HOUSE OF ASSEMBLY

Wednesday 26 February 1986

The SPEAKER (Hon. J.P. Trainer) took the Chair at 2 p.m. and read prayers.

PETITION: INTEREST RATES

A petition signed by 390 residents of South Australia praying that the House do all in its power to reduce home loan interest rates was presented by the Hon. Lynn Arnold.

Petition received.

PETITION: MARION BUS SERVICE

A petition signed by 205 residents of South Australia praying that the House urge the State Transport Authority to provide a bus service along Marion Road between Sturt Road and Finniss Street, Marion, was presented by Mr Ingerson.

Petition received.

PETITION: ARDROSSAN HOSPITAL

A petition signed by 1 329 residents of South Australia praying that the House urge the Government to provide two community contract beds at the Ardrossan and District Hospital was presented by Mr Meier.

Petition received.

MINISTERIAL STATEMENT: DEPARTMENTAL THEFT

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

Leave granted.

The Hon. D.J. HOPGOOD: The South Australian Police Department, at the request of senior management in the Engineering and Water Supply Department, is investigating allegations of theft in the Engineering and Water Supply Department. This matter first came to light late last year when an audit showed up a shortage of off-cuts in copper piping at a metropolitan depot. Further investigation also revealed discrepancies in petrol issues. At the same time a departmental employee was found in possession of an illegal water meter and some copper tubing. That person resigned.

Since then, there have been two dismissals from the department of persons found in possession of illegal or incorrect metres. Further investigation led to the resignation of an employee found with equipment in his possession which could only have come from departmental sources. Police investigations are proceeding in relation to all the above incidents.

From time to time there are allegations of the theft of water, although this illegal practice is far more prevalent in the general community than it is amongst departmental employees. Nonetheless, it is of considerable concern to Government that this practice should be occurring at all. Recently the Parliament amended the appropriate legislation to increase penalties. Changes of inspection procedures have led to an increase in the number of cases detected. The Government is particularly concerned about evidence which may point to theft of material on the part of Government employees.

As I have indicated, the police are investigating the matter and the Auditor-General has been informed. I will endeavour to keep the House informed. I have no doubt that the overwhelming majority of the employees of the E&WS Department are conscientious and law-abiding. It is in their interest, as well as that of the public, that the Government ensure that every step is taken to stamp out undesirable practices. In this, of course, we have the full and most willing cooperation of E&WS management. In fact, the E&WS management is presently issuing a memorandum in four languages to all departmental employees, stressing their responsibilities in regard to departmental property.

PAPER TABLED

The following paper was laid on the table:

By the Minister of Education (Hon. G.J. Crafter)—

Pursuant to Statute—

Ethnic Affairs Commission—Report for 1985.

QUESTION TIME

ASER PROJECT SUBCONTRACTORS

Mr OLSEN: Will the Minister of Labour ask for an independent person who has the confidence of the building industry to investigate immediately and report to the Government on the position of subcontractors on the ASER project? The Opposition has had discussions with a number of subcontractors on the ASER project who have expressed serious concern about the continuing activities of the BLF on that site. Despite the return to work last Friday, a number of BLF members are not actually working but instead are harassing other employees on the site. We understand that unless the position is resolved quickly, a number of subcontractors will rescind their contracts and walk off the job.

For example, one contractor—a rigger—now faces serious financial difficulties as a result of the demands from the BLF which threatened both his company's ASER contract and contracts on other sites. Other subcontractors to whom the Opposition has spoken have indicated other major difficulties with undertaking work unless the activities of the BLF are at least exposed or hopefully curtailed. However, they are not prepared to be named because of the fear of union reprisals. The Opposition has been advised that there have been threats of physical violence against some subcontractors and their employees.

Yesterday, a report tabled in this House of the South Australian Superannuation Fund Investment Trust indicated a major cost escalation in the project. Whereas SASFIT's original equity and loan investment in the project was $58.5 million, yesterday's report now estimates it to be at $100 million. The Minister's continuing ambivalence in the eyes of these subcontractors to the activities of the BLF—

The SPEAKER: Order! The Leader should avoid introducing comment into his explanation.

Mr OLSEN: We have been advised by the subcontractors that it is their view that the Minister's ambivalence to the activities of the BLF makes it necessary for an immediate independent investigation to be made into the union's activities if they are to be exposed. We have been informed that, at a meeting between the Minister, the Premier and the building industry representatives to discuss the BLF, the Minister observed at one stage during those discussions that 'A good dose of militancy never hurt anyone', or words to that effect. I therefore ask the Minister to appoint an inde-

pendant person who has the confidence of the building industry to make inquiries of subcontractors on the ASER site about the problems that they are having with the BLF with a view to informing the Government so that appropriate action can be taken. Any such person or inquiriy established by the Government will receive the support of the Opposition and information we have as it relates to the activities of the BLF on the ASER site.

The Hon. FRANK BLEVINS: I am constantly surprised by the building industry employers in this State apparently using the Leader of the Opposition as an errand boy. If the building industry in this State has any problems with the BLF or anybody else, then they are perfectly free to come to me. If they have any information that they wish to give me in confidence, they can do so and I will have the incidents investigated. If, on the other hand, they are claiming—as the Leader of the Opposition did—that there were threats of violence etc., then that is a matter for the police. It is certainly not a matter for me, and I would urge anybody who is threatened in that way, if it occurs, to take it to the police. If anybody came to me with information of that nature, I would refer it straight to the police. I hope that the Leader of the Opposition gives exactly the same advice. In regard to a meeting between me, the Premier and the building employers, I am not aware of any such meeting ever taking place.

CHILD-CARE

Mr TYLER: Will the Minister of Children's Services approach his federal counterpart seeking a review of the criteria on which the ceilings for family day care places are based? A constituent has brought to my attention what she considers an unjust system for the allocation of family day care ceilings. I understand that the ceilings are designed to control the amount of subsidy given. I am told that the ceilings also affect the allocation of places to families who are not eligible for subsidised care.

For instance, the family day care system in Happy Valley has a substantial list of families awaiting care, many of whom are not eligible for subsidy. There are also many people who are waiting to become care givers. My constituent wonders whether it is simply a matter of bringing together those who are awaiting care and those seeking to give care and, if so, why there is such a problem. My constituent would like this matter investigated in the hope of improving this system, but without disadvantaging those families who are eligible for subsidy.

The Hon. G.J. CRAFTER: I thank the honourable member for his question, which raises an issue that many honourable members have raised with me. There is an increasing demand for high quality child-care and, indeed, the whole range of children's services in our community. I point out to the honourable member that family day care is a wholly Commonwealth funded scheme (as no doubt he is aware) which is administered through the Children's Services Office. I will most certainly take up this matter with my federal colleague, but I also point out that ceilings for each scheme are determined by the Commonwealth in accordance with priorities in the provision of children's services.

A ceiling determines the operational subsidy available for a scheme, that is, an allocation for staffing level and scheme expenses. The level of staffing determines the quality and extent of coordination of a scheme and the level of supervision of care givers. I am sure that all honourable members would recognise the importance of adequate supervision and support for those who provide care for children in these circumstances. Coordination and supervision includes assessment of care providers' homes; orientation programs for new care providers; assessing and processing of fee relief for eligible parents; regular monthly programs for existing care providers; and assessment and referral of parents seeking care.

Another effect of ceilings is to indirectly place limits on the total subsidy payments. Of course, there must be some limits to that. However, this is very indirect and payments vary greatly between schemes according to the number of care receivers eligible for such subsidy payments. Thus the primary purpose of ceilings is to enable the provision of quality care. Expansion of the ceilings without an increased operational subsidy would lead to less supervision and coordination, and that must always be our primary concern. The task of the coordinator is not merely to link care providers and receivers. The degree and quality of coordination and supervision is one of the basic strengths of this very successful and important program.

I point out that the South Australian Government appreciates the substantially increased funding that has been provided in this area and in other areas of children's services by the current Federal Government. There is a commitment to providing 20 000 child-care places around Australia, and that program is well under way. South Australia is benefiting substantially from that program. However, there is still pressure on us all to provide additional services, and I can assure the honourable member that the State Government is very mindful of that.

JOB SECURITY

The Hon. E.R. GOLDSWORTHY: What assurance has the Premier sought and obtained about the security of employment for existing employees of Simpson Limited and BHP at Whyalla? The House will recall that it was the constant practice of the Premier when Opposition Leader, in that all pervasive doom and gloom that surrounded him at that time, to refer to South Australia as the branch office State and to urge strong Government intervention whenever there was any major trading of shares in any South Australian based company. All members who were in the House or who took any notice of what happened in the House could not help but catch that spirit of doom and gloom that was enveloping him.

The SPEAKER: Order! The honourable Deputy Leader is starting to stray.

An honourable member interjecting:

The SPEAKER: Order!

The Hon. E.R. GOLDSWORTHY: We will keep away from the honourable member opposite. I understand that we have been paying too much attention to him.

The SPEAKER: Order! I ask the Deputy Leader to stick to his question and the factual explanation thereof.

The Hon. E.R. GOLDSWORTHY: Yes, Mr Speaker, I will ignore the interjections. However, faced now with the reality and responsibility of government, this attitude seems to have changed. The Premier has not pursued this matter in the way one would have thought he would, taking note of his previous comments on these takeovers. Recently we have had the takeover of Simpson by Email, and earlier the operations of Airlines of South Australia we learned had closed, being taken over by a Victorian based company.

The Hon. J.C. Bannon interjecting:

The Hon. E.R. GOLDSWORTHY: Well, at least they had an office here. At least we had Mr Mick Connelly, we had a State office—a presence in South Australia—and a State Manager.

Members interjecting:

The SPEAKER: Order! The Premier is out of order. The Deputy Leader will stick to his explanation and not respond to interjections, which are out of order.

The Hon. E.R. GOLDSWORTHY: Yes, Mr Speaker. The Premier is supposed to be answering the questions, not asking them.

The SPEAKER: Order! That is unnecessary comment. The honourable member will please stick to the explanation.

The Hon. E.R. GOLDSWORTHY: The fact is that that office closed down without a whimper from the Premier. The third current case of a company and its affairs that could affect employment in South Australia involves the takeover of BHP. In this case, the Premier has told the House that he has had talks with Robert Holmes a Court, but did not indicate in his answer yesterday what assurances had been sought, if any, about the impact on South Australia of a successful takeover bid. Comments on the part of union officials representing the employees of both Simpson Limited and BHP at Whyalla indicate serious concern about their future following current takeover events. Has the Premier sought and been given any assurances on behalf of these employees?

The Hon. J.C. BANNON: A very curious, tortuous and involved question, which, as we have become used to as far as the Deputy Leader is concerned, contains a number of misstatements and shows apparent ignorance of some facts. First, my attitude to the loss of head offices in South Australia has not changed. On the contrary, in the past three years that we have been in office we have seen a reversal of that trend. We have seen a major strengthening of our financial base. Among other things we have managed to secure as its corporate headquarters one of the world's leading international banks to be based here for operations in South Australia.

If there had been no change of Government in 1979 at the crucial point, that bank, in association with the then Bank of Adelaide, may well have ensured that we did not have that vacuum for three or four years. That was the Government in which the Deputy Leader was No. 2: they were supine; they lay back and let it happen without a whimper or a protest. We paid very dearly, from 1979 to 1982, for that neglect. That is just one example of a number of strengthenings that have occurred in our base and in our head office operations.

Have I changed my attitude? Of course not. Email has made an offer for Simpson, but I do not think it has even been formally placed before the shareholders at this stage. The board of directors has indicated that it finds the offer acceptable unless there is some counter or further offer, and that may well develop. Who knows? The situation is very fluid at the moment, so it is not a *fait accompli*. However, the comment I made about Email's bid for Simpson Limited was that the chief factor of regret and concern was the possible loss of a head office from South Australia.

That is one of the bad aspects, but I also stress that we must be most concerned about the employment aspects of any such change. It so happens that, in the case of the Simpson and Email operations, in any sort of rationalisation in the white goods industry in this country they are very complementary in their strengths. Assurances have been given on both sides that the takeover, far from reducing employment in South Australia, in nearly every area of operations should strengthen and develop it.

There may be one or two aspects of the current Simpson operation in this State in which Email is stronger and which any rationalisation could reduce, but that will be more than compensated for by the strengthening in those areas where Simpson already has its major employment. I can say that confidently because I have discussed this very matter. There will be further detailed discussions by me when that offer is formally made with those who seek to take over Simpsons. So, the Government has not sat back. I suggest that it just shows the ignorance of honourable members opposite and their misunderstanding of the industrial scene here in South Australia if they do not know that the policies of this Government have ensured vigorous protective and development actions by major companies in this State to retain their South Australian interests. Organisations such as SGIC, which invest on the market in the interests of South Australia on a commercial basis, have played their part in ensuring that they are not blocked from carrying out those investments as they were under the previous Government, which thought that it was a terrible thing to have the State authority investing in these areas and doing this sort of thing.

The tune of members opposite might have changed now that they are in Opposition, but when they had the means to do it and the capacity to take action they would not do so. They mumbled and quarrelled, and talked about the free market, which incidentally they have forgotten. They said that it was improper for these things to take place. The fact is that vigorous protection action is taking place. I have covered the Email bid for Simpson.

In the case of BHP Whyalla, I have already answered questions in this House and indicated that I have spoken at length with the principals. I am not sure whether I spelt out in words of one syllable what I was seeking, and perhaps the Deputy Leader was nodding off when I was giving those answers.

An honourable member interjecting:

The Hon. J.C. BANNON: What do you think I am talking to them about? I spoke about their guarantees of employment, their continued commitment in this State, about their operations here and, in terms of any changes that are made either in defence of the existing management or in terms of any takeover that is successful, what protection it will afford to South Australia. Those assurances have been readily given verbally, but that is not enough, and I have indicated again that I will be continuing those discussions with the principal parties involved throughout the course of this exercise to ensure that South Australia's interests are protected.

That is the short answer, and the ASA red herring is dragged up. Apparently that is a South Australian head office over which we have control. The fact is that the ownership of Guinea Airways, subsequently ASA, passed to an interstate organisation many years ago, and one of the main reasons that they gave for winding down their operations in this announced plan is that a South Australian headquartered and based company, of which my Government has been very supportive, namely Lloyd Aviation, took one of their major contracts from them. That company is headquartered here, and is involved in South Australia. Lloyd Aviation may well, as it has already announced, expand its services and its competitive activities in this State in intra-state airlines. If they do, well and good. I will help them because they are headquartered here and have shown a commitment to this State.

Equally, we do not stand in the way of Kendall Airlines, ASA, or anybody else competing on those lines and providing a service to this State. I suggest that, in asking his question about ASA in that way, the Deputy Leader might consult with a couple of his colleagues on the bench there. I refer, for instance, to the member for Eyre, who is vitally concerned that certain regional areas of this State are serviced with adequate air carriage. I say again that what ASA has done was based on their assessment of their own operations in the face of competition, not just from airlines with which they may have association interstate, but from

airlines that are based and headquartered in and operating from South Australia. So, before the Deputy Leader dances in again with his chin stuck in the air ready to display a glass jaw, perhaps he had better do a bit of fact checking and stick to the little text that he has been given to read and not try to make up things about attitudes or approaches.

MAGILL SCHOOL CROSSING

Mr GROOM: Will the Minister of Transport arrange, as a matter of urgency, a report from his department relating to the conversion of the present school crossing on Magill Road, St Morris, to a pedestrian activated crossing—

An honourable member interjecting:

Mr GROOM: Never mind. The fact of the matter is that Magill Road is a boundary between the districts of the members for Norwood and Hartley, and both of us have in the past made representations about the conversion of this crossing. In fact, the history of the crossing goes back to 1970, when the then Leader of the Opposition (Mr Dunstan) first made representations about the conversion of the school crossing. Over the years it has been an issue in the local community, but it has increased in intensity recently because in January there were two accidents involving elderly women when the lights were not in use. One woman was struck by a vehicle and another, who was confused by traffic, fell and had to seek medical attention.

Daily I receive complaints from constituents about the dangerous situation. There is no safe pedestrian crossing between Portrush and Glynburn Roads, and there is a clear need for the school crossing to be converted to a pedestrian activated crossing. It gains strong usage from the St Morris Primary School, and the intensity of the problem has increased as a consequence of recent property and shopping development in the area.

The Hon. G.F. KENEALLY: I thank the honourable member for his question. Certainly, I will have the Highways Department examine the question to establish whether this proposed crossing meets with the well established and well-known criteria for pedestrian crossings. This crossing will certainly be looked at. This is a very emotive question, and all members of Parliament (especially those representing city districts) have enormous pressure placed on them by constituents who are concerned about what they consider to be dangerous traffic areas within their electorate, with all the connotations of road safety, and so on.

This is an area of real concern which the Government and the Highways Department face continuously. Established criteria are set down, and a consistent policy needs to be implemented so that we do not have lights, pedestrian lights or intersection lights, etc., placed in areas where otherwise there might not be justification, because it does create an environment where motorists refuse to acknowledge that the lights are reasonably placed. Where there is an expectation that motorists will obey a traffic signal and motorists do not do so, because they do not respect it, pedestrians are placed at greater risk than they otherwise would be. That is always a consideration. I will have the Highways Department look at the proposed pedestrian crossing. I am aware that the honourable member and my colleague the Minister of Education have made representations. I am not too sure where the study is at present, but I will certainly have it looked at and report to the honourable member as soon as I can.

PAROLE

The Hon. B.C. EASTICK: Can the Minister of Correctional Services say whether the Government will ensure that victims and their families are given full protection when it finally honours its election promise to toughen parole laws? Yesterday, the Opposition referred to the concerns of the family of a convicted murderer, Patrick John Armstrong, over his automatic early release next month after serving only four years. Today, I acquaint the House with the details of the case of Edmund Cooke, who is serving a term of imprisonment for the manslaughter of his wife in April 1984.

Originally, Cooke was convicted of murder but, on subsequent appeal, a jury returned a manslaughter verdict. The case involved an unfortunate history of domestic violence. The jury's verdict obviously concerned the sentencing judge and the Attorney-General who, in a letter to me dated 18 February, stated in part:

> The Crown Prosecutor who prosecuted on both occasions is strongly of the view that the proper verdict was one of guilty of murder.

Other aspects of the trial that are of concern are referred to in the Attorney's letter. The result of this series of events is that Cooke will be due for automatic early release under the present parole system in June next year, only just over three years after his wife was killed.

There are three children from the marriage, aged 19, 17 and 10 years. Their legal guardian, by direction of the Family Court, is now the brother of the dead woman. It is the wish of the children that this arrangement continue after the release of their father from prison. However, the youngest child, a girl, has received what she calls a very disturbing phone call saying that her father would be calling to get her when he is released from prison. This matter has been reported to the police. It raises once again the impact upon victims and their families of the present parole system. I seek a guarantee from the Minister that the Government's changes to the parole system will ensure that young people will not be subjected to serious concerns in the way in which I have related in this case.

The Hon. FRANK BLEVINS: I thank the honourable member for his question. I do not want to get into individual cases of alleged harassment of relatives or the incidents referred to by the honourable member. If the alleged offence has occurred (and it is an offence to threaten people with violence) and the police are contacted, they will deal with that. I do not foresee any changes to the parole system or any alternative parole system that will prevent that sort of thing from occurring. I can only refer people to the police: it is entirely a matter for the police and not for the Department of Correctional Services. Regarding victims of crime in general, prior to the recent election the Government, through the Premier and the Attorney-General, put a comprehensive package to the electorate. That package obviously met with some favour in the electorate, and I assure members that it will be implemented.

Regarding the Department of Correctional Services and its role in the area of law and order, the department locks prisoners up and lets them go, according to the law. In the case cited by the member for Light, the court made its decision, based on the facts at the time, that a person should stay in prison for a given period. The department and I, as Minister, will adhere to the court's decision, and I am sure that the honourable member would not want us to try to do anything different. I am not sure what the person referred to was charged with, but whatever it was I am sure that all the facts were made available to the court and that, if he was charged with murder, the court would have deliberated on the matter, as the courts do. If one does not agree with the sentence, that is fine: that may be one person's opinion. I may have my opinion, and the Attorney-General or the Crown Prosecutor obviously has his opinion. However, as

Minister of Correctional Services, irrespective of my opinion, I lock up prisoners and let them go as the law dictates.

CYCLISTS' HELMETS

Ms GAYLER: Will the Minister of Transport outline to the House the Government's policy on the wearing of helmets by cyclists, especially schoolchildren, and the measures under investigation to increase the use of helmets and to make them more affordable for the average family? I have been approached by a constituent who is also a medical practitioner with children attending Banksia Park High School. My constituent has pointed out a number of difficulties working against the use of helmets by young cyclists. In particular, I understand that the cost of a helmet is $30 to $40 minimum and a proportion of that cost goes to the Commonwealth in sales tax. Secondly, I am advised that safety equipment of that kind cannot by law be hired out or resold when it is no longer required. Thirdly, peer pressure among schoolchildren and the lack of reasonably widespread use means that children are reluctant to wear helmets even when parents have the capacity to pay for them.

My constituent suggested that a pilot project aimed at promoting the use across selected years of students in schools, such as Banksia Park High School, could be introduced particularly if a subsidy was possible, a reduction in sales tax was granted or financial assistance was received from service clubs, as that would be a worthwhile experiment to promote this important road safety initiative.

