | 33.0 | 58.5 | 8.5 | 100.0 | — | — |
| 35-39 | No. | 2 900* | 10 700 | 3 500* | 17 100 | 25 300 | 42 500 |
| | Per cent | 16.9 | 62.5 | 20.6 | 100.0 | — | — |
| 40-44 | No. | 3 800* | 7 800 | 2 700* | 14 300 | 21 600 | 35 900 |
| | Per cent | 26.3 | 54.5 | 19.0 | 100.0 | — | — |
| 45-49 | No. | 2 700* | 9 700 | * | 13 400 | 19 500 | 32 900 |
| | Per cent | 20.5 | 72.7 | * | 100.0 | — | — |
| 50-54 | No. | 4 300* | 6 800 | 3 400* | 14 500 | 22 000 | 36 500 |
| | Per cent | 29.8 | 46.9 | 23.3 | 100.0 | — | — |
| 55-59 | No. | 6 600 | 4 600* | | 12 500 | 22 400 | 34 900 |
| | Per cent | 52.4 | 37.1 | | 100.0 | — | — |
| 60-64 | No. | 3 180* | 3 700* | 3 912* | 8 000 | 20 200 | 28 100 |
| | Per cent | 40.0 | 46.5 | 32.8 | 100.0 | — | — |
| 65+ | No. | 8 500 | 7 300 | | 17 200 | 39 400 | 56 700 |
| | Per cent | 49.0 | 42.2 | | 100.0 | — | — |
| Total | No. | 71 020 | 93 300 | 19 700 | 184 000 | 306 500 | 490 600 |
| | Per cent | 38.6 | 50.7 | 70.7 | 100.0 | — | — |

[1] Includes non-smokers and males smoking pipes and cigars.

Note: Estimates replaced with the symbol * have a relative standard error greater than 50 per cent: estimates followed by the symbol have a standard error of between 25 and 50 per cent and should be read in conjunction with the notes in the 'Explanatory Notes' section.

Number of Cigarettes Smoked Per Day, South Australia, June 1981
(2) Females

| Age (years) | | Cigarettes Per Day | | | Total | Other[1] | Total |
|---|---|---|---|---|---|---|---|
| | | 1-19 | 20-39 | 40+ | | | |
| 15-19 | No. | 11 800 | 5 400 | — | 17 200 | 39 100 | 56 300 |
| | Per cent | 68.7 | 31.3 | — | 100.0 | — | — |
| 20-24 | No. | 15 200 | 7 200 | * | 23 200 | 33 800 | 57 000 |
| | Percent | 65.7 | 31.2 | * | 100.0 | — | — |
| 25-29 | No. | 9 900 | 7 300 | * | 17 700 | 35 000 | 52 600 |
| | Percent | 55.8 | 41.5 | * | 100.0 | — | — |
| 30-34 | No. | 6 800 | 7 600 | | 15 300 | 36 400 | 51 700 |
| | Percent | 44.2 | 49.6 | 1 700* | 100.0 | — | — |
| 35-39 | No. | 5 900 | 4 500 | 12.8 | 11 200 | 30 100 | 41 300 |
| | Percent | 53.2 | 40.2 | | 100.0 | — | — |
| 40-44 | No. | 4 100 | 4 400 | | 9 300 | 26 400 | 35 700 |
| | Percent | 44.4 | 47.6 | 1 600* | 100.0 | — | — |
| 45-49 | No. | 2 300 | 5 000 | 17.9 | 8 100 | 24 100 | 32 100 |
| | Percent | 28.1 | 61.9 | | 100.0 | — | — |
| 50-54 | No. | 3 500 | 6 500 | | 10 300 | 24 200 | 34 500 |
| | Percent | 33.9 | 62.9 | | 100.0 | — | — |
| 55-59 | No. | 3 500 | 4 600 | | 8 500 | 26 700 | 35 200 |
| | Percent | 41.7 | 54.6 | 1 000* | 100.0 | — | — |
| 60-64 | No. | 4 000 | 2 400 | 10.9 | 6 600 | 22 600 | 29 200 |
| | Percent | 61.2 | 36.7 | | 100.0 | — | — |
| 65+ | No. | 5 300 | 3 600 | | 9 100 | 69 400 | 78 500 |
| | Percent | 58.3 | 39.8 | | 100.0 | — | — |
| Total | No. | 72 292 | 58 500 | 5 400 | 136 000 | 367 900 | 504 100 |
| | Per cent | 53.1 | 43.0 | 3.9 | 100.0 | — | — |

[1]Includes non-smokers and females smoking pipes and cigars.

Note: Estimates replaced with the symbol * have a relative standard error greater than 50 per cent: estimates followed by the symbol have a standard error of between 25 and 50 per cent and should be read in conjunction with the notes in the 'Explanatory Notes' section.

Smoking rates were similar in males and females in the 15-30 and over 60 age groups. In middle age groups (30-60 years), smoking is more common among males who tend to be heavier smokers than females. The proportion of ex-smokers was similar in all female age cohorts but in males the proportion tended to increase with age, exceeding 50 per cent in those over 60 years.

The similarity in rates at younger age levels results from similar proportions of men and women taking up smoking whereas in older age groups the similar prevalence results from the high proportion of men who are ex-smokers.

Smoking Status of Metropolitan and Country Residents, June 1981

| Age Years | Proportion of Smokers Among Residents of | | | | | |
|---|---|---|---|---|---|---|
| | Metropolitan Adelaide | | Country Areas | | Total | |
| | Males | Females | Males | Females | Males | Females |
| 15-19 | 29.8 | 28.5 | 46.8 | 36.5 | 34.3 | 30.5 |
| 20-24 | 42.5 | 41.8 | 50.7 | 37.5 | 44.7 | 40.7 |
| 25-29 | 37.7 | 34.9 | 31.8 | 29.8 | 36.1 | 33.6 |
| 30-34 | 44.3 | 32.3 | 38.5 | 22.2* | 42.6 | 29.5 |
| 35-39 | 43.9 | 26.8 | 42.5 | 27.7 | 43.5 | 27.1 |
| 40-44 | 40.5 | 25.6 | 38.5 | 27.3 | 39.9 | 26.0 |
| 45-49 | 42.9 | 25.3 | 48.4 | 24.3* | 44.4 | 25.1 |
| 50-54 | 39.0 | 30.2 | 43.9 | 30.3 | 40.3 | 30.3 |
| 55-59 | 34.2 | 35.8 | 45.7 | 19.4* | 37.4 | 24.1 |
| 60-64 | 28.6 | 24.7 | 27.6 | 16.4* | 28.3 | 22.5 |
| 65+ | 33.0 | 11.0 | 26.1 | 13.3* | 31.1 | 11.5 |
| Total | 37.9 | 27.4 | 40.0 | 26.1 | 38.4 | 27.1 |

Note: Estimates replaced with the symbol * have a relative standard error greater than 50 per cent; estimates followed by the symbol have a standard error of between 25 and 50 per cent and should be read in conjunction with the notes in the 'Explanatory Notes' section.

There were high smoking rates in country males in the 15-19 and 20-24 year age groups but overall no significant difference in the smoking rates of country and metropolitan residents.

**The Hon. JENNIFER ADAMSON:** The main features of that survey are that as at June 1981, 32.7 per cent of the population aged 16 years and over were smokers, and another 19.4 per cent were ex-smokers. In the under 30 year-old age groups the proportion of females and males smoking was similar, but in the older cohorts considerably more males than females smoked. The proportion of very heavy smokers (over 40 cigarettes a day) among males increased with age, reaching about 13.9 per cent in the 35 to 54 age groups.

Overall levels of smoking varied little between metropolitan and country residents. Smoking was more common (in fact over 44 per cent) among blue collar workers than among white collar workers, where over 32 per cent smoked, and among those who had not completed secondary education compared with those who had. Of course, that information is of critical importance when it comes to devising health promotion programmes that will effectively reach their target audience. I seek leave to have those statistics that deal with the descriptions of those who smoke and when they smoke inserted in *Hansard* without my reading them.

Leave granted.

Question Asked of South Australian Residents, June 1981: At Which Time of the Day Do You Smoke Most?
(1) Males

| Age (Years) | | Same all day/Varies | Morning | Afternoon | Evening | Late at night | Total |
|---|---|---|---|---|---|---|---|
| 15-19 | No. | 2 800 | 1 400 | 3 300* | 12 300 | * | 21 200 |
| | per cent | 13.4 | 6.6 | 15.7 | 58.0 | — | 100.0 |
| 20-24 | No. | 4 500* | 2 700* | 3 400* | 12 300 | 2 100* | 26 600 |
| | Per cent | 16.8 | 10.0 | 13.0 | 49.8 | 8.0 | 100.0 |

Question Asked of South Australian Residents, June 1981: At Which Time of the Day Do You Smoke Most?—*continued*
(1) Males—*continued*

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 25-29 | No. | 5 300 | 1 000* | 2 400* | 9 800 | * | 19 100 |
| | Per cent | 27.8 | 5.5 | 12.4 | 51.3 | — | 100.0 |
| 30-34 | No. | 6 500 | 2 500* | 2 800* | 9 100 | 1 300* | 22 500 |
| | Per cent | 28.8 | 11.2 | 12.7 | 40.3 | 5.6 | 100.0 |
| 35-39 | No. | 9 200 | 2 000* | 1 800* | 4 600 | * | 18 900 |
| | Per cent | 48.4 | 10.5 | 9.6 | 24.3 | — | 100.0 |
| 40-44 | No. | 5 300 | 2 700* | 1 700* | 4 600* | — | 14 300 |
| | Per cent | 37.2 | 18.6 | 11.8 | 32.4 | — | 100.0 |
| 45-49 | No. | 7 000 | 2 100* | * | 4 600* | * | 14 900 |
| | Per cent | 46.9 | 14.3 | — | 30.6 | — | 100.0 |
| 50-54 | No. | 5 000 | 1 900 | * | 6 100 | — | 14 700 |
| | Per cent | 34.1 | 12.7 | — | 41.1 | — | 100.0 |
| 55-59 | No. | 4 700* | * | 1 200* | 6 400 | — | 13 100 |
| | Per cent | 36.0 | — | 9.5 | 49.2 | — | 100.0 |
| 60-64 | No. | 3 800* | * | 1 400* | 2 100* | — | 8 000 |
| | Per cent | 47.5 | — | 17.0 | 26.4 | — | 100.0 |
| 65+ | No. | 7 900 | 3 200* | * | 5 800 | — | 18 300 |
| | Per cent | 42.9 | 17.3 | — | 31.4 | — | 100.0 |
| Total | No. | 61 900 | 20 900 | 20 100 | 78 500 | 7 300 | 191 600 |
| | Per cent | 32.3 | 10.9 | 10.5 | 41.0 | 3.8 | 100.0 |

Note: Estimates replaced with the symbol * have followed a relative standard error greater then 50 per cent: estimates followed by the symbol have a standard error or between 25 and 50 per cent and should be read in conjunction with the notes in the 'Explanatory Notes' section.

Question Asked of South Australian Residents, June 1981: At Which Time of the Day Do You Smoke Most?
(2) Females

| Age (Years) | | Same all day/Varies | Morning | Afternoon | Evening | Late at night | Total |
|---|---|---|---|---|---|---|---|
| 15-19 | No. | 2 200* | 1 000* | 2 500 | 10 600 | 2 100* | 18 500 |
| | Per cent | 12.1 | 5.6 | 13.7 | 57.3 | 11.3 | 100.0 |
| 20-24 | No. | 1 800* | 1 700* | 3 500 | 15 000 | 1 600* | 24 100 |
| | Per cent | 7.6 | 7.2 | 14.7 | 62.5 | 6.9 | 100.0 |
| 25-29 | No. | 2 600 | 1 400* | 2 100* | 11 200 | 1 300* | 18 500 |
| | Per cent | 14.0 | 7.6 | 11.1 | 60.3 | 7.0 | 100.0 |
| 30-34 | No. | 2 500 | 2 700 | 1 300* | 8 400 | 900* | 15 900 |
| | Per cent | 15.9 | 16.9 | 8.0 | 52.6 | 5.6 | 100.0 |
| 35-39 | No. | 1 800* | 2 400* | 700* | 6 300 | 700* | 12 100 |
| | Per cent | 15.1 | 19.7 | 5.9 | 51.9 | 6.1 | 100.0 |
| 40-44 | No. | 1 600* | 1 000* | 700* | 5 900 | * | 9 400 |
| | Per cent | 17.2 | 10.9 | 7.8 | 62.5 | — | 100.0 |
| 45-49 | No. | 2 200* | 700* | 800* | 4 100 | * | 8 400 |
| | Per cent | 25.7 | 8.9 | 9.4 | 49.1 | – | 100.0 |
| 50-54 | No. | 2 700 | 1 800* | * | 5 000 | * | 10 400 |
| | Per cent | 26.3 | 17.0 | — | 48.3 | — | 100.0 |
| 55-59 | No. | 1 700* | 1 400* | * | 5 100* | * | 8 600 |
| | Per cent | 19.6 | 16.4 | — | 58.7 | — | 100.0 |
| 60-64 | No. | 2 300* | * | 700* | 2 900 | * | 6 700 |
| | Per cent | 34.5 | — | 10.2 | 43.0 | — | 100.0 |
| 65+ | No. | 3 200 | 1 200* | 700* | 3 600 | * | 9 200 |
| | Per cent | 35.3 | 13.1 | 7.8 | 39.2 | — | 100.0 |
| Total | No. | 24 800 | 16 000 | 13 600 | 78 100 | 8 200 | 141 900 |
| | Per cent | 17.5 | 11.3 | 9.6 | 55.0 | 5.7 | 100.0 |

Note: Estimates replaced with the symbol * have a relative standard error greater then 50 per cent: estimates followed by the symbol have a standard error or between 25 and 50 per cent and should be read in conjunction with the notes in the 'Explanatory Notes' section.

Question asked of South Australian Residents, June 1981: During what activity do you smoke the most?
(1) Males

| Age (years) | | After Eating | Social-ising | Watch-ing T.V. | Relax-ing | At Work | When Bored | Total |
|---|---|---|---|---|---|---|---|---|
| 15-19 | No. | 3 500* | 14 100 | 1 400 | * | 1 200 | * | 21 200 |
| | Per cent | 16.4 | 66.3 | 6.3 | — | 5.6 | — | 100.0 |
| 20-24 | No. | 2 800* | 16 600 | 3 100* | 2 100 | * | * | 26 600 |
| | Per cent | 10.4 | 62.4 | 11.7 | 8.0 | — | — | 100.0 |
| 25-29 | No. | 3 200 | 10 300 | 1 900 | * | 2 100* | * | 19 100 |
| | Per cent | 16.9 | 54.2 | 9.9 | — | 11.1 | — | 100.0 |
| 30-34 | No. | 5 800 | 8 800 | 2 200* | 5 100 | * | * | 22 500 |
| | Per cent | 25.8 | 39.1 | 9.8 | 22.5 | — | — | 100.0 |
| 35-39 | No. | 4 600* | 6 400 | 1 400* | 3 000* | 1 200* | 2 300* | 18 900 |
| | Per cent | 24.3 | 33.9 | 7.4 | 16.0 | 6.4 | 11.9 | 100.0 |
| 40-44 | No. | 2 700* | 6 300 | 3 300* | * | * | — | 14 300 |
| | Per cent | 18.6 | 44.2 | 23.1 | — | — | — | 100.0 |
| 45-49 | No. | 5 500 | 3 600* | 1 500* | 1 500* | 1 500* | 1 200* | 14 900 |
| | Per cent | 36.8 | 24.4 | 10.2 | 10.2 | 10.2 | 8.2 | 100.0 |
| 50-54 | No. | 6 100 | 4 700* | * | 1 200* | 1 900* | * | 14 700 |
| | Per cent | 41.1 | 31.9 | — | 8.3 | 12.7 | — | 100.0 |

Question asked of South Australian Residents, June 1981: During what activity do you smoke the most?—*continued*
(1) Males—*continued*

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| 55-59 | No. | 5 700 | 3 800* | * | 2 300* | * | * | 13 100 |
| | Per cent | 43.4 | 29.1 | — | 17.4 | — | — | 100.0 |
| 60-64 | No. | 2 700* | 2 200* | * | 1 400* | * | 1 300* | 8 000 |
| | Per cent | 34.0 | 27.5 | — | 18.0 | — | 16.0 | 100.0 |
| 65+ | No. | 4 800* | 6 500 | 1 800* | 2 900* | 2 000* | * | 18 300 |
| | Per cent | 26.2 | 35.2 | 9.6 | 16.0 | 10.9 | — | 100.0 |
| Total | No. | 47 300 | 83 300 | 17 200 | 22 000 | 12 800 | 9 000 | 191 600 |
| | Per cent | 24.7 | 43.5 | 9.0 | 11.5 | 6.7 | 4.7 | 100.0 |

Question asked of South Australian Residents, June 1981: During what activity do you smoke the most?
(2) Females

| Age (years) | | After Eating | Social-ising | Watch-ing T.V. | Relax-ing | At Work | When Bored | Total |
|---|---|---|---|---|---|---|---|---|
| 15-19 | No. | 1 800* | 13 700 | 1 200* | * | 1 000* | * | 18 500 |
| | Per cent | 9.7 | 74.2 | 6.5 | — | 5.6 | — | 100.0 |
| 20-24 | No. | 2 500 | 16 600 | 2 000* | 1 700* | * | 700* | 24 100 |
| | Per cent | 10.6 | 69.0 | 8.3 | 7.1 | — | 2.9 | 100.0 |
| 25-29 | No. | 2 100* | 11 600 | 2 000* | 1 800* | 800* | * | 18 500 |
| | Per cent | 11.4 | 62.7 | 10.7 | 9.5 | 4.1 | — | 100.0 |
| 30-34 | No. | 1 500* | 9 400 | 2 100* | 1 800* | * | * | 15 900 |
| | Per cent | 9.7 | 59.2 | 13.4 | 11.1 | — | — | 100.0 |
| 35-39 | No. | 2 100* | 6 400 | 800* | 1 700* | * | * | 12 100 |
| | Per cent | 17.6 | 52.9 | 6.2 | 14.4 | — | — | 100.0 |
| 40-44 | No. | 2 200* | 4 700 | 1 000* | 900* | * | * | 9 400 |
| | Per cent | 23.5 | 49.9 | 10.9 | 9.4 | — | — | 100.0 |
| 45-49 | No. | 2 400* | 4 300 | * | * | * | * | 8 400 |
| | Per cent | 28.3 | 50.8 | — | — | — | — | 100.0 |
| 50-54 | No. | 2 000* | 5 100 | 1 300* | 1 200* | * | * | 10 400 |
| | Per cent | 19.4 | 48.5 | 12.9 | 11.3 | — | — | 100.0 |
| 55-59 | No. | 1 700* | 3 800 | 800* | 1 400* | * | 600* | 8 600 |
| | Per cent | 19.6 | 44.5 | 9.0 | 16.1 | — | 7.1 | 100.0 |
| 60-64 | No. | 1 700* | 3 300 | — | 700* | * | * | 6 700 |
| | Per cent | 25.8 | 49.2 | — | 10.2 | — | — | 100.0 |
| 65+ | No. | 3 200 | 3 600 | 900* | 700* | * | * | 9 200 |
| | Per cent | 35.3 | 39.3 | 9.8 | 7.8 | — | — | 100.0 |
| Total | No. | 23 400 | 82 500 | 12 800 | 12 900 | 5 900 | 4 400 | 141 900 |
| | Per cent | 16.5 | 58.2 | 9.0 | 9.1 | 4.1 | 3.1 | 100.0 |

Note: Estimates replaced with the symbol* have a relative standard error greater than 50 per cent: estimates followed by the symbol have a standard error of between 25 and 50 per cent and should be read in conjunction with the notes in the 'Explanatory Notes' section.

**The Hon. JENNIFER ADAMSON:** The survey indicated that daily smoking patterns varied widely with age and sex, that peer and that social influences were the main factors that encouraged individuals to start smoking. This is, of course, significant when we look at the proposed legislation before the House. Also, health factors were the most common influences on people to stop smoking. It is interesting to learn that over 84 per cent of individuals who stopped smoking did so without direct support from friends or therapists. In other words, they took a personal decision and carried it out on the basis of what they believed to be in the best interests of their own health.

Very few female smokers stopped smoking during their last pregnancy, and about half, 45 per cent, did not change their smoking habits. Again, that demonstrates an area to which a great deal of attention needs to be paid if we are to improve the health of infants and reduce neo-natal morbidity and mortality, because there are direct links, scientifically proven, between mothers smoking and the pregnancy outcome. A total of 40 per cent of females who smoked during their last pregnancy, compared with 75 per cent of non-smokers, acknowledged that smoking by a pregnant woman harms the unborn child, but only 17 per cent of female smokers and 29 per cent of non-smokers felt that smoking during pregnancy causes more miscarriages.

The survey indicated that there was strong support for banning smoking in restaurants; that is, 75 per cent of non-smokers and 34 per cent of smokers supported the proposition of banning smoking in public places, and 77 per cent of non-smokers and 51 per cent of smokers supported the banning of smoking in public places. There was very strong support for anti-smoking campaigns in schools, and a majority of non-smokers and 40 per cent of smokers felt that taxes on cigarettes should be increased to pay for these educational programmes. I seek leave to insert in *Hansard* with out my reading them, the statistics that relate to the conclusions that I have just indicated.

Leave granted.

Most Important Reason Regular Cigarette Smokers Started to Smoke, South Australia, June 1981

| Reason | Number | Per cent |
|---|---|---|
| Because parents smoked | 1 400* | 1.4 |
| To see what it was like | 9 800 | 9.6 |
| Because friends smoked | 40 000 | 39.3 |
| To be sociable | 12 000 | 11.8 |
| In order to relax | 1 600* | 1.6 |
| To help concentration | 800* | 0.8 |
| Emotional stress/tension | 7 400 | 7.2 |
| To lose weight | * | |
| For image reasons/fashionable | 10 700 | 10.6 |
| Do not remember/know | 12 800 | 12.5 |
| Other | 5 000 | 4.9 |
| Total | 101 800 | 100.0 |

Note: Estimates replaced with the symbol * have a relative standard error greater then 50 per cent: estimates followed by the symbol have a standard error or between 25 and 50 per cent and should be read in conjunction with the notes in the 'Explanatory Notes' section.

Most Important Reason Regular Cigarette Smokers Stopped Smoking, South Australia, June 1981

| Reason | Number | Per cent |
|---|---|---|
| Expense | 6 700 | 8.2 |
| Smoking harmful to health cancer/heart disease | 23 100 | 28.7 |
| Cough/sore throat | 4 900 | 6.1 |
| Respiratory | 11 000 | 13.6 |
| Interferes with sport other activities | 3 200 | 3.9 |
| Non-related health reason operations/ pregnancy | 10 600 | 13.2 |
| Unclean | 2 400* | 3.0 |
| Social/Group Pressure | 3 100 | 3.8 |
| Other reason | 15 500 | 19.3 |
| Total | 80 300 | 100.0 |

Note: Estimates replaced with the symbol * have a relative standard error greater then 50 per cent: estimates followed by the symbol have a standard error or between 25 and 50 per cent and should be read in conjunction with the notes in the 'Explanatory Notes' section.

Major reasons for starting smoking were social influence of friends and peers 62 per cent and experimentation 10 per cent, whereas health related reasons 48 per cent and expense 8 per cent were the most common specific reasons for stopping smoking.

Main Method Used to Stop Smoking by Those Who Were Cigarette Smokers 2 Years Ago and are not Now Smoking, South Australia, June 1981

| Reason | Number | Per cent |
|---|---|---|
| Went to stop smoking group | * | — |
| Went to hypnotherapist | * | — |
| Took up exercise | — | — |
| Just stopped | 30 700 | 84.3 |
| Used self-help material | * | — |
| Received help from friends, etc. | 800* | 2.3 |
| Cut down slowly on number of cigarettes | 1 000* | 2.8 |
| Changed to low tar/nic. cigarettes | — | — |
| Changes to pipe or cigars | — | — |
| Other | 2 900* | 8.1 |
| Total | 36 300 | 100.0 |

Note: Estimates replaced with the symbol * have a relative standard error greater then 50 per cent: estimates followed by the symbol have a standard error or between 25 and 50 per cent and should be read in conjunction with the notes in the 'Explanatory Notes' section.

Opinions on questions concerning smoking and pregnancy, South Australia, June 1981
(1) Female Smokers who had a Pregnancy in the 10 years Prior to the Survey

| | Yes | | No | | Don't Know | | |
|---|---|---|---|---|---|---|---|
| | No. | per cent | No. | per cent | No. | per cent | Total |
| **Females Who Decreased—Last Pregnancy** | | | | | | | |
| Smoking by a preganant woman harms the unborn child | 7 500 | 48.6 | 6 100 | 39.6 | 1 800* | 11.8 | 15 400 |
| Smoking causes more miscarriages | 3 700 | 23.9 | 5 700 | 36.8 | 6 000 | 39.3 | 15 400 |
| Smoking causes smaller babies and more stillbirths | 7 000 | 45.4 | 4 200 | 27.1 | 4 200 | 27.5 | 15 400 |
| Infants of smoking mothers have more respiratory infections | 6 300 | 41.0 | 5 200 | 34.1 | 3 800 | 24.9 | 15 400 |
| Infants of smoking mothers have more chance of heart disease, cancer | 2 300 | 15.2 | 6 400 | 41.6 | 6 600 | 43.2 | 15 400 |
| **Females Who Increased—Last Pregnancy** | | | | | | | |
| Smoking by pregnant woman harms unborn child | 800* | 35.3 | * | | 800* | 35.4 | 2 200 |
| Smoking causes more miscarriages | * | | * | | 1 500* | 67.2 | 2 200 |
| Smoking causes smaller babies and more stillbirths | * | | 1 100* | 51.2 | 600* | 28.0 | 2 200 |
| Infants of smoking mothers have more respiratory infections | 900 | 40.6 | | * | 900* | 39.9 | 2 200 |
| Infants of smoking mothers have more chance of heart disease, cancer | * | | 700* | 30.9 | 1 000* | 47.6 | 2 200 |
| **Females—No Change—Last Pregnancy** | | | | | | | |
| Smoking by pregnant woman harms unborn child | 4 700 | 31.2 | 7 700 | 51.5 | 2 600 | 17.3 | 15 000 |
| Smoking causes more miscarriages | 1 600* | 10.4 | 8 200 | 54.7 | 5 200 | 34.9 | 15 000 |
| Smoking causes smaller babies and more stillbirths | 4 800 | 32.3 | 7 300 | 48.4 | 2 900 | 19.3 | 15 000 |
| Infants of smoking mothers have more respiratory infections | 3 800 | 25.6 | 7 800 | 52.0 | 3 300 | 22.3 | 15 000 |
| Infants of smoking mothers have more chance of heart disease, cancer | 2 100* | 13.9 | 7 200 | 48.1 | 5 700 | 38.0 | 15 000 |
| **Total, Females—Smoked—Last Pregnancy** | | | | | | | |
| Smoking by pregnant woman harms unborn child | 13 200 | 39.5 | 14 900 | 44.5 | 5 300 | 16.0 | 33 400 |
| Smoking causes more miscarriages | 5 600 | 16.6 | 15 000 | 44.9 | 12 900 | 38.5 | 33 400 |
| Smoking causes smaller babies and more stillbirths | 12 700 | 38.0 | 12 800 | 38.4 | 7 900 | 23.6 | 33 400 |
| Infants of smoking mothers have more respiratory infections | 11 300 | 33.9 | 14 100 | 42.1 | 8 100 | 24.1 | 33 400 |
| Infants of smoking mothers have more chance of heart disease, cancer | 4 900 | 14.6 | 14 700 | 44.1 | 13 800 | 41.3 | 33 400 |

(1) Includes persons smoking cigarettes, pipes or cigars

Note: Estimates replaced with the symbol * have a relative standard error greater than 50 per cent: estimates followed by the symbol have a standard error of between 25 and 50 per cent and should be read in conjunction with the notes in the 'Explanatory Notes' section.

Opinions on questions concerning smoking and pregnancy, South Australia, June 1981
(2) All Persons 15 to 50 years of age

| | Yes | | No | | Don't Know | | |
|---|---|---|---|---|---|---|---|
| | No. | per cent | No. | per cent | No. | per cent | Total |
| | Smokers(1) | | | | | | |
| Smoking by a pregnant woman harms the unborn child | 136 600 | 66.3 | 25 500 | 12.4 | 43 800 | 21.3 | 206 000 |
| Smoking causes more miscarriages | 49 000 | 23.8 | 35 900 | 17.4 | 120 900 | 58.7 | 206 000 |
| Smoking causes smaller babies and more stillbirths | 71 200 | 34.6 | 31 400 | 15.3 | 103 200 | 50.1 | 206 000 |
| Infants of smoking mothers have more respiratory infections | 83 100 | 40.3 | 39 700 | 19.3 | 83 000 | 40.3 | 206 000 |
| Infants of smoking mothers have more chance of heart disease, cancer | 66 200 | 32.1 | 44 200 | 21.5 | 95 500 | 46.3 | 206 000 |

Opinions on questions concerning smoking and pregnancy, South Australia, June 1981—continued
(2) All Persons 15 to 50 years of age—*continued*

| | Yes | | No | | Don't Know | | |
|---|---|---|---|---|---|---|---|
| | No. | per cent | No. | per cent | No. | per cent | Total |
| **Ex-Smokers** | | | | | | | |
| Smoking by a pregnant woman harms the unborn child | 78 600 | 74.8 | 6 600 | 6.3 | 19 500 | 18.6 | 105 000 |
| Smoking causes more miscarriages | 26 300 | 25.0 | 14 300 | 13.7 | 64 100 | 61.0 | 105 000 |
| Smoking causes smaller babies and more stillbirths | 44 700 | 42.6 | 10 900 | 10.3 | 49 100 | 46.8 | 105 000 |
| Infants of smoking mothers have more respiratory infections | 48 800 | 46.5 | 12 300 | 11.7 | 43 500 | 41.5 | 105 000 |
| Infants of smoking mothers have more chance of heart disease, cancer | 39 100 | 37.2 | 16 000 | 15.3 | 49 300 | 46.9 | 105 000 |
| **Never Smoked** | | | | | | | |
| Smoking by a pregnant woman harms the unborn child | 240 900 | 74.6 | 17 100 | 5.3 | 63 900 | 19.8 | 322 900 |
| Smoking causes more miscarriages | 94 200 | 29.2 | 32 400 | 10.0 | 195 300 | 60.5 | 322 900 |
| Smoking causes smaller babies and more stillbirths | 140 700 | 43.6 | 27 400 | 8.5 | 153 600 | 47.6 | 322 900 |
| Infants of smoking mothers have more respiratory infections | 150 100 | 46.5 | 29 900 | 9.3 | 141 600 | 43.9 | 322 900 |
| Infants of smoking mothers have more chance of heart disease, cancer | 131 100 | 40.6 | 37 300 | 11.5 | 153 500 | 47.6 | 322 900 |

(1) Includes persons smoking cigarettes, pipes or cigars

Despite common appreciation of the potential harm of smoking in pregnancy 45 per cent of females did not change their smoking habits in their most recent pregnancy and a further 46 per cent decreased their smoking but did not stop.

