HOUSE OF ASSEMBLY

Wednesday 20 February 1985

The SPEAKER (Hon. T.M. McRae) took the Chair at 2 p.m. and read prayers.

PETITION: HOTEL TRADING

A petition signed by 26 residents of South Australia praying that the House reconsider legislation allowing hotels to trade on Sundays was presented by Mr Olsen.

Petition received.

PETITION: ETSA

A petition signed by 23 residents of South Australia praying that the House call upon the Governor to establish an inquiry into the financial management of the Electricity Trust of South Australia was presented by Mr Becker.

Petition received.

PETITION: OPEN SPEED LIMIT

A petition signed by 86 residents of South Australia praying that the House reject any proposal to reduce the open speed limit from 110 km/h to 100 km/h was presented by Mr Lewis.

Petition received.

PETITION: COORONG BEACH

A petition signed by 1 140 residents of South Australia praying that the House urge the Government to ensure that the entire Coorong beach remain open to vehicles and the public and that all tracks are maintained in good order was presented by the Hon. H. Allison.

Petition received.

PETITION: EMERGENCY HOUSING ASSISTANCE

A petition signed by 11 residents of South Australia praying that the House urge the Government to extend bond money and advanced rental payments for emergency housing assistance to country applicants was presented by the Hon. H. Allison.

Petition received.

PETITION: VIDEOFILMS

A petition signed by 56 residents of South Australia praying that the House ban X rated videofilms in South Australia was presented by the Hon. H. Allison.

Petition received.

PETITION: PORT NEILL BOAT FACILITIES

A petition signed by 352 residents of and visitors to Port Neill praying that the House support the construction of all-weather boat launching facilities at Port Neill was presented by Mr Blacker.

Petition received.

PETITION: MEADOWS CREEK

A petition signed by 1 077 residents of South Australia praying that the House support the retention of the red flowering gum tree at Meadows Creek and oppose the realignment of the creek bed was presented by Mr Blacker.

Petition received.

MINISTERIAL STATEMENT: *MATTHEW FLINDERS*

The Hon. J.D. WRIGHT (Deputy Premier): I seek leave to make a statement.

Leave granted.

The Hon. J.D. WRIGHT: I would like to clarify a statement I made in the House yesterday concerning the operation of the show boat *Matthew Flinders.* As I stated yesterday, there is no industrial dispute involving the Seamen's Union and the owners of the *Matthew Flinders* at this time. As I also stated, there are discussions between the Employers Federation, representing the owners, and the Seamen's Union regarding the appropriate staffing of the vessel.

The information which I received during the sitting of the House yesterday and on which I based my statement to the House at the end of Question Time was incomplete. Further information I have received this morning indicates that the discussions between the Union and the Employers Federation include the question of overall union membership for the vessel. As I told the House yesterday, the Employers Federation representatives and Union officials are expected to meet again next week on the matter. As I have said many times before in this House, the only way of satisfactorily resolving issues such as this is by calm and rational discussion, which is proceeding.

MINISTERIAL STATEMENT: TAPED TELEPHONE CONVERSATION

The Hon. D.J. HOPGOOD (Minister for Environment and Planning): I seek leave to make a statement.

Leave granted.

The Hon. D.J. HOPGOOD: The purpose of this statement is to discharge two commitments made in this House last week: first, by the Premier, who indicated that he would thoroughly investigate allegations that a telephone conversation between the member for Eyre and a public servant had been taped, including the possibility that a breach of Commonwealth or State legislation had occurred; secondly, by me that I would fully co-operate with the Premier in that investigation.

The facts, as I understand them, are as follows: Almost certainly following a lightning strike, a fire broke out on Danggali Conservation Park on Sunday 2 December 1984. By Tuesday 4 December it was obvious there was disagreement between a local CFS volunteer and National Parks and Wildlife Service staff as to how the fire should be fought. This matter was reported to Mr Johns of the CFS, who under section 52 (7) of the Country Fires Act appointed Mr H. McBeth (Protection Management Officer, National Parks and Wildlife Service) in charge of the fire. That action resolved the dispute, if such it can be called. On the morning of Wednesday 5 December, the member for Eyre apparently attempted to ring Mr Johns on several occasions to discuss with him the management of the fire. Mr Johns was not immediately available but rang the member around midday. That conversation was taped. It is standard procedure that phone conversations with CFS Headquarters are taped—

The Hon. E.R. Goldsworthy: Is that right?

Members interjecting:

The SPEAKER: Order! Leave has been granted.

The Hon. D.J. HOPGOOD: —as it is that they are erased after the circumstances which have led to such communications have passed. I am informed that the logging device that records the phone conversations was installed at CFS Headquarters several years ago following allegations relating to the Ash Wednesday I fire in 1980, when a person claimed to have reported the fire to CFS Headquarters but there was no response. The device is connected to Telecom supplied and installed recorder connectors.

The Hon. E.R. Goldsworthy: You said—

The SPEAKER: Order! Leave has been granted. The honourable Minister.

The Hon. D.J. HOPGOOD: I hope that the Deputy Leader will be able to contain himself, because this goes on for some time and I do not want to raise his blood pressure. The device records all telephone and radio conversations on a continuous basis. In the case of telephone messages, all incoming and outgoing calls are automatically recorded. Every conversation has the regulation pip-tone inserted which is clearly audible to both parties.

Mr Johns considered that he was duty bound to inform the Director of the National Parks and Wildlife Service of the contents of the conversation and the most practical way was to replay the logging device. It was Mr Johns's understanding that a report was to be made to me, as Minister for Environment and Planning. The recording of the conversation was legitimate and is the standard operational procedure for CFS Headquarters. Mr Johns states that the legal requirement (that is, the pip-tone noise) for warning persons that the conversation is being recorded was operating.

The member for Eyre has, in the past few days, indicated to me both verbally and by letter that he was not aware that the conversation was being taped. The only reasonable conclusion is that there was a genuine misunderstanding between Mr Johns and the honourable member at this point.

I undertook in this House last week to seek the advice of the Crown Solicitor whether any breach of law had occurred. The Crown Solicitor reports that, on the basis of the facts, there has been no contravention of Commonwealth or State law either in the recording or subsequent communicating of the telephone conversation. The Crown Solicitor advises that, following a series of High Court decisions, it is clear that the Commonwealth Telecommunications (Interception) Act, 1979, covers the whole subject matter of listening to or recording communications over the telephone system. As a consequence, the State Listening Devices Act, 1972, has no relevant operation to the matter and, further, no State law may validly say it is unlawful to do what the Australian law allows.

On the facts in this instance, the apparatus which records telephone conversations forms part of the telecommunications service provided by Telecom. The Crown Solicitor advises that the prevailing Commonwealth Act provides, in section 6 (2), that recording a communication over the telecommunications system by such apparatus does not constitute interception of the communication. Accordingly, the Crown Solicitor is of the opinion, on the basis that the relevant recording apparatus was Telecom-approved, that the recording and subsequent communicating of the telephone conversation was lawfully authorised by section 6 (2) of the Commonwealth Act.

I return now to events following the telephone conversation. In view of the member's concerns about the drift of matters as evidenced by the phone conversation, Mr Johns felt bound to convey them to the National Parks and Wildlife Service. He felt this was best achieved by inviting an officer of the Service to hear the tape. A transcript of the conversation was taken on 6 December in the presence of Mr Johns, two of his officers, and an officer of the National Parks and Wildlife Service. In accordance with standard operational procedure for CFS headquarters, the logging machine recording of the conversation was erased at a later stage and the tape reused.

I had received a short minute on 5 December from the National Parks and Wildlife Service indicating the nature of the problem which has arisen over the management of the fire. I have made a copy of that minute available to the member for Eyre. I subsequently received a much longer minute written on 10 December. Two matters therein would be of interest to honourable members. First, the minute canvassed the possibility of a written approach to Mr Taeuber, Chairman of the CFS. A draft letter was attached but, after an informal discussion between Mr Taeuber and the Director of the National Parks and Wildlife Service, the letter was not sent. Secondly, the minute indicated that the writer had a transcript of the Johns-Gunn conversation. The transcript was sent to me with the minute.

At that time, a Select Committee of the Legislative Council was considering problems of fire control throughout the State. Part of its charter was to consider the interface between National Parks and Wildlife Service and CFS operations. Here was a case where National Parks and Wildlife Service was seriously considering a written complaint to the CFS Board over one aspect of this interface. Whilst on the one hand this may have been an isolated incident (it is noted for example that, once Mr Johns intervened, CFS—NPWS co-operation proceeded at a satisfactory level), on the other hand, it seemed appropriate that the Select Committee be informed of what had happened, since the events could be pertinent to its deliberations.

As the National Parks and Wildlife Service minute was the only clear written summary of these events, I agreed that it should be made available to the Select Committee members on a confidential and informal basis. Because of its references to various individuals, including the member for Eyre, it was made clear that it should not be admitted as formal evidence and its contents would be kept confidential. Since the bringing down of the Select Committee's report, I have checked with the Hon. Anne Levy, Chairperson of that committee, and it is her clear recollection that the minute was received by the committee in that spirit.

The Hon. E.R. Goldsworthy: More bad memories.

The SPEAKER: Order!

The Hon. D.J. HOPGOOD: Ms Levy has subsequently put a question to the President in another place on this matter. I have today provided the member for Eyre with a copy of that second minute.

I make it clear that the transcript was not sent on to the committee. Parenthetically, I have to say that, not having heard the full text of the Deputy Leader's question last week, it was my recollection that I had not approved such an action, and that, in fact, no such action had taken place. I was not prepared, however, to test the cynicism of honourable members opposite without first checking this matter thoroughly.

The member for Eyre indicated to me last week that he had seen the minute but not the transcript. Given that the minute was leaked from the committee, there is little doubt that, had the transcript been forwarded, it would also have been made available to the honourable member. The position with the taped conversation is that the tape has been erased in circumstances I have already outlined and there are to my knowledge only two copies of the transcript in existence. The member for Eyre now has one, and I have the other. I offer the right of veto to the member for Eyre on public disclosure of the contents of the transcript. Indeed, if the member indicates to me that he has destroyed his copy, I will destroy mine, in his presence, if that is his wish.

Mr Baker: What about the principle?

The SPEAKER: Order!

The Hon. D.J. HOPGOOD: The reasons for the taping of operational or operation-related phone calls in and out of the CFS headquarters have been explained. Having now had the matter drawn to its attention, the Government is of the view that there are circumstances where taping is inappropriate, and in my view this was one. The Minister of Emergency Services will be issuing instructions that the necessary modification to procedures be undertaken.

QUESTION TIME

ETSA FUNDS

Mr OLSEN: Will the Premier investigate the impact of the plunge in the value of the Australian dollar on overseas borrowings of the Electricity Trust of South Australia to establish whether it will increase the Trust's costs of operations and therefore lead to further tariff rises? Overnight our dollar plunged to a record low of 67c against the greenback, a 23 per cent decline since the beginning of this financial year. The Electricity Trust has overseas borrowings amounting to $42.3 million in Australian currency at the beginning of this financial year, based on exchange rates prevailing at that time. Depending on the currency mix of the borrowings, the steep decline in the Australian dollar against its United States counterpart may have a substantial impact on ETSA's balance sheet at the end of this financial year and also increase the Trust's costs of operation as the Australian currency costs of interest payments, denominated in US dollars, will have risen considerably.

The Hon. J.C. BANNON: I have requested Treasury to provide me with a report on the full implications of the movement in the dollar as it affects overseas borrowings. It is also true that ETSA has some overseas borrowings. I had a brief preliminary report last week or early this week—not a formal notification—saying that, in fact, the currency mix and take-up of the loans was such that they did not envisage any substantial impact with the current fall of the dollar. However, that has to be ascertained more precisely.

Any overseas borrowings that are undertaken always carry that risk. Indeed, there have been some spectacular losses and gains in this area. Obviously, when those borrowings were undertaken some attention would have been paid to possible hedging in that area but at this stage it is a little difficult to tell the precise impact. All I am saying is that I am advised that it is not going to be major and therefore should not affect the tariffs because, obviously, it can do so only if it means some massive losses in terms of those borrowings. That has yet to be finally determined.

OPPOSITION REQUESTS

Mr KLUNDER: Can the Premier provide details of the costs to the taxpayer of requests made by Opposition members by way of questions without notice during the first three days of this sitting and can he also advise the cost to the taxpayer of the requests made by the Opposition members by way of private members' business?

The Hon. J.C. BANNON: I thank the honourable member for his question. I have referred previously to this extraordinary practice indulged in by members of the Opposition, on the one hand adopting a policy which is to ensure that the Government's revenue is reduced, while at the same time proposing all sorts of expenditure measures. Some are very worthy and I do not quarrel with them, but it seems to me either hypocritical or a complete failure to understand the nature of State finances for this to go on.

The Hon. E.R. Goldsworthy: You do not understand how the system works.

The Hon. J.C. BANNON: I suggest that if it is the policy of the Leader of the Opposition and his Deputy that public expenditure should be drastically reduced in this way, members opposite ought to be told by the leadership that that is the position and they should stop making these requests. That might be difficult for them, because those two individuals have been leaders in making requests themselves regarding major capital commitments involving the recurrent expenditure. It is interesting that in only two days last week of Question Time we saw requests, both in questions and by way of new business put on the Notice Paper, for an additional $2.1 million expenditure. That was in only the first two days, which is not bad. Given that we sit for an average of 60 days a year, it is going to be very interesting to see whether that sort of average can be kept up, and I would be even more interested in finding out where the money is to come from. I point out that that is in addition to about $12 million identified as already having been requested as further expenditure by members opposite.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: These are all on the public record. None of these figures takes account of the various requests made by way of letter and in other ways from members. We are doing a bit of an exercise on that to try to get a global figure as well. If members opposite want these extra expenditures while at the same time continuing with the so-called policies of the Opposition, they had better try to make up their minds where the cost savings in other areas will be made. I am still waiting, and perhaps I will wait in vain, for the Leader of the Opposition or any of his colleagues to tell me in which schools in their districts they want to see staff reduced, which hospitals they want to see restrict their hours, which roads they want postponed in their districts, and all the other things about which so far we have not heard. If they will come to me with specifics I will be very happy to look at them and comply, and perhaps on the savings made there the Government would be able to pay for these extra proposals and requests that are being made by honourable members opposite.

Members interjecting:

The SPEAKER: Order! The Deputy Leader of the Opposition.

NATIONAL TAX SUMMIT

The Hon. E.R. GOLDSWORTHY: Will the Premier say whether the South Australian Government will make a submission to the National Tax Summit in July opposing the reintroduction of death duties? The Victorian Premier has said this week that if he is re-elected he will support at the National Tax Summit a shift to indirect taxes and that he is opposed to the reintroduction of death duties.

Mr Klunder: Are you close to death, Roger?

The Hon. E.R. GOLDSWORTHY: No, but you could be, by the look of you.

The SPEAKER: Order! Interjections are out of order.

The Hon. E.R. GOLDSWORTHY: The honourable member is certainly very close to political death, I might observe, Mr Speaker.

The SPEAKER: Order! I ask the Deputy Leader to get back to the question.

The Hon. E.R. GOLDSWORTHY: It will not be long before this place is just a memory for that honourable member, Mr Speaker. Let me resume my explanation. As I have already explained, although perhaps honourable members did not hear me, Premier Cain has come out in his

opposition to the reintroduction of death duties. He did have a flutter early in his career in response to the left wing, but he backed off very smartly.

The Hon. G.F. Keneally interjecting:

The Hon. E.R. GOLDSWORTHY: No, that is a statement of fact. The Minister will recall that at the instigation of the left wing there was a proposition in Victoria to reintroduce death duties: the proposal was under way but the Victorian Premier backed off. That is a statement of clear fact. Also, this week the Prime Minister has publicly supported more indirect taxation. However, these statements were opposed by the left wing of the ALP quite stridently in South Australia. In a statement reported in the *Age* yesterday (in the *Age*, mark you!) the Federal member for Makin, none other than Mr Peter Duncan, MHR, said that the Prime Minister and the Treasurer would need to put a very strong case to convince the community at large that it will be better off with indirect taxes. Instead, Mr Duncan is leading a left wing push for the introduction of a range of taxes, including death duties.

In fact, those who have read of the doings of the former member for Elizabeth, the present Federal member for Makin, would know that he is saying that the only way that they will accept the introduction of indirect taxes is for there to be a reintroduction of death duties as part of the package. For the benefit of honourable members opposite, that is also a statement of fact: it is quite obvious that members opposite have trouble with facts.

Following a Labor Party seminar at the weekend the member for Makin joined with Senator Bolkus, no less, in saying that they will propose to the National Tax Summit that death duties must be reintroduced. These are leading South Australian politicians. This clear division within the Labor Party is causing concern to many hundreds of South Australian families. I am asked not infrequently whether I think that death duties will be reintroduced, and I dare say that all honourable members are having the same experience. So, this is causing a great deal of concern to South Australian families who are receiving and will continue to receive relief, following a decision by the Liberal Government in 1980 to abolish the succession and death duties in South Australia. In view of this concern, I ask the Premier whether the South Australian Government will make a submission to the National Tax Summit in July opposing the reintroduction of death duties.

The Hon. J.C. BANNON: It is not my Government's policy to support the reintroduction of death duties, and that will certainly be made clear at the tax summit.

Members interjecting:

The SPEAKER: Order! I call the honourable member for Elizabeth.

Members interjecting:

The SPEAKER: Order! I ask that the interchange across the front benches cease so that the member for Elizabeth, who is also a member of the House, can be heard.

LYELL McEWIN HOSPITAL

Mr M.J. EVANS: I ask the Minister of Tourism, representing the Minister of Health in another place, whether the Government is committed to the continuous development and construction of the various stages of the proposed re-development of the Lyell McEwin Hospital at Elizabeth as a matter of priority. I have been informed by residents of the Elizabeth area that there are a number of serious deficiencies in the services available at the Lyell McEwin Hospital which are not the fault of the dedicated members of staff employed at the hospital but rather are caused by the hopelessly inadequate and outdated facilities.

One constituent has informed me that she had to drive her two year old son, who had accidentally taken an excessive dose of a prescribed drug, to the Modbury Hospital because the Lyell McEwin Hospital did not have the facilities to cope with a poison emergency. I am also informed by health professionals in the area that the hospital is unable to cope with the number of bone fractures which are presented at the hospital and that many people with relatively common injuries have to be taken to the Royal Adelaide Hospital for treatment. In the circumstances, the community believes that a stop-start programme would be inadequate, and I seek a clear commitment from the Government that it will proceed without delay on a continuous basis with the full redevelopment programme for the Lyell McEwin Hospital.

The Hon. G.F. KENEALLY: Of course, I will refer this matter to my colleague in another place for a detailed report, but I can inform the honourable member that the first contracts have already been let, as I imagine he may well know. There is certainly a priority in the redevelopment of the Lyell McEwin Hospital and the representations that have been made over the past many numbers of years by my colleagues the members for Salisbury and Napier, now joined by the member for Elizabeth, are certainly keeping the Government aware of that priority. However, I will take up this matter with my colleague and bring down a report for the member for Elizabeth.

POWER SUPPLY

The Hon. MICHAEL WILSON: As a result of discussions the Deputy Premier said he would have yesterday with South Australian officials of the Electrical Trades Union, is he able to give the House an assurance that South Australia's power supplies will not be disrupted in any spread of the Queensland power dispute?

The Hon. J.D. WRIGHT: On the information available to me as late as this morning the answer to the question is that I am able to give a guarantee that the dispute will not be extended to South Australia.

LANDS TITLES OFFICE

Mr HAMILTON: Will the Minister of Lands say what action he is taking to overcome the backlog of documents lodged at the Lands Titles Office, particularly in relation to new titles? I have been informed that 170 applications for new titles were submitted in January and 120 in the first 12 days of February: moreover, additional people have been seconded from other departments to try to catch up on the backlog in what I understand is a specialised area. However, despite the fact that I conveyed this information to a constituent of mine, he has received the following letter, which reads (in part):

I refer to the above and upon a request by my client I wish to bring to your attention the following facts:

1. That the above plan was lodged with the Lands Titles Office on 8 February 1985.
2. That upon inquiring with the Lands Titles Office last week I was advised that it would be approximately eight weeks before they would get around to actually picking up the plan to start checking its accuracy.
3. In most circumstances they normally require alterations to be made to plans, consequently in most circumstances pending on the extent of amendments, actual deposit of plan could take between two and four weeks.

Due to the foregoing facts the following observations are made:

1. That whilst developers are trying to provide a type of housing preferred by some people (i.e., Torrens title maisonette style dwellings), they are being hampered by long delays of this nature and in many cases will in future be inclined to steer away from this type of development.

2. That the cost to the consumer is being increased unnecessarily by added holding costs; in this case the units have been sold at $129 500 and $125 000 respectively. The interest would amount to around $3 200 per month, which in this case would represent $9 600.
3. Whilst the developer is waiting for these settlements he is unable to start further developments and consequently we have the effect of slowing down development.
4. I was under the impression that we were trying to get people employed in this State, and here we have this situation where the Government's own departments are frustrating this by causing this stop-start effect in the building industry.
5. As a general observation these delays are quite common through the Planning Commission and also through other sections within the Lands Titles Office in relation to the issue of strata titles.

I ask as a land broker on behalf of my clients and as a developer in my own right that your Government do something to relieve delays such as these. I believe that the simple solution to overcome our problems is to employ more staff in the Lands Titles Office to cope with these problems. I now request in particular for ... and the purchasers of these properties that you endeavour to have this matter dealt with promptly so that we can effect settlements.

In light of the foregoing, I ask whether the Minister can provide some assistance and relief in this important area.

The Hon. D.J. HOPGOOD: The letter talks about two types of delay, one in relation to the issuing of titles and then a more general matter about delays in the consideration of these matters by the Planning Commission or perhaps even local government, whichever is the planning authority. I do not want to say too much about that latter matter because it could go on for some time. All sorts of things can happen in the general consideration of planning matters which from time to time can lead to delay: sometimes a particular application has to go before both the Planning Commission and the local government authority, and sometimes one can get approval from the Planning Commission but concurrence is withheld from local government, and so on.

More specifically, the honourable member's constituent referred to the Lands Titles Office and the issuing of titles. The problems that we have experienced in the Lands Titles Office in the last year or so could be seen as being good news because they are a reflection of the renewed subdivisional activity that has occurred throughout the State in the past two years, and that is good and healthy. I was talking this morning to a private developer who told me that two years ago he was unable to sell blocks of land reasonably close to the inner metropolitan area for $6 000 a block when it had cost him $10 000 simply to develop those allotments. That reflected the very low level of activity in the market at that time. The turn-around occurred very quickly indeed, with dramatic swiftness.

We have endeavoured to address the problem in two ways: first, to endeavour to revise and streamline procedures whereby these matters are undertaken, particularly survey. I have had two meetings with most of the principals in the development industry, which meetings the Registrar-General also attended, so that we could exchange information on improving procedures. That whole matter is proceeding.

Secondly, as the honourable member indicates, we have recruited additional people from other Government departments and elsewhere. The effect of this is that, whereas two years ago I think the total staffing establishment of the Department of Lands was about 878, at present it would be about 920 or 921. Most of that increase has been due to the necessity to provide additional resources to the Registrar-General for the issuing of titles. This is a particular skill and, quite candidly, we have run out of the capacity to recruit. It is a bit like going to the CES to try to get a brain surgeon or a Father Christmas, from what we heard yesterday. It is difficult to find such people, so we will continue with the necessity of doing what we can in this area, particularly with the streamlining of procedures. For the reasons that I have indicated, I cannot hold out much hope that we will be able to further increase the staff resources to the Registrar-General.

EARTHMOVING LICENCE

The Hon. D.C. BROWN: Will the Minister of Local Government say why his Government has decided to impose a bureaucratic licensing system on all earthmovers, landscape gardeners and builders who will be transporting or removing earth or other waste? The South Australian Waste Management Commission has decided to license everyone carrying any demolition, building or construction waste for reward. The person operating the business must be registered with the Commission for a fee of $6.25 and a fee of $25 a vehicle must be paid in respect of every truck, utility and trailer used. Thousands of vehicles will now be caught by this latest bureaucratic move by the Bannon Government. The Commission has applied 1½ pages of conditions, or 15 conditions, to the licence involved. I will not bother to read through all the conditions, but I will cover the main points quickly.

Once licensed, these vehicles will be allowed to discharge waste only at depots licensed to accept that type of waste. Before discharging the waste, the driver of the vehicle must inform the occupier of the licensed depot of the nature of such waste. In other words, one must license the person moving the material, the vehicle in which it is moved, the dump to which it is going, and the type of waste, and the occupier of the depot must be contacted and asked whether the waste can be dumped there. The licensee shall notify the Commission in writing within 14 days of any variations to the vehicle fleet covered by the licence and submit particulars to the Commission for approval. In other words, more bureaucratic forms must be filled out every time a vehicle is changed, transferred or modified in any way. Every vehicle covered by the licence shall be made available for inspection.

I understand that the Commission sent out a very large number of these and, even if one was not forced to take out a licence, one would still have to complete the declaration saying that one did not need to comply with the legislation. So, a driver would be caught by the bureaucracy even if not by the legislation.

The Premier has told the House several times that his Government is out to help small business, yet a number of small businesses in the building industry and in the earthmoving business have complained to me bitterly, citing the letter from the Commission, about this new bureaucracy that is being imposed, through the licensing system, by the Waste Management Commission. Why has the Government involved itself in such a bureaucratic procedure?

The Hon. G.F. KENEALLY: I have been in this House long enough not to accept at face value the propositions put to the House by the honourable member, and I do not intend to do so on this occasion. I will discuss the matter with the Waste Management Commission and bring down an answer for the honourable member and the House.

QE2 VISIT

Ms LENEHAN: Will the Minister of Tourism report to the House on the success or otherwise of the recent visit to Outer Harbor of the *QE2*, and will he say specifically whether the arrangements made by the Department of Tourism and the tourism industry adequately catered for the needs of the *QE2* passengers?

The Hon. G.F. KENEALLY: I thank the honourable member for her question. I am pleased to report to the House that the visit of the *QE2* to Outer Harbor yesterday was a tremendous success. South Australia did itself proud. The Master of the *QE2* (Captain Arnott) and also Captain Ridley, of the Cunard line, informed me that nothing that happened yesterday would prevent the *QE2* from once again visiting our shores. However, the likelihood of that happening in the immediate future is somewhat uncertain, although we will be having the *Canberra* visiting Adelaide in March and the *Oriana* again in October. Further, a vessel from the Norwegian Royal Viking line will visit Adelaide twice early in the New Year.

So, the harbor terminal at Outer Harbor is at last getting some use, although not as much as we would like. The arrangements made by the Department and industry generally were very well accepted and it did go like clockwork. However, there were one or two hiccups that I should mention later.

The Master, Mr Richardson, from ACTA Pty Ltd, the agents, and people within the private commercial field in South Australia have all been loud in their praise for the arrangements, and so they should be, as they were excellent. On behalf of those members here who had the opportunity of visiting the *QE2* yesterday, I thank Cunard for their hospitality. We were taken on a tour of the *QE2*, and my colleague, the Minister for Environment and Planning, would be interested to know that Joe Loss and his orchestra were playing as well as an interesting group called John West and his band. So, we were able to look at some of the entertainment that the *QE2* passengers were enjoying. The visitors were delighted with the arrangements and the opportunity of visiting Adelaide, and many expressed a desire to come back. One American woman said she wished she could pack up Adelaide and take it away with her.

The Hon. Michael Wilson: Does that include you?

The Hon. G.F. KENEALLY: No, that did not include me. We can be proud of the arrangements that were provided. At least one bus company in South Australia had the initiative to contact Cunard the moment that arrangements for the *QE2* to come to Adelaide were finalised; therefore the bus arrangements were excellent. The person who arranges walking tours around Adelaide also showed initiative, and I believe that both people, as well as the visitors, profited from their actions.

One problem was the lack of banking facilities at the terminal. A problem exists with the inability of hire cars to go out and contract on the spot for hire. Another criticism was that the toilets were not up to standard. We checked out that matter and do not believe that that statement was correct. There was also a criticism that postcards were not available, and that is something at which we need to look. There was also criticism that a videotape was provided in Sydney. Some people thought that it was not all that good, whereas other people believed it was the best that they had ever seen on the *QE2* about any city.

There was also the problem that we all face of trying to secure space for the Craft Association to display its wares. However, Cunard had commissioned the entire wharf area for the afternoon, and it would not allow anyone into the area for security reasons, and rightly so. Therefore, we were unable to arrange for the Craft Association to be placed therein. We are discussing with the Craft Association certain arrangements to be made for the *Canberra* and other cruise ships. There is still considerable concern by Cunard about security. We will be talking with them about that in the event that the *QE2* visits our shores again in the future. We hope that that can be arranged.

FESTIVAL OF ARTS

The Hon. B.C. EASTICK: Will the Minister for the Arts say whether the Government has considered special financial support for the 1986 Festival of Arts? Will that support involve the provision by the Government of a dollar for dollar grant based on sponsorships and donations received by the Festival authority, such subsidy to be in addition to the Government's basic financial commitment?

The Hon. J.C.BANNON: The 1986 festival will be a special festival because it falls in the Jubilee 150 year, and the Government has certainly made the decision that it should require special support. It is also important, of course, that the Festival of Arts attract corporate sponsorship. In 1984, support was at record levels, and we believe that means can be devised whereby this support can be continued, and announcements will be made shortly about that.

HEAVY VEHICLE NOISE

Mr FERGUSON: Will the Minister for Environment and Planning say what the South Australian Government is doing to control the noise emanating from heavy vehicles which causes considerable disturbance throughout South Australia? Tapleys Hill Road, which runs the length of my electorate, has always been a problem to nearby residents because of the noise factor from heavy vehicles. The heavy vehicle noise factor has increased considerably in my electorate since the commencement and completion of the West Lakes housing estate. Heavy vehicles shifting goods to the West Lakes Shopping Mall often travel along Frederick Road connecting with Grange Road. There has also been an increase in heavy vehicle traffic on Military Road and Seaview Road. Residents in my electorate would appreciate a better method of noise control involving these heavy vehicles.

The Hon. D.J. HOPGOOD: Such controls as are presently in place are jointly operated by the South Australian Police Department and the Department of Transport and some of them have been in place for a long time. My father used to reminisce that he was once picked up for having a noisy motor cycle and that the police motor cycle was noisier than his. In any event, the controls largely apply to vehicles which have been modified in some way and are faulty and in each case, when that is the source of the excessive noise, controls can apply.

There has been discussion, I am told by my colleague the Minister of Transport, with ATAC (and I can certainly indicate that at the Australian Environment Council there have been discussions) about the inadequacies of the present system of control, so it has been decided that a consultancy should be let to do some basic research into this matter to determine whether some tightening up is required and, if so, how it should be done. The project has been let to a consultant in South Australia. It will go to the Joint Advisory Committee later this year for consideration of the two Ministerial councils in 1986, so I cannot promise the honourable member that we would be in a position to tighten up, if indeed that is what is appropriate, before next calendar year. However, I can indicate that we are looking at it seriously because we are aware of problems which this often causes in residential areas. It will very much depend on the result of the consultancy currently being undertaken.

LISTENING DEVICES ACT

Mr OSWALD: In view of the Ministerial statement made this afternoon by the Minister for Environment and Planning,

will the Deputy Premier order an immediate resumption of the review of the Listening Devices Act? In May last year the Minister announced that the Government would review the operation of the Listening Devices Act in response to public comment about the increase in the use of bugs. Recently, however, the Government has announced that the review has been shelved. The statement this afternoon makes it clear that the Act does indeed need review because of the apparent longstanding practice in the CFS headquarters of the indiscriminate recording of telephone conversations.

The Hon. J.D. WRIGHT: I am slightly amazed at the question from the honourable member. He either was not listening or did not get a copy of what was said, because my colleague the Minister for Environment and Planning made very clear that, whatever legislation was in existence in South Australia, that legislation would be overridden by the Commonwealth legislation, in any case. That is the Crown Law opinion.

Mr Olsen: You said in May.

The Hon. J.D. WRIGHT: That was expressed in very clear terms this very afternoon in this House. Never mind what happened in May. We are dealing with what happened in the House this afternoon.

Mr Olsen: You have backed off—

The SPEAKER: Order!

An honourable member: The Leader is in a bad mood today.

The Hon. J.D. WRIGHT: I do not blame him: I would be in a very bad mood if I was in his position, according to what I hear is going on over there. Obviously, I have been in contact with the CFS about this matter and about reviewing the situation. However, I impress on the honourable member that the State legislation cannot override national legislation.

HALLETT COVE SURF POLLUTION

Mrs APPLEBY: Can the Minister for Environment and Planning explain the cause of the seawater pollution at Hallett Cove which has resulted in children and youths surfing at that location experiencing eye and skin irritation, and can he say what is being done to prevent this problem? During the period from mid-December to early January a number of children and youths surfing at Hallett Cove have suffered severe eye irritation through contaminated water in that area. I have received several calls and have sought information on this matter, but there appears to be some confusion about what has caused this problem.

The Hon. D.J. HOPGOOD: The honourable member indicated to me last week that she would ask me this question, and I have taken the opportunity to get some detailed information on the matter. I have to say by way of summary, before I get into the detail of the answer, that there is a bit of a mystery here and that in fact we are not sure of the exact cause of the problem. In any event, this is the information that I have for the House. The matter was first reported in January by a Hallett Cove resident whose children had suffered from severe eye irritation on several occasions. A doctor had diagnosed the problem as being chemically induced conjunctivitis.

Inquiries made at the local surf club revealed that the incidence of eye and skin irritation had been quite common over the period concerned and that at least one adult had complained of the problem. Samples taken from the surf on 14 January revealed no obvious abnormality. It was considered that the two most likely sources of pollution could have been from the Field River, which originates east of Happy Valley and runs into the southern end of Hallett Cove, and from the Port Stanvac refinery which discharges its effluent wastes near the coast about four kilometres to the south.

An extensive survey of likely discharges into the Field River had not revealed any polluting source. However, it was found that effluent discharges from the refinery during that period were slightly abnormal due to the processing of contaminated crude oil received from Santos's Port Bonython refinery. The slightly acidic wastes, containing detergent and more than normal hydrocarbons, may have caused accumulations in the Hallett Cove beach area under certain tide and wind conditions. However, samples taken did not confirm this.

The refinery management has taken every precaution to minimise the pollutants being discharged and has reduced the amount of Santos crude being processed. PRA engineers are also closely monitoring their waste treatment facilities and the quality of effluent being discharged. We will continue to watch the situation closely.

