HOUSE OF ASSEMBLY

Wednesday 3 April 1985

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

PETITION: LIQUOR LICENSING BILL

A petition signed by 127 residents of South Australia praying that the House amend the Liquor Licensing Bill to allow clubs to purchase liquor from wholesale outlets and provide for the sale to members of packaged liquor for consumption elsewhere was presented by the Hon. D.C. Wotton.

Petition received.

PETITION: NOARLUNGA LAND

A petition signed by 56 residents of Hallett Cove praying that the House urge the South Australian Housing Trust to retain, as reserve, land within allotment 3, part section 478, hundred of Noarlunga, or, alternatively, develop only 30 per cent of the site as a public housing estate was presented by Mr Mathwin.

Petition received.

PETITION: CAPITAL PUNISHMENT

A petition signed by 1 056 residents of South Australia praying that the House support the reintroduction of capital punishment in South Australia was presented by Mr Peterson.

Petition received.

PETITION: OPEN SPEED LIMIT

A petition signed by 425 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 the Hon. D.C. Brown.

Petition received.

MINISTERIAL STATEMENT: ZOO ANIMAL KILLINGS

The Hon. G.F. KENEALLY (Minister of Tourism): I seek leave to make a short statement.

Leave granted.

The Hon. G.F. KENEALLY: I am sure members of the House and the people of South Australia will be relieved to know that earlier today two 18 year old males were arrested by police and will be appearing before a court this afternoon charged with offences related to the recent killing of 64 animals at the Adelaide Zoo.

PORTER BAY MARINA

The SPEAKER laid on the table the following report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Port Lincoln: Porter Bay Commercial Marina (Construction).

Ordered that report be printed.

PUBLIC ACCOUNTS COMMITTEE REPORT

Mr KLUNDER brought up the 38th report of the Public Accounts Committee which related to the management and operation of the light motor vehicle fleet of the Department of Agriculture.

Ordered that report be printed.

QUESTION TIME

The SPEAKER: Before calling on questions, I indicate that in the absence of the Deputy Premier questions relating to industry should be directed to the Minister of Public Works and questions relating to the Chief Secretary's portfolio should be directed to the Minister of Tourism.

TAXATION

Mr OLSEN: Is the Premier now in a position to give a clear and unequivocal commitment to introduce tax relief from 1 July? The outcome of the Grants Commission Report is that South Australia is more than $65 million better off than the Premier suggested we would be only six weeks ago. In my response to the report, however, I have pointed out that it is only the first shot in this year's fight over Commonwealth-State financial relations—that the Commission's recommendations have first to be accepted by the Commonwealth, and then the Commonwealth has to agree to maintain its funding of the States in real terms before we can be confident of an adequate deal from the Premiers Conference, concerning which the Prime Minister and Federal Treasurer have indicated there might be a reduction. South Australia will need an extra $60 million from Canberra in 1985-86 just to maintain this year's funding in real terms.

The Premier, however, has completely misrepresented my statements and, in doing so, has implied that he had already been told what South Australia will get from the Premiers Conference. In making tax relief conditional on more Commonwealth funding, the Premier has also ignored the extra capacity his own revenue raising gives him for tax cuts in an election year: for example, stamp duty windfalls this year and last have brought in $50 million more than was budgeted for. Some of this extra State revenue also should be channelled into tax relief, rather than higher Government spending.

The Premier's criticism of my response to the Grants Commission Report suggests he has made a deal with Mr Hawke in an attempt to save his electoral skin. This, together with the substantial extra State revenue from stamp duties, means that the Premier should be in a position now to give a firm commitment to tax relief from 1 July.

The Hon. G.F. Keneally interjecting:

Mr OLSEN: I remind the Minister of Tourism that I am asking for tax relief from 1 July and, for the past 2¼ years, have consistently called for tax relief from this Administration which has taxed South Australians higher than any other Government in South Australia's history.

The Hon. J.C. BANNON: I will ignore the nonsensical rhetoric with which the Leader of the Opposition concluded his remarks. I have made clear throughout that what the Government did in terms of getting its house in order in revenue raising was what was necessary for the financial viability of this State and that, as soon as our position was such that tax relief could be made available, it would be made available. There is no question of that; it has been unequivocal. Nothing that I have been saying in recent weeks differs in any way from that commitment made at

the time of our review of the State's financial position in December 1982, and that ought to be remembered.

I also point out that, if members read the Grants Commission report (I hope the Leader of the Opposition has a chance to do that in the not too distant future so that he can get his facts right), they will see that one of the factors that the Commission must consider is the revenue raising capacity of the State and its degree of self-help, because the Grants Commission has said throughout that, if a State seeks to take the easy option of lowering its revenue base and then expects the rest of the Commonwealth to pick up the tab, it is simply not going to succeed. It is very interesting when we hear those boasts from the State of Queensland (and they have been consistent) about what a low tax base it has: in fact, per capita its tax base is not very much less than South Australia's but it makes these boasts (the figures are in the Grants Commission report, and I invite the Leader of the Opposition to look at them) that its per capita tax base is not much lower than South Australia's, and South Australia is fourth in the pecking order with Queensland fifth. For all those boasts, the fact is that Queensland's unwillingness to use the capacity it has will count against it, and rightly so. The South Australian Government, in putting its finances in order, put itself in a position to get recognition from the Grants Commission.

Members interjecting:

The Hon. J.C. BANNON: I know that that is a cause of some concern to members opposite, but those are the facts. In answer to the Leader of the Opposition's question, I will not and cannot give such a commitment. The Leader of the Opposition knows very well that that is the case.

Mr Olsen interjecting:

The SPEAKER: Order! I call the Leader of the Opposition to order. He has now interjected on several occasions.

The Hon. J.C. BANNON: The Leader does not like what he is hearing on this topic. My answer is that I will not make that commitment. I have said throughout that the only way in which we can ensure that revenue reductions can occur in South Australia will be when we are certain of our financial position. A key to that is the result of the Commonwealth-States tax sharing agreement and South Australia's share under that. Is the Leader, on the one hand, asking for a clear unequivocal commitment that these things will happen from 1 July and then, on the other hand, saying, 'I understand that this is only the first round; we still have to go to the Premiers Conference, and the final decision has not yet been made'? In saying that—

Members interjecting:

The SPEAKER: Order! I have no alternative but to warn the honourable Leader.

The Hon. J.C. BANNON: Members opposite are in trouble on this one. In saying that, the Leader of the Opposition was in fact answering his own question. Look at this extraordinary statement. It is interesting that the Leader says that, on the basis of the Grants Commission report, we will be $44 million short, and then in this House today he demands that I give an unequivocal commitment to reduce tax from 1 July. What a lot of nonsense! His original statement was nonsense and, equally, the statement he made on the following day was nonsense. It is about time that he got his facts straight and did not do these 180 degree turns based on ignorance. It is no surprise that his own Party will not trust him to be shadow Treasurer. He will not be given that portfolio, and the member for Light acknowledges that.

I notice that the member for Light did not give his response to the Grants Commission report. The fact is that within about six hours the Leader of the Opposition was saying that we were $44 million short and then changed his mind on the next day and said, 'We seem to have done well, so there should be an immediate tax reduction.'

Neither of those statements is true. First, we must go through the process of the Premiers Conference and the tax sharing grants, and the Government must compile a Budget and be sure of its financial position. Secondly, the Grants Commission report, as it is, appears to be favourable to South Australia, but there are many other considerations and many other areas of payment to the States, all of which must be adjusted. We are not a high-tax Government.

Mr Becker: You told the finance conference that we are overtaxed.

The Hon. J.C. BANNON: This jocularity is to hide what I would have thought was the total embarrassment of those opposite at the position in which they find themselves. As I told the conference (and I invite the honourable member to study my speech), the level of taxes in Australia is too high and needs adjustment, especially as to income tax. South Australia, in comparative terms, sits fourth on the table: that is the position in which it should be.

Members interjecting:

The SPEAKER: Order! I call the honourable member for Torrens to order. He has consistently interrupted over a long period.

The Hon. J.C. BANNON: I have effectively answered the Leader's question. Members opposite have severe problems in this area. I hope, in contrast to what we have seen over the past few months, that we will get support from members opposite in our efforts to get a fair share of Commonwealth funds and not have the undermining white-ant tactics that are taking place.

STRANGERS GALLERY

Mr TRAINER: In view of the editorial in yesterday's *Advertiser* which referred to the 'quaintly named Strangers Gallery' and which implied that last week's unfortunate disruption took place in 'a public place', will you, Mr Speaker, consider the suggestion in a letter to the Editor yesterday that 'this name should be changed to Public Gallery or Visitors Gallery'? I ask members opposite for tolerance, as this touches upon important matters of privilege. The title 'Strangers Gallery' is one we have inherited from the mother of Parliaments. Any person within the precincts of Westminster who is not a member of the House of Commons or an officer of the House is officially regarded as a stranger and the cry 'Hats off strangers' is used to herald the approach of the Speaker in procession. Any member of the House of Commons wishing to clear the galleries simply pronounces the words 'I spy strangers,' whereupon the Speaker puts the question 'That strangers do withdraw'. Indeed, in 1875 even the Prince of Wales was obliged to leave the Commons gallery in those circumstances. A reference book on this subject states:

> The official use of the word 'stranger' is yet another symbol of the ancient privileges of Parliament, implying as it does the distinction between a member and a non-member and the fact that an outsider is permitted within the confines of the Palace of Westminster on tolerance only and not by right.

Similar traditions apply here. For example, Standing Orders 81 and 216 entitle strangers to be cleared from the gallery, while Standing Orders 79 and 80 limit the admission of strangers. The Strangers Gallery is located within the Chamber's four walls and as such is part of the Chamber. Non-members are subject to various rules of conduct in the galleries, as also are members themselves in relation to the galleries. Many members may be unaware that their presence in the Strangers Gallery can assist to constitute a quorum, and their positioning themselves at one end or the other of the Strangers Gallery will enable them to cast a vote in a division: indeed, if in the Chamber by way of the gallery,

they are actually obliged to do so by Standing Order 220. Notwithstanding the above examples of the Strangers Gallery being a formal part of the Chamber and most definitely not a public place, will the Speaker consider its being renamed the Visitors Gallery?

The SPEAKER: The gallery does stand under the rather quaint title of Strangers Gallery. Personally, I would prefer the term 'Visitors Gallery', and I think that that would accord with directions that have been jointly issued by the President and me in relation to other matters. The word 'visitors' applies not just to spectators from the community but also to Government and Opposition aides, journalists, and a whole range of other people. Clearly, the gallery is not a public place but is part of the Chamber for all the purposes of Standing Orders. That has been the situation in Westminster and in all Parliaments modelled on the Westminster system.

LOAN ADVERTISING

The Hon. E.R. GOLDSWORTHY: Following the failure of the first SAFA bond issue, will the Premier refrain from appearing in advertising of future issues? I understand the SAFA bond issue has raised from the public less than $4 million of its $25 million target. This is the Government's second entry into the money-raising market which has completely failed to attract public support. The first was the Ramsay Trust in 1983 which raised only $200 000 of a $5 million target.

The SAFA bond issue was launched with a press and media campaign, which I understand cost $175 000 of taxpayers' funds, and it heavily featured the Premier. I have been informed that, when a group of bankers expressed concern to the Premier, before the issue was launched, about its relatively unattractive rates of interest, the Premier replied that the advertising campaign would carry the issue and ensure its success. This has not occurred, and the failure raises obvious and pertinent questions about the Premier's involvement in the advertising of the issue. In fact, it has been suggested that he should not appear in future, so as to give any loan issue a fighting chance.

The Hon. J.C. BANNON: I am not surprised that the Opposition is gloating about what it sees as the failure of a public bond issue. Thinking back over the years, I would be very surprised to find Oppositions that took that attitude to public loan raising. Let it be remembered that the SAFA bond issue was for a new authority for the first time. No predictions were made as to how much would be taken up by the public. The issue was for $25 million. Obviously, the more—

The Hon. B.C. Eastick interjecting:

The Hon. J.C. BANNON: That is a condition placed in every prospectus issued. If the honourable member knew anything about business he would know that.

The Hon. B.C. Eastick interjecting:

The Hon. J.C. BANNON: Mr Speaker, I ask for your assistance.

Members interjecting:

The SPEAKER: Order! The honourable Premier.

The Hon. J.C. BANNON: Thank you, Mr Speaker.

The Hon. E.R. Goldsworthy interjecting:

The SPEAKER: Order! I ask the honourable Deputy Leader to come to order. I will not give him any further warnings. The honourable Premier.

The Hon. J.C. BANNON: There was no prediction as to how much may or may not be raised from the public. I do not recall saying to bankers such a thing as the Deputy Leader has suggested. The campaign, the launch of the bond issue, and the interest rate struck for it were based on the advice of the tendering groups which involved some of the leading market specialists—

The Hon. Jennifer Adamson interjecting:

The Hon. J.C. BANNON: Yes, it was indeed, because as Treasurer of the State I am not going to make judgments of that kind about the money market: it would be quite irresponsible. This was leave managed by a number of some of the best underwriters and syndicates in the business, including Dominquez, Barry Samuel Montagu and others. The list is very impressive, but let me deal with the question of failure. The issue did not fail—the issue was fully underwritten and, in fact, although it is impossible at this stage to make any specific estimated levels, in terms of the raising it was—

Members interjecting:

The SPEAKER: Order! I call the honourable member for Todd to order. The honourable Premier.

The Hon. J.C. BANNON: There seems little point in the Opposition's asking questions and then refusing to listen to the answers.

Mr Mathwin: You are not giving us the answers.

The Hon. J.C. BANNON: I am about to explain to the House that, contrary to what the Deputy Leader of the Opposition said, the issue has not been a failure—it is fully underwritten and fully taken up. Although final figures are not yet available, I am advised that the weighted average yield on the loan will be approximately 13.85 per cent to 13.9 per cent per annum. That is lower than the current secondary market yield on prime semi-Government securities. In fact, it is cheap money, and SAFA has done the State a great service in obtaining money at that price. It has been a great success in terms of the taxpayers' outlay. That ought to be remembered by those who criticise.

Secondly, it is all very well for the Deputy Leader to talk about supposed failures, but I notice that he was conspicuously silent about the South Australian Enterprise Fund, Enterprise Investments Limited, which was fully subscribed in one day, with a tremendous response from the public. One has to examine the nature of the market, the type of security and the float being issued. Surely, again, the Opposition could look at the facts before it starts making rash statements that will simply undermine the public sector's capacity to raise funds cheaply and cost the taxpayer money.

Mr Ingerson interjecting:

The SPEAKER: Order! I call the member for Bragg to order.

HOMOSEXUALITY EDUCATION

Mr KLUNDER: Will the Minister of Education advise the House of the Education Department's policy on the teaching of homosexuality and lesbianism in schools and what are the plans for changing the policy? There has been much comment and speculation in the media in recent days about the draft policy of the South Australian Institute of Teachers on lesbian women and homosexual male members. This has led to concern in the community and I have had a number of approaches from school councils, parents and teachers. I seek clarification from the Minister.

The Hon. LYNN ARNOLD: I can advise the House on the matter. I can certainly assure the House that we do not have a subject 'Homosexuality' in schools in South Australia, and we will not be having one. One point that needs to be made is that two separate issues are involved: first, the matter of policy discussion within the Institute with respect to industrial matters and, secondly, the matter of policy discussion in the Institute of Teachers with respect to curriculum matters.

I have been answering telephone inquiries and letters on this matter for some considerable time now and, indeed, on 30 March I wrote to the *News* setting out the policy which was restated in this morning's *Advertiser*. I have not, however, gone more public on it up until this time for the simple reason that what has been at issue has been an internal document of the Institute of Teachers for it to determine what it is going to do. I had hoped that it would come to a resolution of that matter at the earliest possible opportunity so that it would be appropriate for a more public statement from the Government.

In fact, last Saturday the Institute determined that it would defer the matter for a further two or three months and, in the circumstances, given the great degree of public anxiety about the issue, which has been reflected in calls to my Ministerial office and, indeed, to my electorate office (and I am sure to the offices of many members in this place), it seemed important that in a more public sense the attitude of the Government and the Department should be placed on record. I repeat: we do not have at present, nor is there proposed to be in future, a topic 'Homosexuality' taught in South Australian schools.

In November 1975 an Education Department circular was issued to schools and that circular still applies to this date and will continue to apply. The circular reads as follows:

> The exercise of freedom and authority within schools must be used with the prevailing moral attitudes, practices and customs of the community always in mind. Fundamental amongst these is our society's belief that in social, personal, moral and political matters schools are not to be used by interested persons for propagating their particular or private beliefs nor on any account for proselytising.
>
> This does not mean that controversial matters should not be discussed in schools... however, the very appearance of some people in a school programme could be construed as advocacy. Among such would be people of extreme views or those known as professed advocates of activities or beliefs associated with homosexuality, particular religious doctrine or unorthodox moral and political beliefs which have no considerable support and, indeed, are objectionable to the vast majority of the community. You, therefore—

it is directed to those working within the Education Department, as departmental circulars always are—

> have the right and, indeed,the duty to see that they have no access to children in schools.

That situation has applied since 1975, and there is no change. We do, however, have within our schools, and have had since 1973, a health education curriculum, one of the 10 units of which is the sex education unit. That unit has been designed after lengthy discussions with parents over the years and is a section of the course from which parents can withdraw their child should they so choose. Our direction to teachers who take those classes is that, if a student raises a question within a class as to what is homosexuality, we expect a frank, fair and honest answer to the question. We do not expect that they ignore the question.

I come back to the initial point at issue at the moment: a draft policy document within the South Australian Institute of Teachers. It is considering that document which addresses issues of industrial rights of people employed, along with curriculum matters. It is coming to a determination on where it stands with respect to that policy in, I believe, about June. It may then make an approach to the Government. That I do not know and cannot predict. If it wants to bring industrial matters to me, clearly they will be negotiated: that is true. However, with respect to curriculum, it is and has been over many years the prerogative of the Director-General of Education in this State, and it certainly is my strong view and that of the Director-General of Education in South Australia that we will not be introducing any subject entitled 'Homosexuality' into our schools.

SAFA

The Hon. MICHAEL WILSON: Will the Premier say whether public funds subscribed to the SAFA bond issue include a substantial investment from ALP Holdings and, if they do, what is the precise amount of that investment? After ALP Holdings reversed its decision to invest $1 million in the Canberra Rex Hotel, the Premier told Parliament on 20 March that his Party instead would make a substantial investment in the SAFA bond issue.

The Hon. J.C. BANNON: The answer to that is 'Yes'.

Members interjecting:

The SPEAKER: Order! I call the member for Hanson to order.

The Hon. J.C. BANNON: The answer is 'Yes': a substantial investment has been made, the exact amount of which—for reasons of confidentiality—I cannot disclose.

AFTER HOURS PETROL

Ms LENEHAN: Will the Minister of Tourism recommend to his Cabinet colleagues that an investigation be undertaken into the practicalities of introducing a system for provision of petrol on weekends, public holidays and after hours in metropolitan Adelaide?

Members interjecting:

The SPEAKER: Order! I warn the honourable member for Bragg for continually interjecting after the call to order.

Ms LENEHAN: I raise this question for two reasons: first, because of the obvious benefits that a widening of petrol availability will have for tourists; and, secondly, for the benefits that would accrue to people living within the Adelaide metropolitan region. It has been suggested to me that perhaps one of the possibilities that could be looked at by such an inquiry would be a roster system similar to that which operates in Perth and which is very extensively communicated to the general public.

The Hon. G.F. KENEALLY: I will certainly take up this matter with my Cabinet colleagues to see whether such a roster system as the honourable member has recommended can be implemented in the metropolitan area to provide petrol on weekends, public holidays and other occasions. Particularly, over the Easter weekend there will be many people in Adelaide who do not have ready access to information as to where petrol supplies are available. I do know that there are a number of self service stations within the metropolitan area, but if one does not know where they are it is probably fairly irrelevant to the visitor, although I imagine locals get to know them very well. Access to adequate petrol supplies is not a problem only for visitors, although such problems are rather more severe for them then they are for locals. From the point of view of assisting tourists to South Australia to see as much as they can of our city and our State on weekends and public holidays (particularly long weekends), I will take up this matter with my colleagues to see whether a system that meets the honourable member's recommendations can be devised.

SAFA

The Hon. JENNIFER ADAMSON: Will the Premier make available to the House the feasibility study on which the SAFA bond issue was based? At the launching of the issue on 12 March the Premier said that he was confident of strong market support from the public for SAFA's first approach to the market. It is to be assumed that he made this forecast on the basis of a feasibility study of the potential

of the issue. As taxpayers' funds were used to organise and promote the issue, including $170 000 for advertising—

The Hon. D.C. Brown: Did you say $170 000?

The Hon. JENNIFER ADAMSON: Yes, $170 000—I ask the Premier to make available to Parliament the feasibility study so that Parliament can assess the soundness of the way in which the issue was managed.

The Hon. J.C. BANNON: I am not prepared to table feasibility studies. I am not quite sure what the honourable member specifically means, but the fact is that in the lead up to the launch of the SAFA bond issue the authority, which is a separately constituted statutory authority, sought the advice of its advertising experts and other financial experts who were part of the tender issue. I repeat again: the SAFA bond issue did not fail; it has been very successful.

However, let me go on. The advertising agency recommended a two stage campaign: first, to establish SAFA's identity in the market place and, secondly, to launch the bond issue. In the course of that the agency and the SAFA Board agreed with the proposition that one of the vital considerations in such issues was to have the Government directly identified with it as part of the security aspect and that, therefore, my participation in this campaign was also vital.

The Hon. Jennifer Adamson: So we get an impression that the only time—

The Hon. J.C. BANNON: I simply say that if the honourable member likes to pick up any recent back issues of the *Financial Review* recently and look at the Queensland tender issue, she will see the picture of Premier Joh Bjelke-Petersen in exactly the same way as was the case with SAFA. So, there is nothing unusual about that.

The Hon. Jennifer Adamson interjecting:

The Hon. J.C. BANNON: The honourable member suggests that taxpayers' funds have been used. The point is that SAFA, as a financing authority, is using its funds—the funds it raised from the public—and its advertising budget is consistent with the advertising used by any authority borrowing from the public. The net benefit of borrowing in this way, the net benefit to the public sector of the establishment of SAFA, has been many millions of dollars: it has saved many millions of dollars of taxpayers' money. Surely, the argument stops stone dead at that point.

Members interjecting:

The SPEAKER: Order! I do not want to have to warn the honourable member for Hanson.

TRAVEL AGENCIES

Mr MAYES: Will the Minister of Tourism say what is the status of the proposed Federal travel agency licensing legislation? I have received a number of inquiries from potential travellers and from travel agencies regarding the proposed licensing mooted by the Federal Tourism Minister and the State Tourism Ministers in relation to—

The Hon. B.C. Eastick: You're not going to name them, are you?

Mr MAYES: I will ignore that inane comment from the member for Light.

The SPEAKER: Order! I ask the honourable member to ignore that interjection, and I call the member for Light to order.

Mr MAYES: You will get your own information about that.

The SPEAKER: Order! And that remark is out of order. I call the honourable member for Unley to order.

Members interjecting:

The SPEAKER: Order! I ask the House to be quiet. The honourable member for Unley.

Mr Mathwin: Pull yourself together.

The SPEAKER: Order! And I call the honourable member for Glenelg to order.