Opinions on Certain Questions Concerning Smoking, South Australia, June 1981

| Question | Yes | | No | | Don't Know | | No Answer | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|
| | No. | Per cent | No. | Per cent | No. | Per cent | No. | Per cent | No. | Per cent |
| | | | | | [1]Smoker's Answers | | | | | |
| Smoking should be banned in restaurants | 110 600 | 34.0 | 189 300 | 58.2 | 20 800 | 6.4 | 4 300 | 1.3 | 325 000 | 100.0 |
| Smoking should be banned in public places | 165 200 | 50.8 | 122 000 | 37.5 | 33 500 | 10.3 | 4 300 | 1.3 | 325 000 | 100.0 |
| Teachers smoke in classroom | 19 600 | 6.0 | 297 500 | 91.6 | 3 500 | 1.1 | 4 300 | 1.3 | 325 000 | 100.0 |
| Teachers smoke elsewhere in presence of children | 149 400 | 46.0 | 153 600 | 47.3 | 17 700 | 5.5 | 4 300 | 1.3 | 325 000 | 100.0 |
| Prevent children buying cigarettes | 271 000 | 83.4 | 41 000 | 12.6 | 8 700 | 2.7 | 4 300 | 1.3 | 325 000 | 100.0 |
| SAHC campaign to discourage smoking | 229 500 | 70.6 | 72 800 | 22.4 | 18 300 | 5.6 | 4 300 | 1.3 | 325 000 | 100.0 |
| Higher taxes pay for campaign | 110 600 | 34.0 | 108 800 | 33.5 | 12 300 | 3.8 | 93 300 | 28.7 | 325 000 | 100.0 |
| Education Department run anti-smoking campaigns in schools | 264 400 | 81.4 | 48 700 | 15.0 | 7 300 | 2.3 | 4 600 | 1.4 | 325 000 | 100.0 |
| Higher taxes pay for campaigns | 128 700 | 39.6 | 122 000 | 37.5 | 13 600 | 4.2 | 60 700 | 18.7 | 325 000 | 100.0 |
| Cigarette companies sponsor sporting groups | 246 100 | 75.7 | 58 100 | 17.9 | 15 800 | 4.9 | 4 900 | 1.5 | 325 000 | 100.0 |
| Cigarette advertising encourage more smoking | 139 600 | 43.0 | 159 100 | 49.0 | 21 900 | 6.7 | 4 400 | 1.4 | 325 000 | 100.0 |
| Approve of cigarette advertising at sports grounds | 170 600 | 52.5 | 109 500 | 33.7 | 40 600 | 12.5 | 4 300 | 1.3 | 325 000 | 100.0 |
| Youth leaders smoke when taking groups of children | 65 000 | 20.0 | 237 200 | 73.0 | 18 300 | 5.6 | 4 400 | 1.4 | 325 000 | 100.0 |
| Cigarette smoke affect non-smokers | 230 000 | 70.8 | 41 600 | 12.8 | 48 800 | 15.0 | 4 600 | 1.4 | 325 000 | 100.0 |
| Parents smoking affects children | 134 400 | 41.3 | 125 500 | 38.6 | 60 500 | 18.6 | 4 600 | 1.4 | 325 000 | 100.0 |
| | | | | | Ex-Smoker's Answers | | | | | |
| Smoking should be banned in restaurants | 122 900 | 63.8 | 56 600 | 29.4 | 10 000 | 5.2 | 3 300 | 1.7 | 192 700 | 100.0 |
| Smoking should be banned in public places | 138 400 | 71.8 | 39 800 | 20.6 | 11 300 | 5.9 | 3 300 | 1.7 | 192 700 | 100.0 |
| Teachers smoke in classroom | 3 100 | 1.6 | 184 800 | 95.9 | 1 500 | .8 | 3 300 | 1.7 | 192 700 | 100.0 |
| Teachers smoke elsewhere in presence of children | 72 400 | 37.6 | 103 800 | 53.8 | 13 300 | 6.9 | 3 300 | 1.7 | 192 700 | 100.0 |
| Prevent children buying cigarettes | 161 200 | 83.6 | 21 900 | 11.4 | 6 400 | 3.3 | 3 300 | 1.7 | 192 700 | 100.0 |
| SAHC campaign to discourage smoking | 157 100 | 81.5 | 23 500 | 12.2 | 8 800 | 4.6 | 3 300 | 1.7 | 192 700 | 100.0 |
| Higher taxes pay for campaign | 113 500 | 58.9 | 35 500 | 18.4 | 8 600 | 4.4 | 35 200 | 18.3 | 192 700 | 100.0 |
| Education Department run anti-smoking campaigns in schools | 162 600 | 84.4 | 20 400 | 10.6 | 6 500 | 3.4 | 3 300 | 1.7 | 192 700 | 100.0 |
| Higher taxes pay for campaigns | 118 700 | 61.6 | 35 600 | 18.5 | 7 900 | 4.1 | 30 400 | 15.8 | 192 700 | 100.0 |
| Cigarette companies sponsor sporting groups | 117 100 | 60.7 | 54 500 | 28.3 | 17 900 | 9.3 | 3 300 | 1.7 | 192 700 | 100.0 |
| Cigarette advertising encourage more smoking | 114 800 | 59.5 | 57 000 | 29.6 | 17 500 | 9.1 | 3 400 | 1.8 | 192 700 | 100.0 |

Opinions on Certain Questions Concerning Smoking, South Australia, June 1981—*continued*

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| **Ex-Smoker's Answers—*Continued*** | | | | | | | | | | |
| Approve of cigarette advertising at sports grounds | 75 800 | 39.3 | 94 200 | 48.8 | 19 500 | 10.1 | 3 300 | 1.7 | 192 700 | 100.0 |
| Youth leaders smoke when taking groups of children | 25 600 | 13.3 | 153 400 | 79.6 | 10 500 | 5.4 | 3 300 | 1.7 | 192 700 | 100.0 |
| Cigarette smoke affect non-smokers | 142 000 | 73.7 | 28 700 | 14.9 | 18 800 | 9.7 | 3 300 | 1.7 | 192 700 | 100.0 |
| Parents smoking affects children | 116 700 | 60.5 | 45 400 | 23.5 | 27 100 | 14.1 | 3 600 | 1.9 | 192 700 | 100.0 |
| **Non-Smoker's Answers** | | | | | | | | | | |
| Smoking should be banned in restaurants | 355 800 | 74.6 | 81 200 | 17.0 | 25 700 | 5.4 | 14 200 | 3.0 | 476 900 | 100.0 |
| Smoking should be banned in public places | 365 200 | 76.6 | 71 100 | 14.9 | 26 400 | 5.5 | 14 200 | 3.0 | 476 900 | 100.0 |
| Teachers smoke in classroom | 12 500 | 2.6 | 447 500 | 93.8 | 2 600 | .5 | 14 400 | 3.0 | 476 900 | 100.0 |
| Teachers smoke elsewhere in presence of children | 155 500 | 32.6 | 272 800 | 57.2 | 33 800 | 7.1 | 14 900 | 3.1 | 476 900 | 100.0 |
| Prevent children buying cigarettes | 406 400 | 85.2 | 44 600 | 9.4 | 11 500 | 2.4 | 14 400 | 3.0 | 476 900 | 100.0 |
| SAHC campaign to discourage smoking | 391 900 | 82.2 | 44 000 | 9.2 | 26 400 | 5.5 | 14 700 | 3.1 | 476 900 | 100.0 |
| Higher taxes pay for campaign | 298 300 | 62.6 | 60 700 | 12.7 | 33 900 | 7.1 | 84 000 | 17.6 | 476 900 | 100.0 |
| Education Department run anti-smoking campaigns in schools | 396 500 | 83.1 | 48 600 | 10.2 | 16 500 | 3.5 | 15 300 | 3.2 | 476 900 | 100.0 |
| Higher taxes pay for campaigns | 301 200 | 63.2 | 62 800 | 13.2 | 34 200 | 7.2 | 78 700 | 16.5 | 476 900 | 100.0 |
| Cigarette companies sponsor sporting groups | 270 500 | 56.7 | 141 800 | 29.7 | 49 700 | 10.4 | 14 900 | 3.1 | 476 900 | 100.0 |
| Cigarette advertising encourage more smoking | 303 900 | 63.7 | 113 300 | 23.8 | 44 800 | 9.4 | 15 000 | 3.1 | 476 900 | 100.0 |
| Approve of cigarette advertising at sports grounds | 166 500 | 34.9 | 228 600 | 47.9 | 66 900 | 14.0 | 15 000 | 3.1 | 476 900 | 100.0 |
| Youth leaders smoke when taking groups of children | 51 400 | 10.8 | 386 900 | 81.1 | 23 900 | 5.0 | 14 900 | 3.1 | 476 900 | 100.0 |
| Cigarette smoke affect non-smokers | 370 900 | 77.8 | 55 200 | 11.6 | 36 500 | 7.7 | 14 300 | 3.0 | 476 900 | 100.0 |
| Parents smoking affects children | 292 900 | 61.4 | 95 900 | 20.1 | 73 800 | 15.5 | 14 300 | 3.0 | 476 900 | 100.0 |

(1)Includes persons smoking cigarettes, pipes or cigars

The most marked differences of opinion on smoking issues by age and sex occurred on the questions of law enforcement regarding sales to minors, and on the use of taxes to pay for antismoking campaigns. Among 15-19 year old smokers 28 per cent were opposed to restricting sales to children, compared with 10.6 per cent of the remainder of the population. Opposition to taxing cigarettes for antismoking campaigns was most marked for 15-19 year old male smokers (28.2 per cent compared with 66.6 per cent of the remainder of the population supporting taxes for Health Commission programmes, and 31.3 per cent compared with 71.0 per cent of the remainder of the population supported taxes for Education Department programmes.)

**The Hon. JENNIFER ADAMSON:** The member for Mitcham may well be aware of those figures, but, if he is not, I point out to him that they are certainly relevant to the legislation before the House. Banning cigarette advertising in newspapers was supported by 49 per cent of non-smokers and 40 per cent of smokers, and is, of course, a significant figure. It demonstrates a considerable level of community support for the measure before the House. However (and this is important), it is of little use, I believe, to introduce a piece of legislation of this nature without a far more detailed analysis of the immediate results of such a proposition.

It is worth looking at what happened in Norway when bans were introduced on tobacco advertising. A period of four years elapsed between Parliamentary endorsement of total bans on tobacco advertising and the actual enforcement of that legislation. That is how long it took in Norway before there was Parliamentary endorsement of a total ban on tobacco advertising and the Act actually coming into force.

I think a glance at the Bill, which might be described as a hastily conceived Bill, will demonstrate that no thought whatsoever has been given to the very important issues that need to be considered if this measure, or a measure like it, is to be effective. I believe that before we can achieve the goal of a reduction in tobacco consumption a great deal more work needs to be done. As I say, early next year the South Australian Health Commission will embark on a thoroughly well-planned and comprehensive stop-smoking campaign, and it is encouraging to note the results of the survey which indicate that the conduct of an anti-smoking campaign, particularly in schools, received very strong support. The attitude of the public certainly reflects the Government's thinking, and the fact that the action of the Minister of Transport to prohibit advertising on State Transport Authority vehicles has been endorsed is one step in the right direction.

I am pleased to advise the House that the Food and Drugs Advisory Committee intends to recommend regulations that will place restrictions on smoking in food premises, which action will be well and truly welcome.

In short, it is our aim to establish non-smoking as the norm and smoking as an undesirable and anti-social habit. Most members will have received from the Tobacco Institute of Australia a letter dated 6 November that opposes the Bill. Although the Government does oppose the Bill, I would dispute some of the arguments that the Tobacco Institute puts forward. The institute claims that the South Australian Government, in its support for business, says that the best thing a Government can do for business (it is quoting from the Liberal Party policy) is to get out of its way and that under a Liberal Government South Australia will be open for business again. I draw the attention of the institute to the statement alongside that in the Liberal Party health policy which says:

> The Party recognised that a significant proportion of illness sufferred in our community could have been prevented had healthy habits of diet, exercise and responsible personal care been practised from an early age.

It is necessary, the Government intends to ensure, that there is a reconciliation between, on the one hand, allowing private enterprise the freedom to pursue its goals in a

responsible manner and, on the other hand, recognising in the interests of public health that certain actions need to be taken by Government.

I think that the letter from the Tobacco Institute and its stress on the efficiency of the present voluntary code need to be seen in the light of the fact that many public health authorities believe that there are deficiencies in the voluntary code. Again, I want to refer to the Health Ministers' conference and the action that we intend to take as a result of it.

As I said, the question of banning cigarette advertising was discussed at the Health Ministers' conference in Darwin. There was not general support for a complete ban amongst Health Ministers. However, Health Ministers did authorise the Tobacco Products Subcommittee, which is a Standing Committee of the Health Ministers' conference established in 1980, to pursue discussions with the industry on the development of a revised voluntary code for tobacco advertising. The reason for this is that the Health Ministers believe that the code in Australia should be brought up to date with developments in other countries and should particularly require manufacturers to abide by a code in Australia that is no less permissive than the code that they would have to abide by in the country in which their headquarters or multinational base exists. When I refer to the Health Ministers' support for the authorisation, I must exempt the Health Minister from Queensland, who did not support that proposition.

The development of an effective voluntary code will do much to remove problems that exist with tobacco advertising. Tobacco companies in Australia have much more freedom and licence under the existing code then they enjoy, for example, in the United Kingdom, where many of them are based. Strict controls especially to limit appeals to children and other at-risk groups have been developed. It is my hope, and it is certainly my intention as long as I am contributing to the deliberations of the Health Ministers' conference, to ensure that the Tobacco Products Subcommittee will have effective consultation with the tobacco industry and that the industry will recognise its public responsibility and will voluntarily impose on itself the same kind of regulations that are imposed upon the industry overseas.

The Tobacco Products Subcommittee met in Canberra last month. It is developing a revised code, which will then be negotiated with the tobacco industry. The committee will report back to the Health Ministers at the conference that will be held in Adelaide in March in 1982, and my fellow Ministers and I will be requiring action by that time. It is also important to note that the Health Ministers asked the Tobacco Products Subcommittee to report on the matter of indirect advertising, which, incidentally, is not addressed in this Bill. Anyone who has studied this question of tobacco promotion and advertising will know that the evasion of the spirit of Federal legislation that prohibits electronic media advertising of tobacco has been effectively (if one can use that word) undertaken by tobacco companies through their promotion of sport. I venture to suggest that, if this Bill is passed, there is nothing in it that will prohibit indirect advertising which is at present—

**Mr Millhouse:** Of course it would, because there couldn't be silly banners around the ovals and things.

**The Hon. JENNIFER ADAMSON:** There is nothing in the Bill that would prohibit that, and it demonstrates the member for Mitcham's naievety (I can use no other word) in believing that this legislation will be effective, because it could not be effective. He simply has not studied the activities of the tobacco companies. He quite clearly has failed effectively to devise any legislation that could put a brake on them.

**Mr Millhouse:** Now that is splitting an infinitive—it should be 'effectively to'.

**The Hon. JENNIFER ADAMSON:** There are times when splitting an infinitive is a positive relief as an alternative to a somewhat more vigorous action in respect of the member for Mitcham.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. JENNIFER ADAMSON:** The Health Ministers also voted funds to the Tobacco Products Subcommittee to undertake an additional survey to gain an Australia-wide public opinion on stricter controls on tobacco promotion and advertising. I hope that a national seminar on tobacco products can be held in South Australia, possibly next year, and I believe that the more activity that we can undertake to demonstrate quite clearly to people that not only is tobacco smoking an anti-social habit but also it is dangerous to health, then we will be going a long way further to reducing total consumption of tobacco than I believe we could achieve by adopting the ban on advertising that is contained in this Bill.

**Mr Millhouse:** Why can't we do both?

**The Hon. JENNIFER ADAMSON:** It may well be that in years to come the proposed ban on tobacco advertising is recognised as being effective. It is my belief that at this stage, as drafted in the manner in which this Bill is drafted, it would simply not be effective. I think that the tobacco companies would find it quite ironical and amusing that the honourable member should suggest that I am their prisoner.

I have already indicated the action the Government has taken. I have foreshadowed action that the Government intends to take and, in addition to what I have already outlined, I reiterate my announcement that we will be tightening restrictions on the sale of tobacco to minors when the Controlled Substances Bill is introduced into Parliament next year. I have indicated also that I will shortly have before me proposals from the Food and Drugs Committee to prohibit smoking in designated public places. I have indicated, too, that we intend to conduct a very thorough and comprehensive 'Stop smoking' campaign next year. I conclude by stating the cost, as far as we are able to ascertain it, to the community of tobacco smoking in South Australia.

At the Royal Adelaide Hospital it costs $12 000 000 annually to treat smoking-related diseases. That is one single hospital: it by no means covers the whole treatment of smoking-related diseases in South Australia. That figure of $12 000 000 does not take account of the total cost of the health system. It does not take account of the time lost through sick leave and compensation payments and impaired health that reduces efficiency at work, nor does it take account of insurance payments, cleaning costs, damage to furniture and equipment, or disability payments, but it gives some indication of the cost the community bears as a result of tobacco consumption.

As I have said, we are obliged to reduce total consumption. We believe that the most effective way to do that is through health promotion, edcuational measures, which can include not only information campaigns but also regulatory legislative measures such as those I have outlined. I know that among my colleagues there are those who are keen to see that goal of total tobacco consumption in South Australia reduced. The enthusiasm of the medical profession and public health authorities in Australia for these positive moves will result in that goal being progressively achieved.

I am unable to support what I regard as an ill-prepared and ill-conceived Bill. I suggest that the member for Mitcham should indulge in a far more considered study of this whole problem before he addresses himself to any legislative measure designed to remedy it.

**The Hon. D. J. HOPGOOD (Baudin):** I do not want to long delay the House, but the Labor Party wants to place on record the reasons why it will vote the way it will in the second reading, if the Bill goes to a vote. I sat listening to the Minister of Health throughout her speech, and my mind was grasping for the source of that biblical quote, 'Oh, how the mighty have fallen.' I think it comes from the book of Nahum, in which the Jewish prophet is exalting over the fall of Nineveh. We have seen a fall here today. If I can vary the metaphor, this Minister came in like a lion, and she is going out like a lamb.

We had promise of all sorts of wonderful things that would happen. We would all be taking cold showers and leaving a window open and, in particular, the 'smokes' would be out. Now we see the spectacle of that Minister who promised so much, who was, as it were, like Cleopatra on the elephant, with trumpets blaring in the background, now coming before us heaping apology upon equivocation. Does the Government so dislike the member for Mitcham that it is not prepared to at least attempt a scheme of amendment of his legislation in Committee? Is it not at least prepared to assist the member to that extent?

However, one wonders just how much assistance the member needs, because from time to time I have questioned his political ideology and I have questioned his nous and judgment. I do not question his expertise in matters relating to this place, the drafting of Bills and the way in which business should be handled in order to get a specific result. The member has been here very much longer than any other member, certainly very much longer than the Minister of Health. I suggest that that Minister chose perhaps the least secure ground on which to criticise the author of this Bill.

In particular, she instanced the seat belt legislation. I would have thought that what we have seen has been a campaign in the past few years in relation to the use of tobacco products, with which the Minister of Health has been predominatly associated, very similar to that which led to the seat belt legislation. She says that public opinion has to be prepared for such a move. I submit that probably public opinion is as prepared for this move as was public opinion at the time the seat belt legislation was introduced. That legislation was very much misunderstood at the time. To an extent it still is.

One of my colleagues, the member for Salisbury, in different circumstances this morning characterised the fact that one can always suggest that in certain circumstances if one was wearing a seat belt it was more likely that injury would occur, but people can also, if I can continue to quote him, win the lottery, and the odds involved in winning the lottery are about the same as those of being at greater risk wearing a seat belt than not. I instance this sort of argument to indicate that it is necessary from time to time that we talk in this way to people in the community who misunderstand that particular issue, which has already been settled legislatively. Naturally, there is still concern in the community about a legislative scheme such as this and whether it would achieve a particular result. That is, given the history of the other matter, no reason for not proceeding.

The Minister mentioned Denmark and the gap that existed between embarking on legislative initiative and when the whole thing came to fruition. That is only an argument for an early initiative, and nothing more. Get on with the job, if one knows there is some time before the matter will finally be tied up on the Statute Book. The Labor Party accepts that the passage of this Bill will not resolve the whole matter. What we would seek to do in Committee, if the Government would allow us to move the Bill into Committee, would be to move amendments that would ensure that the Bill could not become law until such time as complementary legislation had been passed in the other States and the Commonwealth. That would be a signal to other Legislatures around this country that South Australia was prepared to act and that they had better get their act together as well.

In any event, we support the member at the second reading stage with a view to bringing in that sort of amendment. I do not want to canvass it any further. I may even be out of order in doing so. I am a non-smoker. Amongst the many benefits given to me by my parents was that they educated me out of this sort of disastrous experimentation, and I have never regretted it. There is no doubt that tobacco is psychologically addictive and probably also physically addictive. Its deleterious effects on health have been well documented. We support the Bill at the second reading stage.

**Mr RANDALL (Henley Beach):** I would like to have half an hour to speak on my beliefs in this area, as I have done on a number of occasions during grievance debates. I think it is important that I record my agreement, in principle, with what the member for Mitcham is trying to do, but, knowing reality, what he is aiming at will not work. The Minister of Health quite rightly demonstrated that publicity and magazines coming into this State will contain tobacco advertising. The average South Australian wanting to read *Time* magazine would not like to see magazines taken off the market only because they contained cigarette advertising. Bearing that in mind, the Minister quite rightly has given an undertaking to this House that she is working on this problem.

If members were keen enough to walk down Rundle Mall, past the Pulteney Street car park, and enter the Healthy State shop front, they could stand inside a simulated lung and hear and see effects of smoke inhalation. They could move from the left to right lung and observe results of smoking and not smoking. That centre is new in this State, and anti-smoking forms part of its display, which members should see. I want to mention some things that are happening around Australia, because it is an increasing area of interest. People are making conscious decisions. I do not often agree with S.A.I.T. policy decisions. However, that group quite rightly has grappled with that decision and decided that it should encourage smoke-free zones in schools and school council and staff meeting areas. They, too, as teachers, are beginning to grapple with that area. In a broad spectrum, the community is setting up community groups of intended bodies and beginning to grapple with this whole area of what some see as an anti-social habit. In Victoria, a report has been prepared on tobacco smoking. The three main recommendations coming from that report are:

(i) Complete abolition of all forms of tobacco promotion.

(ii) A substantial increase in taxation on cigarettes at the State level. Such increase should be initiated now and announced as a health measure, and further consideration be given to differential taxation of cigarettes yielding more than 8 mg. of tar.

One point that is evident from overseas legislation in countries like America is a push that those who smoke should pay the taxes that cover health costs associated with it. They are talking of an increase of almost 50 per cent in the price of cigarettes, and that increase would be taxation applied to smokers to pay for health costs associated with smoking problems caused in the community. No doubt, there are causes, and I have not the time to document the sorts of results that the medical reports present in our community today that quite clearly show the link between cigarette smoking and the prevalence of lung cancer and other associated diseases, minor diseases as well as major ones.

Western Australia is a unique area, because a local council is beginning to grapple with the issue there. The Fremantle council itself commissioned a report entitled 'Community Smoking Report'. That local council thought that it could do something. This is one avenue which needs to be explored in South Australia, because local councils themselves, small bodies throughout the community, if they believe it necessary, can take action. They can take action on the regulation of their billboards. I see to my dismay and somewhat to my horror in a local council adjoining mine, the West Torrens city council, the mushrooming of advertising billboards that no doubt earn the council some revenue. As far as pollution goes, an advertisement has some form of community impact. It is pollution. Not only are they polluting in advertising, using large billboards and getting benefits from it, but they are endeavouring to put cigarette advertising on that. That is one area that the local council could grapple with. The local council could quite easily say that its policy would be not to encourage that form of advert.

Councils could also make sure that sporting grounds under council ownership were under strict control and that non-smoking advertisements were placed in those areas. They could also prevent (and this is one area which needs to be looked at by the Minister of Health and by other regulatory areas in the State, Government as well as local councils) the habit of the promotion and distribution of free cigarettes in public places. There is nothing worse than walking down to the local supermarkets to do shopping and being confronted by some pretty young lady and receiving the offer of not only one cigarette but in some cases a packet of cigarettes free. When one begins to discuss with this young lady her own habits, one quite often finds that she is not a smoker herself, and one puts a credibility question on that area. I think local councils can quite rightly grapple with that area of free promotion just as State Governments can. There are some areas which are challenges and which can be grappled with. Let us look at the United States of America. I refer members to this report from *World Smoking and Health:*

Smokers Should Pay the Health Costs of Smoking

Blake Cady, M.D. advocates a 53 cents 'health tax' on every packet of cigarettes sold, as a step toward smokers becoming accountable for their contribution toward a $3.7 billion total health care costs bill in Massachusetts. 5.8 million persons are currently apportioned this bill, where only 25 per cent of these persons actually smoke, and consider that 30 per cent of health care costs of smokers are directly related to their habit, and 10 per cent of all health care costs are smoking related, or $3.7 million.

It goes on and develops the argument as far as the United States of America goes. Again, unfortunately, I have not got the time to read it. Let us look now at what the Norwegian people are doing.

Figures published in Norway show a substantial drop in the number of school-children smoking after tobacco advertising legislation came into force in 1975. They grappled with it in 1975. What concerns me is to go down the street and see the number of school-children who are taking up this habit as a form of prop. We have not grappled with that at this stage. I quote from the Norwegian experience, as follows:

This Act banned all forms of advertising, stepped up health education, and provided more help to those wishing to give up smoking. Since 1957, the numbers of children aged 13-15 who smoke have been growing, with boys ahead of girls until 1975, when more girls were smoking than boys. Numbers have now dropped to a level well below that of 1975, with, once again, girls smoking less than boys. Action on Smoking and Health is urging the British Government to follow Norway's lead.

We today are urging the State Government of South Australia to follow this sort of lead that is given in an international sphere. I believe that, as a Government, we can draw up legislation that is complementary to legislation drawn up by all other States. That is why I found it interesting to note the Opposition Labor Party's stance on this issue. It is really saying, 'Pass the second reading; let us get it into Committee; let us make an amendment so that it lies in limbo until all the other States in Australia grapple with the issue, and then let us implement South Australian legislation.' The alternative that we put is that we should let the Health Ministers get together and formulate the overall complementary legislation that can be put into each State Government's legislation and then be implemented throughout Australia. In the end, I believe, both Parties are trying to resolve the issue, but in different tracks of time. With those few comments, I indicate to the House that, whilst I agree in principle with what the honourable member is trying to do, I cannot support the legislation at this stage.

**Mr MILLHOUSE (Mitcham):** I appreciate the support that the Labor Party members are prepared to give this Bill, and particularly the things the member for Baudin said in support of the Bill. The Government members, on the other hand, were simply full of excuses for doing nothing and that is because, in my estimation, they are simply, when the chips are down, the prisoners of the tobacco companies who give them money for their election campaigns, and nothing else. That is the whole reason.

The Minister of Health is full of words, but there will be no action at all. She knows, as I know, because I heard this at a seminar organised by the Health Commission when a world-wide authority campaigning against smoking spoke, that the first essential step in a campaign against smoking is to ban advertising. That is what was said time and time again. That was put on by her own unit that is to promote the campaign against smoking. She knows it as well as I do. If she were honest, she would accept that and accept the spirit of this Bill. If she wants to fiddle about with it in Committee because it has been poorly drafted by the Parliamentary Counsel, that is up to her. She can do it, but to run away from it altogether and say, 'Oh, no, we cannot possibly support this Bill, even at the second reading stage,' is sheer hypocrisy. As the member for Baudin has said, she came in like a lion and she is going out like a lamb. I commend the second reading to the House. If it is passed I will do the same with it as I did with the Motor Fuel (Regulation of Marketing) Bill, and we will see how we get on with amendments during the next session.

The House divided on the second reading:

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

Noes (21)—Mrs Adamson (teller), Messrs Allison, P. B. Arnold, Ashenden, Becker, Billard, D. C. Brown, Chapman, Evans, Glazbrook, Goldsworthy, Gunn, Lewis, Mathwin, Olsen, Oswald, Randall, Russack, Schmidt, Wilson, and Wotton.

Pairs—Messrs Corcoran and McRae. Noes—Messrs Rodda and Tonkin.

Majority of 1 for the Noes.

Second reading thus negatived.

## ROAD TRAFFIC ACT AMENDMENT BILL (No. 4)

Adjourned debate on second reading.

(Continued from 28 October. Page 1669.)

**The Hon. M. M. WILSON (Minister of Transport):** I will summarise the points made by the member for Mitcham, and he can correct me if I am wrong. This Bill seeks to institute a test of danger for joggers and the following four points summarise what we need to discuss. Under the existing legislation, a person shall not walk/run along a carriageway if there is a footpath on that road. As the honourable member stated, that section of the Act was drafted well before jogging became popular.

The honourable member stated that one of his running friends was eventually charged, I think, under that section, and he also stated that a lot of people seemed to be selectively charged. I believe that that is the expression used by the honourable member, or something along those lines. He stated that the police appear to be selective in the way in which they apply that section of the Act and that they have no power to suspend section 88, so consequently every competitor in an event such as the City-Bay run is breaking the law. I think that is along the lines of what the member said. In fact, he said many joggers breach the provisions of that section now, anyway. I believe that is a fair summary of the points made by the member in his second reading explanation.

I would like to deal with those comments, and I indicate at the outset that I intend to oppose the second reading of this Bill. Regarding fun runs and whether they are illegal under section 88 of the Road Traffic Act, I refer the member for Mitcham to subsection (2), which provides that subsection (1) does not apply to a pedestrian who is drawing or pushing a vehicle or leading an animal, or persons who are lawfully walking on the carriageway in a procession or an organised and controlled column or other formation.

**Mr Millhouse:** You would hardly call a marathon a procession.

**The Hon. M. M. WILSON:** There is an exception to that rule. I have not finished yet. I can tell the honourable member more, but I do not want to take up too much time, because we are running out of time. I point out to those members who are not aware of it that, under the definitions in the Road Traffic Act, 'walk' also means 'run', so that section is covered. Section 59 of the Police Offences Act provides for fun runs or marathons, and the honourable member may like to describe the Gawler to city marathon as such. I will not quote the whole section: the member can look at it if he so desires.

Regarding the test of danger, which is the nub of the question, I agree with the member that some people breach section 88 of the Act because they run on the carriageway. I might add that, when I attended one of the first random breath test installations in this State, which was well lighted, I noticed a bunch of runners (and I was very pleased to see them running, because it is a very good sport and keeps one fit). It was possible to see the joggers because of the lights.

I must say that they were running on the wrong side of the road and on a carriageway on which many fast vehicles were travelling. The runners were all over the place. I thought, and once again it was a subjective judgment, that that situation was extremely dangerous. I suppose that, if the member was to have his way with this Bill and if the test of danger was applied, it may be that those people could have been charged, because a test of danger may not have been proved in that case.

I believe it is extremely dangerous, and I know personally two families where members of the family have been killed while jogging. I do not say it was their fault; it may well have been the motorist's fault, but for two reasons I do not believe that we should allow this Bill to pass. I have admitted that it is being breached now, but by passing this Bill I believe it will encourage more dangerous situations to occur. I am very fearful that if joggers realise that there is a lessening of the law in this regard they will take greater liberties and therefore place themselves and maybe others at greater risk. Secondly, to apply a test of danger requires a subjective judgment by a police officer.

**The Hon. R. G. Payne:** To do the job now he has to act under reasonable suspicion.

**The Hon. M. M. WILSON:** Yes. Nevertheless, I do not believe that it is desirable in this case to require a police officer to make a subjective judgment, because what is the danger? How does he assess the danger, and how is their going to be consistency? I do not have to spell that out for the House, but it is a very difficult job. I believe that the answer to this problem is that the law should be administered with common sense; obviously that has to be the case. I have already had discussions, because of representations that the honourable member made to me before he introduced this legislation, with the relevant Minister and the relevant authorities to see that the law is administered with common sense. For those reasons, I believe that the legislation should be opposed.

**Mr BANNON (Leader of the Opposition):** I am surprised that the Minister is opposing this legislation. I have always felt that the Government's rather peculiar administrative arrangements linking health with tourism and things of that nature can create problems, and here is a specific example of that, with this very odd juxtaposition of the transport function with the recreation and sport function. I think that if the Minister placed his recreation and sport hat on his head he would take a different attitude to this Bill. Having his transport hat placed firmly on his head (perhaps over his eyes in this respect) he has not been prepared to look closely enough at what the legislation will achieve and the purpose behind it.

If this Bill represented some sort of licence for people, whether they be joggers or anybody else, to go racing around on the roadways, I think the Minister would be quite right to oppose it very strongly. Obviously, there is danger in running on the roads in a number of circumstances. Obviously, it is something that this Parliament should not encourage, but that is not what the Bill says. The Bill recognises that there are circumstances in which running on a footpath itself would be likely to cause danger and that if someone in those circumstances (obviously that that person would have to establish) is running on the roadway then he shall have a defence against section 88, which is not available to him at the moment. In other words, it is not a licence to run on the roads in all sorts of circumstances: it is providing a defence against a presupposition of the law as contained in section 88.

I think it follows from that that the Minister could well support this Bill and support its passage without in any way cutting across the principles of the Road Traffic Act or general principles of safety. Like the member for Mitcham, and like many other people (probably too few in this House, although it is a growing number—it is certainly a vastly growing number in the community), I do a lot of what is known as road running and cross-country running, and I know from my own experience, as do all runners, that there are times when running on the footpath itself is dangerous. The footpath may be extremely narrow and it may be in very bad repair or unmade. There may be a danger (and I know all runners have experienced this) in a narrow footpath, where there are a number of houses very close to each other or where there may be flats, and vehicles that suddenly come out very quickly from gateways and there are all sorts of hazards of that kind.

**Mr Slater:** Dogs.

**Mr BANNON:** Indeed, they can be a hazard, and sometimes it is judicious to move a few yards or so on to the carriageway itself in order to avoid a dog as it stands protecting its gate. For various reasons there are occasions when it is hazardous to run or walk on the footpath. I agree that common sense should be the rule in this and that in most cases it is probably exercised, but if a policeman is in a very zealous frame of mind and decides that he is going to look at this particular offence and do something about it and finds somebody in this situation, it is absolutely futile as the Act stands to point out that the runner was, in fact, far from increasing danger, which is surely what the Road Traffic Act is all about—to try and minimise danger—by going on to the carriageway he is improving his safety and indeed the safety of others.

At the moment he does not have that defence, and this Bill simply allows him to have it. I think that there is a lot of common sense in it: it recognises, as the member for Mitcham has pointed out, the increasing number of persons who are taking their recreation in this way and the fact that so many areas are just not conducive to running. Certain rules have to be observed by runners: they should run into the traffic and obviously, if they are on a carriageway, they should keep as close as possible to the footpath or the edge of the road. If running at night, they should be wearing light clothes, and various reflective patches, etc., are increasingly being worn by runners.

All these safety measures are instilled in those who are running, particularly those who are members of clubs or who subscribe to the various running magazines (and there are many of them): they are constantly at the forefront of their minds. Accidents can and do happen. Occasionally these rules are broken and people do so at their risk. Again, this Bill is not seeking to protect that: I believe that it heightens the consciousness of the need to run safely in all the circumstances, because the person knows that, unless he is running on the roadway in circumstances that are such that he is minimising danger and it would be more dangerous for him to be on the footpath, he is not going to do it.

I think the passing of this Bill and the publicity that could surround it coming into law would be very useful in raising safety consciousness of runners. What I have detected at the moment is a sort of growing resentment, particularly as word of mouth gets around, some runners believing that they have been harrassed, unfairly booked and unreasonably dealt with, and that resentment is partly caused through this feeling of impotence, that having been booked and not being able to persuade a policeman or whoever to exercise some common sense in the matter, you have nowhere else to turn; you have to plead guilty and cop it. That sort of resentment surely should be avoided in what is an activity from which the Government and the community must benefit, in terms of preventive health and recreation.

So, I think that there are a lot of good reasons why this Bill should be passed into law, why its provisions should be publicised widely and why it should be understood by people taking advantage of it that the test is still there. The onus is still on them; they must establish that the circumstances are such as would be reasonably likely to cause danger to themselves or any other persons running on the footpath.

There is the test: the law can still be enforced, but it can be enforced in a commonsense way. The resentment being caused at the moment can be done away with, and I believe that greater safety consciousness and a far more realistic approach can come from it. I strongly support this measure.

**Mr MILLHOUSE (Mitcham):** It is pretty obvious that the Minister of Recreation and Sport is no runner, or he would not have said the sorts of things that he said, and it is very obvious that the Leader of the Opposition is a runner because of the things that he said. He understands the position, and I appreciate what he has said in support of the Bill. I make a few points to the Minister of Recreation and Sport or Minister of Transport, in whichever capacity he was speaking. First, what he said about section 59 of the Police Offences Act is nonsense, and if the police have conned him into thinking that section 59 gives them the power to direct people during a fun run, marathon, or something like that, then they have misled him completely. Let me read the operative subsection of section 59, namely, subsection (2), as follows:

> The Commissioner of Police and the Mayor of any municipality and Chairman of any district council district shall have the power to give reasonable directions—

they both must do it—

> either in writing or orally or in any other manner for—

and this is what they can give directions for, not for running on the road—

> *(a)* regulating traffic of all kinds;
> *(b)* preventing obstructions;
> *(c)* maintaining order.

There is nothing mentioned there about suspending section 88 of the Road Traffic Act or letting people run on the road. It is absolutely absurd for the police to suggest to the Minister, as they obviously have done, that they have the power to allow fun runs to go on because of section 59. That would not stand up for a minute in court, if anyone were charged with it. Let there be no more of that. It is perfectly obvious that the police do not want this change. The Minister says that it would introduce some subjective test and he asks how would policemen decide whether or not it was dangerous. The Minister did not have any problem, he thought, in deciding that it was dangerous when he saw that group of joggers coming along, so why should not a police officer do that? Let me tell the Minister, as the Leader of the Opposition did, that there are many provisions in the Road Traffic Act which import a subjective test. Let me remind the Minister of perhaps the most obvious of the lot.

**Mr Slater:** Speeding.

**Mr MILLHOUSE:** Not speeding—that is not subjective; it is an objective test. I refer to driving on the left-hand side of the road. The relevant section provides that one should drive as near as practicable to the left-hand side of the road. Is not that a subjective test? Of course it is. Why should not this subjective test be put in the same way? The police do not have any trouble in administering that particular provision in the Road Traffic Act. That is the position, and the Leader is perfectly right in saying that if a man or woman is picked up for running on the road there is no defence at all. I tried this out myself a couple of weeks ago; I appeared for a friend of mine in the Adelaide Magistrates Court, and there was just no defence whatever to the charge. We looked every way that we could, and the magistrate was sympathetic; at least he decided that the thing was trifling and would not proceed to a conviction, and all the man had to pay was the costs, which came to about $30.

However, of course, it is not only the prosecution itself but the harassment on the road that occurs. If you are running and doing a time test and you are stopped by a police officer, it is a damn nuisance; it ruins the whole thing if some over-zealous fellow decides that he does not like the look of you or thinks you have gone too far or something, or just wants something to do, which is what happened to my friend. He was doing what he had done for years, running at Blackwood along the main road, and suddenly out of the blue one day he was picked up by a

police officer whom he had seen many times before but had never said anything to him at all.