TAPED TELEPHONE CONVERSATION

Mr INGERSON: Will the Premier investigate whether any other Government departments or agencies indulge in the sort of indiscriminate recording of telephone conversations which has been revealed this afternoon by the Minister for Environment and Planning in his Ministerial statement?

The Hon. J.C. BANNON: I think that is a very loaded question, Mr Speaker. The only agencies of which I am aware that record calls as a matter of course for operational reasons are the CFS and the police. The Metropolitan Fire Service may do so, but I am not sure. As has been pointed out, the CFS practice arose only after the 1980 Ash Wednesday fires. After the events that occurred on that occasion, when a number of allegations were made about notification having been given, it was felt that it was vital to have a record of calls.

The suggestion has been made that no outgoing calls should be so recorded. Outgoing calls could equally involve operational matters but, as my colleague the Minister for Environment and Planning says, one has to have some selectivity on that basis, clearly, and it has to be part of the operational requirements of the particular service. As I say, I am not aware of there being other agencies that, as a matter of course, record phone calls, and I am not sure that there would be any reason for them to do so. They would need to have permission from Telecom and would have to have the appropriate equipment installed. I am not quite sure what form such an investigation would take, but I will undertake to circularise my colleagues and ask them to inquire whether it it is done.

MASLINS BEACH

Mr MAYES: Will the Minister of Marine give urgent consideration to introducing a designated 'swimming only' area for the foreshore at Maslins Beach? I have been contacted by a number of constituents who as a family group use the Maslins Beach area and have recently encountered a large number of domestic boats being moored and using the foreshore area at Maslins Beach. With their families and their children they have been quite concerned about the danger threatening them while swimming in or approaching the water. They have raised with me, because of its nature as a tourist attraction and family area for a number of people from city and metropolitan locations, the possible dangers to the Maslins Beach area resulting from this practice.

The Hon. R. K. ABBOTT: This might be a matter that all members of the House would perhaps like to examine. We could possibly call on the Public Works Standing Committee to investigate it. Provision for designated areas does exist at a number of beaches. I am prepared to examine the need for a designated 'swimming only' area at Maslins. Of course, I would need to be convinced that such a need exists there, in view of the proliferation of other areas and not wishing to create a burden by having to enforce such measures. However, I will be quite happy to investigate the need for implementing the suggestion made and to report to the honourable member.

TRAVELLING ART EXHIBITION

Mr BLACKER: Will the Minister of Education advise what were the reasons that caused him or his Department to reduce staff secondments to the education section of the Art Gallery which, in turn, removed from service the travelling art exhibition to country schools? Will the Minister have that decision reviewed with the objective of having the travelling art exhibition reinstated? If that is not possible, has the Government any alternative plans to ensure that country students are not disadvantaged? I have been contacted by a number of schools in my area and more recently (today) by the Port Lincoln Primary School, expressing concern at the withdrawal of the travelling art exhibition. On further inquiry, I am informed that that exhibition is a valuable teaching medium and not just a static display. Those associated with schools in my district believe that as they are isolated they are being discriminated against and disadvantaged by having these services withdrawn and they seek a reinstatement of that exhibition or its equivalent.

The Hon. LYNN ARNOLD: This matter was the subject of numerous approaches to me last year. As a result, the decision was reviewed and the position was reinstated. Obviously the constituent who approached the member for Flinders has not been advised of that fact, but that person and the school with which he or she is associated should feel the benefits of that measure this year.

Of course, while the situation was reviewed with regard to the Art Gallery for 1985, I have established another review looking at the longer term prospects of what happens regarding the number of teachers we have or need to have in place in connection with student contact advisory positions. There are two categories of advisory teachers: first, those who work specifically on curriculum development or professional in-service who do not really have any contact with students at all.

The job of the other category is to deal with groups of students who come through particular facilities. Up to now it has been the established practice of the Education Department to deal with both those groups of teachers as one body of advisory teachers and to determine the staffing allocation as a global whole. It became clear to me late last year that that was not the best way to deal with this situation, as the Art Gallery episode showed. I instructed that we needed to identify not only those places to which we presently provide teachers who have student contact, such as the Art Gallery, the Museum, the zoo and a few other places but also we needed to add to that the list of places to which we could have student contact advisory teachers located. There are a number of places where we could do that but where we do not do so—a number of national parks, the St Kilda mangrove boardwalk, as well as quite a few other similar places to which people suggest there could usefully be an advisory teacher located to deal with student groups when they go through but they have just never thought of it in the past or had turned down previous applications to that effect.

I have asked the review to come up with all the possibilities where such teachers could be located and that will enable the Government to determine more clearly how we could use the resources we have available. Clearly, that means that we will not be able to staff every one of these requests or every one of the potential sites where such a teacher could be placed, but it would give us a better feel for the situation. It would probably mean we would more fairly provide teachers among all the potential access points that student groups might be visiting.

The point made by the member for Flinders is quite significant and that is with respect to groups travelling out of the institutions and going to visit the students rather than vice versa. It was really that essential feature that resulted in the Government changing its view on this matter and replacing that third teacher to the Art Gallery. Clearly, not every other group where advisory teachers are located and come in contact with students is able to take out travelling groups. It would not be possible to take the St Kilda boardwalk away to visit children, nor would it be possible to take many animals from the zoo to visit children. Whilst the situation has been reviewed for 1985, it is part of a much broader review which I hope ultimately will enable the Education Department to better support all the vital facilities for educational purposes which exist in the community and which can also help with the education of children in this State.

ILLEGAL BOOKMAKING

Mr MAX BROWN: I preface my question by saying, 'Welcome back, Kotter,' to the Minister of Recreation and Sport. How confident is the Minister of being able to get recorded information from Telecom with regard to telephone calls made in connection with illegal SP bookmaking in South Australia? On 7 February, the Minister of Recreation and Sport and the Minister of Emergency Services attended a national conference in Hobart with the aim of cracking down on illegal betting.

The *Advertiser* has carried a front page story which stated that all States were unanimous in urging the Federal Government to legislate so that certain information recorded by Telecom is made available to law enforcement authorities in each State. Can the Minister explain the nature of these recording machines and whether the Federal Government will seriously consider the request from the States?

The Hon. J.W. SLATER: The conference to which the member for Whyalla referred comprised Ministers in charge of racing and police and arose out of the recommendations of the Costigan Royal Commission. One of the reports of the Royal Commission dealt specifically with illegal bookmaking throughout Australia. Indeed, on previous occasions racing Ministers at their conferences have dealt with this matter.

A number of recommendations arose out of the Costigan Report: one dealt with the matter of greater assistance from Telecom to law enforcement agencies throughout Australia, to enable them to detect illegal bookmaking activities. From all the reports I have seen, it seems that telephone betting is the most extensive method of illegal betting used in Australia. All Ministers at the conference agreed that it is a large and organised undertaking throughout Australia and that opinion was confirmed by the Costigan Report.

The Hon. Ted Chapman: Would you agree it is a most sophisticated method of pre-race betting?

The Hon. J.W. SLATER: Telephone betting is a sophisticated method of betting throughout Australia and of course the police should have at their disposal (which is the other side of the coin) the sophisticated methods of dealing with

it that are available at Telecom. These monitoring machines are already in use by Telecom. They are not a listening device but a monitoring device, so there would be no interference to people's privacy in relation to the tapping of phones. However, it would give law enforcement agencies an opportunity to know how many telephone calls at a particular time on a particular day were made to a number and it would be advantageous for law enforcement agencies to have that kind of information, because telephone betting is the major source of illegal betting in Australia.

The Hon. Ted Chapman interjecting:

The Hon. J.W. SLATER: I am sure that the Liberal Party does not support crooks. I think we all agree on that. The Opposition supported legislation previously in regard to increased penalties for illegal bookmaking. That was also a recommendation of the Costigan Royal Commission; in fact, the recommendation of the Royal Commission was much more severe than the South Australian penalties in that it recommended a penalty of $200 000 for a first offence. That is beyond the realm of imagination. I do not suggest that that ought to be the penalty but I believe there should be more uniform penalties through Australia.

The Gaming Squad in South Australia is doing a good job and could do even a better job if the Federal Government gave Telecom the opportunity to provide information in regard to monitoring machines. In the past two years, from January 1983 to January 1985, 63 charges laid in regard to illegal betting in South Australia resulted in 51 prosecutions, with 12 charges still pending. I think that that indicates clearly that the law enforcement agency in South Australia, the Gaming Squad, is doing its job. Although we have a penalty of $8 000 for a first offence and I think $15 000 maximum penalty for the second offence, there was a tremendous variation in the penalties imposed in the 51 prosecutions: they ranged from $10 to $5 000. I believe that the courts ought to interpret more uniformly the wishes of this Parliament in regard to penalties for SP bookmaking.

The honourable member asked whether I was confident that the Federal Government would assist. At the meeting in Hobart my colleague the Special Minister of State assured me that he would do as much as possible and the Federal Government would look at the matter. It was agreed generally that some action would be taken to assist law enforcement agencies to obtain assistance from Telecom. If that assistance is available it will help us a great deal. However, it is not the be all and end all of the matter, as honourable members well know. I suggest there are three methods by which we could eliminate or at least minimise SP bookmaking. The first is that Parliaments have to be sincere. Four States out of the six have a minimum penalty, but in South Australia we have a maximum penalty, and we might have to look at that situation in the future. I believe personally that for a second offence perhaps we ought to consider a mandatory gaol sentence. The penalty should be a sufficient deterrent to SP bookmaking. I hope that the Federal Government will help not only this State but other States in relation to the scourge of SP bookmaking.

GOOLWA SCHOOL BUS

The Hon. TED CHAPMAN: Will the Minister of Education urgently review his position regarding the provision of school bus transport for students at Goolwa, on the South Coast? Last week, an officer in the Minister's Department went to the South Coast and issued boarding passes to some students who had been travelling between Goolwa and Mount Compass for some years in order to attend school there. The bus passes were not extended to brothers and sisters of those students who previously attended that school. Until last year, for curriculum reasons, 29 students were attending the Mount Compass school and, at the start of this school year, the brothers and sisters of those respective students were prevented from travelling with other family members on the school bus. As a result, the parents of those students in Goolwa withdrew their children from the school yesterday. Those students are not attending school today and their parents intend to refrain from having their children attend school until the matter is investigated.

I recognise, and I have informed the parents concerned, that it is a breach of the Education Act to refuse to send their children to school. In response, they have indicated that they see no alternative in the circumstances. The studies that they require their children to enjoy are not available at the Victor Harbor school nor, for that matter, on the advice I have received from the South Coast region this week, is there room on the buses travelling from Goolwa to Victor Harbor to transport the children. Now, more latterly, as a result of the issue of boarding passes by the Minister's officer, thereby allowing some children to go from Goolwa to Mount Compass and refusing others, these parents claim (and I agree) that there is little alternative but for them to demonstrate vigorously. I hope that the matter can be resolved by the Minister in the next few days because clearly, over the past few weeks, the position has been traumatic for the parents and the children involved.

The SPEAKER: In calling on the Minister of Education, I draw to his attention that the time for cutting off questions is 3.15 p.m.

The Hon. LYNN ARNOLD: Thank you, Mr Speaker. I believe that I can get through most of the answer in the time permitted. I am always as brief as possible. First, as Minister of Education, I cannot possibly condone the action of the parents concerned and I must therefore strongly advise those parents not to withhold their children from school. My advice must firmly be that they must send their children to school, as required under the legislation. As Minister, I believe that, since I have been in this position, I have shown myself amenable, as far as policy and precedent will allow, to changes in bus provision if that will meet special circumstances that apply in specific areas of the State. Indeed, members on both sides, especially members opposite, can attest that I have shown that flexibility when it applies. My comments are made in that context. Wherever possible, I have tried to be as amenable as I could be.

The Government's difficulty is that any change in bus routes or policy can have flow-on effects for the entire State. In South Australia, we have a bus service that is reasonably good for the needs of students, but it costs much money. In New South Wales, on the other hand, the bus system costs nearly five times as much as ours because there they have a much more *laissez faire* policy on school buses. We have to avoid that situation here so that we do not involve the South Australian taxpayer in the payment of an inordinately large sum. This matter is being reinvestigated and I will inform the honourable member later as a result of the new information that he has provided for me. As soon as that new information becomes available (I hope today or tomorrow), I shall determine whether it justifies a change in policy by me for that bus route that would not have serious implications for other bus routes in this State and that would not in itself be a serious contravention of established State transport policy for schoolchildren in South Australia.

The SPEAKER: Order! Call on the business of the day.

ROAD TRAFFIC ACT AMENDMENT BILL

The Hon. TED CHAPMAN (Alexandra) obtained leave and introduced a Bill for an Act to amend the Road Traffic Act, 1961. Read a first time.

The Hon. TED CHAPMAN: I move:

That this Bill be now read a second time.

It proposes an amendment to the Road Traffic Act, 1961, to provide for the compulsory wearing of safety helmets by horse riders. This amendment is in response to a growing concern for the safety of horse riders in South Australia, and particularly in the Southern Hills region.

A senior medical officer from the Flinders Medical Centre has confirmed that the incidence of serious injury as a result of persons falling from horses in road accidents has increased alarmingly. As an indication of the level of concern at the Flinders Medical Centre, that body has adopted the practice of separately recording horse related accidents.

A survey conducted by Derrick J. Pounder, MB, ChB, FRCPA, specialist pathologist at the Institute of Medical and Veterinary Science, recently reported in the *A.M.A Journal*, reveals that, of the last 18 deaths resulting from horse related accidents in South Australia, 14 were as a result of head injury. Of these, 13 injuries were sustained in a fall and, of that 13, nine were not wearing any protective headgear.

The incidence of fractured skull and cerebral trauma resulting from horse related accidents is growing at an alarming rate, according to the medical profession. A further and more recent survey of some 350 horse riders reveals an urgent need for greater protection of horse riders, particularly those in the younger age group. Accordingly, this Bill provides for the compulsory wearing of helmets in an attempt to prevent serious injury as a result of road related horse riding accidents, or to ameliorate the injury that may result from such accidents.

An exception to the requirement to wear a helmet while horse riding on roads has been inserted to enable persons to drive livestock across or on a road without the need to wear a helmet. It is considered that on farming properties, for long periods, a person ought not to be required to carry helmets for the relatively short periods during which he might be on, or crossing, a road.

The provisions of the Bill are as follows: Clause 1 is formal. Clause 2 amends section 162 of the principal Act. The effect of the amendment is to preserve the existing situation with respect to motor cycle riders, and to require persons riding horses to wear a safety helmet that complies with the regulations.

The Hon. G.F. KENEALLY secured the adjournment of the debate.

QE2

The Hon. JENNIFER ADAMSON (Coles): I move:

That this House expresses its concern at the eleventh-hour nature of the appeal by the Minister of Tourism to the tourism industry for its involvement in preparations for the visit to Adelaide of the *QE2* and at the Minister's failure to co-ordinate arrangements by giving adequate notice to the industry; notes the frustrations and difficulties being experienced by various industry sectors in their attempts to respond to the Minister's belated appeal; and urges the Government to ensure that the overseas terminal at Outer Harbor is transformed to reflect South Australia's reputation as a cultural centre and exciting tourist destination by arranging for space to be made available at the terminal for the display and sale of hand-crafted items as mementoes of South Australia to passengers on the *QE2* and for future visits by cruise ships.

As the Minister pointed out in response to a question last week, this motion is being debated when the *QE2* is well on its way and, I imagine, would now be in Perth. However, that does not in any way detract from the substance of the motion and some of the lessons to be learnt from it. Some of the points that the Minister would undoubtedly want to make in reply to this motion he made earlier this afternoon in reply to a question that was organised for this purpose by the member for Mawson.

The point needs to be stressed and noted by the Minister that, notwithstanding the fact that it is the duty and opportunity of private enterprise to respond on its own initiative to visits to South Australia of passenger crew ships, I believe that the Minister should, and would, in all fairness, also acknowledge that, as these visits have been a rarity in the past and are only now becoming established (and we hope will become well established and more frequent), there is equally some obligation on the Government, if it wishes to ensure that arrangements are well co-ordinated, to give reasonable notice.

The Minister well knows that the industry, notwithstanding the fact that it has the Industry Council, is composed of small businesses, very few of which have any relation to any others—they are single operators and tend not to get together other than by the Industry Council and then only through their representatives and nominees. There would be very few industry sectors or individual operators (and this has been borne out by the information that I have obtained from the industry sectors) which are aware of the precise impending dates of visits of passenger cruise ships. Indeed, if they wanted to find out, they would have to contact various agents. They could contact the department but, if one does not even know what are the opportunities, it is hard to realise them fully.

In the 6 February issue of the *Advertiser*, a report headed 'Tourism to pull out stops for *QE2* passengers' appeared, and in it the Minister of Tourism is quoted as stating:

I am writing to the South Australian Tourism Industry Council detailing our plans and asking it to come alongside us.

That is all very fine, but, as Tourism Industry Council members themselves point out, the ship was to arrive on 19 February, the news item appeared on 6 February, the letter to the Tourism Industry Council was dated 6 February and, indeed, the Council was not to meet until some time after that. With the best will in the world, it would be very difficult for industry sectors to respond to an appeal like that. I am not criticising the Minister's department, as his officers did a good job, and I know, too, that the Minister did his best to ensure that they did so. However, people need more notice than that if they are being asked to co-operate. If they are not going to be asked, that is fine. However, if they are going to be asked, those people should be given enough notice so that they can co-operate effectively. This is not my description of the situation, but rather that of the Industry Council—the umbrella organisation that I contacted. They said that confusion resulted. Everyone wanted to help, but it was very difficult indeed to become involved because of restrictions that were imposed.

On the one hand, the Minister asked for everyone to become involved, but on the other hand he knew full well that the Cunard agents were very concerned about security. He must have known the difficulties of private operators becoming involved at that late stage. I do not want to labour these points, as I am sure that the Minister is aware of them. I believe that they should go on the record in a constructive manner so that, when cruise ships visit Adelaide in future, we get things right. I am the first to acknowledge that it is difficult to get everything right the first time when a situation is new and has not arisen before.

The Hon. G.F. Keneally: There was very little wrong.

The Hon. JENNIFER ADAMSON: I acknowledge that very little was wrong. I am pleased to acknowledge that,

and I fully recognise and commend the almost superhuman effort by the departmental officers and their great dedication to ensure that things went right. I would go further and say that I think the Minister is not altogether well served by all his colleagues. He and his department might go flat out to get things right. If his colleagues did as well, he would be better served.

Mr Hamilton: Like whom?

The Hon. JENNIFER ADAMSON: I will refer in due course to the Minister of Transport and Minister of Marine, who is becoming quite notorious amongst the tourism industry for his failure to get things right.

I refer to the lateness of the appeal. It would almost have been better not to make such an appeal than make one at the eleventh hour, because those industry sectors that wanted to take advantage of that late appeal were frustrated in their effort to do so. One of those industry sectors that responded not to a letter but to the news item was the Crafts Council of South Australia. I will read into the record the letter that I received from Mr Lynn Collins, Executive Director of the Crafts Council. This letter covered another letter that I received from the jeweller, Mary Michelmore. The letter states:

> The Crafts Council of South Australia endorses the concern expressed by one of our members, the jeweller Mary Michelmore. Like many professional craftspeople in this state, Mary runs a small business and is aware of the rich potential of the supposed 'sunrise industry', tourism. She produces unique, attractive hand-crafted items ideal as mementoes (and advertisements) of South Australia. Her letter describes the impediments to taking advantage of a great business opportunity and reveals some serious short-comings in the tourism industry.
>
> Instead of a vibrant market place (which is what greets ship passengers in ports like Hong Kong, Singapore, Colombo), what will confront the *QE2* passengers? Will the austere terminal be transformed to reflect South Australia's reputation as a cultural centre and exciting tourist destination? Will it be the same when the Canberra and other liners berth in Adelaide? Who knows when other liners are arriving? What is being done to promote the important small business sector as an integral part of the tourism industry?

They are all good questions and all deserve an answer. The austere terminal was decorated to an extent, but I could hardly have described it as a vibrant situation for the people walking through it.

Certainly, as the Minister acknowledged today, it would have been much enhanced had a space been made available for displays of South Australian art and craft. There would have been not only an economic benefit but also a cultural benefit—a reinforcement for the visitors that they are in the Festival State, in the arts centre of Australia, and nothing can make a more dramatic impact than the immediate visual impact.

I do not want to labour the point. I know that the Minister agrees with what I am saying and I know, too, that the Crafts Council knows that the Minister agrees. The point I am making is that, had greater notice been given, the arrangements to overcome the difficulties with security possibly could have been organised in time.

Let us learn from our mistakes and think of the future. The *Canberra* will be arriving in November, I believe, and by that time there should be an opportunity for the Department of Marine and Harbors and the shipping agents to get together and ensure that space can be made available at the terminal. The letter from Ms Michelmore states:

> If the Minister of Tourism wishes industry to become involved, surely there must be advanced co-operation to organise these memorable welcomes and farewells to our State with this area of growing industry that is a bonus to the State.

That is the point of my motion, namely, that we take note of the deficiencies and remedy them without any need to be paranoid or defensive about them. We should fully acknowledge the excellent work of the Department. I urge that we get our act together even more effectively for future visits.

The Minister has made the point that very little went wrong, and he identified during Question Time a series of minor deficiencies. I would describe the lack of banking facilities as an important deficiency. The lack of post cards is minor in one sense but major in another, because people are very concerned about communications and sending post cards from localities. There was difficulty with hire cars. There are still no taxi stands available, and this is where I think the Minister of Transport should take an interest and do something constructive. It may be outside his jurisdiction and in that of the Minister of Marine; I do not know how far beyond the actual terminal the Minister's jurisdiction extends. It may be that the Port Adelaide Council needs to erect taxi stand notices. Buses were located in the live sheep transport berthing area, which is not the sweetest smelling place in South Australia. I think that is a pity but, again, there may be logistical difficulties.

Rubbish bins were overflowing and, in the opinion of several visitors who rang to convey this information to me, were inappropriately located between the entrance and the toilets. I cannot comment on that, because I did not note it myself. However, I mention it to enable the authorities to take note of it. The crowd management for the spectator viewing areas was made more difficult because thousands of people were in the viewing areas. When they wanted to leave, there was a single small gate at the bottom of the stairs on one side, while two lines could file through on the other side. This was inadequate and in an emergency could have proved dangerous. A decision was eventually made to open the bigger gates, but by that time most of the people had left.

A positive point was that the railways supplied air-conditioned jumbo trains and this action was applauded. Apparently, they were so popular that the attendants could not possibly charge fares, and the air-conditioned jumbo trains were free. Some people would think that was wonderful. I should think the Treasurer would be slightly concerned that a lot of revenue was lost. One can only say that that was a mistake caused by success in terms of the enormous and positive response of South Australians.

I know that the Minister and the Department are very concerned to see that future visits are successful. In an effort to be constructive and ensure that communication with the industry is not left to the eleventh hour (and the industry was genuinely concerned about that and, I believe, has or will express this concern officially to the Minister), we should learn from the visit of the *QE2,* as we learnt from the visit of the *Oriana,* so that future visits are as flawless as we can make them and that we present those aspects of South Australia which are so characteristic to the visitors' enjoyment. One of those is the display and sale of art and craft which exemplifies the best that we have to offer.

The Hon. G.F. KENEALLY (Minister of Tourism): I oppose this motion and, in the time that is available to me, I shall be happy to tell the House why. Yesterday the visit of the *QE2* to South Australia was an outstanding success. This House was given notice of this motion last week, and it is clear that the honourable member, in moving this motion, was hoping that something would go wrong so that she could come into this House today and have a basis for criticism. Now she acknowledges that she does not have that basis.

There is no doubt that the reception and arrangements for the visit of the *QE2* to Adelaide were excellent. In fact, a senior Cunard officer said that he wished he had the Outer Harbor terminal in Southampton. I was told by the

master of the *QE2*, Captain Arnott, that the arrangements and the terminal in Adelaide were absolutely excellent; and that he could not expect better. In fact, he said it was much better than the port which he had recently left in Sydney. All the views that were expressed to me and to my colleagues were of appreciation—I will not say amazement, but certainly appreciation—about the reception that those involved received here. I was told by people from ACTA Pty Ltd, the agents, that the reception in Adelaide was one of the best presented to the *QE2* anywhere in the world.

One reporter has quoted the master of the *QE2* as saying that it was the biggest reception that the *QE2* has received anywhere in the world. Those members who took the trouble to go down there either early in the morning or late in the evening when the *QE2* left would know that. It took me two hours to get from Outer Harbor to Anzac Highway after the *QE2* had left because of the number of people who were there to say farewell to this beautiful ship.

I am pointing out that the visit was an absolute success. However, I know that whenever we have one of these visits—and we have had very few of them—one of the problems that the tourist industry in South Australia faces is that there has been a lack of experience with cruise ships coming into our ports. As a result, they have not adjusted to cater for the needs of cruise ships although it is in their financial interests to do so. I believe that the honourable member has said today that the small tourist industry in South Australia is unable to show the entrepreneurial skills or the initiative to enable it to provide for the needs of the *QE2* without the Department of Tourism taking their hands and leading them through. More and more, the Department of Tourism, according to the honourable member, is required to do those things which are essentially the role of private industry. We are not there to make the decisions for private industry. We would encourage them to be entrepreneurial. I will quote two instances in South Australia where people were entrepreneurial and benefited from it with absolutely no assistance or need thereof from the Department.

A leading bus company in South Australia knew 12 months ago that the *QE2* was coming to Adelaide this year. The date was not absolutely certain until we negotiated it with Captain Ridley, I think in October or November of last year. The bus company contacted Cunard and was told that the agent was American Express. They contacted American Express and arranged for their company to be the sole bus operator for the visit of the *QE2*. That is initiative and entrepreneurial skill, which must be commended and applauded and used as an example to the industry in South Australia.

A person who arranges walking tours through Adelaide (I suppose everybody recognises the lady to whom I am referring) also on her own initiative contacted the agents and made arrangements to meet the visitors at the terminal and take them on walking tours through some of the most interesting parts of Adelaide and Port Adelaide. She was able to do that. She did not need the Department to do the work for her. The member for Coles is saying that the private tourist industry in South Australia is unable to fulfil the role that one would expect of it, namely, to be entrepreneurial and to show initiative. I wonder just what it is that the Department is expected to do for these people.

SATIC is an organisation that is required to draw the various components of the tourism industry together and to give them a voice so that recommendations can be made to the Government. The Chairman of SATIC and at least one other member of SATIC are also members of the Tourism Development Board: they know exactly what it is the Department of Tourism is doing because of the Board's involvement in tourism. The members of SATIC knew for 12 months that the *QE2* was coming to Adelaide; and there were discussions about this, and everyone was aware that it was going to be a big event, as in fact it turned out to be.

I am surprised that the honourable member has criticised me as Minister, because in the last fortnight I gave them a final reminder and told them what the Department was doing (this could not be done six months ago) to provide for the needs of the *QE2* visit. Criticism of the Department of Marine and Harbors is not wellfounded. The people involved with the *QE2* have been loud in their praise for that Department as well. We will have an opportunity to have a debriefing on the *QE2* visit. We will continue to assist the industry as much as we can, and we will provide it with an opportunity to be involved with the *Canberra* visit, although when it was here last time absolutely nothing was done. We gave the industry an opportunity to work with us on the *QE2* visit, and it certainly did much better. We want to ensure that these visits are a success, and although that is not our role it is a responsibility that the industry is placing on us.

I will be interested to see the letter from SATIC to me as Minister complaining that we did not let them know about the *QE2* visit. In that regard, apparently they did not have the initiative to get up and do anything themselves. I would be surprised to hear that, because that is what SATIC is all about—to help its members provide for the needs of visitors. SATIC is not there to ask the Department to meet the needs of visitors: it is there to ensure that it can coordinate its own activity, and it is about time that that occurred. I am waiting for SATIC to write to me that it is disappointed with what I am doing in terms of its responsibility and work.

Between now and the visit of the *Canberra* we will arrange a meeting between the shipping company and agents, SATIC and SARTO, coach and taxi companies, the STA, the Department of Marine and Harbors and the Department of Tourism in order to talk about the requirements for the visiting cruise ships. The Government is prepared to arrange such a meeting which I believe will get the support of all the people whom we will be inviting here to South Australia.

I want to mention specifically two things. The letter was sent a fortnight before the *QE2* arrived as a reminder to the industry, because I had reason to believe that there were many other entrepreneurial people in the private enterprise area, such as the bus company and the walking tour organiser, who would be seeking to fit in with our tours (and in fact they were). For example, the Briscoe bus company conducted tours around Adelaide and entertained people at various stops on that tour. The guests were entertained very well and we received a lot of praise for that. That company, for example, knew what the Department had arranged and did not have to start thinking about what it could do but rather in terms of activities that it would participate in alongside the Department. It was known that the *QE2* was coming here, and anyone who wanted to present a product to the people associated with the *QE2* visit did not have to wait to find out what the Department was going to do. To suggest that they did would be absolute nonsense.

In regard to the Craft Council of South Australia, I agree that it would have been advantageous for those concerned to display and sell their wares as well as for South Australia. The work that those people do is excellent and is greatly supported by Government, as everyone would know. I am not sure whether the Craft Council approached the agents, as of course they ought to have done. When the Department became involved and took up the matter with the Department of Marine and Harbors that Department explained to us that the facilities at Outer Harbor and the entire surrounding area of the terminal had been commissioned by Cunard for the day because of its concern about security.

Everyone here would understand that. The *QE2* visits ports all over the world, and Cunard must be certain about the degree of security involved.

In fact, the level of security it was seeking was not provided in Brisbane and I am informed that the liner will not be going back to Brisbane because of that. The Department was advised that unfortunately there was no possibility of the Arts Council being able to display in the area that had been commissioned. We tried to persuade the company that it should vary that decision, but it remained firm. We tried to secure a part of the restaurant at Outer Harbor so that the art display could be mounted, but that area was not available either because the lessee of the restaurant needed the space to provide for the needs of the *QE2* visitors. Indeed, I imagine that that would have been the major market for the restaurateur; it was our experience that people on board were provided for very well there in terms of food, as they might well expect, having regard to the price that they paid for such a beautiful holiday.

Mr Peterson interjecting:

The Hon. G.F. KENEALLY: I did not pay, and neither did the honourable member. I must say that I was quite impressed with the reception that the honourable member received. They all seemed to be old friends of his, even though he has not worked for them. I think they just like to mix with important people. The Craft Council made representations to the Government and we did what we could. I think the honourable member would acknowledge that that is the case. The Craft Council understands that those arrangements could not be effected on this occasion. However, the council will be working with us to see what can be done on the occasion of the *Canberra* visit. As everyone knows, every situation is different. For example, the security arrangements that apply to the *QE2* are different from those that apply to the P & O liners, although I am not too sure what will apply in relation to the Norwegian liners.

I point out to the honourable member and the industry as a whole that two Norwegian liners will be coming to Adelaide in February next year. I do not want people saying in February next year that they had not been warned that those liners were coming to Adelaide: they have been warned and they have been asked to consider their actions in that regard. It is no use waiting until February next year and saying that the Department has not involved them. It seems to me that if things go very well and there is absolutely no hiccup that is to the credit of those in private industry, their initiative and entrepreneurial skills.

However, if there are some problems, private industry is not to blame. Private industry does not bear any responsibility; it is the Government's responsibility. That is nonsense. The member for Coles purports to follow a political philosophy that is nonsense. It is not the responsibility of the Department of Tourism in South Australia to take this up with SATIC, SARTO, or the tourism industry in this State. I acknowledge that the industry is made up of small component parts—a whole plethora of operators—and that they require assistance and advice, which we provide to them, but ultimately these people have to show the capacity to promote their wares and the initiative to tap into a *QE2* visit. They have to show that they are entrepreneurial enough to ensure before the *QE2* gets here that they are in the front row of operators who will benefit from such a visit.

Having said all that, we will still provide all the assistance required of us. However, I despair that to some extent this is becoming more and more the responsibility of the Department. It should not be the responsibility of the Government or the Department: it is the responsibility of industry. So long as industry believes that it can sit back and do nothing and that the Government and the Department will do it for them, it will never do anything.

If SATIC writes to me I will be delighted to tell it that. I imagine that there is every chance that SATIC will get a copy of this debate. Certainly, letters I write to SATIC have wide circulation, which is quite all right because it has many members who are entitled to know what the Minister and the Government require. I had a discussion with the Chairperson of SATIC who informed me that she thought the visit was at very short notice and that they would do their best to come alongside and fill any gaps that existed.

In fact, I do not think there were any gaps, and in all of this the only group that has felt in any way disadvantaged is the Craft Council. There were one or two minor hiccups, and as a result of a debriefing other information will come to us about who is unhappy. I had not heard about the rubbish bins until today. However, if one compares those small problems with the absolutely outstanding success of the *QE2* visit here and the feeling of both its staff and passengers about Adelaide and the work we have done, one will see that we have been overwhelmed with praise and consideration for the effort we made.

I want to pay a tribute to the staff, particularly Mr Bulfield in the Department of Tourism, whose outstanding work should be acknowledged. He has been working with the agents and the company for more than six months to make sure that anything that should have been arranged was arranged and that nothing went wrong. The results of his efforts were quite clear yesterday. It was a great day for South Australia: there is no doubt about that. However, I am disappointed that on the day after the visit we are talking here in the Parliament about one or two minor matters that went wrong and discussing a problem of which we all knew prior to the *QE2* coming and which we are sure we will be able to address in the future.

The Craft Council's request to us for assistance was at a time when very little could have been done, anyway. Even if it had asked us six months ago, my understanding is that there was very little we could have done about it then at all. One thing that needs to be addressed is the opportunity for people in South Australia who want to display their wares down at Outer Harbor. They should be able to do so somehow or other: there is no doubt about that. As the local member and the shadow Minister would be aware, we face the problem that visits of such vessels to South Australia have been so rare. A visit by the *Oriana* in 1983 and again in 1984 were the first two visits in almost living memory. We had the *QE2* in 1985, and we will have the *Canberra* and *Oriana* later in 1985, followed by two of the Royal Vikings in 1986.

So, because the visits to South Australia are still so infrequent, the private tourist industry is unable to invest any considerable capital in the area in terms of appropriate facilities, even if it be outside the Marine and Harbors area. They cannot be expected to expend that sort of capital, and I do not believe that anybody can be expected to provide the whole range of services that are readily available in New York or at the Pacific island resorts, because they depend upon cruise ships. New York is spread over a whole area, including their Lord Mayor's area of activity. However, until the frequency of the visits increases dramatically, there will always be some services that cannot be provided because economically the industry would not find it sensible to provide them.