The Hon. G.F. KENEALLY: I thank the honourable member for her question, which is a very important one. I think all members of Parliament realise that annually in South Australia some 600 or more cyclists are injured, and unfortunately a significant number of them are killed, so we do have a very real problem. The problem is particularly serious when one realises that a number of the cyclists who are killed are young children riding cycles provided to them by their parents, and unfortunately parents do not always provide a safety helmet with the cycle. That is, I think, because parents in the past have not been educated to the protection that a suitable helmet can provide. I will certainly refer to the Division of Road Safety the suggestions made by the honourable member's constituent. We are well aware of some of the matters that have been raised, and the cost of the helmets is certainly a problem, compounded by the fact that, once a helmet is purchased and has been used, it is illegal to sell it. One can understand the reasons for that—

Mr S.G. Evans: Give the helmet away and collect a donation.

The Hon. G.F. KENEALLY: One would have to be absolutely certain that the helmet still met the standards that are required. Any safety equipment that has been put to the test may not be as safe the second time around, and that is the reason that the legal situation is as has been described. In 1984 the Government looked at the question whether or not the wearing of helmets by cyclists should be made compulsory. At the same time it examined the position regarding the motor cyclist travelling at less than 25 km/h—I think it is 25; I ought to know but I think that is the speed—who is currently not required to wear a helmet. What I am saying about a cyclist would apply equally to motor cyclists travelling at a similar speed. The decision was made that the effort should, in the initial stages at least, be directed towards encouraging people voluntarily to wear helmets. There were a number of reasons for that, including the view expressed that, making it compulsory when the education is inadequate does build up some negative attitudes in the community towards the wearing of helmets.

What we need to do, and have been doing through the schools, service clubs, TV advertising and pamphleting, is encourage South Australians to accept that there is a great need to wear helmets, and particularly there is a need for parents, or those people responsible, to encourage young children who ride cycles to wear helmets. That program is continuing. With the beginning of the new school year the second phase of the campaign is under way, that is, the evaluation of the effectiveness of the campaign. There will be TV commercial reruns and we will also rerun the school kits and so on. At the same time we will survey adult cyclists.

It may well be that ultimately we will have to make the wearing of helmets compulsory, but I believe that we should not try to do that until some 20 per cent to 30 per cent of cyclists in South Australia are wearing helmets and we have a clear example for other cylists of the benefit of the helmet, and so that peer group pressure on children is not so great. I understand completely that a child will not wear a helmet if he or she thinks that they will be teased by other children, and that is very much the case. We really have to make it a status thing to wear a helmet. The cost of the helmet is a consideration, particularly if the wearing of it is compulsory. In Victoria a subsidy is provided by the Government. That is not cheap, but it is certainly something that we are looking at. We will also consider the matters raised by the honourable member in her question, because I think we all agree that this is an area where something should and could be done to achieve greater safety for those people in the community who are depending on us to provide that safety for them.

WORKERS COMPENSATION

Mr S.J. BAKER: Will the Minister of Labour explain the serious conflict between two reports made by Mr J.R. Cumpston on the costings of the Government's workers compensation? Yesterday the Government released a report by Mr J.R. Cumpston, described as an 'independent actuarial expert', which the Government said validated the general findings of the Mules-Fedorovich costing study of the introduction of a sole insurer for workers compensation.

The Government put forward that conclusion despite the fact that, in his report, Mr Cumpston made clear that he had not been asked to report on the cost of the new benefits proposed by the Government as a result of union pressure. I quote from page 3 of his report:

> I have not been asked to report on any costs of savings arising from the changes to benefits currently under consideration.

However, this is only one reason why the Government's representation of Mr Cumpston's latest report is completely false. I say 'latest report' because in 1984 the same Mr Cumpston provided completely different advice on the findings of the Mules-Fedorovich costing study. Then he reported (and I quote from advice he prepared dated 18 June 1984 while he was a partner in the firm of consulting actuaries, namely, E.S. Knight and Company):

> They [Mules and Fedorovich] estimated the total savings from the recommendations as 17 per cent of premiums. There are, however, some errors, omissions and uncertainties in their estimates. The committee's scheme may cost as much or more than present insurance (depending on the generosity with which pensions are determined).

That was the statement made in 1984. But things have changed since then. The House should also note that Mr Cumpston is now a member of Victoria's Accident Compensation Commission, a monopoly similar to that which this Government is now attempting to introduce in South Australia. The conflicts in the advice of Mr Cumpston and the inadequacy of the costing which he has admitted to raise further very serious doubts about this Government's

costings of the proposals now before another place. The information I am putting before the House this afternoon should be sufficient to persuade the Legislative Council to reject this latest attempt by the Government to justify its costings.

The SPEAKER: Order! Those remarks are out of order, and a repetition would see the honourable member being refused leave to continue.

The Hon. FRANK BLEVINS: I was expecting, given the comment that was made in the explanation of the question that Mr Cumpston had not done the costings on the benefits as a result of union pressure—

Mr S.J. Baker: You didn't listen.

The Hon. FRANK BLEVINS: But that was your comment, was it?

Mr S.J. Baker: You didn't listen. Do you want me to read it again?

The Hon. FRANK BLEVINS: I will look at *Hansard* tomorrow. Let me say this: the reason why the question of the cost of the benefits is—apart from in the honourable member's mind—not a subject for endless debate is that the Mules-Fedorovich calculation and the Employers Federation calculation are virtually the same. There is an 8 per cent increase in benefits according to Mules-Fedorovich; according to the Employers Federation calculation it is slightly less, 7 per cent. That is a fact. That is why the cost of benefits is no longer an issue. It seems to me that it does not matter who is right—they are very similar, so it is not really an area of contention. Whether or not one agrees that there should be any increase in benefits is another question. However, the costs of the benefits package, according to the Employers Federation, is 7 per cent, but we say it is a little higher and, according to Mules-Fedorovich, is 8 per cent. However, it is hardly an area of contention.

In relation to Mr Cumpston's background, he is, as I understand it (if one has a look at the work he has done), reputed to be the foremost authority in the area. I do not know whether or not he is. People can make their own judgment. However, he says in the report that was issued yesterday that Mules-Fedorovich overstated the cost savings by about 5 per cent—instead of 25 per cent it is 20 per cent. He may well be right: time will tell. Again, we are in the region of the savings that we suggest are available.

The only difference I can see and have seen so far in all of this is the basis on which the Employers Federation worked out the savings in relation to how much profit insurance companies make. The Employers Federation are working on the basis that insurance companies are losing 20 per cent, and do not make a profit. The Mules-Fedorovich report works on the basis of 9 per cent profit. That is the difference. To me there is no mystery that the Employers Federation and the Mules-Fedorovich figures are different. If one works from a completely different base then obviously the figures will be different.

Let me say in conclusion that the member for Coles gave us an instance—and more and more instances are coming before the Government—of the cost advantage that the Victorians are now having with their workers compensation scheme. The member for Coles was quite right in stating that the shearing industry, in particular, is suffering from shearing contractors based in Victoria and paying Victorian rates for workers compensation under the new Work Care package in Victoria. Unless we match that package then, as the member for Coles pointed out, our industry will continue to be at a disadvantage. Unless the Opposition comes up with a system that will make us competitive with Victoria then it has no right whatsoever to delay, in concert with the Democrats, this legislation.

CAR DETAILING INDUSTRY

Mr ROBERTSON: Will the Minister of Labour investigate conditions of employment in the car detailing industry to ensure that employers in that industry conform to relevant awards? I received from a constituent whose son was involved as a car detailer a letter which in part, states:

> . . . my son never received any written confirmation regarding his weekly salary. Each week when paid those employed merely took their cash out of a book. They never received a pay slip or signed any acknowledgment. At 17 years of age my son brought home between $106 and $111 per week. His hours of work were from 8 a.m. to 4.30 p.m. and occasionally from 7 a.m. to 5 p.m. Overtime never seemed to be paid. If there was not enough work he was sent home, and either received less pay per week or was told that it was part of his holiday pay, even though he was supposed to be a permanent full-time employee.

It is worth noting that the maximum wage of this 17 year old was no more than $110 per week and that he frequently had to work 10 hours per day without overtime to get that; that his work hours and pay were cut arbitrarily when the work was unavailable; that no written records appear to have been kept by the employer; and that no documentation was provided to him, nor was he given any advice whatever concerning conditions of pay, leave or entitlements. His parents are naturally very concerned to ensure that other young people do not fall prey to unscrupulous employers in this industry, and ask the Minister to investigate the car detailing industry.

The Hon. FRANK BLEVINS: I thank the member for Bright for his question and for the interest that he has shown in the welfare of young people who, to say the least, are having some difficulties in what is still in some areas a very poor labour market. The car detailing industry is subject to award conditions: the Vehicle Industry (South Australia) Repair Service and Retail Award is one award that may apply. Another award that may apply is the Federal Vehicle Industry Award, which covers enterprises whose proprietors are members of the South Australian Automobile Chamber of Commerce. I will certainly have my inspectors investigate this incident if the firm is a party to the South Australian award. If the firm is covered by a federal award, I can arrange for the federal inspectorate to have a look at it.

It is an unfortunate fact of life that in 1986 some employers are unscrupulous and do exploit particularly young people in areas where there is an award, as in the car detailing industry; this is even more so in areas where there is no award coverage. One should look at the Liberal policy about deregulating the labour market. I can give the Liberals some horrible examples of what occurs in the labour market now, where the area is deregulated. The dreadful exploitation, particularly of young people, is absolutely appalling. Of course that is what honourable members opposite want to introduce in a very large way here in South Australia, and in Australia as a whole. I notice that they have gone a bit cool on it since December. Nevertheless, they still want to do it, and it is absolutely outrageous that they do.

If the member for Bright gives me the details of this firm I will arrange to have it investigated, as I will have any alleged breaches of the award investigated—whether they are by employers, or even (for the benefit of the Leader of the Opposition) by the BLF—

An honourable member interjecting:

The Hon. FRANK BLEVINS: —or the Storemen and Packers—if they give me the details of the alleged breaches of the award and the names of the firms involved.

AGENT-GENERAL

The Hon. JENNIFER ADAMSON: I ask the Premier why there has been a six-month delay in the appointment of a new Agent-General in London, and when the appointment will be made. The Agent-General's office has been vacant since 30 September, because the Government refused to appoint Mr John Rundle. On 9 September last year the Premier said that the name of the replacement for Mr Rundle would be put to Cabinet the following week. On 1 October the Premier said that an appointment was imminent. I understood that as an immediate review—

The Hon. E.R. Goldsworthy: They said that a new director was imminent yesterday. That could be six months away.

The Hon. JENNIFER ADAMSON: Yes, and there was an immediate review of parole laws. I understand that, while a number of businessmen have been approached about the appointment, none have been prepared to take it, and that at least one senior public servant is now being seriously considered to take up the position. A recent newspaper report in London suggested that the delay has occurred because 'South Australia is finding problems in recruiting the right sort of replacement.' As this sort of comment will do little to enhance the stature of the person who will be appointed, I ask the Premier to explain the delay and tell the House when the appointment will be made.

The Hon. J.C. BANNON: It is vital that the right sort of person is appointed. Since I made those statements that were quoted by the honourable member, we have been reviewing the whole question of our overseas representation—

The Hon. Jennifer Adamson interjecting:

The Hon. J.C. BANNON: That is right. We conducted a major exercise in 1985. We are also moving to make appointments in relation to the representation of this State in Los Angeles. We are therefore looking at the way in which the office should operate because that, in turn, will dictate the type of person who should hold the position. It is certainly true that there have been discussions with a number of people who are interested in serving in that position but, until we are sure that we have the right person within the definition of the job we want done, I am obviously not going to rush into an appointment.

The Hon. Jennifer Adamson interjecting:

The Hon. J.C. BANNON: There is plenty of surplus capacity on your side to take up that job. I would be very happy to look at that if the Leader of the Opposition wants to put himself or any of his retired collegues up for it.

VEHICLE BRAKE LIGHT

Ms LENEHAN: Can the Minister of Transport tell the House whether a report in today's *News* stating that the fitting of a third brake light to motor vehicles is technically illegal? An article in todays *News* headed 'Third brake light test for 1 400 cars' says that it has been alleged that about 1 400 State Government vehicles will be fitted with a third brake light in a major trial which may change vehicle manufacturing design rules. The extra light, which is also being fitted by hundreds of private motorists and taxi drivers, even though technically it is illegal, is claimed to cut rear end collisions by up to a half. The article goes on to quote the Minister, in which he canvasses the advantages of fitting a third brake light; he says that his evidence is based on overseas research and experience. The most important obvious advantage as outlined in the article is that it would cause a significant reduction in rear end crashes and a consequent reduction in death and injuries as well as a reduction in the financial cost to individuals and the State.

Members interjecting:

Ms LENEHAN: I am disturbed that some people are not interested in this issue, which is of great significance in terms of road safety. Therefore, I ask the Minister—

Members interjecting:

Ms LENEHAN: You should have listened to the question: I am asking the Minister whether—

Mr Lewis: Are you going to ask the question or will I—

The SPEAKER: Order! The member for Murray Mallee will cease interjecting.

Members interjecting:

Ms LENEHAN: For the benefit of members opposite who obviously have a problem hearing—although I think I am speaking clearly and quite loudly—I ask the Minister of Transport to tell the House whether the fitting of a third brake light is in fact technically legal or illegal.

Members interjecting:

The SPEAKER: Order!

The Hon. G.F. KENEALLY: Obviously the question is one of great interest to all members of the House, although at least 25 per cent of them—sitting opposite—did not understand what the question was about. The early report in the *News* did say that the fitting of a third eye level rear brake light was technically illegal. That is not a fact. The Road Traffic Act was amended late last year to allow for the fitting of such a device. Therefore, the Government, in fitting all its control group of 1 400 vehicles with the eye level brake light, is acting legally, as everyone would understand that we would be. All our evidence indicates that this is a safety innovation that could well be followed by South Australian motorists, and I would encourage all members on their own initiative to fit such a device to their own vehicle so as to set an example for the motoring public generally.

The Hon. D.C. Wotton: Is it legal?

The Hon. G.F. KENEALLY: I have just said that it is. The honourable member understoood neither the question nor the answer. I said that it was legal and I am sure that the honourable member will now fit the device. Our evidence is that at least 50 per cent of rear end collisions would be avoided by the fitting of such a device, and rear end collisions comprise 30 per cent of the total number of accidents on our roads.

The Hon. D.C. Wotton: Have you fitted one?

The Hon. G.F. KENEALLY: Yes; I hope that all members have the device fitted to their private vehicles and that those who do not use private vehicles but are driven about in other cars will see that one is fitted to those vehicles, so that it will be seen how effective is the device. This is a road safety initiative, and we have a responsibility as members of Parliament to set standards of road safety for the general public. This will be the first group test in Australia, and I am confident of the results, although they may take some time to flow through. I shall be disappointed if those results are not implemented by those of us who consider that we have a responsibility to the rest of the community in this important area. I thank the honourable member for her question. I understand that a later edition of the *News* has omitted the reference to the device not being technically legal. This would indicate that the *News* now realises that it is legal.

HOUSING TRUST RENTS

Mr BECKER: When did the Minister of Housing and Construction receive the initial report on the review of Housing Trust rents, and when will he table that report? In answer to a question in the House yesterday, the Minister said that Touche Ross (chartered accountants) had been

employed by the Government, apparently at a cost of $54 000, to conduct a review of Housing Trust rentals. He said, 'We have already had the initial report.' He went further, commenting that members of the media rang his office every fortnight asking for the release of the report of the review. On 28 January 1986, the Minister wrote to one of my constituents advising that a certain proposal relating to tenants on war veterans pensions would be considered when a review of Housing Trust rents was soon to be undertaken. Will he say how many reviews are being conducted? Is the original review now being reviewed, or is another review separate from the original review about to be conducted? In any event, will the Minister specify for all Housing Trust tenants just how much longer reviews or reviews of reviews can be expected to continue?

The Hon. T.H. HEMMINGS: When I was a young man, I attended the kind of village fair that went around England and included a boxing booth. A young fellow who lived a couple of streets away from where I lived attended the fair every year and tried his hand against the prize fighters. He was punch drunk, and obviously the member for Hanson is punch drunk and will continue to be punch drunk while he asks such stupid questions. I do not know the constituent to whom he referred, but members who have known the honourable member for many years will realise that he has a collection of mythical constituents whom he quotes *ad nauseam.*

As a result of the rent freeze, we asked the Housing Trust, as a part of its triennial review, to conduct an overall study and review of rents, including reduced rents and rents paid by those people who had lived in Housing Trust houses for a certain period. Indeed, most tenants were at a loss to understand the rent structure. That review was undertaken by Touche Ross, as the honourable member told the House yesterday, and that firm gave me an initial report, which I have now put to a committee that is studying the whole area. As I explained yesterday, when that report has been completed and has been discussed by members of the trust and me, I shall submit a recommendation to Cabinet, if necessary, for an adjustment of Housing Trust tenancies in this State.

STAMP DUTIES ACT AMENDMENT BILL

The Hon. J.C. BANNON (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the Stamp Duties Act 1923. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

Amendments to the Stamp Duties Act are necessary to recognise and facilitate changes which have taken place in several commercial activities. The Commonwealth Government has taken steps to make annuities more attractive with a view to encouraging people to take retirement benefits in income form rather than lump sum form. The retention of stamp duty on annuities would tend to frustrate this policy and the amendment now submitted is consistent with the action undertaken, or proposed, in other States.

It has been general practice for insurance companies since 1965 to identify on premium notices issued by them a figure representing a portion of the annual licence fee payable by the insurance company and to show it as 'stamp duty'. The inclusion of this amount in the total premium on which the annual licence fee is calculated is seen as imposing a tax upon a tax and it is now proposed to exempt any amount in respect of duty from the annual licence calculation.

The Government has been aware for some time of delays in transacting stamp duty business and certain administrative and legislative changes are to be introduced. One of the activities which has contributed to the delays has been the high volume of mortgage transactions. This Bill provides for payment of mortgage duty by return and this measure is seen by banks to be of considerable benefit to them and will also reduce congestion at the public counter of the Stamp Duties Office.

A provision is also sought to allow impressing of stamp duty by cash register imprint on those instruments which are still required to be presented for stamping. Since July 1985 the Talisman system of computer settlement and transfer of Australian marketable securities on the London Stock Exchange has been in operation in Victoria. The U.K. Stock Exchange seeks to extend the Talisman system to all States and this will enable South Australia to receive the stamp duty revenue applicable to share transfers of companies incorporated or registered in South Australia. A small amount of additional revenue will be accrued to South Australia which had been previously lost when transfers had taken place on the U.K. Exchange. The provisions apply somewhat similar conditions to those applicable to South Australian stock brokers but some variations are necessary to recognise the specific operations of the U.K. Exchange. Similar legislation has been introduced in all Australian States. Secrecy provisions have been proposed for the Stamp Duties legislation. This is part of a rationalisation of such provisions in all State taxing legislation and is in line with action taken by all States, the Territories, and the Commonwealth in establishing opportunities for reducing tax avoidance and evasion by the interchange of information between taxing authorities. It is a specific requirement of extended Commonwealth legislation adopted in 1985 that information will only be supplied to those States which have reciprocal legislation allowing information to be forwarded to the Commonwealth Commissioner of Taxation.

Other amendments deal with matters intended to assist in the administration of the Act or to make limited concession, and include:

- the exemption from stamp duty on aplications to register vehicles with a 'G' plate, i.e. those registered by Government authorities or by bodies which receive Government funding;
- the exemption of transfers of land designated as 'Public Parks' to local councils. This exemption is currently given as an ex gratia payment;
- a provision to encourage organisations which may not be required by law to register and to pay an annual licence fee, to elect to register and take out an annual licence. These organisations, such as certain Commonwealth Government Instrumentalities, would then collect duty from their customers rather than have them maintain the necessary records and pay duty directy to the Commissioner of Stamps. This provision is consistent with action taken in the Financial Institutions Duty legislation and has been introduced in three other Australian States.

Clause 1 is formal. Clause 2 amends section 4 of the principal Act in order to provide that a cash register imprint will be an impressed stamp and to clarify the use of the terms defined.

Clause 3 inserts a new section 6a which provides for the use of information obtained pursuant to the principal Act. The new section is the same as section 12 of the Financial Institutions Duty Act 1983.

Clause 4 inserts a new section 42ab. Subsection (1) of the new section provides that the Commissioner and a company, person or firm which carries on assurance or insurance business but which is not required to be licensed under section 33 may enter into an agreement under which the insurer will pay duty as if it were so licensed. Subsection (3) of the new section provides that a person who deals with an unlicensed insurer must make a return and is liable to pay duty, except in the case where the insurer has entered into an agreement under subsection (1). Thus, the new section may encourage insurers to enter into agreements with the Commissioner and so relieve their clients of the liabilities otherwise imposed on them. Similar provisions may be found in sections 62 and 76 of the Financial Institutions Duty Act 1983.

Clause 5 inserts a new section 76a which provides for the payment by return of duty on mortgages. A financial institution may be authorised to endorse mortgages with the amount of duty payable, collect the duty and pay it on a weekly return basis. (Thus, it will not be necessary to present each mortgage at the Stamp Duties Office for assessment and stamping.) Similar arrangements operate under the Financial Institutions Duty Act 1983, and the Pay-roll Tax Act 1971.