I must say that I first became aware of this through that particular incident and through reading that the police had decided on a campaign against runners using the roadway. Some damn fool in the Police Department decided that it was a good thing. I would like to know who it was; I bet it was not a runner—maybe it is a good thing, I do not know—but, of course, the Commissioner of Police must wear it, it is his responsibility, and it was a silly thing for him to have done. I hope that the campaign is now over. Of course, this question of administering with common sense, and so on, is the very problem that I adverted to beforehand. I did not say that it was happening, but that it can happen. That is when discrimination can come into the matter: 90 people can be let off, but 10 picked up for it, and it is very undesirable that the law can be administered in that way. That is when it becomes a tyranny and when police officers can take it out on people just because they do not like them, or for some other reason. That is the bad part of it.

There is no harm whatever in this, and it would simply bring the law into conformity with what thousands of people are doing in Adelaide and in other parts of the State every day. If the law is not in conformity with practice and the practice is not doing any harm to anyone, then the law is an ass, and we make ourselves look foolish by refusing to bring the law into conformity with what is going on. That is all I am trying to do in this Bill. I know that it is too late now; the Liberals will have to vote against it, but I hope that the Minister, now that he has been told or, I hope, set right on a few of the points he made, will think again and that we can have another go at this in an attempt to get something done. If the Minister wants to change the provisions around a bit to save his own pride and not be embarrassed next time, I do not mind that, as long as we arrive at the same object. However, the way I have suggested that it be done in this Bill seems to me to be the most effective and sensible way to do it. I commend the second reading to the House.

The House divided on the second reading:

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

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

Pairs—Ayes—Messrs Corcoran and McRae. Noes—Messrs Rodda and Tonkin.

Majority of 2 for the Noes.

Second reading thus negatived.

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

## PREVENTION OF POLLUTION OF WATERS BY OIL ACT AMENDMENT BILL

**The Hon. W. E. CHAPMAN (Minister of Agriculture)** obtained leave and introduced a Bill for an Act to amend the Prevention of Pollution of Waters by Oil Act, 1961-1979. Read a first time.

**The Hon. W. E. CHAPMAN:** 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 major amendment contained in this Bill is intended to clarify the extent of the defence provision that may be available to a ships agent or master under sections 7c and 7d following a discharge of oil. Those sections provide a defence where a spill is caused by someone who is not a servant or agent of the defendant. Of course, the master and crew are not servants or agents of the ships agent, and the crew are not servants or agents of the master. It is the practice in the majority of oil spill incidents that the agent of the ship is charged with an offence under section 5 of the Act. As both the owner and master of the ship are overseas residents, it is impracticable to serve a foreign owner or master with proceedings. It is crucial to the effective operation of the Act to maintain a charge against the agent. If the agent is able to escape conviction by showing the owner or master to have caused the spillage then insofar as the Act attempts to rest liability on the agents, its operation will be rendered nugatory.

Section 5 has been amended to meet improved clean-up procedures with advanced equipment and further clarifies the section to ensure that no civil liability attaches to the Minister for any loss as a result of that action. The inclusion of the provision under section 16 for the onus of proof on the defendant of advising of an oil spill has been incorporated to correct previous deficiencies in this area.

A number of other minor but no less important amendments are made to the Act to meet administrative changes and operating procedures that have become necessary in previous oil spill investigations and proceedings undertaken. Clause 1 is formal. Clause 2 amends section 3 of the principal Act to incorporate a definition of 'Director-General', and a definition of 'harbormaster'. Clause 3 amends section 5 of the principal Act to provide, in addition to the removal and prevention of the discharge, authority to disperse or contain the discharge. It further provides that no liability is to attach to the Minister for an act or omission under this section. Clause 4 amends section 7a of the principal Act so that in the event of non-compliance with a notice from the Minister all parties will be liable for costs incurred by the Minister due to that non-compliance. The master of a ship, for instance, may be the only person served with the notice but it would be reasonble to recover costs for the agent.

Clause 5 amends section 7c of the principal Act to limit the availability of the defence that may be available to an owner, agent or master of a ship, following a discharge of oil into the sea. Clause 6 effects a similar amendment to section 7d of the principal Act, which concerns civil liability. Clause 7 amends section 10 of the principal Act to provide for advice of an oil spill to be given to the Minister, Director-General or the harbormaster, and accordingly provides a mechanism of direct advice to the department for immediate action in an emergency situation. The amendment also provides for certification of copies of records by the master as the responsible person for ship-board record keeping, and for the investigator in an oil spill incident to require any person to take oil samples on his behalf.

Clause 8 amends section 14 of the principal Act to achieve consistency with the provisions of section 10. Clause 9 amends section 16 to provide that in any proceedings the onus of proving that an oil spill was reported forthwith lies with the defendant. It is almost impossible to prove that a spill was not reported and, if the Act were strictly interpreted, it would be necessary to call the Minister as a witness in every case. The amendment also deletes a provision which could have pernicious effects, because it could

confer the presumption of truth on conflicting or self-serving statements. Clause 10 amends section 17 of the principal Act to provide the correct title of 'Director-General' for the permanent head of the department. Clause 11 effects a consequential amendment to clause 18 of the principal Act.

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

## PARKS COMMUNITY CENTRE BILL

Adjourned debate on second reading.
(Continued from 19 November. Page 2104.)

**Mr BANNON (Leader of the Opposition):** This Bill establishes the Parks Community Centre as a statutory body. The first point one might make in relation to the Bill is that we have here a Government which is constantly suggesting that there are far too many statutory authorities and a lot of red tape and Government regulation connected with it, but I think the fact that this Government is creating a new statutory body is a recognition that, whatever general rhetoric there might be about the role of statutory bodies or statutory corporations, they do in many instances have a vital part to play.

I do not think that we should in any way be concerned about the creation of a statutory organisation, provided its purposes are fully understood and its independent operation is justifiable, and there is certainly no doubt that, in the case of the Parks Community Centre, this Bill is long overdue. The establishment of the Parks as a self-regulating, self-governing centre is something which was believed to be crucial in its early days of formation and which has taken far too long to come into effect. It is true that most components of the centre have only been opened since 1979, but the history of the Parks Community Centre goes back well before 1979. It is one of those projects which involved not only the building of facilities and the co-ordination of capital works but also the development of a community and a sense of community.

The point is often made, but it is worth making again, that it is no accident that the Parks Community Centre is established where it is. I remember seeing a survey some years ago in which people in Adelaide were required to list suburbs in a descending order, from the most desirable to the least desirable, and about 120 suburbs were involved. Those suburbs which were at the bottom of the list, that is, those which were perceived (I might add that this is a perception rather than a reality—it was a city-wide survey), were all of those suburbs that were centred around the Parks area, and this was a recognition of the tremendous social problems that had arisen in that area.

It was a dormitory suburb established very rapidly at the time of an acute housing shortage after the war. Most of the houses were built by the Housing Trust on a standard duplex, double-unit model, which was cheap in all respects. It was not well designed, and the houses were not particularly well built, either. They were built in a hurry to alleviate a crisis. Into that area were pushed all the people who were in desperate need of housing. Many of them had problems with employment, many of them with family and other social problems, and so on. They were all gathered together in this area. One of the most notable features of the area was that it had absolutely no facility.

If you go down there today and look at Eli Street, down the middle there is a very wide median, which at the moment is grassed and on summer evenings you will find a lot of residents, be they younger residents playing cricket or football, or older people, and it is a very curious thing to see. It is a relay reserve, and the intention was to build a loop relay into the Mansfield Park and Angle Park area to provide public transport of an adequate quality into that area. The relay was never built, and the suburbs remained totally cut off from the rest of Adelaide. The only bus service was a private bus service which used extraordinary little buses, which were very irregular and totally inadequate for the sort of customer they were required to carry. It is only in the last two or three years that there have been regular bus services with proper S.T.A. buses servicing that area.

I have mentioned public transport, isolation and the quality of the housing. There were virtually no recreation facilities. The open spaces were overgrown paddocks. The sewage farm, which operated until 1961, was to the immediate east of the suburb. There was no swimming pool, no sports centre, no recreation hall, no artistic outlets and no cinemas. The hotels that existed were on Grand Junction Road, well out of the parameter of the suburb. All of these things created a kind of ghetto of difficulty and, therefore, it was no mistake which saw a Government seeking to create some kind of community centre and community facilities, going right to that spot to build the Parks Community Centre.

Absolutely basic to the whole concept of the community centre was the development of the sense of community. Many projects such as this in the past have resulted in the erection of facilities, the collection of various departments of State, schools and other local or regional facilities, in one sector and just plunked down in the middle, leaving the residents to use them as they might. The concept of the Parks Community Centre ws totally different. It was realised that, before one could establish capital works, one had to establish that sense of community among people. They had to know what they wanted. They had to be involved in the planning process, and into that terribly difficult environment was generated an enormous amount of professional energy and effort and community activity.

So, when the Parks Community Centre finally was erected as a series of buildings, when the prefabricated girls and boys technical high school had been carted away and a new school, a library (for the first time), swimming pool complex, recreation centre, theatre-cinema, health centre, child centre and dental clinic had all been gathered together in terms of physical facilities, there already was an active and vibrant community prepared and ready to use those facilities.

In the first stages they were a little reluctant to use them. I think that everyone agrees there was a shaking down period, a feeling amongst the community that the facilities, which were first class and intended to be first class, somehow did not really belong to them—that perhaps they used them by some sort of licence and they could not get involved in them too fully. I remember a lot of residents saying to me, 'It is marvellous that we have got the Parks; it does great things for our district, but I never go there. I would get lost if I went into that complex.' There was a feeling that somehow it was just a bit too good for the district.

I think that over the past couple of years, as the centre has developed, that feeling has dissipated and one does not find it any more. The people of the Parks have become very possessive, and properly possessive, about their community centre. All that groundwork that was laid in developing the sense of community spirit, through gala days and the establishment of a residents association, and so on, is now bearing fruit in terms of the way in which those facilities are being used, and, more importantly, transforming the social attitudes in the sense of self esteem of the people who live in those districts.

For all the teething troubles, it is very hard to find anyone who is prepared to say that the Parks Community

Centre establishment has not brought great benefits to the general standard of life within the district. When they say that, they are not just talking about the centre itself: they are talking about what happens in the houses that surround it. It is still an under-privileged area. The people there are still battlers, real battlers, in our society. There is still a far too high incidence of unemployment, of broken families, and of all sorts of social problems.

They are present but the community is coping with those problems in a far more effective way as a result of the establishment of the Parks Community Centre. That really must be recognised. Take just one small aspect of it, which was highlighted in the course of the Estimates Committees, when we were examining the line that covered the Parks Community Centre.

The member for Fisher asked the Minister about the incidence of vandalism at the centre. The implication was that in some ways the community did not really appreciate their facility because it was being vandalised or abused. On the contrary, the Minister was able to produce figures, which, on closer examination, proved to be grossly inflated. On the contrary, the evidence is that vandalism has decreased extraordinarily sharply in the area. For instance, the high school has one of the best records of any school in the State, cutting completely across the socio-economic structure of the population around it.

I remember, when I first became member for the district, complaining to the Enfield council about the lack of street trees in the area. I was told that in certain areas the council had tried time and again to plant trees, and there was just no hope because they were ripped out or vandalised. One should go to the Parks today and look at the centre itself and the surrounding areas. One will find not just trees but a complete greening of the area, a greening that has been respected and supported by the community, because at last they believe that it is theirs and that people care about their district, that the Government is providing the sort of services and facilities that the district needs, and that they have a hand in determining how those facilities are administered.

That background brings us to this legislation. This, in a sense, is the culmination of the process I have been describing, the development of a sense of community and community networks in the area, the establishment of facilities in a concentrated or centralised facility and, now, the time at which that facility is to be handed over to those that live and work there and use it to administer in their own right.

No longer must they defer to departments of Government or making special representations to the Minister about matters of trivia, regulatory details, and so on. The people of the Parks community, those who use the centre, can believe that it is really theirs. That is not to say that Government departments are not going to be continually and actively involved. Many dedicated professionals work in the Parks Community Centre, and they are serviced in terms of policy, equipment and ideas from departments such as the Recreation and Sport Division, the Health Commission, the Education Department, the Department of Further Education, the Department for Community Welfare, and so on. It is all part of the assistance that Government can give, and those professionals are very much part of the centre and are very much much involved in its management; also they have, quite rightly, a feeling of possession in terms of the centre. All that professional input is going in, but in turn it is meeting a response and an involvement from the residents themselves.

To have the Parks administered as a statutory body by its own board is the final step in the maturing of the centre. In some ways the centre cannot really be seen to be fully open for business until we get that board elected and installed and operating in all respects in the Parks community.

When I say that the Bill is overdue, I can only record with some regret that in the short time that I had as a Minister of the Crown I had charge of the centre and charge of drawing up the Act that would give effect to this self-government concept that is embodied in this Bill. It has taken this Government well over two years to review and present a Bill to this House. That Bill was fully drawn at the time that we left office. It was ready for presentation at the end of 1979.

When one looks at this Bill one finds that it contains many things which are identical to the provisions that were already drawn at that time and, as such, I would certainly support and endorse them. They make sense. It just seems a pity that it has taken so long to introduce this legislation. In some respects, we might still be waiting. There was no clear indication of the Government's intention to move, except for the fact that a crisis developed in the Parks earlier this year.

That arose out of the mini razor gang that the State Government had established to try to chop back expenditure in various areas, and it set to with a will in relation to the Parks Community Centre without really equating the social and other benefits that accrue to an activity such as this. It obviously put considerable pressure on the Minister to see whether or not the Parks, in whole or in part, could be sold off to private enterprise or could be leased by private enterprise.

That matter has been canvassed very thoroughly in this place before, and I will not take this occasion to go into it in any great detail today. Suffice to say that the two important things about those Government proposals are, first, that the Government backed away from its proposition. It took some time and it did this by stages, but in the end finally conceded that what it was on about was wrong and cut completely across the concept of the Parks Community Centre and therefore should not be persisted with.

Secondly, because those threats were made, because people saw that certain things were going to happen, as they believed, to the Parks Community Centre, they rallied around and demonstrated how much they valued it, and in the course of that demonstration, I believe, involved many more in the community in valuing what was going on and getting involved in it.

So, the end result of that threat to the Parks (and it was a very real threat some months ago) has been to help stimulate at a far more rapid rate the interest and commitment of residents to the project. I would imagine that there are more people using the library and the recreation centre and the other areas at the Parks as a result of those threats than there ever were before.

I am not prepared to find much fault with the Bill, because I believe, in terms of both the concept of the Bill and specific provisions dealing with the way in which the Parks should be administered, its function and powers and so on, that there is much to commend it. Obviously the Parks Community Centre will continue to rely, and rely heavily, on the allocation of money in the Budget. That is important, and that is money very well spent indeed. But, increasingly, the Parks is also generating its own revenue through its own activities, and that also is a welcome trend. However, it must never be seen as a substitute for the Government's showing its active and concrete support to the Parks in terms of budgetary allocation.

If I believed that the intention of this Bill was to allow the Government in some way to wash its hands of some sort of commitment to the concept of the Parks Community Centre, I would be opposing it very strongly. However, I

do not believe that that is envisaged in this Bill. It is simply a means of allowing those who live and work in it to control it and to make the decisions concerning it. That can only result in the Parks centre being used to a much greater extent and in its being valued much more highly by those who actually use it.

While I have said in general that I certainly agree with and support the Bill, there is one area in which I find that I am greatly disappointed. That is in relation to clause 5, which deals with the way in which the centre will be administered. This has obviously involved a lot of discussion at the centre itself. The concept that the previous Government had was that basically the centre would be controlled by those residents and users of the centre, that in addition there would need to be some form of representation from the various departments that work in the centre and service it, and that the staff directly employed there should have a voice and a role to play as well. That meant that in the original concept, in the 1979 Bill, the board was somewhat larger that the board proposed here, and it managed to embrace all those interests, and it also gave to the residents a very considerable voice.

The present Government decided that perhaps a management board should be smaller in size than that, and a lot of discussion took place around the concept of a board of about nine or so members, which does make some sense if we are talking about an administrative board that will make month-to-month decisions and will not simply be some broad consultative body rubber stamping things. So, I had no objection in principle to the concept of a smaller board of management.

However, when the Bill finally came before the House we found that, contrary to the size and composition that had been discussed and generally agreed in the community, the membership had been expanded. Indeed, it had been expanded in the case of Government nominees by one more person. I understand that the Minister of Health dug in her heels and said that there had to be a health representative on the board. That is fair enough; it is a major component of the centre. However, the group that stood out above all was that which was to be nominated by the Minister himself. In other words, there were to be three departmental representatives from the various departments, and one representative from the Enfield council. There were to be three members of the community and one member of the staff, as well four more members nominated by the Minister.

This is unacceptable to the Opposition because it gets away from the concept of the community running its own centre, which is a vital part of the whole philosophy behind the Parks Community Centre. It was never conceived that the Minister (whichever Minister could be seen in charge of such a conglomerate of functions) should be in a position of controlling that board by means of the nominations that the Minister would make. Yet, in effect, that is what is happening in this case.

The community representation is too low, and the nominated representation from the Minister is too high. In another place the Minister protests that it is not his intention to dominate the centre. It is simply to infuse business expertise and provide some flexibility in terms of who is on the board. I do not think that that is good enough. Under the procedures laid down, whereby users can nominate to be on a register and, in turn, vote or stand for election to the board, I should have thought that there was plenty of scope for proper community representation, and that the community would be searching for people with a range of skills. In addition, they would be bolstered by the nominees from the various Government departments. However, to put over the top of that a further category of Ministerial nominees is I believe quite unnecessary. It was certainly not something that was known to or discussed with the interim board that exists now. It was simply advised that this was the form in which the Bill would go in and that this was what they would have to cop.

That is a great disappointment, because it gets away from the concept of the Parks Community Centre as being something controlled and managed for and on behalf of the users of the centre by those very people who live and work in it. I believe that an amendment should be made, and at the appropriate time the Opposition move such an amendment. However, after making that fundamental criticism of the Bill, which I hope we will be able to fix up, let me say that in general terms this overdue Bill establishing the Parks Community Centre is to be welcomed, and we certainly support it very strongly indeed.

I mentioned earlier in my remarks the change that had taken place in the community as a result of the establishment of the centre. Unfortunately, at the moment we are not really able to measure that change. As part of the planning of the centre and its concept, evaluation studies were established and funds made available to carry them out. Indeed, the first stage of evaluation has taken place, and there is plenty of material for that. The vital stage of evaluation which looked at what has happened since the centre has been opened has not gone on. The Minister revoked the commission to the committee that was investigating it and denied it funds. Now he says that, if the interim board wants to pick up that project, well and good. However, I suggest that the Government ought to do this, irrespective of the board's desire.

I think that the evaluation of the centre, and by evaluating, determining not only whether it has been effective but also in what ways it could be made more effective, is absolutely vital to ensure that we get full value from the whole concept. It seems pretty cynical to go through the motions of establishing the basic ground work for a proper evaluation study and then cutting that off half way through. A very important further continuing investigation needs to be carried out, and the Government could do well to fund such an investigation. I am quite confident of the broad results that it will find. It will find that this magnificent concept, experimental, unique, and the result of the combined thinking and resources of Federal, State and local government bodies, will be seen to have been remarkably successful in an area that desperately needed, above all others, these sorts of facilities.

However, that must be evaluated in more precise terms, and one of the purposes of the evaluation will be to see what improvements and changes might need to be made. There is still a lot to be done in terms of the centre and its future, but, from the passing of this Bill, it will be done by those in the community, and, particularly, if we are able to establish a board of management which has on it the majority of those in the community, we will be able to do it more effectively. In commending this Bill to the House, I support the remarks made by the Minister, broadly in the second reading explanation, and say that we welcome it. We will support the Bill. The Opposition believes that the amendment that we will move is logical but does not affect the Bill in its broad thrust. I hope that the Government will find it acceptable.

**Mr HEMMINGS (Napier):** I support the second reading. The Leader has been rather generous in his criticism of the Government in respect of this Bill and some of the aspects of it. The Leader has just said that he was so pleased to get this legislation into discussion that he was not so critical as he might have been later. I do criticise the Government for the delay in introducing this Bill and for the insufficient consultation with the interim board at the Parks Community

Centre. From what I have been able to gather, there has been very little consultation with the interim board, and what consultation has taken place has been largely ignored in framing this Bill.

This Bill has been introduced at a time when there is uncertainty by those who work in the Parks Community Centre and by those who use it. There have been cuts in the State Budget which have resulted in the scaling down of some areas in the centre's operations; these have been made directly through reduced grant and indirectly through pay increases and other charges to the centre's income. As a result, a reduction of $200 000 has been made this year. The Parks Community Centre has been unable to appoint a new community co-ordinator, which is a vital position; nor can it appoint a manager for its multi-purpose theatre and entertainment area. It is ironic that that is the one area in which the centre can make a profit. At present it is hired out for conventions, product launchings, social events, wedding receptions, and other social activities.

There is ample evidence that the people who live around the Parks Community Centre in the old South Australian Housing Trust suburbs and beyond it are making good use of their centre, especially regarding sport. The Parks, with its playing fields shared by the high school and local clubs, has become an important sporting centre in the past year or so. It has its own teams playing local competition football, cricket, netball, and basketball. The various teams have helped to establish an identity and an involvement of local people. The Parks has a tennis and squash gymnasium and golf lessons, as well as swimming, and scuba diving, pinball, table tennis championships, yoga and disco dancing, and specialist fitness programmes.

The centre has not only these programmes, but it has also acted as a catalyst for other activities. It has promoted a growth in drama, for instance, simply by providing facilities in that area. The high school has such a strong drama department; several students have gone into semi-professional theatre; and this year four or five boys have applied for places at the National Institute of Dramatic Art in Sydney. That is not a bad record of achievement for persons coming from a disadvantaged area. Yet, despite all the uses and the success of the centre, there is still, as I said earlier, an uncertainty and suspicion of the intentions of this Government.

I must say that the community in the area covered by the Parks has every reason to be suspicious. The Minister (Hon. Murray Hill) has made very soothing statements at public meetings that always work. From the evidence that we have in this House, we know exactly what the Minister's true thoughts are. During the Estimates Committee meeting on 13 October, the Minister described the Parks Community Centre as one of the most wasteful projects in Australia. The Premier has even gone on record as saying that the Parks Community Centre is one of the most expensive exercises for a long time. In the second reading explanation the Minister said:

> 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 citizens of this State.

That is not compatible with what the Minister said before the Estimates Committee. A significant part of this Bill that concerns me is the formation of the board and the reasons behind its formation. I think we can find the Minister's true intentions if we study an article in the *Advertiser* of 10 November which I feel clearly shows the way in which the Government wants to railroad the decisions of the board in future years. That article, headed, 'Minister drops study on cost cuts at Parks', is as follows:

> Investigations into possible cost cuts at the Parks Community Centre would not proceed, the Minister of Local Government, Mr Hill, said yesterday. He said the investigation had not shown any areas for future savings 'at this stage'.
>
> Details of the investigation which began on 2 October, were leaked by the Leader of the Opposition, Mr Bannon, on 18 October. He released a letter from the Director of the Department of Local Government, Dr I. R. McPhail, to the centre asking for co-operation in an investigation of the centre and a review of the services provided.
>
> The letter says the department would assess 'the practicability of phasing out those services by transferring some, or all, of them to the private sector to operate, thereby minimising the impact on State Government assistance'. Statements by the Government have said the Government provides $1 500 000 of the centre's $1 900 000 budget.
>
> A Press release issued by Mr Hill yesterday says: 'Over the past month we have looked at the question of costing at the Parks Community Centre and it would appear that further savings cannot be achieved at this stage. Therefore I am not proceeding further with that particular investigation. I have been very impressed by the dedication of the staff and volunteers at the Parks. The whole organisation will settle down when legislation is passed to provide a new board for the centre. Cabinet approved the draft Bill to establish this board today and I hope to introduce the legislation into Parliament this week.'
>
> He would not detail the legislation or the proposed composition of the board which was to replace an interim board formed when the centre opened about four years ago.

In that newspaper article I think we can find or establish the true intention of the Minister in relation to the Parks Community Centre. The Leader has already stated in the House that we intend to move an amendment regarding the composition of the board, but if one looks at that article and knows the attitude of the Minister in relation to the Parks Community Centre and then allies the two together, one can see exactly what the Minister wants to do. The whole idea of putting on the board four members representing the Minister of Local Government clearly shows that the Minister intends to stack that board so that any decision that could be to the detriment of the Parks community can go through without any problem.

I said earlier that there was insufficient consultation with the interim board and that any consultation with that board was ignored by the Minister. When one reads the second reading explanation that was given to this House, one finds on page 2 one sentence that was hurriedly deleted. That is a very important point when we look at the Bill before us and the views of the interim board. I would like to quote the paragraph and then delete the part that the Minister hurriedly scrubbed out with his blue pencil. It says:

> 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. General agreement has been reached on all clauses of this Bill.

The sentence that has been deleted, the one that will not appear in *Hansard,* is the last sentence, which is:

> General agreement has been reached on all clauses of this Bill.

From what I have been able to establish, there was not general agreement. The Minister rode roughshod over the views of the interim board. Then we come to the other part. I often wonder whether inexperience, stupidity, or just the fact that the Government thinks that the Opposition is just going to let this thing go through is involved, because there was another deletion from the second reading explanation, and the Leader touched on that in his speech. The next paragraph stated:

> 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 11-member board.

Then, we know, the Minister of Health, because there was a community health centre at the Parks, decided that she wanted some involvement.

**The Hon. D. C. Wotton:** That's quite right, too.

**Mr HEMMINGS:** What did the Minister do? He scrubbed out 11 and made it 12. The Minister in charge of the Bill in this House might 'tut' tut', but we have the

second reading speech with the deletions and the additions on there.

**The Hon. D. C. Wotton:** I did'nt 'tut tut'. I said that it was quite proper that the Minister of Health should have representation on the board.

**Mr HEMMINGS:** If that is the case, the second reading explanation said:

> In the preparation of this Bill, officers from my department have consulted at length with the interim board.

That would be the last document that would have been produced, and suddenly, the Minister of Health says, 'I want one of my representatives on the board,' and the Minister in charge of the Bill says, 'Yes, that was quite proper.' It seems that this Bill was a hotch-potch. It has taken almost 20 months to introduce it into this House. We have amendments that were introduced earlier and are on file. We have further amendments of which notice was given yesterday, and the Minister is saying that it is quite proper. It seems to me that after 18 months, when this Government found it could not get agreement with the interim board, it decided that it wanted to do its own thing. It wanted to stack the board with Government members so that the community could not have a say. As a result, the debate in the other place produced a scurry of amendments that the Minister will introduce in the Committee stage, and I hope he explains exactly what they mean. We have had the second reading explanation, where there have been deletions and additions, and the Minister says that it is quite proper that the Minister of Health should have representation on the board.

**The Hon. D. C. Wotton:** You obviously don't believe that that is proper.

**Mr HEMMINGS:** I am not saying what I believe is right and proper, but, as a result of my dealings with the Minister of Local Government, I hate to say it, but I no longer have any trust in that Minister or in his motives. The Minister in charge of the Bill in this House says that it is quite proper that the Minister of Health should have representation on the board. I take it that, if it is quite proper that the Minister of Health should have some representation, he takes the same line with the Minister of Education and the Minister of Community Welfare.

A clause in the Bill, dealing with the Departments of Education, Further Education, Community Welfare and the Health Commission, states clearly that these agencies can continue to manage their own facilities and are fully responsible for their own programmes. There is no reason why, really, those departments should have any representation on the board, because they are fully covered by the clause in the Bill.

I will not canvass the representation on the board, because the Leader has covered that quite adequately, but one thing that does disturb me is clause 6. That covers the register of persons who use the centre and who are eligible to be placed on the register. We are dealing with the Parks Community Centre, yet, to get three representatives of the community, we have one of the most cumbersome methods of registration and election that I have ever seen in all my time in this Parliament, in local government or working for the community. If one were a cynic, one would say—

**The Hon. D. C. Wotton:** What do you mean by 'if'?

**Mr HEMMINGS:** The Minister says 'if'. It is a cheap line and he may have got a laugh from some of his backbenchers. He did not get one.

By clause 6, the three people who are representatives of the community, have to go through the whole electoral process that, in effect, we have to go through to be representatives in this Parliament. The whole thing is fraught with danger. It gives to the board the arbitrary power to decide, not so much who is going to go on the register, (they have the strict guidelines of who is going to go on the register), who goes off the register. The Minister is not really an expert in local government, but I see that the Director-General is here. He may be able to give him some advice, but clause 6 (5) provides:

> The board shall cause the register to be revised from time to time, and upon any such revision, may remove from the register the name of any person—

These paragraphs are fairly reasonable. They are:

> *(a)* who has requested that his name be so removed:
> *(b)* who has died, or resides in a place outside this State;
> *(c)* whose name does not appear on a House of Assembly electoral roll;
> *(d)* who no longer appears to reside at the address last known to the board;
> *(e)* who has become a member of the staff of the centre;

Then, this is where the crunch comes. The next paragraph is:

> *(f)* who the board believes has not used the centre for a period of at least three years.

That is an awfully sweeping power. The argument used in the other place was based on the person who used the library. That was a very simple example because, as members in the other place said, if a person goes and borrows a book once every three years, that proves that he or she uses the Parks Community Centre. What about a person who may use the swimming centre; a person who may go into the Parks Community Centre where he or she does not have to sign in, or anything else? There is no proof that that person may be using the centre every week, or two weeks or three weeks. There is no record.

The board is being stacked by Government nominees and can decide in an arbitrary fashion that that person no longer uses the centre. This is supposed to be a Government of the people (the small people, the little people) yet here we have a situation where there is a clause such that not only does a person who wants to be a member of the board have to register himself or herself so he or she may be eligible to stand, but the board is given the powers to take any person off if it thinks that that person has not used the centre for a period of at least three years.

I know that the Minister has said that this is the best way that we can ensure that genuine community representatives are eligible to stand for membership of the board of the Parks Community Centre. I pose a hypothetical question. Suppose a pressure group at that centre wished to exert some influence. It could not exert much influence, because, as I have said, the board is going to be stacked by Government nominees, but let us say the group wanted to get its three people elected.

It would be very easy to do that under clause 6, because most people who use community centres, especially the Parks, which is an underprivileged area, do not go there to register to be a member. They go there to participate in the activities, the drama, sport, or whatever activity is open to them. They do not consider it a criterion that when they go there that they should register so they can vote or be a member. What we are going to get is literally something like only 10 per cent being eligible, under clause 6.

That is wrong. The Parks Community Centre was set up as a joint venture between the federal Government, the State Government and local government, to provide a community service centre for the people of the Parks. But the Minister, who is hellbent on retaining direct control of what that board says and does, in effect, has severely restricted the community regarding, taking any part in the activities of that centre.

**The Hon. D. C. Wotton:** Why do you think we are setting up a statutory authority?

**Mr HEMMINGS:** We all agree that a statutory body is needed, but we are complaining about the formation of the

board when we have 12 members, eight being appointed by the Governor, and it is supposed to be a community centre. The Minister is not content with having three Government nominees and one from the Enfield council. He insists on having four of his own nominees. I remind the House of what he said in the other place. He wants to have strict control of what goes on down at that centre.

The Minister is usually a very smooth character and he handles himself fairly well, but occasionally he lets his guard down and he did in the other place when it was discussed and when the amendment was moved in the other place. He said he wanted to keep strict control of what goes on. Is that the democratic way? Obviously, the Minister in charge of the Bill thinks that is the democratic way, and I am sure that all the arguments that I (and possibly my colleagues) put forward will not even sway the Minister. I do not know what sport the Minister plays or whatever his community activities are, but if he was a tennis player and his local tennis club introduced, in effect, a constitution that resulted in such representation on that committee of his local club, he would be the first to say it would be the most undemocratic way. In effect, it deprives the ordinary people of any say. What this Government is saying is that the people of the Parks are not able to administer their own centre, and that they need the good fatherly advice of the Government. I have only one minute left, but when we are in Committee stage I will be probing more questions to the Minister on clauses 5 and 6. I hope that at least the Minister will see the sense of supporting our amendment concerning the number of people on the board of management.

**Mr WHITTEN (Price):** I support my Leader and the member for Napier, who have adequately expressed the Opposition's concern for this Bill. I am not knocking the Bill, but I hope that it will be better when it comes out of Committee. I hope that some amendments, which would greatly improve the Bill, will be accepted by the Minister. I support the Bill because I believe it is time that a statutory body was set up to manage the Parks Community Centre. It is a great complex in a deprived area. In that regard, I know what I am talking about, because I have lived in the area for more than 30 years. I have watched the Parks grow, as is the case with Athol Park, Mansfield Park, Angle Park, Ferryden Park, down to Woodville Gardens and across to Ottoway and Wingfield. As my Deputy Leader said, it is an area which was one on the lower socio-economic scale, a place where people were not keen to live. Those perhaps in the blue rinse set that we talk about would never go down there to live; they want to live at Burnside or down at Glenelg.

**Mr Mathwin:** Where did you get that one from?

**Mr WHITTEN:** I thought I might provoke the member for Glenelg with a little by-play and he certainly did come in. It is a great complex and they are a great lot of people down there. They are now getting what they deserve; they have some part of the complex, and I believe that when this Bill comes out of Committee they will further have something that they can say is theirs and that they control. I believe that people should have control of their own destinies and the centre should not be overlorded in any way.

My memory goes back to when that site and places around that area were open paddocks, covered in the main by box-thorn, with cows and plenty of rabbits around. Since then, many temporary homes have been built there by the Housing Trust in an endeavour to house those people unable to obtain housing immediately after the war years, in the early 1950s. At that time land was opened up. Many migrants from the Baltic countries bought land and settled there. They became great people in the community, very community-minded people. So, working class people who were unable to afford a home or accumulate enough money to buy one, together with those people of the Baltic community, most of whom came to Australia with very little money, but who were very industrious, are now the people who make up the community of the Parks area, and as I have said, they are a great lot of people.

The Parks Community Centre came into being through the initiative of the Australian Labor Government in co-operation with the State Labor Government, together with some contribution from local government. I think the Government showed a lot of foresight, and in particular I pay tribute to people such as Gough Whitlam in the Federal sphere, and to Don Dunstan and Hugh Hudson, who had a great input into the building of this community centre.

My only regret about the proposal at that time was that there were not two community centres built, as was proposed, one at Thebarton as well as the one at the Parks. I believed that they were necessary and I believe that it is still necessary that there be a centre in the Thebarton district.

However, we now have a centre that now houses not only a high school of good standing, but also the D.F.E., a sports stadium complex, a swimming pool, health services, the children's house, and legal services. Whatever the community needs is there. Also, the Department for Community Welfare has a district office, which is certainly well used, and I am very proud that it is down there. I have had some involvement with it over quite some time.