Mr MAYES: This issue greatly concerns many Australian travellers who go overseas and also the many people involved in the travel industry or who have travel businesses. I refer to *Travel Week,* the magazine of the travel agencies industry, and to an article headed, 'Licensing "Mockery" ', which states, in part:

> Chairman of the federation's bonding/licensing committee John Cooper was particularly scathing in his comments on 'the mockery of the national compensation fund which, it is proposed, will use money collected from licensed travel agents to compensate the clients of illegal, unlicensed agents.'

Under the subheading 'Compensation', the report states:

> The compensation fund levy of $350 per outlet is a 'ball park' calculation based on an estimated 3 000 travel agency outlets Australia-wide and the Commonwealth Actuary's advice that $2 million would be a reasonable figure for the proposed compensation fund. I have received a number of inquiries from local travel agencies as to the status of the legislation. Will the Minister report to the House on this matter?

The Hon. G.F. KENEALLY: Preparation of the model legislation for registration of travel agencies has been handled by Ministers of Consumer Affairs in various States, with the Minister for Tourism in Federal Parliament, and has had input from the tourist departments and tourist Ministers through Australia. I will get a full and detailed report for the honourable member on the current position of that legislation.

I have seen the model legislation and have had an opportunity to comment on it. Our views have been forwarded to the Federal Minister. It is a very strong plank of the Government that there should be registration of travel agents because, although we have been reasonably fortunate in South Australia, nevertheless, there has been the occasion, infrequent thankfully, when travel agencies have gone bust, if you like, with rather disastrous results for clients caught either here in Australia, or overseas and in transit.

That is something that the tourism industry generally can well do without. The industry, through AFTA, and the various Governments strongly hold the view that there ought to be a method of registration of travel agents. The method of registering travel agents is somewhat in dispute, I imagine. AFTA would prefer to have self-regulation within the industry. From memory, I think 'Gold Seal' is the title of their system. However, the Government considered that there ought to be common model legislation applying throughout all the States. In fact, New South Wales has pre-empted the other States by introducing its own legislation. I understand that there is some trouble in bringing Queensland into the scheme.

It is important to have appropriate legislation applying in all the States and federally as soon as possible in order to provide protection for the consumer who books a holiday through a travel agent. It will also ensure that travel agents when licensed will have the capacity to support their clients. That is not always the case now. I think that the sooner we are able to achieve this the better. I shall obtain a more detailed report for the honourable member. As he has said, it is a very important question, and this is a matter that the industry and consumers are anxious to have clarified as soon as possible.

DEPARTMENT OF HOUSING AND CONSTRUCTION

The Hon. B.C. EASTICK: Can the Premier say whether, in line with the Government's decision to copy components of Liberal Party policy with the establishment of a Depart-

ment of Housing and Construction, the Government will withdraw its current direction giving preference to Government departments to undertake public works? On 1 March at a business lunch the Leader announced that the next Liberal Government would establish a central construction authority to merge the building and construction activities of a number of Government departments.

I understand that the Premier has decided to abolish the Public Buildings Department and establish a Department of Housing and Construction. This is the second major Liberal Party initiative announced in the past month that the Government has copied. It makes a complete mockery of the Premier's suggestion that all the Opposition does is knock. We proposed a single construction authority in order to improve the efficiency and accountability of Government spending. The recent fiasco involving the Aquatic Centre highlighted the need for such a move.

The SPEAKER: Order! I think that the honourable member is straying from his explanation.

The Hon. B.C. EASTICK: However, to ensure that the establishment of this new Department is effective, the current Cabinet decision giving preference to individual Government departments to undertake public works must be rescinded so that all public works are subject to competitive tender. Only in this way will taxpayers get full value for the money that the Government puts into public works.

The Hon. J.C. BANNON: The Government's policy is to ensure that the Government workforce is fully and efficiently utilised and that we do not have the appalling waste that occurred under the previous Government, where workers were sitting on their backsides doing nothing while private contractors did the work that Government employees could have been doing, with double payments being made. So, that is my first response.

It is interesting that the member for Light claimed that we were somehow taking the initiatives that had been announced by the Opposition. The boot is very much on the other foot. It has been interesting to see (and this is a good example) the way in which the Opposition, no doubt getting wind of certain changes to be made within Government, has made policy announcements, and has said, 'We will do that,' so that later members opposite can stand up and say that they did it first. As evidence of that, I point out that changes cannot be made overnight; they do not just happen. In fact, the changes announced today have been in train for many months.

Indeed, since the Minister of Housing and Construction was appointed to that consolidated portfolio, his task has been to set the machinery in motion leading to the point at which we have arrived today. These things are not just cobbled up overnight, and one does not just invent them in response to some sputterings of the Leader of the Opposition about them. So, as I say, the boot is very much on the other foot. No doubt the Leader of the Opposition is hoping to hear of some more things that we are doing so that he can announce them and then claim that in some way it is the Liberal Party's policy that is being adopted—but bad luck. This Government happens to believe that we can create an efficient and effective Housing and Construction Department. We have taken the necessary steps to do that, and that policy stands on its merits and owes nothing to the somewhat misshapen, hastily and illconceived proposals of the Leader of the Opposition.

FLINDERS RANGES TOURISM DEVELOPMENT STUDY

Mr FERGUSON: Can the Minister of Tourism explain to the House what action the State Government is taking to plan for possible expansion of tourism in the Flinders Ranges? I understand that earlier today the Minister made an announcement about this matter. Many of my constituents visit the Flinders Ranges on holidays, and they are interested to know of any moves being made to provide more accommodation there, especially at peak times.

The Hon. G.F. KENEALLY: Earlier today I was able to announce that the Government has employed a consulting consortium, headed by Cameron McNamara and including the South Australian firm of architects Berry, Polomka, Riches and Gilbert, and including Larry Helber, who is a world renowned consultant on tourist resorts. Their task is to provide for the Government a Flinders Ranges Tourism Development Study. The cost of the consultancy will be $65 000, and the Government hopes that the first recommendations of the study will be available in August or September of this year. However, the consultants will not be held to a firm time limit because we want the very best advice that can be made available to us, and we will not let time constraints interfere with that.

The consultants will have two tasks. They will have to advise the Government whether a major new resort should be set up and, if so, where it should be. The Government has no preconceived ideas about what sort of resort it should be or about whether it should be established on a new site or whether it should be an extension of an existing resort. The Government is also asking the consultants to advise on a general tourism strategy for the whole region so that the report can be used as both a departmental and an investment guide.

I point out that considerable expertise is involved in this consultancy at State, national and international levels. I believe that we have been able to get together a very good team of consultants at a very reasonable price. South Australians have been involved in the design and construction of the Coober Pedy Hospital, which is an excellent example of the work that can be done. I refer also to the Paxton cottages at Burra, which are another good example of the excellent restoration work that has been done in South Australia. Those involved with this work have a sensitivity for the environment, and the control and protection of the environment is very much a part of this consultancy.

We are aware that the Flinders Ranges is a very fragile and special part of South Australia, and it is with that in view that we are seeking to establish centres which people can visit and from which they can move out, and thereby avoid the indiscriminate camping, parking and holiday activities that take place in many of our sensitive areas, such as Kangaroo Island and Murray River areas, and so on, as well as the Flinders Ranges. As well as having a concern for the environment we are also aware of the need for consulting local people in the Flinders Ranges and surrounding regions. We are very anxious to have their input and excellent advice that I am sure will be forthcoming from those people.

The Hon. Jennifer Adamson: How about banning chain saws in the Flinders Ranges?

The Hon. G.F. KENEALLY: That is a different question, but I am prepared to address it. To ensure that we obtain the best possible combination of visitors using the Flinders Ranges and measures for protecting the area, my colleague the Minister for Environment and Planning and I have authorised a visit to North America by Mr Phipps, Director-General of the Department of Environment and Planning, and Mr Les Penley, Assistant Director of the Department of Tourism, who will look at how North America manages the huge numbers of visitors to national parks and other fragile areas without any degradation of those sensitive areas occurring.

We will be looking forward to the advice given to Government by those officers. I am happy to announce to the House and industry that this is a very significant move to prepare for the Flinders Ranges and South Australia the plans that, hopefully, will result in a world class resort. Of course, that will depend on the advice given to us by the consultants.

DEPARTMENT OF HOUSING AND CONSTRUCTION

The Hon. D.C. BROWN: Can the Minister of Public Works say whether or not it is the Government's intention to use the Construction and Maintenance Division of the new Department of Housing and Construction to do work for the Housing Trust? At 1.30 p.m. today the Premier announced the creation of a new Department of Housing and Construction to replace the Public Buildings Department. The former permanent head of the Public Buildings Department, Mr Roeger, has been dumped.

Members interjecting:

The SPEAKER: Order!

The Hon. D.C. BROWN: Well, he has been. It is quite obvious that he was dumped—he is no longer the permanent head of the Department. The new Department, according to the Premier's own press release (the Department of Housing and Construction), will have six executive officers compared to the present seven in the Public Buildings Department, and five Divisions—Construction and Maintenance, Professional Services, Industry Policy, Management, and Finance. Four of those Divisions were in the old Public Buildings Department, so it would appear that only one new section has been added. By far the largest of all those sections is the Construction and Maintenance Division, which has apparently been maintained to do Government work. It will be interesting to see to what extent that Division will do construction work for the Housing Trust.

The Hon. T.H. HEMMINGS: First, I state quite categorically that Mr Lee Roeger has not been dumped, despite what the member for Davenport says.

The Hon. D.C. Brown: He has.

The Hon. T.H. HEMMINGS: If the member for Davenport reads the press release, he will find that Mr Lee Roeger has been transferred to the position of Director-General of the Department of Services and Supply. If the member for Davenport continues to read page 2 of the press release he will see the following:

> The South Australian Housing Trust is unaffected by the change and will remain a separate statutory authority responsible to the Minister of Housing and Construction—

The Hon. Jennifer Adamson interjecting:

The SPEAKER: Order! I call the member for Coles to order.

PARKING FINES

Mr PLUNKETT: Will the Minister of Local Government clarify the legality of the Adelaide City Council forcing its employees to pay parking fines while they are carrying out their responsibilities of employment? In yesterday's *Advertiser*, under the heading 'Council workers watch out... now it's parking fines for all', it was reported that the Adelaide City Council staff and workers had lost privileges which enabled them to escape the council's parking fines. The article states:

> The Assistant State Secretary of the Plumber's and Gasfitter's Union, Mr Bush, said yesterday some council workers thought the new direction was an April fool's joke.
>
> 'When council workers were on emergency work, they used to disregard any tickets slapped on their own van,' he said. 'Now they will be treated the same as other people. The council has said it will supply employees with a handful of 10c pieces for parking meters. Our fellows are saying "Go book yourself" '.

Mr OSWALD: I rise on a point of order in relation to the validity of this question. The hand-out in relation to inadmissible questions that you, Mr Speaker, gave to members of this House last year states:

> Matters raised under the control of local authorities are inadmissible questions.

I ask that you rule on this question.

The SPEAKER: Order! The easiest thing that I can do is ask the honourable member for Peake to come to the table. We will check the question and proceed, so as not to waste the time of the House.

VICTOR HARBOR SUPPLEMENTARY DEVELOPMENT PLAN

The Hon. D.C. WOTTON: Has the Minister for Environment and Planning approved the Victor Harbor supplementary development plan under section 41 of the Planning Act? Why is Cabinet now directing the Advisory Committee on Planning to change its original recommendations to the Minister in support of that approval? What will happen now should the advisory committee support the recommendations of Cabinet if such recommendations do not have the support of the Victor Harbor council? Finally, when is it intended that the supplementary development plan will go before the Subordinate Legislation Committee?

Work commenced on the Victor Harbor supplementary development plan in March 1982, when the planning regulations were prepared. In May 1982, the consultation draft was made available publicly and discussed in detail in workshops with members of the community, and there was extensive input from these sessions. June 1982 saw the draft supplementary development plan placed on public exhibition, and written submissions were invited; December 1982 saw submissions on the draft supplementary development plan and recommendations thereon presented to the council; July 1983 saw the authorised draft of the supplementary development plan adopted by council.

In 1984, the advisory committee considered the supplementary development plan on different occasions, and in August of that year the Advisory Committee on Planning reaffirmed its recommendation that pursuant to section 41 (11) of the Planning Act, 1982, subject to four detailed amendments, the Minister approved the plan. I have been informed since then that Cabinet has given instructions to the advisory committee, which action is totally contrary to section 41 of the Planning Act.

The Hon. D.J. HOPGOOD: I have not approved a supplementary development plan.

The Hon. D.C. Wotton: Are you sure?

The Hon. D.J. HOPGOOD: Of course I am sure. The position is clearly this: I have a responsibility, when the advisory committee makes recommendations in relation to a supplementary development plan, to place it before Cabinet. Cabinet's right to accept or reject those recommendations is clearly unfettered, and Cabinet has operated under that unfettered right. We have given no instructions to the advisory committee at all. We have told it that the supplementary development plan is not acceptable to the Government in the form in which it has been put before us.

The Hon. Ted Chapman: You supported the Government to uphold your recommendations.

The Hon. D.J. HOPGOOD: I am not in a position, nor would it be proper for me, to indicate what happens in Cabinet. What I am saying—

Members interjecting:

The SPEAKER: Order!

The Hon. D.J. HOPGOOD: I am telling the House that the Government found the form in which the supplementary development plan reached us unacceptable, and I fully support that position. We have asked the advisory committee for a further examination of this matter. It is unfortunate that this matter has gone on for as long as it has.

The Hon. Ted Chapman: It is disastrous to the community down there.

The Hon. D.C. Wotton interjecting:

The SPEAKER: Order! I warn the honourable member for Murray, who has offended too often.

The Hon. D.J. HOPGOOD: I do not mind debating this.

Mr Baker interjecting:

The Hon. D.J. HOPGOOD: Here is the expert on planning from Mitcham wanting to get in as well. In the Government's opinion, it would be disastrous for Victor Harbor if we had approved the plan in the form in which it came before us. I am sure that the member for Alexandra knows full well and understands the issues involved. The Government is not prepared to tolerate the intensity of subdivision in relation to what effectively is Victor Harbor's hills face zone as envisaged in the supplementary development plan.

The Hon. Ted Chapman interjecting:

The SPEAKER: Order! I call the honourable member for Alexandra to order.

The Hon. D.J. HOPGOOD: It is a pity that the honourable member really does not know his electorate better than he does. There is no element of hills face zone or anything like that in the Victor Harbor township itself. In fact, there is a clear delineation at present between the township and the surrounding area, because the Victor Harbor council at present does not operate control over development in its own township, and that process was initiated by the Liberal Government under the former Minister of Local Government, Murray Hill. At present we have a situation whereby—

The Hon. Ted Chapman: Temporarily.

The Hon. D.J. HOPGOOD: Of course it is temporary, and I would hope we will be able to get back to a normal situation before very long. At present we have control operated by the South Australian Planning Commission which in turn is delegated to a joint committee under so prestigious a person as Sir Norman Young, and that committee is working well. We make a clear distinction between the township and the surrounding area. I can do no more than simply reiterate what I said right at the very beginning: the Government is not seeking to give a direction to the advisory committee but is indicating the parameters within which the Government is prepared to approve a supplementary development plan, and that is a clear responsibility of Government under the Planning Act.

The Hon. Ted Chapman interjecting:

The Hon. D.J. HOPGOOD: We have the expert on the Planning Act, the member for Alexandra, trying to argue on this: I am prepared to argue with him until the cows come home. The plain fact of the matter is that the Government is not extending its power or responsibility as delegated to me and the Government within the parameters of the Planning Act. We are not prepared to tolerate that intensity of subdivision. We are prepared to look at any reasonable proposition for the shape of the supplementary development plan which will make clear the way in which it should go, and I hope that we can resolve the matter as quickly as possible.

PARKING FINES

Mr PLUNKETT: Will the Minister of Local Government ascertain whether the Adelaide City Council's ruling on parking fines applies to all public authorities? In yesterday's *Advertiser*, under the heading 'Council workers watch out... now it's parking fines for all', it was reported that Adelaide City Council staff and workers had lost privileges which enabled them to escape the council's own parking fines. In that article the Assistant State Secretary of the Plumbers and Gasfitters Union, Mr Tony Bush, is quoted as follows:

> Some council workers thought that the new direction was an April fool's joke. When council workers were on emergency work, they used to disregard any tickets slapped on their own van. Now they will be treated the same as other people. The council has said it will supply employees with a handful of 10c pieces for parking meters. Our fellows are saying 'Go book yourself.'

The Hon. G.F. KENEALLY: I thank the honourable member for his question, because I am sure that all members understand the relationship the honourable member has had with the workers in the Adelaide City Council and other councils throughout South Australia. I was surprised to read the article in the *Advertiser*. I will be taking up the matter with the Adelaide City Council, because under the regulations there are a number of exemptions from the requirement to pay for parking. These exemptions include ambulances, and fire brigade, police and service vehicles. The particular regulation exempting service vehicles refers to 'the owner and driver of a vehicle being used at the time by a public authority for the purpose of providing service or repairs to or in any public place or part thereof'. Under that category I imagine would come the Adelaide City Council workers using City Council vehicles to perform City Council work. I imagine it would also include the E&WS Department, Electricity Trust and other public authorities.

That matter needs to be clarified, and I will be clarifying it with the Adelaide City Council. It is important to understand that for many years (I do not know how many years, but I suppose for as long as anyone can remember) Adelaide City Council workers doing work for that council were able to park as near as possible to the site of that work. They were not able to park, for instance, in bus zones or taxi zones and were not able to stop at an entry to commercial or private premises, but they were able to park in other areas as close as possible to the site where the work was being undertaken.

It seems that the Adelaide City Council intends to take that right away from the workers. I am sure that that matter will be treated industrially as well as through inquiry from my office. In addition, I want to ascertain whether other Government departments and public authorities will be affected by the decision of the Adelaide City Council or whether the traditional exemptions which are written into the regulations should apply. I will obtain that information for the honourable member, and I will let him know as soon as it is available.

PERSONAL EXPLANATION: MISREPRESENTATION

Mr LEWIS (Mallee): I seek leave to make a personal explanation.

Leave granted.

Mr LEWIS: I wish to explain that I was misrepresented by the shonky member for Hartley—

The SPEAKER: Order! I ask the honourable member to immediately withdraw the word 'shonky'.

Mr LEWIS: He used that term to describe me last week.

The SPEAKER: I ask the member to withdraw—I order the member to withdraw—that word.

Mr LEWIS: I will withdraw, Mr Speaker. The member for Hartley, in this place last week—

The SPEAKER: Order! The honourable member has not withdrawn the word. I order him to do so.

Members interjecting:

Mr LEWIS: That is about the fifth time you have had a go at me, quite unfairly. I withdraw, Mr Speaker.

The SPEAKER: Did the member withdraw the remark?

Mr LEWIS: I did.

The SPEAKER: Very well. I ask the member to proceed.

Mr LEWIS: During the course of the grievance debate last Thursday, Mr Speaker, if you are interested—

The SPEAKER: Order! I want no further reflections on the Chair or I will name the member.

Mr LEWIS: The member for Hartley said:

I know that it is painful to the member for Bragg—

referring to one of my colleagues—

This definitely touches a very sore point—

referring to the list of taxes and charges which the Bannon Government has increased since coming to office—

the shonky list honourable members opposite put out. They will not be able to parade up and down this State with their shonky list—

referring to my list—

because the public will be told that it is a shonky list.

He used the word 'shonky', Mr Speaker.

The SPEAKER: I ask the honourable member to go on with his personal explanation.

Mr LEWIS: I am quoting what the member for Hartley said of me. He described 38 instances of doubling up in the list of taxes and charges which I had had inserted in *Hansard.* That is untrue: in no instance was there any doubling up, and I point out to the member for Hartley that, whereas under the terms of the direction given in a note to the Police Department about traffic infringement notices, that list of mine contained just one item, but there were 33 separate traffic infringement notice fee increases. I quote the document in question, dated 7 December 1984:

Since that time the average court penalties have increased, and Treasury requested that all expiation fees be reviewed.

The member for Hartley accused me of being shonky and having a shonky list. He said that he had a list which in its preparation used the same criteria as my list and that the list he presented included increases in payments, not increases in fees charged, by Government. The honourable member gave the example of the Trotting Control Board. I point out to him that he is quite mistaken in making such a statement, because the instance he gave is exactly the opposite of what he said. A fee increase was charged by the Government to the trotting clubs through the Trotting Control Board.

Mr TRAINER: On a point of order, Mr Speaker, the position of the honourable member opposite is not to be pointing out anything to the member for Hartley, but explaining where he himself has been misrepresented.

The SPEAKER: I have allowed considerable tolerance. I ask the honourable member to deal with the point at issue: the reflection that he believes has been made on him. He may put that right in his own mind and he is to address the Chair rather than the member for Hartley.

Mr LEWIS: The Trotting Control Board stewards fees were increased between 13 per cent and 30 per cent from 1 August 1983. That was the gist of the statement made by the member for Hartley. He misrepresented me by saying that that was in fact an increase in the expense of Government. It is not: it is an increase in the fee charged by the Board to the clubs. It is not an increase in the pay-out from the Government but an increase in the fee charged by the Government agency to the clubs.

I point out that I was further misrepresented. Not only on that occasion was there an increase in fee but also, if the honourable member had honestly and accurately appraised the situation, he would have seen that it went up from $75 to $80 for the Chairman (a fee charged to the clubs) and from $60 to $65 for the panel member on that occasion. It also went up again within a matter of months from $85 to $95 and from $65 to $75. That was not doubling up, because it was included in the list. The member for Hartley has misrepresented me and the way in which the list was put together by claiming that the criteria that I used were the same as those which he used. They were not, and he owes me an apology.

PERSONAL EXPLANATION: VICTOR HARBOR DEVELOPMENT PLAN

The SPEAKER: Order! I shall call on the member for Murray and then the member for Hartley. The question at issue in any personal explanation is the direct personal reflection on the member. That is the thing that is out of order. So the honourable member should identify the matter that he believes is the direct and the wrong reflection on him, state that clearly, and then put it right. He should address the Chair in so doing.

The Hon. D.C. WOTTON (Murray): I seek leave to make a personal explanation.

Leave granted.

The Hon. D.C. WOTTON: In reply to my question on the Victor Harbor supplementary development plan, the Minister for Environment and Planning said that he had not approved that plan. However, in correspondence that I have, when referring to the first draft of the Victor Harbor supplementary development plan, the Minister states:

The proposal was considered at several 1984 meetings of the Advisory Committee on Planning, which recommended for my approval, subject to amendments, the basis of land division originally proposed by the council; this approval has since been given under section 41 (11) of the Planning Act, 1982.

That letter was written by the Minister for Environment and Planning.

PERSONAL EXPLANATION: STATE TAXES

The SPEAKER: In calling on the honourable member for Hartley, I want to say that the whole question of personal explanations about these tables has tended to turn into an ongoing debate, which is not the intention of Standing Orders. I ask the honourable member to bear that in mind.

Mr GROOM (Hartley): I seek leave to make a personal explanation.

Leave granted.

Mr GROOM: I did not accuse the honourable member for Mallee of being shonky: I accused his list and that of the Leader of the Opposition of being shonky. I stand by what I said. Their list of State taxes and charges contains 38 instances of doubling up, as well as Trotting Control Board stewards fees, which are not a charge to the Government.

Mr Lewis interjecting:

The SPEAKER: Order! I warn the member for Mallee.

Mr GROOM: The Leader of the Opposition likewise had similar items on his list, especially regarding Hairdressers Registration Act Board fees. I stand by what I said.

SITTINGS AND BUSINESS

The Hon. D.J. HOPGOOD (Minister for Environment and Planning): I move:

That the House at its rising adjourn until Tuesday 7 May at 2 p.m.