Clause 6 inserts a new section 90g which relates to the Talisman System of centralised settlement and transfer of Australian marketable securities on the U.K. Stock Exchange. The new section will apply to marketable securities in companies or societies incorporated or registered in South Australia (see the definitions of 'corporation' and 'marketable security'). A person, declared to be a trustee to whom the section applies, must furnish monthly statements of relevant transactions and pay duty on those transactions. Subsection (6) provides for certain exemptions. Similar legislation applies in Victoria (see section 59A of the Victorian Stamps Act 1958, as amended).

Clause 7 amends the Second Schedule of the principal Act. Paragraphs *(a)* and *(b)* relate to the assessment of duty on annual licences for insurance companies and provide that, first, the part of the premiums which relates to that duty and, secondly, any premiums in respect of annuities are to be disregarded. Paragraphs *(c)* and *(d)* insert two new exemptions in respect of the registration of certain government vehicles and the insurance of such vehicles. Paragraphs *(e)* and *(f)* make amendments which are consequential to the insertion of the new section 90g. Paragraph *(g)* inserts a new general exemption relating to acquisitions of land for public parks.

Mr OLSEN secured the adjournment of the debate.

PUBLIC WORKS STANDING COMMITTEE ACT AMENDMENT BILL

The Hon. T.H. HEMMINGS (Minister of Public Works) obtained leave and introduced a Bill for an Act to amend the Public Works Standing Committee Act 1927. 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 inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

Its purpose is to carry out some much needed reforms to the Public Works Standing Committee Act by these amendments. For the most part these are simply good housekeeping. I believe that this Bill will have the general support from all Members of this House as it carries out reforms Members on both sides have sought. Members will be aware that previous governments have considered changes to the Act, and this Government has reviewed those proposals in light of this Government's program to reduce red tape while ensuring effective Government administration. Accordingly, I believe this Bill will be supported. The Bill has the following points:

(1) It raises the declared amount the Minister may appropriate to any project without going to the Public Works Standing Committee from $500 000 to $2 million. This figure is in line with the current Act's $500 000 after allowing for inflationary changes, in other words, this amendment carries out the intent of the original Act.

(2) Adding to this is a change to allow future Governments to adjust this figure for inflation by proclamation. I believe this makes good administrative sense in carrying out this Parliament's wishes.

(3) The Bill also strengthens the original intent of the Act to describe works as all the costs associated with finishing the project, including its fittings and furnishings. The Government believes this is important in today's technological environment, for instance, where a building to house computers may well be worth less than the computers.

(4) The Bill also tidies up the difficulty arising from the Approporiation Bills being passed by this House prior to all proposed projects being examined by the Public Works Standing Committee. In the need for long term Government planning for capital works, Governments need to make allocations in budgets, but must also ensure Parliamentary accountability. The Bill achieves these aims.

(5) The Bill does not broaden the net for the Public Works Standing Committee, to include Statutory Authorities. The Government believes that Statutory Authorities have by and large been established to carry out tasks in the commercial environment unrestricted by Governmental red tape. Examples such as the State Bank, SGIC, ETSA, etc. spring to mind. Thus the Government believes that only where an organisation obtains funds directly appropriated by the House, should it be examined by the Public Works Standing Committee.

(6) The Government is also of the view that the Public Works Standing Committee should not encroach upon the work of the Public Accounts Committee. The roles are quite separate, one in examining proposed public works, the other in reviewing Government expenditure. Accordingly, the intent of the original Act will continue in this regard.

(7) Finally the Government believes the committee should have regard to all the associated cost of the proposed expenditure. Accordingly, this Bill seeks to ensure that the committee reviews the ongoing recurrent costs of a proposed public work.

These changes are the very concerns of the Bill. I believe they are necessary and timely, and I commend them to this House.

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation.

Clause 3 amends section 3 of the principal Act which provides definitions of expressions used in the Act. The

clause inserts new definitions of 'work', 'construction' and 'public work'. 'Work' is defined to mean any building or structure or any improvements or other physical changes to any building, structure or land. 'Construction' is defined as including the making of improvements or other physical changes to any building, structure or land and the acquisition and installation of fixtures, plant or equipment when carried out as part of, or in conjunction with, the construction of a work. 'Public work' is defined to mean any work that is proposed to be constructed where the whole or part of the cost of construction of the work is to be met from moneys provided or to be provided by Parliament. The new definitions are intended to clarify and widen the scope of the Act in several respects:

(a) the present definition of 'public work' is limited to works that are constructed by the Government or any person or body on behalf of the Government—the new definition requires that it need only be shown that moneys provided or to be provided by Parliament are to be applied towards the work;

(b) the new definitions make it clear that a work is a public work although only part of the cost is to be met from moneys provided or to be provided by Parliament;

(c) the present definition includes only construction or the continuation, completion, reconstruction or extension of a work or any addition to a work—the new definitions make it clear that the Act extends to any improvements or physical changes to a building, structure or land and to the acquisition and installation of fixtures, plant and equipment when forming part of the overall project;

(d) the present definition excludes repair or maintenance—this exclusion is not retained but instead the Act will apply to any work that constitutes an improvement or physical change to a building, structure or land subject to the monetary limitation fixed by or under section 25.

Clause 4 amends section 24 of the principal Act which sets out the matters to which the Committee is to have regard when considering and reporting upon a public work referred to it. The clause adds to the matters presently listed the following matters:

(a) the recurrent costs (including costs arising out of any loan or other financial arrangements) associated with the construction of the work and its proposed use;

(b) the estimated net effect upon Consolidated Account of the construction of the work and its proposed use.

Clause 5 amends section 25 of the principal Act which contains the requirement for works to be referred to the Committee. The requirement is presently imposed by rendering unlawful the introduction of a Bill either authorising the construction of a public work estimated to cost when complete more than $500 000, or appropriating money for expenditure on a public work estimated to cost when complete more than $500 000, unless the work has been first inquired into by the Committee. Under the clause, no amount is to be applied for the actual construction of a public work from moneys provided by Parliament, where it is estimated that the total amount applied for the construction of the work out of moneys provided by Parliament will, when all stages of the work are complete, be more than the declared amount, unless the work has first been inquired into by the Committee. The clause defines the declared amount as being $2 000 000 or such greater amount as is fixed by proclamation. The power to increase the declared amount is limited so that any increases reflect changes in an appropriate price index. The clause inserts a transitional provision applying the present provisions of the section to any work where construction has commenced, or a contract for construction has been entered into, before the amendments came into force.

Clause 6 repeals section 25a of the principal Act which permits a Bill relating to a public work to be introduced without the work having been first inquired into by the Committee in the circumstances of war or where the Bill itself provides that the Act is not to apply. This provision is no longer required in view of the changes proposed to section 25 under which the introduction of such a Bill will no longer be affected by the section.

Clause 7 substitutes a new provision for section 27 of the Act. Section 27 presently enables a newly constituted committee to take into account evidence on a public work presented to the committee as previously constituted. The new provision has that same effect but also makes it unnecessary to again refer a public work to a newly constituted committee where the work had been referred to the Committee as previously constituted but the committee had not completed its inquiry into and report upon the work.

Mr BECKER secured the adjournment of the debate.

SECOND-HAND MOTOR VEHICLES ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This short Bill proposes amendments to the Second-hand Motor Vehicles Act 1983. The amendment to section 30 is designed to widen the scope of the Compensation Fund established under the Act. The failure by a dealer, by reason of death, disappearance or insolvency, to pass on to a consumer moneys received by the dealer through a consignment sale is considered by the Government to warrant compensation to the consumer. However, because of the clear words of section 30 (2) it will be necessary to amend the Act to achieve the required result.

Under the amendment, if a person has left a second-hand vehicle in a dealer's possession to be offered for sale by the dealer on behalf of the person, and (by reason of the death, disappearance or insolvency of the dealer) the valid unsatisfied claim of the person cannot be satisfied, the person may apply to the Commercial Tribunal for compensation. The Bill also includes a transitional provision relating to licensing. Under the Second-hand Motor Vehicles Act 1971, the Second-hand Vehicle Dealers Licensing Board was the body which granted licences. The final meeting of the board occurred on 12 December 1985.

Unfortunately, the board deferred a large number of applications for licence renewals. Those dealers whose licence applications were deferred, therefore, could not take advantage of the transitional provision under section 3 (2) of the Act which states:

Notwithstanding subsection (1), a licence in force under the repealed Act immediately before the commencement of this Act shall be deemed to be a licence granted and in force under this Act and shall, subject to this Act, continue in force.

The affected dealers had a not unreasonable expectation that they would continue to be licensed upon the introduction of the 1983 Act. It would be unfair to compel those dealers to reapply to the Commercial Tribunal for licences, which would require them to suspend trading for a period of approximately eight weeks until their applications could be dealt with, and to pay the new application and licensing fees. It is intended that the amending Bill shall be deemed to have come into operation on 1 January 1986.

Clause 1 is formal. Clause 2 provides that the measure is deemed to have come into operation on 1 January 1986. Clause 3 makes a consequential amendment. Clause 4 amends section 30 of the principal Act which sets out the circumstances in which an aggrieved consumer may claim against the compensation fund. The effect of the amendment is to widen these circumstances to include the case of a person who leaves a second-hand vehicle in a dealers possession to be offered for sale by the dealer, and who suffers loss in consequence of the transaction. Clause 5 provides for the insertion at the end of the principal Act of a schedule of transitional provisions. The schedule contains the same transitional provisions as formerly appeared in section 3 (2) of the principal Act (now struck out by clause 3 of this measure). Another transitional provision has been added as follows:

a licence in force under the Second-hand Motor Vehicles Act 1971, at any time during the 6 months preceding the commencement of the principal Act the holder of which had applied for renewal of the licence shall be deemed to have been granted and be in force under the principal Act.

Mr S.J. BAKER secured the adjournment of the debate.

JUSTICES ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill is entirely consequential upon the Summary Offences Act Amendment Bill (No. 3) 1986. It seeks to amend section 27a (3) *(b)* (i) of the Justices Act 1921 pursuant to which a summons may be served by post on a defendant provided that it is posted not more than three months after the day on which the alleged offence was committed. That period will become four months.

Because the time to pay an expiation fee is being extended to 60 days, from 28 days, it is considered prudent, for the sake of administrative efficiency, that the period allowable for the postage of summonses should be commensurately increased. Under the current Police procedures, no follow up inquiries are conducted on traffic infringement notices until after the expiration of 35 days after the issue of the notice. This 35 day period allows for the statutory time-to-pay period and an additional seven days to compensate for delays in postage and administration. After the 35 day period, the unexpiated notices are subjected to an adjudication process to determine the sufficiency of evidence prior to a complaint being laid.

If the three month time limit is not extended when the time to pay a traffic infringement notice is increased to 60 days it will mean that each summons not posted within the three months allowed will be required to be served by hand. An indication of how many summonses may be involved can be gained from an examination of the Annual Report of the Commissioner of Police for the year ended 30 June 1984. This reveals a total of 12 662 prosecutions resulted from non-expiation of traffic infringement notices. Current trends indicate that a similar number is expected this year. Of those, it is not possible to determine how many would require follow up inquiries and would need to be served by hand. If section 27a (3) *(b)* (i) is amended to extend the time limit to 4 months the status quo will be maintained.

Clauses 1 and 2 are formal. Clause 3 amends section 27a (3) *(b)* (i) of the Act to enable service by post to take place not more than four months after the day on which the offences to which the summons relates is alleged to have occured.

Mr S.J. BAKER secured the adjournment of the debate.

SUMMARY OFFENCES ACT AMENDMENT BILL (No. 3)

Second reading.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill seeks to amend the Summary Offences Act 1953, in order to achieve a more efficient method of dealing with breaches of prescribed offences under section 64 of the Summary Offences Act and a better measure of justice for such offenders.

First, it seeks to enlarge the time available for a person, who has just been given a traffic infringement notice pursuant to section 64 (2) of the Summary Offences Act, to expiate the offence or offences by payment of the expiation fee or fees prescribed for that offence or those offences. Presently, the offender is allowed a period of 28 days, from the day on which the notice was issued, to pay the fee or fees to the Commissioner of Police. This Bill wll expend that period to 60 days. Since the inception of the traffic infringement notice scheme, in 1981, the actual level of prescribed fees has progressively increased, in step with inflationary trends. Thus it is not uncommon for expiation fees to be around the level of $70-$100. In that regard, I would refer members to some off the relevant regulations which appear in the *Government Gazette* of 25 August 1983 (at p. 530).

As a concomitant of that inflationary trend, the present 28 day period has proved unnecessarily and unfairly burdensome and inadequate for some members of the community. Cases of individual hardship have been documented by some honourable members of this Parliament. The Government believes the proposed 60 day period will provide adequae breathing space for those (e.g. unemployed persons in receipt of Commonwealth benefits) who most need it.

I shall also be introducing a Bill to amend the Justices Act 1921, which will make a consequential amendment in relation to the provision dealing with the service of a summons by post. The proposed 60 day period has necessitated that action. Second, section 64 (5) is to be amended to take into account concerns expressed by the Commissioner of Police. Difficulties arise in relation to sections 74, 75a, 81 and 81a of the Motor Vehicles Act 1959, which are all prescribed sections for the purposes of section 64 of the Summary Offences Act. Those provisions concern respec-

tively, driving a motor vehicle without a licence, driving in breach of a condition in a learner's permit, driving in breach of a condition of a licence, and driving in breach of condition of a probationary licence.

As there is no requirement that a driver's licence be carried by a driver, breaches of the above sections often go unnoticed when a traffic infringement notice is issued to a person in respect of an offence detected on the road. Breaches of these sections are often only detected when full licence checks are made at a subsequent time, particulary if a licence was not carried by the driver at the time.

Where a driver has been given a traffic infringement notice, and it subsequently transpires that the driver was at the time driving without a licence, or in breach of a condition of the licence, the effect of section 64 of the Summary Offences Act is that the original traffic infringement notice must be withdrawn, any fees paid refunded, and prosecution in court launced for all the offences. This is inconvenient to the offender who is denied the opportunity to expiate the offences without going to court, and cumbersome, inefficient and costly to this department, the Department of Transport, and the courts.

Third, section 64 (6) is to be amended to provide that when a person has expiated an offence, or offences, to which a traffic infringement notice relates, unless the Commissioner of Police decides to withdraw the notice and prosecute, the person is immune from prosecution in relation to that, or those offences, or for other offences arising out of the same incident except an offence for which another traffic infringement notice has been issued and that has not been expiated.

Finally, section 76 of the Summary Offences Act is to be replaced by a provision that will bear a better interpretation than it presently does. The State Transport Authority had sought the advice of the Crown Solicitor on the interpretation of section 76. The opinion (10 September 1984) concluded that:

> The peculiarity of section 76 lies in the fact that although there are three distinct persons who may exercise the power of arrest, this power may only be exercised if one specific person has made the relevant discovery. The owner himself and no other person must have discovered the offence being committed.
>
> It is only in these circumstances that the power of arrest exists.

The interpretation given by the Crown Solicitor greatly limits the application of the section. Most businesses are incorporated and the section can have no application. Even in the case of smaller, unincorporated businesses, it is often the case that employees and not the owners discover offences. This leaves employees to rely upon their powers of arrest at common law and by statute.

More importantly from the Commissioner's point of view, he is regularly asked by government and semi-government bodies to appoint their employees as special constables. A special constable has all the power of a police officer but generally has little or no training. But the Commissioner has sought to limit the appointment of special constables. He could previously refer these bodies to section 76 of the Summary Offences Act which appeared to give their employees adequate powers to deal with the problems likely to be experienced.

Section 76 is to be amended so that employees can apprehend anyone found by them to be committing an offence on their employers' property or in respect of the property. This will in effect restate a long-held common understanding of the section, update the law (as interpreted by the Crown Solicitor) to accord with commercial realities, and enable the Commissioner to resist appointments of special constables.

Given that a power of arrest presently exists, the amendment is really a clarification and very small extension of the circumstances in which it could be exercised.

Clauses 1 and 2 are formal. Clause 3 amends section 64 of the Act by providing for an extension of the period within which a person may pay a fee expiating an offence for which they have received a traffic infringement notice from 28 days to 60 days.

The amendment also provides that a traffic infringement notice may be issued for an offence against sections 74, 75a, 81 or 81a of the Motor Vehicles Act 1959, notwithstanding that a traffic infringement notice has already been issued in relation to an offence, or offences, arising out of the same incident.

Subsection (6) of the Act is amended to provide that a person who pays the expiation fee for a traffic infringement notice is immune from prosecution in relation to that offence, or those offences, or any other offence arising out of the same incident, unless the Commissioner of Police withdraws the notice and proceeds to prosecute or there is another traffic infringement notice in relation to offences arising out of the same incident for which no expiation fee has been paid, in which case the person may be prosecuted in relation to the offences contained in that other notice.

Mr S.J. BAKER secured the adjournment of the debate.

PAY-ROLL TAX ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 February. Page 540.)

Mr S.J. BAKER (Mitcham): The Opposition supports the measure. We note that the Commonwealth Government has a scheme that eventually, in 1988-89, is forecast to encompass 75 000 young people. The scheme is not running as well as at first envisaged and, instead of reaching the initial 1985-86 target of 10 000, it will now achieve that figure by the end of the calendar year. Quite often measures are used to encourage employers to take on new staff, but other employers are sometimes disadvantaged when taking on new staff, whether they be school leavers or people on apprenticeship schemes, for instance. Whenever we give a bit of extra help, such as that afforded under the Australian traineeship system, we disadvantage other people who do not receive that assistance. I am sure that the Minister appreciates that point. We support the measure. Indeed, we support anything that reduces the burden of payroll tax.

The Hon. LYNN ARNOLD (Minister of State Development): I wish to thank the member for Mitcham for his indication of the Opposition's support for this significant measure. It is true that it may appear to be in the order of rats and mice legislation but, indeed, it is significant in the next stage of getting the traineeship system up and running. The traineeship package has had some delays, and I have identified those delays before now. Also, I have indicated that there are some further areas that need to be resolved. It was one of 22 components of the YES scheme package, the majority of which are running ahead of schedule, a significant number of others running to schedule. Only five of the 22 components are not running to schedule in terms of the number of positions created.

The anticipation is that this year we will create 1 000 traineeships, not the 1 600 originally proposed for 1986, but I believe that, all things running smoothly from this point on, we should reach the target by 1989. In fact, the formal agreement between the Federal and State Governments, as I announced in my ministerial statement in this House last

week, has now been arrived at, and South Australia joins Western Australia and Victoria in so reaching such agreement.

The member for Mitcham said that any training opportunities offered to some are perhaps implicitly denied opportunities to others. Now, of course, there is I guess some truth in that argument, but it somewhat misses the point. One of the things that I have always said is significant about traineeship schemes or improved training schemes is in fact the proposition that you are making more employable, more eligible to compete in the employment market, the position of some people who up until now have been significantly behind the employment eight ball.

Young people have said to me, 'Why should I endeavour to get more training or education to get a job because there simply are not the jobs there?' There is some truth in the proposition that there are not enough jobs to equal the number of young people. However, my response to them is, 'Why should you be your own worst enemy? Why should you be your own first hurdle in stopping yourself in the competition for such positions that are available? Why should you automatically say, "I'll let somebody else get those limited number of jobs because I don't believe I have a chance of getting them"?' What we want to be able to say to all young people is that they have an equal chance, as far as possible within their skills and capacities, of getting the jobs that are available.

The traineeship system is part of a process that will afford a greater opportunity for young people to claim what jobs may be available. I also want to argue—and I believe that I am supported in this by research done by the OECD and reported in their two volumes on the matter of youth unemployment in, I think, 1981—that it is possible that employment and training programs have at the margin a positive impact on the total number of job opportunities available to young people. In other words, they increase the chances by which employers in total may say, 'Yes, there is some merit in my creating a new job opportunity for young people, because they will suit my employment needs.'

It may be true that often employers have not made significant numbers of job opportunities available to young people because they may not have believed that the young people available under the systems that we had provided employers with the appropriate skills to meet their particular business needs. That is something that has been conjectured upon by the OECD, and I believe that there is some merit in that. Whatever the case, we would have to acknowledge that the nature of industry in Australia, both in the secondary sector and in the tertiary sector, is such that training needs have changed from what we had previously. Whereas the apprenticeship system or other forms of training and education may have met previous employment requirements, it is clear that in the 1980s new avenues had to be looked at to complement what was being provided and what will continue to be provided by apprenticeships and other forms of education or training; hence the need to consider such things as traineeships.

The traineeship system offers a lot of exciting possibilities, not only in terms of offering training opportunities to an actual number of young people but also because it may have a positive impact on job opportunities for young people. It will also have a significant contribution to make to the debate on what should happen to training in this country. I know that a number of people—particularly, say, within the Department of Technical and Further Education—are already excited by the curriculum development that results from the existence of traineeships.

As anyone would understand, it is not simply a matter of saying, 'Yes, we will introduce this kind of scheme', without having alongside it the curriculum development to ensure that these traineeships in fact meet a need. Having said that and, given the indication of support by the member for Mitcham, anticipating that this Bill will pass in this House expeditiously, I hope that it passes in the other place with some speed so that at least this hurdle will have been overcome and we can address other needs that must be taken into account. I thank members for their support and I believe that by so voting we are indicating our support for a significant step in training systems in Australia.

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

STATE GOVERNMENT INSURANCE COMMISSION ACT AMENDMENT BILL

In Committee.

(Continued from 25 February. Page 525.)