When we were discussing the Estimates, I was amazed to hear that the Minister, the Hon. C. Murray Hill, said that he believed that Parks was a wasteful venture. In fact, I looked back through what he said during the Estimates Committees, and, as reported on page 274 of the record of the House of Assembly Committee A sitting on 13 October 1981, he said that at $16 000 000 it was 'one of the most wasteful projects in Australia'. I don't know how one can judge use against money in the way that the Minister endeavoured to do, because I do not think he knows whether it is useful, because he immediately went on to say that he did not know whether it was being usefully used. On the same page of the record he said:

> I am not certain whether the local people are using the Parks to the full.

I believe that they are. I go there quite often and I believe that people are using it well and that it is a useful project. A month or two ago, there was quite a deal of concern in the community that perhaps the community centre might be sold or leased. I believe that the Minister put out this sort of rumour to test the feeling of the community or to see which way the wind was blowing, to see what the reaction was.

He certainly got a reaction, because the people of the community demonstrated that they wanted to retain their centre, that they did not want the profitable parts of the centre, such as perhaps the swimming pool, to be farmed out to private enterprise. They demonstrated that they wanted something that belonged to them, and after all, the question of people is the thing that is important and I certainly do not believe that money and the dollar is as important as people.

The community demonstrated its support and then the Minister had second thoughts. I think that the Bill is generally a good Bill. I believe that the centre should be a statutory authority or a corporation, but I believe also that the community should be involved to a greater extent than they are. I will come to that point later, and I also want to refer to clause 5 of the Bill, which deals with the board. However, in regard to the support given by people in the

community when they thought they might lose the centre, I think it is significant to read a letter that was published in the *Advertiser* of 23 October 1981. The letter stated, in part:

> When the Government cut finance to the sports complex it had to close during the day. This was when some classes, housewives and a host of other people used its pools, stadium, saunas and weight-lifting room.
>
> Also, if the facilities were unavailable, what would we do in our recreation time? If the facilities were sold local people could not afford to use them.
>
> The unemployed youth would be bored and on the streets with nothing to do, instead of being able to use our facilities positively.
>
> We hope this letter will draw attention to the needs of our community and that the valuable assets that we are currently appreciating will not be taken from us for the sake of profit.

That letter was signed by all the students and the teacher of a year 9 English class at that community centre. I think that demonstrates the feeling of the young people of the area. The incidence of vandalism in the Parks area has reduced greatly since this community centre has been in operation. At one time globes in the lamp posts were broken, graffiti appeared around the schools, schools were broken into, and fires were set, etc., but that is not now happening. I believe that is mainly because some facility can now be used by the young people. There has been a decrease in the incidence of vandalism in that area.

The Minister mentioned consultation. I do not know whether one of the other speakers on this side spoke about consultation with the community before the composition of the board was finally resolved, but I know that there was some consultation. The people involved did not agree with what the Minister has now come up with. I think tribute should be paid particularly to two people there, namely, Barbara Elleway, who has been the Chairperson of the interim board and, also, Peter Ashman. Those two people have for many years worked very hard, and they have done an excellent job, as I am sure the Minister, if he had any knowledge of this, would agree. I believe that the Director would know these people and would appreciate what has been done by them to assist the community.

Another matter that concerned me was the Minister's reference to the libraries. I think it showed a complete lack of local knowledge which the Minister has of the community and the Parks in particular. He talked about Woodville having a library, and a good library at that; indeed, it has more than one library. Enfield was also mentioned. On the same Estimates Committee A, page 275, the Minister said, when speaking about libraries:

> However, it is on the boundaries of two of our major council areas, namely, Woodville and Enfield. Each of those councils has its own facilities, anyway, apart from the Parks. For instance, Woodville has its own library, as has Enfield, yet we have this library on the boundary, and that is a facility that is taking up a lot of our funding.

If he had any knowledge of the area, he would know that the nearest Woodville library would be 3½ miles away and the Enfield library would be farther away again, but that library has been used by the people and children in that area. If the Minister only thought about this a little and gave it some consideration, he would know that those people would be deprived of library facilities if it were not for the Parks Community Centre. That is what has happened over many years: people in the area were deprived, and that is why the Parks area has been called a deprived area.

The final point I want to make on this matter is in relation to clause 5. I picked up an interjection from the Minister who has the carriage of the Bill in this House, when a reference was made to pressure being applied by the Minister of Health for a representative on the board, and she was granted an extra representative on the board. The Minister interjected at that time and said that that was quite proper. I am not arguing about that, as I believe that it is quite proper. What I do say, however, is that, if there is to be that sort to representation, there should be a representative of the Minister of Health, a representative of the Minister of Education, a presentative of the Minister of Community Welfare and a representative of the Minister of Local Government, and the Minister can nominate somebody from the Enfield council. He does not have to go completely overboard and say, 'I am going to overload this board and put on another four of my own.' That is what he is doing. I agree that the Minister of Health should have representation on the board, but there should not be an overloaded representation from the Minister of Local Government. In fact, he is going to have it so lopsided that he will have no support from the community.

The community should be running this centre with the assistance and guidance of the Government departments, but let us have a little sense of balance. Let us have a board which can be operable and not overloaded or top heavy, where the Minister will be able to crack the whip and say, 'This is what is to happen,' and it will happen. Let us have some input from the community on an equal representative basis, instead of the way it is intended under this Bill. I believe that the staff have done an excellent job at the Parks centre. Their representation of one may not be adequate, but at least they have representation. I do not think there is sufficient representation from the community. There should perhaps be more, but I do not want to see an unwieldy board of 12, which is going to be what the Minister wishes. I would hope that we will have a better Bill when it comes out of Committee. I do not think it is too bad now, but my main objection is to clause 5 and the representation on the board. I support the second reading.

**Mr PLUNKETT (Peake):** I support the second reading but, like my colleague who has just resumed his seat, I think the Government has gone to the extreme in overloading the board in its favour, and this is typical of the Minister and the Government. It has made certain that, wherever possible, it controls the boards that exist in this State. I know of other boards which this Government has made certain it controls since it has been in power; wherever it has had an opportunity, it has made certain that it has many of its faithful supporters on the board, unlike the previous Labor Government.

The Labor Government was fairer in that it said there had to be proper representation on a board. In the case of one board of which I was a member, one of the members passed away and was replaced by another Liberal, not a Labor supporter. That was when the Labor Government was in office, but when this Liberal Government came into office, that practice went by the wayside. I think that 12 on a board is too many, although I am pleased to see that three of the local people in the centre have been given an opportunity to be on the board. I was surprised at that, knowing the Minister, because it was announced here recently that there was a possibility that the Parks Community Centre could be sold to private enterprise. I would not have been at all surprised if this Government, under the Minister of Local Government, had done that, because this Minister, along with the present Government, would sell anything that was not nailed down. That has repeatedly been the attitude of the Government since it was elected.

Occasionally I have had the pleasure of playing golf on the course next to the community centre, and on some occasions I have had a drink at the hotel there. On such occasions you meet people from the community centre and people who live in this deprived area, and when you speak to them you find out how much they appreciate the Parks and the facilities there for their use. They would not have

had an opportunity to use such facilities if it had been a Liberal Government in office when it was planned. I can assure you that there would have been no Parks. It was only under the Dunstan and Whitlam Governments that the Parks was able to exist because I am sure that all members would recall what happened to the Thebarton Community Centre. That was a tragedy. Contracts had been called and, as soon as the Liberal Party came into office and the Minister of Local Government was appointed, the Thebarton Community Centre was scrapped.

Since then, we have not even been able to get a decent high school or get the Government to tell us what it is going to do with the high school that would have been a part of this complex. What a disgrace that is for this Liberal Government. Its members can hang their heads in shame, particularly the Minister. On one occasion I had arranged for a delegation to meet with the Minister, and of the three delegates I was the only person to whom the Minister would speak. His right-hand man here would be able to verify that, because he was present. He was the person to whom I spoke when the Minister refused to see anyone in that delegation other than me. That was over another matter, but I did approach the Minister concerning the community centre, but for many months was unable to get anything from that Minister until the Government eventually announced that it had decided that the community centre would not be built.

The Parks Community Centre offers a tremendous opportunity for people to be able to appreciate the things that the wealthy sections of the metropolitan area enjoy. They would never have been able to do that but for the Parks Community Centre. I hope that the Government has no ideas of changing the project. I hope that the amendments that have been proposed will be seriously considered by the Government and accepted. My colleague the member for Napier pointed out a few of the fears that he had. I have those same fears. Other people in the western areas who use these facilities could register to qualify to hold office if there was an election, and this is one of the clauses in the Bill that the Minister of Local Government would use to ensure that he got a particular person elected who would be another person he knows will support him.

I also agree with the member for Price that it would be much better for the Minister if he took the time occasionally to visit these facilities before he criticises them. As my colleague stated earlier, it was the Minister who said it was a waste of $16 000 000. That illustrates how much the Minister knows, but not only the Minister: I suggest that the people from his department who advise him should visit the community centre. If they did so and then advised the Minister, I am sure they would not advise the Minister to sell it to private enterprise or to change its set-up in any way.

I am very pleased to see that the local people will get some say in the running of the community centre, but I suggest that the Minister would be well advised in future, especially as this is an area in which he does not live and where he does not know about any facilities existing in the area, to visit the centre and speak to the people there and in the community, to see what they think of the complex. Unless he is much more two-faced than I think he is, he would not then be able to make some of the rash statements that he has made about selling the centre. Like many other Liberal members, when they find out how unpopular a decision or announcement is, they backtrack and say that in actual fact there was not a great deal of truth in it, and they did not want to sell it; they only wanted the $16 000 000 back.

I do not wish to delay this House much longer, because the previous speakers from the Labor side have covered most of the relevant points. I wished mainly to point out what this Government is doing in respect of the Parks compared to what it did with the Thebarton Community Centre, scrapping it immediately it took office. The Government should hang its head in shame for many years for depriving the people in the Thebarton area of the same facilities as the people at the Parks centre are now able to use, facilities such as a gymnasium, swimming pools, libraries, legal aid, health, arts and craft facilities, technical studios, child-care centres, a theatre and a mini-cinema. I support the Bill but I recommend to the Government that it accept at least some amendments.

**Mr LANGLEY (Unley):** In speaking to this Bill members may think that it is not in my area, but I happen to be on the Parliamentary committee involved with this Bill, and I was astounded, when I had an opportunity to visit the Parks Community Centre, to see people in action and what went on at the centre. Like most other members on this side of the House, I would like to have something similar in my own district, even though I think that the Unley area is reasonably well catered for. However, this is something that has been built and, whereas amenities provided in other areas may be confined, this development covers a very wide area, costing, as the Minister has said, $15 500 000.

I hope members opposite have seen it; if they have they will agree that it was money well spent. The project was co-ordinated by the Federal and State Governments of the day, which must be proud of their achievement, as I am sure people in the area are very proud of such a facility. It is very hard to pick a fault with the centre, and anybody who goes there will see how helpful members of the staff are. Especially with regard to sporting activities, one finds that the people there are so willing to help the younger people attending the centre.

The people in the area, coming mainly from low-income families, are looking after something that has been provided for them, and that is very important, especially when we hear these days of vandalism and other acts that occur elsewhere. People often wreck things for no real reason, but I am told that vandalism at the centre is negligible. The centre is one of which people in the area are very proud. It has been built with great foresight, and that foresight has been carried into full effect.

When people have a centre such as this in their district, they want to keep it. No-one likes to lose such a complex, although at one stage I was told by the people in the area that this might happen, or that the way in which they would like it to be run might be changed. As it is being run at present, I must commend everyone concerned there on the job they are doing. When it was thought that the centre's future might be in doubt, the Minister soon found out that he could be in a lot of trouble, and it did not take him long to change his mind. I think that the present proposal will prove a benefit to everyone in the district.

As members are probably aware, cricketers select the cricket team, and the same principle applies to football teams. Although the Government may not be giving the people concerned as much say as they would like to have, I think the Minister who is responsible for supplying the finance most likely has some balance of power in this matter, but I am not in favour of his having the balance of power such as he has on this board.

The Leader of the Opposition, who represents the district in which the centre is situated, has fought hard for his area and must be congratulated on what he has done, unlike the rubbishing he gets from our opponents in the Government during Question Time. The Leader is held in the highest esteem all over South Australia, and he has done a wonderful job in this respect. I am sure that every member

would like to have a similar centre in his own district, as it would be a great help to many constituents.

I can assure the member for Henley Beach, for instance, that, if he were able to secure from this Government a similar centre for his district, it might help him in some way at the next election. However, there is little money about for such projects; as the member for Peake has told us tonight, he was unable to prevail on the Government of the day to have one provided in his district.

I congratulate the Government on introducing this Bill, and support the second reading, and I hope that the few flaws in the measure can be ironed out in Committee.

**Mr ABBOTT (Spence):** I want to be very brief in speaking to this debate, as my colleagues on this side of the House have covered the Bill thoroughly. The Parks Community Centre is situated at Angle Park in the District of Ross Smith, just 100 yards or so from the boundary of my own District of Spence. I want to express my support for the measure and for this internationally acclaimed centre. The centre caters for a large number of people in a depressed area of Adelaide. The community services provided are of enormous value to all of the people in the area, particularly the low-income earners, the unemployed, the youth, the single parents and other disadvantaged people living in the suburbs of Angle Park, Mansfield Park, Regency Park, Wingfield, Kilburn and Prospect within the electorate of Ross Smith, and Athol Park, Woodville Park, Ottoway, Woodville and Woodville North within the electorate of Price, as well as Ferryden Park, Croydon Park, Renown Park, Dudley Park, Devon Park, Woodville Gardens and Kilkenny, all of which are within my own electorate of Spence.

It is quite probable that there are as many of my constituents who benefit from the Parks Community Centre as do constituents of the members for Ross Smith and Price. I was involved in many of the initial residents' meetings before any plans for the centre were drawn up and before the interim management committee was established. I saw the commencement of the centre, and I watched it grow and develop into the magnificent facility that it is today.

I am also aware of the tremendous value, the assistance and the enjoyment that my constituents derive from using the Parks Community Centre. The absence of legislation has clouded certain lines of authority, but as a corporate body it will have clearly defined powers, functions, duties and responsibilities. The centre has been well planned and well designed for efficient operation. It has been operating successfully for a number of years and credit for this, of course, is due to the centre's board, the dedication of the staff and the community involvement. I hope that that continues to be the case in the future.

I was very pleased to hear that the investigations into possible cuts at the centre would not be proceeded with. There is no doubt that the Minister backed down on this study because of the inevitable community backlash that would have resulted from it. I think it was shown that cutting costs and simply phasing out certain services by transferring some or all of them to the private sector to operate would inevitably lead to reduced income and reduced creditability for the centre as a whole, and ultimately an increased cost to the Government in the long term in maintaining an institution not regarded with favour by the community that it was supposed to serve.

There would have been a loss of function, a loss of income, a loss of credibility and an enormous community backlash. There are no grounds for cut-backs or for transferring services to the private sector. Rather, there is a need for additional funding so that the centre can meet the growing demand for the services that it provides, and there is a need for more of these community centres throughout South Australia.

It is very important that this Bill provides for direct community involvement in the management of the centre and, although the Government claims that the Bill does that, the Opposition has made quite clear that it is not happy with clause 5, which deals with the membership of the board; an amendment will be made to that clause in Committee. In a letter to the Editor of the *Advertiser* on 26 October, the Minister of Local Government (Hon. Murray Hill) said, in part:

> The centre has cost a total of $15 500 000 to build. This year the Government will pay $1 480 000 towards running the centre. The Parks board expects to receive at least $420 000 in fees and the total running cost will be $1 900 000.

This is a very large expenditure each year, and the Government has asked that the centre review some of the functions that it provides to see whether they might be able to be provided in a less costly way. The Minister went on to say:

> It was inevitable, at times of Budget restraint, that a study of this sort should be made and all expenditure closely scrutinised.

Quite a lot has been said about the cost of the Parks Community Centre, but I will not accept that argument at all. If we take the average cost of a new school, say $6 000 000 (and certainly the Angle Park area needed a new school anyhow), and if we were to build a new community welfare centre similar to the D.C.W. centres built recently at Enfield, Marion and Mount Gambier, all of which are quite large complexes, and a new health centre and library to service the areas to which I have referred, we will probably already be above the $15 500 000 cost of the Parks Community Centre.

I have not mentioned the other facilities, such as the swimming pools, theatres and cinemas, gymnasium, child-care centre, tennis courts, and other playing facilities that are contained within that great complex. I said at the beginning of my remarks that I would be very brief, and I will stick to that. I offer my support to the second reading of this Bill.

**Mr PETERSON (Semaphore):** Obviously, my electorate does not cover the Parks centre, although I know that some of the people from my area use the centre. However, I wish to speak from my knowledge of the area. I spent quite a bit of time in my youth with very good friends in that area, and I am well aware of what the area was like before the establishment of this centre. I remember the area when it was undeveloped. I heard the member for Price speak of the box thorn bushes and the sewage farm, as it was then called; they are clearly in my memory. I know of the problems experienced by the people in that area and the officials and the authorities at that time, with the frustration of youth and vandalism and violence that was rife.

The Parks centre has changed all this. It has provided an outlet for the energies of people who live in this fairly isolated area, and it is indeed a magnificent centre. Anyone who has been there would have to agree with that. I also believe that the concept proposed by this legislation is sensible. For a centre such as this to be run by the people involved in it is eminently sensible indeed, and I think that when it is amended in Committee it will provide for far better legislation and for a very successful future for the centre, with a far better provision of services and better use of facilities for the residents of South Australia.

Many comments have been made about the cost of running the centre. I believe that the benefits to the people of South Australia have been inestimatable. It has been a magnificent centre and, knowing the area before the establishment of the centre, and having some knowledge of the

area now and the benefits that have come from the centre, I think that any step at all that is taken to make it run better and to provide better services must be supported. I, too, support the second reading.

**The Hon. D. C. WOTTON (Minister of Environment and Planning):** We have heard a number of speakers on this subject tonight—a lot more than obviously was anticipated when we first came in to debate the Bill. I want briefly to refer to a number of matters that were raised. It is quite interesting that at this point of time not one member of the Opposition is in the Chamber. So, it does not show a great deal of interest on the Opposition's part.

The Leader of the Opposition has congratulated the Government on introducing this Bill. He said that it was long overdue; I will say more about that later on. He also said how attractive the area was. I can remember going down to have a look at the centre soon after it was completed, when the first of those involved had moved into the centre, and I agree with the Leader of the Opposition that many of the local people were almost suspicious of the centre itself. It was so large and overpowering and they wondered what it was all about. Much has been said tonight about the Government's attitude to the Parks Community Centre, and a number have suggested that the Government was anxious to sell off the Parks Community Centre. I can assure the members Opposite and the House that that is not the case. It was indicated that the Government was seriously considering this, and I think one member opposite said that this matter was even discussed in Cabinet. I assure the House, particularly members opposite, that the disposal of the Parks centre was never discussed in Cabinet.

The member for Napier went into another personal attack to which, as I said last evening, we are becoming accustomed that from that particular member, in regard to my colleague in another place. The honourable member has indicated that he has no trust in the Minister, and I believe that the member opposite should be ashamed of making statements like that. I do not think it reflects in any way anything of which the member for Napier could be proud. Much has been said by members opposite about the time that has been taken to introduce the Bill and that the previous Government was so keen to have the legislation introduced. When the Government came to office there was a draft piece of legislation that had not even been considered by Cabinet. So it is no good their blowing their bags that they would have liked to have it in. The fact is that when we came to Government the former Labor Government had a draft that had not even been considered by its Cabinet.

The Government has now produced a Bill, which we have before us. I am pleased to say that this piece of legislation is broadly acceptable to all parties involved. I commend the Minister responsible, the Hon. Murray Hill, for achieving this in discussions that he has had with the various members involved.

Mention was made of a reduction in Government funding. The reduction in Government funding is very small, while the total expenditure of $1 921 000 is an increase over last year's expenditure of $1 185 000. The Parks centre has shared the need for budget restraint, and I do not think that any member would deny the fact that there is a need for such restraint. It is only appropriate that the Parks centre should have shared that need.

Much has been said about uncertainty. Members opposite have said that they are suspicious about what will happen in relation to the future of the Parks Community Centre. They said that they were pleased that a statutory authority is being set up. How members opposite can be suspicious about the future when we are setting up a statutory authority to look after the Parks Community Centre I am not quite sure because, as they would understand, the statutory authority will operate quite independently. Certainly, the Minister disagreed with the basic cost of the centre, but that is history. The Government is now meeting its responsibility very actively, to maintain the centre and to assist its development. I would suggest that this Bill that we have before the House tonight is evidence of that.

Mention was made also of the Government's review. I suggest that that review has been very responsible. All expenditure has been under scrutiny. Perhaps the member for Napier, who referred particularly to the review, does not believe in the responsible review of expenditure. I do not know. That might have been the case, but I can assure you, Sir, that our Government is concerned about such matters.

The member for Napier referred to clause 6. I would ask how the honourable member would do it if he did not approve of the method as is recorded in clause 6. I question whether he perhaps would even go as far as holding a public meeting to do it. The Bill contains, I suggest, the best possible method for the very difficult task of ascertaining who is a local user. I think that we would all recognise that. The member for Napier referred to people who might come in and use a swimming pool, a sporting facility, or whatever the case may be. I suggest that the user, whether he be using a sporting or any other facility, surely would make his or her interest known if he or she was particularly keen to become involved electorally.

The fact is that the Government has taken action through the legislation, and the responsibility of the board in relation to the three-year period is an attempt to ensure that the roll is not cluttered. I do not know how the member for Napier would do otherwise. We certainly do not want a cluttered roll. We certainly do not want a roll that is cluttered with names or people who are not appropriate. Clause 6 quite adequately determines who should be on that roll. I suggest that the hypothetical question that the honourable member put forward in his argument in reference to clause 6 is quite nonsensical.

Even the local government rolls make it possible for pressure groups to take over. The member would realise that. There is certainly a desire that that should not happen to the Parks Community Centre. The local people believe that it is necessary to make sure that they do not get particular pressure groups taking over the facility itself. I will not say any more about what the member for Napier said, because I do not think it is worth while going into it in any more detail.

The member for Price referred to the library services in that facility. I make the point that not only do we support the library at Parks (it is a very excellent library) but also we have asked Enfield council to consider contributing to that library as well in the way of extra funds. This excellent library is very well run.

The member for Peake criticised the Minister for not visiting the centre. I suggest that not only has the Minister (Hon. Murray Hill) visited the centre frequently as Minister, but also he has attended on a number of occasions as a theatre user. That is generally recognised by the local people who attend that facility. I also make the point that departmental staff are frequent visitors to the Parks centre, and know the place very well. It is important that that should be the case, and that they should appreciate the work that is going on in the Parks Community Centre. I believe that this Bill is an excellent piece of legislation. The Government has taken its responsibility in bringing this legislation before the House. I commend the Bill to members.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Progress reported; Committee to sit again.

## INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL (No. 3)

Returned from the Legislative Council with the following amendments:

No. 1. Page 1, lines 10 to 12 (clause 3)—Leave out 'by striking out from the definition of "industrial agreement" in subsection (1) the passage "filed under section 108" and substituting the passage "made under Part VIII"' and insert:—

'*(a)* by inserting after paragraph *(b)* of the definition of "employee" in subsection (1) the following paragraph:

*(ba)* any person engaged to drive a motor vehicle used for the purposes of carrying goods or materials, whether or not that vehicle is registered in his own name and whether or not the relationship of master and servant exists between that person and the person who has so engaged him;

*(b)* by inserting after paragraph *(c)* of the definition of "employer" in subsection (1) the following paragraph:

*(ca)* in relation to a person referred to in paragraph *(ba)* of the definition of "employee", means the person or body, whether corporate or unincorporate, who engaged the person to drive the motor vehicle;

*(c)* by striking out from the definition of "industrial agreement" in subsection (1) the passage "filed under section 108" and substituting the passage "made under Part VIII";

and

*(d)* by inserting after subsection (1) the following subsection:

(1a) The Governor may, be regulation, declare that this Act, or any specified provision of this Act, shall not apply to or in relation to employees referred to in paragraph *(ba)* of the definition of "employee" in subsection (1), or a specified class of such employees, and any such regulation shall have effect according to its terms.'

No. 2. Page 2, line 9 (clause 4)—After 'of South Australia' insert ', the Retail Traders Association of South Australia Inc.'.

No. 3. Page 3, lines 39 to 43 (clause 9)—Leave out 'and substituting the following subsection:' and all subsequent words.

No. 4. Page 4, lines 1 to 19 (clause 9)—Leave out all words in these lines.

Consideration in Committee.

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

That the Legislative Council's amendment No. 1 be disagreed to.

I need to explain this long and complex amendment because it was not moved by the Opposition when the Bill was before this House. The effect of the amendment is to bring within the definition of 'employee' under the Industrial Conciliation and Arbitration Act those owner-drivers who are involved in road transport. In fact, I think it is appropriate that I read which classifications of persons would be involved. It is as follows:

Any person engaged to drive a motor vehicle used for the purposes of carrying goods or materials, whether or not that vehicle is registered in his own name and whether or not the relationship of master and servant exists between that person and the person who has so engaged him.

It also means that the definition of 'employer' is altered. A new paragraph after the definition of 'employer' is as follows:

In relation to a person referred to in paragraph *(ba)* of the definition of 'employee' means the person or body, whether corporate or unincorporate, who engaged the person to drive the motor vehicle.

The other proposed amendment from another place contains a machinery clause *(c)*. Then there is a final clause which gives the Governor certain powers to make regulations. I think I should also read that to the House. It says:

The Governor may, by regulation, declare that this Act, or any specified provision of this Act, shall not apply to or in relation to employees referred to in paragraph *(ba)* of the definition of 'employee' in subsection (1), or a specified class of such employees, and any such regulation shall have effect according to its terms.

The purpose of that amendment, as I understand it, from another place is (and we do not always get quite the gems of wisdom that they apparently sometimes express in another place) is to allow owner-drivers to be brought under the Industrial Conciliation and Arbitration Act.

**Mr McRae:** And not before time.

**The Hon. D. C. BROWN:** I know the views of the trade union movement and the A.L.P. on this subject.

**Mr McRae:** And your own back-bench.

**The Hon. D. C. BROWN:** We will come to that shortly. We will see who is correct. The effect is that owner-drivers are subcontractors who would be brought into the Act as employees. Of course that is opening up an entirely new concept of 'employee'. It has enormous ramifications and if no regulations were passed, it would automatically mean that all such owner-drivers would come under the Industrial Commission. I find that an interesting concept. I realise that for some time there has been a very strong battle, particularly by trade unions, against the concept of subcontracting. For instance, I know that for years in the building industry there has been an attempt to wipe out subcontracting to make employees all of those people who subcontract. Even if they were allowed to operate as subcontractors, at least it would put them under the same conditions as employees. Although they may still carry the official title of being a subcontractor, in fact, for all intents and purposes, they are employees. Of course, the Industrial Commission could impose on them fixed wage rates. It could set all sorts of conditions, as it has the power to do under the Industrial Conciliation and Arbitration Act. For instance, it would have the power to set down traditions for severance pay, notices for termination of any contracts, which are in fact industrial agreements, and—

**Mr McRae:** What's the problem if they want this?

**The Hon. D. C. BROWN:** I will come to that shortly. It would have power to allow the Industrial Commission to apply sick leave to be taken, and everything else. In fact, it goes beyond that, because my understanding is that this definition of 'employee' goes beyond this Act. I can think of at least several other Acts that refer back to the Industrial Conciliation and Arbitration Act for some of its definitions. I think the Long Service Leave Act is such an Act, but there are others as well. I suppose when looking at the intent of the final part of this (the regulating power), as I understand it, the desire of the other place was that perhaps it might be appropriate, if they were not to be brought under the Industrial Commission, for the Government to pass regulations.

I must correct what appears to be a false impression which has been very widely circulated in the community. If this amendment was passed and the Bill was passed, it would mean that owner-drivers in all aspects of the transport industry would immediately be brought under the full powers of the Industrial Conciliation and Arbitration Act. I say that because certain people have been under the misapprehension that only parts of the Industrial Conciliation and Arbitration Act would apply, and that under no circumstances would they be brought under the Industrial Commission. That is not so: people need to realise that.

A number of people have contacted me or my office and asked that very question. I must stress the point: if the amendment was passed and becomes law, it would mean that these owner-drivers would come under all aspects of the provisions of the Industrial Conciliation and Arbitration Act. In fact, it has wider ramifactions than that, because it would be picked up by certain other Acts, possibly Acts similar to the Long Service Leave Act. I stress that point,

because a number of us have received a memo, and I think it is appropriate that I read it to the House. This one was sent to me under the letterhead of the Road Transport Association Inc. It as follows:

Urgent Memo
To: Mr D. Brown, M.P.

We, as members of the South Australian Road Transport Association and major employers of owner-drivers, urge you to support the Legislative Council amendment number one in the Industrial Conciliation and Arbitration Act, Amendment Bill (No. 3) of 1981 relating to owner-drivers.

Failure to pass this amendment will place each member of the Australian Road Transport Federation and the South Australian Road Transport Association at risk with the Trade Practices Commission and in the public interest the *status quo* concerning owner-drivers should remain.

It is signed by a number of companies and employers, including Fleetexpress.

**Mr McRae:** What about the other telegrams that you got during the day?

**The Hon. D. C. BROWN:** I think there was one other telegram on the matter.

**Mr McRae:** Yes, the most important one. You haven't mentioned that.

**The Hon. D. C. BROWN:** If the honourable member thinks I have a telegram of which he is not aware, perhaps he might like to inform me which telegram I have apparently received, because I am not sure I know the one to which he is obviously referring.

**Mr McRae:** The one from Mr Achatz?

**The Hon. D. C. BROWN:** The memo was forwarded by Fleetxpress, Mayne Nickless, United Transport, T.N.T., Brambles, John Drings, George Wills, Ansett, IPEC and Northern Territory Freight Services.

**Mr McRae:** Commonly known in the trade as the throttlers.

**The CHAIRMAN:** Order! The Committee will have the benefit of the member for Playford when he has the call.

**The Hon. D. C. BROWN:** I am not sure whether we will get too much benefit out of him but we will certainly listen to him.

**The CHAIRMAN:** Order!

**The Hon. D. C. BROWN:** I was interested to receive that memo, and I contacted the Executive Director of the Road Transport Association (Mr Graham Alderman) and a number of members of that association have been to see me this evening. The part of the memo that concerned me in particular was the statement that, in the public interest, the *status quo* should remain. I pointed out to them that if this amendment was passed, the *status quo* would not remain and that in fact it would be an entirely new ball game where for the very first time owner-drivers and subcontractors were to be brought under the Industrial Conciliation and Arbitration Act.

**Mr McRae:** I'll bet you were only too happy to say that.

**The Hon. D. C. BROWN:** And under the commission. The member would agree that that is not the *status quo*, would he not.

**Mr McRae:** Certainly I would agree.

**The Hon. D. C. BROWN:** Thank you for making the point, because that is the very point about which there has been so much public confusion because so many of the owner-drivers, I understand, are under the false belief that the *status quo* will apply if this amendment is passed.

**Mr McRae:** Nonsense! Northrop told them to the contrary.

**The Hon. D. C. BROWN:** Well, the people who have contacted me seem to be under the false impression that that is the case. I am delighted that members opposite have really revealed their colours concerning this amendment. I am also interested that apparently they have been so shabby with their research that they did not pass the amendment earlier and it has had to be picked up in another place. I see they are getting rather excited about the matter.

**Mr McRae:** You throttled Mr Ashenden, the member for Todd.

**The Hon. D. C. BROWN:** The honourable member appears to be alive and well, sitting alongside me now and smiling, which is hardly a state of being throttled. I point out to members the very serious implications of such an amendment. I know that the trade union movement and the Labor Party (because it expressed such a view when in Government) would love to destroy the subcontracting system.

**Mr McRae:** Hear, hear!

**The Hon. D. C. BROWN:** The member has agreed to that. The member for Playford has agreed that the Labor Party and the trade union movement want to destroy the subcontracting system as it applies in the transport industry, the building industry, the insurance industry, and in most other industries.

**Mr McRae:** Hear, hear!

**The Hon. D. C. BROWN:** Fine, so long as we clearly understand exactly what the Labor Party in this House is supporting tonight and why they are supporting it in another place. It is for that very reason that the Government has become very suspicious of this amendment and is going to oppose it. I must say, though, that Mr Graham Alderman, who has been to see me here, and also the State Managers of Fleetxpress and Mayne Nickless, having been told that the *status quo* would not apply, but that an entirely new ball game will apply, have expressed their belief that they do not want to come under the Industrial Conciliation and Arbitration Act and do not support this amendment.

**Mr McRae:** I bet they don't.

**The Hon. D. C. BROWN:** Well, obviously, they have been fooled into believing it, owing to false information.

**Mr McRae:** They have thwarted their employees for years.

**The Hon. D. C. BROWN:** That is a matter that the member should take up with those companies, but I think he is showing his usual reactionary style in which he makes gross exaggerations, in fact, untruths, which anyone could knock down with no trouble at all.

**Mr McRae:** You do not have any staff at all here tonight; at least the other night you had a couple.

**The CHAIRMAN:** Order!

**The Hon. D. C. BROWN:** We do not need them, Mr Chairman. When we are dealing with the lightweights opposite there is no need for any backup staff. It is for that reason that we oppose the amendment and I hope that all members now clearly understand its intent. One other area needs to be touched upon briefly. That is that, because of a High Court ruling, there are likely to be some problems with principal contractors of owner-drivers and the Trade Practices Commission. I do not for a moment deny that there may not be problems in that area. I would simply highlight to the companies involved that they need to obtain detailed legal opinion on the nature of those problems and look at other ways of solving them.

*Mr McRae interjecting:*

**The Hon. D. C. BROWN:** Well, there are numerous other ways of overcoming those problems. I simply warn and urge those companies to seek legal opinion and look at how else they can overcome those problems with the Trade Practices Commission in terms of any agreement. However, it is the view of the Government that this amendment should be opposed at all costs.

**The Hon. J. D. WRIGHT:** Mr Chairman, it may surprise you and other members that we agree with the amendment and therefore are in total disagreement with the Government. One of the reasons used by the Minister when he

commenced his comments about his opposition to the amendment was that the Opposition did not do its homework in the first place and did not move this amendment here, but an amendment which was subsequently moved in the Legislative Council: I think that is a very feeble excuse; to me that does not seem to be an excuse at all. However, as we unfold the story we may find out why the amendment was not moved by the Opposition here and why the Opposition was forced finally to move it in the Legislative Council. I think there may be some embarrassment about that for some of the back-benchers and also probably about the Minister's role in this whole thing.

There is a history to this problem. It is not a new problem in industrial relations: it has been around for quite a long time. I recall trying to do something for the concrete carters employees when I was Minister of Labour and Industry, and that concept would have given protection to the employees in the industry, but it was totally rejected by the Liberal Party at that time, on a philosophical viewpoint, of course, and was thrown out of the Legislative Council without any amendment and with not even an opportunity for a conference. At least on this occasion we are afforded the opportunity of having a conference on the matter. That is another point that I will come to later. The history of this simply is that over the years the industry has changed.

There were occasions, of course, when all the people who are employed in the industry whom we know as subcontractors were in fact employees of the employers at that time and, in order to cut costs and reduce overhead expenses, the employers decided to go into the subcontracting situation, and to the best of my knowledge that procedure is probably 15 or 20 years old; it may even be younger than that, but historically, the people we are now talking about did have the opportunity of being covered as employees and therefore of having full coverage by the unions and consequently being covered by some award. The system changed, and, there being no regulatory rights for those people over the past few years, chaos has entered into that particular industry. I have that information on the authority of Mr Achatz, the accountant looking after the affairs of the T.W.U.