I wish all members well for the productive use of the break.

Motion carried.

RACING ACT AMENDMENT BILL (1985)

Returned from the Legislative Council without amendment.

ANZ EXECUTORS AND TRUSTEE COMPANY (SOUTH AUSTRALIA) LIMITED BILL

The Hon. J.C. BANNON (Premier and Treasurer) obtained leave and introduced a Bill for an Act to enable ANZ Executors and Trustee Company (South Australia) Limited to act as an executor and administrator, to amend the Trustee Act, 1936; and for other purposes. Read a first time.

The Hon. J.C. BANNON: I move:

That this Bill be now read a second time.

The Government is introducing this Bill with the intention of enabling the ANZ Executors and Trustee Company (South Australia) Limited to operate in this State as an executor and trustee. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

The ANZ Bank Limited, the ultimate parent company of the ANZ Executors and Trustee Company (South Australia) Limited, entered into negotiations for the takeover of the Executor Trustee and Agency Company Limited during the latter part of 1984. In accordance with the spirit of legislation which was introduced originally on the initiative of a Labor Government in 1978 and confirmed by the Liberal Government in 1980, the Government informed the ANZ Bank Limited that its offer for the Executor Trustee and Agency Company Limited was not acceptable. However, during negotiations with the Government, the ANZ advanced a strong case for allowing its executor and trustee arm to operate in South Australia. The Government subjected the ANZ's proposals to the rigorous examination appropriate to the circumstances and was satisfied that the ANZ Executors and Trustee Company (South Australia) Limited could contribute effectively to services in the South Australian marketplace, while providing the security to testators and beneficiaries which is so important in this field.

The Government therefore agreed to introduce legislation which would enable the ANZ Executors and Trustee Company (South Australia) Limited (a wholly owned subsidiary of the ANZ Executors and Trustee Company Limited operating in Victoria) to operate in South Australia on the same footing as the other trustee companies.

Clauses 1 and 2 are formal. Clause 3 provides for a consequential amendment to the Trustee Act, 1936. Clause 4 contains definitions used in the measure. Of significance are the following: 'the Company' (ANZ Executors and Trustee Company (South Australia) Limited); 'officer' of the company—a director or manager of the company or some other officer or employee of the company designated by the board of directors; 'trustee investment' (an investment authorised by law for the investment of trust funds).

Clause 5 provides that the company has the same power as a natural person to act as executor of the will, or administrator of the estate, of a deceased person (subclause (1)). Under subclause (2), the company may obtain probate of a will or letters of administration (with or without will annexed) in the same circumstances as a natural person. Under subclause (3), the company may, with the court's approval, act on behalf or in the place of an executor or administrator, either permanently or temporarily. Subclause (4) provides that an officer of the company may make an affidavit for the purposes of obtaining probate, letters of administration, or an approval under subclause (3). Clause 6 provides that the company has the same powers as a natural person to act as a trustee.

Clause 7 provides that the company may act as the guardian of a child or as the guardian or committee of a person who is not mentally competent. Clause 8 provides in subsection (1) that the company may charge, in addition to its expenses, a commission in respect of any estate committed to it, at a rate fixed by the board of directors, but not exceeding 6 per cent of the capital value of the estate and 7½ per cent of the income received by the company on behalf of the estate. Under subclause (2), the company is entitled to no greater charge than the commission to which it is entitled. Under subclause (3) where the court considers the rate or amount of commission charged in any case is excessive, it may review the matter, and on the review, reduce the rate or amount. Under subclause (4) the rate charged shall not exceed the rate published in the company's scale of charges at the time the commission became payable. Subclause (5) provides for scale charges in respect of perpetual trusts. Under subclause (6), this clause does not prevent the payment with the court's approval, of any commission directed to be paid by a settlor, or a commission or fee agreed upon between the company and interested parties, either in addition to, or in place of, the commission to which the company is entitled under this clause. Under subclause (7), in determining the capital value of an estate, the capital value of assets that are to be distributed shall be determined as at the date of distribution, and no deduction shall be made for debts or liabilities. Under subclause (8), the commission is not affected by reason of the entitlement of anyone other than the company to a commission from the estate.

Clause 9 provides that the commission is payable at any time after the estate is committed to the company. Clause 10 provides that where in the course of managing an estate the company carries on a business, the company may be paid (in lieu of a commission on income) such remuneration as the court thinks fit. Clause 11 provides that the company is entitled to charge for the preparation of income tax returns.

Clause 12 provides that, subject to the terms of any relevant instrument of trust, the company may invest moneys held by it in trust in any manner authorised by the trust instrument in any trustee investment, or in the common fund. Under subclause (2) where the company acts jointly with another person in any capacity, the company may deal with moneys under the control of the company and other person, with the persons' consent, in the same manner as the company can deal with moneys under the control of the company alone, and the other person is excused from any liability which, but for this subclause, would attach to him in respect of the money.

Clause 13 provides that the company may establish and keep in its books one or more common funds. Subclause (2)—a common fund must be invested in such classes of investment as the Company determined before establishing

the fund. Subclause (3)—no money is to be invested in a common fund unless the classes of investment in which the money could be invested on separate account are the same as, or include, the classes of investment for the common fund. Subclause (4)—the company must keep accounts sharing the amount at credit in the common fund on behalf of each estate, trust or person. Subclause (5)—the company may sell investments belonging to a common fund and deal with the moneys in the fund. Subclause (6)—the company may withdraw from the fund the amount at credit on account of any estate, trust or person and invest it separately.

Subclause (7)—profits or losses of the common fund are to be received or borne proportionately by the several amounts invested in the common fund. Subclause (8)—the company is to determine the value of the investments of each common fund on the first day of each month. Subclause (9)—investments and withdrawals from a common fund shall, during a month, be effected on the basis of the valuation under subclause (8). Subclause (10)—the company shall pay the income arising from the common fund proportinately to or among the estates, trusts, properties or persons entitled to the capital invested in the fund according to the sums invested and the periods for which they remain invested.

Clause 14 provides that Division 6 of Part IV of the Companies (South Australia) Code does not apply to any common fund established under this Act or to any interest in such a fund. Clause 15 is an evidentiary provision. Clause 16 provides that the powers conferred by this measure are in addition to, and do not derogate from, the powers of the company under any other Act or law.

Mr OLSEN secured the adjournment of the debate.

STATE SUPPLY BILL

The Hon. D.J. HOPGOOD (Minister of Lands) obtained leave and introduced a Bill for an Act to provide for and control the acquisition, distribution, management and disposal of goods for or by public authorities; to repeal the Public Supply and Tender Act, 1914; and for other purposes. Read a first time.

The Hon. D.J. HOPGOOD: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

Purchase of the goods and services necessary to carry out the business of Government is now widely recognised by the public and private sectors alike as an important vehicle for industry and employment within the State. Through their procurement of goods and services, Governments have the opportunity to assist the development of local industry by providing a market for its products and the scope for co-operative action between industry and purchasing agencies in developing and adopting new product and process technologies. The changes embodied in the proposed new State Supply Bill are designed to enhance the scope for using Government procurement in this way by:

- ensuring that Government agencies are bound by the Government's purchasing preference and related policies; and
- increasing the opportunities for local industry to compete successfully for Government contracts.

The supply and procurement function in the public sector accounts for considerable financial expenditure and investment in inventories, assets, and personnel and this has considerable impact on the State Government's Budget and on opportunities for local industry and employment. In 1983-84 in excess of $200 million of stores, materials and requisites were purchased by State Government departments. In addition, the South Australian Health Commission purchased approximately $190 million of stores, materials and requisites and it is estimated that other statutory authorities expended a similar amount. There are in excess of 250 storehouses holding inventories valued in excess of $26 million in South Australian Government departments and the South Australian Health Commission.

In light of the substantial economic impact of this area of Government operations, revamping of the State supply legislation is an important part of the Government's strategy for ensuring an efficient and effective system of public procurement. The supply function in the public sector and the governing legislation have been subjected to scrutiny and action over the past 4 years by a succession of Governments. That review process included:

1. The Richardson Committee of Inquiry into the Public Sector Procurement and Supply Function appointed in 1979 by the Corcoran Labor Government. The committee was later reappointed by the Tonkin Liberal Government without change in its terms of reference or membership. The committee reported to the then Deputy Premier, the Hon. Roger Goldsworthy, in 1979.
2. In 1980, at his request, Mr B. Guerin reported further on the matter.
3. Later that year, the Public Supply and Tender Act was amended to allow the Supply and Tender Board to delegate any of its powers or functions.
4. As a result of recommendations from the Richardson and Guerin reports the former Tonkin Government approved the establishment of a steering committee to prepare detailed proposals for the revision of the Act to meet the needs of modern purchasing and supply management.

A creditable feature regarding the interest and concern for effective supply management in the public sector has been the bipartisan approach to the subject. All of the general principles and strategies on the supply have been consistently endorsed by both major political Parties.

As a major step forward, this Government, in 1983, approved the preparation of new State Supply legislation which is now presented to this House. The aim of this legislation is:

- to provide a flexible framework for the management of supply to cater for changing Government policies and priorities and the development of new and enhanced management methods and processes;
  and
- to clearly establish responsibility for ensuring that all public sector supply activities are carried out economically and ethically with an independent Board which will:
  - —be the principal source of advice to the Government on the conduct of supply;
  - —oversee any centralised supply activities, that is, tendering, contracting and warehousing; and
  - —review, guide and assist in the improvement of the performance of decentralised supply functions.

The underlying philosophy of the new legislation is to establish centralised control with decentralised day-to-day management of the supply function. The new legislation will:

- Establish a State Supply Board to control the supply operations of public authorities.
- Exclude the following statutory bodies from the application of legislation:

—State Government Insurance Commission
—State Bank of South Australia
—Pipelines Authority of South Australia, each on the basis that they are essentially commercial operations. Local Government bodies are also excluded.

- Provide flexibility for the Government of the day to determine, by regulation, which Government agencies shall be, in the terms of the Act, prescribed public authorities. Such prescribed public authorities shall be subject to the control of the State Supply Board for those supply matters approved by the Minister responsible for the prescribed public authority. This arrangement will, *inter alia*, facilitate the co-ordination of supply matters, where it is advantageous to do so, and at the same time permit the prescribed public authority to carry on its day-to-day supply operations unencumbered by the State Supply Board. Major Government agencies proposed for inclusion in this category are as follows:
  —Electricity Trust of South Australia
  —South Australian Housing Trust
  —State Transport Authority.
- Provide the authority and means for the State Supply Board to efficiently and effectively control the supply activities of all State Government agencies other than the agencies excluded by the Act or designated by regulation as prescribed public authorities. This will allow the State Supply Board to control the supply operations through the issue of policy and guidelines, to co-ordinate supply activities where it is appropriate to do so, and to arrange for public authorities to undertake their own supply activities in an efficient and ethical manner.
- Extend the criteria for membership of the Board to allow for the appointment of a member from outside the public sector, who in the opinion of the Minister would be able to provide assistance to the Board through experience gained in private industry and commerce; and a member nominated by the United Trades and Labor Council, so that, for the first time, employees will be represented on the Board.
- Require the Board to have regard to the policies of the Government whilst guarding against unethical practices or the exercise of political patronage.

It is intended that the Act be proclaimed and the regulation be brought into effect at the same time. This is essential to ensure an orderly introduction of the legislation for 'prescribed public authorities'.

In one sense, the proposed legislation does not represent a radical extension or departure from the existing legislation namely the Supply and Tender Act, 1914-1981. The existing legislation in the Crown Solicitor's opinion has always applied to all statutory authorities except those where their Acts have specifically excluded them. The proposed legislation specifically excludes the Pipelines Authority of South Australia, the State Bank of South Australia and the State Government Insurance Commission.

However, the Government believes it is necessary from a State viewpoint for all agencies in the public sector to comply with Government policies on supply aimed at efficiency, effectiveness and economy from a wider perspective than a single agency viewpoint. The wider perspectives relate to State development and economic matters, State purchasing preferences, offset agreements and to common approaches to procurement which reduces the costs to the private sector business and public sector agencies. It is desirable for this supply policy to be co-ordinated and where appropriate controlled by the State Supply Board.

At the outset, I referred to the Government's strategy of ensuring that the opportunities for assisting local industry development and local employment, through procurement of goods and services by the public sector, are grasped. I want to take this opportunity to outline for the record this Government's policy on procurement. While this State has strongly supported the abolition of purchasing preferences, and currently has a bilateral preference abolition agreement with Victoria, it is the firm policy of the Government that all Government agencies will continue to accord a margin of preference in favour of local goods and services against those from overseas or from those States which have not dismantled their preference schemes. This policy will continue until all of the other States have agreed to abolish preferences.

Consistent with its policy to assist industry through its procurement, the Government intends that introduction of this new legislation will be accompanied by a conscious effort on the part of purchasing agencies to afford local enterprises every opportunity to compete for Government contracts by:

- avoiding procurement practices which discriminate, that is, by specification, against local products;
- improving communication with local industry both to ensure that industry is aware of contracts being let and has adequate time to tender; and
- working with industry to develop new products and to test local products where appropriate.

The concurrent development of a data base on South Australian industry, to improve public sector awareness of the capabilities of local industry, should facilitate this process.

The Government is firmly of the view that assistance provided through Government procurement should not encourage the development of uneconomic or inefficient industries which require continued Government support, such as guaranteed Government orders, in order to survive. Our aim is to ensure that local industry is given the best possible chance to obtain access to markets and, thus, strengthen and prosper.

The measures incorporated in the Bill will strengthen our capacity to directly encourage production opportunities in the State and allow appropriate influence over the purchasing policies of statutory authorities. The reconstituted Board will enable it to take greater advantage of private sector expertise in making significant Government purchasing decisions. Its broadened representation will ensure that the Board is fully aware of the South Australian employment opportunities involved in its decisions. The Board will be better equipped to look first at local supply capabilities and make sure that local industry is given a full and fair chance to bid for contracts, and to plan ahead in the light of future public purchasing programmes.

Clauses 1 and 2 are formal. Clause 3 repeals the Public Supply and Tender Act, 1914. Clause 4 defines certain terms used in the measure. Among the more important definitions are those of 'goods', which includes any movable property or anything attached to or forming part of land that is capable of being severed for the purposes of acquisition or disposal; 'management of goods'—the care, custody, storage, inspection and stocktaking of the goods; and 'public authority'—a department of the Public Service or other instrumentality or agency of the Crown, a body corporate established for a public purpose and comprised of or including or having a governing body comprised of or including a Minister or Ministers or a person or persons appointed by the Governor or a Minister or other instrumentality or agency of the Crown, or a body or a body established for a public purpose and declared by regulation to be a public authority. The definition of 'public authority' does not include a 'prescribed public authority' (a body established for a public purpose and declared by regulation to be a prescribed public authority).

Clause 5 excludes the Pipelines Authority of South Australia, the State Bank of South Australia, the State Government Insurance Commission and local government bodies from the scope of the measure. Clause 6 continues the Supply and Tender Board in existence under the new name, the 'State Supply Board'. The Board is to continue to be a body corporate with perpetual succession and common seal, to be capable of suing and being sued, and of dealing in property. Subclause (4) provides that the change in name of the Board shall not affect its rights or obligations, and that all references in any other Act or document to the Supply and Tender Board shall be read as references to the State Supply Board.

Clause 7 provides for the constitution of the Board. There are to be five members, of whom one (the Chairman) shall be the person holding or acting in the office of permanent head of the Department of Services and Supply. The remaining members are to be persons appointed by the Governor and, of them, not less than two are to be members or officers of public authorities and one is to be a person who should, in the Minister's opinion, be able to provide particular assistance to the Board through experience gained in private industry or commerce.

Clause 8 deals with terms and conditions of office of appointed members. An appointed member is to be appointed for two years upon conditions determined by the Governor, and, at the end of that period, may be reappointed. The Governor may appoint a deputy of a member of the Board, who may, in the absence of the member, act as a member of the Board. Under subclause (3), an appointed member may be removed from office by the Governor for non-compliance with his terms of appointment, mental or physical incapacity to perform his duties satisfactorily, neglect of duty or dishonourable conduct. The office of an appointed member is to become vacant if he is removed from office by the Governor, his term of office expires, he dies or resigns. Upon the occurrence of a vacancy, a person is to be appointed to the vacant office in accordance with the measure.

Clause 9 deals with meetings of the Board. The Chairman is to preside at meetings, and, in his absence, the members present are to decide who is to preside (subclause (1)). Three members are to constitute a quorum, and the person presiding is to have a second or casting vote. The Board must keep accurate minutes and, subject to the Act, may determine its own procedures. Clause 10 provides for the validity of acts of the Board notwithstanding a vacancy or the defective appointment of a member. Under subclause (2), no personal liability is to attach to a member in relation to any act done in good faith. Such liability is instead to attach to the Crown (subclause (3)).

Clause 11 deals with the disclosure by members of interests. A member who is directly or indirectly interested in a contract or a proposed contract is required to disclose the nature of his interest to the Board, and refrain from taking part in any decision relating to that contract. Where a member discloses such an interest, the contract is not void or liable to be avoided by the Board on any ground arising from the member's interest. Clause 12 provides that a member of the Board shall, if the Governor thinks fit, be entitled to such allowances and expenses as the Governor may determine. Clause 13 sets out the functions of the Board:

- to undertake, provide for or control the acquisition, distribution, management and disposal of goods for or by public authorities;
- to develop and issue policies, principles and guidelines and give directions relating to the acquisition, distribution, management and disposal of goods for or by public authorities;
- to direct the terms and conditions upon which goods may be acquired or disposed of for or by public authorities;
- to investigate and review practices of public authorities in relation to acquisition, distribution, management and disposal of goods;
- to provide advice on any matter relating to the acquisition, distribution, management or disposal of goods for or by public authorities including the training and development of persons engaged in such work.

Under subclause (2), the Board may, for the purpose of performing its functions, hold and deal with real and personal property, enter contractual relationships, acquire rights and incur liabilities, direct public authorities to furnish documents or information to the Board, and exercise any other necessary or incidental powers.

Clause 14 provides that a public authority (including every member or officer of the authority) is bound to comply with any directions given, or policies, principles or guidelines issued to the public authority by the Board in the performance of its functions. This provision and the express power of the Board to give directions and issue policies, principles and guidelines to public authorities are designed to secure for the Board the clear legal control of the supply operations of public authorities without reliance on the more formal and cumbersome process of making regulations and giving delegations.

Clause 15 provides that the Board may, if it thinks fit, provide advice or make recommendations to the Minister responsible for a prescribed public authority upon any matter relating to the acquisition, distribution, management or disposal of goods by the prescribed public authority. A prescribed public authority (including every member or officer of the authority) is to be bound to comply with any directions given by its Minister upon the advice or recommendation of the Board. Clause 16 empowers the Board, with the approval of the Minister responsible for a prescribed public authority, to undertake or provide for the acquisition or disposal of goods for the prescribed public authority, or, with the approval of the Minister, to undertake or provide for the acquisition of goods for a body other than a public authority or prescribed public authority.

Clause 17 provides that the Minister may require the Board to have regard to a particular policy, principle or matter in carrying out its functions. Any such requirement must be in writing, and, with that exception, the Board is not subject to Ministerial control or direction. Clause 18 provides that the Governor may appoint officers for the proper administration of the measure in accordance with the Public Service Act. The Board may also, by arrangement, use the services of an officer of a department of the Public Service or other public authority.

Clause 19 empowers the Board to delegate any of its powers or functions to a member of the Board or an officer engaged in the administration of this Act. Clause 20 deals with appropriation by Parliament of moneys required for the measure. Clause 21 deals with the accounts of the Board. The Auditor-General is to have the same powers in relation to the accounts of the Board as are vested in him pursuant to the Audit Act, 1921, in relation to public accounts and accounting officers. Clause 22 provides that an annual report on the administration of the Act for a financial year is to be delivered to the Minister before the next thirty-first day of October and is to be laid before each House of Parliament by the Minister. Clause 23 is the regulation making power.

The Hon. B.C. EASTICK secured the adjournment of the debate.

FLINDERS UNIVERSITY OF SOUTH AUSTRALIA ACT AMENDMENT BILL

The Hon. LYNN ARNOLD (Minister of Education) obtained leave and introduced a Bill for an Act to amend the Flinders University of South Australia Act, 1966. Read a first time.

The Hon. LYNN ARNOLD: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill proposes that the Flinders University of South Australia Act, 1966-1973, be amended:

(1) to extend the full jurisdiction of the Industrial Commission of South Australia to the University in respect of general staff; and

(2) in a number of minor respects which take account of contemporary circumstances.

The impetus for this Bill arises from a need to amend section 30 of the principal Act which at present reads:

> Notwithstanding any Act or law to the contrary, the Industrial Commission of South Australia shall have jurisdiction to make awards relating to the salaries, wages and conditions of employment of officers and employees of the University.

This was inserted in the Act in 1973 after it had been discovered that the Industrial Commission has no jurisdiction at all in respect of the University. As it presently stands, this section only confers upon the Commission the jurisdiction to make awards relating to salaries, wages and conditions of employment. There are, however, other industrial matters over which the Commission would normally have jurisdiction but over which it does not have jurisdiction in the case of the University. Such matters include classification structures and promotion criteria. This defect was discovered in 1976 when section 30 was considered by the Full Court of the South Australian Industrial Court in the Flinders University (professional non-academic staff) award (referral of question of law) case.

The Government has recently been approached by the University, the Flinders University Staff Association, which covers academic staff and certain non-academic staff, and the Flinders University General Staff Association, all seeking to have this section amended. All three have agreed that the full jurisdiction of the Industrial Commission should be extended to staff other than the academic staff. However, the University and the Flinders University Staff Association have adopted different positions in relation to the treatment of academic staff by this section.

On the one hand, the University has proposed that section 30 confer jurisdiction of the Commission only on staff other than academic staff whereas, on the other hand, the Staff Association argues that the extension of the Commission's jurisdiction should include academic staff. While the Government does not accept the University's proposal which would involve taking away from academic staff rights which they presently enjoy, it does not support the Staff Association proposal to increase academic staff access to the Industrial Commission.

Accordingly, the Government has adopted a course which extends the full jurisdiction of the Industrial Commission to the University in respect of general staff whilst preserving its present jurisdiction in relation to the salaries, wages and conditions of employment of academic staff. As it was seeking an amendment to section 30 of the Act, the University undertook a review of the remainder of the Act and has proposed a number of other relatively minor amendments. Many of these are of a housekeeping nature and others simply reflect changes in the circumstances of the University since the Act was last amended in 1973.

Clauses 1 and 2 are formal. Clause 3 amends section 2 of the principal Act by changing a reference to 'ancillary staff' to the now generally accepted nomenclature 'general staff'. Clause 4 amends section 3 of the principal Act which describes the University as consisting of 'a Council and a Convocation'. The amendment acknowledges staff and students as also being members of the University.

Clause 5 amends section 5 of the principal Act, which defines the membership of the Council of the University, by:

(i) changing a reference to 'ancillary staff' to the now generally accepted nomenclature 'general staff';

(ii) providing that the Pro-Chancellors and the Pro-Vice-Chancellors be *ex officio* members of the Council; and

(iii) adopting the current nomenclature 'General Secretary of the Students Association' in place of 'President of the Students Representative Council'.

Clause 6 deletes from section 7 of the principal Act certain words which are no longer relevant. They relate to the initial appointment of Council members by Parliament. Clause 7 deletes from section 10 of the principal Act three subsections which are no longer relevant. They relate to transitional provisions connected with a change in the composition of the Council brought about by the Flinders University of South Australia Act Amendment Act, 1973.