Clauses 2 and 3 passed.

Clause 4—'Delegation.'

Mr OLSEN: I move:

Page 1, line 23—Leave out 'person' and insert 'officer or employee of the commission or to any body corporate in which the commission holds shares.'

Yesterday in the second reading stage I said that I intended to place a proposed amendment before the Committee. We believe that the provision is too open-ended and that there may be an abuse of power. Only an officer or a nominated person within the commission should exercise power on behalf of the commission. However, the Bill provides that that power, authority or responsibility can be delegated to any individual: there is no restriction or limitation as to whom those powers can be delegated. That is not appropriate, and therefore we move the amendment to ensure that the commission may delegate its powers only to an officer or employee of the commission or to any body corporate in which the commission holds shares. That provides the capacity to delegate authority within the commission to those bodies in which the commission has shares but it does not leave the situation open to any other individual.

The Hon. J.C. BANNON: The Leader of the Opposition foreshadowed this amendment, and he has drawn attention to the fact that there is quite a wide power of delegation under this provision. However, I do not agree that the measure provides any great danger to the ultimate control that there must be in this area. To adopt that proposal, even in the way the amendment suggests, could create difficulties of operation for SGIC in a number of areas in which it may well be engaged. SGIC may have some connection with companies not necessarily as shareholders or investors, such as service companies. There is a proposal at present to establish one such joint service company involving all Government insurance offices, and in those circumstances powers of delegation will obviously be required fairly widely. The relationship, of course, may change: a company that had a purely investment interest could have a different relationship with SGIC, and there would immediately be problems of delegation.

Having said that, I point out that there is a restraint and control on this power of delegation in that the Minister to whom the Act is committed (in this case the Treasurer) is able to require SGIC to revoke any delegation. Therefore, there is an opportunity to review any decisions taken by the commission and, in the normal course of events, the commission would advise the Treasurer through his officers of the delegations. In an instance where it was felt that there was some good reason not to allow a particular delegation, the Treasurer could intervene and revoke the dele-

gation if no agreement could be reached on its revocation. That is a control measure and I suggest that it is a better control than that proposed by the Opposition, because it covers situations that arise and not some hypothetical future situation that might put an unreasonable constraint on SGIC in carrying out its operations.

Mr OLSEN: I note the Premier's comments. Although the Opposition is not satisfied that an opening of the powers to the extent foreshadowed in the legislation is appropriate, we will not persist with the matter here—rather it will be considered in another place.

Amendment negatived; clause passed.

Clause 5 passed.

Clause 6—'Powers in respect of bodies corporate.'

Mr OLSEN: Before moving my amendment, I seek clarification from the Premier in relation to line 19. During the second reading stage the Premier said that some aspects of SGIC business may be more effective if conducted through a company. Has SGIC entered into or does it intend in the future to enter into joint arrangements with other Government insurance offices? The Premier referred briefly to such an arrangement. Will he expand on its purpose and say when that arrangement with Government insurance offices throughout Australia will take place?

The Hon. J.C. BANNON: As I said, apparently what is proposed is what is called a risk management company, which will be a joint operation of all Government insurance offices in Australia, a means whereby, as I understand it, they can look at general actuarial and risk experience in the areas of business in which they operate. I am not sure at this stage whether or not it is intended it has a further role in negotiating reinsurance or other offsetting policies on behalf of all the GIOs, but I imagine that that could be a possibility. Certainly, it will be able to provide advice in that area. The actual registration of the proposed company apparently is to be in New South Wales, just as a matter of convenience. However, that is an example of the sort of combined operation in particular areas of risk management that does not involve investment in a company as such, but investment by the GIOs in a mutual support organisation.

Mr OLSEN: Will that require legislation complementary to this being enacted in other States, or does the restriction apply only in South Australia as to the operation of the SGIC in such a risk management company?

The Hon. J.C. BANNON: I would have to check the position on that, but my advice is that, at least in the case of Queensland, those powers apply. However, I will obtain the detailed information on that.

Mr OLSEN: Has the SGIC entered into any arrangement or is it contemplating purchasing an interest in any financial advisory group? I do not know whether or not this will be different to the risk management company acting as a financial adviser. I seek clarification as to whether the risk management company will actually do the financial advising to the insurance officers as well as an investment company, or whether there will be a separate company that will enter the field providing financial advisory services to the public?

The Hon. J.C. BANNON: The current practice of SGIC is to seek financial advice from within its own resources, and it has staff skilled in that area. The commission takes an active role in looking at investment opportunities. The General Manager, Mr Gerschwitz, is highly skilled in this area and is a member of a couple of other boards—one unconnected with his direct SGIC activities. Coming from the background he did, he has wide investment experience. Most of that investment work is done in-house.

Where there are major decisions that have implications for Government or require Treasurer's approval, obviously there is consultation with my officers in Treasury and myself. Where particular assessments are made of investment opportunities, as I understand it, the practice would be to seek to hire consultants in the normal way of private sector companies to assist them in company assessments or whatever other information is needed.

The risk management company that is talked about, I understand, is not aimed at advising on investments or the commercial policies of the SGIC but at their insurance experience set-offs of risk and general ways and means of keeping the cost of their insurance down.

Mr OLSEN: I move:

Page 2, after line 28—Insert new subsection as follows:

(3a) The Treasurer shall, within six sitting days after setting any guidelines for the purposes of this section, cause a copy of the guidelines to be laid before each House of Parliament.

We believe that this amendment is an appropriate course of action, the guidelines in general terms being established by the Government. As we are talking about a statutory authority responsible to the Minister and the Parliament, it is appropriate that those guidelines be laid on the table. Has the Government considered revamping the establishment of those guidelines? If so, will the Premier lay those on the table? If not, will he consider the request that is really contained in the clause as amended?

The Hon. J.C. BANNON: The guidelines have been subject to revision on a number of occasions, the most recent of which was in early 1984; they are the ones under which the commission currently operates. The problem with requiring them to be tabled relates to the commercial sensitivity of such activity, not so much the guidelines at any point of time but where there is a change in strategy or revamping of those guidelines, which can signal very clearly to the market certain intentions on the part of SGIC that could immediately give a commercial disadvantage.

For instance, let us say that SGIC recommended, or the Treasurer of the day decided and wished the SGIC to follow as policy a guideline that involved a strategy of investing more in securities or something of that nature, and less in real estate. The SGIC, as a holder of considerable real property and a developer in that area on behalf of its investment moneys, would, if these guidelines were published, be putting people on notice that it was going into the market to dispose of property in order to give effect to those guidelines. That could immediately have an adverse effect on SGIC's ability to negotiate a reasonable price, because the reason for the sale would have been spelt out as a matter of policy rather than as a matter of particular investment assessment.

The guidelines in any case should, I think, be flexible, and, therefore, changeable in differing circumstances. We have the conditions that are available, and it is fair for me to spell them out to the House although I do not, for the reasons I have outlined, believe it is desirable to indicate in detailed form just what the guidelines are for those commercial reasons. If the Leader of the Opposition wishes to avail himself of the opportunity, I would be prepared to show him on a confidential basis the guidelines in relation to proportionate funding, holdings in various areas, so that he can understand the situation. In broad terms, our intention is to ensure that SGIC is investing commercially, but with a bias naturally to South Australia.

If there are any exclusive private placements offered to the SGIC, then the Treasurer's approval is necessary because we do not believe that the community should be given the impression that the Government is backing a particular company in particular circumstances, even if, as a matter of policy, the Government is pleased to see certain investments made. Secondly, investment in any particular company is limited to the lesser of 9.9 per cent of the ordinary shares on issue in that company, or 10 per cent of the total

amount approved for investment in the equity of the company. For the purposes of that guideline an entitlement to shares on conversion of notes is to be regarded as if the conversion had been made.

Of course, where SGIC is going to exceed those limits and believes that it has a good case to do so, it can obviously approach the Treasurer for approval. However, it must be specifically given on the basis of the arguments that are put before it. Obviously, there is preference to companies that have a substantial presence in South Australia. It is my strong view that one of the purposes of the SGIC having at its disposal large amounts of capital for investment at any particular time is to reinforce investment in the State. Equally, it would be overly onerous to say that it is excluded from investing elsewhere. There may be good reasons to precipitate interest in relocation or greater involvement in the State by investing in a company that at the time of the investment does not have such a substantial presence in South Australia. However, such instances would be very rare.

In broad terms, the SGIC's entrance into the equity market is a controlled one, based around changing guidelines. I come back to the initial point: to require, as the amendment would suggest, the regular tabling of guidelines and placing before the House would create a commercial disadvantage that would be against the interests of SGIC and, ultimately, the ability of SGIC to serve the people of South Australia.

Mr OLSEN: Quite obviously it is not the wish of the Opposition to inhibit the State Government Insurance Commission in the commercial market place. However, we believe that a statutory authority such as this, which reports to a Minister, has in fact a responsibility to report to the Parliament. The general parameters of guidelines ought to be a matter for consideration of the House. The Premier has indicated an offer on a confidential basis to peruse the guidelines in operation. I would, on a confidential basis, accept that offer and, after looking at it, determine whether or not the Opposition would want to persist with this amendment in another place.

Amendment negatived.

Mr OLSEN: I move:

Page 2, lines 33 and 34—Leave out 'more than 9.9 per cent (or such larger percentage as may be prescribed) of the share capital of' and insert 'any shares in'.

This amendment requires the commission in its annual report to include all its shareholdings and investments, so that the Parliament is aware of where those investments have been placed in the share market or wherever else. At the moment, it is only those where shareholding is in excess of 9.9 per cent. We believe that there is a responsibility to report in full and in detail as to the investments and holdings.

The Hon. J.C. BANNON: We should not pay undue attention to or have an undue surveillance of the investment made by the commission in equities. One must bear in mind that it is a substantial investor in real properties and other forms of securities. In relation to real property, any major acquisition or investment also, individually, is referred to the Treasurer, although again the guiding principle is whether there is commercial return for the SGIC. In property investments they are heavily concentrated in this State. The question of disclosure of a part of the SGIC's investment operations should I think be kept in perspective.

The shareholdings of the SGIC would be constantly changing. It certainly holds some shares as a long-term investment, but a company which is regarded as a long-term investment at any point of time could well be sold off at the right opportunity. The composition of the SGIC's minor holding share portfolio (that is, below 9.9 per cent) really deserves some commercial protection: because of the problems that can often arise where the SGIC is seen to be investing even on a minor scale, albeit on commercial grounds, there is some kind of official support for the company involved, or it involves some kind of prediction of its performance or viability. For all those investments to be tabled in the Parliament would be to give them a sort of status that I do not think they really deserve, and could well inhibit the way in which the SGIC tackles investment.

I accept the existing situation in relation to the 9.9 per cent threshold point, and I really think that that is all that is required in terms of public surveillance of such shareholdings. Any listing, unless it is to be an historic listing of every transaction through the year (I am sure that is not what the Opposition means) of, say, the annual report taking a particular time again would not be particularly useful information, because it would simply be a snapshot of holdings at that particular time, giving no reflection of the ebb and flow of any transactions in the portfolio.

Again, I am concerned that, if someone says that SGIC has 5 per cent in X company, it will influence market perceptions of that company unduly because the company has been given the status of being recorded in a report to Parliament. For those reasons, the Government believes that the existing prescription goes as far as is necessary in the area of investment holdings by SGIC.

Amendment negatived; clause passed.

Title passed.

Bill read a third time and passed.

ROAD TRAFFIC ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 February. Page 414.)

Mr INGERSON (Bragg): On behalf of the Opposition, I support the Bill. I have found it interesting to note in the discussions that I have had with the public that hardly anyone agrees that the Road Traffic Board should be maintained. It is with such total support that the Opposition adds its support to this form of deregulation by the Government. I believe that this action is critical and I support the Government in bringing together the whole area of road safety in a division that will be responsible directly to the Minister. In the Bill the Government has clearly put forward the need not only to put these controls directly with the Division of Road Safety but also to delegate more authority to local government. It is obvious in the road traffic control area that many of the problems that are a cause of concern to local government in this area could be fixed up if they were able to get on with the job themselves with a minimum amount of administrative control and regulation.

The Hon. Ted Chapman: Particularly if local government has reasonable roads.

Mr INGERSON: I thank the member for Alexandra for helping me to recognise that some local governments have excellent roads and are able to maintain their areas adequately themselves. Certainly, I strongly support the desire to bring this activity directly under the Minister's control, because it will enable Parliament to ask questions, without having to go through a statutory authority, regarding the concerns that constituents have about this area. It is important to note that in the run-up to the recent election the Opposition identified similar problems concerning the board and was going to proceed along the lines of simplifying the administrative procedures required. For that reason, we strongly support the Government's move.

The major area of concern put to me involves general approval by the authorities. The Bill will give more control

to councils, and some councils are concerned that they are getting too much control. That surprised me, as that attitude is contrary to the way in which local government normally reacts. Local government usually says that it would like to have more control and would like to do more things. In this instance, it has been surprising to see that the local government representatives with whom I have spoken were concerned about how the new change was to be coordinated and controlled, especially concerning justification of the administrative role that they would have to play, and so forth.

Some councils were very happy to be able to look more quickly at where they could put traffic lights and roundabouts and to determine the sort of roundabouts that they could install, and so forth. Many councils were very happy with that, and the Minister sets that out in relation to the Bill.

The Hon. Ted Chapman interjecting:

Mr INGERSON: That is the next area that I intend to cover. I thank the honourable member for helping me with this, my first, Bill.

The DEPUTY SPEAKER: Order!

Mr INGERSON: The next area dealt with by the Bill involves the granting of permits, that power being directly delegated to the Commissioner of Highways. It is in this area that most of the comment has been made in the discussions that I have had with the South Australian Road Transport Association and several other transport movers. I understand that, since there has been some change in personnel in the Highways Department, the problem of permits in regard to the time period and the inconvenience placed on many people in picking up and having permits delivered has been overcome.

We will watch that area with interest because it has probably been the area of most criticism. Thankfully, as far as the consumer is concerned, we no longer have to go through the administrative wrangles and tangles that people used to have with the board.

The final area dealt with by the Bill involves the Division of Road Safety. I look forward to the programs that the Minister has put forward in this area. The division is a worthwhile concept. I hope that in the near future the public will be given the many research documents that have been undertaken by the division and that they are put out for public discussion. I support the Bill.

The Hon. G.F. KENEALLY (Minister of Transport): I thank the Opposition for its support of this measure. Before the second reading debate concludes, I want to put one or two matters on record. First, it should be made clear that the reason for the Government's action in regard to the Road Traffic Board in no way can be seen as a criticism of members of the board, who over the years have done a very good job having regard to the constraints that have been placed upon them by the Government. The board had legislative constraints placed on it and has operated within those constraints. It has served the community well, although at times it was heavily criticised. True, many people, including Ministers, tended to hide behind the board.

Certainly, local government authorities and other authorities may have found it easy to say, 'We would have liked to do that but the Road Traffic Board is at fault.' That protection is no longer afforded to those who may desire to use it. I place on record my appreciation and the appreciation of the Government to the board for its work. This legislation is neither a vote of no confidence in the board nor a criticism of its work: it is merely an effort to streamline Government activity. Under the existing system, there is much duplication of effort between the Highways Department and the Road Traffic Board, especially as it involves the board's Road Safety Division.

Mr Tyler: It is deregulation.

The Hon. G.F. KENEALLY: Yes, it is an exercise in deregulation, as the member for Fisher points out. The Government and I believe that a much more efficient system will result from the passing of this measure, otherwise we should not have introduced it. The member for Bragg expressed surprise, which I echo, at the reaction of some local government authorities. Over the years my understanding has been that such authorities have sought the power to make more decisions at the local level: they wished to have more control over their destiny. Now they will have that opportunity within the standards to be established by the Government through the Road Safety Division.

Local councils will be able to make decisions, but they will be responsible for their decisions, and I for one am certain that they will respond to this new authority and their new responsibilities. However, it needs to be made clear to them that, as they pick up a new authority, they take up new responsibilities with it. Whereas in the past liability resided with the Road Traffic Board, the passing of the Bill will mean that if, by delegation by the Minister, the authority rests with local government, then liability shall also rest with local government for its decisions. Therefore, the incentive is placed on local government to ensure that councils always work within the standards that apply.

The member for Bragg has expressed what I believe to be a legitimate concern about the initial stages of operation of the legislation, when the Road Traffic Board is no longer there and local government may be unsure as to how the legislation should operate. The Government understands that that will occur, and the Highways Department, and especially the Road Safety Division, are gearing up to meet that increased demand. However, I do not think that such conditions will last long. Indeed, I believe that local government will readily take up its new responsibilities and run with them effectively. I am delighted that the Opposition supports the Government's Bill, and I seek its speedy passage through the remaining stages.

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

STATUTES AMENDMENT (VICTIMS OF CRIME) BILL

Adjourned debate on second reading.

(Continued from 25 February. Page 524.)

Mr S.J. BAKER (Mitcham): The Opposition has pleasure in supporting the Bill. Indeed, identical legislation was introduced in 1985 but, because of the pending election, it was not proceeded with at that time. Such legislation as this has long been overdue in South Australia. Members will recall the efforts of a former member for Mitcham (now the Hon. Justice Millhouse) to obtain greater justice for victims of crime. We have seen the sterling efforts of Ray Whitrod to remedy the imbalance that has occurred in the criminal justice system, and we are pleased that the Attorney-General has taken up the challenge and is continuing to enact legislation that will provide some relief for those people who have been subject to crimes of violence generally, although questions concerning property have yet to be addressed.

Because much of the debate on this legislation took place before the recent election, the House has not had the opportunity this session to appreciate some of the principles involved, and I wish to impart some information to the House in this regard. Principally, I shall quote from a statement made by the Attorney-General when the legisla-

tion was first introduced in 1985. The Attorney-General had been involved in conferences on the subject, and he returned to Adelaide with certain principles about the rights of victims of crime. I shall read this statement to the House because I consider that everyone should share the information that was provided at that time. On that occasion the Attorney-General said:

The following principles accord victim' rights at a number of stages of the criminal process and have been approved by Cabinet:

The victim of a crime shall have the right to:

(1) be dealt with at all times in a sympathetic, constructive and reassuring manner and with due regard to the victim's personal situation, rights and dignity;

(2) be informed about the progress of investigations being conducted by police (except where such disclosures might jeopardise the investigation);

(3) be advised of the charges laid against the accused and of any modifications to the charges in question;

(4) have a comprehensive statement taken at the time of the initial investigation which shall include information regarding the harm done and losses incurred in consequence of the commission of the offence. The information in this statement shall be updated before the accused is sentenced;

(5) be advised of justifications for accepting a plea of guilty to a lesser charge or for accepting a guilty plea in return for recommended leniency in sentencing;

(6) be advised of justification for entering a *nolle prosequi* (i.e. to withdraw charges) when the decision is taken not to proceed with charges. (Decisions which might prove discomforting to victims should be explained with sensitivity and tact);

(7) have property held by the Crown for purposes of investigation or evidence returned as promptly as possible. Inconveniences to victims should be minimised wherever possible;

(8) be informed about the trial process and of the rights and responsibilities of witnesses;

(9) be protected from unnecessary contact with the accused and defence witnesses during the course of the trial;

(10) not have his/her residential address disclosed unless deemed material to the defence;

(11) not be required to appear at preliminary hearings or committal proceedings unless deemed material to the defence;

(12) be entitled to have his/her need or perceived need for physical protection put before a bail authority which is determining an application for bail by the accused person, by the prosecutor (Bail Act, section 10);

(13) be advised of the outcome of all bail applications and be informed of any conditions of bail which are designed to protect the victim from the accused;

(14) be entitled to have the full effects of the crime upon him/her made known to the sentencing court either by the prosecutor or by information contained in a pre-sentence report; including any financial, social, psychological and physical harm done to or suffered by the victim. Any other information that may aid the court in sentencing including the restitution and compensation needs of the victim should also be put before the court by the prosecutor.

(15) be advised of the outcome of criminal proceedings, and to be fully apprised of the sentence, when imposed, and its implications;

(16) be advised of the outcome of parole proceedings;

(17) be notified of an offender's impending release from custody.

Those are fine principles, and I congratulate the Government on adopting them. This Bill updates the Criminal Injuries Compensation Act, but it still does not go as far along the track as the Labor Government had indicated. My colleague in the other place saw fit to suggest that more changes needed to be made while we are discussing this Bill, and I will certainly be raising them by way of amendment in the Committee stage.

The important thing to remember is that South Australia is taking notice of the needs of victims. Some of the measures will have to stand the test of time: it could well be that, when they have been fully put to the test, they will again have to be amended. I note that the Criminal Law Association (or an organisation similarly named) has made some observations about the operation of the Statutes Amendment (Victims of Crime) Bill. Although, in Committee, I may ask the Minister for an explanation of this matter, I will read for the record the statement of the person concerned, as follows:

I have not had time to consider any of this properly except for clause 25.The new proposed section 299 is horrendous for anyone with assets who commits any offence at all. Again there is no insurance except perhaps in the case of motor vehicle personal injury claims.

I think that that is a misreading of the Statutes, because as the member for Adelaide has mentioned we deal with confiscation of profits in another Bill, about which the criminal lawyers raise some severe doubts. I will continue reading, however, because we see a number of objections which are perhaps a little more relevant than that one:

This certainly does raise problems for employers, in relation to offences which are summary, as compensation may be up to $10 000. It is not inconceivable that, if an employer knows of a danger, the employer could be charged and compensation at common law rates ordered to be paid: e.g. unlawful wounding where a worker loses fingers on a machine.