**The Hon. D. C. Brown:** I do not think that is how it is pronounced.

**The Hon. J. D. WRIGHT:** I may have mispronounced his name but we all know who we are talking about.

*Mr McRae interjecting:*

**The CHAIRMAN:** Order! I suggest that we do not hear any more from the member for Playford.

**The Hon. J. D. WRIGHT:** Mr Achatz described very ably in a letter to Mr Milne of 3 December just what was happening in the industry, and what chaos there is, and how that chaos, the cut rates in that area, and the undercutting by each of the particular subcontractors brought about a situation in the industry which was untenable and which subsequently forced the blockade in the industry. I do not know whether the Government wants to return to those days. It appears to me that the attitude now taken, and it is a new attitude, over the last few days by the Government—

**The Hon. D. C. Brown:** What?

**The Hon. J. D. WRIGHT:** We will establish that in a moment. Nevertheless, if the Government wants to return to those days, well and good for the Government, but the responsibility—

**The Hon. D. C. Brown:** What do you say the Government has changed? The Government has not changed its mind.

**The Hon. J. D. WRIGHT:** The responsibility is fairly and squarely on the shoulders of the Government. Nobody else can take any responsibility. Something that has been said in relation to the attitude of the trade practices regulations applying in this particular area and I just want to read from Mr Achatz's letter, as follows:

> Twelve months after the blockades it was found that although the owner-driver associations had been given an authority under the Trade Practices Act to be able to set freight rates and conditions, no conditions or freight rates had in fact been passed on to owner-drivers because transport companies and employer groups refused to negotiate freight rates and conditions with owner-driver associations and in particular the Australian Road Transport Federation reiterated at that time that the only party that they would discuss conditions and rates with would be the Transport Workers Union of Australia.

We have irrefutable proof that that particular organisation wants to deal with the Transport Workers Union itself. I have been handed a letter today in relation to the trade practices situation in this matter, which needs to go into *Hansard*. It clears up this particular point, I think once for all. The letter is addressed to Mr Achatz:

> I refer to your telephone discussion with Mr Richard Townsend of my office concerning the application of the Trade Practices Act to particular aspects of the transport industry.
>
> 2. The commission has dealt with a number of applications for authorisation relating to negotiation and agreement between bodies representing prime contractors and bodies representing owner-drivers concerning rates and conditions for owner-drivers, and authorisation has been granted in all cases. The reason why the commission has granted authorisation is that it sees its role in this area as merely to remove any legal impediment that the Trade Practices Act may present to negotiation and agreement between 'employers' and 'quasi-employees' such as L.O.D.'s on rates and conditions. The commission is able to do that by granting authorisations to such negotiation and agreement; and it is able to grant authorisation because it is satisfied that there is benefit to the public in terms of the Act in such negotiation and agreements, in that that method of arriving at L.O.D. rates and conditions is likely to result in less industrial disharmony than the alternative method of industrial action, strikes, pickets, etc.
>
> 3. Given the commission's expressed attitude it would be unlikely that parties to such negotiation and agreement would be at risk of action by the Trade Practices commission . . .

I want to emphasise this point:

> . . . it may be however, that in the absence of authorisation such parties are at risk of actions taken by other persons under the Trade Practices Act.
>
> 4. You also raised the question of applicability of section 51 (2) *(a)*. Section 51 (2) *(a)* only exempts from the other provisions of the Trade Practices Act any act done in relation to, or to any provision of a contract, arrangement or understanding to the extent that the provision relates to the remuneration, conditions of employment, hours of work or working conditions of employees.

I think that makes the position quite untenable and to me it seems to be sufficient reason why these particular people ought to be given the coverage that they seek. The Northrop decision has caused a great deal of trouble within the industry and so much concern that Mr Ashenden was approached by his constituents.

**The Hon. D. C. BROWN (Minister of Industrial Affairs):** I move:

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

Motion carried.

**The Hon. J. D. WRIGHT:** There is evidence that some 18 months ago stability and peace re-entered the industry when the very first contractual arrangements or agreements, whatever terminology one wishes to use, were reached between the Australian Road Transport Federation and the Transport Workers Union. Ever since that time, I am advised, everything in the industry has been quite stable, peaceful and quite productive, as far as the subcontractors are concerned, because an agreed arrangement and formula that works on behalf of the subcontractors guarantees them the increases conditional upon that formula working.

That seems to be a reasonable arrangement. It seems to me to be an arrangement similar to that which has been worked out in the metal trades industry now, where peace is going to prevail for the next 12 months, conditional upon those increases being granted by the court tomorrow. It

seems to me to be a fair arrangement where the employer and the employee know what they are in store for, and evidence of that is the fact that there has not been any disputation over the past 18 months. There have been no blockades over the past 18 months, so quite clearly that particular agreement has been working.

Of course, the Northrop decision has upset all that and thrown the industry back into chaos. It was at that stage that the member for Todd, as I understand it, was approached by some of his constituents and, to the member's everlasting credit, on behalf of his constituents he took up this matter and wrote to the Minister of Industrial Affairs on 3 September 1981. I do not want to read the whole letter, but it is in support of some action being taken to give the opportunity to owner-drivers to have themselves declared employees and, in the most pertinent part of the letter, the member for Todd says:

On behalf of my constituents, could I please request that the above matter be attended to with extreme urgency to ensure that the amendments are passed immediately and thus preventing any possibility of the removal of the *status quo*.

The *status quo* means the operation that is occurring in the industry at this particular time. Clearly, the Northrop decision will interfere quite dramatically with that particular situation in the industry at the moment. As further evidence of the actions of the member for Todd, he wrote to Mr Achatz on 3 September:

Further to our discussions yesterday afternoon in my office, please find attached a copy of a letter I have forwarded to the Minister of Industrial Affairs, Mr Dean Brown, seeking amendments to the South Australian Conciliation and Arbitration Act to provide the continuance of the present protection rightfully afforded owner-drivers. I would like to reassure you of my total support on this matter . . .

We will see how he votes tonight and whether the total support that was there on 3 September is still there. The letter continues:

. . . and I will continue to keep you fully informed as developments occur. Thank you for the time you have take approaching me on this matter.

**The Hon. D. C. Brown:** This amendment does not maintain the *status quo*.

**The Hon. J. D. WRIGHT:** It does.

**The Hon. D. C. Brown:** Your own colleague sitting behind you admits it went well beyond the *status quo*.

**The Hon. J. D. WRIGHT:** I am not concerned with that. I am concerned with my understanding of the *status quo*.

**The Hon. D. C. Brown:** That's the trouble, it is not an honest one.

**The Hon. J. D. WRIGHT:** Are you accusing me of being dishonest? I ask that that be withdrawn, Mr Acting Chairman. I take strong objection to it. I am an honest man, as you well know.

**The Hon. D. C. Brown:** I did not say you weren't.

**The ACTING CHAIRMAN (Mr Olsen):** The Deputy Leader has taken objection to the remarks.

**The Hon. D. C. BROWN:** To avoid an argument on the matter, I certainly withdraw it. I do not think it is unparliamentary, but I withdraw it.

**The Hon. J. D. WRIGHT:** The other letter that I think is important is a letter of 24 November from Stanley and Partners to Mr Brian Schillabeer, the Department of Industrial Affairs and Employment, which reads

We refer to the writer's telephone conversation with you of 24 November 1981, concerning the problems arising out of the recent decision of the Federal Court of Australia regarding owner-drivers of vehicles working pursuant to a Cartage and Haulage Rate Agreement.

We confirm that we act on behalf of the Transport Workers' Union of Australia. Our client suggests that section 6 of the Industrial Conciliation and Arbitration Act, 1972 be amended in the following manner:

That in the definition of 'employee' there be inserted after the existing subparagraph *(b)* the following paragraph:

*(ba)* Any person engaged to drive a motor vehicle, used for the purposes of carrying goods or materials, whether or not that vehicle is registered in his own name, whether or not the relationship of master and servant exists between that person and the person who has so engaged him: provided

(i) the person so engaged is a member of the Transport Workers' Union of Australia; and

(ii) the terms of the engagement are the subject of a Cartage and Haulage Rate Agreement between the said persons and the Transport Workers' Union of Australia.

In our view the definition of 'employer' in the same section should be amended by amending subparagraph *(d)* in that definition to read:

'in relatin to the person referred to in paragraphs *(ba)* and *(c)* of the definition of 'employer' means the person or body, whether corporate or incorporate, who engaged the person to perform personally the work;'

If you have any comment to make in relation to this suggested amendment, please do not hesitate to contact the writer.

I bring that letter into the debate to establish the *bona fides* of what I am saying and that is that there is very high level negotiation between the Transport Workers Union and its representatives and the Department of Industrial Affairs and Employment, and it was very high level because Mr Schillabeer is an Assistant Director and on a very high level. There is further correspondence. There is part of a letter which needs to be included. It is dated 27 November and is addressed to me from Stanley and Partners. That letter states:

Our client has discussed this matter at considerable length with Mr Shillabeer of the Department of Industrial Affairs and Employment. As a result we believe the Government is prepared to introduce an amendment to the South Australian Industrial Conciliation and Arbitration Act, 1972. The purpose of the amendment is to make the owner-drivers 'employees' within the meaning of the Industrial Conciliation and Arbitration Act, 1972. This amendment will mean that the owner-drivers are 'employees' for the purposes of the Commonwealth Conciliation and Arbitration Act. The owner-drivers may then, of course, validly be members of the Transport Workers' Union. Following discussions with Mr Shillabeer and with Parliamentary Counsel . . .

That is the level it got to, Mr Schillabeer and Parliamentary Counsel. The letter continues:

. . . it has been proposed that the definition of 'employee' in section 6 of the Industrial Conciliation and Arbitration Act, 1972 be amended to include any person of a class prescribed by Regulation as being an employee for the purposes of the definition. At the same time it is proposed to make and pass Regulations prescribing one such class as being the owner-drivers of motor vehicles used to carry goods or materials. It is proposed that the provisions of the Act dealing with unfair dismissal, sick leave and time books not apply to this class of employee.

I want you to remember that, Mr Acting Chairman, because that is the very thing the Minister said a moment ago had to apply.

**The Hon. D. C. Brown:** You repeat it.

**The Hon. J. D. WRIGHT:** If the Minister was talking to the Minister of Education, that is not my problem. The letter continues:

Our client is most anxious for these amendments to be effected. It has already given certain undertakings to the Government to preserve the *status quo* as it was prior to the decision of the Federal Court.

There is no question but that the Government has been in league for quite some time, over a period of at least three months, with the Transport Workers Union, their representatives Stanley and Partners, the accountant representing the Transport Workers Union, and the Government were—I will go further than saying on the verge of breaching an agreement, that they had in fact promised to bring in an amendment that would cover the situation as the amendment in the Legislative Council now attempts to do.

**The Hon. D. C. Brown:** This is the terrible Government which does not consult!

**The Hon. J. D. WRIGHT:** The Government on this occasion has broken its word, and that is worse than not consulting, because there have been guarantees given. I have even got the initial amendment that was agreed upon which the member for Todd was supposed to have moved on a Wednesday night two or three weeks ago. That amendment was:

> The regulations made pursuant to the Act be amended by adding 'owner-drivers of vehicle for the purposes of section 6 of the Act, persons being the owner-drivers of motor vehicles used for the purpose of carrying goods or materials shall be prescribed to be employees.'

It is no good the Minister denying what I am saying, because it is a fact. We know it is a fact. The member for Todd knows it is a fact and the Government has now completely reversed its decision. I understand that the decision was reversed in the Party room. One must commend the member for Todd, as I know he is going to vote with us tonight, because he said he would give us total support. Total support clearly must mean that he supports it now.

**The ACTING CHAIRMAN:** Order! In accordance with Standing Order 422, I draw to the attention of the Deputy Leader that, even allowing for procedural matters before the Committee, 15 minutes have well and truly expired for his contribution on this occasion.

**Mr BLACKER:** I oppose this amendment. I do so because it was brought to my notice late this afternoon by a letter which the Minister has referred to and a memo from the South Australian Road Transport Association that sets out some of the concerns of that association or the apparent concerns of that association. Upon receiving that letter or that memo, I became quite disturbed at the likely implications and, as you would well know, the majority of the transport operators in my particular area would be owner-operators. To that end, I made a few more inquiries to find out what the implications of this proposed amendment were, and it was only late this evening, after the dinner adjournment, that the schedule of amendments was circulated and one could have an assessment made of the impact of them.

I do acknowledge, however, that these amendments would have been available through the Legislative Council, but at that stage the matter had not been brought to my attention. I most certainly oppose this amendment because it, in effect, brings all owner-operators within the bounds of the Industrial Conciliation and Arbitration Act and therefore under the commission. Further, there is a supposed let-out clause, being section D, Part (i) *(a)*, where the Government may, by regulation, declare that this Act or any specified provision of this Act shall not apply to or in relation to employees referred to in paragraph B *(a)* and the definition of employee in subsection (1) or a specified class of such employees or any such regulations shall have effect according to its terms.

I appreciate that is a let-out clause that enables the Government, through the Governor, to make exceptions in that particular case. However, we would all appreciate that government by regulation is not a very stable operation. We all know that even the day after, should this particular piece of legislation become law, by a simple disallowance by open House or the other, the whole thing can be negated and therefore the owner-operators would be under the full control and full ambit of the Industrial Conciliation and Arbitration Commission.

That is a situation which I think all country people and all country transport operators would find untenable. Furthermore, the flow-on implications that could occur in other industries does open up, as somebody said, a can of worms to unionise the total work force, the self-employed work force and the owner-operator work force, throughout the State. It is for that reason that I beleive the House should strongly oppose this amendment because it can certainly not serve the best interests particularly of country areas. I oppose the amendment.

**Mr McRAE:** First, although it will not make a great deal of sense in the written word, I can assure the Committee that the way the Deputy Leader pronounced the name of Mr Adrian Achatz is correct. I have known that gentlemen for at least 10 year as auditor of, among other things, the Carpenters and Joiners Society, the Transport Workers Union and a number of other organisations.

Members will recall that over a period of many years it has been the policy of the Australian Labor Party that sham contracts, setting up so-called subcontractors as scabs in various industries, should be abrogated. That has been the policy of the Australian Labor Party throughout the Commonwealth of Australia. It has been partially successful in New South Wales and partially successful in, of all States, Queensland and Western Australia. It has never been successful in South Australia because of the attitude of the Legislative Council and, to my everlasting shame, I must say, partially to the attitude of the South Australian Housing Trust under the Government's of both persuasions which have found it very convenient to use so-called subcontractors in the building industry under sweated labour conditions to the advantage of the trust.

I am well used to the arrogant smiles of the Minister opposite and they do not put me off the context of my speech. Rather, do they spur me on to the next consideration. Do I understand from the Minister that Ansett, Ipec, Brambles and Mayne Nickless are supporting the Minister as distinct from the Opposition? I am sorry I have no response from the Minister, so I must continue. We all know in Australia that some two or three years ago the situation for these owner-drivers became so desperate that they were prepared to resort to violence. We all know that a leading Australian in the form of the then President of the A.C.T.U., Mr Bob Hawke, was prepared to go to the utmost extreme to prevent violence in the streets, because it is what was going to occur.

**The Hon. D. C. Brown:** Is that the same Mr Hawke who supports uranium mining?

**Mr McRAE:** Exactly the same person.

**The Hon. D. C. Brown:** Do you support him on that, too?

**Mr McRAE:** I do not think that is relevant to the matter before the Chair. I would have to take your advice on that, Mr Chairman, but I do not think it is relevant.

**The Hon. D. C. Brown:** Do you support Mr Hawke—

**The ACTING CHAIRMAN (Mr Olsen):** Order! The honourable member for Playford has the call.

**Mr McRAE:** We know that the prime concern of Mr Hawke was to try to put the lid on the violence that was starting to simmer at that stage. We know that State Governments throughout Australia lifted the State road taxes to somehow amelioriate the burdens that were placed on these poor people. We know also that the Federal Government instigated certain agreements that may well have been in breach of the Trade Practices Act. What we all know is that every Government and every decent person, not the Ansetts, the Brambles, the Ipecs and people like that—the rotten corrupt throttlers of the industry, out there to monopolise everything—not the Robert Holmes a' Courts, the Brierleys, the Bonds and the other people the honourable Minister would support, I have no doubt, but the decent people in the community, want to see that honesty and decency prevail. So it was agreed that some of the burden would be taken off some of these people.

There are many of them in my electorate as well as in the electorates of Todd, Newlands, Napier and Elizabeth, and I quite agree that many of these people have been

suckered into contracts that are quite ridiculous. They have bought themselves what I think is termed a grid. Some of these poor people have been involved in very bad industrial accidents. They have been prepared to invest $50 000, $70 000, $80 000, and even $100 000. It is all very well for the Minister and the member for Todd to roll around in laughter while these poor people suffer, but these poor people are suckered into these agreements by those monopoly organisations that I always thought the Liberal Party was against.

We all know that these poor people have been suckered into these agreements sometimes because they have no choice. They have to try to make some money, so they say 'What is our choice?' We have a house somewhere in the far north-eastern, northern suburbs of Adelaide which on a bad market at a forced sale is going to produce a loss anyway, so we will pick up a grid and we will take your monstrous credit terms and we will have a go.' They work for 24 hours a day, six days a week. They cross the State frontiers continously. They exhaust themselves. They break every road traffic law, and that is known to the police.

The member for Stuart is not in his place, so I must not speak to him, but he would know, and officers of the police and people in his district would know very well that transport workers who pass through that area have to break the law continously—they have no alternative—in order to gain some sort of existence. All these people are asking for is some decency, some reasonableness.

About two years ago they did get some measure of reasonableness when State charges were removed on road taxes. The Federal Government muscled in on the Ansetts, the Ipecs, the Brambles, the Mayne Nicklesses and the others of that ilk, a very scurrilous group, if I may say so, and I trust that no member of this place has any shares in any of those organisations. I am prepared to declare myself and say that I have no shares in any of them and would not want them.

**The ACTING CHAIRMAN:** I would like the honourable member to refer to the amendment.

**Mr McRAE:** I am very strongly referring to the amendment and very strongly supporting what I understand the Hon. Mr Sumner said, but with the support of the Hon. Mr Milne. The people concerned should have the decency of this Parliament in supporting them. If it is a question of some legal quibble—

**The Hon. D. C. Brown:** Who are the honest citizens you keep referring to? Are they supporters of the Norm Gallaghers and people like that?

**Mr McRAE:** I think the Minister would know that I do not support Mr Gallagher and members of the Communist Party or any extremist groups. I support the centre position of the A.L.P., and I am quite happy to do that and have done so all my life. I will keep going in my own fashion. I will not be overborne by the arrogant Minister, who has been deserted by his department and his draftsman, because how can you deal with a person you cannot trust?

As I understand the position, Mr Achatz had an undertaking from the member for Todd that an amendment in terms very similar to that which I have mentioned would be raised in the Liberal Party room. Secondly, he had a direct undertaking from Mr Brian Schillabeer that the proposed amendment had become Party policy, and he proceeded to act upon it. Thirdly, he had a direct undertaking from the Minister that it had become Party policy, and he proceeded to act on it, and all three promises were broken. I invite the Minister in his reply to say who is lying. Is Mr Achatz lying? I would like the Minister to say whether Mr Achatz lied in one or other of those three positions, because I will certainly confront Adrian Achatz if he has told me any lies, and I will want to know what the position is.

**The Hon. D. C. BROWN:** I will respond to all the speeches. I think that only one point needs to be answered, and that is the final point raised by the member for Playford. I saw a deputation brought to me by the honourable member who I understand is going to speak on the matter. That deputation, comprising Mr Keith Size, Mr Achatz and others, came to see me and put their point of view. I said that we would examine their point of view, which we did very thoroughly. The Government is renowned for its level of consultation.

**The Hon. J. D. Wright:** And then made assurances.

**The Hon. D. C. BROWN:** We made no assurances at all. I gave no undertakings to anyone that any legislation would be passed. All I undertook to do was examine the case that they put before me. I examined it, and certainly I have come to the conclusion that we should not support this amendment. I suggest that my staff and I have done far more research than have members opposite who have spoken this evening. They have accused us of examining this matter for three months, but I do not think it is quite that long. Certainly we have put a lot of thought into it, and from our examinations we have decided that we should strongly oppose this amendment. If you want some better wisdom than we have this evening and a view from someone who has looked at it in great depth, my advice is that you do not touch this amendment, because it has some enormous hidden implications.

The implication has been made that this amendment upholds the *status quo*: that is not the case. This amendment is an entirely new ball game and brings those subcontractors—those owner-drivers, self-employed small business people, whom I admire greatly who work hard and want their own independence—under the Industrial Commission, and it will impose on them the very conditions that they do not want, and this is the very reason why they have to be owner-drivers rather than employees.

If those owner-drivers want to become employees, they should support this amendment. If they want to become employees, I suggest that they become employees rather than trying to become owner-drivers who, to all intents and purposes, will simply become employees under this amendment, even though they might still nominally carry the title of owner-driver. The Deputy Leader of the Opposition went to great lengths to quote letters written by lawyers and suggested that this amendment excluded certain parts of the Act. It does not do that at all. The amendment includes the entire Conciliation and Arbitration Act. There is a power of regulation to allow certain exclusions, but it involves parts of this Act, not other Acts which I believe could also be dragged in. I think anyone here would realise how flimsy regulations are. We could put this through this Act, pass regulations, and the very next day the people in the Upper House who moved this amendment could disallow that regulation and immediately nullify the effect of this proposal, and letters of intent from the trade union movement or any one else will be absolutely meaningless.

All it means is that the majority of the Upper House could move for the disallowance of that regulation, and owner-drivers will have the entire Conciliation and Arbitration Act on their heads, including coming under the Industrial Commission. It also means that if there should ever be a change of Government in this State and the Government in power wanted to make sure they did come under it and to amend the regulation or remove it, it does not come before Parliament: it can be done without Parliament even meeting at the time. It can be forced through, and although there may be some undertaking given in letters at

present they could quickly find that, without this Parliament being consulted they could be in an entirely different position. Therefore, I believe that there are grave dangers in the amendments currently before us, and we need to be very careful that we do not believe some of the contents of the letters read out by the Deputy Leader of the Opposition, because what he read out and what this amendment does do not equate with each other.

**The Hon. J. D. WRIGHT:** I previously said that the Government had been a party to trying to arrest this difficult problem and that the member for Todd had played a very significant role in that matter. The evidence is quite clear that the Government intended to amend this legislation in order to preserve the *status quo* so that the owner-drivers would be protected and the industry stabilised.

I commend the Government for that. I make no apologies for commending the Government if it is right, but something funny must have happened on the way to the forum. What happened? I believe that the Minister was pressured by the I.T.A.—the Independent Truckies Association. I think that the leaders changed the Government's mind in relation to its promises and its guarantees in this area. I know that some major employers were pressuring the Government to go ahead with the amendment, and the Minister cannot deny that.

**The Hon. D. C. Brown:** No, I concede that.

**The Hon. J. D. WRIGHT:** I would have loved to get a copy of that, but I can read it in *Hansard*. There were other pressures on the Minister from the employers, and there was also very strong pressure from the I.T.A. That is what changed his mind. It is clear from the evidence that I have that the Government got itself into a position, the member for Todd was to move the amendment, and all would be well, until it got to the Party room, which rolled it out the window. The Minister was embarrassed, and so was the member for Todd. I misjudged the Government in that situation, because there was a stage when it was on the right track in this area to preserve stability in the industry, but the Government failed again.

The Minister is now trying to create an impression that the amendment moved by the Hon. Mr Sumner does not preserve the *status quo*. He says that the owner-drivers will all be called in under the Industrial Conciliation and Arbitration Act and, therefore, the employer will be responsible for sick leave, annual leave, long service leave or any other of the credits which go with normal award provisions. I believe that the Minister is pulling the wool over our eyes when he tries to create that impression. I understand that tonight he has been talking to some employers who were supporting this amendment and that he has convinced them also that this is the situation. I have checked with Parliamentary Counsel on what the true situation is. Paragraph *(d)* provides:

> by inserting after subsection (1) the following subsection:
> (1a) The Governor may, by regulation, declare that this Act, or any specified provision of this Act, shall not apply to or in relation to employees referred to in paragraph *(ba)* of the definition of 'employee' in subsection (1), or a specified class of such employees, and any such regulation shall have effect according to its terms.

The Hon. Mr Sumner has taken into consideration the very matters that are now being raised by the Minister. The Minister is trying at this very late stage to find some defence for the indefensible position in which the Government finds itself over its backing down on this matter. Maybe this is the member for Todd's first lesson in being rolled in the Party room and maybe henceforth he will not put his head so far out to have it chopped off. Even if the Minister is right, and I do not believe that he is, I would much prefer to take the word of Parliamentary Counsel and his impression and interpretation of what the amendment means than that of the Minister, who to me has not proved very reliable over the years I have known him, either in Opposition or in Government.

**The CHAIRMAN:** Order! The Chair does not want to be difficult, but I have to point out to the Deputy Leader that it is not the practice to refer to Parliamentary Counsel or those people directly advising or involved in the drawing up of legislation, because they do not have the right of reply. The honourable member can rephrase his remarks to get around this, but he should not directly name Parliamentary Counsel.

**The Hon. J. D. WRIGHT:** Sir, I do not believe that you are correct about that situation.

**An honourable member:** Are you challenging the Chair?

**The Hon. J. D. WRIGHT:** I am allowed to express my own opinion, surely. I have no-one of a legal nature to advise me, and therefore it is incumbent on me to seek that advice from Parliamentary Counsel. In those circumstances, surely I am allowed to report the source on which I rely. Otherwise, I have no stability in what I am saying. Sir, I do not want to bring into dispute your assessment of that situation, but I merely make that explanation and say that I am relying on my statement of the situation which I think is correct.

If there are deficiencies, (and I am not admitting that there are, in the amendment moved in another place by the Hon. Mr Sumner), let us sort it out at a conference. Do not let us carry on about it tonight. Let us take our stand and establish our principles. I ask the member for Todd to consider his position tonight and the correspondence into which he has entered in the past. In those circumstances I feel that he has little else to do but support the Opposition in this amendment. It is a good one. If there are legalities or technical problems, do not let us put a smokescreen over it; let us get into the conference tomorrow morning, sort it out, and stick to a principle that I believe would solve many of the problems in the transport industry.

**Mr ASHENDEN:** I had not intended to enter into this debate, but all sorts of accusations have been made this evening in relation to my involvement in the matter, and I think that it is important to set the record straight as to the history of what has happened. First, I would like to say how disappointed I am that discussions and correspondence which I had with somebody whom I have known for some years and which I thought were confidential have not been treated as confidential information but obviously provided without my knowledge to members of the Opposition. In some instances, the information that has been supplied from those conversations and from that correspondence has been correct, and in some instances it has not been correct.

I want to outline, first, the history of my involvement and then to answer some of the other points that have been raised. I was approached some weeks ago by Mr Achatz, whom I have known for some years and who, although he does not live in my electorate, rang me to say that he would like to bring with him two owner-drivers for whom he evidently is accountant. He wanted to bring them to my office to discuss with me a problem that they saw arising in relation to Federal legislation that had been overruled by court action.

Naturally, I agreed to see them, and based on the information that they gave me I certainly felt that there was a case which indicated that action was required. Because of the difficulties that were outlined to me as they saw them. I did, for the Deputy Leader's benefit, raise the matter in the Party room, which was the right thing for me to do. It was then decided that this should be looked at more closely, and a meeting was arranged at which the Minister of Industrial Affairs, the Minister of Transport, Mr Achatz, a member from the T.W.U., an owner-driver and I were

present. At those discussions again an outline was given of the difficulties as those people saw them.

The Minister of Industrial Affairs advised the group that he would discuss this problem with his officers; and that was done. I then had subsequent contact with Mr Achatz by telephone and by letter. I repeat how disappointed I am that conversations which I thought were confidential have not been kept as such. Not only have they not been kept confidential, but also in instances the information that has been passed on is not correct. I at no time gave Mr Achatz an assurance that I would move an amendment on his behalf. When he spoke with me Mr Achatz stated that he had been given an assurance by either the Minister or his officers that the amendment would be moved.

**The Hon. D. C. Brown:** That's wrong.

**Mr ASHENDEN:** I am glad the Minister picked that up. I am trying to make the point here concerning some inconsistencies in relation to information that has been passed on to the Opposition. I was also told by Mr Achatz that he could get me 2 000 or 3 000 signatures of owner-drivers who would support the amendment that was being prepared. To this stage I have been provided with 11.

At that time I started to get some contact from other owner-drivers and their organisations. I have had far more contact from other individual owner-drivers as well as organisations of owner-drivers and other organisations which have indicated to me that they do not support the type of amendment that I was originally considering moving. Naturally, I passed this information on to the Minister, and I believe that many of those contacts were made with him as well as with myself.

I subsequently raised this additional information again, as is right, in the Party room. I do not deny that. A discussion was held in the Party room. My head was not on the chopping block. We discussed the ramifications of the amendment and whether it would achieve what owner-drivers were purporting to want as far as the protection was concerned. It was decided that the amendment would not work and that it would have far more widespread and far-reaching implications than just to bring about the protection for which some owner-drivers were looking. It was because of that decision that I did not proceed with the amendment with which I had received a lot of assistance from the Minister's staff and from the Parliamentary Counsel. As far as I was concerned, that is the only reason that this amendment was not proceeded with by me.

Again, I must go over the main reasons for the change in the decision. It was because originally I was given information from one source which indicated that there was very widespread support for the amendment. I have subsequently found out there is not—

**The Hon. J. D. Wright:** You said you had changed your decision, so—

**Mr ASHENDEN:** If I said I had changed my decision, it was certainly not in relation to the movement of the Amendment. I state again, quite categorically, that at no time—

*Members interjecting:*

**The CHAIRMAN:** Order!

**Mr ASHENDEN:** —did I give Mr Achatz an undertaking that I would move the amendment. When he discussed it with me he told me that he had been given an undertaking from the Minister and the Minister's officers that the amendment would be moved. So, let us get that straight again. Obviously, members opposite did not pick that up previously.

**An honourable member:** Are you saying he lied?

**The CHAIRMAN:** Order!

**Mr ASHENDEN:** Therefore, the point is that I changed my mind about moving the amendment because of information that came to me from many other sources and because I still had not been provided with the 2 000 or 3 000 signatures that I was promised supporting the original approach that I was to make on behalf of Mr Achatz and the people concerned.

**An honourable member:** You changed your mind—

**The CHAIRMAN:** Order!

**Mr ASHENDEN:** I changed my mind in relation to moving the amendment, but at no time did I say that I was going to move the amendment.

*Mr Hamilton interjecting:*

**The CHAIRMAN:** Order! The honourable member for Albert Park is warned.

**Mr ASHENDEN:** I think I have made it quite clear, although all members opposite are not able to understand the point. I am quite confident in my own mind of exactly what has happened, and there has been a most unfortunate set of circumstances that have definitely been misconstrued. I certainly set out to take an action that I thought would be helpful to a large group of people. Subsequent information came to me which showed quite clearly that by far the majority of owner-drivers did not want those amendments to the legislation, and therefore I will certainly not move that amendment, or support it. I trust that the answer that I have given has clarified the situation to the Committee and certainly gives the lie in relation to any information that has been brought forward by the Deputy Leader tonight, which obviously was done to create a maximum of political mischief.

The Committee divided on the motion:

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

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

Pairs—Ayes—Messrs Chapman, Rodda, and Tonkin. Noes—Messrs Corcoran, Crafter, and Payne.

Majority of 3 for the Ayes.

Motion thus carried.

*Amendment No. 2:*

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

That the Legislative Council's amendment No. 2 be agreed to.

Motion carried.

*Amendments Nos. 3 and 4:*

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

That the Legislative Council's amendments Nos. 3 and 4 be disagreed to.

**The Hon. J. D. WRIGHT:** I want to commend the Hon. Mr Milne for moving the amendments Nos. 3 and 4, as I think that they provide for a clearer way of doing what I proposed during the House of Assembly debate on this matter. This extricates from the Bill all those matters to which the Labor Party is opposed, particularly that which provides that the State Commission would be bound by decisions of the Federal Commission, a provision to which we were totally opposed. The public interest is preserved in the original Act, and that is what I was concerned about when moving the amendment in the first place. I believe that Mr Milne has successfully moved that amendment in the Upper House. As this is consistent with Labor Party philosophy and policy on this matter, the Opposition supports these amendments.

The Committee divided on the motion:

Ayes (21)—Mrs Adamson, Messrs Allison, P. B. Arnold, Ashenden, Becker, Billard, Blacker, D. C. Brown

(teller), Eastick, Evans, Glazbrook, Goldsworthy, Lewis, Mathwin, Olsen, Oswald, Randall, Russack, Schmidt, Wilson, and Wotton.

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

Pairs—Ayes—Messrs Chapman, Rodda, and Tonkin. Noes—Messrs Corcoran, Crafter, and Payne.

Majority of 3 for the Ayes.

Motion thus carried.

The following reason for disagreement was adopted:

Because the amendments savagely destroy the purpose of the Bill and make it unworkable.

## HOUSING AGREEMENT BILL

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

## LICENSING ACT AMENDMENT BILL

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

## BUILDING SOCIETIES ACT AMENDMENT BILL (No. 2)

Received from the Legislative Council and read a first time.

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

*That this Bill be now read a second time.*

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

Leave granted.

### Explanation of Bill

The South Australian Association of Permanent Building Societies has submitted requests for amendments to the Building Societies Act to the Building Societies Advisory Committee. That committee, created under amendments made to the Act earlier this year, includes the Registrar of Building Societies, a nominee of the Treasurer, a nominee of the Minister of Housing, and industry representatives. Its functions include the review of legislation relevant to the operation of societies and, where appropriate, recommending amendments. The advisory committee has examined the requests and has recommended several amendments which, with some modification, are included in the present Bill.

The proposed amendments are concentrated in three main areas, namely restricted loans, liquidity, and investments. Underlying all three is an attempt to adapt the role of a co-operative building society to the conditions of present day economic and social life. The traditional role of such a building society is to accept funds from, and grant home loans to, members of the co-operative. This important function will remain the basis of a building society's activities. But it must be recognised that building societies are presently faced with increased competition from banks and other financial institutions, with the result that the cost of funds has increased dramatically, and the maintenance of inflow of low cost funds has been threatened.

One solution is to allow building societies some greater degree of freedom in asset management, thereby allowing overhead costs to be covered by the higher yielding options of restricted loans, and financial investments other than home loans. In this context it is important to emphasise the practical limits upon home loan interest rates, which of course cannot be allowed to outstrip the capacity of borrowers to repay. Thus, quite apart from interest rate policies adopted by Government, building societies cannot simply pass on higher costs incurred in raising funds in the form of higher home loan interest rates. The amendments proposed will not allow a fundamental shift in emphasis of building society activity, but will reduce the present pressure on building societies, by permitting a controlled expansion of activities into higher yielding areas, including development loans for rental accommodation. Such an expansion is not inconsistent with the traditional role of building societies, since the proposed expansion of activities should have a beneficial effect upon home interest rates.