Clause 8 deletes from section 11 of the principal Act two subsections which are no longer relevant. They relate to transitional provisions connected with a change in the composition of the Council brought about the Flinders University of South Australia Act Amendment Act, 1973. Clause 9 changes references in section 12 to 'ancillary staff' to references to 'general staff'. Clause 10 amends section 16 of the principal Act by limiting the number of Pro-Chancellors and Pro-Vice-Chancellors which might be appointed to two in each case. This is necessary in view of the inclusion of these officers as *ex officio* members of the Council (see clause 5).

Clause 11 amends section 18 of the principal Act by providing for a Pro-Chancellor, rather than the Vice-Chancellor, to preside at meetings of the Council in the absence of the Chancellor. Clause 12 amends section 19a of the principal Act to extend the Council's powers of delegation to include any board or committee of the University as well as 'any officer or employee of the University'. This should remove any doubt which might exist as to the Council's powers of delegation. Clause 13 amends section 20 of the principal Act by:

(i) deleting a sentence which is no longer relevant; it suspended operation of certain provisions pending the constitution of the Convocation; and

(ii) raising the maximum fine recoverable summarily for contravention of the by-laws from forty dollars to two hundred dollars; this takes account of the changes in monetary values since the University's establishment in 1966.

Clause 14 deletes section 22 of the principal Act which allows the University to prescribe the place of residence of students during term. This is anachronistic and not likely to be used since the University does not accept an *in loco parentis* role. Clause 15 amends section 30 of the principal Act by extending the full jurisdiction of the South Australian Industrial Commission to the University in respect of staff other than academic staff whilst preserving the existing jurisdiction of the Commission over the University in respect of academic staff.

The Hon. MICHAEL WILSON secured the adjournment of the debate.

DAM SAFETY BILL

The Hon. J.W. SLATER (Minister of Water Resources) obtained leave and introduced a Bill for an Act to provide for the safety of dams and other related purposes. Read a first time.

The Hon. J.W. SLATER: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill is designed to protect life and property by making provision for the structural safety and surveillance of dams. For many years now the Australian National Committee of the International Commission on Large Dams (known as ANCOLD) has been concerned with the definite risk of serious dam failure occurring in Australia. This concern that the community is not adequately protected against possible dam failures is shared by dam engineers of the Engineering and Water Supply Department and by many local councils and their officers, especially in those councils whose areas include the Mount Lofty Ranges.

In 1972, ANCOLD wrote to the Prime Minister and all State Premiers stressing the need for the establishment of legislation to provide adequate control of the design, construction, operation, maintenance and surveillance of dams. Further concern was expressed in 1978 and reiterated in 1982. Once again, ANCOLD requested State Premiers to endorse the need for adequate controls to ensure the safety of dams. As a result of these approaches, New South Wales and Queensland have implemented legislation whilst Tasmania, Victoria and Western Australia have done preliminary work on draft legislation, but enactment has not proceeded for a variety of reasons.

Here, in South Australia, on 19 February 1979, and again on 19 June 1980, the then Cabinet gave approval for Parliamentary Counsel to prepare a draft Bill incorporating the principal recommendations of ANCOLD with the Engineering and Water Supply Department as controlling authority. However, the drafting of the Bill was not proceeded with due to lack of sufficient resources within the Engineering and Water Supply Department for administration of the Act.

Overseas experience has demonstrated that there are owners, both private and public, that are, either knowingly or through ignorance, constructing and maintaining dams that represent an unnecessary risk to the community. Occasionally, some of these dams fail causing hardship and economic loss to the community. Australia has, to date, been fortunate in that no major dam has failed with loss of life since 1929, when a mining dam in Tasmania was washed away with the loss of 14 lives. However, Australia's recent good fortune is no cause for complacency. Worldwide statistics indicate that about 5 per cent of all major dams will experience an incident of some sort. Of these 'incidents' about 25 per cent will be failures. On average each failure claims about 50 lives.

My concern for the safety of dams in this State stems from the fact that there are a number of dams being built each year for non-government bodies, without adequate professional design and supervision. Under existing legislation nothing can be done to avert the danger posed by unsafe dams until they fail. At present, councils and Government departments have only very limited control over the siting and construction of dams, with the result that some are considered unsafe or have been placed in hazardous locations.

In the Adelaide Hills, for example, expanding urban development may well result in a dam, built 40 years ago in a rural setting, now being located directly above a housing development. The hazard to life and property posed by possible dam failure in such developing areas is increasing. Concern from both local government bodies and residents is being expressed, along with the many inquiries directed to the Engineering and Water Supply Department's Dam Inspections Unit. Historically, development has been such that dams already built have generally been located in the best possible places. Future dam sites will have less favourable foundations and this problem is compounded by the tendency to use people with little or no dam design experience.

In addition, there is an increasing number of old dams. Owners tend to be under the impression that, if a dam has stood up for many years, it could be considered safe. This is not always so. A good example was a large dam near Lara in Victoria which failed in 1973, after giving 70 years of successful performance. The Bill establishes a statutory authority known as the Dam Safety Authority, which will be a corporate body subject to direction and control of the Minister. This Bill does not bind the Crown and therefore the new authority will not be able to control Government owned dams as a matter of law. However, the Government will issue a direction to the relevant departments requiring them to ensure that their dams comply with the requirements of the Dam Safety Authority.

The Authority will comprise four members appointed by the Governor. Three shall be nominated by the Minister and one shall be nominated by the Local Government Association. The primary emphasis for the selection of members of the Dam Safety Authority is to be on technical expertise, preferably combining extensive dam experience with senior managerial skills.

In addition, there will be a staff of about three people whose task will be to provide professional and administrative support to the Authority. Because of the downturn in capital works, the Engineering and Water Supply Department now have experienced staff available to provide professional and technical support. The Authority's function will be to ensure that all dams prescribed under the Dam Safety Act are designed, constructed, operated and maintained to appropriate standards acceptable to the Authority, and that proper monitoring and surveillance is carried out on dams, to ensure that the structures and their impounded storages do not impose a threat to life and property.

These dams, referred to as 'prescribed' dams, are all those which fit the following categories: over 10 metres in height and over 20 megalitres in capacity; over five metres in height and over 50 megalitres in capacity; or any smaller dam which is considered to be of danger to life or property and has been prescribed by regulation.

As one can imagine, these dams are larger than the average farm dam. It is not the intention of this legislation to control small dams (other than small dams in high risk areas) but rather to safeguard against failure of large dams (or smaller high risk dams) and thereby benefit the whole community. Owners of prescribed dams will be required to adopt acceptable standards and procedures in relation to their dams at all stages during the lives of the structures and will be responsible for their dam's safety.

If in the opinion of the Authority a dam is hazardous it may order the owner to rectify the hazard. Where the owner

fails or refuses to render the dam safe, then the Authority will engage a contractor or public authority to enter that property and carry out such work or repairs as are necessary. The cost of such work shall then be recovered from the owner. Besides requiring regular maintenance, the legislation will prevent an owner from constructing or altering a prescribed dam without prior approval of the Dam Safety Authority. All work on a prescribed dam including the design, is to be under the direction and control of a suitably qualified professional engineer, unless that dam by reason of its location poses no threat to life or property.

There are a number of farm dams throughout the State that, because of their remote location, do not pose any threat to life or property downstream should a failure occur. The purpose of the legislation is not to assist on low risk dams of this type being constructed and designed by professionals. Therefore, the Authority will allow the owner to construct the dam to his own standards. However, if future development occurs downstream of such a dam, then its status would have to be reassessed according to the risk presented. It is anticipated that reassessment of these low risk dams would be made every five years but should a major development, such as a mining operation, occur downstream of such a dam, it would be necessary to make a reappraisal of that dam's status.

A provision in this Bill gives the Authority delegative powers to seek assistance from any district or municipal council, should that council so desire. It is only intended to give councils powers to allow them to act as forwarding agents for applications. The Authority will make recommendations to the Governor as to the small dams that should be prescribed and will keep records of all prescribed dams together with information supplied by the owner or obtained by the Authority, under the requirements of the Act. Though the duties of the Dam Safety Authority involve inspection, monitoring, giving of advice on the requirements of the Act and issuing approvals to construct or alter dams, it is to be understood that no authorised officer or member of the Authority will incur any personal liability whilst carrying out those duties.

We in South Australia have been fortunate in being free of major failures of large dams to date. Other countries with much longer experience and no less skill in dam building have been less fortunate. The failure of a major dam can have tragic consequences in the loss of human life as well as property. This Bill is commended as an important step in ensuring that our State will never need to suffer the tragedy of these consequences.

Clauses 1 and 2 are formal. Clause 3 provides definitions of terms used in the Bill. Clause 4 establishes the Dam Safety Authority. Clause 5 provides for membership of the Authority. Clause 6 makes the Authority subject to written directions from the Minister. Clause 7 provides for the appointment of a Chairman of the Authority.

Clause 8 sets out procedures at meetings of the Authority. Clause 9 validates acts and proceedings of the Authority and provides immunity for members of the Authority. Clause 10 provides for remuneration of members of the Authority. Clause 11 sets out the functions and powers of the Authority. Clause 12 sets out powers of delegation. Clause 13 will enable the Authority to use the services of public servants. Clauses 14 and 15 are financial provisions. Clause 16 sets out reporting requirements. Clause 17 requires that the construction and alteration of prescribed dams must comply with the regulations and must have the approval of the Authority. Clause 18 empowers the Authority to appoint authorised officers. Clause 19 sets out the powers of authorised officers. Clause 20 enables the Authority, by notice served on a dam owner, to require him to take action to remedy hazardous conditions or to maintain and repair the dam. Clause 21 enables an authorised officer to act in an emergency involving a dam.

Clause 22 provides penalties for hindering an authorised officer or failing to comply with his requirements. Clause 23 gives the Authority and authorised officers power to enter and occupy land in order to carry out their functions and exercise their powers under the Act. Clause 24 prevents mining or quarrying operations near prescribed dams. Clause 25 requires the owner of a prescribed dam to report any failure of the dam to the Authority. Clause 26 requires the Authority to give its reasons for decisions made under the Act. Clause 27 requires the Authority to publish a list of prescribed dams annually.

Clause 28 provides immunity from liability for any person acting in pursuance of the Act. Clause 29 provides for service of notices. Clause 30 requires the owner of a prescribed dam to notify the Authority of the dam within three months of commencement of the new Act. Clause 31 makes the directors of a company which has committed an offence under the Act liable to a similar penalty. Clause 32 provides that offences under the Act will be summary offences. Clause 33 provides for the making of regulations.

The Hon. P.B. ARNOLD secured the adjournment of the debate.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL

The Hon. T.H. HEMMINGS (Minister of Housing and Construction) obtained leave and introduced a Bill for an Act to amend the Industrial Conciliation and Arbitration Act, 1972. Read a first time.

The Hon. T.H. HEMMINGS: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

On 14 May 1984 major amendments to the Industrial Conciliation and Arbitration Act, 1972, came into operation. These were a result of the detailed investigation of the Act by Industrial Magistrate (as he then was) Frank Cawthorne, and his subsequent final report. Extensive consultations were held with employer and union groups and with the Industrial Relations Advisory Council before that Bill was finally introduced into Parliament. As a result of practical experience with these new amendments it has been found that limited amendments of a machinery nature are necessary to clarify certain provisions of the Act and to avoid unnecessary litigation that might otherwise arise in relation to the 1984 amendments. This latest Bill contains these necessary changes and, in addition, certain other amendments which will further the objects of the Act. The desirability of making these amendments has been raised primarily by employer interests represented on IRAC, and members of IRAC have agreed unanimously to these provisions, with the exception of the amendment concerning lorry owner/drivers to which I will refer later.

I will briefly explain some of the more significant provisions in this Bill. One of the major items in the 1984 amendments was the reform of the unfair dismissal provisions to:

(a) transfer the jurisdiction from the Industrial Court to the Industrial Commission;

(b) introduce the additional remedies of employment in another position or compensation, and
(c) require a pre-hearing conference to attempt to resolve the matter by conciliation.

From the information available since the amendments came into operation, it appears that the new unfair dismissal provisions of section 31 have been working extremely well. Indeed, it has been estimated that cases have an 80 per cent settlement rate at the pre-hearing conference which points to the success of the conciliation process in this jurisdiction.

However, it has become apparent that, when the new provisions were originally drafted, one or two matters were inadvertently excluded. In particular, doubt has arisen as to the right of the party to proceedings under section 31 to appeal against a decision of the Commission. Whilst section 97 allows for appeals to be made by various groups of employees or employers and, in some limited cases, individual employees and employers, it does not contemplate a general appeal by an individual employee—a situation which is quite likely to arise in the unfair dismissal jurisdiction. This Bill therefore provides for specific appeals in regard to section 31 matters.

A further matter requiring clarification is the time period in which a section 31 appeal must be lodged. It would appear that as a result of the operation of section 98 (1) *(b)* of the Act an appeal can be lodged up to 42 days after the handing down of the decision. When the jurisdiction was vested in the Industrial Court, the time allowed for appeal was 14 days, which permitted both parties to be aware of their positions within a reasonable time. To restore this protection, it is necessary to amend the Act to reintroduce the 14 day time limit for section 31 appeals. A provision has also been included which clarifies the jurisdictional base for the unfair dismissal provisions by including a specific reference to such matters in the definition of 'industrial matter'.

One further matter concerns the relationships between the unfair dismissal jurisdiction and the Long Service Leave Act. Section 5 (1) *(g)* of that Act provides for continuity of service for the purposes of long service leave where an employee is re-employed within two months of the termination of his service. However, where an order for re-employment is made in the Industrial Commission outside the two month's period, the Long Service Leave Act does not operate so as to provide for continuity of service. Accordingly, it is necessary to amend section 31 to expressly empower the Industrial Commission to make an order that the period between the date of termination and the date of re-employment in the former or another position be counted as continuous service, if it is considered appropriate to do so by the Commission. The ability of the Full Commission on an appeal to stay the operation of an order under section 31 is also to be restricted. It is thought appropriate to stay the operation of orders for the payment of monetary compensation but not orders for re-employment.

The 1984 amendments inadvertently removed the power of the President of the Industrial Court and Commission to appoint a Commissioner as Chairman of a Conciliation Committee. This has now been rectified in the attached Bill. As a result of discussions with the Transport Workers Union, the Government intends to amend the definition of 'employee' in the Act to include certain lorry owner/drivers (not being common carriers), who are presently enrolled as members of the TWU. These owner/drivers are people who are very similar for industrial purposes to employees.

A provision in the Commonwealth Conciliation and Arbitration Act allows federally registered unions to include in their constitution members who are defined as 'employees' under respective State legislation. By including such lorry owner/drivers under the definition of 'employee' in our State Act, the Federal Transport Workers Union would then be able to amend their rules to officially enrol such owner/drivers in South Australia. This would enable formal recognition of what is now a defacto membership of the union. There are already similar clauses in the State Act which define taxi-drivers and contract cleaners as being 'employees'. It should be noted that the New South Wales Industrial Arbitration Act has had a similar provision for some time now. Specific reference was made to the problems of the lorry owner/drivers in the Cawthorne Discussion Paper. In the Final Report, Cawthorne recommended:

3 *(b)*. That the Act enable the regulation of contract labour on an industry by industry basis.

3 *(c)*. That, on referral by the Minister, the Commission be empowered to examine any proposal to extend the Act to cover contract labour, in a particular industry.

There are certain other amendments to section 31 which are concerned with clarifying that new provision and which do not change the concepts in the existing legislation, but have been amended to make the legislative intention clear beyond doubt.

Clause 1 is formal. Clause 2 provides for the commencement of the measure. Clause 3 amends section 6 of the principal Act in two respects. The first is to amend the definitions of 'employee' and 'employer' respectively so that a person engaged to transport goods or materials by road and who is not a common carrier and who does not employ or engage another person to help him is to be an 'employee' for the purposes of the Act. Provision is also to be made for the Governor to declare that the Act, or specified provisions of the Act, shall not apply to such employees, or specified classes of employees. The second aspect to the amendments to section 6 is to define 'industrial matter' as including the dismissal of an employee by an employer. This amendment has been included on the basis of a submission to the Government that when Parliament by Act No. 19 of 1984 conferred power on the Commission to act on application by an employee who has been harshly, unjustly or unreasonably dismissed, the Parliament failed to confer the necessary jurisdiction to act.

It is difficult to see how it could be maintained that the Commission could not act on an application although it had been given powers to act on the determination of the application, but it has been decided to put the matter beyond all doubt. Accordingly, by amending the definition of 'industrial matter' to include the dismissal of an employee by an employer, the Commission will clearly derive jurisdiction to act on an application under section 31 by virtue of the general jurisdiction of the Commission to 'hear and determine any matter or thing arising from or relating to any industrial matter' (section 25 (1) *(a)*).

Clause 4 effects various amendments to section 31 of the principal Act and are intended to enhance further the operation of the section. The first set of amendments provide that the dismissal of an employee will found an application, and not an employer's decision to dismiss. The section presently operates in relation to the decision to dismiss an employee, as this is what lies at the heart of the matter. However, some practitioners have expressed an uneasiness with this approach. It has been submitted that it would be more appropriate to revert to the wording that was employed in section 15 (1) *(e)*. The Government is willing to accede to this submission. Another amendment relates to the sequential nature of the remedies provided by section 31 (3). The amendment is intended to stymie any argument that the compensation remedy may be awarded without reference to the remedy of re-employment. A further amendment recasts section 31 (4) so that if an order for re-employment is made the continuity of service of the employee will be preserved.

Clauses 5 and 6 clarify certain powers of the President to appoint Commissioners as chairmen of Conciliation Committees. Clauses 7, 8 and 9 effect amendments relating to appeals from decisions and orders made under section 31. The amendments are intended to assist in the operation of the appeal mechanisms. Clause 10 amends section 99 so that the Full Commission cannot make a stay order relating to re-employment on an appeal against a decision or order under section 31. Clause 11 strikes out an incorrect cross-reference in section 111. Clause 12 amends section 133 so that it will be able to operate both retrospectively and prospectively.

The Hon. E.R. GOLDSWORTHY secured the adjournment of the debate.

TRESPASSING ON LAND ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 2 April. Page 3766.)

The Hon. G.J. CRAFTER (Minister of Community Welfare): When this debate was adjourned last evening I was thanking honourable members for their support of this measure. The Bill relates solely to the matter of offences. Whilst some members took the opportunity of the second reading debate to discuss a wide range of other matters, this Bill does not, in its present form, attempt to deal with those wide ranging matters. The Deputy Leader of the Opposition spoke at some length about the need for general law reform in this area, and I was interested to learn from the debate in another place that the honourable member did introduce his own private member's Bill in 1979 to deal with this measure, albeit in a piecemeal way.

The then Attorney-General expressed some support for the measure that the honourable member raised, but said that it should be considered in the context of the Mitchell Committee Report on the general reform of the criminal law in this State and, indeed, taking into account other matters of importance before such wide ranging law reform was embraced. It is interesting to note that the honourable member, although joining the Cabinet of the subsequent Government following his introduction of that Bill, never took up the issue during his three years in office.

The Hon. E.R. Goldsworthy: Don't tell lies to Parliament, please.

The Hon. G.J. CRAFTER: The former Attorney-General said, 'We were looking at the legislation—

The DEPUTY SPEAKER: Order! I draw the Deputy Leader's attention to the word 'lie'. As he would well know and as I know, that is unparliamentary and I would hope that he does not interject. It would be best if the Deputy Leader withdrew the remark.

The Hon. E.R. GOLDSWORTHY: On a point of order, Sir, the Minister is telling enormous untruths—absolute and complete fabrications and untruths—to the House. I will withdraw the word I used to describe his statement. The fact is, as he knows perfectly well, the matter was—

The DEPUTY SPEAKER: Order! The Chair will not accept that sort of explanation. The Deputy Leader knows very well, as explained by the Chair, that the word 'lie' is unparliamentary, and the simple situation is that the Chair is asking the Deputy Leader to withdraw that word. There is no need for any explanation or further discussion. The word must be withdrawn. I am asking the Deputy Leader to withdraw.

Mr LEWIS: On a point of order—

The DEPUTY SPEAKER: Order! Do I understand that the Deputy Leader has withdrawn?

The Hon. E.R. GOLDSWORTHY: Yes, I did.

The Hon. MICHAEL WILSON: On a point of order—

The DEPUTY SPEAKER: Order! For the information of the Deputy Leader, I am only asking whether he withdrew.

The Hon. E.R. GOLDSWORTHY: Yes, I did withdraw and used another word which meant the same thing.

The Hon. G.J Crafter: You didn't bother to stand.

The Hon. E.R. Goldsworthy: I did stand. You must be blind as well as deaf. You want a third pair of specs.

The DEPUTY SPEAKER: Order! I assure honourable members that we will not proceed with this situation. There is no need to go any further. If the honourable member has withdrawn, the Chair will accept that, but I do not like the way that the word was withdrawn. It is common courtesy that the Deputy Leader should have got up and withdraw without all this mucking about. The honourable Minister.

The Hon. G.J. CRAFTER: To resolve this matter, as there seems to be some doubt, I will quote from the reason given by the former Attorney-General, the Hon. Mr Griffin, when he was challenged in another place as to why the previous Government did nothing in its period in office about general law reform in this area. He stated:

> We were looking at the legislation and having discussions, but because of other work loads which the legal officers had they did not give it a high priority.

So, there lies the importance given to that matter by the previous Government. What happened in another place was that the Hon. Mr Griffin brought in some five pages of amendments to the general law on this matter. To quote the words of the Hon. Mr Milne, he thought it was 'a bit hot'. Indeed, it was! The Attorney-General has indicated that the Government is proposing in May of this year to release a general discussion paper on the reform of the general law with respect to trespass, and that then will be available for widespread public discussion and, presumably, law reform will follow that. This is attending to the area I have outlined to the House, that is, the reform and upgrading of penalties. It follows the amendments made last year by this Government to the Police Offences Act. That has allowed a number of successful prosecutions to be brought which cover the circumstances to which honourable members have referred in the debate in this House. There may still be some deficiencies.

I cannot comment with absolute assurance on some of the cases that honourable members have raised, but in general the circumstances with respect to the taking of firewood and other things from the private property of others with the intention of permanently depriving those persons of that property is simply an offence of theft, and penalties follow from that. As honourable members know, the amendments moved last year to the Police Offences Act did, indeed, broaden the offences, resulting in a number of successful prosecutions. If there are still deficiencies in the law, they will be embraced by way of a review of the whole aspect of the law of trespass. I believe, as does the Government, that that is the most responsible approach to be taken in a matter of such fundamental importance to the law as this. I thank honourable members for their support of this measure.

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

SHOP TRADING HOURS ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 20 February. Page 2686.)

The DEPUTY SPEAKER: I understand that there is a slight difference here. Although the Minister is presenting

the Bill, the Deputy Leader will have the right of reply. I hope we understand the position: there was some confusion.

The Hon. T.H. HEMMINGS (Minister of Housing and Construction): I apologise. I thought that the amendments that I will put had been circulated.

The Hon. E.R. Goldsworthy: I read about it in the newspaper about 10 minutes ago. That's the first I heard about it—in the *News*.

The Hon. MICHAEL WILSON: I rise on a point of order. Although I accept the Minister's apology, this is the second instance in about 10 minutes when we have not had material before us. The Flinders University Bill has not yet been circulated to members. It was laid on by the Minister about 10 minutes ago. Here we have another instance of amendments not being circulated. It makes our job very difficult.