Again, the lawers are stretching the legislation to the limit. Of course, we know that lawyers always test the system out. They have raised this because, as part of the system, they know the extent of legal interpretation possible. The letter continues:

If someone fails to give way to the right and causes $15 000 damage by hitting a new car, they can be held liable for $10 000 compensation. What about comprehensive insurance?

Again, I think it is a bit of a long bow that they are drawing in this area. It continues:

Further, there is no provision whatsoever for reducing compensation by reason of contributory negligence, provocation or any other such factor taken into account in normal civil awards.

To that extent, it is true, but again I suggest that the court has a discretion, although the Bill itself does not address that question. The mere existence of damage being done is sufficient to make compensation available, but I would presume that in the wisdom of the court, if a person who has suffered damage has also contributed to that damage, that would be taken into account in any award made. It goes on:

Thus a technical breach of a strict liability statute may found a claim for an injury the 'victim' chose to suffer: e.g. putting a finger into a machine deliberately. This certainly cannot be claimed under the present Workers Compensation Act 1971 as amended.

I should inform this person that it is possible under the proposed Act. He continues:

Further, in say a drug case where a trader is ordered to pay compensation for grief caused to the family of a purchaser (perhaps a mother who does not like her son using Indian hemp) the court is reliant upon the police and counsel for disclosure of the offender's means. Obviously counsel is unlikely to receive instructions about any property the police don't disclose, and as with forfeiture this creates the ideal environment for police corruption.

When a person is convicted of an offence, the court is empowered to order compensation. Here, it is stated that, in the extreme case where a son has been involved in drugs and the mother claims some grief or injury as a result of that, there could be some difficulties. In that regard, I think that the points made are fairly thin. However, they have been made, and I undertook to read them to the House, although, as I said before, I think some of these comments may be more relevant to the confiscation of profits where the measures are far more draconian. It is recognised that the Government has seen fit to make $8 000 available to the Victims of Crime Service, which we believe provides very valuable assistance to those sustaining criminal damage.

The question of finance has been raised. As members may be aware, we put forward a proposition before the election that, when compensating victims of crime, money should be drawn from the fines imposed on those people who have committed the offences. We did, however, draw the line at including all fines in that category, for obvious

reasons. For instance, with those who commit an offence such as parking on a clearway, the $50 fine previously going into general revenue should not be included in the sums of money to be made available to victims of crime. The Attorney responded by saying that it was very difficult to separate those areas of fines that resulted directly from criminal activity from those which were victimless offences. To that extent, it really is a matter of Government judgment, if you like, as to what areas of revenue should be used to help finance compensation.

I would like to congratulate my colleague the shadow Attorney-General in the other place on his efforts in this matter over at least the last two years and even before that. He has been a very strong proponent of providing, if you like, greater justice in the system and has spent a great deal of time talking to the people involved in the Victims of Crime Service. He has had a deep interest in this matter for many years. It is fair to say that the Attorney-General has been very responsible and in fact has been one of the prime movers in Australia in this regard. We on this side of the fence have certainly been pushing for these measures for at least the past five years. I am pleased to report that they have bipartisan support in this regard, and I am pleased to support the Bill.

Mr DUIGAN (Adelaide): I support this most innovative and far-reaching Bill. It comes to us from the Legislative Council without amendment, although I understand that a number of amendments were moved because the Opposition did not feel that the 17 rights which have just been read to this House and which were cited in the Minister's second reading explanation were sufficient to guarantee the rights of some victims in some circumstances. That argument was not accepted by the Government in the other place because it believes that adequate protection is provided.

As the member for Mitcham said, this Bill has the support of all Parties, and that is hardly surprising, as it represents one of the most wide-ranging statements on victims of crime that has ever been introduced into a Parliament anywhere in the Western world. I had the opportunity of attending the Seventh United Nations Congress on the Prevention of Crime and Treatment of Offenders which was held in Milan last year and which debated the whole issue of victims of crime. I was present as an observer with the Australian delegation, which took a very prominent role, along with the delegations from Canada, Argentina and France, in drafting the Declaration on the Rights of the Victim, which eventually went to the General Assembly of the United Nations late last year and led, on the fortieth anniversary of the Declaration of the Rights of the Offender, to a new Declaration on the Rights of the Victim. That declaration passed that august body in December 1985.

I believe that all honourable members can be proud that South Australia continues to lead the world in affording protection to victims. Since the Second World War Governments and researchers have devoted an enormous amount of effort to explaining the origins and nature of crime and trying to develop appropriate counter measures. Some commentators have argued that this emphasis on offenders and offences has led to the neglect of victims. Victims are not only physically, emotionally and financially damaged by a crime but they also suffer inconvenience, discourtesy and humiliation from their contact with the justice system. I refer to a United States report entitled 'President's Task Force on Victims of Crime' in which one victim commented:

> To be a victim at the hands of the criminal is an unforgettable nightmare. But to then become a victim at the hands of the criminal justice system is an unforgivable travesty. It makes the criminal and the criminal justice system partners in crime.

When required as witnesses, victims have had to undergo irksome and repeated questioning and be involved in proceedings which, while routine to prosecutors and judges, can be intimidating and bewildering to the uninitiated. According to that report, another victim said:

> Why didn't anyone consult me? I was the one who was kidnapped, not the State of Virginia.

Another said:

> It is almost impossible to walk into a courtroom and describe in detail the thing you most want to forget. It is also devastating to have to face your assailant. Although you are surrounded by people and deputies of the court, the fear is still overwhelming.

Acknowledgment of these problems has given rise to what is now a world wide movement of a greater recognition of the rights and needs of victims. South Australia has always been at the forefront of this movement. For example, in 1969 South Australia enacted the criminal injuries compensation fund, which provided for a maximum of $2 000 for individuals who suffered personal injury as a result of a criminal act. In 1978 the then Labor Government increased that amount to $10 000. South Australia was also the first State to modify its laws and procedures for sexual assault in order to alleviate the plight of victims of sexual crimes. In 1975 and 1976 major legislative changes were made to limit references that could be made in court to a victim's prior sexual experience, to spare most victims from being required to testify in preliminary court proceedings, and to broaden the definition of 'rape'.

The needs of sexual assault victims with respect to the health system was also recognised in South Australia in 1975 with the establishment of a specialised sexual assault referral centre at the Queen Elizabeth Hospital. That centre provides medical treatment with social work support for victims and has refined procedures for the collection of forensic specimens. In recognition of that important role, the South Australian Government this year has provided about $300 000 for the centre's operation.

Another field where South Australia has a record as a pioneer on law enforcement is in the training and procedures of police officers. In 1973 the Police Department introduced mixed male and female patrols with the objective of ensuring that there was a more sensitive approach to female and child victims. In 1975 a rape inquiry unit was established to conduct initial interviews with sexual assault victims, informing them of procedures to be followed during the inquiry and trial and to be available to accompany victims during subsequent investigations and court procedures. To complement the work of that unit, general police recruitment and training has also been revised in order to cover aspects of community service and crisis intervention, including talks by members of the Victims of Crime movement. In particular, I pay a tribute to the Victims of Crime Service and its Chairman, Mr Ray Whitrod. He has been a leading light not only in the South Australian Victims of Crime movement but also on Australian and indeed international bodies. Refresher courses and vocational training are available for prosecutors, detectives and sex crime investigators and now cover rape trauma as well as the problems of child sexual abuse.

In August 1979, just before the election of that year, the Government moved to establish a committee of inquiry into victims of crime, and that was one of the first such inquiries in the world. It reported in August 1981 and made a number of recommendations which concentrated on five areas: the provision of more adequate information on crime and crime victimisation; more effective coordination of victim initiatives; the improvement and extension of services for victims; the amendment of court procedures to

make them more sensitive and caring; and compensation for victims. That committee made 67 recommendations, of which some 57 have already been adopted. This Bill and the one that is to be debated subsequently will ensure that a further five recommendations are implemented.

Final confirmation of South Australia's commitment to improving the position of victims is the content of this legislation which was first announced by the Attorney-General on 29 October 1985 when this Bill was introduced in the Legislative Council. A commitment was made during the recent election campaign that this legislation would be reintroduced into the Parliament as a matter of priority, and that is why the Bill is before us now.

Every year millions of people throughout the world suffer severe physical, psychological and financial harm as a result of avoidable criminal acts. This Bill limits itself to the victims of the violation of State laws.

The United Nations declaration to which I referred encompasses a broader range of harm and defines a broader group of victims who can be the subject of corporate or group harassment and intimidation. The victims of crimes such as murder, rape, robbery and arson will be assisted by this Bill. The United Nations declaration dealt with the victims of the abuse of political and economic power such as corruption, torture, pollution, the exploitation of workers and consumers, and so on. They are not dealt with under this Bill.

The role that South Australia has played in what is now commonly called 'The Victim Movement' is acknowledged throughout the world. In a number of papers that were given at the Fifth International Symposium on Victimology in Zagreb, Yugoslavia during August last year, due recognition was paid to the role of South Australia in taking some of the measures that I have just outlined, in particular, the measures relating to financial compensation for victims and the establishment of the committee of inquiry into the needs of victims were acknowledged.

While the term 'victimology' may be new for those people who have not yet come across the victims' rights movement, it is certainly something that has gained considerable attention, particularly in America and Europe. Fundamentally, victimology presupposes that human loss—accidental or criminal—can be reduced and that this can best be accomplished by the application of scientific methods, both the study of the victims' problems and in the selection of appropriate remedies.

In doing so victimology claims that it may be able to contribute to a better understanding of crime and accident victims, its purpose being not to eulogise the victim but to offer some explanation of their role and attitude towards the victims. The aim of the South Australian Victims of Crime Service organisation is similar to that adopted by Australian and other national bodies, namely, to provide relief to crime victims. That is based on a belief that the primary aim of sentencing, and one of the primary aims of the justice system itself, ought to be that the offender has an obligation to the victim as well as to the community.

The way that different judicial systems deal with that issue of compensation varies. Victims are allowed far more input into the judicial process, for example, in France, where they are able to be represented by separate counsel. South Australia does not allow this, but this Bill ensures that the concerns of victims will be able to be presented to a court before sentencing.

There are a number of ways of compensating, and the most important thing that I have learned about compensation from the victims' rights movement is that it must be quick, sensitive and reasonable. It must not be bogged down in bureaucratic wrangling. The amount of compensation is not quite so important, it seems, as the speed and sensitivity with which the compensation arrangements are made.

Crime not only exists as a violation of the written statute, it also exists as a psychological and social scar that the victim will have to bear for the rest of his or her life. It does not matter whether the trauma is caused by such serious or horrific crimes as rape or assault, or other crimes such as housebreaking. The impact on the person affected is extensive and traumatic, and people feel, quite rightly, that it has been an invasion of their privacy, a violation of their private space of their home and of their physical wellbeing.

One form of compensation for these people is obviously the financial compensation mechanism from the State, where that is appropriate. This Bill clarifies and simplifies that process. Another way in which the justice system can afford compensation to the victim is to ensure that it is not biased against the victim and that the system accords recognition to the victim's trauma.

The third area of compensation addressed in the Bill—in clause 25—is the power of the courts to order direct compensation by the offender to the victim. This is designed to assist offenders to realise that at the end of their act there was a person they hurt, perhaps humiliated and who suffered as a result of their action. It should bring home to offenders that it was not just the law that they were breaking and not just the community standards that they were offending, but an individual whom they had violated.

The major initiatives in this victims of crime Bill provide for a unique criminal injuries compensation fund to be financed, in part, by the confiscation of assets of persons convicted of offences other than drug offences (because that provision already exists in another Bill), and by a percentage of the moneys received as a payment of fines. That matter will be dealt with in the Bill to be discussed following this one. This Bill provides for claims for compensation for grief caused by death of certain relatives as a result of criminal offences without the need to show any injury other than the loss of that relative; *ex gratia* payments for victims where appropriate; interim financial assistance to victims in cases of *bona fide* emergency; the requirement that courts consider in the first place the compensation of the victim by the offender before the imposition of a fine; and the streamlining of our court procedures for hearing of compensation claims. The 17 rights of victims, which have been included in the Minister's second reading explanation and which have also been read to the House by the Opposition spokesman on this matter, have been circulated to Government departments, in particular, the police prosecutors, the prosecuting section of the Crown Law Department, and other Government departments associated with the administration of justice in South Australia, for example, the Courts Department, the Correctional Services Department, and Community Welfare.

Those rights will ensure that victims of crime in South Australia are in a much better position than anywhere else in Australia in respect of the criminal justice system, which will, I hope, slowly become more sensitive to their needs. In order to determine the effectiveness of those 17 rights and the speed with which they were being implemented, I have taken the opportunity recently of visiting both the Magistrates Court and the Children's Court to listen to the way in which prosecution cases have been conducted. I have been impressed by the way in which police and Crown Law prosecutors have dealt with the trauma experienced by the victim. The victim is, first, referred to by the prosecutors in those terms, as the victim, and it is brought home on a number of occasions to the offender that what is being spoken about is the person that he has victimised.

There is a desire to ensure that the offender recognises the harm that has been caused to that victim. Magistrates are also becoming increasingly familiar with the statements of the effect of a crime on a victim, and that has certainly been taken into account in any sentences that are imposed. This Bill is an excellent step forward. It is a tribute to police prosecutors and others that they have so quickly and sensitively moved to ensure that victim impact statements are taken from people who were the victims of crime.

While this Bill represents a significant reform and advance in terms of providing rights to victims and ensuring greater equity within the justice system about the way in which the participants are dealt with, there are still some things that can be done. Probably the most important thing remaining to be done is to get more information on the extent of victimisation, more information on the way in which people become victims of crime, more particularly, the extent of the victims of what are unreported crimes.

This information is necessary because it is extremely important that there be coordination between the policies that are being developed by victims, and the policies that are being developed in other justice areas for which the Government has responsibility, for example, the Courts Department, Correctional Services, Community Welfare and the Police Force. Some work has already been done both by the Australian Insitutute of Criminology and the Office of Crime Statistics in Adelaide about finding answers to the basic questions of how many crime victims there are and what are their needs. It is obvious that in this area, as in many other areas, the needs of people are going to vary quite considerably. It is also obvious that not all people are going to run the same risk of being a victim of crime, whether it be a property crime or a crime against the person.

Research already done by the Australian Institute of Criminology would suggest that people who are unemployed, separated, or divorced are far more likely to be affected by crime. The work that is being done by the institute also indicates that the elderly, while very concerned about the extent of crime in the community, do not become the victims of crime quite as much as is generally believed. This is not to belittle the fear that elderly people have of crime, either in their own homes, in the street, or in the community generally, but it is necessary to ensure that policies relating to victims of crime be tied in with new community policing policies, for example.

The other major area of concern in this whole spectrum of concentrating upon the victim is the offender. State Governments, including the South Australian Government, have programs relating to the rehabilitation of offenders. Those programs should in no way be curtailed by an increasing emphasis on the rights of victims. The improvement in the plight of victims should not, therefore, be at the expense of efforts to rehabilitate offenders on the mistaken belief that too much has gone into that area in the past. There is no doubt that some of the efforts at rehabilitation have not produced significant results, but that is no reason to throw out those efforts. It will be necessary for governments to continue their emphasis, both on the offender and on the victim, to ensure that they both get the community support which they need. I have pleasure in giving my support to this Bill.

The Hon. G.J. CRAFTER (Minister of Education): I thank the Opposition for their indication of support for this measure, and for their congratulations on the actions that the Government took in this area of law reform, and on the provision of benefits to victims of crime. I also thank the honourable member for Adelaide for his contribution to this debate. As honourable members may know, he attended the Seventh United Nations Congress on the Prevention of Crime and Treatment of Offenders, which was held in Italy in August and September 1985. The honourable member made a very real contribution to the formulation of the legislation before us in his work in the Attorney-General's office prior to his coming into the Parliament.

The substance of this matter has been well canvassed in another place. It has also been touched on in debate in this House, so I will not go over that ground again. I understand that the Opposition wishes to move some amendments similar to those that were moved in another place. For that reason, we will adjourn this debate during the early part of the Committee stage to enable these amendments to be formulated.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

CRIMES (CONFISCATION OF PROFITS) BILL

Adjourned debate on second reading.

(Continued from 19 February. Page 411.)

Mr S.J. BAKER (Mitcham): The Opposition supports the Bill. Members would be aware that the Opposition has for some time been pressing for measures to make crime less profitable than it is. It took some time to get the Attorney of the day interested in the proposition that the proceeds from drug offences should not remain with the person who profited but should be put into the Government's coffers and put to far better use than would otherwise be the case.

People have always profited from crime; otherwise there would be no crime. I refer to areas such as SP bookmaking and the taking of indigenous species and transporting them overseas, from which activities large profits have been made over the years. As members understand, the Statute provides limited penalties in many cases for such offences. It is often found that once the fine has been paid it is still profitable to carry on with the illegal activity. Comment has been made over a period about some houses in Adelaide being built from the profits of marijuana, and the same can be said about a number of other areas where criminals have flourished. I refer to well-known illegal gaming houses in Adelaide that flourished in years past.

We have always had crime and there has always been someone who profits from it. Sometimes the profits far exceed the penalty set out under the law. The Opposition believes strongly that that should not be the case and if, in some way, we can dissuade people from undertaking such enterprises, we will have come a step along the track to prevent such activity.

I refer to the measures that were first raised by my colleague in a private member's Bill in 1983 dealing with the confiscation of assets for convicted drug traffickers under the Narcotic and Psychotropic Drugs Act. The then Attorney saw fit to take up this matter as his own piece of legislation and, leaving aside the question of who should get the credit, the move was fully supported by both Houses and by Liberal and Labor politicians alike.

This Bill extends the reference to take in as many offences as possible under which people are profiting from the proceeds of criminal activity. In principle, we also support the view that efforts must be made to redeem from criminals the profits that have been made at the expense of the community. Really, that is what this Bill is all about: we are attempting to redeem some element of compensation for the community.

In the debate in another place questions were asked about whether the Bill should be limited to indictable offences. At that time it was determined in another place, in its wisdom, that we would not include prescribed offences, which comprise a very open reference, and that the Bill would include only indictable offences. Most of the other provisions in the Bill were supported without comment. However, since that time comments have been made by criminal lawyers, and serious concerns have been raised about the measures contained in the Bill.

I must admit that I sometimes have difficulty divorcing myself from the horrific crimes that occur and the measures that we need to undertake to cover those areas adequately under the law and then transpose myself to the situation of asking what the position would be if I were accused of a crime of which I was innocent; that is always the balance in the law. Members who have read the Bill will see that some fairly absolute measures are involved in it. Indeed, I did not appreciate what powers existed in the Bill until I read it.

Mr Duigan interjecting:

Mr S.J. BAKER: Sure, but we are dealing with a different set of individuals. The member for Adelaide points out that the measures are similar to those in the Controlled Substances Act, and he is right. However, the questions that we have to ask ourselves deal with the relationship between the significant penalties that can be imposed on drug traffickers under that legislation and the confiscation of profits associated therewith. How do they line up with the penalties relating to all the other offences in the criminal jurisdiction?

Questions must be asked about this because, whilst in the area of drugs, there are massive untold millions made from trafficking, but in other areas where profits are made the sums are considerably less. We must remember the costs of proceedings and investigations to recover profits and the interference with personal liberties may far exceed the value of taking such action.

Another contribution on this subject was made by the organisation that was referred to previously in regard to the victims of crime legislation. It indicated that search warrant procedures were already covered under the Summary Offences Act, which is true. It raised the question of what is a prescribed offence, and we will now see amendments to put that into perspective. In that submission an inflammatory comment is made, although it suggests that there may be some difficulties in this area. This body suggests that the Act:

> . . . spells the end of any criminal clients paying for their fees, as solicitors' trust accounts can be sequestrated. Further, there is no incentive whatsoever for private practitioners to try to get fees paid privately, as there is at present.
>
> Who wants to be not only unpaid at the end of the day but also be forced, unpaid, into disputes over where the money came from as well? If the barrister receives his fee, presumably either he or the solicitor can be forced to disgorge it later. This can only add to the existing dissatisfaction with legal aid rates, which are already only just over half of the fees that could and would be charged for private clients. In addition, there would be heavy pressure for representation in magistrate courts on applications for return of property. The duty solicitors for legal services and Aboriginal legal rights are already heavily overworked, particularly the latter, who are not infrequently finalising 20 matters a day.

That view deserves comment because, as I said when responding to the member for Adelaide, when we are talking about the area of drug trafficking, we are talking about large sums of money. In most of these other areas—

Mr Duigan interjecting:

Mr S.J. BAKER: We are talking about crime, as the member for Adelaide interjects, but we are talking about much lower rewards than those in the drug trade. There have been many instances in the courts in recent years where misdemeanours or offences, some even indictable, have not been proceeded with because of the enormous cost involved. We well remember the conspiracy case in Sydney as an example of where, because of legal representation, the courts became tied up and it would have cost the Government more to obtain a conviction than the sum of money lost as a result of the original offence.

So, there is a warning here. Although in principle we may say that people should not profit from their breaking of the law, we must be extremely careful that we do not apply measures such as this in a bludgeoning fashion. Admittedly, the Attorney-General will have a discretion in this regard, but the process will be through the courts. We are setting up another legal adversary system in the courts to handle this matter specifically. That can produce an expensive mechanism, as people seek to find out whether a piece of property is from the profits on their endeavours, from the investment of profits on their endeavours, or from some moment of hard work that the criminal may have put in at one stage.