So, I do not accept this motion and ask the House to vote against it. We have had a great success, and we are learning every time a cruise ship comes into South Australia. At the moment the Department is doing better than the industry. One only has to compare the last *Oriana* visit (when it was left essentially to private enterprise and we

were told that we were not needed—'We don't want you involved; we can do it ourselves') with the *QE2* visit, when we were prepared to take that sort of general action, which was a great success and a great credit to the people involved.

Mr PETERSON (Semaphore): Thankfully for South Australia, the *QE2* did not arrive here on a weekend, otherwise we would still be sorting people out at Outer Harbor. We cannot blame anyone for that, except the pure physical structure of Outer Harbor, but we were indeed very lucky that it was not here on a Saturday and Sunday. I have lived in the Port area all my life but never before have I seen anything like it.

It was a remarkable day for South Australia: people who came through Port Adelaide on to the Peninsula did not even know it existed before yesterday. The ship received an outstanding welcome in the morning by the small vessels that were there. During the day, the show by people who visited was magnificent. Last night, luckily because of our early finish, I was able to see the vessel sail, and it was no less a spectacle at night. Unfortunately, I did not have time to go to sea myself, but I am sure that that ship has not received a better welcome or send-off anywhere in the world.

Speaking briefly on tourism, I thought that there was plenty of warning about the ship coming here. I was well aware of it, and I followed it up closely. Many people in the community also were aware well ahead that the vessel was coming. I do not understand how they could not have been prepared earlier if they were genuinely interested. The shadow Minister yesterday heard the advertisement for tours leaving, and I heard that announcement aboard.

I am well aware of the structure and layout of Outer Harbor, having worked there for many years. There is no capacity for crafts in the terminal building. There is a shed there for luggage, and there are three or four other sheds for cargo which may or may not have been used. One was used for cars, although it is usually used for livestock, and I do not know whether anyone would really want to put crafts there. There is room for crafts in the area, but I am concerned that we may get a reputation as a banana port. It is not Vila, Latoka or Suva. There is room for crafts, but I do not believe that they should be made a major feature.

These people are going around the world, remember, buying bits and pieces everywhere. It was a remarkable day for South Australia and I think any criticism that has to be made ought to be sensitive criticism. It was a first time for the State and I think overall South Australia did itself proud. I would like to see the ship come in more often.

The Hon. JENNIFER ADAMSON (Coles): I appreciate the contribution by the member for Semaphore and also some of the substance of what was said by the Minister. However, the Minister's response was full of inconsistencies and contradictions: on the one hand, he was accepting praise for everything that went right; on the other hand, he was saying it was not the Department's responsibility to do these things. He cannot have it both ways and, saying that the visit was a huge success and in claiming for some of that success, he is surely not taking credit for the crowds who attended, who obviously responded to the enormous media interest in this event and to the coverage that was given to the most famous passenger liner in the world. The Government cannot take credit for that, and I can see from the smile on the Minister's face that, although he may have appeared to do so, he does not generally pretend that to be the case.

I did not say that the private sector was not capable of capitalising on the visit, but I did say that the industry would have been assisted by better communication, and in his reply the Minister virtually acknowledged that point by saying that there was going to be better communication. It is amazing to me that the Minister, in what I consider to be a very finely developed sense of defensiveness, is opposing this motion, which, after all, is worded in a moderate fashion—there is no condemnatory phrase in the motion: all I am asking is that the House express its concern, note the frustration of the industry (which indeed the industry has brought to my attention, otherwise I would not have moved a motion in the first place), and urge the Government to ensure that the terminal is transformed to reflect the State's reputation, and the Government intends to do just that. Where are we at odds?

The Government has received some very gentle and constructive criticism. It has responded with a knee jerk reaction: do not criticise us, we are perfect; the private sector is deficient in many respects, we are okay. Therefore, the Minister is opposing the motion. That is a disappointment to me because I know in the normal way he is willing to accept constructive criticism and that is all that is in the substance of the motion. For the Minister to describe his letter to the tourism industry as a 'final reminder' two weeks before the event is in my opinion stretching credulity, and I believe the industry will view it in that light. Having said that, I urge the House to support the motion.

The House divided on the motion:

Ayes (22)—Mrs Adamson (teller), Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, Blacker, D.C. Brown, Chapman, Eastick, S.G. Evans, Goldsworthy, Gunn, Ingerson, Lewis, Mathwin, Meier, Olsen, Oswald, Rodda, Wilson, and Wotton.

Noes (24)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, M.J. Brown, Crafter, M.J. Evans, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally (teller), and Klunder, Ms Lenehan, Messrs Mayes, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Majority of 2 for the Noes.

Motion thus negatived.

FARM VEHICLE CONCESSIONS

Adjourned debate on motion of Hon. D.C. Brown:

That this House calls on the Government to reject the proposal to remove the concessions granted to primary producers for the registration of certain farm vehicles and supports the continuation of the present concessions.

(Continued from 13 February. Page 2465.)

Mr BLACKER (Flinders): I add my full support to the motion, which refers to a recommendation to the Government that the concessional registration that is presently available to primary producers be disallowed or severely curtailed. In moving the motion, the member for Davenport outlined some reasons for his opposition to the proposal. Not only do I support those reasons: I draw to the attention of members a few other important reasons and factors that I believe have not been properly considered by the review committee when considering this matter.

Obviously, from the way the recommendations are drafted, the committee did not take into account the direction that was given to it in the recommendation contained in the interim report: 'The examination should review the original purpose of and existing need for each category of concession.' Obviously, the review committee did not do that, otherwise its recommendations would have been worded differently from the way in which they have been. The review committee has forgotten the reasons for these concessions: that the bulk of the time the vehicles that enjoy the concession are used is spent on private property, not on Government roads.

Therefore, the 50 per cent reduction in the registration fee was granted originally, and that very principle needs to be clearly understood and appreciated when any change of circumstances is considered.

I am concerned that, if the Government does away with primary producer concessions, there will be greater use of heavier transport to take the bulk commodities on and off country properties, and the farmer, instead of registering his small truck or utility to carry the occasional roll of cyclone to the farm, will rely on carriers and retain an old bomb on the farm.

Mr Lewis: Or a tractor and a trailer.

Mr BLACKER: Yes, or something that is totally unsafe for general purposes. While he can enjoy the concessional registration, he must have the appropriate lights and brakes on the vehicle and it must be roadworthy. If he cannot enjoy the concession, he will use a carrier for the bulk of his gear and have an old bomb that will not have proper maintenance for work on the farm. The brakes of the vehicle will be defective and its lights non-existent. Alternatively, he will use a tractor, which is a most unsafe vehicle to use at speed on a farm. That is what will happen if the review committee's recommendations are adopted by the Government. The orginal reason for the concession was a recognition of the fact that the vehicle is used on private property. Now the Government says, 'Even if the vehicle is not used on private property, we will claim full registration.' The next step will be the registration of every tractor on the farm, and so it goes on. The Government has not given an opinion on the principle involved, and the review committee that made the recommendation has not considered this matter sufficiently.

I support the motion, for two basic reasons. The first concerns the safety factor, and is a very real reason. Anyone having had contact with an accident involving a tractor or some such vehicle would know the dangers associated with it. Further, the very nature of the recommendation encourages the use of unsafe vehicles, which is a practice that we should not condone. Further, if the Government intends to apply the full registration fee to a vehicle or implement that primarily is not used on public roads, where does it stop? Do we pay a registration fee on boats that obviously never use the roads? However, the same principle could be applied in that case.

I ask for serious reconsideration of this matter. I support the motion. I believe that the Government would be remiss if it accepted the recommendations of the February 1984 review committee. If it does, it ignores the very principles on which the regulations were drafted: not necessarily to increase Government revenue; not necessarily to prejudice unfairly primary producers: but to recognise the fact that those vehicles are used predominantly for on-farm practices and seldom on public roads. If we do not allow such vehicles on public roads, they will not be maintained in a reasonable state of repair and farm accidents will consequently increase. I am conscious of the fact that this is the last day for debating of private members' business. I support the motion and would be happy to submit written confirmation of support to the Minister if he requires it.

The Hon. TED CHAPMAN (Alexandra): Since the 1920s, registration concessions have been extended to certain sections of the State, enabling a reduced rate to apply to the registration of vehicles. Those eligible for concessions in South Australia include primary producers, prospectors, pensioners holding PHB cards, disabled persons and holders of State concession cards. The reasons for such concessions are outlined in a recent review of State Government concessions that has been provided for the Government, and the matter of motor vehicle registration concessions to primary producers in particular constitutes the nub of the motion.

I believe that the concessions applicable to primary producers' vehicles have been provided for several reasons, indeed good reasons. Initially, those concessions were extended to that section of the community, in some modest or token way, to offset the level and quality of roads provided by district councils on which these primary producers are required to travel in contrast to the condition of sealed roads in the near metropolitan and inner metropolitan regions of South Australia.

In applying the concession to primary producers' vehicles, it would have been recognised (if it was not, it should have been) that in most instances primary producers' on-farm vehicles are used only for seasonal and intermittent work and that the greater part of their use is on farm, where legally no registration is required. In order to recognise further that those vehicles only on infrequent occasions travel on public roads, it is appropriate that registration fees reflect that minimal use and therefore should be less than the vehicles that are used predominantly on public thoroughfares.

Further, it would be remiss of the Government to uphold the recommendations made in the review committee's report, in relation to primary producers' vehicles in the current economic climate affecting that sector of the community. Although the fortunes of primary producers fluctuate, for several years they have in this State been striving to meet the cost-price squeeze that is directly applicable to the primary producing sector. At present things are pretty glum for primary producers in the wheat, meat, and wool producing areas.

In fact, in a recent rural forum report it was reflected that primary producers in Australia, and, of course, in this part of Australia, are enjoying a rate of less than 3 per cent interest on the capital involved. It is difficult to imagine and, I appreciate for a lot of people, to understand how marginal is the existence for primary producers in that sort of situation. I know that it is part of their life and that, in the main, they are dedicated to that practice. Be that as it may, their margins on capital invested are probably among the lowest of any business enterprise known to this country. Yet, they are still battling on in those circumstances. Indeed, for the foreseeable future wherein it is not anticipated that those circumstances will be improved to any great extent, it would be remiss of any Government, leave alone the present Government in South Australia, to consider taking away the long-standing and justified registration concessions that apply.

The member for Flinders, the member for Mallee, and one or two others on this side of the House are intent on expressing their concern for the way in which the report reveals certain recommendations surrounding the subjects that I raise. I know what has been said by members who have already spoken, and I understand that those who are still to speak will be critical of any Government suggestion of upholding the recommendations in that report. I appeal to the Government to note the content of this report, but, with respect to concessions applying to registration of motor vehicles and other registered vehicles on primary producing properties in South Australia, I hope that the recommendations will be ignored.

Finally, I refer to a paragraph or two at page 76 of the report. Item No. 7 on that page states:

> Outside area concessional rebate be granted on vehicles owned and used in that area of the State above 30 degrees latitude, Kangaroo Island being therefore excluded.

It is noted that the committee producing this report has decided this point would be more appropriately considered by the Department of Transport and has declined to make

a specific recommendation on it. I cannot think of any other way in which one could divide the rural community or, indeed, the outside area community of South Australia more effectively than to say that a concession applies to a group on the north of a given latitude line but does not apply to those on the south of it. Excluding Kangaroo Island, by adopting such a principle, will automatically exclude all those agricultural areas of South Australia below 30 degrees latitude and, of course, accordingly, would exclude the South-East region of the State as well as, I suspect, the southern region of the Yorke Peninsula and the southern region of Eyre Peninsula.

If we take the extreme southern portions of the four peninsulas, that is, the South-East region, the Fleurieu Peninsula including Kangaroo Island, Yorke Peninsula and the southern end of Eyre Peninsula, we are penalising those motorists and primary producers in their approach to metropolitan supermarkets to a greater degree than we would those in the upper reaches of those respective peninsulas who have accordingly nearer access to metropolitan markets for their produce.

In that context I fail to see how the Government could legitimately, reasonably or fairly contemplate taking on board that recommendation. Generally, I support the motion moved by the member for Davenport and appeal to the Minister to heed the matters brought to his attention this afternoon in this debate.

Mr LEWIS (Mallee): This House calls on the Government to reject the proposal to remove the concessions granted to primary producers for the registration of certain farm vehicles and supports the continuation of the present concessions. I support that motion. I will not delay the House for very long. The Minister knows that it will mean an additional $1.8 million for the Government—that is the first point. It is the Government's avaricious inclination to tax a section of the community that does not support it because the Government knows that it gets no support from them. That is the main reason why this proposition to remove the concession was ever introduced. The effect of it, of course, has been pointed out by other speakers and I wish to reiterate that it will in two ways have a very adverse effect on safety in rural communities.

First, there will be a substitution effect, already referred to by the member for Flinders. Instead of using the sort of vehicles that should be used to transport goods such as superphosphate up and down rural roads from the property, tractors and trailers which do not have to be registered or other devices of that kind that can get around the law will be used. They will not be always used—the Government will still gets it revenue—but one or two farmers in every 1 000 will do something like that and put other road users at risk in the process. So it will not contribute one jot to the safety: rather, it will do quite the opposite.

The second way in which it will detract from the safety of rural roads is that one or two farmers in every 1 000 will be tempted not to pay the full registration required of them because they will have to drive the vehicle along only two or three kilometres of road twice a year to do their seeding on the paddocks the other side of the road away from the main part of the farm. The farmers in those circumstances—one or two of them—will be tempted simply to take the risk and not register their vehicles. They will drive along the road and, invariably and inevitably, it will result at some or other in a collision with another vehicle, possibly involving bodily injury to themselves or passengers in the other vehicle, and there will be no cover for anybody so injured.

If the Minister or any member of the Government can say that this action is therefore in any sense responsible, where it will contribute to that kind of misadventure—not just the injury itself but the fact that there are no funds to cover it—in some circumstances it will not be the farmer operator but perhaps a lad that he is employing who is driving the vehicle. There will be no funds, because it will be neither registered nor insured, to meet the cost of the medical bills for the surgery and hospitalisation of the injured person, the lad himself or the young lass who may be driving it—leave alone the injured party in the other vehicle. The lad will not be able to meet the cost but, as the driver, he will in law be considered the principal responsible. So, I castigate the Minister and members of the Government for being so insensitive, bloody-minded and avaricious as to contemplate this measure, leave alone introduce it. The Government will win my condemnation again if it ever contemplates it or, indeed, consummates the recommendation by its introduction.

The other point I wish to make is that this package is designed to hit farmers in the leg, to raise further revenue for the Government and, if one likes, to make life more difficult to no good effect. Other parts of the package mean that once a vehicle, having been unregistered for more than three months, is re-presented to the Registrar of Motor Vehicles for registration, the vehicle will have to be brought to Adelaide to be inspected in Government garages. If one was a farmer at Naracoorte, Cleve, Orroroo, Renmark or Pinnaroo—

Mr Plunkett: Or up in the hills.

Mr LEWIS: That is in New South Wales, and the honourable member for Peake might do well to remember that. Registration laws in South Australia have no impact there.

Mr Plunkett: Up in the hills, I said, Peter.

Mr LEWIS: That is where some members opposite are: in the clouds. The consequence of that policy requiring farmers from those distant places to take their vehicles somewhere each year to have them inspected at the leisure of the Government inspector seems to me to be an unjust and unnecessarily unreasonable impost to place on them. It is a real burden, and quite clearly many of the vehicles will be given a tough time when there is no need for that to happen.

Members opposite should recognise that that policy in itself, namely, the removal of this concession, will result in a number of farmers over and above those who already involve themselves in the practice deciding to register their truck for only six months of the year. The truck about which I am talking is the one that they use to carry seed and superphosphate down the road and into the back paddock and/or cart grain from the back paddock to home. They will register that vehicle just before harvest, probably from December to the end of May.

Again, I point out that at the beginning of December they will find that they must take their vehicle to a Government inspection depot, where a list of faults a mile long will be drawn up quite unjustifiably and unnecessarily. It will cost such a heap of money to correct these faults that it will not be worth their while to replace the headlamp lenses and all the other piffling things which I know these inspectors, if they are anything like the inspectors who now work for the Highways Department, will find wrong, with no just cause.

It will merely mean increased burdens and costs. It will not improve the standard of roads in the rural area. The money so raised will go into general revenue; one can bet on that. That is what the Government intends to do. It will probably go into some of these Mickey Mouse Club schemes that the member for Mawson cooks up from time to time for her electorate. It will not benefit the rural communities one jot. It distresses me that there will be a reduction in the levels of safety on rural roads as a consequence of pursuing this policy and that it will cause a great deal of

distress to a number of otherwise honest, honourable men and women who are farmers and who will find themselves tempted to do things outside the law, become outlaws by so doing, and therefore be alienated from the law. It will increase tensions between city and country folk and do nothing to help the development of a civilised state of mind, or attitude in this community or to help restore the flagging stocks of members of Parliament in the eyes of the general public, since we are held in contempt by many members of the public for our insensitivity to their needs and the effects of our decisions on them.

Mr MEIER (Goyder): I support the motion moved by the member for Davenport. It is indeed very disappointing that here again we see a proposal by the Government that will affect the rural people, the primary producers, when the primary producer in many areas of the State has over the past two seasons managed to get back on his feet. Now it seems that the Government is quite happy to say, 'Let us hit them in the hip pocket.'

We have seen situations, particularly in New South Wales and here in our own State of South Australia, where medical practitioners are very upset that they have had to take a 15 per cent cut in salary. Why should they not be upset when the rest of the community has not been asked to do that? These people are voicing their dissatisfaction in a variety of ways. The farmer (and these statistics were quoted by the member for Davenport when he addressed this motion last week) is also losing some 15 per cent to 20 per cent of his income, compared to the situation last year. The member for Davenport put forward statistics to show that some farmers could be losing as much as 30 per cent of their income compared to the position two years ago, and this must be cause for grave concern. However, the Government's attitude seems to be, 'Let us take some more money away from them.'

I would like to introduce into this debate a set of statistics resulting from a survey conducted by the United Farmers and Stockowners. The UF&S conducted a survey last year amongst primary producers and in the first instance made the results available to the Minister of Agriculture (I am not sure whether they were made available to Government Ministers). According to my most recent conversation with a senior officer, the survey results have now been made available to the public. Because we are very short of time in this debate, I seek leave to have the results of this survey inserted in *Hansard* without my reading them. I give my assurance that they are purely statistical.

The SPEAKER: How many *Hansard* pages would the material involve?

Mr MEIER: About one-quarter of a page of *Hansard.*

Leave granted.

U.F.S. Primary Producers Survey

Survey—Motor Vehicles Statistics:

1. Average number of vehicles owned:

	%
Motor bikes	1.5
Motor cars	1.5
Utilities	1.0
4-wheel drives	.75
Trucks	1.25
Trailers	1.0

2. With the exception of motor cars, are all of these vehicles registered at concession rates?

Answer—yes

3. If only one vehicle could be registered at concession rates, show which one.

	%
Trucks	80
4-wheel drives	12
Car-type utilities	5
Motor bikes	3

4. If concession is removed, what would be the pattern of registration period?

Motor bikes	98% in full (under protest)
Car-type utilities	90% in full (under protest)
4-wheel drives	75%/12 months
	25%/6 months
Trucks	20%/12 months
	55%/6 months
	25%/3 months
Trailers	15%/12 months
	45%/6 months
	40%/3 months

5. Approximate mileage covered in 12 months on road (except motor cars).

Motor bikes	589 km average
Utilities	4609 km average
4-wheel drives	6603 km average
Trucks	4218 km average
Trailers	2058 km average

6. Approximate mileage covered in 12 months on farm (except motor cars).

Motor bikes	3024 km average
Utilities	4609 km average
4-wheel drives	6603 km average
Trucks	1384 km average
Trailers	686 km average

7. Approximate age of vehicles owned by rural producers.

Motor bikes	4 years
Motor cars	4.5 years
Car-type utilities	6.0 years
4-wheel drives	4.5 years
Trucks	11.0 years
Trailers	12.0 years

8. If registration concession is lost, how would this affect your attitude to replacing vehicles?

Reduce sales—70%
No effect—30%

Mr MEIER: Members will be able to see for themselves by analysing these statistics that the UF&S has come up with some very interesting details. First, it has been suggested that the Government will reap some $1.7 million extra per year, but the Government fails to see that many of the farmers will not turn over or register their vehicles as they have in the past. In fact, item 8 of that survey states:

If registration concession is lost, how would this affect your attitude to replacing vehicles?

Some 70 per cent of farmers said that sales would be reduced; in other words, they would not change vehicles so often. That means that it will affect not only farmers, but also the sellers of both new and used vehicles throughout this State at a time when we see the car market increasing. It will be yet another thing to hit the economy of this State and it will have further consequences throughout the community, which is a great tragedy.

If one looks at item 4, one sees that, in answer to the question, 'If concession is removed, what would be the pattern of registration?', some 80 per cent of primary producers said that they would insure, as one example, their trucks for only six months or less. We will therefore find that the Registrar of Motor Vehicles will receive less registration income. Unfortunately, the Government will reap very little extra revenue, although primary producers will be subjected to caused considerable monetary hardship as a result of this proposal.

Mr S.G. Evans: Do you think you should note that the user pays?

Mr MEIER: Of course, that is putting a new element into the debate, and time will not permit me to go into that. I ask members to look at the results of the survey. Many different aspects can be looked at the various results gauged from those statistics. It has been pointed out that huge capital costs are involved in farming, and those costs are becoming greater. The price of land is increasing all the time.

I suppose that the average farm in Goyder now has a capital value of $500 to $1 000-plus per acre, and when one considers the amount of land needed for a viable operation,

one sees that a farmer must pay hundreds of thousands of dollars, machinery itself being worth hundreds of thousands of dollars. Any imposts added to farm operating costs will make a farmer's profit margin that much finer. In fact, it appears to me that the Government is showing very clearly a further lack of concern, and I hope that the Government will ensure that these concessions are not removed and that action is taken urgently in this regard.

The Concessions Review Committee recommended that vehicles with a gross unladen mass of less than two tonnes be disallowed from the concessions. Virtually every farmer in this State would have some sort of utility that comes within that category, and so he would therefore lose his concession in that respect. Across the whole State, according to one figure, that would mean some $1 million additional revenue for the State Government. Secondly, the committee recommended that only one vehicle per farmer or proprietorship be eligible for that concession. However, many farmers would have two, three and perhaps four vehicles currently attracting that concession, and of course the additional vehicles are more likely to be used solely on the farm rather than on the open road. The statistics that I have put into *Hansard* tend to show that that is the case. This measure would apparently bring in some $500 000 extra revenue a year.

A further recommendation is that the so-called hobby farmer or other substantial farmers who may have invested money in non-agricultural pursuits should also have their concessions removed. Plainly, that would be unfair to those people involved, particluarly if they decided to diversify with vehicles still being used solely for primary production purposes. I urge all members of the House to support the member for Davenport's motion.

The Hon. R.K. ABBOTT (Minister of Transport): I want to speak only briefly to this motion. I appreciate many of the comments made by members opposite. The report of the Concessions Review Committee was released for public comment, and all the comments made by members opposite will be taken on board and certainly considered. I believe that the motion is premature. The Government has not made a decision on this matter. Comments are still being received by the Government, and I understand that my colleague the Minister of Community Welfare is continuing to receive a lot of information. These matters will be considered by the Concessions Review Committee.

Members opposite are calling for an outright rejection of the recommendations of that committee relating to primary producers registration concessions. The Government wants to ensure that primary producers receive the full benefit of these concessions. However, the Government believes that many of these concessions are granted to people who are not *bona fide* primary producers. This matter is being considered. The Government is considering looking at this matter closely to see whether there is a better way of extending the benefit of those concessions to the people who deserve them while excluding those who may be ripping off the system. I shall refer to comments made by the member for Davenport and I quote from *Hansard* as follows:

> Of course, the concessions were granted because, as many primary producers were using vehicles on their farms rather than on the roads, they should not have to pay that fee for road construction. Furthermore, many of the roads in country areas are nothing more than small dirt tracks, and there are many unsealed roads in this State in the rural areas, particularly on Eyre Peninsula and in the North of the State, as well as in some of the more settled areas of Yorke Peninsula and the Central Mid-North. One can appreciate very quickly when looking at those roads that very little money has been spent.

Yet in many of those rural areas people are asking for more of these unsealed roads to be sealed, but for this to occur the necessary finance must be available. I point out that registration fees are used for construction and maintenance of arterial roads. Local roads are funded from rates and Commonwealth grants. A Bureau of Transport economics study showed that rural arterial roads in South Australia are at a standard which is higher than the Australian average while, on the other hand, expenditure by local government per capita on roads in South Australia is lower than the Australian average. I hope that within a matter of a few weeks I will be able to do something about that, although I do not want to say any more about it at the moment.

However, I realise that there is a need, and I am trying to help in this area as much as possible. I hope that the move under consideration at the moment will help a great deal in this area. Most importantly, where arterial roads are of a relatively low standard, such as may occur in outback areas, it is proposed that the concessions for registration will remain. But to be consistent, if one accepts the core roads argument, one must concede that all rural vehicle users should receive a concession, and not just primary producers. About 40 per cent of all vehicles registered in South Australia are located in rural areas, but less than 5 per cent attract a concession.

The Government opposes the motion at this stage, not so much to frustrate members opposite or the farming community but to give the Government time to review this matter in order to see whether there is a more effective way of supporting the primary producer with these concessional registrations. I repeat that no decision has yet been made on this matter, and that I think the motion is premature.

Mr PLUNKETT (Peake): I will not delay the House for very long on this matter. I simply want to refer to a few points concerning concessions that I feel are relevant. As most people would be aware, this concession was introduced during the war years. It is a concession that was never withdrawn later. I want to correct a couple of things that have been said: first, that this is another way of taxing farmers. That is incorrect—it is a concession, but in actual fact taxpayers do have to assist in this enterprise.

The Hon. D.C. Brown interjecting:

Mr PLUNKETT: It is not another tax—let us be clear on that. I shall be on my feet for only two minutes, so if the member for Davenport could listen to what I have to say he will soon have an opportunity to speak. Secondly, a farmer who has a truck or a utility will not use it for just three months at harvest time, as has been suggested, but all the year round at different times. People are not stupid, and farmers use utilities and trucks all the year round and not j"st for three months of the year. If it considered that farmers are entitled to this concession, I would say that every farm worker, rural worker, shearer—or any person in the country—who derives a living from an area where there are bush and country roads on which he must travel in a vehicle for 12 months of the year would be entitled to a concession also. However, I know for sure that such workers have applied for the concession but have been knocked back. So, in fact, there is a section of the community, namely, farmers and graziers, who receive a concession that other people who do the same type of work cannot get.

The member for Mallee mentioned that the poor old farmer is being forced off his property: here is another way of getting at him. Really, the people who say this are ridiculous. Honourable members must think people outside are stupid. One never sees anyone walk off a property, be it a farm or a grazing property. If honourable members show me one instance of a farmer who has had it so bad that he has walked off his property, I will take back everything I have said, because I have been amongst farmers more than any member opposite, other than farmers themselves.

I will not hold up the Parliament for too long, but this is a concession that should have been taken off after the Second World War. It was there for a good purpose. One sees that the Fraser Government was very careful to keep a couple of other concessions, with which I do not agree, but this one I most certainly do not support.

The Hon. D.C. BROWN (Davenport): I thank at least some members of the House—particularly on this side—for their contributions to this debate. I was interested to hear the member for Peake speak; no doubt he is really speaking for the genuine view of the Labor Party, that is, 'We cannot stand—

Mr Plunkett: Rural workers, I might add.

The Hon. D.C. BROWN: Their attitude is, 'We cannot stand the farmers, we cannot stand primary producers, and we will take this concession away'! That is exactly what the member for Peake just said. This concession should have been removed years ago—that is what the honourable member just said. Obviously, that is the genuine view of the Labor Party. The Minister would not express a view. It is obvious: he says that we are still considering, it. This report was presented to Parliament in August last year—six months ago. This Government is either incapable of making a decision (which a lot of people around the State have said, and I am starting to agree with them wholeheartedly) or it is simply stalling for time for political reasons, hoping to hold it off until after the next State election. It is either one or the other.

There is no doubt that the six months that the Government has had for submissions has been adequate time. If I remember rightly, the member for Norwood (the Minister of Community Welfare), who is responsible for this report, gave an undertaking (and I seem to recall the Minister of Transport giving a similar undertaking to the House both during normal proceedings of the House and during the Estimates Committee) that these matters would be resolved first thing in the New Year. We are now almost two months into the New Year, and we find that they still have not been resolved. From what has been said today it sounds as though they will not be resolved for a long time yet. Either the Government is incapable of making a decision or it is stalling it for political purposes.

I put this on the Notice Paper because I wanted to hear the views of the Labor Party on the matter. It is quite clear that the member for Peake has just expressed the views of the Labor Party, namely, that these concessions should be removed. That is obviously the view of Caucus, although the Minister would not indicate this afternoon when he spoke what were the views of Caucus. The member for Peake made it quite clear. He said that these concessions should be removed.

Mr Plunkett: In my view, yes; that is what I said.

The Hon. D.C. BROWN: Everyone heard it. *Hansard* shows it. The honourable member said, 'These concessions should be removed.' It is incredible that members opposite are now trying to claim that he did not say that. He just said it, and he is obviously expressing the majority view of the Labor Caucus.

Ms Lenehan: He's not allowed to have his own point of view in private members' time! Absolutely outrageous! Come on!

An honourable member: You listen to what he said.

The Hon. D.C. BROWN: I would certainly listen to an interjection from the honourable madam on an issue like this if she knew something about the primary industries of this State, but I am afraid that she does not know anything about them. She would not have any idea.

Ms Lenehan interjecting:

The Hon. D.C. BROWN: The honourable member says I do not know anything. I happen to have some qualifications in the area.

Mr Mathwin: Tell her your qualifications.

The Hon. D.C. BROWN: I am sure that the honourable member knows my qualifications in this area, but I highlight the fact that honourable members opposite have little knowledge of the plight in which primary producers now find themselves. For the benefit of the member for Brighton, who seems to have entered into this debate as well and who I am sure knows as little about this subject as does the member for Mawson, I point out to the House that last week when introducing this motion I read to the House that primary industry income in this State is expected to fall very significantly in the next 12 months, having already fallen, for instance, by up to about 27 per cent for dairy farmers over the past year. I challenge any member of the Labor Party to stand up and say that a fall of that magnitude—of perhaps 30 or 40 per cent in a two year period—was not a hardship being imposed upon primary producers.

Mr Plunkett: Did you notice that wool went up the other day?

The Hon. D.C. BROWN: Wool may have gone up, but I point out to the member for Peake that the costs associated with producing that wool go up every year. The biggest single contributor to that at present happens to be his own Government, which has escalated the costs of electricity and transport costs by imposing additional fuel taxes. Indeed, it has escalated other State taxes. There is no doubt that figures show that the South Australian Bannon Government is the major contributing factor to inflation in this State at present and is the reason why this State has the highest inflation rate of any State in Australia. If the honourable member is concerned about the escalation in costs, I suggest that he talk to his own Premier, who must bear full responsibility for much of that escalation.

Members interjecting:

The SPEAKER: Order! The Chair has been patient. We have had enough interjections, and the member for Davenport can come back to his reply to the debate.

The Hon. D.C. BROWN: I must confess, Sir (and I thank you for your ruling on this matter), that I have been extremely tolerant, too, in putting up with such rubbish coming from across the Chamber. However, I will not cover the comments from across there because they are comments of ignorance. I again point out that by removing these concessions not only is the Government imposing on primary producers an additional $1.8 million a year—and that is the burden being imposed upon primary producers—but, also there is no moral justification whatsoever for removing those concessions.

In fact, it would be immoral to do so, because the money collected (that extra $1.8 million) should normally be spent on roadworks. Many of the people involved do not use roads, and the Minister knows that. Also, if the Minister is so concerned about the state of our roads, why has his Government—the Bannon Government of this State—removed $17 million tax imposed upon the motorist and put it back into general revenue rather than back into the roads? His Government imposed a 1 cent a litre fuel tax and at the same time directed it away from road works and put it into general revenue. It is the Bannon Government that is responsible for the lousy roads in this State and the decline in rural areas.

Members interjecting:

The SPEAKER: Order! I ask the honourable member to resume his seat. We are dealing with private members' business. The honourable member has been here long enough to know that he has now gone far beyond the bounds of the original motion and far beyond the bounds of the reply.

I ask that he be heard in silence and that he adhere to the Standing Orders.

Mr Mathwin interjecting:

The SPEAKER: Order! I ask the member for Glenelg to refrain from interjecting, too.

The Hon. D.C. BROWN: I thank you, Mr Speaker, and point out that if ever a Government was responsible for the decline of roads in our State it would have to be the present Government, which has bled the Highways Fund of some $17 million, which has been passed into general revenue or for purposes other than those for which it was collected. I support the motion, which will affect a large number of people throughout the State. The removal of these concessions cannot be morally justified. I ask all members of the House who have any perception whatsoever the plight of people involved in primary industry to support the motion.

The House divided on the motion:

Ayes (21)—Mrs Adamson, Messrs Allison, Ashenden, Baker, Becker, Blacker, D.C. Brown (teller), Chapman, Eastick, S.G. Evans, Goldsworthy, Gunn, Ingerson, Lewis, Mathwin, Meier, Olsen, Oswald, Rodda, Wilson, and Wotton.

Noes (24)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, M.J. Brown, Crafter, M.J. Evans, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs Mayes, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Majority of 3 for the Noes.

Motion thus negatived.

INDISCRIMINATE CAMPING

Adjourned debate on motion of Hon. Jennifer Adamson:

That this House notes with concern the adverse effects on the environment caused by indiscriminate camping in South Australia especially in the Flinders Ranges and along the River Murray and urges the Government to:

(a) undertake an immediate survey of these regions with a view to assessing the extent of the damage and the prime reasons for its cause; and

(b) implement a concerted campaign of co-ordinated action to both restore damaged areas to their natural unspoilt state through reafforestation with natural vegetation and to conserve and maintain the environment in visitor regions through intensive public awareness and education campaigns.

(Continued from 14 November. Page 1893.)

The Hon. JENNIFER ADAMSON (Coles): I am pleased that the Government has indicated that it intends to support this motion. Naturally, implicit in that support is the Government's agreement to undertake an immediate survey of the camping regions of the State, especially the Flinders Ranges and along the Murray River, and to implement a concerted campaign of co-ordinated action to both restore damaged areas to their unspoilt state through reafforestation with natural vegetation and to conserve and maintain the environment in visitor regions through intensive public awareness and education campaigns.

I expect that the survey can commence immediately through the resources of the Department of Environment and Planning, especially those of the National Parks and Wildlife Service. However, from my observations and those of my colleagues, I believe that the service is not sufficiently well staffed to administer its present responsibilities, let alone take on fresh ones. Nevertheless, as the Government has agreed to support the motion, I assume that those resources are available.