The DEPUTY SPEAKER: Order! I do not uphold the point of order. I point out that we have before the House a Bill that has been presented—

The Hon. E.R. Goldsworthy: By me.

The Hon. Ted Chapman: It came from the Legislative Council. It is a private member's Bill.

The DEPUTY SPEAKER: Order! The member for Alexandra or any other member in this House knows full well that the Government some time ago stated that it would allow Government time to debate such a Bill. That is what we are trying to do. I do not want to go into any further argument: that is the position. At present the Bill is before the House. Any amendment, and so forth, would be a question for the Committee. I hope that everyone understands.

The Hon. TED CHAPMAN: I rise on a point of order, somewhat reluctantly, because I know that the business of the House is paramount. However, at this stage if I had not gone and found the Minister we would not have had a Minister or a Bill either, and I—

The DEPUTY SPEAKER: Order! The Chair will not accept that sort of point of order. The member for Alexandra knows full well that he is out of order. The Chair has explained the position as best it can and I think in a fair way. I suggest that we get on with debating the Bill so that at least the Government can carry out its promise that the Bill would be dealt with in Government time.

The Hon. TED CHAPMAN: I rise on a further point of order, Sir. You have acknowledged that we have not got the amendments: we have not got the Bill, either. All we have is the Bill introduced by the Hon. Martin Cameron in another place in relation to the Shop Trading Hours Act. That is the Bill that is on file. Before the Minister can proceed to amend it he has to introduce a Bill in his own name. As I understand it, the Government insists upon it in this instance.

The DEPUTY SPEAKER: Order! I advise the member for Alexandra that the Bill has been on file since 14 November. That is rather an extraordinary attempt to delay the processes of the House, and I suggest that we get back to the second reading debate on the Bill.

The Hon. T.H. HEMMINGS: The Bill to which we are referring is the Bill that came down from the Legislative Council. It is not a Government Bill.

The Hon. E.R. Goldsworthy: It's a Liberal Party Bill. It is not mentioned in the *News*, unfortunately.

The DEPUTY SPEAKER: Order!

The Hon. T.H. HEMMINGS: I will be introducing certain amendments to the Bill. Again, I apologise that the amendments standing in my name—

Mr Lewis: They don't stand yet.

The Hon. T.H. HEMMINGS:—have not yet been distributed. I do apologise to the House.

Members interjecing:

The Hon. T.H. HEMMINGS: I thought that Wednesday afternoon was always the friendly afternoon.

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. T.H. HEMMINGS: As a result of recent negotiations with the Retail Traders Association and the Australian Meat Industry Employees Union, the Government now believes it is appropriate to allow a further relaxation in the trading hours for red meat. Accordingly, the Government will be supporting the Bill but with some amendments to bring the legislation into conformity with the practical arrangements that have been worked out between the RTA and the AMIEU.

I place on record credit to the Minister of Labour, who has consistently said that before the Government either brought in its own Bill or supported the Bill that emanated from the Upper House he would try to reach consensus of all the major parties involved in the sale of red meat. For this, he should be congratulated. He has received quite a lot of criticism in the past for what has been viewed as a dogmatic approach to this problem. We all know that prior to the Bill's being introduced into the Upper House there was a series of petitions in every butcher shop, in every retail supermarket, and everywhere where red meat sale was taking place. Thousands and thousands of signatures came from those places. However, the Minister of Labour was quite firm in his attitude that he was not going to be rushed into taking any action.

His view was, and I think his record in the past so far as industrial relations is concerned shows that when there was a consensus approach by most major retailers, unions, and so on, then he would take some action. That has now happened. To those people who say that they only found out about it on reading the *News* today, I say that, if they had had their ear to the ground—and I am sure that Martin Cameron would have been well aware—they would have known that agreement had been reached by the RTA and the meat workers union and that this Government was going to support the Cameron Bill.

In late 1983, when the Shop Trading Hours Act was last amended to provide for greater flexibility in the trading hours for the sale of red meat, it was recognised by the Government that those changes did not go as far as some groups would like. It was, however, an advance on the existing arrangement and to a degree reconciled the somewhat divergent interests of the various groups involved—producers, consumers, employers, and workers.

The new trading arrangements have been in operation for approximately 12 months and, whilst reports from the Department of Labour indicate that they have operated satisfactorily, there has been a clear expression by consumers for a further liberalisation of the trading hours for red meat.

In 1977, when the Royal Commission into Shop Trading Hours looked at this matter, it found that butchers in suburban and city butcher shops were working about 46 hours each week and butchers employed in supermarkets were working 42 hours per week. It follows that a major concern with any extension in trading hours has been the possibility that such a move would lead to an intolerable burden on those employees working in the industry. In an endeavour to overcome these very real concerns the Government has for many months been talking with and fostering discussions between the Retail Traders Association and the Australian Meat Industry Employees Union.

Those negotiations have reached a stage where the parties have now agreed in principle to the introduction of a 38 hour week for employees, thus paving the way for an extension in trading hours. As a result of this agreement, the Government believes that it is now appropriate to support

an extension in the trading hours of red meat. This breakthrough has been achieved as a result of the Government's encouragement of negotiations and a belief that a workable solution could be found.

The practical arrangement that the parties have agreed to has, the Government believes, balanced the needs of the various interest groups and is a clear example of what can be achieved by consensus, not confrontation. The Government therefore supports the general trust of the Bill but believes that amendments are necessary to bring the legislation into conformity with the agreement that has been worked out between the Retail Traders Association and the AMIEU. That agreement provides for one late night's trading in each week in the various shopping districts, including the country, as well as allowing trading on a Saturday morning.

In addition, the agreement calls for the closing times for weekdays other than the late closing night to remain at 5.30 p.m. to allow for the clean up of premises, which is a traditional feature of this industry. The Government believes that the Bill, if amended to incorporate the agreement worked out by the RTA and AMIEU, will strike the right balance between the needs of consumers, the demands of retailers and producers, and the provision of reasonable conditions of work of those employees engaged in the industry, and accordingly is supportive of the general thrust of this Bill.

Mr LEWIS (Mallee): This Bill is indeed an improvement on the situation as has existed previously. However, I see no intrinsic value in attempting to determine when our shops should or should not be open. That does not improve the standard of services provided to the customer: in fact, in the opinion of most customers it probably reduces it. Secondly, this does not ensure that the quality of meat (as this Bill is about meat and not other goods) available to customers will in any sense or way be improved over and above what it would otherwise be if it was left to the discretion of the trader to decide when to open and when to close his shop.

In fact, this is another classic example of red tape and bureaucracy organising the law to suit their own interests and those of the big interests which, these days, seem to be the most effective pressure groups in the economy. Quite clearly, it would be against the interests of those large organisations to deregulate shopping hours, whether in this specific instance or in the general case. In this specific instance, of course, it is intrinsically implied that there is some considerable legal merit in having a shop open before 6 p.m.—at one minute to six—but that that benefit immediately evaporates once 6 p.m. is reached, when the shop must be shut, as a disbenefit is involved if it remains open beyond that time on any given week day.

I understand that the Government proposes that instead of the closing time being 6 p.m. on every week day other than a Friday it will be 5.30 p.m. The same argument applies there: I do not see that there is necessarily any great merit in having a closing time of 5.30 p.m. instead of 6 p.m., 6.30 p.m., or 2.30 a.m. in determining whether or not it is appropriate for traders to sell customers their goods, which in this case is red meat. If a customer is at the shop and wants to make a purchase and the trader believes that it is in his or her interests to be available to provide the service and that it is worth their while to be there, I cannot see any reason at all why Governments need to get involved and distort those otherwise sensible trading arrangements, which would be conducted within the law.

We need to understand that other factors must be considered in regulating the quality of meat and its good health or otherwise. In no sense is the general public or the consumer put at risk by the lengthening or shortening of the trading hours. At present it is possible to buy other animal protein at other times, according to the inclination of the individual trader to open his premises and make his services available to any potential customer. I am referring to the so-called white meats such as poultry, fish or eggs.

The Hon. Jennifer Adamson: And cooked meats.

Mr LEWIS: And cooked meats of all kinds, which are available 24 hours a day, seven days a week from more than one outlet in this city and in this State. It is quite ridiculous and stupid for us to presume that there is any wisdom whatsoever in having laws of the kind that we propose to make by the passing of this measure, as amended or otherwise.

The worst aspect of the whole proposition as it stands or possibly as amended is that it acts as a direct disincentive to the development of services and facilities which would enhance the rapid growth of tourism in this State. Worst still, it discriminates against the producers of red meat protein in favour of the producers and/or hunters of white protein. In both cases it is my judgment that the sooner the members of this place understand that they do not know better than the customer and his supplier about when the deals should be made, the better off we will all be.

The Hon. JENNIFER ADAMSON (Coles): I support the Bill, which is a Liberal initiative designed to clean up the mess created by the ALP and the Democrats in relation to shop trading hours for meat. In his speech the member for Mallee proposed that we should attempt to deregulate shop trading hours so that retailers can respond directly to the wishes of their customers, and I support that. This measure is designed to go some small way towards achieving that great goal, and I certainly hope that I live long enough to see that overall goal achieved.

I reject the spurious arguments put by the Minister in his second reading speech, claiming a breakthrough on the part of the Deputy Premier. 'Breakthrough' is an entirely inappropriate word to use to describe the machinations of the ALP and the unions in trying to prevent customers having access to goods and services at the times when they want them. I became involved in the shop trading hours issue even before I was elected to Parliament. I presented a submission to the 1977 Royal Commission on Shop Trading Hours. At every opportunity since then in this House and in other forums I have used what advocacy I could to try to promote sanity in terms of shop trading hours. To me, sanity means enabling retailers to respond directly to the wishes of consumers without intervention by Governments or the Legislature.

The question of trading hours for red meat has assumed Gilbertian proportions. As the member for Mallee said, in this State one can buy cooked meat at any time of the day or night, and one can buy fish and poultry over a much wider range of trading hours than those which apply to red meat trading. The present situation is completely nonsensical, illogical and certainly impractical.

The only reason that the Government has decided to pick up a private member's Bill, promoted by my colleague the Hon. Martin Cameron in the other place, is that it is finally getting the message that consumers will no longer stand for heavy handed Government intervention. I suggest that one of the most effective ways in which the message got through is in relation to the admirable persistence of supermarkets in ensuring that, whenever the large black plastic covers are placed over the meat at 5.30 p.m. on a Thursday, alongside them was a notice saying, 'These covers are being put here because of the insistence of the State Government in making regulations to prevent trading in this product,' or words to that effect.

The reality of shop trading hours is understood best by those who are responsible for the purchase and preparation of food for families. As a working wife and mother, I know that one can control virtually everything within one's sphere of domestic management other than shop trading hours. One can control the time at which one does the washing and ironing. If necessary, it can be done at 2 am or 3 a.m., if that is the only time one's schedule permits. One can control when one does the cleaning. If necessary that can also be done at 2 a.m. or 3 a.m., if that is the only time one's schedule permits. The one thing which one cannot control and which is absolutely essential for the effective management of a household is the regular purchase of fresh food.

That imposes strains on someone who is in charge of a household to do a day's work—and in our case a day's work and a night's work seven days a week—and at the same time makes one rush and tear about to try to get to the shop hoping and praying that the shop will still be open by the time one arrives at the door. Tearing out of here on a Thursday night hoping and praying that the black plastic will not be put over the meat is no joke. It imposes impossible strains on housewives and on the increasing number of men and students (young men and women) who are responsible for purchasing the family food.

It simply means that perfectly unnecessary restrictions are placed on consumers. The Minister, in particular, described it as a breakthrough that the Government is deciding to do away with the mess it has created. It might be more accurate to suggest that the Government has finally started to see a glimmer of light which has been brilliantly apparent to everyone else for months, if not years. The purpose of trading is to meet the needs of consumers. However, they are the last people who have been considered to date. But, with an election in the offing, the Government is finally realising that it had better try to clean up the mess that it has created.

Even in that realisation, the Government apparently cannot resist messing around still further; hence the amendments foreshadowed by the Minister during his second reading explanation. Somehow or other the Government feels that it has to muscle in and change the proposed 6 p.m. trading hour which is provided in the Bill and move it back to 5.30 p.m.—ostensibly to enable butcher shops to clean up. Well, everyone else has to clean up when trading is finished, the customers have gone and the shop door is closed. No-one else is given these special dispensations. I see no reason why the hour of 6 p.m. should be knocked back to 5.30 p.m. To the contrary, seeing that most of the consumers will leave work at 5.30 p.m. or not much before, that precious half an hour before 6 p.m. is extraordinarily important.

The DEPUTY SPEAKER: Order! I thought that the Chair had made it abundantly clear at the beginning of the debate that there were amendments but that they were not currently in the Bill. This is a second reading debate, and the only thing presently before the House is the Bill. The amendments are not before the House. The honourable member may in some way be able to refer to possible amendments, but cannot at this stage debate the amendments.

The Hon. JENNIFER ADAMSON: The hours of 6 p.m. on week days and 12.30 p.m. on a Saturday provided in the Bill are entirely appropriate hours. I support those hours for the closing times of butcher shops, if the law needs to designate a closing time—and I dispute that as a matter of general principle. The past 12 months can only be described as a circus in retailing terms. The Parliament said to retailers of red meat that if they traded on a Saturday they could not trade on a Thursday night and, if they traded on a Thursday night, they could not trade on a Saturday. That has been resented by the electorate at large. It demonstrates how out of touch the Labor Party and Democrats are with the electorate.

I hope that the Bill as it stands will be supported by the Parliament and that, once passed, it will be proclaimed promptly so that we no longer have to go through these ridiculous shenanigans of rushing, tearing and belting along to the butcher in order to try to buy the weekly supplies simply because this Parliament said that we have to do our shopping between such and such an hour. That is not good enough. In my opinion, it is a very oppressive burden to place on people, particularly working women who are in charge of households. In so far as the Bill represents a small step towards sanity, I support it.

Mr M.J. EVANS (Elizabeth): This Bill seeks to correct what many members of the community seem to think is an anomoly in the shop trading hours provisions—an anomaly that is long overdue for correction. It is certainly appropriate that the matter should be resolved to a significant degree. I believe that there is a significant degree of bipartisan support for this measure. However, I believe that the delay that has occurred since the Bill was first introduced as a private member's measure has served a useful purpose. It has enabled the Government and officers of the Government, in particular the Minister of Labour, to undertake a degree of consensus on the matter and to seek out and take views from interested parties in the community—those who are involved in the production and sale of red meat, as employees in shops, and of consumers. It brings about a degree of consensus from members on both sides of the Chamber as to what the law should be on this matter.

I congratulate the Minister concerned—although the Acting Minister is representing him here today—who has taken the trouble to bring about a degree of consensus on this important issue. It will certainly remove a minor irritant to a number of consumers who, perhaps confronted by the closed doors of butcher shops, have been led to wonder at the way in which Parliament goes about making laws which resulted in that position. It will certainly solve a number of problems for people who have difficulties, because of their working hours, in making convenient purchases of red meat.

Over the past couple of months I have taken the opportunity to discuss this measure with a number of interested parties, including all the small butcher shops in my electorate. There is a significant degree of support for the measure, although it might be said that in general some of the small butchers are opposed to the extension of trading hours. The ones to whom I have spoken and who represent all those trading in my electorate are prepared to see this extension. They saw that the anomaly needed to be corrected and understand the motives behind the Bill and the benefits that it will bring to consumers. They also appreciate that it will extend freedom to them, as small businessmen, to operate their shops during the hours they wish, when other shops are also trading.

Naturally, a number of small butchers trading in isolated neighbourhood shopping centres may not choose to open all the hours that it will be lawful for them to open. However, the important thing is that now, if the Bill passes, they will have freedom to make that choice for themselves. It is important that this Parliament acknowledge the right of small businessmen to operate their shops in that way and, at the same time, take into account the needs of their families and employees who are required to staff the shops. On the basis of those brief remarks, I conclude by indicating my support for the basic principle of this Bill. Over the past few minutes, I have had an opportunity to study the proposed amendments that the Minister intends to move, and I believe, on the whole, that they improve the Bill.

In some respects, I think they are a little more restrictive than the existing law, and I refer to the areas outside shopping districts. I believe that when the committee is formed we will need to give closer attention to that matter. In general, the matter has my full support, and I again congratulate the Minister of Labour for the work he has done in bringing the parties together, because this extension of trading hours in one particular area, although it does rectify a long term anomaly, will bring significant advantages to consumers in regularising and normalising shop trading hours in this State.

Mr BAKER (Mitcham): I would like to express my dissatisfaction with the amendments included in this Bill by the Minister. I think I should acquaint members with the nature of the meat industry so that they will have an understanding and appreciation of its very competitive nature and of the difficulties faced by small businessmen in this area. The Minister stated earlier today that he is pleased that an agreement has been reached which will enable a 38-hour week to be worked in the industry. We all know that a deal has been done to allow this legislation to pass because the Labor Party perceives that there might be some electoral kudos to be gained from freeing the trading hours.

A number of butcher shops in my area have closed in the last five years because of the competitive nature of the industry. Other factors are also involved in this matter, such as the decreasing quantity of red meat being consumed per capita as a result of dietary changes and warnings about cholesterol levels. We can expect that further inroads will be made into the demand for red meat. However, of course, the supermarkets have made significant inroads into the sale of red meat—one-stop shopping, where customers can buy all the normal consumables as well as red meat.

The small corner butcher shop is now a dying enterprise, and that is a great shame. Many elderly people in my area have a limited ability to get to the shopping centres, and they rely on their corner butcher shop and the corner delicatessen to supply them with their needs. Because of the expansion of supermarkets throughout the State and a decline in the sales of red meat, the number of small butcher shops has been reduced. It is important that we examine measures not to take away the competition that exists but to ensure that everyone gets a fair deal, and the Minister's amendments do not give anyone a fair deal.

For example, I am on friendly terms with a number of butchers in my area, and I know that they work about 65 hours a week. They get up at 5.30 in the morning, start work at 6 o'clock, and they go through until 6 p.m. They work 12 hours a day, and very few take a structured lunch break; they work five hours on Saturday mornings, yet their return is far lower than the average weekly earnings. These are people who have put together their businesses over a long period. They spend 65 hours a week in their shop servicing the needs of the South Australian consuming public. The award states that an employee shall work 40 hours a week over five or 5½ days. If agreement is reached for the employee to work on Saturday mornings, he is paid time and a quarter, the time involved is part of that 40-hour week.

As the Minister has suggested, the hours actually worked are more than that, amounting to 42 or 46 hours. If, in fact, an employee exceeds the 40 hours, he must be paid time and a half for the first three hours and then double time for every hour thereafter. A considerable penalty is paid, even working within the structured hours, to service the public. What the Minister has failed to understand— perhaps he does understand it and he has done a deal with the union and the larger employers (the supermarkets)—is that that will absolutely destroy the corner shop. If the Minister does not understand that, he should visit a few butcher shops (and I hope he has already visited some) and see how they are getting on in the market place today.

I will explain the situation to the Minister in simple terms so that he can understand. The butcher, the principal in the small one or two man business, works 65 hours a week. He schedules an employee to work 40 hours a week, or somewhat more than that, to meet the demand. If the extended trading hours suggested by my colleagues in the other place and supported now by the Labor Party are introduced, the butcher will have to make up his mind within which hours he will operate. If he operates for 38 hours a week, I presume every hour worked after that 38 hours will be paid at time and a half for three hours and thereafter double time to service the needs of the consuming public. If the employee of the butcher is working 42 hours (which the Minister mentioned), we would expect that the butcher would be paying for three hours at time and a half and an extra hour at double time, and that is without opening on the Thursday or Friday night. That would be adding a considerable cost to the industry, and the cost of meat would increase. Why did the Minister bring in this amendment to reduce the closing time to 5.30? I can tell members why.

The ACTING SPEAKER (Mr Ferguson): I ask the honourable member to resume his seat. I remind him that we are not talking about the amendments. This is a second reading debate, and I ask the honourable member to note that fact and bear in mind that we are not dealing with amendments. The amendments will be dealt with at a later stage.

Mr BAKER: Thank you for your guidance, Mr Acting Speaker. I am canvassing the industry today and explaining what the changes in hours will do to it. I will mention the 38-hour week and I will not mention the amendment, and I am sure that will fit in with your dictates, Mr Acting Speaker. If the normal trading hours of butcher shops are reduced to 38 hours a week but they have to work 42 hours a week, three hours will be paid at time and a half and one hour will be paid at double time. In a 46-hour week, the impost, from a managerial point of view, would be the same as for the 42-hour week but with another four hours at double time. That would cause considerable cost to the consuming public. Someone may say, 'There are no free meals,' but the point to be made about opening and closing times is that, under the existing legislation, a butcher has no specified time during which he must open but the time for closing is currently 5.30 p.m.

One area where the small butcher shop can be competitive is that of the home traffic trade. Our whole family structure and lifestyle have changed over the past 10 years, and now we have many families where both partners are working. Thus, between 5 p.m. and 6 p.m. there is an enormous amount of traffic on the roads going home from work. If the industry were to react to change and to meet the needs of the consuming public, the small butcher shop should be allowed to open until 6 p.m. to capture that trade. Putting it simply, many people now demand fresh red meat, and the best time for them to shop is when they can buy it on the way home and have it for tea.

Any proposition that the closing time should remain at 5.30 p.m. does not meet the needs or take into account the changing demands of the public. I suggested to one or two butchers in my district that they might think about opening their shops a little later in the day, and perhaps take a day off so that they need not work 65 hours a week. Opening a little later would mean that they could capture the passing trade, and it is the only way to remain competitive and to meet the public demand. They could compete because the customer could either go home and then go out again to buy the meat or buy the meat on the way home. However,

if 5.30 p.m. is to be entrenched in the legislation as it is today and butchers are not allowed to trade later, the smaller butcher will not be able to capture both the local trade and the commuter trade. So, the consumer is now at a disadvantage once more, and the butcher is disadvantaged because he cannot plan his day satisfactorily. He should be able to get up later, open later and work until 6 p.m. to satisfy the demand.

Having discussed this matter with various people and organisations, including the Meat and Allied Trades Federation, I believe that this is a great opportunity for us to adopt a far more sensible approach to marketing in this area. Small butchers could sell more meat and operate at hours that would be more to their liking. Further, they could meet the needs of the public and, in fact, make a greater profit than is being made today. After all, many of these shops are marginal and some are about to go out of business.

I cannot condone legislation of this nature which impedes both the businessman and the consuming public. Without referring to the amendment, I maintain that it is a great shame that we in the Parliamentary arena cannot come to grips with a few simple facts and realise that the meat industry, especially the retailing sector thereof, is in great difficulty because of the declining market. The supermarkets are effectively taking over in this area. In the United States, over the past 10 or 15 years consumers have flocked to the supermarkets and to the superbarns, but now there is a movement back to the smaller establishment where service is provided. That is the great thing about the corner butcher shop: it provides not only a service but also a meaningful relationship, an opportunity for people, especially the elderly, to enjoy social communication. Any measure designed to destroy the corner butcher shop (and one proposition about which we will hear later in this debate is along those lines) should be rejected wholeheartedly.

Although I will not prolong the debate on the Bill, it is appropriate to talk about the unions, because the Government pays heed only to its union members and not the public or the business community of South Australia. I sound a warning here and now that, if we lose our small corner butcher shop, we will find that the bargaining power of the unions and the ability of the business sector to service the public will be reduced. We have already seen a fair indication of that in the wine industry. The price of wine in South Australia is at a level that is very competitive with other forms of beverage. Discounting has become prevalent in Adelaide and other Australian cities, because the wine conglomerates, comprising wholesalers and retailers, has such a large section of the market that it can dictate to the growers the price at which their product will be bought. It can tell the growers and the wineries that their products must be provided at a specific price irrespective of whether or not the winegrower makes a profit.