We are entering a tenuous area here. The Opposition, although supporting the principle that people should not profit from their crimes, realises that criminals can be gaoled or fined. In addition, we are now to have the confiscation of profits made as a result of crime. I do not intend to take an inordinate amount of time of the House on this measure, but I point out that members should treat this matter with much discretion, because the legislation could well turn out to be a monster, an albatross around the neck of the legal system, if it is not used wisely.

The points that are being made in this submission are relevant and should be noted so that, when the time comes to review the operation of the legislation, the Government will consider them. Regarding the effect of this legislation on magistrates' court lists, I point out that:

> At Adelaide, Elizabeth, Holden Hill and Port Adelaide it would usually be between three months and six months from the time of the request being made to the hearing date. Indeed, the time will not infrequently be 12 months if the hearing does not go ahead on the first date proposed. If these applications are added and the powers are used, even just in relation to indictable offences, court loads could easily double and pandemonium would be created. The higher courts will also be further loaded, especially the District Court, which is already in trouble because of overloading.

Many of the points dealt with by the Attorney-General in his second reading response on the Statutes Amendment (Victims of Crime) Bill are relevant when dealing with the Bill now before members, especially concerning the various responsibilities to be borne by personnel within the courts system. The Attorney-General said that the system could handle the amount of work resulting, but we know that the system cannot handle what it is called on to handle today. Members from both sides of this Chamber, who have received representations concerning court delays, know that even the simplest case may take anything from three months to nine months to be dealt with. Again, although the Attorney-General has tried to solve the problems, they still exist. Therefore, we could be loading the system, and those cases that must take priority could be shifted down the list because of the problems caused in pursuing matters concerning the confiscation of profits. I quote further:

> Concerning applications and the effect of the legislation on the purchase of land, once the Crown has aroused a suspicion that money from an offence may have been used to acquire an asset, it can obtain an *ex parte* order and have a manager appointed. That is possible under the Bill. Therefore, the first that a person may know about an order is where a manager walks in. If a person deals with the property in any way after the order is made, that person commits an offence and the deal is void, even if such a person had no knowledge of the order. So, the flow-on effects should be taken into account. The foregoing deprives the pur-

chaser of land of the benefits of guarantee of good title under the Real Property Act.

Members will be aware that, if property passes without due consideration or the person purporting to pass the property does not own it, remedies are available under the law and the property automatically reverts to the original owner. This matter raises other questions concerning land which is purchased and then passes, and there are other difficulties for the new owners who have bought the land or property in good faith. They may well be unable to get their money back while the former owner contests the order. Alternatively, the moneys may already have been dissipated, for example in legal fees.

Members will recognise that this matter is not as straightforward as it should be. The heirs to an estate must be considered and the same principles apply in that case. If for some reason the offender is not amenable to justice, the property can also be forfeited. Does this include being unfit to stand trial because of mental or physical illness? There are questions in cases where the fact is not proved but where there is a probability that the person engaged in the event that earned the profit, but at the time that person was brought to justice he was unfit to plead. Further questions must be asked about that aspect.

In summary, the submission states that the economic consequences of the Bill may be disastrous because of the effect on court loads and legal aid services. This is couched in extreme language. I do not say that the results will certainly be disastrous, but we should be mindful of the possible consequences. Indeed, I am sure that the Attorney-General will review the operations of the legislation over the next 12 months to see how it has worked and whether any faults have appeared in the system. Because of the ultimate power that the Bill confers, the system may be tied up and difficulties concerning civil liberties may be created.

The only other matter to which I shall refer at this stage is the fact that, when the Bill was originally introduced in the Upper House, clause 10 involved monetary consideration. As it was not within the province of the Upper House to consider such a clause at that stage, it is now no longer in the Bill. Does the Minister intend to restore it to the Bill in this place?

The Hon. G.J. Crafter: It is in erased type.

Mr S.J. BAKER: I thank the Minister for pointing that out. I support the measure, but have some reservations about the sorts of thing that may happen as a result of its passing. However, we realise that sometimes we have to test the system and, if it does not work, we must change it. I ask that the Government monitor the operation of this legislation to ensure that, in the event of real problems arising, such problems can be addressed before they get out of hand and create real difficulties in the court system where we must use short-term measures to solve what could be long-term problems. I support the Bill.

Mr DUIGAN (Adelaide): I, too, support the Bill because it ties in closely with the Bill concerning the victims of crime. As the member for Mitcham indicated, this Bill has wide support as it comes to this House—

Mr Gunn: Even though it has a considerable number of things wrong with it?

Mr DUIGAN: A number of amendments were made to the Bill in the Legislative Council. However, the principle upon which the Bill is based is not contested at all, and that principle is quite simple: crime should not pay. There is a responsibility on the Government and on the community to ensure that crime does not pay at all. The present options that are available to judges and magistrates who sentence offenders following a conviction are, on the one hand, a fine or, on the other hand, imprisonment. This Bill tries to provide the justice system with a further option in line with the Government's philosophy of extending the sentencing options that are available to the courts. Members would be aware that an extension of sentencing options was provided through the Parliament in 1983 with the provision of community service orders. This is yet another option that will be available to a court when imposing a sentence as a result of a conviction.

The Bill recognises the harm that is done to victims and to society by the commission of offences. It wants to ensure that the offender can repay the community and is denied the benefit that he has derived from his crime. The way of addressing this matter is by picking up the proposition that went through this House in 1985 in the Controlled Substances Act, to which the member for Mitcham has already referred. There was a provision in that Act for the confiscation of assets of convicted drug traffickers.

This Bill extends that provision to other offences on the same principle. I do not think that it matters whether it involves a drug offence or any other offence: if someone has been convicted of a crime and has profited from it, the sentencing court should have available to it the option of confiscating any financial benefit that has flowed from the commission of that offence.

The extension of the confiscation of assets to the sentencing options that are available is only one benefit that can flow from this Bill. The other is, hopefully, that it will provide a disincentive for the commission of offences as well as being a penalty. The money that will come from the confiscation of the assets will be paid into the Criminal Injuries Compensation Fund, along with money from general revenue and a levy on fines that was dealt with in the Bill that was previously considered by the House. However, because the clause dealing with where the moneys ought to go is a money clause and cannot be dealt with by the Legislative Council, the proposition will have to be moved for the first time in this House.

The main issues that have been raised in the discussion today in this House and in another place relate to which offences ought to be covered by this Bill. The second major issue is who should be covered by this Bill. Dealing with the first issue, the Bill which was introduced into the Legislative Council included all indictable offences and prescribed summary offences as those caught by this Bill. The Bill that comes into this House limits to indictable offences the offences which will be covered by it, although I notice that there are on file Government amendments to include specific types of summary offences that would otherwise be excluded by the amendments moved and carried in the other place.

I am happy with the proposition to include all indictable offences and certain selected summary offences, because I cannot see any justification whatsoever for being able to exclude the offences that were described in the debate earlier, namely, SP bookmaking, brothel keeping and some corporate crimes which can be dealt with summarily, as well as some fisheries offences which have to be dealt with summarily, where people are gaining financially as a result of those crimes. I have no difficulty whatsoever in including those within the ambit of this Bill, despite the fact that they are dealt with summarily.

As to the second issue, I think we have to refer back to the original principle on which the Bill is based, namely, that people should not be able to profit from crime and that any profit, whether it be in the form of cash or any other real assets, and whether they are used by the convicted criminal or by his family, should not be caught by this Bill. If the asset is gained as a result of criminal activity, it seems to me that the court should have the option to confiscate

that part of an asset which was gained through illegal activity.

The third issue which is addressed in this Bill and which will probably be one of the most difficult matters to organise, I believe, is the administrative side. It is what is often referred to as the paper chase. It will obviously be necessary for the police and prosecutors to take statements of evidence from both the victims and persons who are charged with offences so that they can obtain a reasonable statement of the assets that are held by the offender in case the sentencing court wishes to exercise the option that this Bill provides of confiscating part or all of the assets derived from the commission of the offence. Despite the difficulty that that might entail, I think that that process should begin.

This is a far-reaching Bill which has now been taken up by other States, not only in the drug area but also by looking at the way in which South Australia will be able to use its provisions to confiscate the assets of criminals engaged in other offences. I am happy to support the Bill.

Mr GUNN (Eyre): I support legislation that will result in the seizure of the assets of people engaged in drug and related activities and other serious offences. We have to be very careful when passing legislation of this nature, because Governments unfortunately are inclined to over react. The power is placed in the hands of the bureaucracy and the police, and junior people will be exercising draconian power—

Mr Gregory: Do you want the death penalty?

Mr GUNN: Let me make this speech, and you can make yours when you are ready. These draconian rights will be exercised over innocent people who may get caught up and who are unaware of their rights and do not have adequate access to proper legal advice. Therefore, I believe that many problems can be associated with this type of legislation.

In the time I have been in this Parliament one of the things that has concerned me has been the unfortunate actions perpetrated on ordinary law-abiding citizens by overzealous members of the Public Service. Governments must be very careful when passing measures of this nature, because people get a rush of blood to their head, they get all enthusiastic over these things, and think, 'We will fix it by legislation. Everything can be fixed by legislation.' There is no thought of the associated problems. It is the in thing at present to belt the organisers and the drug sydicates over the head, and we all support that.

Unfortunately, they will not get caught. They have their money invested outside this country, and they will not be nailed by this legislation. It will be some poor innocent person who is caught. I understand that the Criminal Lawyers Association has had a bit to say about this matter and I wonder why the Attorney-General and the Minister representing him in this House have not taken the trouble to have discussions with these people. From the information I have been provided with, the points that they make appear to be relevant.

I want to draw one or two matters to the attention of the Minister. I am quite happy about indictable offences being covered, but I am certainly not happy about other offences being covered. I can give an example. If a person injects himself or herself with heroin in a motor vehicle, is that motor vehicle liable to forfeiture? If it is subject to consumer finance or lease, is it still liable to forfeiture? If it belongs to a third party, is it to be forfeited? How are the interests of third parties and finance companies to be protected if the car is jointly owned? Has the joint owner who is not the offender any redress?

These matters must be addressed, and I hope that the member for Playford, who prides himself on taking an interest in such issues, will look to them. The Attorney-General must address himself to these matters. The last time I spoke on a legal matter after I had been properly briefed, some unique things took place afterwards. I made all the points in the House, but I got nowhere with the Government. But after a week I received the most detailed letter from the Attorney-General trying to justify the Government's actions. When I had discussions with criminal lawyers they were amazed at the fleet-footedness of the Attorney-General and at some of the comments and courses of action he had taken to try to justify himself. One lawyer said, 'We will use this letter every time we are in court. This is contrary to what is provided in the Bill.'

I will go on, because the matters that I am addressing have not been answered. I have not pulled them out of the air, and they need answering. If an addict uses premises to inject himself or herself, are those premises liable for forfeiture, irrespective of whether they are owned by a third party? I want to know. If a parent knows or suspects that a child is growing one or two Indian hemp plants in the greenhouse out the back or in his room, will these premises be forfeited to the Crown?

Ms Lenehan: For heaven's sake!

Mr GUNN: I agree with the honourable member, but they are the questions that have not been answered, and they reflect the concern of many people who have read this Bill. I do not normally speak on these matters, but that is why I have taken the trouble to speak today. I want the Minister representing the Attorney-General to answer these questions. The last time I raised such questions I really got responses from the Attorney-General.

Ms Lenehan interjecting:

Mr GUNN: All the lawyers to whom I spoke are not very impressed with him at present. In my private dealings with him, I have always found the Attorney to be a most reasonable person. The powers of the police are hardly limited to the profits of crime, I am advised. The real danger with the broad scope of the legislation is that it provides the police with a giant stick that can be used against suspected offenders and minor offenders. It is unclear whether a single example of a prescribed offence means the forfeiture of all property acquired from that type of offending. For example, if a person was convicted of trading in heroin upon the basis that one gram was sold for $200, what evidence would be sufficient to enable the claim to be made that this was merely one of several acts of trading and, further, that portion of the proceeds of the sales was used to purchase that person's own home? I want that question answered.

The Hon. G.J. Crafter: Read clause 5!

Mr GUNN: That is the Minister's job. I want the questions answered. We are here to have these matters answered so that they are on the public record. The Bill is not printed in *Hansard* but the speeches are. I have been here for long enough to know that we must get some of these things on the record so that we can come back at Ministers. Who carries the onus of providing such matters as the value of the contribution or the amount of contribution from the offender? Who will determine that? Will that come under clause 5 (2), involving the protection of the property of innocent third parties? This provision requires a detailed explanation. If a person receives as a gift a motor vehicle that is used in connection with the commission of an offence in relation to which the owner of the car is innocent of complicity, is the car liable to forfeiture? I want to know.

If a person's neighbour is growing Indian hemp and he becomes aware of that, and if he subsequently purchases the property, could he lose it irrespective of whether or not he was aware at the time? I want to know. Has a person who deals in property that is subject to an order, if the owner, the part owner or the beneficial owner does not know that the order exists, committed an offence if he

attempts to transfer the property? That is not clear in the Bill. The police are entitled to seize property that may be important for any defence to the charge. How does a suspect ensure that property that is important to his defence is not interfered with by the police? If a person must have evidence to defend himself, surely he must have some guarantee. I could go on.

The Hon. J.W. Slater interjecting:

Mr GUNN: I know that the honourable member is enjoying the back bench.

Ms Lenehan: He enjoys himself wherever he is.

Mr GUNN: I am not enjoying myself; I am deadly serious, and I always am. The police could seize property against a person's will in his absence, examine it or interfere with it without informing the individual, and then adduce evidence that could be used against him in court. That evidence may tend to incriminate someone. Surely that person is entitled to know, and surely before the police interfere with that evidence they should have to obtain an order. I believe, as do the people who have approached me, that there should be some safeguards in the legislation providing independent handling of all property; the exclusion in any subsequent proceedings of any evidence obtained as a result of misuse of powers under this legislation; and compensation payable to any person who suffers loss or damage as a result of sequestration of property.

Where a sequestration order is made against a property under clause 6 (2), is it then up to the owner to obtain a hearing as to the return of the property? No guidelines are provided for an order as to the return. The legislation provides that if, after hearing the owner, the court is not satisfied that there is good reason to continue the order in force, the order shall be revoked, but that provides no protection for the owner. Surely the prosecution should simply have to say, 'We have a reasonable suspicion about the property and our inquiries are continuing.' What does the owner do in the meantime? There may be a reasonable suspicion, but the effects on the owner could be devastating. For example, he could incur the cost of a hire car, or the cost of renting new premises or he could suffer the inability to continue in employment or to continue business activities.

Is it the intention of the legislation to make family members of a suspect liable to forfeiture of the family home, car, and so on, because they might have a suspicion as to any illegal activity but are powerless to prevent it? This legislation certainly operates outside the normal process of the law, and I sincerely hope that the Minister will respond to some of these matters. I have always been concerned about giving any authority these wide powers. I believe that permission should be obtained from a court before these sorts of powers are implemented.

I do not want to take up any more of the time of the House. I know the reasons for the legislation and I support them, but I believe that the Bill is badly drawn and does not afford the sort of protection that should be in this legislation. Once this Bill passes through the Parliament some poor person might have action taken against him. I can cite examples of people having their properties compulsorily acquired by bureaucratic decision, and the heartbreak and trauma that those people went through in trying to get justice. When legislation gives such wide power to the police and others it should contain a large number of safeguards and protections. Of course, the police should have the power to deal with these vultures on society, but I believe those people will not be victimised—it will be some innocent bystander or third party who, in some minor way, is caught up with it and, in many ways, is unaware that their property is liable to forfeiture to the Crown. I support the Bill but ask that the Minister reply to these matters.

The Hon. G.J. CRAFTER (Minister of Education): I thank all honourable members who have contributed to this interesting debate. This is an important measure, and I am sure it will be welcomed in the community at large. I thank the Opposition for its indication of support of the measure and the support indicated in the speeches of other members. In the Committee stage I will be moving a series of amendments which, in effect, take into account the requests made by the Opposition in the Upper House for a degree of clarification with respect to those offences that are prescribed and those that are part of the Bill.

The member for Eyre raised a series of questions. It is a pity, as he explained, that he did not have more time to study the legislation, because his fears could have been set aside had he done so and sought advice. He talked in terms of some poor persons' being caught up in the legislation. The persons who will be caught up in it will be those engaged in proven criminal activity in this State. The purpose of the legislation is to ensure, as many honourable members have said, that profit does not arise from criminal activity.

The member for Eyre talked about junior persons being involved in making these decisions. The legislation provides that, where confiscation is to occur, it occurs on the application of the Attorney-General to the appropriate jurisdiction, whether the Supreme Court, the District Court or a magistrates court. That overcomes the fear of the member that junior persons will be making arbitrary decisions with respect to the confiscation of property.

The Hon. P.B. Arnold interjecting:

The Hon. G.J. CRAFTER: That is right. Clause 5 specifically states that orders will not be able to be made against the property of a person who was innocent of any complicity in the commission of the offence. Interested parties will be entitled to receive notice of applications and to be heard when such applications are before the court. While the honourable member is obviously entitled to raise his concerns, he need not fear about those matters.

With respect to profit from those offences, it is to the extent of that profit that property will be forfeited (clause 4 (1) *(a)* clarifies that). With respect to the property that forms part of the offence, if a person is using a motor vehicle or home to sell illicit drugs or the like, that forms part of the property that can be seized and forfeited in due course upon the order of the appropriate court. I trust that that clarifies the matters raised by the member for Eyre.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

The Hon. G.J. CRAFTER: I move:

Page 1, after line 31—Insert new definition as follows: 'prescribed offence' means—

(a) any indictable offence other than one excluded by regulation;

or

(b) an offence against—

(i) section 34 (1) or (2) or 44 (1) or (2) of the Fisheries Act 1982;

(ii) section 63 (1) *(a)* of the Lottery and Gaming Act 1936;

(iii) section 51 (1) or (1a), 55 (1) or 56 (2) of the National Parks and Wildlife Act 1972;

(iv) section 117 (1) of the Racing Act 1976;

or

(v) section 28 (1) *(a)*, 37 or 38 of the Summary Offences Act 1953:.

The Bill as introduced in another place applied to indictable and summary offences as prescribed by regulation. The

reference to 'summary offences' was deleted in the Council as the majority of members in that Chamber said that offences should be specified in the legislation that we now have before us. The amendment also provides for indictable offences to be excluded by regulation. That covers those offences where it appears that there should not be licence for forfeiture. I will describe those various Acts and briefly explain the sections to which they apply.

With respect to the Fisheries Act: the offence of engaging in the business of fishing without a licence; the offence of carrying on a business of fishing in an unregistered boat; the offence of buying or selling fish not caught pursuant to a licence; the offence of buying, selling or possessing fish caught in contravention of the Act. With respect to the Lottery and Gaming Act: the offence of unlawful bookmaking. With respect to the National Parks and Wildlife Act: the offence of taking a protected animal; the offence of taking a protected animal of a rare or threatened species; the offence of possessing an animal of a rare species without a permit; and the offence of possessing an animal of a prohibited species without a permit. With respect to the Racing Act: the offence of unlawful bookmaking. In relation to offences pursuant to the Summary Offences Act: the offence of keeping or managing a brothel; the offence of obtaining money by false pretences from a charitable institution; and the offence of obtaining money by fraud, that is, other than by false pretences. That should clarify the matter to the satisfaction of those members who sought that this be included in another place.

Mr S.J. BAKER: It is difficult for the Opposition to respond at this stage. The Minister has listed a number of items, and I have not had an opportunity to look at the Acts concerned to see whether they match up, although I am sure they would. Do these offences warrant the attention they are getting in this Bill? Other than those mentioned, a wide variety of other offences, I would have thought, could also have come within the ambit of gain (if we are going to use the principle of taking it further than the indictable offence area) and could fall in the area of gain made unlawfully.

Because of the limited time available, the Opposition will reserve its position and let the other place look at it in more detail. I do not at this stage oppose it in principle. If we are going to prescribe all those indictable offences that will not be included we will start to get some fairly messy legislation. I would have thought that the simple proposition of 'where an indictable offence has provided gain to the criminal concerned', or some wording of that nature, would have been a far easier way of handling it than prescribing all the indictable offences that do not have relevance to this Act. I commend the Attorney-General for at least making his intentions clear in relation to these prescribed offences. I will leave it to my colleague in another place to determine the position regarding our attitude to those sections.

The Hon. G.J. CRAFTER: The Government is quite happy to return to the position that we were in prior to undertakings being given in another place to amend it in this place. If the Opposition's attitude has now changed, the Government will be pleased to accommodate that change in attitude. Perhaps it is better that we amend it as previously undertaken, and we will see whether the honourable member's assertions carry the day in another place.

Amendment carried; clause as amended passed.

Clause 4—'Liability of property to forfeiture.'

The Hon. G.J. CRAFTER: I move:

Page 2—

Lines 26 and 27—Leave out 'an indictable' and insert a prescribed'.

Line 28—Leave out 'an indictable' and insert 'a prescribed'.

Line 29—Leave out 'an indictable' and insert 'a prescribed'.

Lines 31 and 32—Leave out 'an indictable' twice occurring and insert 'a prescribed' in each case.