1. Restricted Loans (s. 33):

Basically, section 33 serves to place a statutory limit on loans other than traditional loans to members for 'reasonably priced' homes. At present, section 33 defines a restricted loan as a loan made on the security of a mortgage on land, of a value of $40 000 or more (or as prescribed—presently prescribed as $70 000), or to a body corporate. Restricted loans are limited to 10 per cent of total loans outstanding.

The proposed amendment seeks to delete reference to loans to a body corporate, thus taking such loans outside the 10 per cent constraint. This would facilitate loans to developers of rental accommodation, but a proposed inclusion as a restricted loan of any loan not granted for the purpose of residential accommodation will safeguard the amendment from abuse.

The other amendments proposed set the relevant figure at $70 000 or as prescribed as the cut off point, and provide for the prescription of a permitted percentage of restricted loans in excess of 10 per cent of total loans outstanding. Such amendments provide for future flexibility without eliminating the potential to maintain the *status quo* should conditions justify it.

Government policy is, to encourage home ownership and, as an alternative under modern conditions, to encourage the availability of rental accommodation. The proposed amendments to section 33 would serve to facilitate the lending of funds by building societies for the purposes of financing rental accommodation, and advancing loans for other purposes on a limited basis.

The Government has accepted that the proposed relaxation of section 33 will not have a significant adverse effect upon the volume of home loans, and will, as well as facilitating expansion of development loans, serve to contain some of the strong upward pressure on home loan interest rates.

2. Liquidity (s. 36):

Essentially, section 36 prohibits loans from being made unless adequate liquid funds are held by a society. The present section 36 (2) defines liquid funds in such a way as to exclude a number of assets which the Building Societies Advisory Committee accepts as sufficiently liquid and secure for the purposes of section 36.

The amended section 36 proposed to, and accepted by, the Building Societies Advisory Committee as being justifiable, would serve to broaden the acceptable forms of holding of liquid assets, including assets of South Australian origin, such as State Government guaranteed securities. The Government supports this move. Basically, the proposed new section 36 is a recognition of modern financial

conditions, especially recent sophistication of the money market.

3. Investments (s. 40):

The purpose of section 40 is to establish the legitimate areas of investment open to a building society. The amendment proposed relates to section 40 (3), which limits shareholdings in companies or bodies corporate, presently to a maximum of 1 per cent of total paid-up share capital. The proposal is to allow a greater percentage to be prescribed.

The essential object of the proposed amendment is the statutory opportunity for building societies to increase holdings of shares. The purpose for which such an expansion is sought are for investment in insurance of deposit scheme, the Housing Loan Insurance Corporation or its commercial successor(s), and society owned service companies such as computing services.

The effect on overall liquidity and stability would be marginal, since the expansion will be contained by prescription of a maximum percentage of paid-up share capital, and it is not envisaged that any large-scale shift into shareholdings would be either sought or approved.

The amendments include the requirement that a proposed acquisition of shares shall have the express approval of the Registrar of Building Societies, and be limited to acquisitions of shares in companies the activities of which are directly related to the proper activities of the society. In addition, it is proposed that section 40 be amended also to permit investment in bills of exchange which have been accepted or endorsed by a prescribed bank. This amendment is consistent with that proposed in regard to section 36 (2).

4. Raising of Funds (s. 41):

Section 41 delineates the permissible means of fund raising available to a building society. Section 41 (2) limits the volume of funds which may be raised, in relation to the volume of loans outstanding. It has been recommended that section 41 (2) be amended to include accrued interest as well as the total principal raised by the building society. Such an amendment simply gives better effect to the economic intent of section 41 (2). The Bill also contains a few minor amendments to the principal Act which I shall mention in the course of my explanation of the clauses.

Clauses 1 and 2 are formal. Clause 3 makes a formal amendment to the principal Act. Clause 4 redefines a restricted loan as a loan exceeding $70 000 or some other prescribed sum, or resulting in indebtedness to the society exceeding $70 000 or the prescribed sum, or any other loan for non-residential purposes. The clause introduces the possibility of increasing, by regulation, the proportion of funds that may be invested in restricted loans. The power of the Registrar to approve restricted loans that would otherwise contravene the Act is expanded to relate to a class of loans. Clause 5 expands the classes of investments which may be brought into account in calculating the liquid funds of a society. Clause 6 permits investments in bills of exchange. It regulates more closely investments by societies in shares, but permits at the same time the possible increase, by regulations, of the proportion of funds devoted to such investment. Clause 7 amends provisions under which the amount that may be raised at any one time by a society is limited to two-thirds of the amount of principal outstanding under mortgages granted in favour of the society. Accumulated interest that has not as yet been paid or credited to depositors or others is in future to be brought into acccount in this formula.

Clause 8 amends section 58 to make it quite clear that no member of a society can exercise multiple votes at a meeting of the members of the society. Clause 9 makes an amendment consequential on amendments enacted earlier this year. If a society's paid-up share capital falls below $2 000 000 it will, under the amendment, become liable to windingup. This figure will correspond with the amount required as a condition precedent to formation of a society.

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

## BUSINESS NAMES ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

## PLANNING BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 4, line 13 (clause 4)—Leave out 'production'.

No. 2. Page 4, line 14 (clause 4)—Before 'a mining lease' insert 'an exploration licence,'.

No. 3. Page 4, line 16 (clause 4)—Before 'petroleum productions licence' insert 'a petroleum exploration licence,'.

No. 4. Page 7, line 2 (clause 6)—Leave out 'proclamation' and insert 'regulation'.

No. 5. Page 7, lines 8 and 9 (clause 6)—Leave out subclause (3).

No. 6. Page 7, line 10 (clause 6)—Leave out subclause (4).

No. 7. Page 7, lines 16 to 20 (clause 7)—Leave out all words in these lines and insert:

'subsection (3)—

*(a)* give notice containing prescribed particulars of the proposal—

(i) to the Commission;

and

(ii) where the land in relation to which the development is proposed is within the area of a council—to that council;

and

*(b)* publish notice containing prescribed particulars of the proposal in a newspaper circulating generally throughout the State.'

No. 8. Page 7, lines 24 and 25 (clause 7)—Leave out subclause (4) and insert subclause as follows:

'(4) A council may report to the Commission upon a proposal of which it receives notice under subsection (2).'

No. 9. Page 7, line 27 (clause 7)—Leave out 'Minister' and insert 'Commission'.

No. 10. Page 7 (clause 7)—After line 29 insert subclauses as follow:

'(5a) The Commission shall report to the Minister on any proposal of which it receives notice under subsection (2).

(5b) A report under subsection (5a)—

*(a)* must incorporate any report made by a council under subsection (4);

and

*(b)* if an environmental impact statement has not been prepared and published in relation to the proposal—must contain a recommendation on whether an environmental impact statement should be prepared and published in relation to the proposal.

(5c) The Minister shall, as soon as practicable after his receipt of a report under subsection (5a), cause copies of the report to be laid before both Houses of Parliament.'

No. 11. Page 7, line 30 (clause 7)—Leave out '(4)' and insert '(5a)'.

No. 12. Page 7, lines 32 and 33 (clause 7)—Leave out 'may refer the matter to the Governor and the Governor'.

No. 13. Page 9, line 10 (clause 9)—Leave out 'or is required' and insert 'is required'.

No. 14. Page 9, line 11 (clause 9)—After 'court' insert 'or has a discretion in relation to the granting of a planning authorisation'.

No. 15. Page 9, lines 17 to 20 (clause 10)—Leave out subclause (2).

No. 16. Page 9 (clause 10)—After line 43 insert subclauses as follow:

'(6a) The member referred to in subsection (6) *(a)* shall be chosen from a panel of three persons with practical knowledge of, and experience in, local government submitted to the Minister by the Local Government Association.

(6b) At least one member of the Commission must be a woman and at least one member must be a man.'

No. 17. Page 11, line 20 (clause 13)—Leave out 'that is responsible to' and insert 'of'.

No. 18. Page 11, line 29 (clause 14)—Leave out 'seven' and insert 'eight'.

No. 19. Page 11, line 37 (clause 14)—Leave out 'and'.

No. 20. Page 11 (clause 14)—After line 39 insert paragraph as follows:

'and

*(g)* one shall be a nominee of the Trades and Labor Council.'

No. 21. Page 11 (clause 14)—After line 41 insert subclause as follows:

'(3a) At least one member of the Advisory Committee must be a woman and at least one member must be a man.'

No. 22. Page 13, lines 32 to 41 (clause 20)—Leave out subclause (4) and insert subclauses as follow:

'(4) Subject to subsection (4a) a full-time commissioner shall hold office upon terms and conditions determined by the Governor.

(4a) The following provisions shall apply in respect of full-time commissioners:

*(a)* a full-time commissioner shall not be subject to the Public Service Act, 1967-1981, but the rights of a full-time commissioner to long service leave, recreation leave, sick leave and other forms of leave shall be determined in accordance with the provisions of that Act and the regulations under that Act;

*(b)* a full-time commissioner may, notwithstanding that he has reached the age of retirement, complete the hearing and determination of any appeal or matter part-heard by him before reaching that age and shall, for that purpose, be deemed to continue as a full-time commissioner;

*(c)* a full-time commissioner shall be an "employee" within the meaning of the Superannuation Act, 1969, as amended;

*(d)* a person who was immediately before the commencement of this Act a full-time commissioner under the repealed Act shall, subject to this Act, continue in office on terms and conditions no less favourable than those on which he held office under the repealed Act.'

No. 23. Page 14, line 30 (clause 25)—Leave out 'one Commissioner' and insert 'two Commissioners'.

No. 24. Page 14 (clause 25)—After line 30 insert subclause as follows:

'(1a) Where a Commissioner dies, or is for any reason unable to continue with the hearing of proceedings part-heard before the Tribunal, the Tribunal constituted of the Judge and the remaining Commissioner or Commissioners may continue and complete the hearing and determination of those proceedings.'

No. 25. Page 15, line 15 (clause 26)—Leave out 'one' and insert 'two'.

No. 26. Page 15, lines 17 to 19 (clause 26)—Leave out all words in these lines.

No. 27. Page 15, line 20 (clause 26)—Leave out 'a question of fact' and insert 'any question arising before the Tribunal'.

No. 28. Page 19, lines 36 to 38 (clause 36)—Leave out subclause (4) and insert subclause as follows:—

'(4) Any person with a legal or equitable interest in land to which an application under this section relates shall be entitled to appear and be heard in proceedings based on the application before a final order is made.'

No. 29. Page 20 (clause 36)—After line 16 insert subclause as follows:—

'(10) The Court may make such orders in relation to the costs of proceedings under this section as it thinks just.'

No. 30. Pages 22 and 23 (clause 40)—Leave out subclauses (2) to (6) and insert:—

'(2) Subject to this Part, the Development Plan shall be as set out in the schedule to this Act.'

No. 31. Page 23, lines 13 to 15 (clause 41)—Leave out ' and the council either declines to do so, or has not at the expiration of six months from the date of the request made substantial progress' and insert 'and the council declines to do so or, at some time after the expiration of three months from the date of the request, it is apparent that substantial delay has occurred'.

No. 32. Pages 25 and 26 (clause 41)—Leave out subclause (12) and insert subclauses as follow:—

'(12) Where the Minister has approved a supplementary development plan under subsection (11), the Minister may cause copies of the supplementary development plan to be laid before both Houses of Parliament.

(13) The supplementary development plan shall come into operation—

*(a)* if no motion for disallowance of the plan is moved in either House of Parliament within six sitting days after the plan is laid before Parliament—upon the expiration of six sitting days after the plan was laid before Parliament;

*(b)* if a motion for disallowance of the plan is moved in either House within six sitting days after the plan is laid before Parliament and the motion is defeated, withdrawn or lapses—upon the day next following the day on which the motion is defeated, withdrawn or lapses,

or on a day fixed in the plan as the day on which it is to come into operation, whichever is the later.

(14) In this section—

"sitting day" means a day on which either or both Houses of Parliament sits for the despatch of business.'

No. 33. Page 26 (clause 42)—Leave out the clause.

No. 34. Page 26—After clause 42 insert new clause as follows:—

42a. interim development control. (1) Where the Governor is of the opinion that it is necessry in the interests of the orderly and proper development of an area or portion of the State that a supplementary development plan should come into operation without the delays attendant upon advertising for, receiving and considering public submissions, he may, at any time after notice that the plan is available for public inspection has been published, declare, by notice published in the *Gazette*, that the plan shall come into operation on an interim basis on a day specified in the notice.

(2) Where a notice has been published under subsection (1) the supplementary development plan—

*(a)* shall come into operation on the day specified in the notice;

and

*(b)* shall cease to operate—

(i) when superseded by a supplementary development plan that comes into operation under section 42;

or

(ii) upon the expiration of 12 months from the day on which it came into operation,

whichever first occurs.'

No. 35. Page 27, line 38 (clause 46)—Leave out ' subsection (4)' and insert 'subsections (4) and (4a)'.

No. 36. Page 27 (clause 46)—After line 42 insert subclause as follows:—

'(4a) Where—

*(a)* a proposed development is permitted absolutely or conditionally by the principles of development control without the consent of a planning authority;

but

*(b)* the relevant planning authority is of the opinion—

(i) that the proposed development would create serious hazards to life or property;

or

(ii) that the proposed development would have a serious detrimental effect on the amenity of the locality in which it is proposed,

the relevant planning authority may, by notice in writing served personally or by post upon the proponent, prohibit the development.'

No. 37. Page 28, lines 32 to 40 (clause 46)—Leave out paragraphs (a), (b) and (c) and insert paragraphs as follow:—

'*(a)* the council shall not consent to the proposed development except upon the conditions so determined, or upon conditions that include those conditions;

*(b)* the conditions so determined shall be differentiated in any notice of consent given by the council to the proponent;

and

*(c)* any appeal in respect of those conditions shall lie against the Commission.'

No. 38. Page 30, line 16 (clause 50)—Leave out 'Governor' and insert 'Minister'.

No. 39. Page 30, line 17 (clause 50)—Leave out 'Governor' and insert 'Minister'.

No. 40. Page 30, line 25 (clause 50)—Leave out 'Governor' and insert 'Minister'.

No. 41. Page 30, line 28 (clause 50)—Leave out 'Governor is not required' and insert 'Minister is not required under this section'.

No. 42. Page 30, line 42 (clause 51)—Leave out 'Governor' and insert 'Minister'.

No. 43. Page 31, lines 8 to 17 (clause 52)—Leave out subclause (1) and insert subclauses as follows:—

'(1) Notice of an application for a planning authorization must be given in accordance with the regulations.

(1a) Where notice of an application has been given under subsection (1), any person who desires to do so may, in accordance with the regulations, make representations to the relevant planning authority in relation to the granting or refusal of the application.'

No. 44. Page 32, lines 1 to 5 (clause 52)—Leave out subclause (9).

No. 45. Page 32, line 12 (clause 54)—After 'advertisement' insert 'or advertising hoarding'.

No. 46. Page 30, line 15 (clause 54)—After 'advertisement' insert 'or advertising hoarding'.

No. 47. Page 30, lines 16 to 19 (clause 54)—Leave out all words in these lines and insert 'to remove or obliterate the advertisement or to remove the advertising hoarding (or both)'.

No. 48. Page 33, line 3 (clause 54)—After 'advertisement' insert 'or advertising hoarding'.

No. 49. Page 33, line 5 (clause 54)—Leave out 'three years' and insert 'one year'.

No. 50. Page 36, line 4 (clause 58)—Leave out 'production'.

No. 51. Page 36, line 17 (clause 58)—Leave out 'production'.

No. 52. Page 36, line 21 (clause 58)—Leave out 'production'.

No. 53. Page 38, line 7 (clause 60)—Leave out 'development'.

No. 54. Page 38 (clause 60)—After line 8 insert new subclause as follows:—

'(2a) An agreement under subsection (2) may provide for the carrying out of any form of development that is consistent with the preservation or conservation of the land to which the agreement relates.'

No. 55. Page 38, line 10 (clause 60)—After 'is made' insert 'by agreement'.

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

That the Legislative Council's amendments Nos. 1 to 55 be disagreed to.

I have moved this motion because the amendments are contrary to the principles of the Bill.

**The Hon. D. J. HOPGOOD:** I oppose the motion. The Minister is faced right now with the consequences of his own folly in wanting to push this Bill through so quickly.

*The Hon. E. R. Goldsworthy interjecting:*

**The Hon. D. J. HOPGOOD:** The Leader of the House is quite wrong in this respect. The Bill that was introduced into this House did not hang around for months.

**The Hon. E. R. Goldsworthy:** The previous one did.

**The Hon. D. J. HOPGOOD:** Indeed. If the previous Bill had been reintroduced into this House, there would have been less amendment in the Upper House than we are faced with now.

**The Hon. E. R. Goldsworthy:** You have to be kidding.

**The Hon. D. J. HOPGOOD:** I invite the Deputy Premier to consider the amendments that have been moved. The Deputy Premier has a short memory. He does not recall that a good deal of the attempts to amend in this place were in respect of clauses which had been in that previous draft and which had then suddenly disappeared. We attempted in the Lower House to write those clauses back into that Bill, which had hung around for such a long time, but we were unsuccessful. Our colleagues in another place put the same amendments back, and I think, almost with exception, they have been accepted by the majority in the other place.

**Mr Lewis:** Almost with exception?

**The Hon. D. J. HOPGOOD:** I am sorry, I meant that it happened almost without exception. The other point that I want to make is in relation to a member of the Minister's own Party, the Hon. Mr DeGaris, who decided to embark on quite an ambitious scheme of amendment, a good deal of which finds itself in front of us now. Again, I believe that, if the honourable Minister had bothered to undertake a proper consultative process, a lot of that could have been avoided.

We are not talking here about a member of the public who was not quite sure what was going on and who had to telephone his local member to get a copy of the Bill and all that sort of thing—the sort of thing with which we were faced in relation to the Stony Point indenture, with people at Whyalla. We are referring here to a member of the Minister's own Party, a person who has been in the Parliament for many years. I am saying that, for the most part, the amendments that have been moved in the Upper House are sensible. That is quite predictable, as for the most part they are also amendments that I moved in this place.

It is my desire to see that those amendments remain a part of the legislation and, therefore, I have no option but to oppose the motion that has been moved by the Minister. I reiterate that I believe that to a degree this is of the Minister's own choosing. It is true that initially he embarked on an ambitious process of consultation, but the effect either of that consultation or of other things which happened and of which I have no knowledge was that a different sort of Bill was eventually presented to this House, which had been subject to precious little public consultation at all. The result is the extraordinary scheme of amendments that we now have before us. I oppose the motion and I look forward, since predictably it will be defeated, to a very interesting conference.

**The Hon. D. C. WOTTON:** How ridiculous can one be? The Opposition wants to get its act together, and I refer particularly to the spokesman on the other side of the House. Only a few days ago the member stood up in this House and commended the Government and me, as Minister, for the consultation process that we have been through in regard to this legislation. I repeat again what we have done in the consultation process, because I do not remember very many occasions when the previous Government provided the opportunity for public comment, as we have done in relation to this Bill.

The first legislation came down on 10 June. At that time I said that it would sit on the table for the purpose of consultation. We also had 13 public meetings around the State organised by the Local Government Association and my own department. I set up a consultative committee at the beginning of this year which comprised representatives of the Real Estate Institute, the Urban Development Institute, local government, conservation bodies, finance companies, and so on. That has been a meeting to consider this legislation. I have referred to that in the House before. The member opposite would also know that I have made a commitment. I have said publicly and in this House that I would wish that this legislation is through before we get up for Christmas. I can just imagine, if that had not happened, the member opposite would have been the first to criticise the Government and me for breaking that commitment.

What has happened in the other place was predictable, because there are those in the other place who have not had the opportunity in their House to look at this legislation. However, they have had plenty of opportunity to look at the draft that was brought into this place. I am also looking forward to the conference tomorrow. It is my wish that this Bill will become legislation, because, as I have said on numerous occasions, it will help a great deal to streamline and speed up the process of planning, and it is a measure that has been needed for a very long time. I am quite confident that following the conference we will come out with legislation that will do a lot to improve the planning system in this State.

**The Hon. D. J. HOPGOOD:** The Minister uses words like 'ridiculous'. I suppose I could come back with words like 'naive', but that is really starting to descend to personalities, and I do not think we should do that. I invite the Minister to consider this situation. He introduces a Bill for the purpose of public consultation. That was the reason for doing it. There was no intention in the last session of Parliament to put it through. That was understood. It was intended to give people an idea of the way in which he was thinking. For example, it contained that famous clause 44, which is now back in, I think, as clause 42a.

The way in which the public mind works, of course, is that if one approves of what is happening, one probably

does not telephone the Minister and say, 'Good on you'; one simply says, 'Well, the Government is doing the right thing, that is O.K., we will shut up.' You jump up and down only if you disapprove of what is happening, so the effect of that consultative process is that by and large what will happen is that those who oppose the old clause 44 will be ringing up, and probably not only the Minister, but his back-benchers as well, and putting on a great fuss.

Those people who see the value of interim development control in a scheme of legislation such as this say nothing, so the Minister, I suppose, if he is relatively naive as to the way in which these things sometimes happen, will say there is a tremendous concern about this and nobody seems to be patting me on the back for having done it, so perhaps I had better change my mind and perhaps I had better remove clause 44 from the Bill. That is what we had. Then, and only then, do those people who see the value of interim development control suddenly realise that they should have been patting the Minister on the back and strengthening his arm, but it is too late, because there is no longer any consultation.

**The Hon. D. C. Wotton:** How far did you go in the consultation process?

**The Hon. D. J. HOPGOOD:** Our requests were very modest. You will recall that I mentioned previously that the Minister telephoned me on a Friday and wanted the matter debated on the following Tuesday. I pointed out to him that the week after that we would be in recess and if he agreed we would then have two weeks in which to consider the legislation. I said that, if the Minister would allow that extra fortnight, because of the week we were in recess, not so much to facilitate what the Opposition wanted to do but so that the community would have more time to consider this matter, we would give an undertaking that we would facilitate the passage of the Bill through both Houses, always understanding, of course, that we would move amendments and that sort of thing, but we would do the sorts of things that were necessary to ensure that the Minister got his way and that the Bill went through in that two-week session, and the Minister rejected it.

**The Hon. D. C. Wotton:** We could not be debating it very much later in the session than two days before the House gets up.

**The Hon. D. J. HOPGOOD:** It is true, of course, that in the event there has been perhaps a longer passage in the Legislative Council than would otherwise have been the case, but the point of the matter is that there have been people in the community who have been very late to speak up because it is only fairly late in the day that they have understood the nature of the legislation that we now have in front of us. No names, no pack drill, but I have a green slip from our messengers, which came in at 10.55. A person in the community wants me to telephone him back to talk about the legislation.

**The Hon. D. C. Wotton:** Do they want you to change your mind and vote sensibly?

**The Hon. D. J. HOPGOOD:** I have no idea what this gentleman wants to put to me, but is it not extraordinary that people who are well informed in our community nonetheless are put in the situation that they are still endeavouring to tender advice at this late stage, and that is because of the speed with which the whole thing has gone through. I was speaking to this same person earlier today who said he felt extremely disillusioned about the Parliamentary process because of the limited amount of consultation that had occurred in relation to the Bill we have been invited to consider, not some earlier document that is no longer of any relevance at all to the concern of both Houses of Parliament, but the actual Bill upon which we have been invited to vote and which now has been substantially amended.

Motion carried.

The following reason for disagreement was adopted:

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

## PARKS COMMUNITY CENTRE BILL

Adjourned debate in Committee (resumed on motion).

(Continued from page 2559.)

Clauses 3 and 4 passed.

Clause 5—'The board.'

**Mr HEMMINGS:** I move:

Page 2, line 20—Leave out 'twelve' and insert 'nine'.

The reasons for the amendments that the Opposition is moving have been adequately canvassed in the second reading debate. We feel that the Minister of Local Government has more than adequate representation and if this amendment is passed it will ensure that there is an adequate balance in the representation on the board.

**The Hon. D. C. WOTTON:** The Government opposes the amendment. I guess it depends on how we regard the word 'adequate'. We believe, as I said earlier, that it is essential that we have the number of people on the board. As indicated in the legislation, there should be representation on the part of the Minister of Community Welfare, the Minister of Education, and the Minister of Health. It is important that somebody on the board be nominated from the Enfield council. It is important that we have three registered users on the board and I do not think that anybody would argue about having a staff representative. We believe it is also necessary (and I have explained the reasons why earlier) that there be four persons and that those four persons include the Chairman nominated by the Minister of Local Government. We do believe that it is necessary to have adequate representation on this board and we oppose the amendment.

**Mr HEMMINGS:** The answer by the Minister is totally inadequate. I quote again the second reading explanation and the comments dealing with education, community welfare and health, stating that these agencies are to continue to manage their own facilities and are fully responsible for their own programmes.

This Bill does not alter that arrangement. It seems to me that we have the typical heavy-handed approach by the Minister. I am not referring to the Minister in charge of the Bill in this House; he is a more humane Minister, but I cannot say the same thing for his counterpart in the Upper House.

In my second reading speech I said that the Minister had said publicly in the other place that he wanted direct control. Our amendment would reduce the number of people on the board from 12 to 9, which would give a fair representation to Government authorities involved, the Enfield council, the staff, and the community. The Minister of Local Government will still have control, because our amendment provides that the Minister shall appoint the Chairman.

Let us look at the matter realistically. If the Parks Community Centre is to proceed and function as a community body, it should not have heavy governmental authorities on the board. The Minister, in his reply to my argument, gave no reasons why the Minister wanted four people as his nominees. The Minister in charge of this Bill in this place has charged me with always attacking the Minister. I have full grounds for attacking the Minister in this particular case. Since the time I have been in this Parliament,

I have not seen another body or board set up on which the Minister in charge of the Bill has wanted four nominees as his representatives on that board. Can the Minister explain why, apart from a governmental nominee representing health, community welfare and education, and the Enfield council, it is so necessary to have an additional four people who are the nominees of the Minister of Local Government?

**Mr Lewis:** To avoid discrimination.

**Mr HEMMINGS:** I will ignore that stupid remark from the member for Mallee. I am sure you, Mr Chairman, will ignore that as well. Why are there to be four nominees by the Minister of Local Government? The only reason we have been given so far in the other place is that the Minister wants strict control. We accept that the Minister must be in control. No-one denies that. A lot of money is being expended in that particular area; but why four people?

The people in the Parks area will see this representation on the board, as a stacking of the board with governmental nominees. If the Minister can say that those four nominees will be people from the Parks area, we may accept that, but he has not said that. In the other place he said that he would have astute business people being able to run the affairs of a large-scale community centre. That is what worries members of the Opposition. The Hon. Mr Hill is going to put his business people on that board and they will not be in tune or in touch with the needs of that community. That is why we say that clause 5, which provides that the Minister shall have four nominees, is wrong.

Surely the Parks Community Centre is a community centre. Public servants are not going there to decide exactly what is going to happen at the Parks Community Centre. The Minister has yet to say exactly why the Minister of Local Government wants four nominees on that board. He has not yet said what kind of people they will be. Are they to be taken from the community?

As I said in my second reading speech, the whole aspect of this clause smacks of paternalism—we know what is good for the Parks and we will deliver the goods for you. If the Minister can answer those questions, we will not mind if our amendment is defeated. We know it is going to be defeated here because of the weight of numbers. The Government back-benchers will faithfully follow the Party line, forget their consciences, and vote alongside their Minister. Can the Minister say exactly why he wants four nominees representing the Minister of Local Government. Let him tell us why; then perhaps we may listen to him.

**The Hon. D. C. WOTTON:** I have already explained twice that we believe it is necessary to have representation on this particular board, people representing the users of the facility, people representing the staff, people representing Government departments that are very much involved in an important part of the Parks Community Centre, and also representation from the Enfield council.

The member himself has indicated that a lot of money has been expended on the Parks Community Centre. For that reason, and because of the importance of that facility in that particular area, surely it is important that we have adequate administration. I can see no reason, if the Minister is able to appoint people who can contribute and assist in the administration of that important facility, why that should not happen. I believe that that is why the Minister intends to appoint four persons to improve administration. I support that wholeheartedly.

**Mr HEMMINGS:** I do not accept that. The Minister of Local Government has said that the administration of the Parks Community Centre is very good. He has said publicly that the interim board has functioned very well. The review that he hoped would find things not operating to his liking proved that wrong. We now have the Minister in charge of this Bill here (and every time a Bill comes before this Chamber we find this) not being given adequate information. The Minister says that the reason why the Minister of Local Government wants to put four of his own nominees on the board is to improve administration, yet the Minister has gone on record as saying that the Parks Community Centre functions well. The Government cannot have it both ways. The Minister cannot say in the second reading speech that everything is going well at the Parks and then say that the reason why the Minister wants to put four nominees of the Minister of Local Government on the board is because the administration is not going too well.

**The Hon. D. C. Wotton:** We can say that—

**Mr HEMMINGS:** You are the kind of people who can say that. Exactly why does the Minister want four nominees of the Minister of Local Government on the board? It is because the Minister wants to fix everything that goes on in the board. That is the main reason. Why is the Minister not man enough to say that? Obviously, he is not in the position to say—

**The Hon. D. C. Wotton:** I am not in the position to stand up while you are still on your feet.

**Mr HEMMINGS:** The Minister is not in a position to say why the Minister of Local Government wants four nominees. There is no precedent in this Committee of a Minister wanting four nominees as well as four other Government nominees on the board. If the Minister can give the Committee a reason why there should be 12 members, then perhaps the Opposition will not proceed with its amendment.

**Mr BANNON:** I would just like to put on record, although I recognise that it is futile to try to argue with the Minister about this matter, the Opposition's belief, which I think is quite well grounded, that this particular provision for Ministerial nominees represents a gross breach of faith with the users of the centre. It represents a gross departure from the concept of the centre and how it is to be administered. Also, it indicates a paternalistic attitude and a lack of faith on the part of the Government in the competence of the people down there, as the Minister no doubt would put them, to administer the centre.

This is really one of the sticky points in the Bill. At no time in any of the early drafts or discussions has it been contemplated that there should be this swag of Ministerial appointees which, together with the other Government representatives, should so completely outnumber the residents and user component on the board. The board was not told about this proposal, as has already been pointed out. In fact, the references inserted in the second reading speech had to be embarrassingly deleted by putting a line through them because the speech could not be withdrawn and retyped in time because there was the false statement that there had been consultation over the matters.

The fact is that all of those people who worked on the project for about nine years envisaged that when this Act came into operation the residents would be in control of their board. Certainly, they need expert assistance, and representation from the various operative departments. Certainly, the Minister has the right, and our amendment would give him the right, to appoint somebody directly reporting to him—in the case of our amendment, it is the Chairman of the board—but at no time was it contemplated that this particular provision would apply.

None of the discussions with staff, residents or anyone else contemplated it, and right at the last minute when the Bill was being introduced, suddenly we discovered that the board was expanded in size and this concept of Ministerial appointees *en masse* has been inserted in it. That was quite wrong. As I say, it indicates not only a breech of faith, because it was not contemplated in any of the negotiations,

but also a paternalistic concept of the abilities of those at the Parks.

If it is true as the Minister says, that we need worthy or sturdy business men to ensure that the Parks does not go off the rails, that is fine, but has he no any respect or trust in the common sense of residents and users who will be electing members of the board to get a mix of those sorts of people on the board? Has he not got any faith in the common sense and abilities of the Government's representatives who will be on the board *ex officio*? Has he not got enough confidence in the sense of the staff member who will be elected by the staff to represent the administrative and other interests of those who work in the Parks? The answer to all those questions is that he has not, because he insists on inserting his provision.

There is not much point in wasting further time over it, but I would just like to make it clear that this particular composition of the board cuts right across the concept of the management of the centre as it has always been contemplated. The Minister has promised to review various matters after 12 months. I suggest that this is a matter requiring urgent review and adjustment here and now. Let the Committee show a bit of faith in those people to do the job that this Bill ought to entrust to them and not load up the board with those so-called experts or business men who represent the Ministerial appointees.

Let us strip it down to the sort of concept that has always been—a kind of self-management concept, which I believe will have the confidence and trust of residents and which will ensure maximum and optimum use of the centre. It will be completely consistent with the principal body which it has founded. This composition of the board is unacceptable to the Opposition and I urge the Committee to accept our amendment.

The Committee divided on the amendment:

Ayes (16)—Messrs Abbott, L. M. F. Arnold, Bannon (teller), M. J. Brown, Duncan, Hamilton, Hemmings, Hopgood, Keneally, Langley, McRae, O'Neill, Plunkett, Slater, Trainer, and Whitten.

Noes (19)—Mrs Adamson, Messrs Allison, P. B. Arnold, Ashenden, Becker, Billard, Chapman, Eastick, Evans, Glazbrook, Goldsworthy, Lewis, Mathwin, Olsen, Oswald, Randall, Russack, Wilson, and Wotton (teller).

Pairs—Ayes—Messrs Corcoran, Crafter, Payne, and Wright. Noes—Messrs Chapman, Rodda, Schmidt, and Tonkin.

Majority of 3 for the Noes.

Amendment thus negatived.

**The CHAIRMAN:** I take it that the Leader does not wish to proceed with his consequential amendments.

**Mr BANNON:** No, Sir.

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

Page 2—Lines 33 and 34—Leave out 'a member of the staff of the Centre elected by the staff of the Centre in the prescribed manner' and insert 'appointed or elected in accordance with subsection (4a)'.

**Mr BANNON:** We are prepared to agree to the amendment on the basis that it covers the temporary situation that arises in relation to establishing the first board. The Minister in another place spoke to me about this, and the points made here were quite reasonable, that it would be impossible to arrange a fully representative election of staff at this time; therefore, rather than wait until that could be done it would be better to make an initial interim appointment and then at the appropriate time an election could be held. In those circumstances we are happy to support the amendment.

Amemdment carried.

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

After line 41, insert subclause as follows:

(4a) For the purposes of subsection (2) *(c)*, the Governor shall appoint a person nominated by the Minister after consultation with the staff of the Centre to be a member of the board, and where a vacancy occurs in the office of that member, the successor to that office, and all subsequent successors, shall be elected by the staff of the Centre in the prescribed manner.

About one-third of the staff at the centre are employees of the Education Department and are on leave until early February, making an election virtually impossible. The staff of the centre have requested that a staff member be in attendance at the first board meeting, and the proposal is strongly supported by the joint staff and the interim board.

Amendment carried, clause as amended passed.

Clause 6—'Election of board members by registered users of the centre.'

**Mr HEMMINGS:** Subclause (3) provides:

A person who uses the centre is eligible to be placed on the register.

Will the Minister tell the Committee whom that covers?

**The Hon. D. C. WOTTON:** Apparently, the register is placed in a number of places around the actual facility itself and people who come in to use the facility sign their names. I think the requirements are spelt out quite clearly: the people concerned have to be on the electoral roll, etc. Provided they come into those categories, they are able to sign the register as a user.

**Mr HEMMINGS:** That really does not answer my question. I refer to the following paragraphs:

*(a)* he is entitled to vote at elections for the House of Assembly; and

*(b)* he enters his name on the register, or causes it to be so entered.

It is all very well for the Minister to say that this register will be available at various points in the centre, but what is a user?