The same will occur in the meat industry, because the large conglomerates will have buying power and the ability to determine the price. The producers will have only a limited ability to demand a fair price in the market place, and the corner shop butcher will no longer be able to visit the metropolitan abattoirs or any other slaughtering establishment and buy meat at a price at which it can be sold to the public. This is the nature of competition. It is a sad reflection that what we call competition is not really pure competition but rather a variation thereof. If it were pure competition the things that are happening in the wine industry today would not happen. I believe that this variant of competition comes under the heading of monopolistic oligopoly.

I cannot stress too much that, by restricting competition and by putting the small people at risk, we will eventually see the consumer, the retailer, the wholesaler and the manufacturer suffering the same as they have suffered in many other industries. By restricting opportunities for trade at a time when the retailer can command a certain segment of the market, we will reduce his ability and eventually the public will be disadvantaged. Referring to the question of the proliferation of supermarkets, Coles has a planned saturation of all capital cities and country areas and, when it controls the market and the small people have been put out of business, we will see the prices determined by it. There is no competition in such a situation. Competition occurs only when there are many people in the market providing a service to meet the demand.

True, supermarkets provide a service at an economic price for the consuming public but, as they are not a large employer of labour, they are not generating a large amount of employment compared to small business. Further, they are not providing the personal service of checking the goods and ensuring that a high quality is maintained. They are not, in many circumstances, ploughing profits back into Australia. So, on a number of accounts, whilst the consuming public gets a cheaper product, the net worth or value of their contribution to the Australian economy must be questioned.

I wish to finish this debate by informing the Minister that, whilst I was not totally happy with the Bill put forward by my colleagues in the Upper House for various reasons, I am totally unhappy with any proposed changes to the Bill as put before us. I do not believe that it is in the best interests of the consumers, the public or traders themselves. I believe that a deal has been done with the large people. It is always the large people, whether we talk about economic summits or taxation summits, who have the say. It is not the people who count who have a say. When legislation is brought before this House, we know that certain people are approached to give their opinions—representatives of certain organisations. Quite often the views expressed are quite unrepresentative of the viewpoints of members of the association.

We do not have enough time to go through the whole process of consulting everybody affected, but would not it have been nice if the Minister had gone out and visited a few butcher shops and asked how we could assist them, saying, 'These are the sort of changes we are likely to put forward. How will they affect you?'? How often do people go through that exercise? I at least make an attempt, if some of my people are being affected, to outline the proposition and ask how they will finish up if it is put into legislation. I guarantee, knowing the Minister, that he would not have visited one butcher shop and asked what they thought about it.

It is about time this Parliament became far more responsible in its actions. It is time that people with a bit of economic nous started to think about the changes to take place, particularly in Bills like this. The people who count out there are the small people: they are the people who make Australia and the people who will eventually get it out of its economic demise—if they are allowed to and if they are not trampled on by government. It is about time every member of this Parliament got out and talked to their butchers, explaining the changes taking place here today, told them that the costs are going up and that therefore the price of meat will go up in the process as we are introducing a 38 hour week. Members should tell them of other possibilities for trading, but that we will not take them up as a deal has been done with the unions and with the larger supermarket chains. As one would guess, I am not favourably disposed to any change to the Bill before the House. Should amendments be moved to it, I will be asking for their rejection.

The Hon. TED CHAPMAN (Alexandra): I support the Bill. Indeed, I support the hours of trading outlined in it and would hope that some very careful consideration is given to the several amendments signalled by the Minister today and indeed their impact on that part of the business community that has been cited by my colleagues. If, in the upshot, the numbers are there to support those minor adjustments to the Bill as outlined by the Minister, I will support those, too, in order to get some sanity into the trading hours in the community at large. In identifying the community at large, I hasten to say that that involves the metropolitan area and the outer metropolitan area within the prescribed shopping districts in South Australia as well as those areas outside of the prescribed shopping districts, which was a point picked up by the Government.

My support for this Bill dates back several years now, when initially an attempt was made to bring a bit of fairness into the Shop Trading Hours Act in order to allow those people in the meat trading business to open their premises consistent with the trading hours of all other food retailers. In the meantime, for a long time—indeed, for too long—the primary producers of red meat in this State have been denied the opportunity at retail level of having a fair crack at the consumer trade. They have suffered quite extensively as a result of unfair trading leaning towards the sale of white meat and other processed meats during shop trading hours as well as through delicatessen premises beyond shop trading hours.

The schedule of trading hours identified in what might fairly be described as the Cameron Bill (after all, it is a Liberal Party Bill that we are debating) is fair and the only extension of those hours that I would like to see is their application in this place. I would like to see within the Parliament a schedule of sitting times consistent with this sort of order; in that case we would be about to go home. In this case enough is enough. We have got the bull by the tail, the knives are sharp and red meat trading hours are about to be consistent with the rest of consumer shop trading hours: we should take it and run. From that standpoint I am delighted that the Government has finally seen fairness in this arena and supported the private member's Bill as it came to us from the other place.

There has been much reference to minor amendments of half an hour here or there in relation to trading. As long as the opportunity prevails for a butcher within or without a supermarket complex to retain the opportunity of occupying the premises after ordinary shop trading hours cease each day for half an hour, or whatever other time might be required to clean up that premises, as has been traditionally the practice of butchers, then I am happy about those minor adjustments. I am more than delighted that the signal has been given this afternoon since the tabling of the Government's timetabling amendment—yet another—which suggests even more flexibility for the country butcher who is outside the prescribed shopping districts of the State wherein that country butcher may open his shop or shops on one late night per week, indeed, any late night per week that he so wishes, to the hour of 9 p.m.

The mention of 9 p.m. in both the Bill and the forecast amendments ceilings out at 9 p.m. on Thursday or Friday night, as applies respectively in the inner metropolitan area and outer metropolitan suburban region, and 12.30 p.m. on Saturday. I do not think that we ought to get too frightened by the impact that this legislative change might have on the small butcher, although I recognise that the small butcher is important, whether he be situated in the metropolitan area or country region: indeed, a real ingredient of community service. However, the legislation is not a requirement to open within the prescribed hours or at least to the extended hours of 9 p.m. on those identified week nights in the Bill and/or by choice, nor in fact are they required to open until 12.30 p.m. on Saturday.

It is a matter of choice for the individual. Obviously, there are some business competition factors which enter this arena. In many cases, I accept that a butcher, for survival reasons, may be required to open in accordance with the hours prescribed. However, that is not a legislative requirement. In all, we support the intent outlined in our original Bill presented by the Party and we do so again, albeit with the minor amendments that are on file. I support the concept and the amendments will be dealt with in due course as they are presented officially to the Chamber.

Mr INGERSON (Bragg): I support the Bill, but it is a pity that today's *News* carried an incorrect headline: instead of reading 'A breakthrough on meat sales' that we have not got, it should read 'Union does deal so consumers can get dearer meat', because that is what will happen. It is clearly stated in this article that the Acting Minister (Hon. T.H. Hemmings) sets out that the only way to get this deal on trading hours was for the unions to do a deal on a 38 hour week.

If a reduction in hours worked per week does not mean increased costs to the consumer, I would like to know what it does mean. Having been in the business of employing staff, I know that whenever staff costs go up there is automatically a transfer of that cost to the consumer. This is an excellent move in the right direction as far as the Government is concerned, but it is interesting to note that at last the Government has decided to fall in line with a Liberal Party suggestion and get rid of the nonsense we had, introduced by this Government with the aid of the Democrats, when we had half and half. Some people would go to a shop to buy meat on a Thursday night one week, and turn up the next week to find that a decision had been made to change the hours, because those hours had not suited. The shop was not open. In the early stages, that went on for about a month or six weeks. It has now settled down to organised chaos. At least the Government has realised that some of the Liberal Party's initiatives, such as some of the others noted today, are a good move forward. I congratulate the Government on doing that.

Because it is my first opportunity to talk on shopping hours, I express some other concerns about the whole attitude towards shopping hours and small business. While people say that small business is being advantaged in this case, that is not true, because in all other instances—other than the sale of petrol—if small businesses are of an area less than 200 square metres in size they can trade seven days a week for 24 hours a day. Whilst it has been said that this has been a big deal for small business, small business really wants the opportunity to trade when it wants, 24 hours a day, seven days a week. That choice should be available to all small business, whether butchering, delicatessens, pharmacies, newsagencies, or whatever other trade, until we move along that line where the consumers decide when they wish to shop, and it is not the decision of the retailer, the union, or the association that represents the employer. Then we will have a much better system.

In this case there is a significant consumer benefit, because consumers now have the opportunity to go to a supermarket on a Thursday or Friday night, depending on the district in which they live, and they do not have the nonsense of the piece of black plastic with the sign saying, 'Your Government said we have to put this piece of plastic up because they will not let us open', when at the other end of the refrigerator one sees chickens, fish and other goods of like nature available for sale when red meat is unavailable. At least it removes that anomaly and goes part way down the track to

enable consumers to have the choice of shopping when they want and buying what they wish.

Turning to the link between hours of trading and payment to employees, it is about time we separated the two. I have no objection at all to a union, a group of employers or any representative body going to the Industrial Commission and arguing for payment per hour and when those conditions should apply. However, to link that payment with when shops are allowed to open and close is absolute nonsense: the person who owns the store should be able to open it at any time he wishes. If there are penalties involved he pays them or he does not open his doors. It is that simple.

However, to link the two and have the unions demand a shorter hour week otherwise they will not let shops trade on extended hours is nonsense and should be done away with. I have no argument with the right of the union or employer association to argue in court for payment of rates for time. But, to link the two seems ridiculous. As I said, it is a pity that the Government has not recognised this was an opportunity for it to open up the whole area of shop trading hours and allow all stores to open when they wish, with consumers deciding when and where they could shop. I support the Bill.

Mr BECKER (Hanson): I oppose the Bill; I always have and always will. It is an absolute shame that the Government has capitulated on this legislation. I do not have any argument about the 38 hour working week for butchers or 19 day month. If the union is able to negotiate that agreement for its employees in the meat trade, fair enough, but there is no way that this legislation will increase the sale of red meat.

I will never be convinced of that now. I hope that in future someone might see that point. The House will rue the day as more small service butchers will be put out of business and butchers and their families will suffer. Some may be employed; some may not. It is not a decision that I want to make. It is irresponsible of any Parliament to make a decision that will cost people's jobs. In the current situation we should do all we can to increase employment opportunities. This legislation will not increase those opportunities. All we will do is transfer the retail sale of meat from small service butchers to large supermarkets.

The supermarkets must, by the very nature of their business, seek ways and means to increase their turnover by about 10 per cent per annum. They do not care where they get their business—whether it is selling books, delicatessen items, meat, fruit, vegetables, or whatever. We have seen supermarkets grow in this State. They have come from the area of the general grocery store. As a boy in the country I remember good old Eudunda Farmers Co-operative Society—

Mr S.G. Evans: Beilbys.

Mr BECKER: Yes, and Central Provision Stores, the suppliers purely of groceries. Then came these huge multinational supermarkets. It did not take long before they got involved in fruit and vegetables, then in meat, and now they sell books as one goes out through the checkout. In some stores the whole operation is combined with the sale of clothing. Last time I spoke on this legislation I received a stinging letter, through the Liberal Party, from the State Manager of Coles. I could not give a damn about him, because I will have my point of view recorded in *Hansard* as far as my constituents are concerned. Coles can do what they like, but I am never impressed when I go to a Coles store when I see meat packaged in display units alongside the fruit and vegetable outlet.

I think that their whole marketing concept should be changed. They ought to take a lesson from Woolworths—at least it is nice and clean when one goes into a Woolworths supermarket. I hope that I do not get another stinging letter from the State Manager of Coles, through the Liberal Party, to tell me not to attack them, or anyone else, because I will stand up for the rights of the individual and the little family butcher, as they are the ones who will suffer from this legislation. The farmers can say what they like: but they will not sell any more meat in this State; they will not sell any more cattle, because supermarkets can obtain meat more cheaply outside South Australia. They can rail or truck it to South Australia cheaper than we can kill it at our abattoirs. That is another tragedy in relation to the industry in this State.

We have done nothing today to create another job for someone. We have contributed to jobs being lost. I hope that every member in the House will recall this, and I hope that those who lose their jobs will continually contact members of Parliament who supported this Bill and remind them of it. I was disappointed to read the headline on page 3 of the paper stating 'Breakthrough in meat sale hours,' to which the member for Bragg also referred. There is no doubt that the Government did capitulate on this. However, in relation to this matter not one person has come to me or written me a letter saying that in their opinion butchers should open their doors for longer periods to trade on Saturdays or that they think that supermarkets should do it. Petitions have been presented in this Parliament over the past 10 years strongly supporting the retention of local butcher trade. However, under this proposal a butcher's working hours will be extended as he struggles to stay in the business.

There is no guarantee that this will create any more apprentice jobs. We know of the tremendous amount of pressure that has been put on the unions—and make no bones about it: in relation to this matter pressure was put on the unions from their colleagues interstate, consumers, retailers and growers. Therefore, the unions were in a no-win situation. On the other hand, the retailers had to try to protect the existence of the small business, the small family butcher. So, we now find that those who believe that in pragmatic politics, there might be a vote or two in it (although I doubt it) will give in and allow the supermarkets, the giant retailers in this State, to have their own way. I mourn the loss of the traditional service offered by the family butcher, and I hope that each and every member of this House will also show a little sympathy for those who will lose their jobs as a result of this legislation.

Mr S.G. EVANS (Fisher): An agreement was made to try to get through this Bill this afternoon, so I will be brief. I do not like the proposition at all. Further, the story that has been spread around in the *News* that in relation to meat sales the Government came to an agreement with the big operators (which is what it means, in the main) and the unions, with one of the conditions being a 38-hour week, does not really thrill me at all. Members of all political Parties in this place are supporters of small business. Butchers are involved in a specialised small business: they are trained in the preparation and the cutting of meat and the preparation of smallgoods. It is a pretty limited field, and the bigger operators are cutting into that field to a greater degree.

In relation to the argument that butchers should be allowed to open at least until 6 o'clock, that was probably the only little area where the individual butcher or family business could pick up a little bit against the big operators. I have some friends in the big operations; those operations are virtually cartels, in the sense that they can buy anywhere in Australia. They do that and they ship it in. However, the small operators cannot afford to employ people to go out and buy on that basis. They must pay virtually the highest price for their goods. In most cases they cannot afford to

slaughter their own meat, because the increased working hours involved in that would kill them. As it is at the moment, the trading hours of retail outlets are enough to make it quite difficult for these people.

Some of my colleagues have argued that we should have unlimited shopping hours. I would support that if that were done across the board and if those members when in Government supported the concept of having the banks, post offices, social security offices and all the Government agency offices open for extended hours on any day of the week, including Saturdays and Sundays.

The member for Coles referred to couples where both work during the week which means that they do not have time to go shopping on Thursday or Friday evenings or on Saturday mornings. The opportunity exists now for shopping to be done outside working hours. However, in relation to other services provided in the community, for instance those offered by Government departments, if those offices had to be open also, what sort of chaos would that cause in our community?

In the society in which we live penalty rates apply. Other countries do not have them, but people tend to compare operations in other countries with those that apply here. Our cost of living is high, as is the cost of our foodstuffs, and one of the reasons for this is the penalty rates which apply to workers in the various industries involved. By extending trading hours more people would be employed on penalty rates, and, although that might help the little guys to a certain extent, it would not give them enough to pick up their trading concessions that the big operators have because of the method by which they buy their goods.

In arguing this point about unlimited trading hours, perhaps it could be argued that the one place we should open up is the South Australian Travel Centre; let us open that up on Saturdays and Sundays. Those who advocate this policy of extended trading hours should indicate that they want that to occur: that is a fair proposition. In a fairly well organised society there is no need to extend trading hours. There would be members here who would remember the baker, butcher, grocer or draper calling at their home three days a week. In those there were no refrigerators or deep freezers, and people had a meat safe. In fact, my mother and my family still buy goods only once a week, and we do not need three days or many hours during which to do that. This can be done quite adequately once a week. In the old days of course they did not have all the modern conveniences that we now have and so, bearing that in mind modern households must be very disorganised if they are unable to buy what they want. To argue that one should be able to buy fresh vegetables, that have just been picked and raced into the shop, is hogwash. All vegetables are kept in some form of cool room.

Tomatoes, for instance, are often picked before they are fully ripe and when they have just started to colour, as that is the best way to transport them; also, they are not so easily damaged. The same thing applies to meat. Possibly the small butcher, more than the big operator, has the chance of taking delivery of meat straight from the farm, if he can slaughter it himself. However, on average, goods are not fresh in terms of meat coming straight from the abattoir to the consumer. That is hogwash. Produce is put away at night in coolrooms and is kept in exactly the same conditions as exist when stored in people's homes, where it can be kept for days in those conditions. In fact, it can be kept for weeks, and nowadays there are very few homes that do not have a refrigerator, and probably very few without some form of deep freezing facility.

In relation to this argument we are saying that people cannot organise their lives, although this is supposed to be a fairly well organised society, and that people are unable to do their shopping during the hours that presently apply. The proposal has been spread around that butchers will not be allowed to trade until 6 o'clock. I do not accept that. When we were discussing the matter of butchers opening on Thursday night or Saturday morning, we all knew what inevitably would occur, namely, that it was the first wedge being put in to make it tougher for small operators.

I can understand the bigger operators in the industry agreeing to a 38-hour week if they can trade on Thursday night and Saturday morning. It is obvious why they agree. However, if those who produce the beef, and I am one of them, think that they will sell one more beast a year because of this measure, I would be amazed. Price will beat it in the end, and the price will not decrease because of this measure: rather, it will be an added cost to the industry, so that in real terms it will increase and the growers will get less. Most rural people support this measure very strongly, because they think that red meat will be displayed for more hours and that people will, therefore, buy more meat. However, there is no basis for that argument.

This measure has done nothing to help the small operator. Many have already been put out of work. If they are over 40 years of age, where do they get a job? I suppose that they can go on the dole, but we kill their incentive to want to continue. For those who argue that there should be open trading hours, let them, when in Government, put it into practice in relation to Government agencies. That will be the test of whether or not they want it. It is important for individuals to go to the bank, the Travel Centre, or the Department of Community Welfare, or to pay their water and sewer rates and electricity accounts. That gives the lie to the argument that there needs to be open trading and trading for a greater number of hours in order to help consumers. I do not support the proposition in relation to the provisions in the Bill concerning 5.30 p.m. closing. This would not help the consumer or small operator to any great degree.

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): I thank members for their contribution to this debate. I am pleased that the Government has had a change of heart. The Government has been dithering for nearly 12 months in relation to having the same trading opportunities for red meat as were available for white meat (fish and poultry). At last the Government has seen the light. Of course, it could not move without the union movement giving it the say-so. There has to be a deal with the unions, and that is what has happened. The Government has negotiated a deal with the RTA—of all people—for a 38-hour week to pacify the unions and to open up butcher shops so that they can trade on equal terms with other purveyors of different meats. It is par for the course.

The Government cannot do a damn thing on its own initiative without the imprint of the trade union movement. It has that imprint, and the trade-off has been a 38-hour week. I have spoken previously about these inevitable moves for shorter working hours in Australia, and I will not open that up again in my concluding remarks. However, I indicate that the logic of that proposition is absolutely fallacious. This country is in competition with its neighbours, who are prepared to work longer and harder to get a place in the sun. That is why Australia has dropped in its living standards from second to about sixteenth in the Western democracies.

We may have more leisure hours, but we have a damn sight less money in in terms of our standard of living. That is because of the inevitable march of the union movement which is, of course, the industrial wing of the political Labor movement. That is why the Government has seen fit to support this Bill with amendments.

I am pleased that the Bill appears to have the majority support of this House. It has been promoted for quite some time in the interests of fair trading (I guess is a way in which it could be described) so that the producers of red meat should have an equal opportunity to sell their goods as do the producers of white meat, particularly chicken. I am pleased that the Bill has come this far and that the Government has seen fit in part to change its attitude. Therefore, it looks as though the Bill will be successful at last.

Bill read a second time.

In Committee.

Clause 1 passed.

New clause 1a—'Commencement.'

The Hon. T.H. HEMMINGS: I move:

Page 1, after line 14—Insert new clause as follows:
1a. This Act shall come into operation on a day to be fixed by proclamation.

The purpose of this amendment is to allow the AMIEU and the RTA to finalise and have ratified the 38-hour week arrangement that has been agreed to in principle. Many members opposite have said that, while they support the Bill and the amendments, they need to know exactly what the 38-hour week arrangement entails and will do to the retail trading hours in red meat. Member after member said that a deal has been done between the unions and the Government, and that the Government cannot make a move unless it satisfies the trade union movement.

I have been in this Chamber since 1977 and have often heard members opposite say that Labor members know very little about business, that we are ignorant, that we wander about in the dark and that we need the experts opposite to tell us exactly how to run a small business. I do not profess to be a small businessman, although I do profess, apart from being a member of Parliament, to have some expertise in industrial relations. The main reason behind the 38-hour week—and surely members in this Chamber would appreciate it and would gladly agree to a 38-hour week for members of the AMIEU—was to ensure that there could be extended hours of trading in red meat. If one does not have a 38-hour week, the cost in overtime rates of extending the hours would be so prohibitive that the end result would be that the consumer would be paying far too much for the product.

Once those 38 hour agreements have been reached, those employees will build up a credit and they will be able to take time off in lieu. There will be no additional cost to the consumer, and no additional cost to the retailer. Those people who are members of the AMIEU, who are working in the retail trade, will take time off in lieu and have additional leisure time. That is exactly what it is all about.

It is not a deal done by this Government with the Retail Traders Association to enable members of the AMIEU to get a 38 hour week. It is in no way a method used by this Government to go through the back door to give members of the AMIEU a 38 hour week. It is a way of overcoming the prohibitive costs of extending the hours, and that is purely and simply what it is all about.

The Hon. E.R. GOLDSWORTHY: That is the most specious argument I have ever heard in this Chamber. Here is a Minister suggesting that by reducing working hours the Government is all about the business of saving money. Quite obviously, the Minister is suggesting that there will be times when these shops are undermanned. Is that what he is saying? He is suggesting that, with a 40 or 42 hour week, it is not possible to come to an arrangement whereby people can take time off and a similar arrangement could not be made for people to work at night and take time off. It is an absurd proposition to suggest that by reducing working hours costs are automatically reduced. The chances are that it would increase costs. That argument is quite fallacious.

Obviously, this amendment will cause delays, because the RTA and the AMIEU have not yet sorted out the details of their arrangement about when the time will be taken off and all the rest of it, the fine details. That means that this amendment, if carried, will delay the process even further—as long as the union wants it delayed. It is interesting to note that the Meat and Allied Trades Federation took no part in this deal. The Retail Traders represent the supermarkets but no-one seems to be particularly concerned about the corner butcher shop in this special arrangement for a 38 hour week.

I wonder what the Meat and Allied Trades Federation and the proprietors of small butcher shops think about this arrangement for a 38 hour week, and I wonder what they think this will do to their costs and whether it will save money. I will be interested in any discussions the Minister might care to undertake in this period which will elapse before the Bill is proclaimed. It would be interesting to see what the Minister's response would be then in relation to the ludicrous suggestion that by reducing working hours he will be eliminating the cost of those shops having the option of opening for extended hours.