Line 36—Leave out 'an indictable' and insert 'a prescribed'.

These amendments are consequential on those that have just been carried.

Amendments carried: clause as amended passed.

Clause 5—'Forfeiture orders.'

The Hon. G.J. CRAFTER: I move:

Page 3, line 2—Leave out 'an indictable' and insert 'a prescribed'.

This amendment is also consequential on the amendments that have already been accepted by the Committee.

Amendment carried.

Mr S.J. BAKER: During the debate the member for Eyre and I raised some questions about forfeiture. The Minister pointed out that clause 5 (2) dealt with the situation where the person who was in possession of that property, irrespective of whether it was obtained by legal means, would not have their property confiscated provided that the person acquired or received the property without giving valuable consideration for it, and that the person acquired or received the property knowing of its origin or in circumstances such as to arouse a reasonable suspicion as to its origin.

Not being a lawyer, I rely on the Minister to inform me in this respect, because as far as I was aware property illegally obtained should be returned to the original owner of that property. Since we have created an Act which provides that, where property which has been illegally gained, is purchased and it passes hands, that property is therefore forfeited. From my limited knowledge of the law, I would have thought that the same provisions would apply when someone passed on that property: because it is illegal property in the first place it does not suddenly become legal. Therefore, it would revert to the owner. In this case, the original owner was the person who purchased it illegally due to his illgotten gains.

That and a number of other matters relating to what is innocence as far as property is concerned have been raised by the Criminal Law Association. I think they have raised a number of relevant issues, but perhaps if we deal with that one the Minister will explain the difference.

The Hon. G.J. CRAFTER: As I understand it, in a *bona fide* purchase for value, the person who has paid valuable consideration for goods and obtained title to them, maintains title to that property and at a later stage it cannot be forfeited.

Mr S.J. BAKER: As the rule of law works, as I understood it, if property has been illegally obtained in the first place, because there has been an application of criminal profit to it, do we then get into a very difficult area because of its illegality? Ownership cannot pass on despite provisions in the Bill. Is that so?

The Hon. G.J. CRAFTER: As I have had some difficulty understanding the thrust of the honourable member's question, I point out that clause 5 (2) provides:

> an order for forfeiture shall not be made in respect of property of a person who is innocent of any complicity in the commission of the offence unless—
>
> *(a)* that person acquired or received the property without giving valuable consideration for it;
>
> or
>
> *(b)* that person acquired or received the property knowing of its origin or in circumstances such as to arouse a reasonable suspicion as to its origin.

That subclause clearly sets out the parameters concerning the possession of property and when it cannot be forfeited under the provisions of the Bill.

Mr S.J. BAKER: I will not pursue the point. I understand what the Minister is saying. I was referring to motor vehicles, where they are passed on without due consideration. Questions have been raised about the forfeiture of property

and the way in which it should be done. For example, when money is tied up in trust funds and other areas, it is not as simple as where profits sitting in a bank account can be subjected to a court order and taken into general revenue. Questions have been raised about such matters. Perhaps they can be part of the review that will continue when we look at the impact of this legislation. Has the Minister any idea of the impact on the courts of the additional time that will be needed to deal with these orders? Has any calculation been done of the expected impact?

The Hon. G.J. CRAFTER: I cannot give the honourable member the precise information. Already a great deal of the time of the courts is taken up with criminal injuries compensation hearings. There may be some balancing of time under the revised provisions of the legislation that we were previously debating and this measure. However, it is difficult to estimate precisely whether it will involve greater time than is already provided in the courts for matters such as this. Obviously, there will be some impact, but one would not expect it to be to such an extent that it would cause financial difficulties to the budget of the Attorney's lines.

Clause as amended passed.

Clause 6—'Sequestration orders.'

The Hon. G.J. CRAFTER: I move:

Page 3, line 34—Leave out 'an indictable' and insert 'a prescribed'.

Page 4, line 23—Leave out 'an indictable' and insert 'a prescribed'.

These are consequential amendments.

Amendments carried; clause as amended passed.

Clauses 7 to 9 passed.

Clause 10—'Payment into Criminal Injuries Compensation Fund.'

The Hon. G.J. CRAFTER: I move:

Page 6, after line 40—Insert clause as follows:

10. (1) Subject to subsection (2), any money that is forfeited to the Crown under this Act or any money that is obtained from the sale of property that is forfeited to the Crown under this Act shall be paid into the Criminal Injuries Compensation Fund.

(2) Money derived from the forfeiture of property under this Act in consequence of the commission of an offence against section 32 of the Controlled Substances Act 1984, shall be applied, as the Attorney-General thinks fit, to assist in the treatmeant and rehabilitation of persons who are dependent on drugs.

This amendment relates to money matters, as indicated by the erased type in the Bill. As the Bill was introduced in another place, the amendment, which deals with money matters, could not be dealt with there.

Mr S.J. BAKER: In talking about amendments under the Controlled Substances Act, we have two sorts of victims. There are those who are part of the system and who have become drug users because of the activities of various people and through their own deficiencies, and there will be some moneys that will flow as a result of those prescriptions. The amendment suggests that the money derived from the forfeiture of property under this Act in consequence of the commission of an offence against section 32 of the Controlled Substances Act 1984 shall be applied, as the Attorney-General thinks fit, to assist in the treatment and rehabilitation of persons who are dependent on drugs.

It has been suggested that certain amounts under the victims of crime legislation will be taken from general fines. Under this Bill, money from the drug area will be placed in a particular fund, and it could involve large sums. Will that money be used in the same way as funds collected in regard to the victims of crime legislation? Clearly, two entities are involved. Perhaps the parents of a person who has fallen on hard times in the drug area could be a recipient under the victims of crime legislation, whereas the fund established under this Bill is to be applied to drug users. Are we getting ourselves into a difficult area in regard to such money?

The Hon. G.J. CRAFTER: As the honourable member says, this matter will be canvassed in another place, where the responsible Minister can give more specific details. However, I indicate that it is not intended that the moneys be applied for those who have fallen on bad or hard times: it is intended to assist in the treatment and rehabilitation of persons who are dependent on drugs. Obviously, specific programs are already under way, and doutbless other programs could be developed for that specific purpose, albeit a very important one. The direct application of funds that are obtained as a result of illegal activity and offending against the Controlled Substances Act applied for that purpose has considerable support in the community. It is a novel and appropriate way in which to apply those funds obtained as a result of forfeiture in such circumstances.

Mr S.J. BAKER: I understand what the Minister is saying. We could be dealing with large sums that, in the normal course of events, would go into the victims of crime fund. Under this proposition they go into the drug rehabilitation area, and I question whether this is an inconsistency.

The Hon. G.J. CRAFTER: I point out that every person who requires treatment and rehabilitation as a result of their dependency on drugs is a victim of criminal activity. In that sense it involves specific targeting of victims.

Clause inserted.

Remaining clauses (11 to 13), schedule and title passed.

Bill read a third time and passed.

STATUTES AMENDMENT (VICTIMS OF CRIME) BILL

In Committee (debate resumed).

(Continued from page 617.)

Clause 2 passed.

New clauses 2a, 2b, 2c, and 2d.

Mr S.J. BAKER: I move:

Page 1, after clause 2—Insert new clauses and heading as follows:

PART IA
AMENDMENT OF BAIL ACT 1985

2a. The Bail Act 1985, is in this Part referred to as 'the principal Act'.

2b. Section 10 of the principal Act is amended by inserting after subsection (2) the following subsection:

(3) Where a bail authority releases an applicant on bail and is of the opinion that there is a person—

(a) who was a victim of the offence, or one of the offences, in respect of which the applicant was taken into custody;

and

(b) who should be notified of the applicant's release, the bail authority shall notify the victim accordingly, unless—

(c) it is not reasonably practicable to do so in the circumstances;

or

(d) the whereabouts of the victim is unknown to, and not reasonably ascertainable by, the bail authority.

PART IB
AMENDMENT OF CORRECTIONAL SERVICES ACT 1982

2c. The Correctional Services Act 1982, is in this Part referred to as 'the principal Act'.

2d. The following section is inserted in Part IV of the principal Act after section 39c.

39d. Where a prisoner is about to be released from a correctional institution, whether on expiry or extinguishment of sentence, on parole or pursuant to Part VII, and the Permanent Head is of the opinion that there is a person—

(a) who was a victim of the offences, or one of the offences, for which the prisoner was at any time during the period of imprisonment serving a sentence;

and

(b) who should be notified of the prisoner's release, the Permanent Head shall notify the victim accordingly, unless—

(c) it is not reasonably practicable to do so in the circumstances;

or

(d) the whereabouts of the victim is unknown to, and not reasonably ascertainable by, the Permanent Head.

I trust that we can treat these new clauses as one matter, although they were separate in another place.

The CHAIRMAN: I am happy with that.

Mr S.J. BAKER: The Minister would be well aware of the debate on this matter in another place. The Attorney, with the support of the Liberal Opposition, determined that we should go that one step further to provide safeguards for those people who could be caught unaware when someone is either released on bail or released from gaol. The best illustration I have of this was some six months ago when a murderer and rapist was released on parole without the victim being informed. The consequences were somewhat horrific for the woman concerned, who suddenly found this person on her doorstep without warning.

Although victims often cannot be located it should be noted that the Attorney used as one of the bases for the Bill the need for the victim to be informed about the progress of investigations being conducted by the police, as well as being entitled to have his or her need, or perceived need, for physical protection put before a bail authority and to be advised of all bail applications. So, there are principles here that flow into the amendments moved in another place by the Attorney. It is our belief that, as far as possible, victims should be properly notified of any applications for bail and of releases on parole. The Minister and the member for Adelaide may say that an instruction has been sent out to the courts and the police, but it is not mandatory that those instructions should be followed—they are a guideline.

Obviously, in a decentralised system, it is difficult for individual police stations to be aware of the circumstances that might occur elsewhere in the system. It does not work very well at the moment. It is important that people know that the Government intends, as far as is practicable, to inform them when they could be placed at risk. We do not really need to spend the time of this Committee debating the issue, because it has been canvassed widely in another place.

The Hon. G.J. CRAFTER: The Government certainly appreciates the amendments, but we differ, of course, as to the purpose of those rights that should be provided. It would be as a last resort for us to legislate in the way required by the Opposition. The subjects covered in the amendments form part of the declaration of rights in the Statutes Amendment (Victims of Crime) Bill—indeed, items 13 and 17 embody those principles. As the honourable member has said, an instruction has been issued to relevant Government departments and authorities, and it is the Government's view that, as the principles are very new, they need time, and experience will show how they will work.

It is for this reason and for flexibility that the administrative arrangements provide the appropriate time to implement those principles in the circumstances applying at the time, rather than enshrining rights in the legislation at this stage. It may well be defeating the very purpose that we are intending to achieve by the thrust of the legislation. However, we do not rule out the possibility that at some future time the provisions may well be required, but at this stage it is considered that they are inappropriate.

New clauses negatived.

Clauses 3 to 9 passed.

Clause 10—'Attorney-General to pay compensation under this Act.'

Mr S.J. BAKER: The impact of clause 10 (a) is that, if someone has suffered a great wrong, within 28 days the order must be lodged with the Attorney. There are many circumstances to suggest that that is not feasible or indeed possible. It may well be that the Minister can say why there is a 28 day cut-off point instead of a more reasonable limit.

The Hon. G.J. CRAFTER: I believe that if the honourable member came to the table I could explain the effect. The honourable member refers to the time stipulation placed on the Crown to provide monetary compensation to victims of crime, following an order of the court. The period of time and time barred actions are different matters. I believe that there is certainly sufficient time to bring those actions, but that is another matter.

Clause passed.

Remaining clauses (11 to 30) and title passed.

Bill read a third time and passed.

[Sitting suspended from 5.57 to 7.30 p.m.]

BEVERAGE CONTAINER ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 February. Page 413.)

The Hon. JENNIFER ADAMSON (Coles): This Bill is a stopgap measure which temporarily addresses the extremely complex and highly contentious issues which surround beverage container legislation and litter control in South Australia. It is extraordinary that the Government is introducing a stopgap measure in the light of its undertaking for a total review of the legislation, a review which the Opposition supports.

We do not deny that there is a worthwhile intention in this Bill to see that containers are refilled and recycled, and to ensure that South Australian brewers in particular trade under equitable conditions with their interstate counterparts. That is not the case at the moment and the Bill addresses this inequity, but in doing so it really creates a whole new set of problems. The Bill is shot through with such a complexity of problems that what will come from it is highly debatable.

We can predict certain outcomes, one of which inevitably will be that the market will move further away from beer in cans towards beer in bottles. That in itself will increase dangerous litter, as distinct from unsightly litter, and that has very costly consequences which will be felt by communities, particularly in coastal areas and in the country. This Bill is yet another bandaid measure. It is fraught with problems and liabilities and most of those relate to the total picture.

It is impossible to look at litter control in South Australia without looking at the whole history of such control in this State, which goes back 100 years or so, which is unique to South Australia, and which, when we consider State boundaries, operates virtually as if we were living on an island and had no commercial relationship with other States. That, of course, is what makes this Bill really a measure that distorts the normal operations of the marketplace.

The Opposition has sympathy with the intent to create equity between brewers in this State and brewers in other States who are not subject to similar legislation in their States, but we are very concerned indeed about the outcome, and particularly concerned about the fact that the Bill fails to address an equally inequitable situation in respect of wine coolers, which I will deal with in some detail further on in my speech.

Some of the legitimate interests which have a concern with this legislation need to be examined so that we can look at this Bill and the Act which it amends in a comprehensive fashion and really understand what Parliament is trying to do. The first and paramount interest which we

should be considering is the community interest. The community interest ranges over a whole variety of factors which covers such items as safety, both human safety and the safety of vehicles; conservation of renewable resources; the aesthetics of the environment, which is very important indeed; tourism interests, because they are so closely related to the aesthetics of the environment; the medical profession, who are invariably left to address the damage caused by broken bottles wounding feet or any other part of the body; the rural community, who have costs added to their vehicles when tyres are slashed to bits by broken glass; the brewing companies; the wine industry; the soft drink companies; the glass manufacturers; the voluntary groups, such as boy scouts who obtain considerable revenue from deposit redemption; and the retail outlets such as hotels and liquor stores which sell the products.

That is a pretty big list, and I do not pretend it is a comprehensive list, but they are the people who have a legitimate interest in the outcome of this Bill and whose collective interests have by no means been addressed in this piece of amending legislation. As the Minister stated in his second reading speech, the proposed changes to the Beverage Container Act restore to a large degree traditional relativities between the deposit and refund levels for single trip and refillable beer containers. They also remove anomalies which give interstate and overseas competitors unfair advantage over the local brewing industry.

At the same time the Bill creates a whole series of additional anomalies, and that is a matter of extreme concern to the Opposition. We recognise that the brewing industry in South Australia did not choose the present system, with its deliberate bias towards refillable glass containers; nor did the brewing industry determine the deposit refund payment relativities. But we would all acknowledge that the brewing industry in this State, comprising the South Australian Brewing Company and Coopers Brewery, has given support to the wishes of successive Governments and has effectively been locked in in its commercial decisions through that support to the refillable glass system.

That has enormous financial implications for the brewers. It also has related financial implications for the soft drink manufacturers. The key aspects of the present system, as I said, are a deliberate bias towards refillable glass containers for litter control and efficient resource utilisation reasons. Most of us will remember that in the early 1970s, when the movement for recycling of resources, particularly glass, led to the pressure which led to the enactment of this legislation, there was a very strong feeling in the community, particularly in South Australia, that waste of any kind, a use of resources of any kind in a profligate fashion, was to be deplored and should be discouraged through incentive to recycle.

That is the fundamental philosophical basis of this Act; incentive for recycling. In establishing that incentive there was a deliberate linking of the deposit level of single trip glass and cans. Initially the deposit on single trip glass and cans was set at 5 cents per container or 60 cents per dozen, and that has remained unchanged. Until recently there has been very little use of single trip bottles for beer in South Australia, but as recently as last year wine coolers came on the market and that is a product which is emerging very strongly, and in its emergence it has important economic consequences for the State, which again I will refer to later in my speech.

Canned beer sales slumped dramatically after the introduction of the original legislation, and the result was that the brewing companies did not upgrade their canning lines, which are now obsolete. In the meantime interstate brewers have upgraded their canning lines and have embarked on a very aggressive marketing push into South Australia; in other words, the whole commercial situation that this legislation tries to address has altered quite dramatically.

During the decade the refund paid to the public for refillable bottles has been regularly increased at the request of various Governments, and it now stands at 50 cents a dozen for both small and large bottles. The South Australian brewing industry service fee paid to the marine store dealers—and incidentally the marine store dealers are another group with a legitimate interest in the legislation and can be added to the list I outlined earlier—has increased regularly and bottle handling systems have been improved. It is now 30.75 cents per dozen for small bottles and 34.5 cents per dozen for large bottles. In addition, the industry in South Australia pays freight from the country centres, but the one interstate brewer using refillable bottles does not.

As far as the brewers are concerned, whether the refund payment level is 50 cents or 48 cents per dozen (which is proposed in this Act) is immaterial to the industry provided that all participants using refillable bottles pay the same amount. I intend to pose this question to the Minister during the Committee stage of the Bill. I understand that the amount of 48 cents—2 cents less than the present deposit—has been determined on the basis that the Government wishes the deposit amount to be printed clearly on the labels of the bottles and cans, and that is a very laudable objective.

However, that initiative alone is a classic manifestation of the manner in which alterations to the present system create serious anomalies. I ask the Minister to consider the annoyance, frustration and resentment that will build up at deposit redemption points, namely, points of sale, when retailers and marine dealers have to fiddle with small change when people are coming in with large quantities of bottles. I predict that that initiative will cause an immense amount of frustration and anger at the community level. It is likely to result, I suspect, in children particularly being sent away and told not to bother with half a dozen bottles, or whatever, because that will increase the difficulties in providing small change.

The problem in relation to wine coolers has arisen because most makers chose to use single trip bottles and retailers chose to sell them in the full knowledge of Government preference and of the point of sale bottle return and refund provisions. I do not think that anyone could have predicted that wine coolers would have taken off in the manner in which they have, and I will address that separately. What I have said so far I hope demonstrates, at least at a surface level, the complexity of the problem. How many people in the community realise that, as a result of this Bill, the cost of buying—and I do not say the price—a two dozen pack of canned beer (which is how canned beer is packaged) will increase as a result of this legislation by $2.40? The price of the product will not go up by $2.40, but the money one needs in one's pocket to purchase the product will go up by $2.40.

There have been no headlines telling the public that that is the outcome. When the reality hits the public there will be an outcry. I predict that the most vociferous group complaining about this will be not only consumers as such but the conservationists concerned with glass litter; the medical profession; seaside councils right around the coast of South Australia who are desperately concerned that people on their beaches are getting their feet slashed to bits; and rural councils who are beset by ratepayers who are getting their tyres slashed to bits. This will be the inevitable outcome of what might have been an initiative with perfectly laudable intent by the Government.

These issues alone are sufficient grounds for the Government to establish a select committee to review the whole

question of litter control and, in particular, beverage container legislation in South Australia. It is necessary under Standing Orders that, if a motion is taken for this Bill to go to a select committee, that should happen before it goes into Committee. I do not propose to take that course of action because, if I did, I suggest that there would be at least a six month delay while the select committee sat and, in that time, interstate brewers would pursue with even greater vigour their marketing push into this State, and local brewers, who have enormous investments, considerable employment and an enviable record of community involvement, would be finding their position in the marketplace somewhat precarious. None of us wants that to happen.

At the same time, to put a bandaid on a bandaid—which is what is being done here tonight—is no way to address a problem as vexed as this. An issue as important as litter control and beverage container legislation, as contentious, as complicated and as technical, should be approached in a bipartisan manner and all Parties in the Parliament should have access to the detailed research and views of the various interests that I have listed. I do not regard them as being necessarily comprehensive, but at least they are the principal interests. If we do not do that, and if there are further departmental reviews and the Government continues to bring in amending legislation, or even a new Act, we run the serious risk that the pressure of vested interests on members on both sides of the House—and particularly in the Upper House—will again result in a Bill that contains serious distortions and anomalies.

Having recently acquired the shadow portfolio of Environment and Planning, I have had to attempt to grasp the complexities of this legislation. It has been a revelation to me that the people who are closely involved in the administration of the legislation and who are immediately affected by it find it too complicated to explain—some of them freely admit that they do not understand it. I suggest that legislation that cannot be understood by legislators and administrators, and by that section of the community to whom it applies, is bad legislation and we need to go back to the drawing board and start again.

We need to do this on a bipartisan basis. Knowing that the motion I have on the Notice Paper to debate the issue of a select committee will not be debated, because there will be no private members' time during this session, I commend to the Minister the notion of a select committee which should, amongst its terms of reference, consider, first and foremost, the need to ensure incentives for cost effective litter control and conservation; it should have at the forefront of its mind the importance of giving consumers a fair deal; it should aim to ensure equity of treatment between South Australian and interstate manufacturers and between South Australian brands of the self-same product; it should recognise the importance of investment and employment in the State's beverage and related industries; and it should consider any of the vast range of other related issues that would undoubtedly emerge when people are invited to give evidence to the committee. I put that as a serious proposition to the Minister, and I hope he will recognise the Opposition's wish for a bipartisan approach to a very complex problem.

The Hon. B.C. Eastick: A very responsible dual approach.