**The Hon. W. E. Chapman:** A user, like you are tonight.

**Mr HEMMINGS:** I will ignore the ignorant Minister of Agriculture, but if I lived at Angle Park—

**Mr Mathwin:** You'd be in the wrong electorate.

**Mr HEMMINGS:** This is a very serious question, and, if the more affluent members who represent the wealthier areas of this State wish to treat this matter in contempt, let them do so.

*Members interjecting:*

**The CHAIRMAN:** Order! There are too many interjections. I ask the honourable member to confine his remarks to the clause.

**Mr HEMMINGS:** I am confining my remarks to the clause. I am getting interjections from the ignorant member—

**The CHAIRMAN:** Order! The honourable member will not use that term.

*Mr Whitten interjecting:*

**The CHAIRMAN:** Order! I warn the honourable member. The honourable member for Price knows full well, because he has been in this Chamber long enough, that when the Chair is addressing the Chamber interjections are totally out of order. The honourable member for Napier will relate his remarks to clause 6, and he does not need the assistance of any other members.

**Mr HEMMINGS:** That is true, Sir. The Minister, in reply to my first question, said that the register would be made available. What concerns me is that there will be no real education programme encouraging people to get on the register. The crux of clause 6 is to provide not only for people to be elected on to the board but to be able to vote on the board, and they have to be on the register. When I asked what was a user, the Minister merely said that there would be registers placed at various locations in the centre. Now that we have passed clause 5, which has stacked the board with Government nominees, we have at least got to try to fight for members of the community. The average

person who goes to the Parks Community Centre will go there to enjoy the facilities. He will not go there with the idea of saying 'I have to go there, register and get on the roll, so that I can stand for the board or vote for members of the community on the board.' Clause 6. in effect, removes or diminishes the rights of people in the community who want to be on the board.

The Minister says that there will be a register placed here, there and everythere, but how will people be encouraged to use the facilities? The Minister may laugh—

**The Hon. D. C. Wotton:** Do you blame us?

**Mr HEMMINGS:** The Minister sees nothing wrong because that is the way his Party operates. Members opposite do not worry about the under-privileged. They see things, as the Leader said, with a paternalistic approach: 'We know what's good for you, we will provide all the facilities, we have given you that token membership of three on the board, but you must meet the criteria of clause 6.'

**Mr Lewis:** It cares for them from the cradle to the grave.

**The CHAIRMAN:** Order! The member for Mallee will cease interjecting.

**Mr HEMMINGS:** The provisions of clause 6 were argued at quite some length in another place.

**The Hon. W. E. Chapman:** You're incredible.

**Mr HEMMINGS:** Yes, I am incredible, because I tell the truth in this place.

**The CHAIRMAN:** Order! I will not tolerate any further cross talk, or the honourable member will not be telling anything. The honourable member will relate his remarks to clause 6.

**Mr HEMMINGS:** Yes, Sir. Will the Minister in charge of the Bill please tell the Committee exactly how people will be encouraged to go on the register and what education programmes will be implemented so that they know how they can stand or vote for the board?

**The Hon. D. C. WOTTON:** I do not know how else one describes a user, other than to say that a user is a person who uses a facility, who makes use of it. It is broadly stated that a claim for registration is to be made by the individual. As far as the education aspect is concerned, surely it is up to the board to let people know what is available. If the board considers that it is under-utilised and that there is a need to bring more people into the facility, then surely it is one of the responsibilities of the board to bring more people in and to make sure that people use it. However, my understanding is that that is not necessary, that there are people coming from a very wide area. The facility does not relate only to local people; users can be people who come from anywhere at all to use the facility. Surely it is fair enough that those who enjoy the facility have every right to use it. How else could they be identified other than their claiming registration?

**Mr HEMMINGS:** I am allowed to ask only one more question on this clause, and as the answer previously given was totally inadequate, obviously due to lack of instructions, I will now turn to another point. Subclause (5) *(f)* provides:

> The board shall cause the register to be revised from time to time, and upon any such revision may remove from the register the name of any person who the board believes has not used the centre for a period of at least three years.

That provides a fairly wide-ranging power to the board. Say, for example, that I was residing at Angle Park and I went to the library and borrowed a book so that my name was registered at the Parks; I return that book—

**Mr Lewis:** That's a good boy.

**Mr HEMMINGS:** We have until 6 o'clock in the morning to proceed with this Bill, and if honourable members wish we can do so by taking the Bill clause by clause right through.

**The CHAIRMAN:** Order! If the honourable member does not refer to the clause under discussion, I will withdraw leave.

**Mr HEMMINGS:** I was simply worried about the interjection.

**The CHAIRMAN:** Order! The Chair has been quite tolerant, but I insist that the clause be referred to, or I will withdraw leave.

**Mr HEMMINGS:** Thank you, Mr Chairman, for your protection. If, after borrowing that book, I did not wish to go to the library any more, but in the meantime my family and I went to the swimming centre, or attended the drama courses or any of the other functions at the centre, and a period of three years elapsed before I went to the library again. In those circumstances by what criterion is the board going to take me off the register? It is a serious question, and I will wait for Dr McPhail to give the answer to the Minister—

**The CHAIRMAN:** Order!

**Mr HEMMINGS:** If I do not go to the library, technically I have not used the Parks Community Centre at all, but in fact I would have been using the other facilities. What power is provided for the board in clause 6 to take such a person off the register? This is an important question; perhaps I have been rather flippant in my approach, for which I apologise, but the power to remove a person's name from the register is an important part of this clause. The only stipulation in clause 6 (5) *(f)* is 'who the board believes has not used the centre . . .'. There is no requirement of any evidence. Does the Minister have that information, and if he does not have it could he please ask the adviser who is here tonight? How can the board say that it believes a person has not used the centre for at least three years?

**The Hon. D. C. WOTTON:** I think it is only sensible that the board should have some control and be able to remove names if it is sure that a person has not used the facility for a period. The board will not be terribly strict, I am sure.

I believe it is necessary to have a time limit, and it would be only if the board could prove that a person had not been using the facility for three years that it could take *(f)* into account.

**Mr TRAINER:** It would appear not only that the Government has set out to stack the board with Ministerial representatives but also, to a certain extent, it appears as though it has tried to restrict the franchise of the community as far as possible regarding the election of community representatives on the board. I refer to clause 6 (5), which provides for the board to remove names from the register in certain circumstances. I do not think it would be realistic of the Opposition to object to disfranchisement of the deceased, nor of those who have left the State. Possibly, paragraph *(e)* may be a little harsh. However, the paragraph providing for disfranchisement I particularly refer to is paragraph *(c)*, which provides that the board may remove from the register the name of any person whose name does not appear on the House of Assembly electoral roll. Does that mean that users of the centre who are below the age of majority (in other words, persons below the age of 18 years and, therefore, not entitled to be on the House of Assembly roll) should not be allowed to vote for board representation; and, similarly, does it mean that persons who live in the community and use the facilities and yet are not naturalised Australian citizens will also be disfranchised?

**The Hon. D. C. WOTTON:** First, a person has to be over 18 and, secondly, he has to be of the House of Assembly electoral roll, although I went into more detail than that in the second reading speech.

Clause passed.

Clause 7—'Terms of office of board members.'

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

Page 4, line 7—After 'section 5 (3)' insert 'or 5 (4a)'.

The reason for this amendment is to ensure that the staff member nominated by the Minister is only appointed for a term not exceeding one year. This will allow the new board time to prepare regulations for the conducting of an election.

Amendment carried; clause as amended passed.

Clause 8—'Deputies.'

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

Page 41—

After line 24—Insert subclause as follows:

(1a) The staff of the Centre may elect, in the prescribed manner, a member of the staff to be the deputy of the member of the board elected to office by the staff of the Centre.

Line 25—Leave out 'an appointed' and insert 'a'.

This permits the staff to elect a deputy member to the board. It is possible that the elected staff representative could be absent for extended periods (long service leave, etc.) or, if the representative was a teacher, for approximately 10 weeks of school holiday. The joint staff working party has requested the amendment, and it is supported by the interim board.

Amendment carried; clause as amended passed.

Clauses 9 to 19 passed.

Clause 20—'Financial provisions.'

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

Insert clause as follows:

20. (1) As soon as practicable after the commencement of this Act, the Centre shall submit to the Minister a budget showing its estimates of receipts and payments over the balance of the financial year within which the budget is presented, and thereafter the Centre shall, before the commencement of each succeeding financial year, submit to the Minister a budget showing its estimates of receipts and payments for that succeeding financial year.

(2) The Minister may approve, with or without amendment, a budget submitted to him under this section.

(3) The Centre shall not, without the consent of the Minister, make any expenditure that is not authorised by a budget approved under this section.

(4) The Centre may, with the consent of the Treasurer, borrow money for the purpose of enabling it to perform its functions and discharge its duties under this Act.

(5) A liability incurred with the consent of the Treasurer pursuant to subsection (4) is, by virtue of this section, guaranteed by the Treasurer.

(6) A liability of the Treasurer under a guarantee arising by virtue of subsection (5) shall be satisfied out of the General Revenue of the State, which is, by virtue of this section, appropriated to the necessary extent.

(7) The Centre may, with the approval of the Treasurer, invest any of its moneys that are not for the time being required for the purposes of the Centre, in such investments as may be approved by the Treasurer.

As this is a money clause, I believe that members will appreciate the reason for inserting it in this Chamber.

Clause inserted.

Remaining clauses (21 to 26) and title passed.

Bill read a third time and passed.

## SOUTH AUSTRALIAN COLLEGE OF ADVANCED EDUCATION BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 3—After clause 6 insert new clause as follows:

6a. *College not to discriminate*—(1) The College shall not discriminate against or in favour of any person on the ground of sex, marital status, religion, race, political belief or physical impairment.

(2) Notwithstanding the provisions of subsection (1), the College may, with the approval of the Minister, make special provision for any students, or class of student, where it is in the opinion of the Council, necessary to do so to enable those students, or students of that class, to overcome any cultural or educational disadvantage to which they may be subject.

No. 2. Page 6, lines 5 to 8 (clause 13)—Leave out subclause (2) and insert new subclause (2) as follows:

(2) In formulating any statutes or policies affecting the admission of students, or the right of students to continue in any course, the Council shall collaborate with the Minister, or any committee established for the purpose by the Minister, with a view to ensuring that the public interest, as assessed and determined by the Minister, is safeguarded.

No. 3. Page 7, lines 19 to 21 (clause 17)—Leave out subclause (3) and insert new subclause (3) as follows:

(3) Where a student has a genuine conscientious objection to being a member of such an association or council, he is not obliged to be such a member if he pays each year into a benevolent fund established by the College for the welfare of the students an amount equivalent to the annual membership fee of the association or council for that year.

No. 4. Page 8 (clause 19)—After line 11 insert new paragraph as follows:

*(fa)* the fixing and collection of the membership fees of any association or council of students, or students and staff, of the College;

Consideration in Committee.

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

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

**Mr LYNN ARNOLD:** These amendments, which have come from another place, are quite consistent with the amendments moved that were in this House, in all but one circumstance.

**Mr McRAE:** I rise on a point of order, and seek your guidance. Sir, as I understood the situation, arrangements had been made between the Parties.

**The CHAIRMAN:** The Chair cannot uphold that point of order. The Chair currently has before it the amendments of the Legislative Council on the South Australian College of Advanced Education Bill and that is the only matter the Chair can consider at this time.

**Mr McRAE:** Can I seek your guidance, Sir? Am I in order in asking that the House now consider the South Australian Housing Trust Act Amendment Bill?

**The CHAIRMAN:** I must point out to the honourable member that the House has ordered that this matter currently before the Committee be considered, and that is the only matter that the Committee currently has before it.

**Mr LYNN ARNOLD:** These amendments that have been considered in another place are very similar for the most part to amendments considered in this House. I would have hoped that the Minister would see the wisdom and virtue of the deliberations of another place and find it within his capacity to accept them and avoid the extra processes that must be gone through if we do not accept them. It seems that a number of arguments have been put forward on these matters which could have been given much quicker consideration and do not necessitate, I should have thought, a conference later on. But, instead, it appears that the Government will insist on these amendments and force us into a conference situation, in which case the matter will be delayed even further.

I point out to this Committee that it is very important that an Act for the amalgamation of the South Australian College of Advanced Education be proceeded with and promulgated so that the college in this State can know its ambit and parameters before the end of this year. To leave this to such a late stage is putting in great jeopardy its efficient operations and functioning. I do not suggest that the conference that may be called as a result of the decision of this House will delay that by any extensive period of time, but of course there is always the possibility that conferences can become deadlocked, and that would be disastrous for the operations of the college.

I am merely pointing out that it would be disastrous if a conference were to become deadlocked. That situation

could be resolved much more easily by the Minister recommending to this House that we accept the amendments that have been moved in another place. I point out that the amendments, covering as they do the anti-discrimination clause, the clause covering the extent of collaboration between the Minister and the council, and the clause covering compulsion or non-compulsion in student unions, and including a new amendment which was not entertained in that place (namely, that relating to conscientious objection) are all worth the Minister's consideration. The anti-discrimination provision, which was discussed in this House, is in present legislation already. It is one that exists in the father or mother Act (if one can refer to them in such a way) namely, the Hartley and C.A.E. Acts, and it is in fact being removed in the proposal before this House.

We have not yet heard, to my mind, satisfactory evidence why it should be removed. It is not sufficient to say that other legislation covers those areas because, by acknowledgement of the Minister himself, other legislation does not cover all of the areas so involved, particularly religious and political beliefs. Also, we made the point that in this International Year of the Disabled, it is important that we do recognise by notation the desire not to discriminate against those who suffer from physical disabilities.

The reference to a positive discrimination subclause there is also in line with the parent legislation and, of course, with educational thinking in many parts of the world. Regarding the collaboration point, I do not believe that this House or another place (from what I understand of debates there) has yet had satisfactorily answered the way in which amendments which the Opposition moved in this place and which have been accepted in another place differ from the spirit and intent referred to in the Minister's second reading speech.

It is important to remember that the Minister's second reading explanation speech limited itself purely to the confines of admissions to courses. The Minister later on in his reply indicated that there were wider areas to be considered. I seek leave to continue my remarks later.

Progress reported; Committee to sit again.

## SOUTH AUSTRALIAN HOUSING TRUST ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 11 November. Page 1853.)

**Mr HEMMINGS (Napier):** The Opposition welcomes and fully supports the Bill. We congratulate the South Australian Housing Trust, which initiated this measure, and the Government which has for once headed the initiative of the South Australian Housing Trust in its attempt to increase its stocks of housing available for rental to persons in need. This Bill perhaps highlights what I said yesterday when the House was dealing with the Commonwealth-State Housing Agreement. The Federal Government, by abandoning its welfare housing programme, has forced the States to search for money to increase its housing stocks. If any praise should be given in this House, it should be given to the South Australian Housing Trust.

The South Australian Housing Trust, since the present Government came into office, has been stripped of all its powers, apart from providing welfare housing in the State. The trust has been fully equipped in the past, as a result of the previous Labor Government and on a more humane Liberal Government in providing different types of housing. This Government will never understand that the South Australian Housing Trust cannot exist on welfare public housing only.

The trust needs to be given an expanding role in the community to provide housing for all types of people. Until this Government realises that the South Australian Housing Trust is the only body that can get this State out of the mire as far as the housing sector is concerned, we will get Bills like this where we are going to raise only $5 000 000. That sum of money can provide a reasonable amount of welfare housing, but, until the Government realises that the South Australian Housing Trust is the leader in the Commonwealth in relation to initiative and providing purchase homes, aged homes and homes for the youth of this State, we will only achieve a situation where the rental applications rise each year.

I do not intend to say much more. When the Labor Party returns to Government (and I am sure that the South Australian community will return us to Government) we will give the South Australian Housing Trust all the powers that have been stripped from it by my very good friend, the Hon. Mr Hill, the person whom I am always accused of attacking and who I will attack time and again because he is an inept, incompetent Minister. When Labor returns to Government, we will return all the powers to the South Australian Housing Trust that it had before and encourage it to take greater initiatives. With that short, sharp warning to the present Government, the Opposition supports the Bill.

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

## TEA TREE GULLY (GOLDEN GROVE) DEVELOPMENT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 December. Page 2322.)

**The Hon. D. J. HOPGOOD (Baudin):** This measure is before us as a consequence of the way in which the present Government has altered, indeed, distorted, the operations of what was once known as the South Australian Land Commission and is now the Urban Land Trust. However, given that this has happened, lamentable as it may be, it follows that a measure such as this is necessary. Clearly set out in the Minister's second reading explanation are the administrative arrangements whereby open space will be transferred to the City of Tea Tree Gully, and the effect of that would be that no other action need take place in respect of this matter when subdivision occurs. Clearly, that is unsatisfactory.

The Minister has provided that there should be a contribution from the subdividers. The Opposition does not in any way quarrel with that principle. We are realists and understand that for good or ill—and we believe for ill—this Government has altered the way in which the Land Commission operates and, in those circumstances (and I emphasise that), the principle that has been enunciated here is quite sensible. The only quarrel we have is with the size of the contribution. The Minister would be aware of the provisions of a Bill which has now been sent to a conference of managers of both Houses, to set up a new Planning Bill. We believe that what is being done here in the way of contribution should be consistent with the principles enunciated in that legislation.

**The Hon. D. C. Wotton:** It's the Real Property Act.

**The Hon. D. J. HOPGOOD:** I thank the Minister for his correction. It is, of course, the Real Property Act and not the Planning Bill. The Real Property Act was introduced at the same time and took over the subdivisional principles from the old Planning and Development Act. It is not possible in my amendment to refer to the Real Property

Act amendment at this stage. It has not been proclaimed so far as I am aware. I can refer to the existing Planning and Development Act, on the understanding that that will in due course be replaced by the provisions in the Real Property Act. I foreshadow that in Committee the Opposition will endeavour to amend this Bill to bring it into line with the relevant provisions of the Planning and Development Act. Apart from that, I support the Bill.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Regulations.'

**The Hon. D. J. HOPGOOD:** I move:

Page 1—after line 18—Insert paragraph as follows:

and

*(b)* by inserting after subsection (2) the following subsection:

(3) The amount of a contribution payable under regulations made in pursuance of subsection (2) *(da)* shall be determined in accordance with section 52 (1) *(c)* of the Planning and Development Act, 1966-1981.

I make two points in relation to this amendment. If we are dealing with the Planning and Development Act, we are talking about the Planning and Development Fund. In this amendment we are talking about a sum of money that would go towards the cost of developing reserves, community facilities and other projects that will be of direct benefit to the future residents of Golden Grove. Therefore, it is specific in its application rather than general, as is the case with the Planning and Development Fund. Secondly, although it is not spelt out in the Bill, the Minister explained in his second reading speech:

In lieu of public open space, an amount of $100 per allotment into a trust fund which will be used towards the cost of developing reserves . . .

The Opposition believes that that is inadequate and that the monetary provision should be spelt out in the Planning and Development Act, and as envisaged in the Real Property Act.

**The Hon. D. C. Wotton:** You mean the sum involved?

**The Hon. D. J. HOPGOOD:** Yes.

**The Hon. D. C. WOTTON:** The Government cannot support the amendment. The first matter raised was that the Government was too specific in suggesting that the money was going towards developing reserves, community facilities and other projects.

**The Hon. D. J. Hopgood:** No. I do not quarrel with that. I was simply making the point that it was different in its application.

**The Hon. D. C. WOTTON:** The Government has given a fair bit of thought to this as it relates to the specific Golden Grove development, and the honourable member would appreciate that. The Government believes that what it has in the Bill is appropriate. We have given a considerable amount of thought to the amount and believe that $100 is appropriate. We are anxious, as was the previous Government, to see that area developed. Much interest is being shown at this time, and we believe that $100 per allotment as indicated in the second reading speech is appropriate and should not be increased.

**The Hon. D. J. HOPGOOD:** First, I wish to reiterate, because it is possible that my interjection was not picked up, that I have no quarrel with the specific nature of this fund. It is appropriate that money raised in this way should go back into the local area. I was merely contrasting it with the more general application of the Planning and Development Fund. I did not want the Minister to think that I misunderstood the nature of the fund, because I understand readily. Will the Minister respond to this question or give information to the Committee on whether he believes that something in excess of $100 per allotment, such as the amount envisaged in my motion, would be a disincentive to subdivision? Does he believe that the Urban Land Trust will not be able to get private subdividers to come into the scheme if they must contribute sums in excess of what he envisages?

**The Hon. D. C. WOTTON:** The honouable member would be aware of the Golden Grove Development Committee, which has given much consideration to the amount that should be required per allotment and has made a recommendation to me. I have sought advice from various sectors in regard to this sum of $100. I stated earlier that we are anxious, as I believe the previous Government was, to encourage development in that area, and we believe that $100 is adequate.

**The Hon. D. J. HOPGOOD:** I will not push the matter further than to say that I would find any suggestion that the Minister would not get any starters, simply because he provided for what was in the Planning and Development Act, to be rather extraordinary. The Minister has stopped short of saying that but, in so doing, he has not been very persuasive; he has not said much except that he took advice from people who are not unacquainted with the situation in the local area. I accept that, but I also accept that Parliament has the final say in this matter and, if we choose to ignore that advice, there will be times when we will be soundly based in what we are doing and other times when we will be less soundly based.

My concern is for the people who will live in those areas and to ensure that there are adequate funds for these facilities. I think of areas in my own district where they have much difficulty in raising funds for, say, a small community hall or the like. I would have thought that it was in this Government's interests and in the interests of the local members from that area, who, as it turns out, are supporters of this Government, to ensure that there is a healthy fund, and my amendment would go some way towards ensuring that. I notice that the local members from the north-eastern suburbs are conspicuous by their absence. I do not know how to interpret that, and I leave it to the general public to interpret it as they will.

Amendment negatived; clause passed.

Title passed.

Bill read a third time and passed.

## SOUTH AUSTRALIAN COLLEGE OF ADVANCED EDUCATION BILL

Consideration of the Legislative Council's amendments.
Adjourned debate in Committee (resumed on motion).
(Continued from page 2576.)

**Mr LYNN ARNOLD:** I hope that the Minister has, during the intervening period since the debate was adjourned, considered the points raised and has now decided that his recommendation to the Committee should be altered to one of accepting the amendments from another place. I was in the process of describing to the Committee the difficulty that the Opposition has had. The Minister's second reading explanation on clause 13 (2) limited itself specifically to aspects relating to the admission of students, it noted the changed nature of courses, stated that these institutions were no longer primarily or solely teacher training institutions, but went no further than that. It took the Minister's reply to the second reading debate to indicate that there were other unspecified events that might require a wider interference by the Minister. However, that was not in the second reading explanation and the Opposition moved an amendment in this place, and a similar amendment has been moved and carried in another place. That indicated

that the wording of the Bill should limit itself to the express desire of the Minister in his own second reading speech.

At no stage has the Minister adequately explained why that should not be so. The points relating to the students union fees have been a major philosophical point of divergence between not only the Opposition and the Government but also between the Government and the Australian Democrat member in another place.

It has, of course, generated a great deal of opinion and comment in the tertiary education sector, and in the *Advertiser* that members are presently reading in this Chamber we notice some letters to the Editor. I draw members' attention to that. The members of the Legislative Council apparently felt that it was worth while installing a clause permitting conscientious objection to the payment of fees. That amendment was supported by the Opposition and we certainly think it should supported in this place. It provides for those genuine circumstances where for religious or other beliefs a person genuinely cannot within the bounds of his or her own principles pay fees for an association or union.

While recognising that, it also expects that those students make some contribution towards the services provided within the institution and, accordingly, establishes a benevolent fund. We think that is an eminently suitable suggestion and we believe it will meet with the acceptance from student bodies in the tertiary sector within this State.

I do not wish to delay the House long on this matter. I think that if the Minister is not going to accept them they will be thrashed out in the conference stages, but I do once more appeal to the Minister to accept these amendments from another place here and now and save us the trouble of having to go to a conference with the unlikely but possible chance that the matter may be deadlocked and, by consequence, the Bill may be seriously endangered and cause grave complications to the operation of the amalgamated colleges in this State. In anyone's definition that could not be considered a service to education in South Australia. That danger could be forestalled by the Minister's merely accepting these amendments now and taking the wisdom of the amendments and arguments that have been put forward in their favour. I appeal once more to the Minister in that regard.

**The Hon. H. ALLISON:** The honourable member must surely be well aware, because he heard what I said at the second reading stage a few days ago, that the stage at which this Bill has arrived leaves it in no worse a position than that of some two years ago when the Hartley College of Advanced Education Bill, which was almost precisely at this stage on 19 December 1978. Therefore, I do not think that the operations of the amalgamated four campuses are going to be in any great jeopardy as a result of the timing of this piece of legislation.

The honourable member must surely be aware also, that while he is accusing the Minister of being intractable, the Minister equally regards members opposite as being intractable and I am quite sure a more reasonable approach will be adopted by members of the Opposition when the matter is resumed for debate in conference.

I see no reason for accepting these amendments because, as I have already explained to the honourable member and his colleagues, there are certain defects in the amendments, defects which were obvious when these amendments were moved a few days ago. I am simply not prepared to accept any of these clauses as they currently stand.

**Mr LYNN ARNOLD:** The Minister is indicating a thorny passage that may be likely to take place later today. He calls for a reasonable approach by members on the Opposition side of the House and at no stage indicates that it might be just possible that he himself could take a more reasonable stand than he has to date. We in the Opposition do indicate that we will take the conference seriously. We will look seriously at all proposals that come before it and we do give that undertaking that we are prepared to consider in the best interests of education in this State, all suggestions that come up. I do not think it behoves the Minister well to suggest that the outcome of the conference is entirely dependent upon some apparent change to attitude by the Opposition while indicating that he himself can maintain his position without any change.

Concerning the matter of the Hartley Act and its late arrival, the Minister now has twice referred to that and he attempted to use that as an ambit excuse. He cites its late passage under the previous Government and says that therefore that makes this one justifiable. I do not know that good government is advanced by attempting to find whatever mistakes in precedent exist to justify new mistakes in activities. I would have thought that surely the Minister could accept that it is not good planning to introduce a Bill of this nature so late in the year.

I am prepared to criticise the timing of the Hartley Bill. I think perhaps that should have been introduced earlier. Of course, we know that the reason why that was so was that there was fulsome consultation taking place between all bodies concerned. I still think it should have been introduced earlier. Surely the Minister can accept that point, that it would have been better had we had this Bill before the Parliament when the drafting Bill went to the Cabinet. This is not an ideal situation. Surely he can accept that what we are trying to do is to make the best of a bad situation.

If we are talking about who is being intractable and if he cannot accept that there is some reasonable criticism that can be made concerning the timing of the introduction of this Bill, I suggest that is a very unreasonable response by the Minister. I do indicate that if the Minister still refuses to accept these amendments and if we do end up in a conference, we will be going into that conference with the spirit of reasonableness and consideration for all the proposals brought up. We only hope that the Minister will do the same and that the education community and the community at large in this State will therefore consequently be advanced.

The Committee divided on the motion:

Ayes (19)—Mrs Adamson, Messrs Allison (teller), P. B. Arnold, Ashenden, Becker, Billard, Eastick, Evans, Glazbrook, Goldsworthy, Lewis, Mathwin, Olsen, Oswald, Randall, Russack, Schmidt, Wilson, and Wotton.

Noes (16)—Messrs Abbott, L. M. F. Arnold (teller), Bannon, M. J. Brown, Duncan, Hamilton, Hemmings, Hopgood, Keneally, Langley, McRae, O'Neill, Plunkett, Slater, Trainer, and Whitten.

Pairs—Ayes—Messrs Blacker, D. C. Brown, Chapman, Rodda, and Tonkin. Noes—Messrs Corcoran, Crafter, Payne, Peterson, and Wright.

Majority of 3 for the Ayes.

Motion thus carried.

The following reason for disagreement was adopted:

Because the amendments are contrary to the principles expressed and intended by the Government.

## CONSTITUTION ACT AMENDMENT BILL (No. 2)

Returned from the Legislative Council without amendment.

## STATE THEATRE COMPANY OF SOUTH AUSTRALIA ACT AMENDMENT 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.*

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

Leave granted.

### Explanation of Bill

The State Theatre Company has in recent times been confronted with a series of problems of considerable difficulty. Of course, these problems in no way reflect upon the competence and diligence of the board. However, the Government believes that the board might be better equipped to deal with the problems that lie ahead if its membership was increased. The board's present size makes it too vulnerable should any governors be absent. This is often unavoidable, due to business or private commitments or, in the case of the company representative, when the company is on tour.

The increase in numbers of trustees of the Regional Cultural Centre Trust last year from six to eight has proved prudent, allowing wider community representation and greater flexibility in appointing persons with specific expertise. Similar benefits may well ensue from a corresponding broadening of the membership of the board of the State Theatre Company. The present Bill accordingly increases the size of the board from six to eight members.

Clauses 1 and 2 are formal. Clause 3 increases the number of board members to be appointed by the Governor from three to five, thus increasing total membership of the board from six to eight. Clause 4 increases the quorum of the board from three to four members.

**Mr BANNON** secured the adjournment of the debate.

## SOUTH AUSTRALIAN FILM CORPORATION ACT AMENDMENT 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.*

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

Leave granted.

### Explanation of Bill

This Bill effects a minor change to the title of the Chief Executive Officer of the South Australian Film Corporation from Director to Managing Director. This change is considered necessary because of confusion which has been experienced with use of the title 'Director' within the film industry. The term director is used in the film industry throughout the world to designate positions in film crews. Since the South Australian Film Corporation was established, the use of the film crew title of director to designate the Chief Executive has caused some confusion.

As the corporation is now entering into closer and more extensive business relationships with companies and private investors in Australia and overseas, it is desirable that the more appropriate designation of 'Managing Director' be adopted.

Clause 1 is formal. Clause 2 amends the heading to Part III in section 3 of the principal Act. Clause 3 replaces the definition of 'the Director' with an equivalent definition of 'the Managing Director'. Clause 4 amends the heading to Part III of the principal Act. Clauses 5 to 10 make consequential amendments to various provisions of the principal Act.

**Mr BANNON** secured the adjournment of the debate.

## IRRIGATION ACT AMENDMENT BILL (No. 3)

Returned from the Legislative Council without amendment.

## DISCHARGED SOLDIERS SETTLEMENT ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

## MOTOR FUEL DISTRIBUTION ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

## ROAD TRAFFIC ACT AMENDMENT BILL (No. 6)

Adjourned debate on second reading.

(Continued from 3 December. Page 2323.)

**Mr O'NEILL (Florey):** The Opposition has examined the Bill and agrees with most of the provisions therein. The matter relating to learners' permits being included in the definition of 'drivers' licences' is an obvious provision; the tow-truck definition is consequential; the matter in respect of a vehicle being carried or drawn by another vehicle without being actually attached to it is understandable. The Opposition understands the need for the alteration to the definition of alcotest in clause 4, in view of the fact that the Police Force desires to acquire a sufficient number of the new machines that it is claimed are much more efficient than the so-called blow bags, and in view of the fact that the Opposition does not wish to do anything to impede the operations of the random breath-testing units.

Although we have some reservations about the whole thing, we do not oppose the principle of the legislation in relation to random breath-testing. It is obvious, however, that it is not all plain sailing. I look forward to receiving a reply in the near future from the Minister in respect of a question that I asked him about the comparison between the number of apprehensions under the random breath-testing system and what one might call the ordinary processes whereby people are apprehended by the breath-testing method used by ordinary police patrols. However, we do not intend to do anything about that provision.

The matter in relation to ferries is understandable. I believe that there was a problem or an argument recently on a ferry where problems were caused for the crew thereof by some deficiencies in the legislation. The Opposition agrees with that. The Bill proposes to remove a number of the sections in the Act relating to exemptions and it contains a provision to insert a section 163aa, which gives the board

power to exempt specified vehicles. In our opinion that is a worthwhile exercise. We intend to support the second reading but intend to oppose clause 11 at the Committee stage. The Opposition is concerned about this provision although it may be that the Government is proposing it with the best intentions in the world. However, the Minister stated in the second reading speech:

> The State Government Insurance Commission and the Road Traffic Board both believe that it is now well established that the wearing of seat belts contributes to road safety and it therefore ought to be open to the courts to take this factor into account in any particular case.

The Opposition looked at this long and hard. I believe that people who ride in motor vehicles should wear seat belts. I am firmly convinced of the efficacy of that piece of equipment in saving lives and I would certainly not drive without wearing mine. However, the problem that we see in this proposition is that it is going to create a legal paradise for a bevy of advocates and experts in various areas of automobile safety as to what one could call human body physics inside the machine. Arguments would ensue if it was left to the courts to decide. If somebody had an accident and was not wearing a seat belt, it could be contended in certain circumstances that that person was safer not wearing a seat belt than wearing one. We see that, despite what the Government might believe is a good idea, it could develop into a legal quagmire.

The other aspects is that there has been a tendency of late, particularly at Federal level, to resort to what one might call 'victim blaming'. In other words, the Federal Government, and to a lesser extent this Government, have engaged in a number of areas in trying to unload the total responsibility for their condition on the victims of any number of social problems. We see some element of that in this proposition. Certainly, the industrial movement would not accept the argument that this premise is based on, namely, that in the event of momentary lapses of concentration, a person's whole claim for compensation could be placed in jeopardy by virtue of the fact that contributory negligence could be argued thereby depriving somebody of what should really be that person's entitlement. I do not wish to belabour the point. That is the only aspect to which we object. There are a number of other provisions which I could refer to item by item but I will leave the matter there and indicate that we intend to support the proposition at the second reading stage.

**The Hon. M. M. WILSON (Minister of Transport):** I appreciate the support for the second reading expressed by the Opposition through the member for Florey. Let me assure him that the question he asked me on road accident statistics in relation to breathalysers is being processed. I gave it some attention earlier today. I am not sure what stage it was at but I was signing something for the member, so he will be getting that soon.

I am rather surprised at the Opposition's attitude to clause 11 on the question of contributory negligence applying to insurance claims when the question of whether a person does or does not wear a seat belt is concerned. When contributory negligence is decided by the court I would have thought that it would be obvious, after having had the seat belt legislation for at least 10 or 11 years, that the wearing of seat belts was a very great safety factor and probably the most important action taken by any Government in the field of road safety around Australia.

In other words, when all Governments introduced compulsory wearing of seat belts, that was the most important legislation, certainly far more important than random breath testing. I believe that the member for Florey understands that. Therefore, I find it even harder to accept that, in a claim for damages, a person should be allowed to 'get away' with responsibility on the basis that the person did not wear a seat belt. I think it is obvious that if one is not wearing a seat belt, it is a contribution to damages or to negligence. Obviously there is a different attitude between the Opposition and the Government. I would not be surprised to find, if the member was Minister, that he would not be bringing this amendment to the House. I believe the evidence is overwhelming.

**Mr Trainer:** It won't be long before he is.

**The Hon. M. M. WILSON:** The member for Ascot Park can live in hope.

**Mr Trainer:** Expectation.

**The Hon. M. M. WILSON:** Expectation it may be, but certainly it must be hope, and I am sure it will remain hope for some time to come. However, let us not stray from the second reading. I thank the Opposition for its support of the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 10 passed.

Clause 11—'Wearing of seat belts is compulsory.'