Labor Parties around the world talk about consensus—there will be consensus in Britain and there will be consensus in Australia. Such consensus usually entails big business and big unions. The so-called consensus, the Business Council of Australia, has all the top brass (I am not criticising those people: they are the top brass business people, in charge of large corporations and the same thing applies in Britain and the Western democracies). The consensus is between the big boys and the big unions, not the poor little silent majority in the middle and the small business man. The Minister had the gall to say that we are doing this in the interest of small business, mark you! They are not part of the consensus, so the consensus is not worth the paper it is written on.

The Hon. Jennifer Adamson: The housewife is ignored completely.

The Hon. E.R. GOLDSWORTHY: Yes. It depends on who is in on the pow wow as to the validity of the consensus and all this garbage talked in Australia and by this Government in particular about consensus means only that the big unions have been placated and in most cases the big business man, who can afford to pick up the tab. We hear all the hoo-hah about the Labor Government suddenly being in love with small business, but every bit of industrial legislation put through this House (and there has been a fair bit during the life of this Government) cuts back the opportunity for the small business man to survive. All this business about the Industrial Relations Advisory Committee (IRAC) simply means that the big consensus is between the big boys and the big unions. So much for their much vaunted consensus. They are putting the small man out of business, and all this PR of the Government with its Small Business Corporation, and so on, is increasing markedly. I believe small business would be well aware of that. So much for the big consensus which has led to this Bill—the big consensus between the RTA and the AMIEU. The corner butcher has not had a look in.

Mr BAKER: I think that statement is a load of bull. It is of great relevance to the debate, given the response of the Minister. Shorter working weeks were granted on the basis of greater productivity, but no-one has gone back to see how it is working and whether they are working a bit harder to justify the shorter week. No-one has checked to see whether industry is performing according to the agreement reached. We sell Australia down the drain continuing with shorter working hours. If we could increase productivity by 4 per cent or 5 per cent, or whatever rate is encompassed

in the reduction of hours, that is fine: no-one could disagree with that too much, but no-one has come back and said that. In fact, we have seen cost escalation going mad in some of these industries. The Minister said that the butcher shop employee works 46 hours a week, but we know that the award states that the employee works a 40 hour week and those hours can be spread over a 5½ day week.

The Minister, who lacks in intelligence, should try using a bit of logic. If employees are working 46 hours now when they are required to work only 40 hours, what is going wrong? How can the Minister suddenly say that big savings will be made with a 38 hour week? Admittedly, if they were all working 40 hours and had excess capacity, we would say that the Minister has a point; it is possible to juggle the hours better than we are doing now, we can manage the same amount of work in 38 hours. But the Minister has told us that they are working 46 hours on average. I do not know where he got the figures, but I am delighted that he gave them to us. I told the Minister that the owner of a butcher shop is working 65 hours a week. Perhaps he did not get that statistic right.

However, if they are working 46 hours, how does the Minister intend to save the industry this amount by reducing the hours to 38 hours when the limit has already been set? The butcher shop owner can now tell an employee that he needs to work only 40 hours a week. That can be done under the present award, so what logic and intelligence brings the Minister to this point? I think any explanation the Minister gives is going to fall far short of legitimising this measure.

The Hon. TED CHAPMAN: Will the Minister briefly explain where he got the 46 hours a week, whether that represents half an hour before starting and half an hour after closing for the display of refrigerated or chilled meat, and half an hour after the ordinary knock-off time for cleaning up on each of the five working days and on the Saturday morning? I ask this question so that his explanation of the point about 46 hours might be on the record.

The CHAIRMAN: The question before the Chair concerns a new clause dealing with the proclamation of the legislation.

Mr BAKER: Will the date of proclamation be contingent on the agreement for the new 38 hour week being inserted in awards after discussion with the unions? When will the legislation be proclaimed?

The Hon. T.H. HEMMINGS: The date of proclamation is set when there is agreement between the RTA and the meat workers. It means not necessarily when it is inserted in the award but when there is agreement between the two bodies on the 38 hour week.

The Hon. TED CHAPMAN: The hours of work are clearly related to the proclamation because, as the Minister pointed out, the legislation will not be proclaimed unless and until the hours of work are agreed to by the unions to which he referred. Will the Minister, on behalf of the Government, give at least an approximate date from which he expects this legislation to operate? Otherwise we are wasting the time of the Committee. The publicity generated by the Minister in the *News* this afternoon would then become a farce, as would our present discussion. Unless the Minister can give such an indication, the Committee is working completely in the dark, and this could simply be a smokescreen to get the Government off the hook and take away the pressure under which it has been operating for some time in respect of this matter. If the Minister cannot reply to the question concerning the anticipated date of proclamation, will he consult quickly with his Cabinet colleagues to ascertain the position?

The Hon. T.H. HEMMINGS: The RTA and the meat workers union believe that agreement will be reached by the end of April.

Mr BAKER: The employer and employee groups can reach an agreement, it can be taken to the Industrial Commission, and it can be inserted in an award, but that does not necessarily bind the rest of the industry. Is the Minister willing for the 38 hour week deal to be an agreement reached between those two parties but not binding on all the other bodies involved in this matter, such as the Meat and Allied Trades Federation? This point is critical because, from what we have heard today, the decision is a *fait accompli* between the RTA and the union concerned.

The Hon. T.H. HEMMINGS: This Bill deals only with those sections of the meat workers union and the RTA where there is the vexed situation that red meat is not available for sale except at certain times. The member for Mitcham is asking me, on behalf of the Government, the RTA and the meat workers union—

The CHAIRMAN: Order! The member for Coles.

The Hon. JENNIFER ADAMSON: This revealing debate displays for the first time to the public of South Australia the power struggles which are behind this Bill and which control our lives take place not in Parliament but presumably behind closed doors between the RTA and the union. It is outrageous. We might as well pack up and go home if what we say in this place has no validity and if all the decisions are to be made by the RTA and the unions. For the Minister to say that this Bill will not come into effect until the RTA and the union agree is to treat Parliament with contempt. We might as well allow the RTA to sit where the Government is sitting and also have the union in this place.

Members interjecting:

The Hon. JENNIFER ADAMSON: Who is the boss? The Minister has just admitted that this decision is not in his hands, nor in those of Cabinet, but in the hands of the RTA and the union. That makes us redundant because we are not making the decisions.

The Hon. Ted Chapman: With the unions on this side, we'll be over there.

The Hon. JENNIFER ADAMSON: My colleague the member for Alexandra puts it a little more effectively. If the traders and the unions were sitting on these benches, and the Liberal Party was on the Government benches, perhaps we would come to a smarter conclusion on this matter. Everything that the Minister has said has simply revealed that the Government is not only incompetent but also completely impotent and in the hands of two groups. It is therefore obviously the puppet of big business and big unions, and the consumer and small business can go hang. The fairy-tale headline in the *News*, telling of a big breakthrough with meat trading hours, is a farce. Some hopeful housewives will front up to their butchers next Friday evening and find that the shops are closed. On Saturday morning, hopeful housewives will find that they cannot buy meat. Everything that the Minister has said makes absolute nonsense of the legislative process, and I am starting to believe that this process of retail trading hours must be regarded by the electorate with contempt, because it is not the Government or Parliament that is in charge: it is the RTA and the union, and we are hostage as to when and where they will decide what is best for the South Australian public.

The Hon. E.R. GOLDSWORTHY: Regarding the point raised by the member for Mitcham, will the sweetheart deal to be finalised between the RTA and AMIEU have the force of law? The Minister said that we would not have to wait until it was written into an award, but he is probably far from clear as to how he intends to see that this has the force of law.

The CHAIRMAN: Order! The Chair has allowed the debate to enter into what might or might not happen in the Industrial Court. It has done that because, to some degree, the question involves when this Bill is proclaimed. I point

out that the Deputy Leader is going far beyond that. We are now going to be asking the Minister to give some sort of opinion on what the Industrial Court might do.

The Hon. E.R. Goldsworthy: No.

The CHAIRMAN: Order! The Chair is saying quite clearly that we are entering into the industrial field, and the Chair will not allow that. The honourable Deputy Leader.

The Hon. E.R. GOLDSWORTHY: I want to be clear. We have been told by the Minister that the proclamation of this Bill is not in the hands of the Government or the Parliament, but hangs on a deal to be finalised (that is what the Minister told us) between the RTA and AMIEU—the appropriate union. We were trying to seek information as to when this is likely to occur and what processes have to be completed for it to occur. The Minister said that it would not have to be written into an award. We are far from clear—

Mr Trainer: That's right.

The Hon. E.R. GOLDSWORTHY: The honourable member would know why we are far from clear: the Minister has not made the position clear. What will be the standing of this agreement, at what stage will it be reached, and will it be necessary for it to be ratified in the court before the legislation is proclaimed? The Minister said, 'No'. We want to know what will be the position before this Bill will be proclaimed.

The CHAIRMAN: I will allow the Minister to reply to the question.

The Hon. T.H. HEMMINGS: I will make two brief comments. Everyone here knows that any agreement reached between any organisations goes through the Industrial Court. I am sure that everyone is aware of that. I seem to get the impression that prior to our debating this Bill there seemed to be general agreement as to the amendments that would be moved by me on behalf of the Government (I understand that an amendment is to be moved by the member for Elizabeth), but that otherwise everyone was reasonably happy with the Bill. We have been told many times that it is a Liberal Bill, that the Liberal Party should claim credit for it, and that the Government has at last seen sense. However, suddenly the message has come down that we are going to be here until 6 p.m. because we are waiting on messages from the Upper House and we seem to have developed an attitude of 'Let's kick the Government, the unions and the Retail Traders Association.'

The CHAIRMAN: Order! The Chair will not allow the Minister to carry on with that, either. Either the Minister is answering—

The Hon. Ted Chapman: Does he know the answer?

The CHAIRMAN: Order! Does the Minister want to further reply to the question?

The Hon. T.H. HEMMINGS: Apart from being carried away, the answer to the first question is that all agreements, as everyone knows, dealing with shop trading hours go through the Industrial Court.

Mr M.J. EVANS: It might assist the process of this Committee, and certainly my understanding of the clause, if the Minister were to give an unequivocal assurance that this Bill will be proclaimed by the Government, notwithstanding the fate of the agreement. I relate my question directly to the clause, which is perhaps unusual for this debate. If the Minister were to give that assurance, it will assist the process of this debate considerably. Is he able to assure the Committee that the Government will proclaim this measure at a reasonably early stage (I do not demand that it be 1, 10 or 31 May)? While it is perfectly reasonable for the Government to say that it is awaiting the resolution of an agreement between two interested and relevant parties (I accept that completely), obviously if that agreement is reached in the very near future it will considerably assist the implementation of this measure and it will be convenient to bring the two into effect on the same day. I accept the logic of that argument. Will the Minister, notwithstanding that, give the Committee an assurance that the Bill will be proclaimed regardless?

The Hon. T.H. HEMMINGS: The amendment says that it will come into operation on a date to be fixed by proclamation. We have been assured by the RTA and the AMIEU that agreement will be reached by the end of April. At that time the Bill will be proclaimed.

Members interjecting:

The CHAIRMAN: Order!

Mr BECKER: When did the Minister receive the information in relation to the agreement between the two parties on a 38 hour week? Only an hour or so ago I spoke to Mr Arthur Tonkin, from the union, and he told me that agreement had been reached in principle between the parties. In industrial terms that means that the agreement is all right. I cannot see the hassle. It only has to be registered, has it not?

The Hon. T.H. HEMMINGS: I appreciate the member for Hanson's ringing Arthur Tonkin and getting him to say that agreement has been reached in principle, but the honourable member, with his industrial background, would surely know that it needs to be ratified in the Industrial Court.

Members interjecting:

The CHAIRMAN: Order!

Mr S.G. EVANS: I follow up the point raised by the member for Elizabeth. Is it a fact that the Government will not proclaim the legislation unless the agreement reached in principle between the two bodies mentioned is completed in the Industrial Court?

The Hon. T.H. HEMMINGS: Perhaps I can answer both the members for Elizabeth and Fisher. We are confident—and the member for Hanson has verified—that agreement has been reached in principle. It will be ratified in the Industrial Court but, notwithstanding that, the Government will proclaim the Act eventually.

The Hon. Jennifer Adamson: In due course?

The Hon. T.H. HEMMINGS: Yes, in due course.

The Hon. E.R. GOLDSWORTHY: Did the Government have any discussions with the Meat and Allied Trades Federation in reaching its consensus?

The Hon. T.H. HEMMINGS: Yes, we had correspondence with that body.

The Hon. JENNIFER ADAMSON: Notwithstanding the correspondence, what was the substance of it and what was the Federation's response? Did it agree, and is the Federation part of the so-called consensus between the RTA and the union, or is it not? Is the Meat and Allied Trades Federation part of the consensus? In other words, does it agree with the so-called consensus between the RTA and the union, the agreement over a 38 hour week? Does it not agree or has it expressed reservations? What is the attitude of the Federation in relation to the proclamation of this Bill depending upon the registration of the agreement?

The Hon. T.H. HEMMINGS: They opposed the amendments that we have put forward, but I remind the Committee that they opposed the Cameron Bill in its entirety.

The CHAIRMAN: The member for Mitcham has spoken three times.

Mr Baker: I have not spoken three times, Sir.

The CHAIRMAN: The member for Mitcham has spoken three times.

Mr Baker: I have not, Sir.

The CHAIRMAN: I hope that the honourable member does not keep on in that vein.

Mr BAKER: I rise on a point of order. In deference to you, Sir, I think someone is keeping account of the number of times I have spoken, and I have spoken only twice.

The CHAIRMAN: The member for Mitcham is now flouting the Chair. The Chair will deal with the member for Mitcham if that continues.

New clause inserted.

Clause 2—'Closing times for shops.'

The Hon. T.H. HEMMINGS: I move:

Page 1—
Line 22—
Leave out '6 p.m.' and insert '5.30 p.m.'.
Line 28—
Leave out '6 p.m.' and insert '5.30 p.m.'.
Page 2, line 2—Leave out subparagraph (i) and insert the following subparagraphs:
(i) 5.30 p.m. on every weekday other than a Friday;
(ia) 9 p.m. on a Friday;.

The Hon. E.R. GOLDSWORTHY: There has been no explanation whatsoever to justify this reduction. Maybe it is part of the 'consensus' involving two groups, ignoring others—part of that consensus for reducing working hours to 38. Of course, it removes some of the flexibility available to the smaller butchers. It is simply a further option that has been denied to them. For the life of me I cannot see the logic in this amendment except that it is part of this so-called consensus which has been hammered out between the RTA and the AMIEU. For want of a better reason, and because I believe it will disadvantage the smaller butchers, I oppose the amendment.

The Hon. JENNIFER ADAMSON: I oppose the amendment. Throughout this whole debate and all debates on this issue and prior to my coming into Parliament I have attempted to speak for the consumer on the question of shopping hours, and to chop half an hour off the time available to people in which to shop for red meat products is a retrograde step and should not be supported by this Committee.

So many people who work full time find it very difficult to get back to their suburb, their retailer, supermarket and wherever they tend to shop by 5.30 at the end of a shopping day. Of course, one needs to get there preferably a few minutes before 5.30 if putting in a meat order of any substance: 6 p.m. is a demonstrably more reasonable time. It gives the shopper far more freedom and flexibility. It was the time in the original Liberal Bill, it is the time that we support, and I believe the Committee should support it, notwithstanding the Minister's amendment.

As I said, the Labor Party cannot resist it. Whenever the words 'shopping hours' appear in a Bill they have to do something, even if it is to the extent of 30 minutes, to restrict it. They cannot help themselves. Reduction is the name of the game—reduce working hours, reduce flexibility, reduce access of the shopper to the retailer—reduce, reduce, reduce! No wonder we are losing jobs. They simply cannot help themselves. When I saw that the Government was making Government time available to this Bill I thought, 'Ah, at last, maybe they have seen reason: maybe they are feeling the heat of the opinion polls; maybe at last they will give the housewife a fair go.' What a vain hope! They just had to take that 6 p.m. and reduce it to 5.30 p.m. As far as I am concerned that should not happen.

Mr Groom interjecting:

The Hon. JENNIFER ADAMSON: That was a very unwise interjection from the member for Hartley. He knows full well what our policy is. It is represented in the Bill before the Committee, which states '6 p.m. on every weekday other than a Friday'. That is how it should stay.

Mr BAKER: This is the first time I have spoken on this clause. For the reasons I outlined in the second reading debate, I am totally opposed to this amendment. Can the Minister say whether, in negotiations with the RTA and AMIEU, the question of standard hours was raised? Under the existing agreement people can work either a five or 5½ day week, and 40 hours can be worked over that period. With the extension to Thursday or Friday night trading, is it intended that that 40 hours will encompass that period or will it be an overtime period so far as operation of the Bill is concerned?

Under the existing trading arrangements, employees can work until 5.30 at night and 11.30 or 12 on a Saturday and those Saturday hours are worked at time and a quarter. With the proposal to use the Thursday night or Friday night option, which will be available, is it the intention that the standard hours under which they work those 40 hours will be changed?

The Hon. T.H. HEMMINGS: I am at a loss to know what the member for Mitcham wants. I will not comment on his second reading speech because you will pull me up, Sir, and tell me that I should not comment. However, if the member for Mitcham is saying that the movement of hours from 6 p.m. to 5.30 p.m.—

Mr Baker: No, I am talking about the shift to 9 o'clock on Thursday or Friday night.

The Hon. T.H. HEMMINGS: With due respect, I am talking about leaving out 6 p.m. and inserting 5.30 p.m. There is nothing about 9 p.m. on Thursday or Friday.

Mr BAKER: I am speaking to the Bill itself, which is normally allowed in the process of debate. My question to the Minister is addressed in this part of the Bill that he is amending. Rather than having to oppose the amendment or wait until the amendment fails, I point out that under the existing award the person can work 40 hours a week until 5.30 p.m. during the week or that 40 hours can be extended into Saturday. If it is extended into Saturday the person working those Saturday hours must be paid time and a quarter. If they take up the option of working Thursday or Friday, which is available, it is paid at time and a half or double time under the existing situation. Because there was a change to the rules, was there a discussion on standard hours of work when those 40 hours are worked? Could they work the 40 hours, including 9 p.m. on Thursday or Friday night?

The Hon. T.H. HEMMINGS: The extra time involved overtime rates, and that was the real nub of the problem. I thought I had explained this matter very well. However, I think members opposite did not want to listen to my explanation. An extension of hours to 9 o'clock, and on Saturday morning to 12.30, would involve excessive amounts of overtime. The 38 hour week provision was introduced because workers in the industry would be able to have time off in lieu, and, if that meant that there was a shortage of workers, more people could be taken on in the trade. Surely the Deputy Leader would not say in this House that he would be so opposed to more people being employed in the retail meat trade.

If the Bill passes, with my amendments, and the 38 hour week provision is ratified (and the member for Hanson tells us that everything is agreed and that we are just waiting on an application to go before the Industrial Commission), it will mean that the existing workers in the industry will have time off in lieu, and, if there is a shortage of workers, more people will be taken on in the trade; that will provide more work for South Australians.

The Hon. E.R. Goldsworthy: Don't you understand that that will cost more money?

The Hon. T.H. HEMMINGS: If the Leader of the Opposition wants to stand up here and say publicly that he does not want to see more work for South Australians, so be it. The Deputy Leader should admit to the Committee that he knows damn all about industrial relations.

The Hon. E.R. GOLDSWORTHY: Let me say that the Minister knows damn all about simple mathematics. He has seriously suggested to this Committee that costs applying to the industry will not increase, although in the next breath he said that members of the existing work force would work fewer hours, take time off, and that where necessary more workers would be taken on in the meat industry—and that all this would not cost a cracker! Who needs his head read, one asks!

The CHAIRMAN: Order! I point out to the Committee that—

The Hon. E.R. Goldsworthy: An absolute simpleton.

The CHAIRMAN: Order! I point out to the Deputy Leader that he has been warned by the Speaker on one occasion. I can assure the honourable member that I will not further warn him; I will act. I hope that the honourable member heeds what I am saying and that some sanity is restored to this Committee.

The Hon. E.R. GOLDSWORTHY: On a point of order, Sir, I was not warned by the Speaker. I was spoken to by the Speaker during Question Time; I made it my business subsequently to ask the Speaker what was the position, and he said that I had not been warned.

The CHAIRMAN: I am saying to the Deputy Leader that, if he continues to behave as he has been behaving, whatever the Speaker has done will certainly be very minor compared with what the Chair will do.

The Hon. S.G. EVANS: I do not support the amendment. Apart from other reasons that I have for not supporting it, the Minister has just convinced me that I should not support it for another reason. According to the Minister, under this agreement an employee can work for 38 hours, take time off in lieu, the employer can employ someone else to work the extra hours that may be required, and that this will not cost extra money. For a start, that is a joke. Again, I refer to the small operators. It is all very well for the large retail traders, but a small operator employing just one employee must pay either a casual at penalty rates or a full-time employee his full pay rate plus penalty rates. A small operator has to do one or the other. We have totally ignored the small operator in this whole process.

I am not happy with the overall proposition, but at least the closing time could be left at 6 o'clock. However, the Minister wants to change that because, in the main, retailers close at 5.30, and they saw that extra trading time as being a small advantage that they did not have. I admire the large operators for building up their businesses, and in some instances they buy virtually as cartels, but small operators cannot do that. The opportunity that the large retailers have to buy on a larger scale and at a better rate is a privilege that small operators cannot enjoy. However, this Parliament could give the small operators this one small privilege, a very minor one, by enabling them to remain open an extra half an hour.

The member for Coles referred to people being able to buy things on their way home from work and then last of all skipping into the butcher to buy meat on perhaps two or three days a week. However, I would hope that those people could buy all they want on one day a week. I oppose the amendment, and by his comments the Minister has convinced me even more that the Government is condemning the small business operators by trying to force this measure through Parliament. I oppose it in the strongest terms.

The Hon. T.H. HEMMINGS: I have no objection to the member for Fisher's opposing this amendment, because I think that there are sufficient members in the Chamber who will support it. Traditionally, the 30 minute period between 5.30 and 6 p.m. has always been used by those in butcher shops for cleaning up operations, as they have very rigid health restrictions placed on them by local government. It is all very well for the member for Coles to say that, if a shop remains open until six o'clock, they have merely to count up the cash register, close the doors and just do the normal things that shop owners do. However, in the butcher trade, whether in relation to supermarket operations or a small corner shop, those involved have always used that half an hour after closing time to do the mandatory cleaning up.

Many members have been associated with local government and would be fully aware of the stringent rules that are imposed by the local boards of health. A closing time of 6 o'clock would mean that butcher shop workers would have to work until 6.30 in order to complete the cleaning up process. Most people would be aware that those in the butcher trade cannot just close their doors at closing time and go home. A lot of work must be done after they close. In this trade insufficient hygiene precautions could cause disease to spread throughout the community.

This is basically what the reduction in trading time from 6 p.m. to 5.30 p.m. is all about: it is not related to the red herrings that the member for Mitcham tried to introduce in relation to trade union deals and whether this is part of a trade off. The Hon. Mr Cameron in the other place did not consider this matter to which I have referred. It is a straightforward amendment, but members opposite have tried to generate an argument along the lines that a deal has been agreed on between the RTA and the Meat Workers Union at the expense of the small butcher. If the member for Mitcham goes into any butcher shop at 5.30 or a supermarket which may stay open until 6 o'clock, he will see the workers cleaning up at that time. Technically, their seven hours work finishes half an hour before the employees in the rest of the store finish work.