With respect to the second part of the motion, that concerning the restoration of damaged areas, I believe that considerable planning will be required. I assume that funds would be made available in the 1985-86 Budget. To round out what was said last year in debate on the motion, and to inform the House of the response to it, I shall read an extract from a letter written by Mr Kevin Rasheed (Managing Director of Flinders Ranges Tourist Services Party Ltd). His letter, dated 3 December 1984, states:

> We would expect the proposed review of indiscriminate camping in the Flinders Ranges to reveal—
>
> 1. That the motivations of those electing to camp indiscriminately are, mainly—
>
> (1) to enjoy seclusion.
>
> (2) to experience adventurous motoring, including especially to use off-road vehicles and trail bikes.
>
> (3) to exploit currently marketed camping equipment and aids, including chain saws and portable generators.
>
> (4) to relax at night around camp fires. Timber is gathered and trees cut for camp fire material rather than for cooking fuel.
>
> 2. That the great bulk of campers, whether staying in caravan parks or camping indiscriminately, carry cooking equipment geared to the use of gas or liquid fuels.
>
> 3. That although considerable indiscriminate camping occurs within the Flinders Ranges National Park and other national parks where it is encouraged and to a degree regulated by rangers, more occurs along public roads and on pastoral properties.
>
> 4. That considerable ground erosion and disturbance to stock is occurring on pastoral properties through the off-road vehicle activities of indiscriminate campers and day visitors. That may be judged more detrimental to the environment than the cutting of growing or dead timber.
>
> We believe that, because of the issues raised above and those of litter control and public health, the review proposed by your motion might well conclude that the Flinders Ranges environment is quite too fragile to accommodate present levels of indiscriminate camping.

Mr Rasheed then goes on to endorse what I had suggested and what had been agreed to by the member for Mawson: that further designated camping areas would need to be established. Since the motion was moved, there has been considerable public interest in issues concerning indiscriminate camping on Kangaroo Island and the fragility of that environment. Because of the importance of these regions to the State's total environment, and therefore indirectly to South Australia's tourism development, I am pleased that the Government supports the motion.

The Minister can be assured that the Opposition will monitor closely action in relation to that support. We shall certainly be looking in the 1985-86 Budget for evidence that the Government is either reallocating resources from other areas in order to meet its obligations in this area or is making available funds so that the survey and the campaign can take place. We hope at least that things will be well under way by the October long weekend this year so that the depredations and degradations that occurred during the Labor Day weekend last year can be avoided.

Motion carried.

SHOP TRADING HOURS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 November. Page 1901.)

The Hon. D.J. HOPGOOD (Minister for Environment and Planning): It is the Government's intention to allow debate on this matter in Government time, and I have not had an opportunity as yet to get from the Deputy Premier, as Minister of Labour, an indication of just exactly when this will be fitted into the programme. However, as a result of arrangements made before the recess for Christmas, an undertaking was given to the Opposition that this matter would be debated in Government time. So, I give that commitment to honourable members. I understand that the

Deputy Premier is looking very closely at this whole matter and is discussing it with all parties with a view to being able to come up with some sort of consensus position once the matter comes on for debate in the Chamber.

It is a matter which, of course, has been of concern to successive Governments for many years. It was a matter of discussion, I know from reports I have received, during the time of the Hall-DeGaris Government in the late 1960s. It was certainly an issue in the famous (or infamous) shop trading hours debate of 1971-72, and has been around to haunt us for quite some time. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

TAXATION

Adjourned debate on motion of Mr Baker:

That this House urge the Federal Government to implement a research programme to measure the economic impacts of Commonwealth and State taxation and charges.

(Continued from 24 October. Page 1465.)

The Hon. J.C. BANNON (Premier and Treasurer): This motion was moved by the member for Mitcham, who introduced it and made supporting remarks on 24 October. At the outset I say that the motion is a sensible one which I can certainly support. In fact, in the time that has elapsed since the honourable member moved it, there have been a number of developments in this area, some being in train at the time of moving the motion and others having emerged since. However, all have reinforced the basic message.

Although I disagree with a number of points of detail and emphasis in the honourable member's speech, nonetheless it was a thoughtful attempt to look fairly objectively at this whole problem of Government revenue, be it Commonwealth or State. One could also include local government, although it is not mentioned in the motion, but for completeness it probably should be. In other words, the honourable member was talking about the dilemma of Government and, as he said in his remarks, he does not deny the need for taxation—we need it, and Governments need it—but it must be the most efficient and effective means of collecting taxation that minimises the externalities and maximises the benefits.

In broad terms I agree with that, and his contribution was a thoughtful and useful one on a very important subject. I would approach my response to it on a non partisan-political basis. As has been evidenced in this place in the few days that we have been sitting this year, it is clear that a lot of heat and not much light can be generated around the issue. The approach being taken by the Leader of the Opposition in particular in the taxation debate is totally unproductive. It runs the risk of obscuring the overall issue of the revenue needs and—the point made by the member for Mitcham—the way in which those needs can be met in the most efficient and effective way.

I support the motion, although, in so doing, I point out that the Federal Government has embarked on a number of major initiatives, including the sort of research programme that the honourable member is advocating. Taxation must be an emotional issue, as it affects us all in some way or another. Various methods have been tried. We are confronted in this State with a range of methods of revenue raising which impact in many areas of commercial and even domestic life. We have to come to terms with that. Our taxation system is a hotch-potch and tremendous uncertainties are involved in it.

One of the ironies of our system is that, particularly in those limited areas of State responsibility (and one must bear in mind that revenue collected from State resources represents not much more than 40 per cent of our overall revenue collection), we are linked to economic performance, the effect of which means that, as Government services come under greater demand—particularly welfare, health, housing and other services—in times of recession, that is, when the private sector is failing to deliver those services and facilities and the community's safety net of the public sector is required, at the same time, because of the economic activity then of our tax base, we find Government revenue dropping off. The ability to service those needs reduces at a time when such needs are increasing. There is something wrong with a tax base that does that, yet that is one of the stark facts of life with which my Government in particular has had to grapple.

I make no secret of the fact that in the first 12 months of our office in particular we were facing horrendous problems that had developed alarmingly quickly in the last years of the Tonkin Administration and were continuing on, in part a factor of economic conditions which saw our revenue base eroding as demands on revenue increased. The Tonkin Government policy in this area had been to jump in in 1979 after its election to eliminate elements of its taxation base. Whether they are good or bad elements I am not debating at the moment, but pointing out that the process to eliminate them overnight without any real thought about whether savings could be achieved, which would mean that that revenue would not be required, and certainly with no forward look at the implications on an annual basis of the reduction or elimination of these revenue sources, meant that the effect was quite horrendous. The only recourse that the Government had was to plunge the State into massive debt. It had to borrow substantially in order to make up the deficiency.

That meant, in turn, that immediate and short-term relief could be provided to taxpayers in 1979-80 or thereabouts, and that no doubt was welcomed by them, but the massive burden of debt was simply being shifted to later generations of taxpayers—our children, in effect. Something had to be done about that because if the servicing of that debt was allowed to go on it would seriously jeopardise our cash balances and put us in a disastrous situation.

It is not good enough for a Government to foist all its problems on to future generations. Certainly, in terms of capital works, one quite rightly should see them paid for over a period of time. In other words, today's generation should not be carrying the full burden of facilities that future generations will enjoy. The way one gets future generations to pay for them, apart from their maintenance and recurrent costs, is to borrow in order to service them. That is quite proper. However, when one is getting future generations to pay one's recurrent costs as well, when there is a massive Budget deficiency in a financial year, say 1980-81, 1981-82, or 1982-83, and one finances that by borrowing, what one is doing is passing the burden of the recurrent budgetary problem of today on to taxpayers of the future.

That is not acceptable. It has to be arrested and our budgetary policy progressively has been moved to arrest it. Each generation of taxpayers has to take responsibility for its outgoings and expenditure and certainly in its capital works programme share that burden over time. It is in that context that we should be looking at a much more efficient and effective way of levying revenue. As the honourable member said in his speech, we should look at employment effects, at effects on prices, and at effects on the general economic and social structure. I believe it is important that those studies take place. I agree with the honourable member that the most appropriate place for them to be done is in Canberra on a national level.

I mentioned that work has been in progress on this. The Federal Government has taken action, particularly following the establishment of the Economic Planning and Advisory Council, to do specific work in this area. EPAC commissioned studies and submissions on our tax structure and on the impact of those taxes and charges on general economic activity and socially. The Tax Policy Branch in the Commonwealth Treasury has the job of monitoring these trends and reporting to the Government on them. The Bureau of Industry Economics also has embarked on a number of research projects in this area. The State Government, for its part, has far greater limitations on what it can do.

We envisaged a State based tax inquiry being undertaken, but that was overtaken by a number of events, chiefly the three studies that the Commonwealth embarked on: the exercise being done through EPAC; the exercise being done arising out of the Premiers Conference of 1983; and the Constitutional Convention, which met in South Australia, commissioned a specific study, which was strongly supported by the South Australian Government, into excise and other Commonwealth charges which had constitutional barriers as far as the States were concerned. So, the work is certainly going on.

Our own State Concessions Review was aimed, in part, at identifying where some relief or special assistance could be best targeted, for instance, in the area of power charges with the introduction of the electricity concession scheme. Similarly, the Poverty Task Force, which was announced and established by my colleague, the Minister of Community Welfare, will examine as one of its roles the impact of taxes and charges on the underprivileged and less economically affluent in our community. So, we will get quite a lot of material out of those various exercises.

The most significant initiative that has been taken, and was taken after this matter was discussed in this place, was the concept of the tax summit. A white paper on tax issues is being prepared by the EPAC office. That white paper, which will be part of the documentation leading up to the tax summit in July, will incorporate summaries of the economic effects of various taxation measures. I was sent a letter from EPAC outlining three strands of work that are being undertaken to investigate the effects of taxation policy. One is ABS data incorporating the 1984 household expenditure survey, which is being analysed to investigate taxation effects. The second is a special study being done by an economist from the University of New South Wales to analyse the direct impact of taxation changes on representative households and individuals. Thirdly, the Institute of Applied Economic Research at the University of Melbourne is utilising its ORANI model to gain greater insights into the distributional impacts of taxation and taxation changes. All of those squarely touched on the sort of research programme that the honourable member was referring to.

I have mentioned the work of the Commonwealth Treasury Tax Policy Branch, which assesses the economic and social impact of tax changes. It predominantly only looks at Commonwealth taxes, but in the broader context of the tax summit quite clearly the impact on the State and local government taxation will need to be looked at. In supporting the motion I point out that considerable work is being done in this area that will culminate in what, I hope, will be a productive and meaningful discussion and, in fact, decisions on our tax base to take place at the taxation summit.

It has enormous implications for all of us as individuals, for business and for public sector services and programmes. It is an important issue. I appreciate the honourable member raising it and I believe that the passing of this motion by the House will reinforce the work that is already being done by the Federal Government and at a State level in preparation for the tax summit.

Mr BAKER (Mitcham): I thank the Premier for his support of this motion. The Premier raised two issues that I have to respond to: first, the emotive question of tax. The Premier talked about the economic performance governing the amount of tax that can be gathered from the community. Taxation is a very critical element of economic performance, as we see from those countries that are economically successful at the moment—those countries providing jobs for their children. They are the countries with, in most cases, either a very strong economic base or a taxation system that rewards effort. The proposition is that every tax dollar costs jobs, and that is an important consideration. The second issue I find fault with is the mention of past Budget deficits. As a student of economics I do not appreciate Budget deficits because of some of the reasons the Premier mentioned.

If there is any period during a budgetary cycle in which a deficit occurs, it is important that in the following year it be pulled back. The previous Government had that strategy in mind. I know of two countries which I have recently visited and in which there was an overrun in their expected expenditure and a loss of revenue; as a result, they put tighter controls on their Public Service. They withdrew some of the programmes that they were going to implement, and worked out a revenue situation that would put them back on track within two years. This Government has failed to do that. It is not good enough for it to keep blaming something that happened two years ago. It is entirely the responsibility of this Government to do those things which are necessary to bring this State back on to an even keel. The Government's performance made the situation worse, when a Liberal Government would have put the situation in its right perspective.

As I said before, I thank the Premier for his support. I envisage that at some stage we will get Australia and South Australia to believe that every taxation dollar costs jobs and that, if we are going to tax, we have to create more wealth than we take away.

Motion carried.

PITJANTJATJARA LAND RIGHTS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 24 October. Page 1468.)

The Hon. G.J. CRAFTER (Minister of Aboriginal Affairs): I am pleased to make some brief comments on this Bill, which was prepared by the member for Eyre. The Government opposes these amendments, my having indicated previously the Government's attitude towards amendments of this type. The member for Eyre has overlooked a fundamental point in his concern about the Aboriginal land rights legislation in this State—a concern which he has had prior to the Pitjantjatjara legislation being formulated by the previous Administration in this State. That fundamental point is one of consultation and an attempt, at least, to achieve consensus by discussion and consultation. The honourable member has not, to the best of my knowledge, even discussed this legislation with those people who are primarily concerned, as it is a Bill which affects the private interests of the Pitjantjatjara people. I have received from those people correspondence expressing their disappointment that the member for Eyre has not consulted them on his Bill prior to introducing it into the Parliament.

I refer to the *Hansard* report of the debate after the Pitjantjatjara legislation came into this House following its referral to a Select Committee chaired by the then Premier, Mr Tonkin. At that time there had been thorough consul-

tation under the Dunstan and Corcoran Administrations and the early stages of the Tonkin Administration. The then Premier, Mr Tonkin, said there was only one area of contention that the Select Committee had to consider, namely, the mining at Mintabie. He said there was a high level of endorsement by witnesses in relation to other matters dealt with by the Bill. These relate to such matters as access to the land for general as well as exploration for mining purposes, the constitution of the Anangu-Pitjantjatjaraku roads, the vesting of various parcels of land to be granted by the Bill and the arrangements for the continued operation of Granite Downs, etc. Therefore, he covered the matters that the member for Eyre now says are intolerable. The Premier went on to talk about the work of the Select Committee, of which the member for Eyre was a member. The Premier said:

> I thank honourable members who have served on the committee for their close attention and for the co-operation, help and guidance that they have given. It was very much a bipartisan effort.

That has been the key to the way in which successive Governments in this State have dealt with this complex and difficult problem of Aboriginal land rights. A great deal of credit was brought to the previous Government as a result of this approach by the previous Administration. Indeed, it was one of the key elements used in the election campaign in 1982, and the then Premier often said that it was one of his Government's real achievements. I endorse that. I think the Pitjantjatjara Land Rights Act was a real achievement of that Government.

Obviously, the member for Eyre had doubts about that legislation and has maintained those and is therefore bringing this Bill forward. I can only assume that they were doubts that were not shared by either the Select Committee or his colleagues. They were not shared by members on this side of the House, nor by the general community at the time of the passage of that legislation.

The member for Eyre in his speeches to the House at that time made some very wise statements about this legislation being for the benefit of all South Australians, and that is very important. Whenever we are considering issues such as this, we must take into account the views of all South Australians. It is unfortunate that in this instance the views of the Pitjantjatjara people have not been considered in the preparation of this Bill.

The then Minister of Aboriginal Affairs, the member for Mount Gambier, who was not a member of the Select Committee, endorsed the remarks of the then Premier about the processes of consultation which had led to the passage of that legislation. I believe that we adopted a similar process with respect to the negotiations that were adopted in relation to Maralinga and the fact that the traditional owners of Maralinga were prepared to compromise on some fundamental issues in order to achieve land rights. That does not indicate that either the traditional owners in the northern Pitjantjatjara lands or the southern Pitjantjatjara lands are now prepared to accept the lowest common denominator, because they know that this will not stop here and that the next step will be a further weakening until there are no Aboriginal land rights. We are seeing that the campaign being waged in other parts of Australia is leading to precisely that situation.

The Government is watching with great interest what is happening both with the Pitjantjatjara land rights legislation and the Maralinga Tjarutja land rights legislation, because they are unusual and unique pieces of legislation, and no-one accepts that they are the ultimate answer to this complex situation.

With respect to the rights to explore on Aboriginal lands, I can only say that the Pitjantjatjara Land Rights Act was never given a chance to work. Within a week of its proclamation negotiations began with a subsidiary company of BHP, and the discussions proceeded to a point where the mining industry in Australia, as a matter of principle, obviously resolved that that legislation was unacceptable to them, and that is where the matter has, unfortunately, rested. I believe that it is capable of resolution, and I am hopeful that that will occur in the near future within the framework of that legislation. Certainly, there has been a great deal of co-operation between the Pitjantjatjara people and mining companies, and I am pleased to say that that is continuing.

There is, as I have acknowledged on many occasions, a great deal of goodwill, interest and understanding within the mining industry, and, given that, I believe that the legislation can be shown to work if it is given time. If it does not in the fullness of time, it will need to be reviewed. The application of the weakened Maralinga clauses to the Pitjantjatjara legislation confirms that point. That legislation was proclaimed just prior to Christmas, so there has been only a month or so to see how the legislation is coming into effect. Already the member for Eyre wants to accept that that is the best resolution of this matter and then translate that to the northern Pitjantjatjara people. I think it is very important that we give legislation of this type time to work and see how things will pan out.

There is a further matter that I think honourable members should consider: across this country now there is a good deal of discussion and debate about the best formula that should be applied to Aboriginal land rights. Obviously there are advantages in having uniform legislation across this country. The Pitjantjatjara legislation is clear proof of that. The Pitjantjatjara people are subject to the law in two States and the Northern Territory at the present time, and I believe that that is most undesirable. Rather than rush into further legislative amendments, I think we should wait and see what happens at the national level and between the States on this issue.

Some of the matters referred to by the honourable member in his Bill are the subject of litigation before the High Court. I also advise the House that I think it is wise that we should wait and see what the High Court decides on these important constitutional questions prior to advancing legislation. For these reasons, the Government opposes the honourable member's Bill. In conclusion, the resolve of this Government is not diminished in any way in trying to remedy some of the great injustices that have been perpetrated upon the traditional owners of the lands of this State. To try and meet our moral and legal obligations as a Parliament, as individual Parliamentarians and indeed as individual citizens of this State, we should note the law as was set out in the Letters Patent dated 19 February 1836, that were passed under the Great Seal of the United Kingdom erecting and establishing the province of South Australia and fixing the boundaries thereof. As we approach our 150th celebrations we might reflect on that law as set down by the Houses of Parliament in Westminster, wherein it was said:

> Provided always that nothing in these our Letters Patent contained shall affect or be construed to affect the rights of any Aboriginal natives of the said Province to the actual occupation or enjoyment in their own persons or in the persons of their descendants of any lands therein now actually occupied or enjoyed by such natives.

That was signed at Westminster on 19 February 'in the sixth year of our reign' by the writ of Privy Seal Edmunds. Therein, is clearly stated the obligation that has been fulfilled by the previous Liberal Administration and now by the Bannon Administration to provide some remedy and some justice to the Aboriginal community of South Australia.

Mr S.G. EVANS secured the adjournment of the debate.

MORPHETT ROAD

Adjourned debate on motion of Mr Mathwin:

That in view of the congestion of traffic on the roads going north to Adelaide from the southern areas of Christies Beach, Noarlunga and Lonsdale, particularly on Brighton Road, and also because of the anticipated 10 year completion time of the recently announced new road to the south, this House urges the Government to reconsider its decision not to open and upgrade Morphett Road from Seacombe Road to Majors Road.

(Continued from 13 February. Page 2477.)

Mrs APPLEBY (Brighton): In continuing my remarks I would like to recap on the evidence I put to the House previously. The member for Glenelg has, I believe, little understanding of the implications of the content of his motion. The gradient of the Morphett Road section in question is a totally unsafe situation—16 per cent over 260 metres grade creates the possibility of runaway vehicles downhill, hazardous access to properties, excessive downhill speeds, restricted sight distance near the crest, hazardous overtaking manoeuvres, 'on street' parking, ETSA poles along one side create the danger of collision and, in recapping Morphett Road, has direct property access from both sides over the whole of the steepest length.

I will now continue with some of the quotes from the member for Glenelg, and I recap that I would be quite prepared to refer the member to my sources of information so he could check what he does not seem to understand in his request. The member also said that the member for Mawson, he and I fought together to win our argument to have the speed discriminator installed at the Hove crossing. This is true, and I would do it again in joint co-operation if it were to benefit the community and there was a valid argument to put. However, I cannot support this motion of the member for Glenelg as I believe the evidence only supports the continued closure of Morphett Road and support for the third arterial proceeding as quickly as possible.

In conjunction with the other measures I have outlined I might also add that in my repeated discussions with officers and ward councillors of Marion council they would find it hard to support the opening of the section of Morphett Road in question in this debate. In the two years I worked as a candidate prior to my election and the 2½ years I have represented the residents of the area in question, great fear and concern have been expressed on many occasions about such a proposition. When the most southern section of Morphett Road was sealed to provide access to Sheidow Park to give access to Majors Road, great concern was expressed by people that Morphett Road would become a through road. I must say the member for Glenelg has been consistent in his approach on this subject. I would suggest that there have been a lot of words with no valid evidence to support them. I therefore place the information before the House for consideration and indicate in conclusion that I reject this motion on the facts and on behalf of the constituents who have repeatedly expressed concern, and ask other members to do likewise.

Mr MATHWIN (Glenelg): I am quite disappointed with the lack of support given to me by the member for Brighton in relation to this matter. The member for Brighton, obviously the spokesperson for the Government in this matter, has really had a bet each way in her argument. She said that the Government has announced construction of a third arterial road and that that is the ultimate solution to the people of the southern area commuting north. I challenge that statement. An extra arterial road is not the ultimate solution and never will be.

The member for Brighton seems to be labouring under a misapprehension. Nowhere in my argument and nowhere in my speech in proposing the motion did I say that I wish to have another arterial road. I stressed that what I want to do is open up Morphett Road as an ordinary street. In her argument, the member for Brighton states as an excuse that the arterial road will be open and could be under construction in about five years with completion in 10 years. In fact, she is saying that she is quite happy with the situation as it is; she is quite happy to let it deteriorate for five or 10 years, and she has said that it might be completed in 10 years. With a bit of luck, it is possible that the member for Brighton could be representing the people of Brighton Road in the future, and it is possible that those future constituents will be in dire circumstances as a result of her doing absolutely nothing to ease the situation that prevails at the moment.

In fact, the member for Brighton is advocating that this situation be left as it is for 10 years: perhaps in her own mind she is thinking that it will not get any worse. However, I have news for the honourable member—and I am sure that she knows that it will get a lot worse and that a very aggravated situation will pertain. The honourable member's comments, perhaps as a result of a recently undertaken rapid course in engineering, contained red herrings. The honourable member has said that we will have to undertake deep cutting on the hill and extensive acquisitioning of land and properties. By no means did I say that I wanted a massive arterial road constructed through this area: I simply said that having regard to the present situation the existing road should be opened up.

If the honourable member thinks that the hill is too steep and too dangerous, I suggest that she should visit cities such as Sydney and Launceston and take note of the roadworks that have been undertaken in those places. There are even areas local to Adelaide where such work has been undertaken. The honourable member could not possibly suggest that the unmade road at the top end of Morphett Road up to Majors Road is the steepest part of any road in Adelaide and that it would be impossible to undertake this work until land had been acquired and the bulldozers had reduced the level of the hill.

The honourable member is simply throwing out red herrings in an attempt to mask the Government's inaction in relation to trying to solve this shocking problem that exists at Brighton Road and in the southern areas of Adelaide. Something must be done about this matter. Deterioration will continue and the problems associated with this will get much worse in future if nothing is done. In no way did I suggest that a major road should be constructed. Constituents who live in this area know that assistance must be provided to solve this problem. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

STATE GOVERNMENT BUILDING MAINTENANCE FUNDS

Adjourned debate on motion of Hon. D.C. Brown:

That this House deplores the inadequate funds for maintenance of State Government buildings, and, in particular, school buildings and facilities throughout the State, and calls on the Treasurer to increase substantially the allocation of funds to ensure adequate maintenance of these buildings.

(Continued from 19 September. Page 990.)

The Hon. T.H. HEMMINGS (Minister of Public Works): I want to begin by putting into perspective the issue of funding for maintenance of Government buildings, in particular Government schools. I am pleased that the member for Davenport has acknowledged in this House that funding

for maintenance was cut in real terms for successive years in the 1970s; he acknowledged that 'inadequate maintenance has been carried out for many years'. In other words, the present State Government inherited a serious problem that has been growing constantly for some time. However, the figures that have been bandied about by the member for Davenport require closer scrutiny, especially in relation to allocations made for maintenance during his term as Minister of Public Works.

The honourable member made a great deal of the Tonkin Government's apparent concern in relation to this issue and about how he set about addressing this matter. We are now all aware of the $4 million special allocation made by the Tonkin Government between 1981-82 and 1982-83 to the Public Buildings Department for programmed works. One would imagine, based on the member for Davenport's assertions, that all this money was spent in a way that made a significant inroad into the backlog of maintenance work. However, an examination of the Public Buildings Department's figures reveals something quite to the contrary.

In 1981-82—the first year in which this allocation was made—a total of only $313 000 out of $4 million was spent on maintenance. On the other hand, the larger amount of $565 000 was spent on minor capital works. In 1982-83, $1.1 million was allocated to maintenance, while $2.5 million of the special allocation for maintenance of other Government buildings again went to minor capital works, and had nothing to do with schools.

Furthermore, an examination of the figures in relation to school building maintenance (apparently a matter of immense concern to the former Minister of Public Works and the basis of this motion) shows that under the former Ministry schools received only $678 000 of the special allocation of $4 million for public building maintenance. I seek leave to include in *Hansard* figures from the Public Buildings Department in relation to the spending of that $4 million.

The SPEAKER: How long is the document?

The Hon. T.H. HEMMINGS: It is a very short document which is purely of a statistical nature.

Leave granted.

PUBLIC BUILDINGS DEPARTMENT

SPECIAL $4 m PROGRAMMED WORKS (FM PROGRAM)
EXPENDITURE 1981-82 TO 1983-84

	1981-82 $'000	1982-83 $'000	1983-84 $'000	Total $'000
Schools				
Maintenance	111	567	—	678
Minor Capital Works	204	1 655	18	1 877
	315	2 222	18	2 555
TAFE				
Maintenance	—	—	—	—
Minor Capital Works	27	156		—183
	27	156	—	183
OGB				
Maintenance	202	551	—	753
Minor Capital Works	21	756	1	778
	223	1 307	1	1 531
Total				
Maintenance	313	1 118	—	1 431
Minor Capital Works	252	2 567	19	2 838
	565	3 865	19	4 269

The Hon. T.H. HEMMINGS: These figures are clear evidence and indicate the member for Davenport's true level of concern for school building maintenance. Plainly, more than 70 per cent of the special allocation was spent not on school maintenance but on minor capital works. Despite that damning indictment in relation to the former Minister's actions compared to his vocal concerns, the present Government recognises that that is all part of the past. The Government is concerned about the current situation.

In the 12 months that I have been Minister of Public Works, I have spent a lot of time examining the Public Buildings Department's finances, operations and morale. Cuts in employment as well as funding cuts under the Tonkin Government left a demoralised organisation. The Department was caught between diminishing resources and a continuing level of high community expectation.

The Government wants to see the Public Buildings Department established as a capable, efficient and effective manager of the community's building assets. That means a commitment to increases in funding for maintenance purposes. The Government has taken the first step in this process. Late last year I announced a special allocation of $1.4 million from Treasury for urgent maintenance and minor public works. The Government looked at all schools across the board and set up a programme to overcome immediate problems facing schools. At this point, I seek leave to have inserted in *Hansard* relevant information which was included in reply to Question on Notice 284 asked by the member for Mitcham. This relates to an additional $1.4 million allocation for urgent maintenance work on public buildings and buildings announced during October 1984 and gives a breakdown of the expenditure amongst the various portfolios, including specific detail on Government primary and high schools.

The SPEAKER: How long is this document?

The Hon. T.H. HEMMINGS: Again, it is brief and is purely statistical.

Leave granted.

PUBLIC BUILDINGS MAINTENANCE

	$
Arts	40 107
Community Welfare	18 946
Education	
Adelaide H. S.—Repair and paint	91 905
Aldinga H. S.—Alterations to doors	2 000
Banksia Park P. S.—Upgrade switchboard	1 500
Blackwood H. S.—Repair and paint	46 000
Blair Athol P. S.—Repair and paint	51 885
Bowden-Brompton H. S.—Electrical works	5 000
Brahma Lodge P. S.—Security lighting	6 000
Christies H. S.—Paint fascias	5 300
Direk P. S.—Repair and paint	6 711
Elizabeth Community College—Repair and paint	31 160
Elizabeth H. S.—Repair and paint	92 482
Elizabeth Downs P. S.—Repair and paint	39 112
Elizabeth East P. S.—Repair and paint	36 700
Gawler H. S.—Replace electrical distrib. board	15 000
Gepps Cross Girls H. S.—Power to activity room	18 000
Highbury P. S.—Upgrade switchboard	4 600
Kidman Park H. S.—Repair and paint	34 900
Macclesfield P. S.—Renew fencing	4 500
Mansfield Park P. S.—Repair and paint	67 000

PUBLIC BUILDINGS MAINTENANCE

	$
Marryatville H. S.—Replace electrical sub-boards	2 500
Mawson H. S.—Sick room	5 000
McLaren Flat P. S.—Reroof single unit	2 600
Mitcham P. S.—Alterations to doors	5 000
Moana P. S.—Reroof timber buildings	23 500
Modbury H. S.—Replace switchboard and lights	6 000
Munno Para P. S.—Repair and paint	31 214
Nailsworth H. S.—Replace electrical submains	4 400
Nailsworth P. S.—Replace electrical distrib. board	4 100
Parafield Gardens H. S.—Replace electrical submains	23 000
Port Adelaide H. S.—Computer room	20 000
Salisbury H. S.—Replace electrical switchboard	15 000
Salisbury East H. S.—Repair and paint	26 800
Salisbury North P. S.—Repair and paint	17 466
—Replace classroom wiring	3 000
Salisbury North West P. S.—Repair and paint	31 850
Salisbury North West J. P. S.—Security screens	2 000
Seaton H. S.—Conversion to mastics	25 000
Seaton H. S.—Conversion to printing	25 000
Seaton Park P. S.—Upgrade electrical	5 000
Sheidow Park P. S.—Paint timber-framed unit	7 500
Smithfield P. S.—Replace electrical switchboard	2 500
Strathalbyn H. S.—Replace electrical swithboard	11 500
—Reroof	28 600
Strathmont P. S.—Repair and paint	40 734
Sturt P. S.—Repair fencing	7 500
Torrensville P. S.—Repair and paint	45 000
Underdale H. S.—Conversion to plastics	30 000
Unley H. S.—Repair and paint	49 985
Urrbrae H. S.—Replace sewer pipes	13 300
Vermont H. S.—Replace gym floor	20 000
Victor Harbor P. S.—Repair ceilings	12 000
Wattle Park Technical College—Replace diffusers	2 700
Wirreander H. S.—Repair and paint	35 000
Woodville H. S.—Computer room	20 000
Yankalilla A. S.—Renew fencing	11 200
Emergency Services	41 002
Tourism	23 000

The Hon T.H. HEMMINGS: In his speech in this House the member for Davenport cited a long list of schools that he claimed required urgent maintenance work. As a result of that speech, I instituted a Ministerial inquiry into this matter. Whilst some aspects of the honourable member's claim are debatable, the Government would not disagree that building maintenance is a matter of serious concern and that a huge backlog exists. However, the methods employed by the member for Davenport and his Leader in obtaining this list are questionable and one could even say dishonest. I received a letter from a school principal as a result of a telephone call from the Leader of the Opposition's asking for information on maintenance of school buildings. I feel that it is appropriate to read that letter to the House. It is addressed to Mr John Olsen, Parliament House, Adelaide, and is as follows:

Dear Sir,

I feel it necessary to express my deep concern over the Ministerial inquiry I am advised is to occur for our PBD section based in Port Pirie. To me it is absolutely deplorable that such should result from my response to a telephone call from your office some weeks back.

That call gave me to understand that information was sought about our school's maintenance requirements (for simple statistical purposes). At no time was I advised of what now seems to be the real intent of the request, and I believe I should have been.

The list I gave included some jobs that had, at the time, only been communicated to our Public Buildings Officer a short time before.

It would appear that there was either a wrong interpretation of your request by whoever was on your telephone to me, or an underhanded approach to your intent.

Either way, I do not believe that any of our work awaiting attention is so urgent (outside the need for extensions to our library) that it warrants a Ministerial inquiry.

Furthermore, I have nothing but praise for, and satisfaction in, the way PBD have looked after my requirements in this school. I am also aware that the availability of Government dollars is often a determining factor in whether maintenance and improvement requirements are met or not.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

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

PRICES ACT AMENDMENT BILL (No. 3)

Received from the Legislative Council and read a first time.

The Hon. G.J. CRAFTER (Minister of Community Welfare): 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 primary purpose of this short Bill is to amend the regulation-making provisions of the Prices Act, 1948. It is clear that the excessive discounting at the wholesale level and returns or credits for unsold bread have been the main reasons for the low profitability of bakeries for many years. At the same time, supermarkets have been obtaining extremely high profits on bread sales which have been at the expense of the manufacturer and the net result has been an adverse effect on the level of employment and capital investment in the industry. The proposed measures attempt to restore some degree of order to the industry, by enabling the promulgation of regulations prohibiting any transaction or arrangement under which financial relief or compensation is directly or indirectly given or received in respect of bread that, having been supplied for sale by retail, is not sold by retail. At the same time the opportunity has also been taken to raise the maximum fine for a breach of regulations under the Act from $200 to $500.

Clause 1 is formal. Clause 2 amends section 50 of the principal Act. This amendment is consequential upon the repeal and substitution of section 51 (regulations) and makes it clear that proceedings for offences under the regulations may be dealt with in a summary manner. Clause 3 repeals section 51 of the principal Act which is the regulation making power and substitutes new section 51 which also

deals with regulations. Under new section 51 the Governor may make such regulations as are necessary for the purposes of the principal Act. Those regulations may require the prices of specified declared goods to be marked or otherwise displayed; prohibit any transaction or arrangement under which financial relief or compensation is directly or indirectly given or received in respect of bread that, having been supplied for sale by retail, is not sold by retail; and provide for penalties of up to $500 for breaches of regulations.

The Hon. H. ALLISON secured the adjournment of the debate.

SECOND-HAND GOODS BILL

Received from the Legislative Council and read a first time.