**Mr O'NEILL:** I will not take up much of the time of the House. As I previously indicated, the Opposition opposes clause 11. I also indicated that we are not opposed to the wearing of seat belts but it is not as clear cut as the Government would see it. We are concerned not so much about the people who could get away with not wearing them as with the problems that could accrue to people who, owing to circumstances beyond their control or for some other reason, were not at the time of an accident wearing a seat belt and who could then become involved in an action which would seriously impair their right to fair and just compensation in the event of an accident. There are countless other scenarios that one could look at, but I do not intend to do that now. The Opposition opposes the clause.

**The Hon. M. M. WILSON:** I would have thought that a claim for damages before the court would be adjudicated on the basis of sources beyond a person's control. I am sure that that would be taken into account in awarding damages. I believe that the honourable member for Florey understands that, and I do not believe that there is an argument against the clause. Further, I do not believe that this will really be a bonanza for the legal profession. I do not think that that will happen at all.

**Mr O'Neill:** What would be the position if some experts in the field believed that it might be?

**The Hon. M. M. WILSON:** Be that as it may, it appears that there cannot be a meeting of minds in this place on this issue.

The Committee divided on the clause:

Ayes (18)—Mrs Adamson, Messrs Allison, P. B. Arnold, Ashenden, Becker, Billard, Eastick, Evans, Glazbrook, Goldsworthy, Lewis, Mathwin, Olsen, Oswald, Randall, Russack, Schmidt, and Wilson (teller).

Noes (15)—Messrs Abbott, L. M. F. Arnold, Bannon, M. J. Brown, Duncan, Hamilton, Hemmings, Hopgood, Keneally, Langley, O'Neill (teller), Plunkett, Slater, Trainer, and Whitten.

Pairs—Ayes—Messrs Blacker, D. C. Brown, Chapman, Rodda, Tonkin, and Wotton. Noes—Messrs Corcoran, Crafter, McRae, Payne, Peterson, and Wright.

Majority of 3 for the Ayes.

Clause thus passed.

Remaining clauses (12 to 23) and title passed.

Bill read a third time and passed.

## INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL (No. 3)

The Legislative Council intimated that it insisted on its amendments to which the House of Assembly had disagreed.

Consideration in Committee.

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

That the House of Assembly insist on its disagreement to the Legislative Council's amendments Nos 1, 3 and 4.

Motion carried.

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be represented by Messrs D. C. Brown, Lewis, McRae, Oswald, and Wright.

## PLANNING BILL

*Later:*

The Legislative Council intimated that it insisted on its amendments to which the House of Assembly had disagreed.

Consideration in Committee.

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

That the House of Assembly insist on its disagreement to the Legislative Council's amendments.

Motion carried.

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be represented by Messrs Crafter, Hopgood, Olsen, Randall, and Wotton.

## HARBORS ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 2 December. Page 2277.)

**Mr O'NEILL (Florey):** The Opposition supports the Bill, which relates to the acquisition by the Government of the jetty at Rapid Bay currently privately owned by the Broken Hill Proprietary Co. Ltd. My information from the Department of Marine and Harbors is that the jetty is in reasonable and fair condition. Some minor repairs are necessary but it has a relatively new deep-water end and, according to the department, it will have a revenue-generating capacity in the future when the Adelaide Brighton Cement Company begins to use the jetty and the loading system thereon. Of course, the loading system is not included in the transfer. That is a matter of negotiation between the B.H.P. company and the Adelaide Brighton Cement Company. The Opposition supports the Bill.

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

## SEEDS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 1 December. Page 2156.)

**Mr LYNN ARNOLD (Salisbury):** The Bill is fundamentally the same as the Act which was passed in 1979 but which was not proclaimed at that time. There are a couple of minor alterations, which the Opposition has considered and finds unobjectionable. We indicate our support for this Bill, which is substantially the same as that passed by the previous Government.

**The Hon. W. E. CHAPMAN (Minister of Agriculture):** I appreciate the support from the Opposition as expressed by the member for Salisbury.

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

## SOUTH AUSTRALIAN COUNCIL FOR EDUCATIONAL PLANNING AND RESEARCH ACT REPEAL BILL

Adjourned debate on second reading.

(Continued from 18 November. Page 2057.)

**Mr LYNN ARNOLD (Salisbury):** This Bill has had a long, if not so much a troubled, history. It was, in fact, on the Notice Paper in the first session of this Parliament, and now it is on the Notice Paper for this session. The Bill has languished there for a long time, and it is only now that we are considering its provisions.

I indicate that the Opposition will be supporting the Bill, because it takes account of a reality, namely, that the South Australian Council for Educational Planning and Research is not and has not been functional for some three years now. The council was established in 1974, I believe, and it operated for a limited number of years. I might just draw the attention of the House to the objectives as outlined in the original Act. The original Act provided:

(1) The council shall have the following powers and functions:

*(a)* to conduct, or commission the conduct of, such investigations and research as the council considers desirable with respect to the provision of educational services and the use of educational resources;

*(b)* to promote the development, rationalisation and co-ordination of education services;

*(c)* to establish and maintain a library and to accumulate statistical evidence relevant to the functions of the council;

*(d)* to publish reports, papers or documents relating to educational planning and research;

and

*(e)* to perform any other functions that may, in the opinion of the council, be reasonably incidental to the foregoing.

I would like the Minister to say what happened to the material that was accumulated by the library in the library. Where was that forwarded to? Has it gone into the general Education Department library, or has it gone to a specific unit within the Education Department or elsewhere? I hope that during his response the Minister might be able to give some further information on that.

The matter of research on education is vitally important. It was recognised as such by the passage of this Act, and I do not believe that either the Government or the Opposition is indicating by the dispensing with this Act that we are dispensing with the belief in the value of research in education. I suppose it is more the recognition that it is achieved perhaps in other ways in the present context. One of the ways in which it has been achieved over recent years is by such things as the research capacity of the Federal Government through the Schools Commission. It worries me greatly that the research capacity of the Schools Commission has been so seriously threatened. Indeed, it has been virtually gutted. I think that this bodes ill for the future of education not only in this State but for the nation at large. I think that we would all recognise that in the 1970s the Schools Commission provided the means of identifying specific needs and priorities in Australian education and indeed provided the base against which funding recommendations could be made.

Accordingly, educational funding, which in all States of Australia was predominantly demographically based, had added to it a significant needs base component; the needs,

being identified by the research capacity, therefore meant that needs were effectively and efficiently addressed. However, the gutting, as I have referred to it, of the research capacity of the Schools Commission in the present triennium will lead to a down-grading of the efficiency of the meeting of needs of Australian education. Without an adequate data base and without adequate information available to educational authorities, both Federal and State, it can only mean that we will be operating somewhat in the dark. We could go back to basing our educational funding entirely on a demographic basis, in other words, say, 'x' cassette recorders to 'y' number of students, regardless of the particular needs of the local community or school or the category of student.

That will not be in the best educational interests of access; it will not guarantee rights of access or equality of access to all students. We will not really see the effect of that during the present triennium, because the triennial report issued earlier this year operates on the basis of the research work done during the year prior to that. We will be living on the benefit of that for this triennial period. The real danger will start to occur after this triennium, unless some means has been identified, created or established at the national level, ideally, or at the State level as a second-best option, to ensure that that research capacity still exists.

I know that one could try and pose the proposition that the council that we are presently about to disband should be kept on to be such a vehicle. I am not certain that that would be the best way of doing it, and it is not therefore the Opposition's intention to support the maintenance of that council. But, we do recognise that at the State level we should address ourselves to this important problem and seek to have some capacity within the State education system to research educational needs and to prioritise those needs on the basis of accurate and adequate information.

Ideally, it is a Federal responsibility, but, in the absence of that being so, we do not believe that the children of this State should be severely disadvantaged just because the Federal Government has abrogated its responsibilities in this field. Another suggestion contained in the Keeves Committee of Inquiry Report was that there should be an informal research capacity. I will read out the recommendation that was made. Recommendation 5.4 recommended that:

A planning and research group should be established under the general supervision of the education policy and priorities executive. The planning and research group should maintain close links with the office of the Minister of Education. The staff seconded to work in the planning and research group should be highly productive and highly skilled in the conduct of policy—oriented and planning research. The Act of the South Australian Council for Educational Planning and Research should be modified to enable the planning and research group to be established with a degree of independence but also have a direct line of responsibility to the educational policy and priorities executive.

Of course, it is interesting that the Keeves Committee in its first report did recommend not the total abandonment of the council but rather that it be modified. Nevertheless, I do not think that that should forestall our present considerations. The other points made are very important. The Keeves Committee of Inquiry recognised the fundamental value of research being undertaken by a small and highly productive group (that is the phase that the committee used in its report), and such a group could only further education in this State. The report proposes a manner by which that could be done, which I certainly commend to the House. I hope that the Government in the not too distant future will indicate just how far it will proceed with that recommendation.

By way of analysing the types of areas of research that the Keeves Committee felt could be undertaken by that new mechanism (it is not a statutory authority or proposed to be a statutory authority), one could read the other statements made in the first report, where it is stated that it would undertake the following task:

To review research conducted overseas and in other parts of Australia that have a bearing on the development of policies and programmes in education in South Australia.

I believe that that is of vital importance. We have a great many educational initiatives being undertaken all over the world, and we would be foolish to think that those initiatives are only undertaken in this State, in Australia or indeed even in the Western world. We need to pay attention to that fact. Of course, if one looks at the number of nations of the world (156 at the last count), it can be realised that one is inherently involving 156 national education systems, and as in many cases they are broken up into provincial or local government areas the variety of systems must run well into the hundreds, if not into the thousands.

That could either be a very haphazard affair of individual members of Parliament or individual teachers reading an interesting article in a magazine somewhere about some idea that was propounded and undertaken, or there could be some more rational, organised approach. We could try to map out the sorts of directions. The proposal contained in the Keeves Committee Report could provide that so that we had an overview of the way in which research was being developed with a view to the development of policies and programmes. I see it as being not just generalised programmes that cover the directions of education generally but also specific types of programmes. We can even look at school structures and school types.

We in the State have made a number of innovations. I was at a function the other night in the electorate of the member for Newland who was also there, namely, the speech night of The Heights school, which is a reception through year 12 school. The point made by the principal in his address was that the experiment being undertaken there is quite unique and innovative not only in this State but indeed in this country. He went on to say that it has an international uniqueness to it. That is to be commended. That is not the only R-12 school in the area, as the other is in my electorate, namely, Paralowie. While its approach is different in many ways, it is useful because it helps us in studying and researching the value of that kind of approach to school structure. We can see and compare the effectiveness of the two school methods not competing against each other but recognising that they are answering, to a certain extent, different needs and different circumstances. We do not want to close our eyes to school structures that are being followed overseas. My point is that the research should not just be into general programmes and sweeping areas of philosophy: it said it should be related to such things as even the actual structure of a school or the structure of time tabling.

The next task would be to review and analyse critically evidence submitted by other agencies in support of the introduction of particular policies and programmes. That is very important, because in this day and age a number of groups in society are proposing directions in which education can go. One has only to look at the diversity of non-government schools in this country and the change in that diversity in recent years. Not so many years ago, the only non-government schools effectively were religious schools that were reasonably formal and traditional in their structure.

Over recent years, we have seen the introduction of schools that are no longer so formal or traditional. They are proposing new concepts that could be considered. One has, for example, the Manu High School, on which, although it is unknown to me, I have read brief reports in

the paper. I understand that that school includes a heavy component of meditation in its study programme. One can think also of the Waldorf School in the Adelaide Hills on which I have more information. That school sounds very impressive in relation to the way in which it tries to incorporate the Steiner methods of education. Of course we have the example of Montessori kindergaren in the western suburbs. That tries to experiment with educational theories that are non-traditional and non-formal. It goes even further than that.

We have had put before the community this year a concept of a State Christian school. It was first proposed by a group in the Adelaide Hills and more recently in the northern suburbs (in the Salisbury-Elizabeth area) a group has proposed that there should be a possibility for the range of choice and diversity in the Education Department to encompass a school of Christian philosophy within the State system. Members will recall that that matter was raised briefly during the Estimates Committees, and the Director-General, speaking through the Minister, indicated that the department was not in favour of that proposal at that time. Be that as it may, it certainly does bring a major new area of educational debate that should be looked at.

I expressed the concern to organisers and members of those two groups, saying that I believe that this proposal should not be proceeded with until the Legislature could fully examine all that was involved in it. Many profound changes were implicit in those proposals, and I did not want to see it slip in through the back door. I take the point of the Keeves Committee that it could well be the sort of thing that could be considered by this research group, where it would review and analyse critically evidence submitted by these other agencies, in this instance, in support of the introduction of particular policies or programmes.

The third point was to undertake research into education in South Australia which would assist in the clarification of policy questions and which would lead to statements of policy options so that informed decisions could be made. I have been a believer for some time in the method of decision making that is based on knowing all the options that are available. I believe that sound decision making really requires that the person or group making the decision is fully aware of all the possible courses of action that could be undertaken, from the most Draconian to the most libertarian, from the most restrictive to the most free, and that each option is not merely listed as an option but has contained along with it the advantages and disadvantages of that option for the State, society and the individual.

It is not reasonable to expect individual members of Parliament, the Minister of Education in any Government or indeed senior officers in the Education Department to be able to draw up a water tight list of all the options that may be available. It would be all too easy for some options to be overlooked. A planning and research group would address itself particularly to that area. It would have the brief of planning, and of drawing up all the options that might take place. That would be a principle function—not to make decisions on those options but merely to draw up the list of options that ought to be considered by the decision makers. On that basis, the provision of a fuller range of options can only enhance the decisions that are ultimately made.

I often feel that there is much to be said for the natural thinking model of Edward DeBono. One of the things inherent in that is the consideration of all the other possibilities that may never otherwise have been considered. Even though sometimes bizarre, strange or appalling options may be raised, at least it provides the background fabric on which a wise decision can be made; and we know fully why we reject certain options.

The fourth print is to commission research workers in universities and colleges of advanced education to undertake specific research studies in order to assemble evidence to assist in the making of informed decisions on educational policies and programmes. This is a sound decision that I believe should be proceeded with. The overall suggestion is not that this planning and research group should be a bureaucracy in itself—that it should contain within its own star structure all the research capacity that would ever be needed to answer specific requirements. It is here suggested that it should draw on the research talents contained within our tertiary education sector.

That has an immediate advantage for those within the sector itself, for the planning and research group and, by consequence, for the education system and the community of this State. It is true that we in this country rely heavily on the research done within the tertiary sector. I believe that of all research done in Australia 50 per cent is undertaken within the tertiary sector. One can criticise, for example, the fact that not more research is done in industry. Nevertheless, that is not the matter to which we are addressing ourselves at the moment. This would take advantage of those people and by using them in an educational sphere, such as a tertiary educational area, one is using those people who have some knowledge and awareness of one area of education. Therefore, they would not be totally ignorant of the background against which research should be done.

Again, if we want to draw up a range of options for a certain policy area in order to make a sound decision, it may be sound or wise to have a number of people in universities or colleges of advanced education, each working on a specific option on that one policy area, so that we end up with a well-researched series of options.

The fifth area is to maintain accurate and revised projections on the numbers likely to be seeking to use educational services in different localities and regions within the State. That has grave significance for us in South Australia. Over recent years we have found that projections on numbers have been difficult to hone down and to reduce the margin of error. The Karmel Committee, which produced an excellent report into education in 1970, set the beacon or the direction for education in this State right throughout the 1970s and it did a great deal of valuable work, not just for South Australian education, but for Australian education at large. It did, however, find great difficulties in providing accurate data on enrolments. We now know that the enrolment figures contained in the Karmel report have proved to be somewhat out. That is no real criticism of the Karmel Committee because, indeed, a number of factors changed in the 1970s that could not reasonably have been foreseen, although an options approach, which I suggested previously, with a wider number of options, might well have at least provided a statistical base of all possible demographic projections. Nevertheless, that is not a criticism of the Karmel Committee.

One can raise the same questions again about, for example, the School Enrolment Changes Report, which was tabled in this House in August. I know that already there have been criticisms about the statistics contained in that report. One can say that perhaps that report will be as inaccurate 10 years from now. The point has also been made that in Budget planning we need to know exactly how many students are likely to be there to determine the way in which funds should be allocated. I believe that, although there has been some growth *per capita* on the money spent on education in primary and secondary areas in this State, part of that has been almost by default, because there has been a greater decline in student population than was anticipated at Budget time, and, consequently, the Budget allocation went around a smaller number of students and nat-

urally resulted in more per head than had been anticipated. Therefore, it was not so much a conscious attempt to increase the *per capita* spending as it was an unconscious one, based on the projections not being totally accurate.

It is arguable whether it is possible to maintain accurate projections in the long term. I do not believe that it is. That is why I said that, rather than just having the low-growth, medium-growth and high-growth option strategy followed in many population projections, we should encourage the development of projections that put five, or even 10, possible ranges and that therefore, by deduction, one of them must end up being accurate.

In the short term, it should be possible for more accurate data to be received. I know that we have had problems in recent times about this matter. I know there have been problems in the pre-school area, and in primary and secondary schools in terms of determining how many students are likely to go to a school; that may have an effect upon staffing. Today, I received correspondence from the Hills Kindergarten in Stirling, which raised the point that the staffing that they would be allocated next year is based on the August enrolments this year and not on the 1982 anticipated enrolments. They consider that it should be based on the 1982 enrolments.

We next raised the question of how we determine what the 1982 enrolment is going to be. For example, do we determine it on the family allowance payments in a particular area? I know that that data base is used by a number of Government departments and authorities. One problem with that area is that not everyone has his family allowance money paid to the correct suburb. If such a person had moved, it may still be paid to a former bank or, indeed, the bank may be at a central location where they choose to go shopping and not in their own locality, and therefore, the population would not be correctly distributed.

Should we use the census figures? Already the census figures available are five years out of date, and we will not have access to the next census figures until well into next year. I know that some parents are very concerned about this problem and have chosen to do their own surveying, going around from door to door and asking how many children there are in the household, or how many children it is reasonably anticipated there will be in the household in a set number of years. A lot of that surveying has perhaps been somewhat random, unstructured, and would not meet the statistical ideals of statisticians. Nevertheless, it has provided useful information in a number of situations. In my own electorate the Direk community was concerned about their pre-school child/parent centre and felt that the department did not have access to accurate information. They went out and surveyed 900 homes in the area on that basis, and were able to provide to the department information which, thankfully, the department acted on and took into account. We now have some earlier problems that we were facing with regard to accommodation for the child/parent centre resolved.

The planning and research group could be an advisory body to such groups of parents to assist them in gathering data. It may be that, instead of the group gathering the data itself, it could encourage school councils or parents to go out and collect statistical information and say, 'When you do this, these are the sort of questions that you ought to ask.' Rather than asking, 'How many children would you like to have?' it could ask, 'How many children do you think you probably will have in the next X number of years?' Rather than asking, 'How many children do you have?' it could ask, 'What ages are the children you presently have, and do you propose that they go to schools in the local area?' In other words, we should fine down the questions so that the information that is gathered is of more use. That would be of great assistance not only to those local communities but also to the planning of educational services within the State at large. Finally, I suppose that we could end up with the development of a series of surveying models that could be readily sent out to school communities, because they would have been developed from experience over a number of situations.

I am suggesting that the Keeves Committee has been wise in its consideration of planning and research. It has made these recommendations. We are now considering a Bill that will dispense with a body that ostensibly has a research capacity, though by common knowledge it has not had the functions for some years. Perhaps it might have been a good idea for the research proposals of that committee to have been acted upon or followed up at this time so that, as we are sweeping one out, we are bringing in another and embodying that in the education system so that we do ensure that first we pay attention to the importance of research and planning, and secondly that we actually do something about that research and planning.

The other area to which we should pay attention is how one determines the research goals, how one determines in what areas research should be done. One of the warnings that the Keeves Committee gives is that there is already perhaps a considerable dissipation of effort into the conduct of trivial research undertakings, not just in the education area but in any number of areas. Some years ago I had occasion to meet a clever and able American who was working in this country. He was a good lecturer in his field. He was a doctor: not a medical doctor but he had a PhD. He had studied in the United States and his doctorate of philosophy was on an obscure and unusual topic, because he did his thesis on the sex life of mallard ducks in subambient temperatures. I think that that meets the definition of the Keeves Committee in being somewhat trivial, although doubtless not for mallard ducks.

**The Hon. H. Allison:** Frozen assets!

**Mr LYNN ARNOLD:** Yes, but the wider significance of that research for the community at large is somewhat limited. Whilst I emphasise that he was an able lecturer in his field and he was not hindered by his research work in that field (he might have got a bit cold), the research work did not of itself immediately add to his capacity as a lecturer. It was just his innate abilities in that regard. I refer to point 4 of the tasks listed, which could reduce such relatively trivial research work, because there would now be a range of subjects available that would have significance and importance. They could be presented to people studying for their doctorates or masters degrees, and they could know that they could choose something that would actually assist the State or the community at large, rather than answering some esoteric or obscure purpose.

Also, research is not only work undertaken by doctorate or masters students—it is also a much shorter-term thing that can be undertaken by simple short-term research projects by students in their first or second year of tertiary education. It can be undertaken by someone as part of ongoing course work, and we should not reject the value of that course work for the system in general. Some of the areas that we may want investigated may only be relatively small. For example, we may just want some information about the provision of teachers to remote communities in other parts of Australia. While that could well generate much work, I am not suggesting for one moment that it would be the potential for a doctorate or master's thesis, but it could be something that could be studied over one term in order to produce a smaller paper.

In order to add to task No. 1, I suggest that one other thing should happen. The Keeves Committee expected that there should be a review of research conducted overseas

and in other parts of Australia. Likewise, we must add our contribution overseas and in other parts of Australia. There should be some collating of research done within this State so that it can be made available in abstract form to people throughout Australia and overseas.

Of course, there are structures through which that can be done, and one would not want to suggest a new structure. For example, the United Nations Educational Scientific and Cultural Organisation (UNESCO) is one such area. It does valuable work in the interchange of information, and we could take advantage of promoting some of the concepts that we have and have experiments with and promote those overseas.

That brings in another area where valuable research and further study takes place, namely, the area of study tours or study leave. I know that recommendations have been made by certain teacher bodies in the past that study leave should be introduced in secondary and primary education so that, after a certain number of years, a teacher would receive paid leave, not such as long service leave, but paid leave for the purpose of going interstate or overseas on a study tour.

I do not believe that, in the present financial circumstances, we could entertain such a proposal in this State or anywhere else in Australia, because the costs would be just too great. I have made that point often to meetings of teachers that I have addressed. That is not to say that we should not keep it in mind as a goal and at some future stage we may be able to bring that into effect. Instead, we need to look at other ways in which we can achieve the same objective. We know already that there are opportunities for teachers from this State to exchange with teachers from other parts of the world. That happens already. At a school I visited the other night an announcement was made that one teacher from that school, for example, was swapping with a teacher from Canada.

That has immense value not just for the two teachers or even for the school but, by flow on, for other schools in the State and in the recipient overseas country. We can perhaps try to enhance that and enable that system to work more smoothly and expand it, for example, by creation of some sort of bureau in the Education Department that could act as an exchange office to help people to know where they could best answer their own research desires.

For example, a mathematics teacher to intellectually disadvantaged children could approach the bureau and say, 'I am eager to know what is being done overseas.' The bureau could address itself to that question and draw up a list of those countries or regions where interesting work is being done in special education for mathematics, and then say to the teacher, 'From our research, we have found that if you went to Bute, Montana, there is a school that does interesting things in this field, and you could learn much there. On the other hand, if you go to another community you could not learn as much there compared with what we do here.'

The suggestion to that teacher would be that there was a place that he or she could consider. It does not just rely upon teachers hearing what they can on the grapevine or just having a feeling that it may be that something interesting is going on in France, for example, and then pinning the tail on the donkey by just choosing a spot on the map, but rather it would be more structurally and soundly done. That bureau could then try to arrange an exchange. It could be the contact point that could make contact with the education authorities in Montana, or wherever, and raise the possibility that there could be an exchange. It could then provide information to the potential visiting teacher from overseas, who would be the exchange teacher, and it could then generally facilitate that.

By making the possible exchange of teachers from one to another that much more easy it must increase the number of teachers who are willing to undertake such study exchanges. I think we would see some immense benefits to education in this State. Likewise, we would be offering to the international community at large the opportunity to disseminate our ideas. I think we should not be hiding ourselves away from the world; we should be promoting to the world that we do have educational advantages and ideas that we have considered that we think they may find interesting. We should allow other countries to have the opportunity to visit some of those by *(a)* coming to this country and seeing them first hand, or *(b)*having the opportunity to work with overseas teachers in the overseas context. That seems to me to be an eminently suitable alternative to the provision of paid study leave in the short to medium term in this State, both from the individual's point of view and the State education system's point of view.

As I have indicated, the South Australian Council for Educational, Planning and Research Act Repeal Bill may not at first sight seem particularly important when related to the council itself, because the council is defunct; it has not operated for three years, but the issues it raises up are of great importance. I want to say that inasmuch as the Opposition supports this Bill it is doing so merely because of an organisational reality, not because it believes that the function of that council as specified in 1974 has now become unimportant, or because it believes the importance of educational research and planning is of peripheral interest only; rather, we are just addressing ourselves to an organisational need and still wanting and desiring the recognition by the State education system of the value of research and planning. The fact is that we think that the Keeves Committee gives us some guidelines that should be acted upon in the very near future. I would like to make a general comment about all the Keeves recommendations. I would hope that we would have, in the not too distant future, a response by the Government to all the recommendations as to what exactly will be done about each of them. Will they be accepted or rejected? I indicate that the Opposition supports this Bill.

**The Hon. H. ALLISON (Minister of Education):** One of the reasons why the Bill before us remained on the Notice Paper for most of the previous session and then was reintroduced is that the Keeves Committee did request that the Bill remain there in anticipation that it may have come up with some recommendation as to the South Australian Council for Education and Planning and Research being reactivated. That did not happen and I think if one views a little more carefully the history of the SACEPAR body than, was the case concerning the comments of the member for Salisbury, then I think the House would surely realise that there is a lesson attached to the whole history. In fact, the Karmel Committee of Inquiry way back in 1971, when that report was handed down, did in fact recommend, among many other things, that there was a need for a body that could give a well considered and balanced advice to the Minister of the day.

The precise recommendation was that the Minister's task is by no means limited to the administration of the Education Department: he has wider obligations. It should be of great benefit to him to have the advice of a body which was able to look at the education system as a whole. I suggest that the Keeves recommendations specifically referring to the Ministry of Education and suggesting that attached to the Minister's office there might be a substantial research body is, in fact, to some extent a repetition of that earlier Karmel recommendation.

What was the outcome of the Karmel recommendation? The Government of the day did decide to establish the Advisory Council of Education. The Karmel Committee recommended a full-time Secretary-General of high quality and it also recommended the means of undertaking the inquiries that are essential as a basis of useful and authoritative advice. The end result of that recommendation was that SACEPAR was formed with a very substantial staff of 25. Not only that but a very high calibre council was established, also comprising some 25 individuals from South Australia and interstate. One of the more disappointing factors connected with the SACEPAR group is that, although it had a very high-power committee, it absorbed a lot of precious time of those committee members.

Nevertheless, the large unwieldy nature of the council, coupled with, I think, an almost too visionary approach of the majority of the members appointed to SACEPAR meant that a lot of the productivity of that group was not really relevant to South Australia's educational needs. I think that most of the critics of the SACEPAR group would say that its output was disappointing and that it was an extremely expensive group when one considers the output and the relevance of the output to the South Australian community. The winding down of SACEPAR group, not by this Government but by the previous Government, had a double intent. One of them was a financial one in so far as SACEPAR was an expensive body, and the previous Minister had before him in 1978 a number of recommendations which were initially considered by Cabinet but which do not appear ultimately to have been ratified by Cabinet. Those recommendations included consideration of whether the board of Advanced Education and SACEPAR should be phased out and replaced by the new Tertiary Education Authority. There were a number of alternatives (four in all) which were ultimately not considered by Cabinet of the day but which resulted in both SACEPAR and the Board of Advanced Education being phased out in favour of the current existing tertiary education authority of South Australia. The fact is that the present Government does not intend to err in the same way by the establishment of a very large, expensive and unwieldy body attached to the Ministry of Education.

The Ministry of Education which has been established is a small, compact, vigorous group, comprising only five members under the Director, and it is our intention that that very small group should be in constant contact with the whole range of bodies outside the Education Department and the Further Education Department, and rather than have a permanent secretariat attempting to comprise expertise from the whole educational spectrum, we feel that it is much more practical to isolate areas where specific advice is needed and to then go out and solicit the assistance of a wide range of experts and obtain expertise that is readily available from within the South Australian educational community. That is a cheaper and more practical means of obtaining expert advice for the Ministry, and for the Education Department as a whole.

The member for Salisbury mentioned that the Karmel demographic statistics given previously were proven to be innaccurate. In fact they were proven to be inaccurate by as early as 1975 and I think it is extremely unfortunate that the former Government embarked upon fairly inflexible programmes. The former Government committed very large sums of money, as had other State Governments, towards the expansion of colleges of advanced education, and was also spending considerable sums of money; for example, $23 000 000 was spent on Monarto alone and that expenditure continued well until the end of the 1970s, when the Borrie Report and others were predicting that there would be population declines across Australia.

I think that it is to the Education Department's credit that it was the first of any Government department to detect the inaccuracy of Karmel and the inaccuracy of the 1975 predictions and begin to phase out bonded students, for example, in the firm realisation that it could not guarantee teachers college students any employment in the late 1970s and early 1980s, a prediction which of course, proved to be all too accurate. Regarding the possibility of the Education Department's having a sort of windfall profit with the increase in per capita expenditure, I suggest that that is not so. The Education Department, as long ago as 1977, realised that South Australia's educational cost would increase.

**Mr Lynn Arnold:** But you did say to the Estimate Committees this year that the decline, being greater than anticipated, resulted in an over-allocation.

**The Hon. H. ALLISON:** The greater than anticipated decline was only in the current calendar year, 1981. In fact, the Education Department's predictions and its statistical accuracy have been such that the Australian Bureau of Statistics has been relying on the Education Department to assist it in the collation and interpretation of quite a bit of its statistical data.

**Mr Lynn Arnold:** Some individual school work has been let out, too.

**The Hon. H. ALLISON:** That, too, is to the credit of the Education Department and the fact that generally on an annual basis it has been more accurate with regard to population demographic predictions than most other sources have been. However, of course, this year there was an error of some 2 000 in anticipated decline: 5 000 was anticipated, but a little over 7 000 was the actual decline in students attending Government schools.

Of course, the margin of error occurred simply because we had not anticipated a sudden leap of 2 000 students moving into the non-government sector; now we have another factor introduced into our demographic predictions and one which we will be monitoring extremely carefully.

The member for Salisbury also referred to the fact that the Government might be interested in establishing a body to gather data and I suggest that governments or any organisation might err on the side of caution, because there is nothing more expensive or more time consuming than the collection and interpretation of data. If there are other cheaper ways of collecting and interpreting data by using established, existing organisations, such as the Australian Bureau of Statistics, such bodies should be considered first rather than set up some other competitive organisation.

An interesting sideline that the member chose to introduce into the debate concerned the fact that one person had been doing his thesis, his doctorate, on the mating habits, in sub zero temperatures, of the Mallard duck. I would suggest from South Australia's point of view and from the point of view of the field naturalists that this is quite an important point because the Mallard duck is the type of bird that procreates in such a fashion as to overwhelm other species of duck and so in the South-East of South Australia, New Zealand and in other parts of the southern hemisphere the Mallard duck is overrunning the native species of ducks. The matter is of interest to hunters, so perhaps that gentleman's research was not as ephemeral and useless as might have been anticipated. The Mallard duck breeds and tends to overwhelm other national wildlife species in Australia, which is a disadvantage, of course, because it creates an imbalance of species.

I do not think that members of the House should have any doubt that the South Australian Council for Educational Planning and Research should be phased out. In fact, the council has not met for some three years. There has been no finance available; no annual report has been sought

and probably the continued existence of this body is more of an embarrassment than anything else, simply because there is a statutory requirement for an annual general report to be brought down. The Government has no intention of re-introducing this body. We have a small Ministry of Education. The research that will be done within the Education Department and elsewhere will, we believe, be quite adequate for the present Government and the Education Department needs.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Repeal.'

**Mr LYNN ARNOLD:** During the second reading debate I asked the Minister a question about books and materials. I am not certain whether there was any accumulated material. Perhaps the Minister could first answer that question, and, if there was, say what happened to it.

**The Hon. H. ALLISON:** I was under the firm impression that that library collection had been passed over with that of the Board of Advanced Education to the present Tertiary Education Authority of South Australia, but I shall ascertain whether that is so. If that did not happen, I am certain that the collection would have gone into the Education Department's 17th floor library.

Clause passed.

Title passed.

Bill read a third time and passed.

## STONY POINT (LIQUIDS PROJECT) RATIFICATION BILL

Returned from the Legislative Council with the following amendment:

Page 3, lines 45 and 46 (clause 6)—Leave out subclause (2).

Consideration in Committee.

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

That the Legislative Council's amendment be disagreed to.

Any regulation made pursuant to this Act must run the gamut of Parliament. It seems an unnecessary amendment. The whole purpose of the clause is to see that the indenture can be implemented expeditiously. It is an unnecessary safeguard.

**The Hon. D. J. HOPGOOD:** The Minister says that the amendment is unnecessary, because any regulations which were made pursuant to this clause are subject to Parliamentary disallowance. What harm does it do?

**The Hon. E. R. GOLDSWORTHY:** The clause does no harm. The amendment could, in some circumstances, inhibit the implementation of the indenture.

Motion carried.

The following reason for disagreement was adopted:

Because the amendment makes the Bill unworkable.

## SOUTH AUSTRALIAN COLLEGE OF ADVANCED EDUCATION BILL

The Legislative Council intimated that it insisted on its amendments to which the House of Assembly had disagreed.

Consideration in Committee.

**The Hon. H. ALLISON:** I move:

That the House of Assembly insist on its disagreement to the Legislative Council's amendments.

Motion carried.

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be represented by Messrs Allison, L. M. F. Arnold, Glazbrook, Schmidt, and Trainer.

**The Hon. E. R. GOLDSWORTHY:** 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.

## INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL (No. 3)

*Later:*

A message was received from the Legislative Council agreeing to a conference, to be held in the Legislative Council conference room at 9 a.m. on Thursday 10 December.

**The Hon. E. R. GOLDSWORTHY:** 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.

## PLANNING BILL

*Later:*

A message was received from the Legislative Council agreeing to a conference, to be held in the House of Assembly conference room at 9 a.m. on Thursday 10 December.

**The Hon. E. R. GOLDSWORTHY:** 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.

*[Sitting suspended from 3.2 to 3.34 a.m.]*

## STONY POINT (LIQUIDS PROJECT) RATIFICATION BILL

The Legislative Council intimated that it did not insist on its amendment to which the House of Assembly had disagreed.

## SOUTH AUSTRALIAN COLLEGE OF ADVANCED EDUCATION BILL

*Later:*

A message was received from the Legislative Council agreeing to a conference, to be held in the Legislative Council committee room at 12 noon on 10 December.

## ADJOURNMENT

At 3.39 a.m. the House adjourned until Thursday 10 December at 2 p.m.