Mr S.G. EVANS: The Minister has convinced me even further. He said that we can reduce the hours to 38 and that people can take time off in lieu, which means that operators must employ another person for those hours. Closing time should be left until 6 o'clock so that the shops can clean up until 6.30 p.m.; that is the provision in the Bill which the Minister is trying to change with this amendment. Therefore, in relation to that extra two hours a week, the proprietor who does not employ anyone can decide whether he stays open until 6 p.m., or opens later in the mornings and has the extra half an hour trading in the evening.

To those who employ people and say that they do not mind the 38 hours and taking time off in lieu, I say 'What is an extra two hours a week?' It is the same thing. I ask the Minister to use logic. It does not matter when they clean up. The Minister should not pull the wool over our eyes in relation to the meat industry, because some of the meat does not have wool on it originally: it has hide, and we have tough enough hides to front up and say that there is no difference between 6 p.m. closing and the arrangement where people take time off in lieu and employ someone else to work those hours. I am talking now about the small operators who can make the choice—it gives them the choice. We should stick to 6 p.m. closing, as proposed in the Bill.

Amendment carried.

Mr M.J. EVANS: I move:

Page 2, line 2—Leave out subparagraph (i) and insert the following subparagraphs:
(i) 5.30 p.m. on four weekdays in each week;
(ia) 9 p.m. on one weekday in each week;.

The Bill does not provide for late night trading outside the claimed shopping districts. Presently, as I understand it, the law provides for late night shopping one night per week and specifies that a shop will close early four nights of the

week but may open late one night of the week, that being the option of the person who is the proprietor of the shop. My amendment will retain the existing flexibility provided by the present law and allow for one late night trading in country regions.

The Hon. T.H. HEMMINGS: The Government supports the amendment.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with amendments; Committee's report adopted.

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): I move:

That this Bill be now read a third time.

Mr S.G. EVANS (Fisher): I oppose the Bill as it has come out of Committee. It was agreed after discussions that 6 p.m. would be the closing time, but that has now been eliminated. I believe that we have brought about the demise of many small butchers. We may laugh about that and think it is a joke, but it is a fact. I do not believe that the House has considered the small operator at all. We have only considered the big operators and the trade union movement.

Bill read a third time.

[*Sitting suspended from 5.55 to 7.45 p.m.*]

PLANNING ACT AMENDMENT BILL (1985)

Returned from the Legislative Council with the following amendment:

Page 1, line 16 (clause 2)—Leave out 'the thirtieth day of June, 1986' and insert 'the thirty-first day of October, 1985'.

Consideration in Committee.

The Hon. G.F. KENEALLY: I move:

That the Legislative Council's amendment be agreed to.

Copies of the amendment have been circulated to honourable members. On the instruction of my colleague, the Minister for Environment and Planning, who is not with us because he is representing the Premier at a function, I ask the Committee to support the motion.

The Hon. B.C. EASTICK: The Opposition is pleased that an element of compromise has arisen out of the debate between this place and another place. Although the Legislative Council's amendment is not as tight as the Opposition would have wanted, it is a far better end result than that which was originally contemplated in the Bill, and we are delighted that common sense has prevailed.

Motion carried.

[*Sitting suspended from 7.56 to 8.23 p.m.*]

SHOP TRADING HOURS ACT AMENDMENT BILL

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

ADJOURNMENT

The Hon. G.F. KENEALLY (Minister of Tourism): I move:

That the House do now adjourn.

Mr FERGUSON (Henley Beach): Tonight during the adjournment debate I wish to refer once more to the need for a child care centre in the electorate of Henley Beach. The House has already heard me speaking on this subject, but I intend to continue to bring it to the attention of the House until such time as success is achieved. There is certainly a desparate need for a child care centre within the district. I am rather envious of other electorates nearby that have two or three child care centres. I congratulate the member for Albert Park for the way that he has been able to achieve a child care centre in his own electorate. The submissions that he has been able to make to both the Federal and State Governments are far better than mine. I congratulate the honourable member on the effort he made and in being able to achieve a child care centre.

A need exists in Henley Beach to service at least 100 families a year, and I will refer to the statistics on this subject in due course. Submissions have been made by the Henley and Grange council following advice that it should produce submissions following previous advice that it ought not to. However, after the mix up had been attended to, submissions were made by the Henley and Grange council. I must congratulate the council on its interest in this field. I have been campaigning for more than two years on this subject, and I hope that in due course I will be able to convince the Federal Government particularly to provide a child care centre in this area.

The Hon. Michael Wilson: It is a State Government initiative.

Mr FERGUSON: I thank the member for Torrens for his interjection. It is a combined State and Federal Government initiative. Certain conditions are laid down by the Commonwealth which are now preventing the establishment of a child care centre. If time permits in this debate, I wish to refer to it, because it is unfair in certain circumstances that electorates are unable to achieve a child care centre because of their geographic location.

The Hon. Michael Wilson: I am interested to hear what you say.

Mr FERGUSON: The member for Torrens may be in the same boat. I will be happy to hear from him in due course. The present child care arrangements at Henley Beach can cater for only a fraction of the 100 children from nought to five years in the district. I took the opportunity to take a deputation from the Henley and Grange council to Senator Grimes when he visited Adelaide prior to the last Federal election. We had to travel to see Senator Grimes, as he could not travel to see us. We finished up in a child care centre in the district of Hanson, which is next door. I repeat that I am envious of some of the facilities that are available to nearby districts. It may be that some are of a tenuous nature, but at least they have got them which is more than applies in Henley Beach.

The Commonwealth-State agreement involves the State providing land and expertise. This involves the Department of Community Welfare locating and siting and the Public Buildings Department's standard design of centres; the Commonwealth provides the capital and recurrent funding. Already the Henley and Grange council is looking around to provide accommodation for any child care centre that might be sited in that area. I refer again to the deputation taken to Senator Grimes. I understand that, even with the reallocation of the portfolios federally, his interest is still in this area. Senator Grimes said that he was having difficulty throughout Australia in interesting local government to enter into this field.

He said that it was pleasant to see a local government body that was interested and prepared to take up the challenge, and therefore that body should get special consideration. I heartily agree that there should be special consideration for a local government body that is prepared to take up the challenge and assist in this area. The State

and Commonwealth Governments are committed to the concept that access to community child care is a right, and those Governments are currently jointly developing the preliminary stages of a universal system.

To achieve this objective, resources for child care centres have been allocated on a needs basis rather than according to the present submission-based model. Other members may agree that a needs basis is desirable. This is a very subjective sort of issue, and it may be that areas where allegedly there are more working mothers may receive a higher priority over those areas where there are not quite so many working mothers. I am not sure that that is a basis on which to talk about priority needs. In my area of Henley Beach the local government body is considering casual child care.

Mr Becker: Token?

Mr FERGUSON: No, not token: casual. The Henley and Grange council is not looking to cater totally for working mothers.

The Hon. Michael Wilson: You mean respite care?

Mr FERGUSON: Not only respite care but care for children whose mother wants to utilise the shopping facilities in the city from time to time. The children can be deposited at that child care centre. That mother might use the centre only once or twice a month, but I believe that there is a definite need. On the basis of population, the Henley and Grange area is ranked third in relation to the number of children from nought to five years. Munno Para heads the list with 2 937 children in that age group, Port Lincoln is second with 781 and Henley and Grange is third with 743 children. The Payneham area, with 683 children in that age group, is ranked fourth, and so on.

I can understand that where there are adequate child care centres people are not too interested in this proposition, but I assure the House that I am certainly interested in assisting my district. The difficulty is that the child care needs of the Henley and Grange area are rather different from those in other areas. We need a centre to provide occasional care for about 25 to 30 children. There would be a turnover of children, so the number may be greater than 25 or 30.

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

The Hon. E.R. GOLDSWORTHY (Kavel): Where is Hollywood, from Albert Park? I thought that he was very uptight about attendance during the grievance debate. Hollywood is very conspicuous by his absence.

The Hon. B.C. Eastick: He is drawing attention to the numbers.

The Hon. E.R. GOLDSWORTHY: He is not here, but he was had a lot to say about attendance during grievance debates. However, I want to refer to two matters, one being the Government's attitude to small business. A letter was sent out on 4 June last year telling all people who hired portable hydrants from the Department that it intended to increase the hiring charge and charges generally quite savagely for metered hydrants. A letter to Rod Boulton and Company, at Uraidla, a small business (a spraying contractor) in my district, states:

Dear Sir,

For many years the Engineering and Water Supply Department has allowed local government authorities, the Metropolitan and Country Fire Services authorities and various earth moving and roadmaking contractors to draw water directly from the mains by means of portable hydrants. While the Department is conscious of a continuing need for portable hydrants it is also aware that the hydrant system has been and continues to be abused with hydrants used for purposes other than those for which they were issued.

The need for improved controls has been apparent for some time and with this in mind a study of hydrant use was carried out. From this study new policies and procedures were developed and it is intended that they be implemented in July 1985.

From 1 July 1985 the issue of portable hydrants will be on the following basis:

The 50 mm metered hydrant will be obtainable from any Engineering and Water Supply Department depot on payment of a deposit ($600 . . .), and subject to payment of an annual rent of ($120 . . .) which will be charged pro rata. Each hydrant will be issued for a defined term, and for a specific authorised purpose. Use of the hydrant for any other purpose will not be permitted.

So it goes on. My constituent and others were asked for a response, which was in the following terms to Mr K.W. Lewis, Director-General:

Dear Sir,

We are in receipt of your correspondence dated 4 June 1984 regarding new rules and charges for metered hydrants, to be effective from 1 July 1985 and feel that we cannot accept these conditions without some form of protest. Our main objection is with the proposed charges and feel that such a savage increase in deposit and annual rent is yet another nail in the coffin of small business in this State.

We are a small family business engaged in weed control and trying to keep our charges at a reasonable level, which is not helped by announcements by Government departments of massive increases in charges. We recognise that the system can be abused by irresponsible hirers and it is they who should be penalised and not the innocent parties who comply with the rules.

We have had on hire from the E & WS, hydrants since 1970 and in that time have not had one fee imposed for late reading or had a hydrant exchanged for damage caused by negligence or abuse. The organisations that do abuse the hydrants are easily identifiable by the Department and should be the ones that the proposed impositions are aimed at.

We expect there will be many complaints of this nature which will necessitate a reconsideration of the proposed new controls and charges.

Yours faithfully,
Rod Boulton & Co. Pty Ltd

The Department replied, on 12 October 1984, in the following terms:

Dear Sir,

The matters outlined in your letter dated 31 August 1984—

this is a stock letter—

concerning the new requirements for portable water hydrant use were raised by representatives of the Local Government Associaiton at a meeting with the Minister of Water Resources on 6 August 1984 . . .

As discussed at the meeting and confirmed in a letter dated 9 August 1984 to the Local Government Association, the Minister of Water Resources has confirmed that the proposed arrangements for hydrant use will proceed. However, an undertaking was given to reconsider the level of charges for this service, with the exception of the charge for the water used.

Would you please consider this letter to be an interim reply to your communication. You will be advised of the outcome of the review of charges when this information is available and your specific questions contained in your letter will also be answered at the same time.

That was on 12 October. To date, there has been no further letter. I am glad that the Minister concerned is with us. So, in desperation—

The Hon. J.W. Slater: I would set the honourable member straight—

The Hon. E.R. GOLDSWORTHY: I hope I am, and I hope the Minister has done something about ameliorating this savage increase.

The Hon. J.W. Slater: I am doing that.

The Hon. E.R. GOLDSWORTHY: I am jolly glad, but I will put this on the record, because on 27 February Rod Boulton and Company wrote to me in the following terms:

Dear Sir,

Enclosed is a copy of a communication that we have received from the E & WS Department. We are hirers of two 50 mm metered hydrants from this Government Department and have been for approximately 15 years. When we entered into the hiring arrangement, the cost was a deposit of $50 each and the hydrants were to be presented to the meter section of the Department for reading and to check to make sure the mechanical parts were working properly each month.

Water used is charged for. This is a fair and acceptable arrangement, now as can be seen, the hiring cost is to be increased to $600 deposit [from $50] each hydrant plus $120 per year hiring fee for 50 mm hydrants . . .

The letter concludes:

This is another example of Government heavy handedness and another nail in the coffin of small business in this State, and we are appealing to you for help.

If the Minister has further information in relation to the review, I will be delighted to hear it in due course. I understand that the Minister will provide that information.

The Hon. J.W. Slater: You haven't asked me.

The Hon. E.R. GOLDSWORTHY: Will you?

The Hon. J.W. Slater: Yes, at the appropriate time.

The Hon. E.R. GOLDSWORTHY: When will that be?

The Hon. J.W. Slater: After the Local Government Association has accepted the conditions.

The Hon. E.R. GOLDSWORTHY: I see; so it is still quite pertinent for me to inquire about what is happening to Rod Boulton and Company, a small business being slugged a 1 000 per cent increase in charges. The other matter I raise relates to the use of imported material in the South Australian building industry. I was approached last year by Salter Agencies Pty Ltd, in the following terms:

Dear Sir,
Re: Use of imported material in the *South Australian building industry.*

Further to our telephone discussion on Friday 23 November 1984, we herewith enclose photostat copies of correspondence regarding the use of imported ceiling tiles in projects in South Australia.

I point out that the letter arrived after the House rose in December. I wrote back and told the company that I would raise the matter in Parliament when we resumed this year. The letter continues:

As you are aware, traditionally architects specify products based on the particular requirements of each project. We have reached a ludicrous situation in this State where architects select a product as being the most suitable for the job, only to be told that they must not use it, and threatened that to do so would result in black bans being placed on the project.

For example—the following projects were originally specified MINERAL FIBRE CEILING PANELS:

TAFE College—Specification changed during tender period.

Telecom Building—Specification changed on the instructions of Mr C. Hurford [Federal member].

Mail Exchange—50 per cent of specification changed after total number of required mineral fibre tiles delivered to site.

These are just a few of the most recent cases.

We are supposed to be living in a democratic society, and we feel very strongly that the client and architect should have freedom of choice in selecting the most suitable products available. The fact that the local product is completely different from the imported material appears to be totally ignored.

We work very closely with architects and ceiling contractors, and spend months, sometimes years, during the planning and specification periods on major construction work.

Our business will be seriously threatened if this state of affairs is allowed to continue. We therefore earnestly request that you discuss this matter at the highest possible level, and bring some sanity back into the building industry in this State.

I have a whole sheaf of letters between the people concerned and the appropriate Minister, which amounts to pussy footing around and skirting the problem by the Government and, of course, it is kowtowing to the local unions.

The worrying thing about this correspondence is the fact that, once the contract has been let, the ground rules have been changed. How on earth can any business continue to stay in business when they tender for a job and are accepted on the basis of the specifications they put forward, but the ground rules are then changed after the tender has been accepted? That is what happened as a result of union pressure to change the specifications in favour of less suitable materials, in the name of using local products. Okay, let us buy Australian—I do not disagree with that. However, how on earth can people operate in the economic and business area if the ground rules are changed after the event? That is what has happened in the case of Salter Agencies. I place that on record because it is quite unconscionable, in my judgment (and the Federal Government is involved in some of the contracts, admittedly), once the contract has been let and the contractor has the materials on site to then find that he is suddenly faced with the problem after the event that he cannot use those materials. That is completely unacceptable.

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

Mr TRAINER (Ascot Park): I am pleased to be able to join in this grievance debate at this early hour. It is only 8.45, which is much earlier than the time we normally rise on a Wednesday. That is because we finished our business so expeditiously today. I realise—

The Hon. E.R. Goldsworthy interjecting:

Mr TRAINER: We did have some assistance from the Opposition. It is a great improvement for the Opposition to show a bipartisan approach on something.

The Hon. E.R. Goldsworthy interjecting:

Mr TRAINER: On this occasion the Opposition has been exemplary, but I can point to many other examples—and I might do so in the next 10 minutes—where the Opposition's behaviour has not been exemplary. Usually their idea of a bipartisan approach is to tip only one bucket of abuse on us instead of two.

The Hon. E.R. Goldsworthy interjecting:

Mr TRAINER: I realise that I am speaking to a rather small audience, although in my opinion this is one of the best debating opportunities that Parliamentarians are presented with.

The Hon. E.R. Goldsworthy interjecting:

The SPEAKER: Order!

Mr TRAINER: However, because these grievance debates as part of the motion for adjournment are normally held late at night there is a little less interest in matters before the House than there is earlier in the day during Question Time. Furthermore, grievance debates are normally undertaken when the press galleries are completely empty.

The Hon. J.W. Slater interjecting:

Mr TRAINER: Unfortunately, they are not packed, as the Minister has tried to suggest. They are completely empty at the moment.

The Hon. J.W. Slater interjecting:

Mr TRAINER: I do not know. It is against Standing Orders to refer to the gallery, so I am not quite sure whether or not they are empty. I can only assume that, as is normally the case, they are empty. Of course the main interest lies in the cut and thrust of Question Time and in any significant Bills that are dealt with earlier in the day. Unfortunately, the press tends to miss out later at night on these grievance debates, which I think are one of the most important parts of the Parliamentary process and which provide an opportunity for us to dwell for 10 minutes on a subject of importance to us, our constituents, or both.

These opportunities are often lost, although lately we have been fortunate that for several nights we have finished before our scheduled time and we have been able to hold these grievance debates as part of the adjournment procedure. However, usually this opportunity is lost as so much time disappears during the course of a day because of time wasting. It is that time wasting which, unfortunately, is permitted under Standing Orders that I want to deal with briefly.

In so doing, I call for some sign of Opposition support for the reform of Standing Orders to try to eliminate some of the time wasting procedures with which, unfortunately, we are saddled. It is true that initiatives in recent months

(and I will not deal at great length with the Select Committee that has been appointed for this purpose) have stemmed from the Government. Unfortunately, because of that, there seems to be a certain suspicion on the part of members opposite that we are not acting with the best interests of the Parliament at heart.

That seems to be the response whenever a Government seeks to initiate any sort of Parliamentary reform to overhaul Standing Orders and to streamline procedures. However, by so doing we can attempt to avoid the ridiculous late night sittings and time wasting to which we have been subjected recently. The member for Glenelg interjected loudly when I touched briefly on this subject last night, and he suggested that it was some sort of conspiracy to deprive Opposition back-benchers of their rights. Moreover, on an earlier occasion when some Parliamentary reforms were instituted in 1973, the member for Glenelg had this to say (*Hansard* of 23 October 1973):

> The basis of the whole thing is to subdue the Opposition, to belittle the Opposition, and to crush minorities. It is a denial of freedom of speech in this House. If this is not the reason, then why is the Government doing it?

There is a fine example of paranoia at work: if a Government institutes some Parliamentary reform, *ipso facto*, it must be that the Government of the time is trying to crush the Opposition. I hope that members opposite can accept that initiatives from this side of the House stem from good faith. In the course of that same debate on 23 October 1973, the then member for Mitcham, Mr Millhouse, pointed out—

The Hon. E.R. Goldsworthy interjecting:

The SPEAKER: Order!

Mr TRAINER: That seems to be a typical sort of remark from the Deputy Leader of the Opposition. One of the difficulties that the Opposition has at the moment is the Deputy Leader of the Opposition. He does not even have sufficient loyalty to his Leader to refrain from disgracing him by his conduct. As I was saying, on 23 October Mr Millhouse, the then member for Mitcham, pointed out that after the 1968 election had put the Liberals into Government—

The Hon. E.R. Goldsworthy interjecting:

The SPEAKER: Order! I ask the Deputy Leader to come to order. His behaviour in passing me just a moment ago was very bad, and I now ask him to maintain silence.

Mr TRAINER: In 1973 Mr Millhouse pointed out that they had been in Government in 1968 and that the then Labor Opposition had deliberately filibustered with Question Time, the idea being to take time from the Government which it could not make up. Mr Millhouse went on to say:

> We have become used to late sittings to make up time that the Government loses . . . but it was certain that, whichever Party happened to be in office, sooner or later a stop would be put to the practice, because it was a pointless exercise. It has just happened that it is the Labor Party that is in office. There are other Parties in Opposition.

At that time I think he was referring to the Liberal Party and the Liberal Movement, and nowadays they have the Liberal Party and the National Party. Mr Millhouse continued:

> Let us remember that the first time limits were introduced to this House when we were in office.

The Liberal Party introduced the first time limits restricting speeches, and it had nothing to do with Party politics. It was simply a matter of whoever was in Government at the time seeing the difficulties in the way in which Parliament was operating and which had to be overhauled. Mr Millhouse continued:

> I introduced them myself when I was Attorney-General, and it was an accident as to which Party was in power.

Whoever had been in power at that time would have had to try to take some steps to overhaul the procedures of the Parliament. The Labor Party's more recent attempts, which have not been successful of late, drew some attention from the press. I will quote a *News* editorial on 26 November last year entitled 'Towards efficiency', not simply because it gives me a wrap-up but because it makes some significant comments. It states:

> The Bannon Government's chief Whip, Mr John Trainer, has correctly found fault in the way State Parliament operates. He says debates could be shortened, methods streamlined and ridiculous late night marathons ended. Hear, hear—

So says the editorial, and I can hear a most appropriate echo from the member for Henley Beach. 'Hear, hear!' should come from all of us, I would have thought. The editorial continues:

> State Parliament could easily do its job in normal working hours and Ministers could get through other tasks without undue strain. South Australians would be the better for it.

However, that is a little difficult when we have behaviour such as that from members opposite, who almost seem to be trying to bring Parliament into disrepute. The Deputy Leader of the Opposition would be one of the prime examples of this.

The Hon. E.R. Goldsworthy: Go on, holy Joe; you are a pain in the neck. Everybody knows that.

The SPEAKER: Order! I ask the Deputy Leader to come to order.

Mr TRAINER: I very much regret that the blustering member opposite carries on in that manner. I am sure that his constituents would not be delighted to see that, were they given the opportunity. He has now left the Chamber in disgrace, and that is probably most appropriate.

There are opportunities for time to be wasted. So that it can be put on the record, I will cite some figures for anyone who wants to see them. When a Bill is introduced, the mover (who is normally a Minister) is entitled to up to an hour to make the second reading explanation. Being a Government Bill, the Minister concerned normally tries to keep it short, half an hour or maybe less. The Leader of the Opposition, or a member opposite deputised by him to speak on his behalf, is then entitled to an hour in reply. So far so good, although whether an hour is required could be a moot point. However, any other member in this Chamber is also entitled to 30 minutes as part of that second reading debate.

Government members, unless they have something particularly constructive to add, normally are not encouraged to take part in that debate. But, not counting the Leader of the Opposition, who led in the debate, the 21 other members of the Opposition could all speak, each of them being entitled to speak for half an hour, and there thus could be another 10½ hours of verbiage on second reading speeches alone. Then, when we go into Committee, each member is entitled to speak three times, each for 15 minutes, on each clause. Even with no Government members taking part, one could have 16½ hours of verbiage on each clause, and the Bill could have 10 or 100 clauses. The situation is wide open to any Opposition which chooses to abuse the orders of the House should it wish to do so in order to filibuster. I am not saying that members should be curtailed in speaking—

The Hon. B.C. Eastick: You're putting this on the record because you were the author of it while you were in Opposition—the filibuster, that is.

Mr TRAINER: Well, the poacher is entitled to turn gamekeeper in due course on seeing the error of his or her ways.

Mr Lewis interjecting:

Mr TRAINER: Well, you are never going to be in Government. The conduct of the member for Mallee is disgrace-

ful. The way he threatened the Speaker earlier today by waving the Bill file around was absolutely disgraceful.

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

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

At 8.55 p.m. the House adjourned until Tuesday 7 May at 2 p.m.