The Hon. G.J. CRAFTER (Minister of Community Welfare): 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 repeals the Marine Stores Act and the Second-hand Dealers Act and replaces the latter with a new Second-hand Goods Act. The existing Second-hand Dealers Act and the Marine Stores Act were assented to in 1919 and 1898 respectively. Many of the provisions of the existing Acts are anachronistic and cause problems both to those to whom they apply and those required to enforce them.

In January 1981, an inter-departmental working party chaired by a senior officer of the Police Department was established to review the Second-hand Dealers Act, the Marine Stores Act and the Hawkers Act. In the course of its review, the working party consulted the Chamber of Commerce and Industry, the Professional Car Dealers Association, the Licensed Marine Store Dealers Association, the Licensed Antique, Second-hand, Art Dealers Association, the Department of Public and Consumer Affairs, the Department of Labour, the Second-hand Vehicle Dealers Licensing Board and the Local Government Association. The working party subsequently produced a consolidated draft Bill entitled 'the Second-hand Goods Act' which repealed the Second-hand Dealers Act and the Marine Stores Act with the chief objectives being:

to provide appropriate and adequate legislation for the licensing and control of persons dealing in secondhand goods;

to control the likely avenues through which stolen goods may be disposed;

to control the illegal actions of persons either attempting to dispose of, disposing of, or having disposed of, stolen goods, or goods that have been otherwise unlawfully obtained; and

to recover property that has been stolen or unlawfully obtained and to return that property to its rightful owner.

This Bill has now been the subject of extensive examination by the Department of Public and Consumer Affairs, those organisations mentioned above, and other interested organisations such as the Antique Dealers Association of South Australia, Trash and Treasure Australia Ltd, the Society of Auctioneers and Appraisers and the South Australian Automobile Association of South Australia.

Both the industry associations and the Police Department have sought the introduction of this revised and updated legislation as a matter of urgency. This new Bill has as its primary requirement the licensing of all persons who carry on the business of buying or selling or otherwise dealing in second-hand goods. The licensing functions will be carried out by the Commercial Tribunal and the licensing procedure has been modelled on the Department of Public and Consumer Affairs common licensing system which is applicable to all the occupational groups regulated by the Department.

All licensed secondhand dealers will be required to retain goods purchased by them for a period of four days prior to reselling them, and they will also be required to record particulars of the goods so as to identify their origins. It is anticipated that these measures will assist the police to trace stolen secondhand goods. An evidentiary provision is included in the Bill which provides that a person, in the absence of proof to the contary, shall be deemed to be a secondhand dealer if he sells secondhand goods on six or more days within a 12 month period. This is seen as a fair and liberal means of allowing the average citizen the freedom to use the markets for the purpose for which they were designed and deter the non-licensed persons from regularly dealing.

All applicants for secondhand dealers licences will be required to satisfy the Commercial Tribunal that they are over 18, that they are a fit and proper person to carry on the business of being a secondhand dealer and that they are able to fulfil the obligations imposed on licensees, notably the ability to comply with the recording processes required by the Act. A licensed secondhand dealer will be required to conduct his business from registered premises. The dealer will not be permitted to sell secondhand goods otherwise than at those premises unless he seeks a permit from the Commercial Tribunal to allow him to do so. The permit system will legalise many 'antique fairs' which have been conducted by licensed secondhand dealers, and which, under the existing Second-hand Dealers Act, they have been prohibited from conducting. In addition, it will afford a licensed dealer the opportunity to deal at a 'trash and treasure market'.

Because the Act seeks generally to prevent fraud in the transfer of secondhand goods it must apply to everyone who carries on the business of dealing in secondhand goods. We must recognise however, that many organisations and individuals only deal in seconhand goods as an incident to their main business activities and that they should therefore be exempt from the requirements of the Act. First, there are the charity and other non-profit organisations such as schools, sporting and service groups who sell both new and used goods. These organisations may collect unwanted household items from members and friends for sale to raise funds. These types of groups will not be affected by the legislation as appropriate regulations will be promulgated to ensure minimum interference with their activities since it is unlikely that these groups are involved in the large scale 'fencing' of stolen property.

Secondly, there are those who dispose of their own property by way of a 'garage sale' or by way of attendance at a 'trash and treasure market'. These people operate their business as a hobby or as an income supplement. These people themselves fall into two categories. There are those who do not hold a dealers licence but who attend auctions and other sales outlets to purchase goods (both new and used) at low value for the purpose of resale at a market and, secondly, there are those persons who do not purchase goods but acquire them by scavanging at dumps and other places of abandonment. Usually these people repair or restore the goods before attempting to sell them. Again, regard must

be had to the purpose of the Act and it is seen as unnecessary intrusion to control the activities of the latter category. A suitable exemption will be granted to exclude them from the operation of the Act.

The Act also recognises a special class of persons who handle seconhand goods, namely commission acutioneers. The police have submitted that there is a need to control this obvious lucrative avenue for the disposal of stolen goods. The Department of Public and Consumer Affairs, in conjunction with the police, conducted an extensive investigation of auctions and it was concluded that it would have been unduly restrictive to require commission auctioneers to be licensed as secondhand dealers and thus have to comply with the obligations required of a licensed second-hand dealer, such as disposing of the goods only after a period of four days. These provisions would have had a detrimental effect on the business of those auctioneers who act only as commission auctioneers and who sell secondhand goods on behalf of other persons at auction. It could have resulted in closure of some of the wellknown auction rooms as they would not have been able to hold goods for the required period without obtaining larger premises (as most of the goods are received just prior to the auction time). The recording details would have required extra staff to the point where the business would no longer be profitable.

It is important, however, that this avenue of disposal be controlled and it is vital that certain information in relation to the goods be available to enable police to trace and recover stolen goods. Auctioneers will therefore be regulated by means of a negative licensing system. Although auctioneers will not be formally licensed as such, the way they conduct their auctions will be effectively controlled. They will be required to keep prescribed information and particulars of the goods sold at auction such as the names and addresses of the vendors and purchasers. They will also be required to take possession of those goods which are due to be auctioned at least 24 hours prior to the commencement of the auction. This will provide police with the opportunity to inspect the auction rooms and examine the goods present.

It should also be noted that the administration of the Act falls into two areas. The licensing and administrative functions under the Act will be carried out by the Department of Public and Consumer Affairs, mainly through the Commercial Tribunal, while the Police Department will be responsible for the enforcement and investigation functions. These functions will be carried out in the normal course of designated police officers' duties.

Clause 1 is formal. Clause 2 provides for the commencement of the measure and, where necessary, for the suspension of operation of specified provisions of the measure. Clause 3 provides for the repeal of the Second-hand Dealers Act, 1919, and the Marine Stores Act, 1898. The clause deems persons licensed under either of those Acts to be licensed dealers under this measure and deems managers nominated under the Second-hand Dealers Act to be registered as managers under this measure.

Clause 4 provides definitions of expressions used in the measure. 'Secondhand goods' is defined as meaning goods that have been used for a purpose not connected with their manufacture or sale or goods a part or parts of which have been taken from other secondhand goods. 'Secondhand dealer' is defined as meaning a person who carries on the business of buying or selling, or otherwise dealing in, secondhand goods (whether or not he deals in any other goods) but excludes commission auctioneers. 'Commission auctioneer is, under the clause, a person who carries on the business of conducting auctions for the sale of secondhand goods on behalf of other persons and who does not carry on the business of selling secondhand goods on his own behalf whether by auction or otherwise.

Clause 5 empowers the Governor to grant conditional or unconditional exemptions by regulation. Clause 6 provides that the provisions of the measure are in addition to and do not derogate from the provisions of any other Act. Clause 7 commits the administration of the measure to the Commissioner for Consumer Affairs subject to the control and direction of the Minister. Part II (comprising clauses 8 to 11) deals with the licensing of secondhand dealers.

Clause 8 provides that it is to be an offence for a person to carry on business as, or to hold himself out as being, a secondhand dealer unless he is licensed as such. The clause fixes a maximum penalty of $5 000 for such an offence. A person is not required to hold such a licence in order to carry on a business for which a licence is required under the Second-hand Motor Vehicles Act, 1983, or to buy or sell goods if they are bought or sold in the course of a business as a secondhand motor vehicle dealer.

Clause 9 provides for applications for secondhand dealer licences. Applications are to be made to the Commercial Tribunal and are to be subject to objection by the Commissioner for Consumer Affairs, the Commissioner of Police or any other person. Under the clause, the Tribunal is to grant such a licence if the applicant is a natural person over 18 years of age and a fit and proper person to hold the licence, or, in the case of a corporation, if the persons in a position to control or influence substantially the affairs of the corporation are fit and proper persons. An applicant must also satisfy the Tribunal that he has made suitable arrangements to fulfil the obligations of a licensee under the measure.

Clause 10 provides that a licence is to continue in force (unless cancelled or suspended) until the licence is surrendered or the licensee dies or, in the case of a corporation, is dissolved. A licensee is to pay an annual fee and lodge an annual return with the Registrar of the Commercial Tribunal. Clause 11 provides that the business of a licensed secondhand dealer may be carried on, with the consent of the Tribunal, for not more than six months where the licensee dies. Part III (comprising clauses 12 to 16) deals with the conduct of business by secondhand dealers.

Clause 12 requires a licensed secondhand dealer to register with the Tribunal all premises at which he sells or disposes of secondhand goods. Under the clause, the Tribunal may grant permission for the temporary use of premises not registered by a licensee. Clause 13 requires that the business conducted by a licensee at registered premises must be personally supervised by the licensee himself (if he is a natural person) or by a person registered by the Tribunal as a manager. Where a licensee has two or more registered premises, each of the premises must be supervised in that way. Objections may be made to the registration of a person by the Commissioner for Consumer Affairs or the Commissioner of Police. A licensee is allowed 28 days, or a longer period granted by the Tribunal, to replace a registered manager.

Clause 14 requires a secondhand dealer (and this would include a secondhand motor vehicle dealer) to enter particulars prescribed by regulation in records to be kept by him in relation to all secondhand goods that come into his possession or custody. The entry is to be made forthwith after the goods come into the dealer's possession. In the case of goods bought at an auction conducted by a commission auctioneer, insertion in the record of a receipt from the auctioneer identifying the goods and signed by the auctioneer will constitute a sufficient entry.

Clause 15 requires a secondhand dealer (again, including a secondhand motor vehicle dealer) to keep all secondhand goods bought by him or received into his possession or custody, without changing their form or disposing of them, for four days. If within that period, the police notify the

dealer that any of the goods are suspected as having been stolen or unlawfully obtained, the dealer is to keep the goods for a further period not exceeding five days. The clause requires a dealer to notify the police of any goods that come into his possession that answer any description of stolen goods circulated by the police or that he otherwise suspects as having been stolen or unlawfully obtained. All secondhand goods in the possession of a dealer are to be kept clearly marked with a serial number corresponding to a serial number assigned to the goods in the dealer's records. The clause provides a defence to a charge of an offence of failing to keep secondhand goods for the requisite period if the dealer obtained them from a licensed dealer, or disposes of them to a licensed dealer, and had not received any notice that they may have been stolen or unlawfully obtained.

Clause 16 provides that an authorised member of the Police Force may enter the place of business of a licensed dealer at any time when someone is present at the premises and, if not permitted entry, may enter by force. An authorised member of the Police Force may enter the place of business of a licensed dealer at any time and by force, if necessary, if he suspects on reasonable grounds that stolen or unlawfully obtained goods are present upon the premises. The clause provides for inspection of any goods upon such premises and any records of the dealer that are required to be kept under the measure. 'Licensed dealer' is under the clause defined to include a licensed secondhand motor vehicle dealer. Part IV (comprising clauses 17 to 20) deals with the duties of commission auctioneers.

Clause 17 requires a commission auctioneer to enter the prescribed particulars relating to any secondhand goods that come into his possession in the records required by regulation. The entries must be made prior to the goods being offered for sale. Clause 18 requires a commission auctioneer not to offer any secondhand goods for sale by auction unless he has had the goods in his possession for not less than one day before the commencement of the auction. If, before the commencement of the auction, the police notify the auctioneer that any of the goods are suspected as having been stolen or unlawfully obtained, the auctioneer is to keep the goods without offering them for sale for a further period not exceeding five days. The clause requires an auctioneer to notify the police of any goods in his possession that answer a description of stolen goods circulated by the police or that he otherwise suspects as having been stolen or unlawfully obtained. A commission auctioneer must, when making an entry in his records relating to any secondhand goods, also mark the goods with a serial number corresponding to the serial number for the goods shown in the record.

Clause 19 requires a commission auctioneer to enter in the records required by regulation, forthwith after the completion of each auction, prescribed particulars of each sale and purchaser of secondhand goods. Clause 20 provides that an authorised member of the Police Force may enter the place of business of a commission auctioneer at any time at which someone is present there and, if not permitted entry, may enter by force. An authorised member of the Police Force may enter such premises at any time and by force if necessary if he suspects on reasonable grounds that stolen or unlawfully obtained goods are present upon the premises. Having entered, the police officer may inspect any goods upon the premises and any record kept by the auctioneer in pursuance of the measure. Part V (comprising clauses 21 and 22) deals with the disciplining of licensed dealers, registered managers and commission auctioneers.

Clause 21 provides that the Commercial Tribunal may hold an inquiry for the purpose of determining whether there is proper cause to discipline a person who is or has been a licensed dealer, registered manager or commission auctioneer. An inquiry is only to be held under the clause if it follows upon the lodging of a complaint by the Commissioner for Consumer Affairs, the Commissioner of Police or some other person. The Registrar of the Tribunal may where appropriate request either Commissioner to carry out an investigation into matters raised by a complaint. Where the Tribunal is satisfied that proper cause exists to do so, it may reprimand the person the subject of an inquiry; impose a fine not exceeding $5 000; suspend or cancel any licence or registration in the person's name; disqualify him from obtaining a licence or registration; or, in the case of a commission auctioneer or former commission auctioneer, prohibit him from being a commission auctioneer.

There is to be proper cause for disciplinary action in any case where a licence or registration has been improperly obtained; where a dealer or commission auctioneer or another person acting in the course of a dealer's or auctioneer's business has committed an offence against this measure or any other Act or acted negligently, fraudulently or unfairly; where registered premises have ceased to be suitable for the purposes of the business of a dealer; or where a person has ceased to be a fit and proper person to be licensed or registered or in a position to control substantially the affairs of a licensed corporation.

Clause 22 requires the Registrar of the Tribunal to keep a record of disciplinary action and to notify the Commissioner for Consumer Affairs and the Commissioner of Police of the name of any person disciplined and the disciplinary action taken against him. Part VI (comprising clauses 23 to 36) deals with miscellaneous matters.

Clause 23 provides that a member of the Police Force may enter upon any premises or place at which a secondhand goods market is being or is to be held and may inspect any goods apparently in the possession or control of a person who is offering or preparing to offer goods for sale at the market. A member of the Police Force may require a person offering or preparing to offer goods for sale at such a market to state his name and address. 'Secondhand goods market' is defined by the clause to mean any market at which secondhand goods are sold (whether or not other goods are also sold there).

Clause 24 empowers a licensed dealer (including a licensed secondhand motor vehicle dealer) or a commission auctioneer to require a person selling or delivering goods to him to satisfy him that the person obtained the goods lawfully or from a person or place alleged by the person. Where the dealer or auctioneer suspects that the goods have been stolen or unlawfully obtained, he may seize the person and the goods and deliver the person and (if practicable) the goods into the custody of a member of the Police Force.

Clause 25 provides that secondhand goods shall be deemed to be in the possession or custody of a licensed dealer (including a licensed secondhand motor vehicle dealer) or a commission auctioneer when they are in any premises, place or vehicle that is occupied by him or under his control. Clause 26 is an evidentiary provision under which proof that a person has sold secondhand goods on not less than six different days within a 12 month period will, unless the contrary is proved, constitute proof that the person has been carrying on business as a secondhand dealer throughout the period of that activity. The clause also facilitates proof that a member of the police was at a particular time an authorised member of the Police Force for the purpose of the measure.

Clause 27 provides that for the purposes of this measure the act or omission of an employee or agent of a secondhand dealer or commission auctioneer will be deemed to be an act or omission of the dealer or auctioneer unless he proves that the person was not acting in the course of his employment or agency. Clause 28 provides for the Commissioner for Consumer Affairs or the Commissioner of

Police to investigate, at the request of the Registrar, any matter relating to an application or other matter before the Tribunal or any matter that might constitute proper cause for disciplinary action.

Clause 29 provides that the Commissioner of Police may in any proceedings before the Tribunal pursuant to this measure appear personally or be represented by counsel or a member of the Police Force. Clause 30 provides for the service of documents. Clause 31 creates an offence of providing information for the purposes of the measure that includes any statement that is false or misleading in a material particular. Clause 32 provides for the return of a licence that is suspended or cancelled.

Clause 33 provides that a member of the governing body of a body corporate convicted of an offence is also to be guilty of an offence unless he proves that he could not by the exercise of reasonable diligence have prevented the commission of the offence. Clause 34 provides for continuing offences. Clause 35 provides that proceedings for offences against the measure are to be disposed of summarily and must be commenced within 12 months and only by the Commissioner for Consumer Affairs, an authorised officer under the Prices Act, a member of the Police Force or a person acting with the consent of the Minister. Clause 36 provides for the making of regulations.

The Hon. H. ALLISON secured the adjournment of the debate.

SECOND-HAND MOTOR VEHICLES ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. G.J. CRAFTER (Minister of Community Welfare): 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 short Bill proposes an amendment to the Second-hand Motor Vehicles Act, 1983, that is consequential to the provisions of another Bill before Parliament, the Second-hand Goods Bill, 1984. The Bill also proposes two further minor amendments.

The amendment of a consequential nature is designed to ensure that the Commissioner of Police has a clear right to appear personally or by his representative in proceedings before the Commercial Tribunal relating to the grant of a second-hand motor vehicle dealer's licence or proceedings relating to the discipline of a licensed dealer. The interest of the Commissioner of Police in such proceedings is of course principally in relation to the matter of dealings in stolen vehicles. At present, this responsibility of the police is reflected in the arrangement under which second-hand motor vehicle dealers must be licensed under both the Second-hand Motor Vehicles Act and the Second-hand Dealers Act—the Commissioner of Police having under the latter Act the primary supervisory role in relation to the grant, renewal or revocation of licences. However, under the provisions of the proposed new Second-hand Goods Act, a licensed second-hand motor vehicle dealer will not be required to hold the general second-hand dealer's licence, although he will be required to comply with most of the other obligations under that measure. This amendment is therefore intended to ensure that the Commissioner of Police will continue to have power to appear and oppose the grant of a licence or argue for the cancellation of a licence in relation to any person known or thought to have been involved in dealings with stolen vehicles.

The Bill proposes an amendment to the Second-hand Motor Vehicles Act which would enable an unlicensed person to carry on the business of a deceased licensee for not more than six months after the death of the licensee. A provision of this kind is included in the Second-hand Goods Bill and in other occupational licensing legislation and is of obvious benefit for the dependants of persons who have not formed companies to conduct their businesses.

Finally, the Bill proposes an amendment to the provision of the principal Act dealing with the power of the Tribunal to discipline second-hand motor vehicle dealers. The amendment removes from the ground for disciplinary action that a dealer acted negligently, fraudulently or unfairly the limitation that the action was to the prejudice of the rights or interests of a person dealing with the dealer in his business. The amendment is designed to ensure that disciplinary action may be taken in any case where a dealer's actions do not affect the person with whom he is dealing but some third party.

Clause 1 is formal. Clause 2 amends section 11 of the principal Act which provides, *inter alia*, that the licence of any person shall cease to be in force upon the death of the person. The clause inserts a new subsection (8) which provides that, where a person carrying on business in pursuance of a licence dies, an unlicensed person may, with the consent of the Commercial Tribunal and subject to any conditions imposed by the Tribunal, continue to carry on the business until it is sold or the expiration of six months, whichever first occurs.

Clause 3 amends section 14 of the principal Act which at subsection (10) provides that there shall be proper cause for disciplinary action against a respondent if he has, in the course of carrying on, or being employed or otherwise engaged in, the business of a dealer, acted negligently, fraudulently or unfairly to the prejudice of the rights or interests of a person dealing with him in that business. The clause strikes out the passage 'to the prejudice of the rights or interests of a person dealing with him in that business' in order to cater for cases where the harm is done to some third party. Clause 4 inserts a new section 38a which provides that the Commissioner of Police may, in any proceedings before the Commercial Tribunal pursuant to the Act, appear personally or be represented by counsel or a member of the Police Force.

The Hon. H. ALLISON secured the adjournment of the debate.

LAND AND BUSINESS AGENTS ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. G.J. CRAFTER (Minister of Community Welfare): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

It comprises the most extensive amendments to the Land and Business Agents Act, 1973, since that Act was first passed by this Parliament. It is the result of a decision by

this Government to proceed with a major restructuring of the occupational licensing legislation governing those involved in the real estate industry (other than legal practitioners). Land agents, land brokers and land valuers at present have separate licensing boards regulating their respective occupations. Two of those three groups are subject to the principal Act; land valuers are licensed by the Land Valuers Licensing Board established under the Land Valuers Licensing Act, 1969.

The Bill repeals the Land Valuers Licensing Act, but incorporates appropriate of its substantive provisions into the Land and Business Agents Act. The principal Act is renamed to become the Land Agents, Brokers and Valuers Act, 1973, to more accurately reflect its new scope. The Bill constitutes the Commercial Tribunal (established under the Commercial Tribunal Act, 1982) as the licensing authority for the purposes of the Act. It abolishes the existing Land and Business Agents Board, the Land Valuers Licensing Board and the Land Brokers Licensing Board. The result is that land agents, land brokers and land valuers will all be licensed by the one licensing authority under the one Act.

A number of other significant reforms are proposed. First, so called 'rental referral agencies' will become subject to the new Part VIIIB of the legislation. Contracts entered into by those agencies with consumers seeking information about the availability of residential accommodation will be required to be in writing setting out all their terms and conditions. Each contract will have implied into it a condition that due care and skill must be exercised in providing information as to the availability of rental accommodation. Moreover, the Bill contains a provision enabling the proclamation of a code of conduct governing the operations of these agencies in more specific detail. As with the other occupational groups regulated by the Act, breaches of the Act or of such a code will render the offender liable to disciplinary action under the new Part IX.

This scheme of regulation of rental referral agencies is significant in that it represents the first serious attempt to come to grips with the problems consumers have with certain agencies of this kind in this State. It also represents the first example of the use of a system of 'negative licensing' in this State and possibly in this country. It is hoped that this system of regulation will provide an effective regime for the protection of the consumer without the significant expense a traditional positive licensing regime would involve.

Secondly, there a number of important amendments to Part X of the Act; in particular, sections 88, 90 and 91. These amendments are intended to remedy a number of anomalies found to exist in the application of all three sections to contracts for the sale of small businesses. The Bill seeks to give effect to two key principles in this context. First, that the purchaser of such a business is entitled to a statement of prescribed particulars relating to the business. The information provided on that statement is to be information relating to the site upon which the business has been conducted, to the vendor's interest therein, and to the financial position of the business. It is information a prudent purchaser needs to consider in order to establish on reasonable and informed grounds the viability of his or her proposed purchase. Secondly, this information must be provided sufficiently prior to the creation of a binding legal obligation on the purchaser to ensure a reasonable opportunity to consider same and if necessary seek professional advice.

Section 91 as amended will require that the statement of prescribed particulars relating to the business ('the prescribed statement') be delivered not less than five clear business days prior to the date of settlement. New section 91a guarantees that the prospective purchaser has at least five clear business days to consider that information. If the prescribed statement is given five days or more prior to the formation of the contract, then no cooling off period applies. If it is given after the contract, then a five day cooling off period applies. If it is given less than five days before the contract is signed, then the cooling off period is the balance of the five days, that is the period of time necessary to ensure that the purchaser has a total five clear business days in which to consider the information and consult his or her advisers in relation to the proposed purchase, if need be.

These provisions overcome a major defect in the existing section 91, namely, that the prescribed statement can be given at any time prior to the signing of the contract, even if the purchaser is as a result given only moments to digest the significance of the disclosures. This more comprehensive system necessitates amendment of sections 88 and 90. Neither will apply to the sale of 'land' where the 'land' involved is part of the sale of a business. In short, the intention is that sections 91 and 91a will be the sole repository of the provisions governing the sale of a small business.

A number of subsidiary amendments are also proposed to eliminate anomalies in the provisions relative to sales of small businesses. The limited definition of 'business' contained in the Act is amended to overcome the decision in *Kerr v Townsin & Townsin* 98 L.S.J.S.345. His Honour Judge Brebner there found that the sale of a truck used in a carrying business sold on the basis that the owner/driver would receive certain work did not comprise a sale of a business for the purposes of the Act. His Honour observed in the course of his judgment that the manner in which 'business' was defined in the Act implied a number of limitations on the term. The Bill removes those limitations. In addition, the definition of 'date of settlement' is amended both to ensure that it is the date title is actually conveyed, and to clarify the application of sections 91 and 91a to the sales of business regardless of whether or not a written contract is entered into.

Thirdly, the Bill substantially increases the penalties contained in the Act to more appropriate level. In most cases, a four or five-fold increase is proposed. This is indicative of the Government's desire to ensure that penalties in consumer legislation remain at levels which amount to effective deterrents. Fourthly, in providing for the transfer of the jurisdiction of the various licensing boards to the Commercial Tribunal, standard provisions intended to be common to all jurisdictions exercised by that Tribunal have been adopted, wherever appropriate. Each licensed occupation will derive the benefits of continuous licensing and will be subject to essentially the same disciplinary provisions. Likewise, the Commissioner for Consumer Affairs is made responsible, subject to the directions of the Minister, for the administration of the Act. Fifthly, the Bill effects a number of minor 'housekeeping' amendments; these are detailed below.

Finally, in the course of preparation of this legislation, extensive consultation with a number of interested parties occurred, including the Real Estate Institute of S.A. Inc., several rental referral agencies, the Australian Institute of Valuers Inc. (South Australian Division), the Land Brokers Society, the Law Society of South Australia, and Mr B. Shaw, principal of Shaw Jones Tiller Pty Ltd. In most cases, detailed and thoughtful submissions were received and, wherever appropriate, regard has been had to those submissions in the development of this measure. I acknowledge the contribution by all submittors in the preparation of this Bill; in particular, I acknowledge the contributions of the Real Estate Institute and Mr Shaw to the proposed changes to sections 88, 90 and 91.

Clause 1 is formal. Clause 2 provides for the commencement of the measure. Under the clause, the commencement of specified provisions may be suspended. Clause 3 amends the long title so that it makes reference to the licensing and

control of land valuers and to the repeal of the Land Valuers Licensing Act, 1969. Clause 4 changes the short title of the principal Act to the 'Land Agents, Brokers and Valuers Act'. Clause 5 amends section 3 of the principal Act which sets out the arrangement of the Act.

Clause 6 amends section 4 of the principal Act so that it provides for the repeal of the Land Valuers Licensing Act. Clause 7 amends section 5 of the principal Act so that it includes further transitional provisions conferring licences upon valuers already licensed under the Land Valuers Licensing Act and dealing with the transfer of power from the Land Agents Board and the Land Brokers Licensing Board to the Commercial Tribunal or the Commissioner for Consumer Affairs provided for under subsequent clauses of the measure.

Clause 8 amends section 6 of the principal Act which provides definitions of expressions used in the Act. The amendments are generally of a formal or consequential nature; however, attention is drawn to the new definitions of 'land valuer' and 'rental accommodation referral business'. 'Land valuer' is defined as meaning a person who carries on the business of valuing land on behalf of any other person. 'Rental accommodation referral business' is defined as meaning the business of providing for fee or reward information relating to the availability of premises for occupation under residential tenancy agreements but as not including the business of publishing advertisements on behalf of others.

Clause 9 provides for the repeal of Part II of the principal Act which provides for the establishment of the Land Agents Board. The clause replaces the provisions of Part II with new sections 7 and 8. Proposed new section 7 empowers the Governor to grant exemptions by regulation. In addition, under the proposed new section, the Minister may, upon the application of a person, grant an exemption to the person and, if he thinks fit, refer such an application to the Commercial Tribunal for its recommendations on the matter. Proposed new section 8 provides that the Commissioner for Consumer Affairs shall be responsible for the administration of the measure subject to the direction and control of the Minister.

Clause 10 increases the penalty for an offence against section 13 (acting as an agent without a licence) from $1 000 to $5 000. Clause 11 provides for the repeal of section 14 of the principal Act which provides for applications for agents' licences. The clause substitutes for the existing provisions the standard form provision for licence applications to the Commercial Tribunal established in the Consumer Credit Act and the Second-hand Motor Vehicles Act. Under the proposed new section, provision is made for each licence application to be advertised and for the Commissioner for Consumer Affairs or any other person to object to and appear before the Tribunal to oppose the application.

Clause 12 makes an amendment to section 15 that is consequential to the provision for licence applications to be heard by the Commercial Tribunal instead of the Land Agents Board. Clause 13 amends section 16 of the principal Act which sets out the conditions which must be satisfied for a corporation to be licensed as an agent. In providing for the discretions to be exercised by the Commercial Tribunal instead of the Land Agents Board, the opportunity has been taken to recast subsections (1), (2) and (3). In addition, the clause makes new provision providing for the Tribunal, on application by the Commissioner or any other person, to vary or revoke a condition of an exemption under the section, that is, an exemption from the requirement that the directors and other persons having control of the corporation must themselves be licensed agents or registered managers.

Clause 14 repeals sections 17 and 18 which deal with the grant of agents' licences and annual licence fees and returns. The grant of agents' licences is now to be provided for by proposed new section 14 (8). The clause inserts a new section 17 which provides for the same matter as present section 18 but in the standard form established in the Consumer Credit Act and Second-hand Motor Vehicles Act. Clause 15 amends section 19 which provides that, where a licensed agent dies, the business may, with the approval of the Land Agents Board, be carried on by an unlicensed person for a limited period. The clause replaces the reference to the Board with a reference to the Tribunal.

Clause 16 provides for the repeal of section 20 which deals with the surrender of agents' licences. This matter is to be dealt with in proposed new section 17 (7). Clause 17 increases the penalty for an offence against section 21 (acting as a salesman without being registered) from $500 to $2 000. Clause 18 amends section 22 of the principal Act which prohibits a person from employing a person as a salesman unless he is registered and employed on a full-time basis. The clause increases the penalty for these offences from $500 to $2 000. The clause replaces references to the Board with references to the Tribunal and removes paragraph *(a)* of subsection (3) the operation of which is exhausted.

Clause 19 increases the penalties for offences against the section (salesmen being in the service of more than one agent; payments by an agent to a salesman not in his service) from $200 to $1 000. Clause 20 amends section 24 of the principal Act by deleting reference to the Board and substituting reference to the Tribunal. Clause 21 repeals section 25 of the principal Act which deals with applications for registration as salesmen. The clause substitutes new section 25 which deals with the same matter as present section 25 but in the standard form established in the Consumer Credit Act and the Second-hand Motor Vehicles Act. Provision is made for the advertisements of applications. The Commissioner or any other person may object to an application. Provision is made for the Tribunal to conduct a hearing of the application at which the applicant, the Commissioner and any objector may be heard.

Clause 22 amends section 26 of the principal Act—reference to the Board is changed to reference to the Tribunal. A consequential amendment is the striking out of subsection (2). Clause 23 repeals section 27 of the principal Act and substitutes new section 27 which deals with the duration of registration of registered salesmen. The provision follows the standard format established under the Consumer Credit and Second-hand Motor Vehicles Acts. Registration continues until the death of the salesman or cancellation or surrender of registration. Provision is made for annual payment of fees and lodgement of returns. Failure to do either by the prescribed date results in a notice from the Registrar requiring compliance. Failure to comply with the notice within 14 days of service of the notice results in suspension of registration. The Registrar is to cause the fact of suspension to be advertised in a newspaper with Statewide circulation. Where suspension continues for six months, automatic cancellation occurs.

Clause 24 amends section 29 of the principal Act. Reference to the Board is deleted and replaced by reference to the Tribunal. The penalty provided in the section is raised from $200 to $500. Clause 25 amends section 30 of the principal Act. The penalties provided in that section are increased and reference to the Board is deleted and replaced by reference to the Tribunal. Clause 26 repeals section 31 of the principal Act (application for registration as a manager) and replaces it with new section 31 which deals with the same subject matter. The new provision follows the standard format established under the Consumer Credit and Second-hand Motor Vehicles Acts. Provision is made for the adver-

tisement of applications. The Commissioner or any other person may object to an application. Provision is made for the Tribunal to conduct a hearing of the application at which the applicant, the Commissioner and any objector may be heard. Clause 27 amends section 32 of the principal Act—reference to Board is deleted and replaced by reference to the Tribunal.

Clause 28 repeals sections 33 and 34 of the principal Act (grant of registration, annual registration fees and returns) and substitutes new section 33 which deals with substantially the same material. The provision follows the standard format established under the Consumer Credit and Second-hand Motor Vehicles Acts. Registration of a manager continues until his death or the surrender or cancellation of the registration. Provision is made for the annual payment of fees and lodgement of returns. Failure to do either by the prescribed date results in a notice from the Registrar requiring compliance. Failure to comply with the notice within 14 days of its service results in suspension of registration. The Registrar is to cause the fact of suspension to be advertised in a newspaper with Statewide circulation. Where suspension continues for six months, automatic cancellation occurs.

Clause 29 amends section 35 of the principal Act. Reference to the Board is altered to reference to the Tribunal. The penalty provided in the section is raised from $200 to $500. Clause 30 amends section 36 of the principal Act. Reference to the Secretary is altered to reference to the Registrar. The penalty of $200 is lifted to $1 000. Clause 31 amends section 37 of the principal Act. The penalty of $200 is lifted to $1 000 and reference to the Secretary is altered to reference to the Registrar. Clause 32 amends section 38 of the principal Act. Reference to the Secretary is altered to reference to the Registrar; reference to the Board is altered to reference to the Tribunal; penalties are increased from $200 to $1 000. Clause 33 amends section 39 of the principal Act. Penalties are increased from $200 to $1 000; reference to the Secretary is altered to reference to the Registrar.

Clause 34 repeals section 40 of the principal Act. Clause 35 amends section 41 of the principal Act. Penalties are increased from $200 to $1 000 and reference to the Board is altered to reference to the Registrar. Clause 36 amends section 42 of the principal Act—the penalty provided for a contravention of that section (obligations of agent to render an account) is increased from $500 to $2 000. Clause 37 amends section 43 of the principal Act—the penalty provided for a contravention of that section (rendering a false account) is increased from $2 000 to $5 000. Clause 38 amends section 44 of the principal Act—the penalty provided for a contravention of that section (agent to supply copy of contract) is increased from $500 to $2 000.

Clause 39 amends section 45 of the principal Act by increasing the penalties provided in that section from $500 to $2 000. Clause 40 amends section 46 of the principal Act—reference to the Board is deleted and replaced by reference to the Tribunal; the penalty provided for a contravention of subsection (3) (agent having an interest in land or business that he is selling) is increased from $1 000 to $5 000. Clause 41 amends section 47 of the principal Act. The penalty for contravention of the existing section is increased from $1 000 to $5 000. A new subsection (2) is added—'licensed agent' is defined to include a person whose usual place of residence is outside South Australia and who holds a licence issued outside South Australia to carry on the business of an agent outside South Australia. Clause 42 amends section 48 of the principal Act—the definition of 'the Board' and 'nominated member' are struck out.

Clause 43 provides for the repeal of sections 49 to 54 of the principal Act which provide for the establishment of the Land Brokers Licensing Board. Clause 44 amends section 55 of the principal Act (land brokers to be licensed) by increasing the penalty from $1 000 to $5 000. Clause 45 repeals section 56 of the principal Act (application for licence to be a land broker) and replaces it with new section 56, dealing with the same subject matter. The new provision follows the standard format established under the Consumer Credit and Second-hand Motor Vehicles Acts. Provision is made for the advertisement of applications. The Commissioner or any other person may object to an application. Provision is made for the Tribunal to conduct a hearing of the application at which the applicant, the Commissioner and any objector may be heard.

Clause 46 amends section 57 of the principl Act—reference to the Board is replaced by a reference to the Tribunal. Clause 47 provides for the repeal of sections 58, 59 and 60 of the principal Act and the substitution of new section 58. The new section covers substantially the same material as the repealed sections—the duration of land brokers' licences. The new provision follows the standard format of the Consumer Credit and Second-hand Motor Vehicles Acts. A licence continues until the death of the land broker or the surrender or cancellation of the licence. Provision is made for the annual payment of fees and lodgement of returns. Failure to comply by the prescribed date results in a notice from the Registrar requiring compliance. Failure to comply with the notice within 14 days of its service results in suspension of the licence. The Registrar is to cause the fact of suspension to be advertised in a newspaper with Statewide circulation. Where suspension continues for six months, automatic cancellation occurs.

Clause 48 amends section 61 of the principal Act. The clause increases penalties under the section and changes references to the Board to references to the Tribunal. The clause inserts a new provision enabling the Tribunal, on the application of the Commissioner or anyone else, to revoke or vary an exemption from a provision of the section, or to impose conditions on such exemptions or to vary the period of such exemptions.

Clause 49 amends section 63 of the principal Act. The penalty for a contravention of that section (which imposes requirements in relation to trust accounts) is increased from $2 000 to $5 000. Clause 50 amends section 63a of the principal Act—references to the Board are altered to references to the Tribunal; the penalty for contravention of the section is increased from $1 000 to $5 000; and other consequential changes are made. Clause 51 amends section 66 of the principal Act—reference to the Board is altered to reference to the Commissioner. Clause 52 amends section 67 of the principal Act—immunity from liability for any act done in compliance with the Part. The clause alters the reference to the Board to a reference to the Tribunal and the Commissioner.

Clause 53 amends section 68 of the principal Act—reference to the Board is changed to reference to the Tribunal. Clause 54 amends section 69 of the principal Act—certain references to the Board are altered to the Commissioner, others are altered to the Tribunal. Clause 55 amends section 70 of the principal Act—reference to the Board is changed to reference to the Tribunal, and reference to the Secretary is changed to reference to the Registrar. Clause 56 repeals section 71 of the principal Act which empowers the Board, in considering a claim against the consolidated interest fund, to require the production of any relevant document. The Tribunal (which is now to consider such claims) has power to require such production under the Commercial Tribunal Act.

Clause 57 amends section 72 of the principal Act—reference to the Secretary is altered to reference to the Registrar; reference to the Board is altered to reference to the Tribunal. Other consequential changes are made. Clause 58 amends

section 73 of the principal Act. Reference to the Board is deleted and altered to reference to the Commissioner.

Clause 59 amends section 74 of the principal Act. Reference to the Board is altered to reference to the Commissioner. Clause 60 amends section 75 of the principal Act. Reference to the Board is altered to reference to the Commissioner. Clause 16 amends section 76 of the principal Act. Reference to the Board is altered to reference to the Commissioner. Clause 62 repeals Part IX of the principal Act (which deals with investigations, inquiries and appeals) and substitutes new Parts.

New Part VIIIA deals with land valuers. New section 77 provides that a person shall not carry on business as a land valuer unless licensed—the penalty is $5 000. New section 78 deals with applications for licences. The provision follows the standard format established under the Consumer Credit and Second-hand Motor Vehicles Acts. Provision is made for the advertisement of applications. The Commissioner or any other person may object to an application. Provision is made for the Tribunal to conduct a hearing of the application at which the applicant, the Commissioner and any objector may be heard. New section 79 provides that a person is entitled to hold a licence if the Tribunal is satisfied that he is over 18 years of age, a fit and proper person and has the prescribed qualifications and at least four years practical experience in the preceding 10 years, or held a licence under the Part or the repealed Land Valuers Licensing Act within the five years preceding the application.

New section 80 deals with the duration of licences and follows the standard format established for such provisions under the Consumer Credit and Second-hand Motor Vehicles Acts. A licence continues in force until the death of the land valuer or the surrender or cancellation of the licence. Provision is made for the annual payment of fees and lodgement of returns. Failure to comply by the prescribed date results in a notice from the Registrar requiring compliance. Failure to comply with the notice within 14 days of its service results in the suspension of the licence. The Registrar is to cause the fact of suspension to be advertised in a newspaper with Statewide circulation. Where suspension continues for six months, automatic cancellation occurs.

New Part VIIIB deals with rental accommodation referral businesses. New section 81 provides that a rental accommodation referral contract shall be voidable at the option of the party other than the operator unless the contract is in writing and signed by the parties, and contains all terms and conditions binding the parties and, in particular, fixes the fee payable by the party other than the operator and the period for which, the frequency with which and the means by which, information is to be provided on the availability of premises for occupation. The operator must, forthwith upon signature of a contract, provide a copy to the other party and a notice in the prescribed form. Payment made in pursuance of a voidable contract does not affirm the contract. Where a voidable contract is avoided, moneys paid in pursuance of it by the party other than the operator are recoverable. New section 82 provides that it is an implied condition of every rental accommodation referral contract that the operator shall exercise care and skill in the provision of information and, in particular, to ensure the accuracy of the information.

New Part IX deals with disciplinary powers. New section 83 provides that this Part applies to licensed agents, former licensed agents, registered managers or former registered managers, registered salesmen or former registered salesmen, licensed landbrokers or former licensed landbrokers, licensed land valuers or former licensed land valuers, operators or former operators of rental accommodation referral businesses. An operator in relation to such a business includes a person with a legal or equitable interest in the business, or who has or participates in the control or management of the business. New section 84 deals with inquiries. The Tribunal may hold an inquiry to determine whether proper cause exists for disciplinary action against a person to whom the Part applies. An inquiry shall not be held except in relation to matters alleged in a complaint made by a person (including the Commissioner) to the Tribunal, or in relation to matters disclosed in an investigation conducted by the Commissioner as a result of a complaint lodged with the Tribunal. Where the Tribunal decides to hold an inquiry, it must give the person the subject of the inquiry reasonable notice of the inquiry. New section 85 deals with disciplinary action. If satisfied that there is proper cause for taking disciplinary action against a person, the Tribunal may:

(a) reprimand the person;

(b) impose a fine not exceeding $5 000;

(c) in the case of a person who is licensed or registered—suspend the licence for a specified period, pending fulfilment of specified conditions, or until further order or cancel the licence or registration;

(d) disqualify the person permanently, for a period, until the fulfilment of conditions or until further order, from holding a licence or registration;

(e) in the case of an operator or former operator—prohibit him from being an operator permanently, for a specified period, until the fulfilment of conditions or until further order.

A person convicted of an offence in relation to matters the subject matter of an inquiry shall not be fined in respect of those matters. Where the Tribunal cancels a licence to carry on business or prohibits a person from operating the business, the Tribunal may rule that the order will have effect at a future date and impose conditions as to the conduct of the business in the interim. It is an offence to contravene a condition imposed under the section. New section 85a deals with causes for disciplinary action. There shall be proper cause for such action against a licensed agent or former licensed agent if the licence was improperly obtained, he or an employee has been guilty of a breach of this Act or any other Act or law or has acted negligently, fraudulently or unfairly, or in the case of a licensed agent, he is an undischarged bankrupt or is unable to pay his creditors or has ceased to be a fit and proper person, or, in the case of a body corporate, a member of the governing body has ceased to be a fit and proper person or has ceased to be licensed or registered as a manager under section 16.

Under subsection (2), such action may be taken against a person who is or has been a registered manager nominated as a registered manager in respect of the business of a licensed agent if the registration was obtained improperly, he or any other employee has been guilty of a breach of the Act or any other Act or law or acted negligently, fraudulently or unfairly or if he is an undischarged bankrupt or has ceased to be a fit and proper person. Such action may be taken against a person who is or has been a registered manager (other than one referred to in subsection (2)) or a registered salesman if the registration was obtained improperly, he has been guilty of a breach of this Act or any other Act or law or has acted negligently, fraudulently or unfairly, or in the case of a person who is registered, he has ceased to be a fit and proper person. Such action may be taken against a licensed land broker or a former licensed land broker if the licence was improperly obtained, he or an employee has been guilty of a breach of this Act or any other Act or law or has acted negligently, fraudulently or unfairly, or, in the case of a licensed broker, has ceased to be a fit and proper person.

Such action may be taken against a licensed land valuer or former licensed land valuer if the licence was improperly obtained, he or an employee has breached this Act or any

other Act or law or acted negligently, fraudulently or unfairly or in the case of a licensed broker, if he has ceased to be a fit and proper person. Such action may be taken against an operator or former operator if he or an employee has breached this Act or any other Act or law or acted negligently, unfairly or fraudulently. This section (except subsection (6)) applies in relation to conduct whether occurring before or after the commencement of this section. New section 85b provides that where the Tribunal takes disciplinary action against a person, the Registrar must make a record of that fact, and advise the Commissioner.

Clause 63 amends section 86 of the principal Act which provides certain protection to purchasers of subdivided land. The clause removes subsection (7) which provides that it is not competent for any person to waive his rights under the section. This provision is to be covered by a general provision (proposed new section 92) to be inserted by clause 69. Clause 64 amends section 87 in a way that corresponds to the amendment proposed by clause 63.

Clause 65 amends section 88 which provides for the cooling-off period for purchasers of land. The clause increases the penalty for an offence against subsection (2) (the demanding or receipt of an excessive deposit or a down-payment in respect of the sale of land) from $500 to $2 000. The clause excludes from the operation of the section land that is sold as part of the sale of a business. This is now to be dealt with under proposed new section 91a. The clause amends the section so that, in order for the section not to apply where a purchaser receives independent legal advice, the legal practitioner must sign a certificate in the prescribed form as to the giving of the advice. Finally, the clause removes the definition of 'business day' which is to be included in the general interpretation section, section 6 of the principal Act.

Clause 66 amends section 90 of the principal Act which provides for purchasers of land to be provided with certain information relating to the land before settlement. The clause provides for the particulars relating to land required under paragraphs *(a)* and *(b)* of subsection (1) to be as prescribed by regulation. The clause increases the penalty for an offence against subsection (5) (failure on the part of an agent to give the information as required) from $500 to $2 000. The clause rewords subsection (6) so that the remedy provided to a purchaser under subsection (7) *(b)* is available without the necessity for the purchaser to establish that he has suffered loss by reason of the fact that the provisions of the section have not been complied with.

The clause increases the penalty for an offence against subsection (9b) (failure on the part of an auctioneer to give the information as required) from $500 to $2 000. The clause removes subsection (10) which provides that it is not competent for a person to waive his rights under the section. This matter is to be covered by proposed new section 92. Finally, the clause provides that the section is not to apply to land sold or to be sold as part of the sale of a business. The provision of information in relation to such a sale is now to be covered under the provision dealing with the sale of small businesses, section 91.

Clause 67 amends section 91 of the principal Act which provides for the provision of information to the purchaser of a small business. Under the section, as amended by the clause, the vendor or prospective vendor of a small business will be required to serve upon the purchaser a statement signed by the vendor and any agent of the vendor setting out the rights of a purchaser under proposed new section 91a and containing the prescribed particulars relating to the small business and any land sold or to be sold as part of the sale of the small business. This statement is to be served at least five clear business days before the date of settlement. Proposed new subsection (1a) provides that a statement complies with the section if it was prepared accurately not more than 14 days before the making of the contract and if it is accompanied by a statement that provides for any variation in the information that has come to the knowledge of the vendor before service upon the purchaser.

Proposed new subsection (1b) provides that where an auctioneer proposes to offer a small business for sale by auction he must make the statement required under subsection (1) available for public perusal at his office at least three days before the auction and at the place of the auction and he must publish an advertisement specifying the times and places at which the statements may be inspected. Under new subsection (2), where the section is not complied with the purchaser may apply to a court for an order under the section. Under new subsection (4) it is a defence to proceedings under subsection (3) that the failure to comply with the section was not due to a lack of diligence.

Under subsection (5) a council or other authority that has placed any encumbrance over land shall, on the payment of the prescribed fee, provide a person required under this section to provide particulars of the change with such information as he may reasonably require. New subsection (5a) provides that no person shall incur any criminal or civil liability nor shall a contract be attacked by reason of any error in information provided in accordance with this section. The provisions of the section are in addition to the provisions of any other Act or law. A reference to prescribed particulars is a reference to the prescribed particulars in relation to land that would be required in a statement under section 90 (1) in relation to the land. A reference to a purchaser or vendor is, where the contract is written, a reference to the person or persons named in the contract as purchasers or vendors; where there is more than one purchaser or vendor, a reference to any one or more of the purchasers or vendors.

Clause 68 inserts new section 91a which deals with cooling-off periods for the sale of small businesses. Under the new section, a purchaser under a contract for the sale of a small business may, by instrument in writing served or posted before the prescribed time, give notice to the vendor of his intention not to be bound by the contract and it shall be deemed to have been rescinded at the time of service or post. If a contract is rescinded, the purchaser is entitled to the return of moneys paid by him under the contract, except any moneys paid to the vendor in consideration of an option to purchase the business subject to the sale. A vendor who, before the prescribed time requires payment of moneys by a purchaser other than money payable in consideration of an option to purchase the business or a deposit not exceeding 25 per cent of the total consideration, shall be guilty of an offence. The new section does not apply in respect of a contract for the sale of a small business—

(a) where section 91 statements have been served personally or by post on the purchaser not less than five business days before making the contract;

(b) where the purchaser has received independent legal advice and the legal practitioner has verified the advice in the prescribed form;

(c) where the sale is by auction; or

(d) where the business is offered, but not sold, at auction and sold to a bidder at the auction by contract entered into on the same day as the auction for a price not exceeding the amount of the person's bid.

'Prescribed time' is defined as meaning:

(a) the expiry of five clear business days after the day on which section 91 statements are served personally or by post on the purchaser or prospective purchaser; or

(b) the date of settlement,

whichever occurs first.

A reference to a vendor or purchaser has the same meaning as in section 91 as amended by the Bill. Clause 69 repeals sections 92 to 95 and substitutes new sections 92, 93 and 94. New section 92 provides that a purported exclusion, limitation, modification or waiver of a right conferred or contractual condition implied by this Act shall be void. New section 93 provides for the Commissioner for Consumer Affairs or the Commissioner of Police to investigate, at the request of the Registrar, any matter relating to an application or other matter before the Tribunal or any matter that might constitute proper cause for disciplinary action. New section 94 provides that a consent or approval of the Tribunal may be granted by the Tribunal at the application of a person seeking the consent or approval and may be revoked if the Tribunal considers proper cause exists. Clause 70 repeals section 97 of the principal Act.

Clause 71 repeals sections 99 and 100 of the principal Act and substitutes new sections 99, 100, and 100a. New section 99 provides that for the purposes of the Act the act or omission of an employee or agent of a person carrying on business will be deemed to be an act or omission of that person unless he proves that the employee or agent was not acting in the course of his employment or agency. New section 100 provides that a member of the governing body of a body corporate convicted of an offence is also to be guilty of an offence unless he proves that he could not by the exercise of reasonable diligence have prevented the commission of the offence. New section 100a provides for continuing offences.

Clause 72 amends section 101 of the principal Act. Proceedings under the Act are to be commenced within 12 months of the date on which the offence is alleged to have been committed. Other provision is made limiting the persons who may commence proceedings for offences against the Act. Clause 73 repeals section 102 of the principal Act. Clause 74 repeals section 105 of the principal Act and substitutes new sections 105, 105a, 105b and 105c. New section 105 provides for the return of a licence that is suspended or cancelled. New section 105a provides for the service of documents. New section 105b creates an offence of providing information for the purposes of the Act that includes any statement that is false or misleading in a material particular. New section 105c provides for the making of an annual report on the administration of the Act. Clause 75 amends section 107 of the principal Act—the regulation making power. Consequential amendments are made, and new powers are inserted in relation to land valuers, operators of rental accommodation referral businesses. Penalties that may be imposed under the regulations are increased from $200 to $1 000.

The Hon. H. ALLISON secured the adjournment of the debate.

STATUTES AMENDMENT (COMMERCIAL TENANCIES) BILL

Received from the Legislative Council and read a first time.

The Hon. G.J. CRAFTER (Minister of Community Welfare): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

It introduces significant reforms into the law which presently governs the relationship of landlords and tenants in shopping centres and similar commercial contexts. In late May 1983 this Government established a working party on shopping centre and commercial leases, largely as a result of the introduction by the member for Hartley of a private member's Bill to amend the Landlord and Tenant Act; a Bill, which sought to regulate commercial leasing in a number of ways.

Each member of Parliament was invited to make a submission to the working party and this invitation resulted in a collection of constituents' comments and grievances. Major landlords were also invited to make submissions. The report of the working party on shopping centre leases was published in November 1983. A preliminary draft Bill was subsequently prepared earlier this year and circulated for comment. Further submissions were received from interested parties such as Westfield Limited, the Law Society of South Australia, the Real Estate Institute of South Australia Incorporated, the Australian Institute of Valuers, L. J. Hooker Ltd, the Building Owners and Managers Association of Australia Ltd, and others. Indeed, nearly 20 detailed and thoughtful submissions were received and, where pertinent, their substance incorporated in various provisions of this Bill.

The working party report highlighted a number of major concerns and oppressive practices which have arisen in the context of shopping centre leases. Crucial elements of commercial tenancies which were the focus of the working party's attention included security of tenure, responsibility for outgoings (for example, insurance, repairs and management expenses), payments for or on account of goodwill on the assignment or sale of a business, key money, security bonds and rental in advance, and hours of trading, and the resolution of disputes. Some of the major recommendations of the working party were that legislation should provide:

1. that any parties wishing to provide for payment of goodwill, disincentive payments or payments of a similar nature in a lease shall be required to make application to the Tribunal for authorisation to insert any such clause in a lease;
2. that every lease shall itemise the outgoings payable by the tenant in respect of the tenancy;
3. that where a security bond is required in respect of a commercial lease it shall not exceed one month's rental and shall be lodged with the Tribunal;
4. that the tenant shall be provided with a copy of the lease upon signing. Upon signature by the landlord a fully executed copy shall be provided to the tenant within a prescribed period.

It was eventually decided that the resolution of most disputes arising from commercial leases of certain prescribed kinds would fall to be heard and determined by the Commercial Tribunal, constituted of a Chairman or Deputy Chairman, a representative of retail landlords and of retail tenants. The Commercial Tribunal thus constituted will have powers that include the power—

- to conciliate and jurisdiction to deal with disputes relating to leases or former lease agreements;
- to make orders;
- to require compliance with the terms of the lease agreement;
- to prevent a party to the agreement from taking certain action; and
- to require either party to make payment of moneys.

Regulations will eventually be promulgated which will define precisely the commercial tenancy agreements to which this Bill applies. It is intended at this time that where the rent payable under such agreements does not exceed $60 000 per annum, the Bill will apply. This will ensure that the Bill will not apply to situations where the probability is very high that the parties have negotiated and entered their commercial tenancy agreement at arm's length.

The whole object and purpose of this Bill is to outlaw or regulate certain practices which have placed an unfair burden on the small retail tenant. To that end therefore, this legislation provides mechanisms to ensure that oppressive or unconscionable conduct cannot be countenanced any longer in the realm of commercial tenancies. This initiative is being undertaken in pursuit of the Government's continuing recognition of the importance of small business to the South Australian economy.

Recognition of the role of small business was highlighted during the 1982 election campaign strategy, announced by the Premier. It has remained central to the development of the Government's economic strategy. Small business dominates the retailing, wholesaling and manufacturing sectors in South Australia. It is a major employer of labour in our State, providing about 60 per cent of total employment in the private sector.

Small businesses will be the major beneficiaries of these legislative initiatives; they are the tenants in large retail complexes who are providing employment, creating opportunity and delivering goods and services to the community. Until now, they have not been afforded the rights enjoyed by other tenants.

The significant contribution of small business to production and employment has also been recognised by the Government in a range of other initiatives, for example:

the indexed lifting of payroll tax exemptions;

the establishment of a Small Business Corporation;

the establishment of the South Australian Enterprise Fund; and

the overall impetus given to the level of economic activity in South Australia by initiatives in the building and housing sector which have contributed greatly to the lifting of demand.

These initiatives have contributed to the current economic position of South Australia, where unemployment is falling and employment has increased. The approach adopted by this Government with these initiatives has been that there must be a partnership between the public and private sector in planning for economic growth and development. Regulation has not and will not be introduced or maintained by the Government simply for the sake of it. There has to be demonstrable need or questions of fairness and equity which have to be resolved between different sectors of the community, before the Government would intervene. Industry and business regulation must not, and in this case, does not, interfere with the capacity of business to develop entrepreneurial opportunities and create a competitive commercial environment.

The legislation simply gives effect to Government policy in the small business area—to provide basic guarantees, minimum conditions and a dispute resolution procedure to enable retail and commercial tenants to be secure about the extent of their liability to their landlords. Its major reforms include:

that the lease should clearly indicate the method of calculation of rental and the frequency of its review;

that the lease must state the length of its term and whether any right of renewal or option is provided;

that outgoings must be clearly itemised and responsibility for their payment be clearly specified;

that any clause in a lease requiring payment of goodwill upon sale or assignment, disincentive payments or payments of a similar nature must be submitted to the Tribunal for approval before being inserted in a lease agreement;

that where the lease requires payment of a security bond it not exceed one month's rental and be deposited with the Tribunal;

that a landlord be required to provide a tenant with a copy of their agreement for perusal before signing and upon signing the agreement the tenant should be provided with an executed copy of that agreement within a specified period;

that a landlord should give a warranty relating to the suitability of the premises for the purposes of the tenant's business.

Finally, it should be noted that the Government will, and will continue to, monitor the developments in this area once this Act comes into operation; in particular, the efficancy and efficiency of these reforms will be closely scutinised to ensure that what this Bill seeks to achieve will be fairly and adequately realised. Any necessary adjustments will then be made in light of the exigencies of the Act's operation.

Clause 1 is formal. Clause 2 provides for the commencement of the measure. Clause 3 is formal, relating to the part of the measure dealing with amendments to the Landlord and Tenant Act, 1936. Clause 4 provides for amendment to the long title to the Landlord and Tenant Act, 1936. The long title will now refer to the inclusion of provisions to regulate certain aspects of the relationship between landlord and tenant. These provisions are being included principally upon the recommendations of a working party established by the State Government in 1983.

Clause 5 is a revamp of formal provisions in the Landlord and Tenant Act, 1936. Clause 6 amends the section setting out the arrangement of the Act to include reference to a new Part that is to relate to commercial tenancy agreements. Clause 7 provides that the provisions are to bind the Crown.

Clause 8 inserts a new Part in the principal Act. Proposed new section 54 provides the definitions required for the new Part. The definition of 'business' has been cast so as to include any undertaking involving the manufacture, sale or supply of goods or services; it is not necessary that the business be carried on with a view to profit. A commerical tenancy agreement is an agreement granting a right of occupancy, whether exclusively or otherwise, for the purpose of carrying on a business. This definition will therefore include licences. Accordingly, the difficult distinction between leases and licences will not apply for the purposes of the new Part. Persons occupying premises under licences will be able to expect the same treatment as those holding leases.

Proposed new section 55 relates to the application of the new Part. Its application is to be restricted to agreements that relate to shop premises, or premises of a prescribed kind (such as premises in shopping centres). In addition, the rent payable under an agreement must not exceed a prescribed amount. The new provisions will apply to agreements entered into after the commencment of this Part and agreements that are extended, renewed, assigned or transferred after that commencement. Tenancies or premises may be excluded by prescription.

Under proposed new section 56 the Commerical Tribunal is to have exclusive jurisdiction in relation to matters arising under or in respect of agreements under the new Part. However, claims for amounts exceeding a prescribed level (initially five thousand dollars) may, upon the application of a party, be removed to a court. By using the Commercial Tribunal the provisions of the Commercial Tribunal Act, 1982, will apply to proceedings under this Part. That Act will provide for the constitution of the Tribunal in relation to those proceedings, will regulate the procedures to be followed by parties to a dispute, may provide for procedures that may facilitate the settlement of disputes, and provides for a right of appeal to the Supreme Court. However, by virtue of new section 56 (4) the Tribunal will not be able to act simply according to equity, good conscience and the substantial merits of a case and will accordingly be obliged

to apply ordinary principles of law to determine the disputes that are brought before it.

Proposed new section 57 provides that a landlord may not receive from a tenant or prospective tenant in relation to entering into or continuing a tenancy any monetary consideration apart from rent and a security bond. Accordingly, a landlord will not be entitled to receive payments such as premiums. This provision has been included in conjunction with the provisions relating to security bonds as there would appear to be little advantage in restricting the use of bonds without also including measures relating to premiums. However, the section will not apply to options or to certain payments or to payments of prescribed classes.

Proposed new section 58 regulates the payment of rent in advance. Again, this provision is included in conjunction with the measures relating to security bonds for, as was stated by the Working Party, if security bonds are required to be regulated the requirement to receive rent in advance must be similarly regulated. It is therefore proposed that the landlord be permitted to require payment of rent no more than seven days in advance.

Proposed new sections 59, 60 and 61 relate to security bonds. A landlord will be able only to demand one security bond (other than one relating to rates and taxes), and that bond may not exceed an amount equal to one month's rent or, if the rent may fluctuate from month to month, the bond may not exceed one-twelfth of the annual rent. The bond will have to be paid into the Tribunal and the procedures for its payment out are to be prescribed by section 61.

Proposed new section 62 sets out various requirements relating to commercial tenancy agreements prepared by the landlord or his agent and to the supply of agreements to tenants. The working party was obviously anxious tht various important matters that usually arise in relation to any tenancy be clearly set out in the tenancy agreement. Accordingly, the provision will require an agreement to specify the term of the tenancy, any agreement that has been made in relation to an extension or renewal, the rent payable or its method of calculation, the times for rental reviews or alterations, and the nature of any other payments that the tenant may be required to make under the agreement. In addition, the tenant will be entitled to receive a copy of the agreement at the time of execution by him, and a fully executed copy after stamping.

Proposed new section 63 carries forward the recommendation of the working party that parties wishing to provide in a tenancy agreement for payment of goodwill, disincentive payments or payments of a similar nature upon the sale of a business or the assignment of a tenancy should be required to make application to the Tribunal for authorisation to include such a provision in the agreement. Under the proposed new section, the provision would be void and of no effect unless approved by the Tribunal and the Tribunal would not approve the provision unless it was satisfied that the provision was fair and reasonable. The parties would therefore be able to enter into an agreement containing such a provision without first having to apply to the Tribunal, but a tenant could not be required to make a payment under it unless it had been approved. Proposed new section 64 is included on the recommendation of the working party that a landlord not be able to compel a tenant to trade within certain hours. However, it will not apply to shopping centres of six or more shops.

Proposed new section 65 is included in response to the working party's discussion in relation to complaints from some tenants that they have been required to carry out structural work on the premises in order to comply with orders of Government authorities. It is proposed that a landlord who knows that a tenant requires premises for a particular business should, unless he provides otherwise, give a warranty that the premises are structurally suitable for that business. At first instance, landlords are responsible for the structure of the premises by reason of their ownership of the building. If a landlord considers that the premises may not be structurally suitable for the business that the tenant is to engage in, the tenant will be put on notice if the landlord gives a statutory notice that the warranty is to be excluded. Both parties will therefore know what their respective positions are in relation to this issue.

Proposed new section 66 is concerned with options to extend or renew tenancy agreements. It is proposed that if the tenant has applied for an extension or renewal but at the expiration of the term the negotiations between he and the landlord have not been completed, the tenancy may continue until the matter has been resolved by agreement or a determination of the Tribunal. The provision will therefore allow the parties to complete their negotiations without the tenant being uncertain of the status of his tenancy in the meantime. If an impasse occurs, a party will be able to apply to the Tribunal for the resolution of the matter. However, the provision should not be seen as making available a ploy for tenants to delay paying rent increases on a renewal, etc. All rental variations will be retrospectively applied from the date of expiration of the agreement being extended.

Proposed new section 67 empowers the Tribunal to hear and determine claims that a party to an agreement has been guilty of a breach, and to act in relation to disputes. The working party envisaged that the Tribunal would be the most effective and efficient body to act in relation to disputes and breaches, acting as both conciliator and arbitrator. Under the Commercial Tribunal Act, the Tribunal will be empowered to attempt to settle a matter by conciliation and agreement but, in the event that it is unable to do that, it will be required to determine the matter according to the law of landlord and tenant. In this fashion, the parties' rights and liabilities are to be preserved, but there will also be the facility for attempting to obtain agreement amongst the parties. Proposed new section 68 provides for the creation of a Commercial Tenancies Fund for the receipt of moneys paid under security bonds. Under new section 69 the moneys are to be invested and the income derived applied for specified purposes. Section 70 requires that proper accounts be kept and annually audited.

Proposed new section 71 prohibits parties attempting to avoid the operation of this new Part by agreeing or arranging their affairs in a manner that is contrary to the new provisions. A party will not be able to forego or waive a right conferred by this Part. It will be an offence to attempt to evade the provisions. Under section 72, the Tribunal is empowered to exempt particular agreements, class of agreements or premises from the operation of all or any of the new provisions. Accordingly, if an extraordinary situation arises where the provisions are causing some injustice or quirk a party to an agreement can apply to the Tribunal for relief. Proposed new section 73 provides that proceedings for an offence against this Part shall be summary proceedings. New section 74 is a regulation making power.

Clause 9 is formal, relating to proposed amendments to the Commercial Tribunal Act, 1982. These amendments are to provide for the constitution of the Tribunal when hearing matters under commercial tenancy agreements. Clause 10 provides for amendment to the arrangement of the Act by the inclusion of a new item, 'Schedule'. Clause 11 is a consequential amendment to section 6 of the Act. Clause 12 provides for a schedule to the Act. As the Commercial Tribunal Act envisages the constitution of panels to represent the interests of persons who are to be licensed, registered or otherwise regulated under a relevant Act, special provision

must be made for panels of people who are to represent the interests of landlords and tenants when the Tribunal is exercising its jurisdiction under the Landlord and Tenant Act. The schedule makes such provision and is similar in form to sections 6 and 8 of the principal Act. The provisions of those sections dealing with term of office, grounds for removal, and so on, will apply to members of the panels established under the schedule.

The Hon. H. ALLISON secured the adjournment of the debate.

REAL PROPERTY ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. G.J. CRAFTER (Minister of Community Welfare): 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 amends the Real Property Act in two distinct ways. The Bill provides for the postponement of mortgages. The object of the proposal is, simply, to enable a mortgagee to lodge a document postponing his mortgage to a subsequent mortgage. The Real Property Act gives priority to mortgages according to time of registration. Thus a mortgage registered first in time will be accorded priority over a mortgage registered later in time. The only way in which priorities of mortgages can be altered under the present law is for existing mortgages to be discharged and new mortgagees to be registered.

In the A.C.T., N.S.W., Tasmania and Victoria, as well as in New Zealand, there is a simple procedure to vary the priority between existing mortgages by the lodgement of a memorandum of variation of priority of mortgages, signed by all parties who will be affected by the change. In some States the procedure is also used for varying the priority of encumbrances A procedure for varying the priority of mortgages and charges similar to the procedure already successfully operating interstate, is provided for in this amendment.

The second amendment provided for in the Bill is the incorporation of standard conditions in mortgages. At present all terms and conditions of mortgages must appear in the document itself. The amendment makes provision for standard mortgage conditions and terms to be lodged with the Registrar-General. A mortgage document will be relatively short and will incorporate reference to the terms and condition lodged with the Registrar-General.

The advantages of such a proposal are the easier and simpler preparation of documents and the production of less bulky documents with the consequent savings in space. The consumer will not be disadvantaged by this proposal as provision has been made requiring that the mortgagor be provided with a copy of the standard terms and conditions to be incorporated into the mortgage.

Clause 1 is formal. Clause 2 provides for the commencement of the provision. Clause 3 inserts new subsections in section 56 of the principal Act. These new provisions will allow the holders of registered mortgages or encumbrances to apply to the Registrar-General for a variation in the order of priority of registration. An application will have to be made by every holder of a mortgage or encumbrance that is to have its priority varied, and with the consent of the holder of any mortgage or encumbrance that may intervene between those mortgages or encumbrances.

Clause 4 proposes that a new section 129a be inserted in the principal Act. This section will allow a person to deposit with the Registrar-General a document containing standard terms and conditions for incorporation in mortgages that are to be lodged by him. Thereafter, a mortgage may provide that those terms or conditions, or those terms and conditions with specified exclusions or amendments, are incorporated in the mortgage and the mortgage may then have effect accordingly. To insure that a person executing a mortgage that is to incorporate standard terms and conditions is aware of those terms and conditions, the mortgagee will be required to provide him with a copy of the standard terms and conditions before execution of the mortgage. A penalty of five hundred dollars is prescribed in the event of non-compliance.

The Hon. H. ALLISON secured the adjournment of the debate.

LOCAL AND DISTRICT CRIMINAL COURTS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 February. Page 2548.)

The Hon. H. ALLISON (Mount Gambier): Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

The Hon. H. ALLISON: I do not want to protract the proceedings of the House this evening with the four out of five Bills that I have to handle, the first being the Local and District Criminal Courts Act Amendment Bill, because these matters have been thoroughly thrashed out in another place and with the Bill as it arrives before us in the House we are quite happy.

The Bill makes substantial amendments to the Local and District Criminal Courts Act as it relates to the service of originating summonses. This Bill gives civil litigants another option for the service of originating proceedings. At present, an originating summons may be served either personally or non-personally at the address for service identified in the summons by leaving it with a person at that address, such person being quite obviously over the age of 14 years.

A special summons that relates to a claim for a liquidated amount and not damages must be served personally. Already under the Justices Act certain complaints and summonses for statutory offences may be served by post. This situation has prevailed for some time. This Bill seeks to give the plaintiff an additional option—service on a defendant by ordinary prepaid post. The Bill provides: first, service by post if chosen by the plaintiff will be undertaken by the Clerk of the Court from which the summons was issued. Secondly, the date of posting shall be deemed to be the date of service—a point which is of some relevance to another point I will make as my final one. Thirdly, if there are delays in delivery of mail the Registrar of the subordinate courts may give notice in the *Gazette* extending the time for service.

Fourthly, the defendants will have 21 days from the date of service in which to enter an appearance if the claim is to be defended. Fifthly, if the summons is returned by post undelivered, or the Clerk of Court believes on other grounds that service has not been effected by post, judgment cannot be entered against the defendant, or if it has it must be set aside by the Clerk of the Court. Sixthly, if a defendant claims that a summons has not been received, a mechanism is provided for setting aside any subsequent proceedings.

Seventh, penalties are provided for persons who knowingly provide incorrect information for the purpose of service or who are recklessly indifferent in providing such information. There is little doubt that the service by post will be less costly to the litigants since they will not have to pay the bailiff's fees and it will be speedier than the present system of service by court bailiffs, although the present system allows for service by private investigators and articled clerks.

The bulk of the service of summonses in the local court jurisdiction is by court bailiff on a non-personal basis. The second reading explanation indicates that consideration was given by the Government to sending out summonses by registered and certified post, but difficulties associated with these forms of post favour ordinary prepaid post and, based on an observation from personal experience, I believe that a large number of people who have received summonses, particularly through the debtors' courts, have been in the habit of refusing to accept delivery of those 'advice received' communications since they acknowledge that the only 'advice received' communications they are likely to obtain through the post are by way of summons. So, there have been a large number of summonses in the post whose service has been refused simply by the person summonsed refusing to collect the mail.

We believe that the additional form of service available to plaintiffs is a valuable amendment. Generally, defendants are safeguarded in the legislation in the event of non-delivery by post. In another place, the shadow Attorney-General pointed out that a possible difficulty lay in the delivery of mail to outlying areas of the State where it would be possible for deliveries to be made only once a week and therefore for the 21 days from the date of posting of the service to be inadequate for the person to get the mail, to send back an acknowledgement to the courts and to enter an appearance before the courts. This matter was the subject of an amendment in another place which I believe has now been satisfactorily dealt with. I support the Bill.

Mr S.G. EVANS (Fisher): As much as I support the Bill, after discussion with my Party colleagues and after hearing views expressed by those who claim to know the system better than I, I still have some doubts about the proposition. I will support the measure through the House, but I want to put those doubts on record, because I believe that many individuals will be seriously disadvantaged by this provision—disadvantaged not in terms of money or mental trauma but in terms of the fear of what the result may be. Suddenly somebody may come along and say, 'On such-and-such a date you had forwarded to you through ordinary mail a summons to appear before the court and you failed to respond.' Inasmuch as the Bill provides that that is an offence, that is not much joy to the individual who is caught up in the system. When the average person hears the mention of lawyers, it tends to instil a sense of fear. I admit that that should not be the case, but it is a fact.

If we go a step further and mention to an individual that he or she failed to appear before a court in answer to a summons, that tends to instil an even greater fear in the person concerned, even if it involves only a road traffic offence or a small monetary claim. In our society we often fail to convince people that they should not be frightened of such circumstances. We have failed through the whole system of Parliament to assure people that they should not be over fearful of the process of the law and that they will receive a fair go.

As the member for Mount Gambier has emphasised and other people have also mentioned, I proposed that notice should be forwarded by registered or certified mail. I was informed that that was an unsatisfactory method of notification because individuals could refuse to collect the mail if they knew there was a registered letter for them and they had some knowledge of a summons pending. I can understand that that already happens, but at least in that system the officer at the post office would be a witness to the fact that he had informed the individual that the material was available to be collected but the individual had refused to take the necessary action to collect it. At least in that instance there is a witness to the fact that the person concerned was told about the mail.

In my electorate there are people who have private boxes and do not receive a lot of mail. They may go to that post office only once a week, once a fortnight or even more infrequently, because they live that sort of alternative lifestyle where it does not really worry them, and they receive only a few articles of mail. Under this legislation they do run a risk, because if that person issuing the summons sends it to a private address, whether it be Acklands Hill Road, Coromandel Valley, or some other road in the Hills, it will then get hung up in the system before somebody decides it should go to a private box. That actually happens quite often. That is one example where I know that people are covered by the Act and say, 'We are sorry, we did not get it when we should have. It went to a private address as shown on the road map. We do not collect our mail from there. We don't have a roadside delivery. We don't get mail delivered to us,' although on Acklands Hill Road, for example, there is a roadside delivery, but many people still use private boxes. In many cases there are no roadside deliveries.

Australia Post will not deliver to a road that is unsealed, so if a road is unsealed within the metropolitan area there is no postal delivery to it. If the person issuing the summons takes the person's private address from a roll or a telephone directory, it is possible that that person will never see the summons within the three week period. It may take that long for it to get back through the system unclaimed to the person who originally issued it, but that individual has to front up and say to the magistrate, 'I am sorry, I did not get it' and then they have to justify their position. In my view that is not totally fair, and I see some difficulties with it.

To go one step further, many people in the community today have long service leave which runs into three months or more, and I am told that that provides an excuse: a person can go along and say, 'I never received it; I was away.' In those circumstances I know that it is very difficult to find a solution. Whether it be by registered mail, certified mail, personal delivery or whatever else to the door, but not to the person who is supposed to receive it; if that person is on holidays nothing can be done about it.

There is also the case of sickness and those who live alone who do not go to the trouble of arranging for someone to pick up their mail. They may not receive a lot of letters and they may be ill at the time. Those people are often likely to be the aged and more fearful of the system. Because of the lifestyle those elderly people have followed, they may very seldom have been involved in legal matters. They have a fear of a summons or of going to court, but they would have an even greater fear if after coming out of hospital somebody suddenly knocks on the door and says, 'Sorry, it was delivered in your letter box three or four weeks ago and you have spent that time in hospital. That is not our fault; you will have to front up at court and convince the magistrate you did not genuinely receive it in the time because of your illness.' I am not denying that those things may already occur, but we have a far from reliable postal service in this country.

In fact, recently three letters were posted, one to a Minister, one to the head of a department and one to me. They were posted within my electorate. I know for a fact that the one posted to me never arrived at my office, and 2½ months

later it still has not arrived. What has happened to it? I know the person posting the letter would not have made the error, because that person telephoned on the particular day, and I said that the way to attack it was to write to the Minister, write to the head of the department and write to me. He posted the letters at the same time at a post office which was not far away from my electorate office. Under this Bill the individual has to go along and say, 'There is nothing to identify the letter. I didn't receive it.' If a person has been charged with an offence or with non-payment of an account and someone already has some doubt about their integrity and they appear in front of a magistrate and say, 'Look, I never received the summons, I never saw it', who is the one most likely to be believed?

The Hon. G.J. Crafter interjecting:

Mr S.G. EVANS: The Minister tells me 'You.' As much as the Minister assures me that the magistrate would believe the individual, if that individual had a track record of non-payment of accounts or traffic offences and had pleaded not guilty every time but been found guilty by the court, is the magistrate still likely to believe that person, even though on that occasion they may be telling the truth 100 per cent? There are some weaknesses in the present system, because it is too slow. I understand that. It takes too long for people to be able to issue the summons, catch up with the person, hand it to them and ensure that they receive it. The Minister will tell me that I should have no fears and that there are certain guarantees and areas of protection within the Bill for an individual to stand up and say that they did not know, or that they did not receive it, or that they were ill, on holidays, etc.

As a Parliament, let us be sure that individuals in the community who have never had a brush with the courts in their life will be covered. It may be their first time in court, and it is a fear for them. There is nothing wrong with our saying that one notice should go out by ordinary post and a copy by registered or certified mail. If the postmaster informs that individual that the letter is there to collect, that is proof that it has been sent. There is less likelihood of both going astray and never being delivered than exists currently. Each and every one of us knows that letters sent to us have never been delivered. I know that in the end the protections are there, but it does not eliminate the fear and trauma that it creates for some individuals before they get to the point where they believe that justice may be done.

I will support the proposition, but I have raised my doubts because, if in the future the system fails, and if I am able to do so, I will be the first to raise the matter of areas in which the system has collapsed or failed to serve the best interests of the law being seen to be doing justice to each individual who is supposed to have the opportunity to benefit from or be protected by it.

The Hon. G.J. CRAFTER (Min of Community Welfare): I thank the member for Mount Gambier for his indication of support from the Opposition for this measure and his explanation of the thrust of the Bill. I thank also the member for Fisher for his contribution in which he pointed out the extreme case. Maybe he is referring to 1 per cent or 2 per cent of people who appear before the courts and who may find themselves in those circumstances but, as his colleagues have obviously told him, there are sufficient safeguards within the measure to cover the circumstances to which he refers. I can only say to him and other honourable members that justice delayed is justice denied. Wherever it is possible to speed up the process of justice by modern communication techniques rather than by using bailiffs, that should be facilitated. If there is widespread abuse and the system does become unworkable, it can always be amended.

The overwhelming view of the authorities is that this will deliver a more just system in the administration of the laws of the State. That is what we are on about in Government. The numbers of people who appear before our courts and who will be covered by this measure are very substantial indeed. The great majority who appear before the courts appear before magistrates courts. Hopefully, this will facilitate much speedier hearings and unclog some of the lists currently clogged in the magistrates courts system. If that can be reduced, it is in the overall interests of the community.

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

LEGAL PRACTITIONERS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 February. Page 2549.)

The Hon. H. ALLISON (Mount Gambier): The Legal Practitioners Act was originally put through the House of Assembly and the Legislative Council by the former Liberal Government. We understand that, although the Bill has as been working reasonably well, there has been a number of technical problems associated with its operation in association with the Act, and the substance of the Bill before us is to ensure that the Act works more effectively.

One of the problems has been associated with the difficulties experienced in some aspects of the principal Act on the part of inspectors, and the power of those inspectors appointed under the Legal Practitioners Act, in gaining appropriate access to documents, papers and records of any legal practitioner who may be the subject of an investigation. Apparently inspectors have claimed that they have had some difficulties in gaining access to documents and papers which may not necessarily have remained in the possession of the practitioner. Under those circumstances, we believe that there should be some widening of the powers of the Act to enable inspectors and investigating courts to have wider access to those books, documents, accounts or other writings, and making them more readily available for inspection.

Another problem has been a provision in the Bill which now allows the Supreme Court to refuse to renew a practising certificate of any practitioner who fails to submit an auditor's report as is required under the principal Act. We support that, because we believe that the responsible audit is part and parcel of the principal Act. It is an integral part of the accountability of any practitioner for the funds he holds on behalf of others and holds on trust. So, we are quite happy to accede to that amendment also.

The Bill, we notice, also allows the Registrar of the Supreme Court to exercise some of the minor powers of the Supreme Court under the Act. We note that the exercise of power is to be subject to rules made by the Supreme Court with a right of appeal to a judge by an aggrieved solicitor. Probably the only passing comment we would make is that, some two or three years ago the Chief Justice was then anxious that the Registrar should not exercise any judicial functions, and that the Masters should be the judicial officers exercising certain functions allocated to them under the rules of court by judges. We now have the case where the Registrar is given some minor judicial power subject to appeal to a judge and the judge will maintain oversight of the exercise of power by the Registrar. There is some departure from the original wishes of the Chief Justice.

Another point concerns anomalies that have existed with regard to interest payments between banks and legal practitioners' trust accounts. Most banks are now paying interest on the whole amount of that part of the legal practitioners' trust accounts which is deposited with banks in combined

solicitors' trust accounts. Presently, banks pay interest on only about half of what may be in a solicitors' trust account, and only the bank benefits from that as no interest is credited to a particular solicitor's personal account and clients do not benefit from it. The result of the increased payment of interest on trust accounts by banks will mean that there will be a larger amount of money for distribution. Presently a proportion is distributed to the Legal Services Commission for legal aid and the balance goes to the guarantee fund, which is a reservoir of funds available to meet claims by clients of solicitors guilty of defalcation.

The Bill provides for 50 per cent of interest to be paid to the Legal Services Commission and community legal centres in such shares and subject to such conditions as the Attorney-General directs; 40 per cent will be paid to the guarantee fund; and 10 per cent to a law foundation, which is yet to be established, but which is proposed to be established in the near future, to undertake research on legal topics. This follows the pattern already established in New South Wales and Victoria.

The Bill also deals with other matters. First, it overcomes constraints on passing information from the Legal Practitioners Complaints Committee to the Law Society Council and its inspectors. Secondly, it allows those inspectors investigating allegations of defalcation by a solicitor to have wider access to books. In my opening remarks I mentioned that this was something that the Opposition supports, particularly if those books are not in the possession of the legal practitioner under investigation—it widens the inspector's power. Thirdly, it provides, we believe properly, for the Supreme Court to refuse to renew a practising certificate to any practitioner who fails to submit an auditor's report as required by the principal Act. We support the Bill without amendment.

The Hon. G.J. CRAFTER (Minister of Community Welfare): I thank the honourable member for his indication of support on behalf of the Opposition. This Bill tidies up a number of important matters relating to the practice of law in this State. One matter of particular importance is the apportionment of funds as between the Legal Services Commission and community legal centres, and the conditions on which such funds are applied. In South Australia this has been the subject, over a number of years, of debate, discussion and now resolution.

I recall that in 1976 and 1977, the then Attorney-General, the Hon. Peter Duncan, tried to coerce the banks in this State to pay interest rates on the full amount of moneys in solicitors' trust accounts. Until recently only a portion of that money gained interest. That interest has been applied to the payment of moneys owed to persons as a result of defaulting legal practitioners in the guarantee fund. Now it is possible to apply some of those moneys to other purposes, and here we see it not only being applied to the Legal Services Commission for the provision of legal aid but also to community legal centres, which have been established throughout Australia over the past decade or so and are providing a very valuable service in the community. In the main, they do work that legal practitioners cannot do for one reason or another, usually because it is uneconomic for a legal practitioner, for example, to take an administrative appeal on a social security matter.

In fact, legal officers and assistants in community legal centres become quite expert in social security law and generally in that area of law that helps those most in need in our community, whether it be landlord and tenant, or many of the other areas that affect daily life. The other important functions provided by community legal centres are the educative and advocacy functions, which have been lacking in the community. So many people do not know their rights and do not have the confidence or skills to enforce them. So, the community legal services that are established now in South Australia will be given further additional financial assistance and become part of the system of law in this State and dovetail in in a very real way to the Law Society, legal practitioners, the courts and other sectors of the administration of justice in South Australia.

In my electorate there is a community legal centre, it grew out of SHAUN (the adult unemployment programme), which is supported by more than 30 legal practitioners. There is now full-time legal and other staff attached to it and its work is very valuable. Recently, with the help of the Community Employment Programme funding, it has been established on a pilot basis for a community mediation service. Once again this is to take matters out of the courts—conflicts between neighbours and the like which are often vexed and unable to be resolved by the courts—and put them back into the community to sort out the issues as best that can be done. That service has proved to be very valuable. There are matters of considerable importance for the community in this measure, and I thank the Opposition for its support.

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

'KOOROOROO'

Adjourned debate on the motion of Hon. D.J. Hopgood:

That this House resolves to recommend to His Excellency the Governor, pursuant to sections 13 and 14 of the Botanic Gardens Act, 1978, disposal of the house known as 'Koorooroo' in the Mount Lofty Botanic Garden, part section 840, volume 2017 folio 108; and that a message be sent to the Legislative Council transmitting the foregoing resolution and requesting its concurrence thereto.

(Continued from 19 February. Page 2620.)

The Hon. H. ALLISON (Mount Gambier): The shadow Minister for Environment and Planning appears to have been delayed elsewhere, but in view of the minor nature of this matter, and the fact that the Opposition supports the Minister's wishes to sell this property, I will speak briefly on his behalf. I see that the shadow Minister has arrived, so perhaps he can state the case more adequately.

The Hon. D.C. WOTTON (Murray): The Opposition supports this motion. I have been able to make some inquiries today, recognising that this motion was only moved in the House yesterday. I have been able to seek advice from those involved with the Botanic Gardens at Mount Lofty. It is a good idea and is obviously a property which serves no real use for the Botanic Gardens at Mount Lofty, and is probably more of a problem than an asset.

The Board of the Botanic Gardens has the power to dispose of real property (that is stated in the Botanic Gardens Act), but it requires a motion being passed by both Houses of Parliament. The Opposition is pleased to support that motion.

I took the opportunity to visit the Mount Lofty Gardens the other day and, realising the immense damage that was caused to that area during the Ash Wednesday fires, I was delighted with what I saw. The work that has been done is a credit to those involved. Obviously they need more finance, and that will be an ongoing thing. But, I am sure (and I have said this many times while I had the privilege of serving as Minister) that the Mount Lofty Botanic Gardens will, in the not too distant future, be of immense value to this State as a tourist attraction, apart from its value as a botanic gardens. I wish those involved with that project

well in the challenge that is ahead of them. The Opposition supports this motion.

Mr S.G. EVANS (Fisher): I take the opportunity of supporting the motion and putting something to the Minister which needs to be considered when we look at the part of the Botanic Gardens comprising this house and land which is to be annexed off and sold, as well as a neighbouring piece of land which adjoins that park—the old council quarry alongside the Crafers Primary School. There is no doubt that the old homestead serves little purpose for the Botanic Gardens, and it is another worry for those who maintain our Botanic Gardens. There is, as in all sections of the public and private sector, a shortage of funds. That has been brought home clearly to me in recent times, as Chairman of the Jubilee 150 Committee for that area.

When we started to follow through the concept of a botanic gardens and to develop the old quarry with plants and shrubs from Texas to commemorate the Jubilee 150 and perhaps run it through to the bicentennial, we found that the vast majority of parks, gardens and reserves in the United States were supported strongly by private institutions (they are usually trusts or the like), sponsored in the main by the private sector. The thought crossed my mind when I saw that this property was to be sold, that this property is on such a small piece of land compared to the overall Botanic Gardens that perhaps we need to promote more regularly to encourage people to become friends of the Botanic Gardens. Whether it involved small or large donations, at least it would give us the beginning of an ongoing concept to take away some of the burden of forced raising of money from the community to develop and maintain such beautiful facilities and tourist attractions, as my colleague pointed out, so that people gave because they had a belief in it and wished to do it voluntarily. I have a deep feeling that within our community there is a tendency for people to say, 'Why should I give to that? Why should I volunteer for that because the Government is doing it (State, Federal or local)?' I believe that gradually the concept of voluntary contribution, whether it be by brain, physical or monetary effort, is being destroyed—not deliberately, but accidentally.

I ask the Minister whether he has thought of using the money from the sale of this property to devote it to the quarry project and encouraging voluntary service clubs to carry out manual work. I believe that they would respond if the Government said, 'Yes, we will make available the money from the sale of the property' (and I believe it could be as high as $75 000 or $85 000). That would give the locals an incentive to say, 'The Government wants to give this project a go. It wants to make it a Jubilee 150 project or a bicentennial project so we will put in the effort.' The Minister may have in his mind that the money is already earmarked for some other project. I do not wish to try to bring about pressure in saying it should go to the quarry, but I ask that it be considered. Sentimentally, I have some respect for that quarry because as a lad I used to cart away from that quarry material for projects in the community, and I remember how hard some of the men in that publicly operated quarry used to work.

Therefore, in supporting the member for Murray and pointing out the tourist attraction that the Botanic Gardens is developing into, even after the second Ash Wednesday fire, and knowing that it lies in one of the most picturesque valleys in South Australia where there is intense cultivation and beauty (particularly in spring, summer and autumn), I ask the Minister to consider the concept of using at least some, if not all of the money, to make available materials if the service clubs will pick up the concept of doing some of the work to get this project off the ground using Texas plants and shrubs. I support the motion.

The Hon. D.J. HOPGOOD (Minister for Environment and Planning): I thank honourable members opposite for the consideration and support that they have given this motion. First, I deal with the specific proposition that the member for Fisher has put. I would see myself as largely the agent of the Board of the Botanic Gardens, and it is at their request that I am placing this motion before the House. However, in giving an undertaking that I will see that the honourable member's suggestion is placed before the Board, I can say that the Board already has in mind some sort of programme which might fit with what he is suggesting.

In the introduction to the measure, I mentioned (and I will refresh members' memories) that the revenue from the sale should be, in the view of the Board, put into further development of the Mount Lofty Botanic Gardens in the following areas: possibly a public interpretive centre adjacent to the upper car park; restoration of fire damage adjacent to Summit Road; and upgrading of the Crafers quarry. I do not know what the Board has in mind within that third category, but it would seem to me that what the honourable member is putting forward as a positive contribution to the debate is by no means counter to the general aim of the Board. Therefore, I thank the member for his contribution. I undertake to obtain from the Board a further interpretation or definition of that general aim and some indication that it will look closely at the honourable member's suggestion. I also undertake to place before the Board and staff of the Botanic Gardens the congratulations of the member for Murray for the work that has been done in the restoration of the gardens since the fire.

The Hon. D.C. Wotton: And the recognition that more finance is needed.

The Hon. D.J. HOPGOOD: That, too. I am sure that the Board is well able to fight its own battles in regard to that and, indeed, it does do so. It is good to see that the hard work of the staff has been recognised. It is of considerable assistance to be in an area which receives 30 to 40 inches of rainfall, but nature does not do it on its own. An enormous amount of work has to be done so that, in turn, nature can do its job. So, I will see to it that those congratulations from the honourable member are handed on. Indeed, I assume that we are both speaking for the House in general.

I should have made one other point in my introduction of the measure. It is a machinery matter on which I should give the House some reassurance. In the terms of the Act, it is necessary that this matter be before Parliament for 14 sitting days. The fact that it will be before this House for two days does not mean that we will be in any way in breach of that. I intended that we should get the measure to another place as quickly as was decent, subject to proper consideration of the measure. It can then sit on the Notice Paper in the other place for the balance of the time that is needed to satisfy the Act on that point. I thank honourable members for their consideration of and support for this matter, and I commend it to the House.

Motion carried.

BAIL BILL

Adjourned debate on second reading

(Continued from 19 February. Page 2619.)

The Hon. H. ALLISON (Mount Gambier): The Opposition supports this Bill almost in its entirety, with the exception of matters pertaining to amendments which are in my

name and which I will move during the Committee stage. The Liberal Party's own policy with respect to bail has been to consolidate all aspects of bail into one Act of Parliament and to ensure that there are adequate avenues of appeal for the Crown. The Bill brings into one piece of legislation most of the law relating to bail, and provides wider powers for the Crown. We note that one aspect (in relation to section 78 of the Police Offences Act) will be dealt with in a separate piece of legislation to be brought before the House after being introduced in another place in the very near future.

The Bill provides that application may be made for bail to the Supreme Court or any other court by a member of the Police Force of or above the rank of sergeant or who is in charge of a police station and that, where the applicant is charged with a summary offence only or with an indictable offence but has not been committed for trial or sentence, to any justice of the peace. Where a warrant for arrest is issued the court or justice issuing the warrant may authorise a particular person to release the person named in the warrant on bail.

The Bill also provides that, where a person is arrested but not convicted, bail must be granted unless the person considering the application for bail, taking into account specific matters referred to in clause 10 of the Bill, decides that the applicant should not be released. Those matters to be taken into consideration include the gravity of the offence, the likelihood of the accused's absconding, offending again or interfering with evidence or witnesses, or hindering police inquiries, if the applicant requires physical protection or medical or other care, or if on a previous occasions he may have contravened or failed to comply with a term or condition of the bail agreement. Where the person has been convicted of an offence, the question of bail is entirely a matter of discretion for the court.

The Bill provides that there is a right for the Crown and the applicant to seek a review of a bail decision by the High Court. It also provides that where a person is arrested and a member of the Police Force or a justice of the peace has refused bail there is provision for a review of that decision by a magistrate by telephone. It also provides that a variety of conditions may be imposed when granting bail, but a condition other than a condition as to the conduct of the applicant while on bail is not to be imposed unless that condition is reasonably necessary to ensure that the applicant complies with the bail order. Generally, the Bill provides a reasonable code for the granting of bail, but as I said there are a number of matters that the Opposition considers should be addressed during the Committee stage of the Bill as the subject of amendments. These amendments were submitted to the Attorney-General in another place and were refused.

The South Australian Branch of the Australian Crime Protection Council is generally in favour of the Bill, but has made suggestions for relatively minor amendments. The Victims of Crime Service places a greater emphasis on the interests of the alleged victim and consultation with that person prior to release on bail of a person charged with an offence against an alleged victim. This is the subject of one of my amendments. The Opposition considers that the criticisms that have been made by the Victims of Crimes Service have some substance, and significant matters that the Opposition believes should be considered for amendment involve the deciding whether or not bail should be granted.

It should be an obligation wherever it is practical for the person considering that bail application to consult with an alleged victim. That would not apply, of course, if the charge itself related to a victimless crime. The Opposition also believes that the person considering the bail application should have regard to the need for the alleged victim to have physical protection and also the need to have regard to previous offences by the accused.

The Opposition believes that the conditions which may be imposed should include specific reference to protection of the alleged victim. In addition, the person considering the bail application should, where he considers it relevant to do so, have the power to require the deposit of an amount of money for security for bail and to require the surrender of a passport. Further, an accused person on bail should only be able to leave South Australia for any reason with the approval of the court.

The matters that should be taken into consideration in determining whether or not bail is granted (and this, too, was requested by the Victims of Crimes Service) should also include reference to any drug addiction, because of the need for drug addicts to commit other offences in order to finance their very expensive addiction tastes. The Opposition also believes that the need of or any recommendation for psychiatric treatment by the person applying for bail should be a matter for consideration.

As I mentioned before, the Opposition believes that, where the accused person is granted bail, wherever practicable the alleged victim should be informed of that decision. I shall speak further in relation to the Opposition's rationale behind its suggested amendments when the Bill is at the Committee stage. The proposed amendments refer specifically to clause 10. Apart from those proposed amendments, the Opposition generally supports the legislation which will consolidate various requirements and aspects of bail in one Act, with the exception of matters dealt with in the Police Offences Act.

The Hon. G.J. CRAFTER (Minister of Community Welfare): I thank the honourable member for his contribution to the debate and for his foreshadowing the Opposition's amendments to be considered during the Committee stage. This is an important measure and has been the subject of considerable discussion in the community for some time. These matters have been the subject of substantial work by the Attorney-General's Department in concert with other relevant authorities over a considerable period of time in order to arrive at the present position where they are now before the Parliament.

The law relating to bail is very difficult indeed and, indeed, is difficult to administer. There must be a balance between the defendant's right to be presumed innocent until otherwise proven and the undeniable right that victims of crime, witnesses and other persons have to be assured that individuals who have been charged with offences are not allowed to continue that behaviour in the community. Therefore, the courts have a difficult task, as do the bail authorities where power vested to decide on these matters is with an authority other than the courts. This matter also flows to the Government's building a major bail detention centre in the city of Adelaide which, I understand, will cost some $12 million. This legislation will help in the administration of that new bail centre. I will not debate this issue at length, and in Committee I will answer the amendments that the honourable member has foreshadowed.

Bill read a second time.

In Committee.

Clauses 1 to 9 passed.

Clause 10—'Discretion exercisable by bail authority.'

The Hon. H. ALLISON: I move:

Page 4 after line 39—Insert new paragraphs as follows:

(da) any psychiatric treatment that the applicant may have received or may require;

(db) any previous conviction of the applicant for an offence;.

After line 40—insert new paragraph as follows:

(ea) any addiction of the applicant to a drug.

After line 46—insert new subsection as follows:

(1a) Where an application for bail is made under subsection (1) and there is a victim of the offence in respect of which the applicant has been taken into custody, a bail authority should, as far as may be reasonable in the circumstances of the particular case—

(a) allow the victim or his legal representative the opportunity to make submissions in relation to the application for bail; and

(b) if the bail authority decides to release the applicant on bail—inform the victim of that decision.

My first amendment does not need a lengthy explanation. If a person has been receiving psychiatric treatment, or may have been recommended to receive psychiatric treatment, obviously the physical and mental condition of that person may be very relevant to the argument as to whether bail should or should not be granted.

It may be that a person in need of psychiatric treatment is prone to violent actions and reactions when granted bail and that an alleged victim may be in some danger as a result of that person having been freed after experiencing the trauma of going to a court and being charged. Also, we believe, while that may notnecessarily apply in every case of a person having received psychiatric treatment, at least it should be supported in the Act as one of the conditions required for consideration before bail may be granted.

Similarly, any previous conviction of the applicant for an offence should be taken into consideration, particularly if that the person is prone to violence. For example, the person may have breached bail on previous occasions by violent or any other type of behaviour which may be relevant also to the granting of bail. We would like to see a new paragraph inserted after line 40 which relates to addiction to a drug. We move that in the belief that addiction to drugs is beyond any doubt an extremely expensive addiction and that the vast majority of people who are of impecunious means would have to resort to some illegal activities in order to obtain sufficient money for them to satisfy their addiction.

Therefore, we believe that a person's addiction to a drug should be taken into consideration in the belief that once they were granted bail there would be every chance that they would commit another crime in order to satisfy that craving, and craving it certainly is. I do not think being on bail would reduce a strong addiction to a drug.

As to inserting a new subsection (1a), we believe that alleged victims of crime have in the past been almost ignored in the granting of bail. The Victims of Crime Service has given instances of victims having travelled home only to find that the accused has already been released on bail, and has arrived home before him or her. In those circumstances, the alleged victim has not been informed of the release on bail and the bail authority has obviously not made any attempt to ensure that the accused also stays away from the victim. We believe that it is most important that wherever possible the victim should be informed of the release on bail of an accused person.

It is particularly relevant in cases of domestic violence, but also in forms of other violence, and there is a very real need to clarify the position of the victim in that context. The Victims of Crime Service also made the point, incidentally, that accused persons who are addicted to drugs and are readily granted bail, upon release do commit further offences to sustain their habit. That Service has ample evidence of that. The organisation is most concerned about it and has suggested to us that the question of addiction should be a relevant factor taken into consideration by the court in determining whether or not bail should be granted.

Mr BAKER: I support my colleague and the amendments before us. The Minister does not need reminding of some of the horrific offences that have been committed by people on bail. There are many wellknown cases where this has occurred. It is no consolation to people to think that a person who has been addicted has been released in the belief that that person is capable of conducting his own affairs without interfering with other people and that that person will not commit another offence whilst he is on bail. In many cases that belief is misplaced, and we have seen the results of that.

Sometimes I think that the Crown should be made responsible for its actions when these offences occur. On the other hand, to judge the merits of a bail application one has to concede that people on bail have greater access to legal representation and a greater ability to assemble facts and overall have a far better chance of defending themselves in court. There must always be a balance between the need to protect the community and the rights of all individuals. However, we have seen a number of mistakes made.

I refer particularly to para *(ea)*, which relates to 'any addiction of the applicant to a drug'. Recently, I returned from Singapore and Hong Kong. In both those places a person with a drug addiction is unable to obtain bail. For the edification of members opposite, if one is in Singapore and detected to have drugs, one is put into an institution for a period of two years without any rights. The interesting fact is that the programme has been ultimately very successful, but people lose rights in the process. I know that we are not going to suggest here tonight that people with drug habits should be thrown into an institution without a trial. However, in 1972 Singapore had approximately 2 000 heroin addicts. By 1977 that number had grown to 13 000 and was escalating at a mammoth rate, and they had to take corrective measures. They realised a number of things: one of which (and these comments can be applied also to Hong Kong) was that drug addicts have no concept of morality whatsoever; they are completely and utterly dedicated to meeting their habit requirements. That means that individuals' properties and businesses are at risk.

Both of those countries have deemed that, if you do have a drug addiction problem, the best and most positive means available is to put you under care and control. Admittedly, in Singapore they go to extreme lengths, but they have been very successful. In Hong Kong the detoxification period is between six and 12 months. The authorities recognise that it is wrong for a person with a drug addiction problem, having committed an offence, to be allowed out on the streets. They also realise that that individual is going to prey on the community and that ultimately that person will self-destruct.

The statistics in relation to heroin addicts are horrific. In Australia the relapse rate is probably of the order of about 90 per cent. The cost of drugs in Australia is enormously high, about four times the level in the Asian countries, yet even in the Asian countries they realise they have to remove these people from society, and that is done from the very beginning. They do not let the person out on bail so he or she can feed the habit and cause great physical and mental stress to victims. I wanted to mention that fact, because it is important. I hope that by the end of the year I will be putting forward some suggestions to the Parliament about the treatment of drug addiction in this State, and that some of those ideas will spread to other States of Australia. Sometimes we have to take away certain rights in order to be able to give rights to other people. I think most members of this House would recognise that a drug addict, until the problem has been overcome, is of no use to anyone.

As to the first amendment, involving paragraph *(da)*, there is no doubt that persons with reduced capacity have an inability to recognise right from wrong, and on occasions they do have relapses: under stress they do react quite abnormally. I believe that, if people have a psychiatric problem and that problem is seen to create a risk situation for the community at large, then they should also be assessed for that particular deficiency. That does not mean to say

that bail shall be refused, because the Act does not say so, but what it does say is that these factors shall be considered. I believe that the Minister should take on board the amendments moved by the member for Mount Gambier, because they represent very sensible suggestions as to how to improve the operation of bail.

There are a number of things which have an impact here. The Minister is well aware of some of the problems relating to absconding by people on bail, and I refer particularly to those who give a surety and have to pay for that surety. This in itself has created a number of problems, and a great deal more has to be done to assess the ability of people placing sureties before the court to pay. This is related to the Bill, because clause 10 (1) *(b)* canvasses the likelihood of absconding. When an offender has somebody else putting up the bail money, should the charge be serious enough there is a strong possibility that the person will abscond, whereas if their own money is involved it may be a different matter.

The final matter canvassed by the member for Mount Gambier is concerned with allowing the victim or his legal representative to make submissions. In terms of determining whether a person should or should not be released, that does not give the victim any legal rights whatsoever, but one of the things that we must remember is that, when a person has been apprehended—there is sufficient information for the police to arrest and it is deemed that that person is guilty of the offence yet to be proved—then the chance of the victim suffering from a further offence is considerably higher if the offender is at large rather than in gaol. That is a simple proposition.

Further, when the bail application is made the victim or victims receive no representation whatsoever. Nobody is there to protect their rights. Of course, in a court of law the prosecution is deemed to be acting on behalf of the Crown and not on behalf of the victim, because an offence has been committed under the law which we have prescribed in this Parliament. The very process of going through a court case means that the victim has a right to present evidence and invariably does so, yet in a bail application, when there is the risk of the person concerned reoffending and harming the victim again, the victim has no rights whatsoever. I think that the amendment does have some merit. I am advised that the Minister will not accept it, but I urge him to consider it a little more closely, and perhaps at some later stage serious consideration will be given to implementing it.

I believe that ultimately the victim's circumstances must be regarded as of paramount importance. I believe that the victim has more rights than the offender has. If there is in fact a risk to the victim because of the release of that offender, then that risk should be taken into account. In many cases the submissions put forward by the police or others do not take into account fully the circumstances applying to the victim. They are often based purely on the charges on which the person has been apprehended. Rarely, to my knowledge, is the victim consulted in this matter. The consultation takes place only as a result of the original charge and does not take account of the possible impact of the offender being released into the community whilst awaiting court proceedings.

I recommend all the amendments to the Committee: they are sensible and provide a check and balance for those people in the community who are often at risk. We have seen far too many cases in the past where innocent victims have become victims again because the Crown has failed to live up to its responsibilities. Perhaps if we introduced into the system the concept of legal liability on behalf of the Crown we would find that some of the decisions of the past would not have been made.

Mr MATHWIN: I support the amendments moved by my colleague the member for Mount Gambier, and I am surprised to hear that the Government has some doubt about them: I would have thought that it would readily accept these amendments.

The Hon. G.J. Crafter: Are you guessing?

Mr MATHWIN: No. The Minister is a legal man and has had vast experience in this field, and I would have thought that he at least would have had some feeling for the situation. There would appear to be no good reason why the amendments could not be accepted. Clause 10 deals with a number of areas and states, in part:

> the bail authority should, subject to this Act, release the applicant on bail unless, having regard to—

and it goes on to mention a number of facts and, finally, states:

> . . . the bail authority considers that the applicant should not be released on bail.

It then gives reasons. It fails to give the reason as mentioned in the first new paragraph of the amendments which provides:

> any psychiatric treatment that the applicant may have received or may require;

I would have thought that that would be important. The further new paragraph provides:

> any previous conviction of the applicant for an offence;

To me that is obvious. I have had experience in watching cases in court, particularly rape cases, and have witnessed the problems to which these victims, more than any other victims, are subject relation to the accused being released on bail. I could cite to the Minister some hair-raising stories that I have heard about young victims of this shocking offence.

I have a vivid recollection of one case, because I attended the court hearings on a number of occasions to try to give some support to this poor young victim. In her case she was raped by five people—a man, whose wife was present, and three or four others. That poor girl disappeared about 2 a.m. and finally the police caught up with the offenders in a flat where they were hiding at about 5 a.m. The police released this girl from this shocking situation in which she had found herself. Of course she was ill, was taken to hospital and eventually got home at about 11 a.m. the next day. The accused were released hours before that and were free in the street long before she got home. It does not stop there.

The big problem with this situation (particularly in this shocking case) is that, when she went out with her mother quite some time later, the accused were in public places with their friends and seemed to make an attempt to be where she was on the rare occasions that she did go out. They were there with their mates to leer at her. In fact, they were putting pressure on the girl as they were to be involved in the court case. I believe that that is shocking. In this case the Government had to find some financial aid to get the girl interstate and out of the way of these shocking people who were free to walk about the streets, apply pressure and upset her. She had to move interstate until the time of the trial. We know how such sagas work.

As we and the Minister well know, the criteria used in applying for bail are such that, if it is refused, offenders go to the Supreme Court to obtain an order. The argument generally is that, if they have been on bail, having previously been in trouble with the law, they have not skipped bail, have turned up at the proper time and always done the right thing. That procedure is wrong, especially in shocking cases. These amendments should be well received by the Government, particularly the new subsection proposed to be inserted after line 46, which provides:

(1a) Where an application for bail is made under subsection (1) and there is a victim of the offence in respect of which the applicant has been taken into custody, a bail authority should, as far as may be reasonable in the circumstances of the particular case—

(a) allow the victim or his legal representative the opportunity to make submissions in relation to the application for bail;

That is fair. I happen to be a member of the Victims of Crime organisation.

Ms Lenehan: So am I.

MR MATHWIN: I know that the member for Mawson has recently joined us.

Ms Lenehan: I have been in it for a couple of years.

MR MATHWIN: The honourable member has never had lunch with me at the annual luncheons. I appreciate that, at the end of last year, the member for Mawson was there, that she is interested in the matter and sympathetic towards it. That is why I would have thought that she would use her persuasive powers with the Minister and the Government to ask them to accept the amendment. They should have some input and consideration because, for far too long, the victims have been the ones who have really suffered, particularly with the shocking offence of rape. The victims of rape suffer more than anybody with people being allowed out on bail, especially those with previous records. The victims have rights and we should give them some protection from being terrorised (I use that word deliberately) to the point where they are is not able to go out into the street. That situation does occur.

If I am correct in my assumption that the Minister will not accept the amendments, I am more than disappointed. The Government may have reconsidered the situation. The final paragraph of the proposed amendment provides:

If the bail authority decides to release the applicant on bail—inform the victim of that decision.

That is imperative, and it is fair and right that that should happen. I cannot believe that the Minister would see anything wrong in that part of the amendment. If I sit down I suppose that the Minister will give us some explanation. To me it is obvious—

Mr Baker: He won't.

Mr MATHWIN: I think he will, because he is a reasonable Minister.

Mr Baker: He knows he is on a sticky patch.

The CHAIRMAN: Order! The honourable member should not lead the Minister.

Mr MATHWIN: True, and I would not do that. The Minister, being a legal man, can talk his way out of a paper bag. I ask that the Minister reply to some of the problems.

The Hon. G.J. CRAFTER: Honourable members have raised a number of issues which obviously concern them. The member for Glenelg has spoken on this matter in this Chamber on a number of occasions. This measure embodies the concerns that the honourable member has consistently raised. The unfortunate aspect of these amendments is that they are almost of a pedantic nature because, I believe, the intent raised by the honourable member is already covered in the legislation and is an attempt to repeat what is in the Bill. The points that have been raised will be covered by reading the legislation.

The amendments refer to clause 10 of the Bill, and I will try to give some explanation of these measures. First, the question of drug addiction and psychiatric treatment that the applicant may have received or may require was raised. There was a fear that a drug addict with a habit, if he is released on bail, will be driven by the habit to re-offend. Clause 10 (1) *(e)* provides that any medical or other care that the applicant may require is a matter that the bail authority must have regard to. That would certainly cover any psychiatric treatment that the applicant may have received or may require.

Concerning re-offending, under clause 10 (1) *(b)* (ii) the court would have regard to previous convictions of an offender before that bail authority. Of course, that is raised in bail applications that are opposed by the Crown, often in circumstances that honourable members have raised. Similarly for the amendment relating to line 40; any addiction of an applicant to a drug, would most certainly be covered in the provisions already existing in clause 10. In fact, it could be brought under a number of those headings.

I want to dispel any fears that honourable members may have that there is some laxity in the bail system. As I said during the second reading debate, this is a difficult area of the law to administer. One often finds that those people least expected to abscond on bail in fact do so, or some other unpredictable circumstance arises. I believe that this measure then provides some safeguards for victims and the community generally. I point out that in the review of bail conducted by the Attorney-General's Department, some work was done on the comparative rates of imprisonment on remand in Australia (these figures were obtained from the Australian Institute of Criminology).

It is interesting to note that South Australia is among the States and Territories with higher numbers of remandees in gaol per head of population than the national average, and among individual jurisdictions only the Northern Territory consistently has a higher rate. Honourable members can be assured that the system here is no more lax than in any other State, or that there are larger numbers; quite the reverse is the situation in this State. For example, Queensland has a much lower rate of retaining in custody persons brought before the courts than has South Australia. That State has vast distances, a very decentralised and a largely migratory population whereas South Australia is really a city State in many respects. Yet, our courts retain many more persons in custody.

Mr Mathwin interjecting:

The Hon. G.J. CRAFTER: No, it certainly does not. That is why this measure is before us and I believe it will substantially improve the current system and give that security to the community that the honourable member and others are seeking. With respect to the victims of crime and the submissions made on their behalf, the decisions to allow a victim of crime to appear is open to the bail authority. That is provided in clause 9 (1) *(a)*. But, to allow that situation to occur as of right, that is, in each case that it occurs, would cause considerable clogging up of the court system and delays in the courts. More importantly, the police or the Crown appearing before the bail authority on behalf of the State will, in appropriate cases, acquaint the bail authority with the circumstances and plight of a victim—and that is done every day in the court—whether in a rape case, an assault case or in some other situation, so that it is brought before the courts. It is the duty of those appearing before the courts to ensure that that is so.

Secondly, it confuses the function of a bail application if the views of a victim tend to go to the evidence to be adduced at the hearing of the actual charge. One can imagine a bail application becoming almost a hearing before a hearing; a totally undesirable development and one inconsistent with the presumption of innocence. So, there is the safeguard, with the filtering process of the police or the Crown, for the particular circumstances of the victim; in some cases, with the approval of the bail authority, the victim can appear before the bail application hearing. The victims' need for protection is a consideration in the exercise of the discretion (clause 10 (1) *(b)* (i), (ii) and (iii), and clause 10 (1) *(f)*). This is a matter raised on a number of occasions.

The police take particular account of this. I think honourable members who have had some contact with persons in these distress situations realise the valuable role that police play in difficult circumstances such as this. The Bill provides a review of decisions of bail authorities. It provides for techniques, for example, of telephone review where magistrates can be telephoned by an officer of the Police Force or a justice and an application can be made in that way for a review of a decision to grant bail. Secondly, the member for Glenelg has raised in this House the ability, on bail being granted, to appeal against that decision and for that person to remain in custody while the appeal is determined.

I believe that there is a substantial improvement in the law and its administration. It will give increased protection to the victims of crime and where the circumstances change—indeed, in the circumstances that the member for Glenelg has described to the House—further action can be taken to bring the matter before the courts. The fears raised with respect to matters that can be mentioned before the bail authority I believe, on the advice that the Government has received from its officers, are clearly covered in the legislation as it currently exists.

The Hon. H. ALLISON: The Minister appears to be sympathetic to the intentions of the amendments standing in my name in so far as he claims that what I intend is already covered in the legislation. Clause 9 (1) *(a)*, to which he refers, does not say that the bail authority should allow the victim or his legal representative to make submissions. It does not say that the bail authority should inform the victim of that decision: it simply says that the bail authority may make inquiries or direct that inquiries be made. It is a gentler, much less demanding condition than that which I am seeking to impose after line 46. Similarly, where the Minister refers to clause 10 (1) *(e)*, which refers to 'any medical or other care that the applicant may require', I maintain that medical care is not necessarily psychiatric care and that, in any case, the psychiatric treatment which the applicant may have received and which is the subject of my amendment, is not referred to in clause 10 (1) *(e)*. Therefore, any psychiatric treatment that he has received is completely ignored in clause 10 (1) *(a)*.

I cannot see in any of those subclauses a specific reference to psychiatric treatment being considered; nor is there any requirement of the court to take action to allow automatically the alleged victim, through legal representation, to oppose the bail application. In that sense, I believe that however sympathetic the Minister may claim to be, however much he may claim that the legislation already covers the requirements in my amendments, they are certainly not adequately covered.

Mr BAKER: The Minister has said that it is already covered. I make the point that that is not necessarily so. If we are going to put in principle what we believe should be in legislation, let us see it in legislation; let us not say, 'We think it is covered; it is somewhere in there and should be under this area.' We do not direct the courts in their interpretation of what we mean. If the Minister believes that we are making a good point, let him accept it as part of the legislation. If he believes that it is not a point worthy of consideration, let him say so. It is no good to me or anybody else for the Minister to say, 'We think it is there and it is covered.' It has to be a clear direction for the courts.

In this situation we have made it clear to the Minister that we believe it should be part of the legislation. If the Minister sees merit in it, let us have it in. It does not restrict the courts in granting bail. It says, 'It shall be considered.' What we are giving is a check list of the things that should be considered, one of which is the victims, who, rather than featuring in clause 10 (1) *(a)* are mentioned in clause 10 (1) *(c)*.

However, leaving that aside, a different importance is placed on that in the legal eyes. I believe that the victim is most important, but perhaps other people believe differently. By putting those things in the legislation, we are giving a clear direction to the court that we believe they are important. The member for Mount Gambier has already pointed out that there is no reference in the provision to psychiatric treatment. It certainly does not come under 'medical treatment' or 'physical protection'; it probably comes under 'other care', but we are not sure what that means.

Mr Mathwin: That's what the lawyers find out.

Mr BAKER: Yes indeed. Perhaps we should write them all a letter. Regarding drugs, I believe that *prima facie*, once a person has committed an offence and that person is subject to drug addiction, he should not have any rights to bail, because the risk factor with these individuals through diminished responsibility is enormous.

An honourable member: What about people who smoke? Will you keep them in there, too?

Mr BAKER: We have made laws which say that if one is drunk one is a menance on the road. *Prima facie*, we believe that a person who is under the influence of alcohol is not capable of driving a car. Statistics show that people who have drug addiction problems are ultimately so subject to criminal behaviour that they must be removed and not allowed bail. They have diminished responsibility, just as a person under psychiatry has diminished responsibility.

The Minister cannot say, 'We think they are covered somewhere.' Does he deem that a drug addict is in need of medical treatment? I do not know whether he deems that to be so. If the drug addict says, 'I need another fix,' who decides whether medical treatment is needed? Do we ask for a medical examination for every person before the courts?

An honourable member: Adolf Hitler said certain people shouldn't have rights.

The CHAIRMAN: Order!

Members interjecting:

The CHAIRMAN: Order!

Mr BAKER: It is simply not good enough for the Minister to smile and nod and say, 'It is all covered.' He can make up his mind and say, 'We agree with you and we will put it in because we believe it is important for the court to take it into account.' On the other hand, he could say, 'You are on the wrong track. You can tell the victims of crime that we do not believe in this.' If the Minister thinks that he can sell that, that is fine, but he should not nod at us and say, 'We will not include it because it is somewhere there and we really do not want the courts to take a great deal of notice of it.' As I have said, it is time that, if this Parliament believes in something, it should include it in the legislation.

Mr MATHWIN: Although we have had what one would term a reasonable explanation from the Minister, I must admit that, if we gave marks for trying, we would give him about seven out of 10. It does not satisfy me, and I am sure it will not satisfy the public or those people who are unfortunate enough to be in a situation where they or any member of their family or friends have been a victim of a crime, particularly in the area of rape.

The Minister has said he believes that the matter is covered. In a couple of instances he tried his best to say that, but in actual fact he did not point specifically to where the matter was covered. These amendments to the Bill should be made because then there would be no doubt at all about the intent of the law. These matters would not be left to guesswork and to barristers and solicitors to argue out while nitpicking about the meaning of words, and so on. That cannot occur if matters are clearly written into law. This should be the case in regard to legislation relevant

to the more shocking crimes, particularly rape. This may sound very funny to the member for Florey, but my colleagues and I certainly do not find it funny, and I am sure that many of his colleagues would not find it funny.

I agree with all the amendments, but there are some that perhaps have more merit than others. Some consideration should be given to the victims of crime. It is all very well to say that there are a number of provisions in the Bill that it is hoped will cover contingencies related to that. Clause 10 (1) refers to a person's absconding while on bail, and further reference is made to 'any previous occasions on which the applicant may have contravened or failed to comply with a term or condition of a bail agreement'. That is a criterion stipulated in law at present. The Minister maintains that we are improving the law. Perhaps it is being improved to some extent, but we are not improving it sufficiently. The law should be specific so that there is no doubt at all and so that legal eagles cannot break it down. The law in relation to victims of crime must enable them to get as far as they can and give them a chance of being successful in their representations. I am surprised and disappointed that the Minister will not accept the amendments.

The Hon. G.J. CRAFTER: Information received by the Government as to the interpretation of the meaning of these clauses has come from the best authorities in this State. The members for Glenelg and Mitcham are arguing about the meaning of certain words. They are saying, in effect, that their interpretation of the wording and the content of the clauses is superior to that of the professional people whose work it is to write the law that we are asking the bail authorities, the court generally and the legal profession to interpret in the interests of the community as a whole.

The Government has considered very seriously the submissions that have been made by the honourable members and those whom they represent and the submissions made by organisations to the Government over a long period of time. The Government believes that the formula of words decided upon is not only correct, but also sufficient to cover the circumstances to which the honourable member referred.

Mr Mathwin interjecting:

The Hon. G.J. CRAFTER: They are the matters about which we are talking, namely, the interpretation of the clauses relating to psychiatric treatment, what is the meaning of medical and other care, and what are other relevant matters that must come before the courts, and so on. I believe that those words, clauses and that understanding is settled at law, and that the fears expressed by the honourable member are unfounded.

Obviously, there will probably be some disappointments to some groups in the community who want this legislation to contain other provisions, such as those to which some honourable members have referred but which have not been included to the extent that they would have liked. I refer, for example, to the absolute right for a victim to appear in a court before a bail application. I have explained to the House why that is not appropriate, not just in a general sense but also in the interests of a victim. I believe that, where that is required, it can occur and the proper processes of law will apply.

But, more than all that, I point out that there is now built into this legislation review rights which can allow for many of the circumstances that cannot be predicted by an authority but which do arise at a later stage. They can be dealt with very speedily and I believe very efficiently. I believe that that will provide that security that is being asked for on behalf of victims of crime in this State. I think that members' fears will be allayed after the passage of this measure in its current form.

The Committee divided on the amendment:

Ayes (21)—Mrs Adamson, Messrs Allison (teller), P.B. Arnold, Ashenden, Baker, Becker, Blacker, D.C. Brown, Eastick, S.G. Evans, Goldsworthy, Gunn, Ingerson, Lewis, Mathwin, Meier, Olsen, Oswald, Rodda, Wilson, and Wotton.

Noes (24)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Crafter (teller), M.J. Evans, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Majority of 3 for the Noes.

Amendment thus negatived; clause passed.

Remaining clauses (11 to 26) and title passed.

Bill read a third time and passed.

STATUTES AMENDMENT (BAIL) BILL

Adjourned debate on second reading.

(Continued from 19 February. Page 2619.)

The Hon. H. ALLISON (Mount Gambier): This legislation, which is largely consequential upon the Bail Bill which has just passed through this House, seeks to amend the Children's Protection and Young Offenders Act, 1979; the Justices Act, 1921, the Local and District Criminal Courts Act, 1926; the Offenders Protection Act, 1913; the Police Offences Act, 1953, and the Supreme Court Act, 1935. Since it is consequential upon the preceding Bill, we support the legislation.

The Hon. G.J. CRAFTER (Minister of Community Welfare): I thank the Opposition for its support of this measure which, as the honourable member has explained to the House, is consequential upon the Bill just passed.

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

ADJOURNMENT

The Hon. G.J. CRAFTER (Minister of Community Welfare): I move:

That the House do now adjourn.

Mr GUNN (Eyre): I am pleased to have the opportunity to say one or two things in this adjournment debate. The first matter to which I refer is an article that appeared in the *Review Times Record* of Thursday 7 February indicating to me that a visit had been made to my district by the Minister of Tourism and his committee. I know that this Government does not have many principles, but those members, including the Secretary, who is in the Chamber, displayed a complete lack of courtesy in not carrying out what I was led to believe was a normal courtesy of informing the local member of such a visit. We have on record the member for Mawson, Miss Lenehan (or Ms Lenehan, however she likes to be described)—

Mr Ferguson interjecting:

Mr GUNN: You take that up with them: I am taking this matter up on this occasion with the honourable member who opened her mouth, and I have one or two other things to say.

Mr Ferguson interjecting:

The SPEAKER: Order! The interjection is out of order.

MR GUNN: I want to make it very clear to the honourable member that I will be noting very carefully how she and her colleagues vote on a number of matters that I have on the Notice Paper. The honourable member was reported as

having said that they were looking at funding. I have drawn to the attention of the Minister of Tourism, the Minister of Mines and Energy and the Minister of Transport all the particular matters to which the honourable member referred in this article, and I am looking forward to their support when the House is called on to vote on Order of the Day: Other Business No. 14, standing in my name, relating to excessive electricity charges.

Order of the Day: Other Business No. 15 calls on the Government and the Electricity Trust to extend 240 volt power up to Wilpena and Blinman. The honourable member had a chance to speak on that in the last session of Parliament but was absolutely silent, as were the others. The Minister has not completed his remarks, nor has he given any positive undertaking to carry out that project. I want to draw the attention of Government members to the motion by the member for Davenport relating to funding for country roads. Also, I want to draw the attention of the member for Mawson and the Minister who was up there to my motion dealing with extra funds to assist with uneconomic water schemes and thereby solve the water quality problems at Hawker. They are just one or two of the matters that I have drawn to the member's attention. I have made continual representation in relation to the old railway station. I have been involved—

Ms Lenehan interjecting:

The SPEAKER: Order! The honourable member for Eyre has the floor.

Mr GUNN: I am not frightened of the member for Mawson, but I want to put the record straight because, when reading this document, one would think that the member for Mawson was the only one who has ever done anything in relation to these matters. I want to clearly set the record straight and make sure that the people who read this paper they know that the matters to which the honourable member referred have been brought to the attention of the House at great length on many occasions.

An honourable member: *Ad infinitum.*

Mr GUNN: If the honourable member wants to interject out of his seat he can do want he wants.

The SPEAKER: He is certainly not in order, and I hope that the honourable member does not reply.

Mr GUNN: I think I have said enough in relation to that matter. I shall be bringing this to the attention of the Hawker District Council and of Mr Ashenden, whom I knew before the honourable member even thought of coming into this Chamber. He happened to be the Assistant Clerk of the District Council of Streaky Bay prior to 1970, when I was a member of that council.

I will explain to him in great detail in a day or two how hypocritical it is, and I intend to supply copies of the Notice Paper for this session, and particularly for the last session. I will explain to those people how hypocritical these people are, because many of them voted against these propositions, when we could have had the matter tied up once and for all.

I want to refer to one or two other matters. We cannot really have in this country a debate that has been fuelled by the Federal Minister for Primary Industry, Mr Kerin. He has been attempting to convince the Wheatgrowers Federation and those people involved in the industry that grower representation on the Board should be reduced. To my understanding, ever since it has been operating the Board has had on it two grower members from each State.

They have done an excellent job. There have been some problems, but considering all matters I believe the Wheat Board has done an exceedingly good job. It is essential that a large organisation such as this does clearly understand the wishes and needs of the industry. It has had that understanding in the past, because there have been two grower members elected to the Board. This proposal to reduce that representation is not only uncalled for but would be completely unfair, unreasonable and unnecessary, because the Federal Minister is not in a position to put forward any evidence which would justify the course of action that he aims to take. I call on the South Australian Minister of Agriculture, the Hon. Mr Blevins, to strongly support the stand taken by the United Farmers and Stockowners and other people in the industry to maintain adequate grower representation on the Australian Wheat Board, not only from South Australia but from the other States.

The other matter I wanted to raise—and I am pleased the Minister of Water Resources is here—is that I had drawn to my attention yesterday a matter concerning a constituent who is having problems with the Minister's Department. This constituent owns land which joins the Eyre Highway on the outskirts of Ceduna. He has a proposition before the Engineering and Water Supply Department to subdivide four blocks into five-acre allotments for commercial development. He has the support of the District Council of Murat Bay, and directly behind that land is another portion of land that has been set aside for future housing development.

At the time of his first application to subdivide, there was water to the first lot of blocks, but it was necessary for him to put water on to the back blocks and that involved a considerable exercise. As he does not wish to do that, he is quite happy not to proceed with that suggestion. However, in relation to the front blocks where the water is, the commercial sites, he is most concerned that he has been told by an officer of the Department that the proposal could take months and months. I will provide the Minister tomorrow with details of this matter. This constituent, whose name is Mr McCormick—and the officer of the Department will know what I am talking about—has often had discussions with officers and they do not appear to understand how urgent the matter is.

I thought in this State that we wanted development. BP is currently waiting to assist a local to develop a large depot complex which is long overdue and which will be an asset to the area. I am surprised that this sort of unhelpful attitude would be taken. I suggested to the gentleman that he take a certain course of action, and I will follow the matter up with the Minister and perhaps the Director-General tomorrow.

I conclude by making one or two very brief remarks about the unfortunate situation in which I found myself in relation to having my telephone tapped or recorded by the Director of Country Fire Services. I may have been rather naive, but in my time in Parliament I never once suspected that a public servant would record a telephone conversation with a member of Parliament who was acting on behalf of his constituents, passing on information and trying to solve what was a rather difficult situation. Even worse than that, without that person's consent, to have that information transmitted to other people is reprehensible, and I think it is far below the standard that we should accept in this community.

I believe it is not only morally wrong, but there is no justification to illegally record anyone's telephone conversation unless done in the course of apprehending criminals. I am concerned that not only was my telephone conversation recorded, but as I understand it recordings have been made of the telephone conversations of every person who has made contact with the Country Fire Services, even if it is a solicitor acting on behalf of clients who may have been affected by bushfires. Who else has had access to those telephone conversations? How many other people in this State have had their telephone conversations transmitted to other people by this organisation?

The SPEAKER: Order! The honourable member's time has expired.

Mr PLUNKETT (Peake): I rise to bring to the attention of the House the situation in relation to bread pricing in the State of South Australia. I did raise last Tuesday the matter of the control of bread pricing, but at that stage there was not enough time available to delve into the facts and figures. Over the past 15 months in Australia there have been increases in bread prices of up to 12 cents. That is a large increase in the price of a loaf of bread. Anyone who does not realise the enormity of this increase does not deal with people who are only battlers and who do not receive high incomes. Every time the price of bread is increased it causes great hardship for these people.

In 1983, the Secretary of the United Farmers and Stockowners, Mr Neil Fisher, and the Secretary of the Millers Produce Company both said that the increases would apply from the following Monday. That announcement was made on the Friday and that involved an increase of 2 cents. After researching the matter further, I was very interested when our Federal Minister, Mr Kerin, announced last September that bread prices could fall by more than 2 cents a loaf because of the drop in wheat prices of $24.16 a tonne compared with 1983-84 prices.

I would first like to point out that the decrease was $24.16 when the Federal Minister made this announcement. When the price was increased by 3 cents in December 1983, the Secretary of the Millers Produce Company and the Secretary of the United Farmers and Stockowners said that, because of an increase of $15 per tonne in the price of wheat, there would be an increase of 3 cents, so there is an extra cent and a very big difference in the margin. I am very concerned that these people, who are supposed to be very responsible people, can make these statements.

There is also a further discrepancy, in that after the Federal Minister announced that there would be a decrease in the price of bread, the same people, immediately said, 'No, that cannot apply; because we buy our flour 12 months in advance this means there will be no effect on the price of bread.' I have never professed to be a Rhodes scholar, but I can work out that, when bread is to go up, it goes up immediately; there is no mention made of stocks bought 12 months ago at a lower price. Of course, when it goes down they say that it cannot happen. All my researches indicate that that has never happened. I have not seen an instance where the bread price has gone down. The other day yet another increase was announced. There have been no wage rises, so they cannot say that an extra 2 cents per loaf was due to wage increases.

Members opposite might think that 2c is not very much. I assure them that it is a very big concern in my electorate. I have many constituents who have come to me about the problem and have asked me to bring it to the attention of the House, as I did last week. When I did so, I heard interjections from members opposite, although I did not answer them. They asked whether I knew that there was a bread war and that that it was being sold for 49c at Bi-Lo. I do know that in the *News* there were headlines about the bread war and bread for 49c. However, it was half a dozen loaves of bread somewhere at Blackwood. Coles, Woolworths and Bi-Lo said that they would not drop their prices in town. One can get it for 69c—that is the cut price for bread.

Last Friday night I went with a constituent to four suburbs, and there was no bread for 69c at any place that we could find. Signs advertise that, but it is virtually false advertising, as there were only one or two loaves for 69c and that was all gone. There was a bit of stale bread for 89c. I know that was stale, because I bought a loaf to prove that that was the case. This is one of the reasons why the Bill should have gone right through in the Upper House the other day. I have been told that it did not go through because of the opposition to price restriction. They have still got it in their hands to be able to control the price of bread. As far as the war goes, that is all right. They can say that one does not have to pay $1 a loaf for bread, but tomorrow we will be paying $1. I cannot see why these people should have it within their power to do this. Further, 500 000 loaves of bread are dumped every week—a disgrace.

Mr Ashenden: You count them, do you?

Mr PLUNKETT: If the honourable member reads the paper, as I am sure he does to ascertain whether there is anything in it about himself, he will find that 300 000 loaves a week, or up to $1 000 000 worth of bread a year, is disposed of. The people who manufacture the bread have said that that is incorrect and did not apply. When asked by reporters what was the wastage, they were not prepared to say. It is in that vicinity—if not why do they not tell people?

We talk about Third World countries and starving people. I am referring to the starving in Australia. Many people can use that bread. One only has to go down to the Salvation Army centre in Light Square, where people are destitute, have no money or maybe are one-parent families and are there to get a bowl of soup or a bit of stew. They would appreciate a bit of day old bread. They are not living the same way as are 47ny people, particularly members opposite. It is a disgrace for the people who speak against the prices legislation in the Upper House and do not let it through. They have now said, and the Liberal Party and the Democrats have agreed, that the Labor Party was correct. They were correct in saying that bread should not be dumped. It is a disgrace in anyone's language.

That situation will change, as should the price change. The worry gets back to me. How is it that the managers of Woolworths, Coles, Bi-Lo and other big bakeries can set a price? They do not reduce the price, but are prepared to put it up. If anyone can answer that, I ask them to. I will leave it to the member for Todd to bring back an answer. He can get on his feet tomorrow and tell me why we have to put up with that in South Australia.

The SPEAKER: Order! The honourable member's time has expired.

Mr MEIER (Goyder): I address my remarks in this debate to the situation of the proposed introduction of 50 mm metered water hydrants to be in use after July of this year. This matter has a history to it and goes back to over a year ago, when the Local Government Association put out a letter to all town and district clerks, stating that a new policy was approved in principle by the Minister of Water Resources. The writer had been requested to let councils know of policy changes which were then stated. The principal change was that 50 mm metered hydrants would continue to be used, but its issue would be restricted for specific purpose, time and locations. Its use and issue would be controlled more stringently than hitherto. The letter then set out the amount of money needed to hire the hydrant.

The second one is of principal concern to me, namely, the 25 mm metered hydrant, which will be introduced with a view to replacing the black unmetered hydrant. Issue will be made relatively easy from any departmental depot and its use will be more flexible. Again, the letter goes into rates of charge per annum. The third statement is on a black unmetered hydrant, which will be withdrawn from service. The black one at present is a 50 mm metered hydrant, and a red unmetered hydrant will cease to be issued from July of this year.

A further letter dated 4 June 1984 from the Engineering and Water Supply Department was brought to my attention.

The letter tended to complement aspects put forward by the Local Government Association. The letter states that a study of hydrant use was carried out, that new policies and procedures were developed and that it is intended that they be implemented in July 1985. That letter too, then goes through the new proposals.

The reaction I had from councils in my electorate—there are some 12—was, in the main, very negative. I refer to one such letter from the District Council of Riverton, the first council that bought the matter to my attention. I am in receipt of a copy of a letter addressed to the Chairman of the Hydrant Use Committee. The copy was provided to me and states:

I have been directed by council to indicate their very serious concern and objections to the proposed changes in policy relating to the use of hydrants. First, the proposed change in policy will considerably increase council's annual roadworks expenditure and this will obviously reflect in increased rate charges. Secondly, my council find it very difficult to reconcile the department's objective in that they wish to conform with the 'user pays' principle when on the other hand they are not required to pay council rates on the majority of their properties.

Further in the letter the following is stated:

My council in fact wonders whether Country Councils are not now being doubly penalised by the State Government for the generally unsatisfactory condition of local district roads. Firstly, because insufficient funds have been provided over the past years to enable councils to bitumenise at least some of the more heavily trafficked rural roads and now secondly by increasing the cost of maintaining these same roads through hydrant and water charges.

Other councils wrote letters to me expressing their concern.

Despite the first letter from the Local Government Association, it seems that that Association is now very concerned about the implications of the new metered hydrant proposals. The most disturbing factor was brought to my attention recently following tests carried out using a made-up hydrant, and I refer to details provided to me on this made-up hydrant. The person who conducted the tests did so using a 13 kilolitre road water tanker in January of this year and the results are stated. First, using a made-up 25 mm metered E&WS hydrant (that is a standard 25 mm hydrant with a 25 mm Dobbie Dico meter attached), the time taken to fill the tanker was 1½ hours.

Secondly, using the standard E&WS issue black unmetered hydrant, filling time was 12½ minutes from the same main. If we consider that the cost of the water as quoted by the letter from the E&WS half-way through last year was 45c per kilolitre, and add the cost of labour, the cost of the water, not including delivery, increases phenomenally. Consider 1½ hours of labour at $13.50 per hour plus 13 kilolitres of water at 45c per kilolitre, which is $2 per kilolitre to the council. That is using the new metered hydrant. When using the old hydrant currently in use, it takes 12½ minutes of labour at $13.50 per hour plus 13 kilolitres of water at 45c per kilolitre which gives a figure of 67c per kilolitre.

However, those tests were conducted with a flow rate of 150 litres per minute through the pipe to which the hydrant was attached and the approved flow rate for the new meter is to be between 55 and 68 litres per minute. That being the case, we find the following sum: 13 kilolitres of water at 45c per kilolitre plus 3.18 hours of labour (a huge increase in time) at $13.50 per hour gives a total cost to the council of $3.75 per kilolitre, a rise from 67c per kilolitre to $3.75 per kilolitre, which is a 459 per cent increase in the cost to the local council.

This is a proposal which will come into this State in July of this year, and it is time everyone in South Australia was made aware of the facts. I point out that the hydrant used for the test might be different from the proposed issue hydrant, although I feel that any variations will be minimal because one 25 mm pipe would, by and large, be the same as another 25 mm pipe, whether it has a meter attached or not. If these figures are correct, and whatever the case, there is going to be a huge increase, the rates are going up phenomenally and the costs of roadmaking will increase terrifically. A suggestion in an earlier letter that councils, when charging for roadworks for the Government add a surcharge, is simply going to add to rates for the people of South Australia—

The SPEAKER: Order! The honourable member's time has expired.

Motion carried.

At 10.5 p.m. the House adjourned until Thursday 21 February at 2 p.m.