The Hon. JENNIFER ADAMSON: Yes, that is what we would all like to see. I wish that I could exhibit in this House, which I cannot do under Standing Orders, a range of products with an indication of the deposit levels, to indicate the almost farcical nature of what is happening under this Bill. As I am unable to do it graphically, I will do it verbally and outline to the House and ask the House to picture exactly what is being proposed. Under the present legislation—

The Hon. Frank Blevins interjecting:

The Hon. JENNIFER ADAMSON: I will do my best for the Minister of Labour, and try to see if the mental picture can be drawn. The South Australian Brewing Company's Southwark brand, to take one example of a product, of 750 ml refillable bottles, with a deposit built into the wholesale price, at present attracts 50c per dozen refund at a marine store dealer's premises. Under the Bill it is proposed that there will be a 48c per dozen refund at the marine store dealer's. The problems that are likely to arise with small change at that location can only be imagined, but I am sure that once this Act is proclaimed those problems will emerge very strongly.

Picture a bottle of Fosters lager, made by Carlton and United Brewers, commonly known as the echo, containing 375 ml. It is a refillable bottle, and collects 30c per dozen refund at the marine store. Under the proposal 48c per dozen will have to be paid at the marine dealer's. The South Australian Brewing Company's Southwark echo, also refillable and containing 375 ml, unlike its identical counterpart the Fosters echo, presently attracts not 30c but 50c per dozen at the marine store dealer's and under the proposal will attract 48c per dozen redemption. Castlemaine XXXX non-refillable bottles, also containing 375 ml, attract a 60c deposit at the point of sale. That is required under the legislation, and any retailer who does not redeem that deposit has to pay a fine of $200 under the proposed—

The Hon. Frank Blevins: That's 60c a dozen.

The Hon. JENNIFER ADAMSON: Under this Bill the deposit will be $1.80 at the point of sale. That is a pretty substantial amount to lay out. It is not the cost of the product that is going up by $1.80; you are going to need that $1.80 in the pocket to buy it. You are going to get $1.80 back when you take it back to the poor beleaguered retailer, who is surrounded by these bottles, has been storing them, and securing them, and ensuring that people do not redeem them twice once they have been returned. The bottles are perhaps open to being stolen by some unscrupulous people and redeemed again. We now go on to the South Australian Brewing Company Southwark premium beer in a refillable 345 ml bottle. It obtains 50c per dozen at the marine dealer and under the proposed legislation will obtain 48c. This is where we get to the tricky part. In an identical bottle is sold St Tropez wine cooler in a refillable 375 ml bottle.

The Hon. D.C. Wotton: Like a Southwark Premium bottle?

The Hon. JENNIFER ADAMSON: Yes. Notwithstanding that it contains not beer but wine cooler, that bottle obtains 50c a dozen at the marine store. However, the virtually identical bottle of SL cooler or any of the other coolers on the market (namely, white wine and citrus mixed with carbonated water) sold in a non-refillable bottle involves 60c a dozen at the point of sale. However, it is not covered in the Bill.

So, we have a grotesque and distorted situation, and that is not the whole picture. I now refer to cans. At present one can buy West End drought beer in 370 ml non-refillable cans, for which one receives 60c a dozen at the can collection depot. Under the Bill the dealer will have to pay $1.80 a dozen at the can collection depot. Going just one step further in order to highlight the total farcical nature of all this, the same size can containing not beer but soft drink, for example, Coca-Cola or Woodies lemonade (to use two local brands), at present obtains 60c a dozen at the can collection depot but is not dealt with in the Bill—notwithstanding, as I will outline in some detail shortly, that for every can of beer sold approximately six cans of soft drink are sold.

If ever there was a madhatters tea party, a beer party, a wine cooler party or a soft drink party, this legislation is it.

It amounts to a completely inequitable set of rules applying sometimes to the same products and sometimes to different products in the same containers, each of which has a legitimate place in the market place, but each of which is being dealt with differently under the present legislation and even more differently under the Bill. So, everyone must acknowledge, it is not a good situation nor one that we can allow to continue.

The Hon. Frank Blevins: You explained that very well. I see the whole picture and it seems perfectly logical.

The Hon. JENNIFER ADAMSON: The way in which I explained the picture may be logical, but the picture is very illogical, as every member must acknowledge. I have received a letter from Coca-Cola Bottlers setting out that company's view and, because that company plays such a vital part in the State's economy, it is worth my putting some of its view on the record. The letter from the Manager, Corporate Affairs, states:

The following points summarise our position regarding the proposed amendments:

1. We recognise that those changes affecting beer containers are more directed at equity between local and interstate beer containers and not to control litter/encourage recycling.

It is equity, and I think that the Minister would acknowledge that, which is why the Government has responded to pressure from the brewers for these amendments. The letter continues:

2. We accept that the local brewing industry may favour the proposed amendments because they are favourable to that industry.

I stress that they do not give the industry any advantage over its interstate competitors—they simply remove the disadvantage that South Australian brewers presently suffer by comparison with their interstate competitors. The letter continues:

3. We are concerned that the proposed higher deposit for beer cans may be readily transferred to soft drink cans. Such a move would drastically damage our prosperity.

The Minister may repeat in his second reading reply what he stated in his second reading speech, namely, that there is no intention to alter the deposit on soft drink cans. We agree with that, but the reality of the situation is that, if we are trying to control litter and cans (and soft drinks are sold in cans at much higher volumes than beer is sold in cans in South Australia), it is illogical to deal with the matter in the manner in which we are doing it.

Mr Lewis: In terms of deposits.

The Hon. JENNIFER ADAMSON: Yes. The letter from Coca-Cola continues:

4. The differences between can sales volumes in brewing and soft drink industries are significant to the extent that through an increase in deposit values one would prosper and the other suffer.

5. The significant differences are:

(a) soft drink to beer can sales ratio is 6:1

(b) can sales represent about 25 per cent of our total sales volume

(c) a deposit increase would cause a 30 per cent loss in can sales—

(i) approximately half that lost volume would transfer to single serve size botles. The remainder would be lost to any of a wide range of non-alcoholic beverages in non-deposit bearing containers.

(ii) breweries do not have the same multi beverage choice competition, only brand choice competitors. They can expect to gain most lost can sales in equivalent size bottles.

I stress that this is the view of a single beverage manufacturer of soft drinks, but it is a view that the House should consider because of the importance of employment and investment by that company in this State. The letter continues:

7. Can Recycling Pty Ltd, established because of the Act to recover and recycle beverage cans, would incur greater operating costs with a deposit differential between beer and soft drink cans. However, this loss is preferable to the much higher loss from increased soft drink can deposits.

There is no question that the present Act needs amendment as it is poorly worded and open to misinterpretation.

I acknowledge that this Bill addresses some of those deficiencies. The letter continues:

However, the total beverage industry had expected to participate in a total and thorough review of the Act in accordance with the announcement of Dr Hopgood on 23 September 1985. Rather than look simply at wording of the Act, industry had expected to share with Government an objective analysis of such factors as objectives and ramifications of the Act.

Now that substantial amendments are being proposed without benefit of total industry input, our company wonders about the opportunity to contribute to a useful review in the near future.

Well the company might wonder. The wine industry is wondering too. A whole host of people are wondering. The Opposition is wondering how this Bill could have come in with such limited consultation with the other parties who will be affected one way or another because of the distortions that the Bill introduces into the existing Act. The Coca-Cola letter continues:

Where the amendments seek to achieve equity between glass container refund values we agree that it is encouraging re-use and recycling. Our company supports that objective and indeed has a long record of such a practice with soft drink bottles. An anomaly exists in the proposed can deposit increase, the amendment we are concerned could be turned against soft drink cans, too.

The letter goes on to outline a table identifying litter from KESAB statistics. As this table is of a purely statistical nature, I seek leave to have it inserted in *Hansard.*

Leave granted.

LITTER

In 1973, 13.7 per cent of total litter was cans:

	%		%
1974	7.4	1980	1.4
1975	12.0	1981	1.7
1976	5.7	1982	3.2
1977	3.1	1983	2.4
1978	2.2	1984	2.9
1979	1.4	1985	1.7

The Hon. JENNIFER ADAMSON: That summarises the principal points in the letter from Coca-Cola. I now turn to another point of view, equally valid, which is expressed in a letter from Independent Grocers Cooperative Limited and which represents the view of retailers. The letter, signed by the Divisional Manager (Mr Richard Haselip) and the Managing Director (Mr John Patten), states that the cooperative believes that there are four separate issues: first, environment; secondly, the single trip bottles (that is, non refillable); thirdly, cans; and fourthly, the taxing point. That is one company's view of the issues. I would suggest that that is a restricted view but nevertheless it is broad enough in itself. The letter states:

There is no doubt that in the past beverage manufacturers used recyclable containers because they were proven to be cost efficient. That trend is now changing; the cost of collecting, sorting, re-washing, sterilising and refilling is no longer substantially cheaper than (and certainly less hygienic than) one trip containers. It is wrong for the Government to attempt to contain market forces; it is imperative that Government, like large business, act responsibly with an overriding aim towards fairness and equity. A differential 'tax' will not, in our view, change the impact on the environment.

That group has considerable investments and employment in the State, namely, 1 200 employees at its Kidman Park factory; 3 000 employees in supermarket chains; and members of the cooperative who employ 10 000 people, making a total of 14 200 people employed by this group. It submits

that the world trend is to one trip containers, and that South Australia should get with it. That is not a view that the Government espouses, nor is it a view that the Opposition espouses, but it is a legitimate view and one that should be considered.

Mr S.G. Evans: It is a reality.

The Hon. JENNIFER ADAMSON: Indeed. The letter goes on to refer to cans, as follows:

> The collection of cans under the existing Act is working extremely well, and there appears no proof that beer cans as opposed to aerated waters are causing any additional increase in the litter stream; and, as such, there is no justification to impose a higher deposit. They should not be subject to what appears to be a discrimination in deposit.

Of course, we recognise that the discrimination in deposit is aimed at the interstate brewers, and we are bound to give local brewers some consideration. It is interesting that the litter composition in South Australia in 1985 was broken down at 48.3 per cent paper, 5.9 per cent bottles—these are Kesab figures—1.7 per cent cans (a minuscule amount by comparison with the composition of other ingredients), 19.2 per cent plastic, and 24.5 per cent other.

The Hon. D.J. Hopgood interjecting:

The Hon. JENNIFER ADAMSON: Yes, indeed, but there are a lot of soft drink cans sold. Referring to the taxing point, the letter states:

> Whichever way one looks at the issue, the deposit is an 'anti pollution tax'. As previously noted, we support for the benefit of the greater community a tax of this nature. It is imperative, however, in any taxing system to apply a common taxing point. Under the proposals, the taxing point for one style of container is both different and at a different rate from the taxing point for the other. Blind Freddie can see that such a system must disadvantage one or other group. It must also be less efficient than joining into an existing system.

And this is the point of view from which Independent Grocers Co-operative is observing the problem. The letter continues:

> Small retailers must either reduce their range—and, as such, their commercial viability—or receive the container with which they are then burdened. At 15c per container the 'empty' will become a profitable target for petty thieves and children to 'recycle' once again.

The letter concludes with a plea for consultation with all sectors of the industry and notes:

> Our organisation is well advanced with the building of a modern efficient liquor distribution centre, the success of which depends on our ability to compete in a free, fair and equitable market.

The letter concludes by requesting a delay in any changes to the existing legislation until there has been proper consultation with the industry, and states:

> The request is made on behalf of ourselves and our 1 000 or so licensed members of our cooperative.

I hope I am demonstrating to the Minister that out there is a large number of people, all of whom have legitimate interests, and those interests should be taken account of by this Parliament. We should not be looking at the matter in isolation, which is what is being proposed.

Wine coolers are not dealt with in the Act, and it is worth noting that in early 1985 the Liberal Party produced a finely detailed policy on wine promotion and development and the relationship of the wine industry to the tourism industry. That policy was determined after considerable consultation with the wine industry and was developed because of a recognition by the Liberal Party of the importance of the wine industry to the economy and culture of our State, to our export income and to our tourism industry. Within a few weeks of that policy being released, key planks of it had been lifted by the Government and implemented. I give the Government credit for recognising good ideas, although unfortunately the Government did not give the Liberal Party credit for developing those ideas.

I refer particularly to the removal of licence fees for cellar door sales and to the establishment of a high level committee to examine important issues affecting the industry. Despite the Government's alleged commitment to the wine industry, it is not proposing to do a single thing to deal with the issue of wine coolers, which have become a crucial issue for the wine industry in South Australia. Although wine coolers are accepted federally as a wine product for the purposes of sales tax collection (which is 10 per cent), they are not treated as a wine product in South Australia except, of course, in terms of licence fees. They are then treated as a wine product. The two Government departments that refuse to accept it as a wine product are the Department of Environment and the Department of Public and Consumer Affairs. Otherwise, generally the industry accepts the difficulty that these two departments have in recognising the product as wine under existing definitions in the present legislation.

The DEPUTY SPEAKER: Order! I ask that honourable members lower the level of conversation. It is very difficult for the speaker to be heard, and I think she deserves as much respect as any other member.

The Hon. JENNIFER ADAMSON: If other members could address themselves to this issue of wine coolers, Parliament might be able to take better account of one of the State's most important industries and one that desperately needs our help at the moment. Why has the Government not recognised a product which to date, in this financial year, has been responsible for the movement of 3 million litres of wine by one company alone, Penfolds-Kaiser Stuhl? That is just one company: it does not take into account any of the others. It does not take account of the volume of sales from, for example, Berri Estates, which will be crucial in terms of employment in the Riverland.

I am talking about only one company and 3 000 000 litres of wine. This product is a blend of wine and fruit drink with carbonated waters on a ratio of about 1:1. The category is a significant contributor to wine sales generally. It is quite likely (and this is the key point) that this product could devour the total predicted annual grape surplus, that is, 100 000 tonnes. That is an awful lot of grapes to be dumped at a loss to the growers and the wine growing communities.

The Hon. B.C. Eastick: At the Government's own minimum price, that is $20 million.

The Hon. JENNIFER ADAMSON: We are talking about $20 million being poured down the drain were it not for the emergence on the market of the wine cooler product. Yet this Bill does not address the real problems facing this product in the marketplace.

Mr Lewis: The Government takes the revenue from it.

The Hon. JENNIFER ADAMSON: Indeed, and I suggest that the Government is enjoying the revenue very much. I will outline some of the problems associated with wine coolers, the first being that while hotels with substantial dining room and over bar trade in bottled alcoholic beverages have both temporary storage space and an established pick-up service through which empties are returned for refilling or recycling as cullet, in the main, retail bottle shops do not have storage space, and previously there has been no necessity for a disposal system for empty containers. In these circumstances, lack of security for containers stored in the open has resulted in deposits being repaid more than once on the same container, and that is enough to send any business broke if it continues at a significant level.

To overcome that, the retailers have been forced to smash on site all wine cooler bottles. I need not outline to a House that has just spent untold hours debating the workers compensation legislation the hideous risks and dangers inherent in that practice. Workers compensation premiums increase and there is a serious risk that workers who are involved

in smashing bottles will be maimed or blinded. The employers must buy safety helmets, safety gloves, goggles and eye shields—protection of all kinds. Smashing bottles is such a perverse activity: it is too ridiculous, something that we should not countenance. Yet the Government appears to be countenancing that practice, because it is aware that it is occurring but it is doing nothing whatsoever about it.

There is another problem, and that is the social problem that arises from claims for the repayment of deposits on returned containers by children who enter licensed premises to return the bottles. Everyone knows that a child who wants extra pocket-money is willing to go to any reasonable or unreasonable lengths to salvage and scavenge anything that will provide a bit of income to top up whatever the parents may provide. Socially, that is extremely undesirable, and my colleagues and I would deplore any practice that encourages and provides an incentive to a child to enter licensed premises to claim bottle deposits. That should not happen: it should not be allowed to happen. Yet it is happening, and the Government is not doing anything about it. In seeking an alternative method of overcoming these and other problems, the Wine and Brandy Producers Association has had meetings with Can Recycling (South Australia) Pty Ltd representatives to examine the feasibility of a number of proposals that might relieve the pressure on retailers and provide a satisfactory method for recycling resources. Basically, the winemakers want a speedy, efficient, safe passage through the marketplace for their product and a safe and simple means of reclaiming the bottles once they have been used. The Minister has not responded to the association's plea for recognition of those problems in this amending Bill. The Liberal Party proposes to remedy that by moving amendments in Committee.

I conclude by stressing that the wine cooler product could mop up the grape surplus in this State and in the process restore some degree of prosperity to the beleaguered wine indusutry. In the Riverland in particular this product is emerging virtually as a lifesaver and, if the Government does not address the problem, then it is failing in its duty to one of the State's principal industries. We acknowledge that this Bill is a bandaid measure, and in that sense we take the opportunity of attempting to cover two wounds with one bandaid. I hope that the Government is responsive to our efforts in that regard. I urge the Minister to consider a request for a bipartisan approach through a select committee when this Bill is passed, and I reiterate that the complexity of this issue is such that if even legislators and administrators have difficulty in understanding the legislation then it is time we went back to square one and started again on the basis of the criteria that I outlined when recommending the establishment of a select committee.

Mr PETERSON (Semaphore): As the member for Coles said, this legislation is very complex. A couple of the points made by the honourable member are very valid and should be taken up, one being the difference between the legislation in relation to deposits on bottles and cans in the various States. There are many areas of responsibility in this country where there should be common legislation, but we do not seem to work that way. There are differences across the borders, and that creates problems. The member for Coles referred to the safety aspect of recycling, and it seems to me that there is a disparity in this legislation in that, if we are looking towards safety in recycling and in the environment, we should recognise that there is a real difference between glass and metal containers. I will refer to that matter in more detail later.

The second point is the increase in cost to the consumer. Beer is a popular drink in this country, being drunk by many people. This legislation will increase the cost of that commodity and thus the cost of people's enjoyment. The Government will have to bear the backlash for a price increase. Excise accounts for a terrific portion of the price of beer, and this measure will increase the cost of the product without any compensating benefit to the consumer. There is no benefit to the consumer. The honourable member referred to bottles for wine cooler. We seem to be overlooking the fact that the glass container is the real problem in this country. At one stage the beer bottle was called the Australian daisy, I think because of its proliferation in the countryside and along roads.

The Hon. B.C. Eastick: A former Governor, Sir Edric Bastyan, said that.

Mr PETERSON: I thought it was a duke. However, the beer bottle was called the great Australian daisy because of its proliferation. The number of discarded beer bottles has decreased a little since the introduction of the original legislation, but I do not know whether this measure will make the situation any better. We seem to be moving the wrong way in relation to glass *versus* metal containers. No-one can cut himself on a soft drink can, and that can does not cause damage to vehicles or people. In general terms, it seems that the glass bottle, not the can, is the problem when we are talking about litter.

I did find a report that was raised in 1980 by the Department for the Environment. Because of the rapidity of this Bill coming forward and being debated I have not been able to check the figures, but this was the comment on the study into the economic impact of the South Australian Beverage Container Act 1975-76, raised by the Department for the Environment in 1980. It stated:

> The very high return rate of cans and the decreased sales of beer in cans have all but eliminated cans from the litter and waste stream. Litter surveys conducted by KESAB and the beverage container unit confirm the diminution of cans as litter.

That was on page 66 of that report. On page 67 it states:

> Given that 80 per cent or more of cans and bottles are now returned in South Australia, it is not surprising that waste and litter pollution by beverage container packages has been considerably reduced.

So that was recognised in 1980, and I am not aware of anything that has put that back.

The other point I would like to raise is that I have received a couple of letters from the Australian Beer Can Collectors Association, and I would like to read them into the record because they make a valid point in addition to those I have made previously here in relation to cans. The first letter, dated 24 February, states:

Ref:

a. Beverage Container Act, 1975.

b. Amendments relating to an icrease in deposits (or refund amounts) on beverage containers sold in South Australia.

Dear Sir,

It is with grave concern and anticipation that I approach you with our thoughts on this particular issue in question—(reference b.)—

which is the amendments—

Firstly let me state that I am proud to be a South Australian and agree with the 'deposit legislation' as it currently stands—(i.e. 5 cents per can). It is doing the job of keeping our environment free of litter in the sense of empty cans lying around all over the place.

When the Beverage Container Act, 1975 was enacted, both local breweries complied and tested various types of lids (with 5c deposit imprinted), and currently use what is termed as the environmental stay-tab, non-detachable type lid.

We are all too aware that the 'ring-pull' type lid on beverage containers are banned in S.A.

Just to digress, that is one point I wish to raise with the Minister afterwards. I have not been able to find that out either. It goes on to say:

> However, I might add, that some containers (such as Berri fruit juices) are permitted to use a ring-pull type lid on their containers—which can only but create a litter problem. It appears

that the Government is penalising beer drinkers, whilst allowing fruit juice drinkers to create a litter problem.

On the issue in question—the idea of increasing the amount of refund to 15 cents for all beer cans sold in South Australia is totally absurd, unwarranted and unethical. In order to provide competition in the local beer can market, interstate brewers, namely Carlton & United and Bond Brewing, have complied with the law and gone to great lengths to insure their empty beer cans are recycled through local means. That in itself must have meant that some more persons found themselves with employment.

So what is the real motive behind the proposed increases—possibly 'greed'?

On the subject of 'stubbies' and 'bottles' from interstate brewers—I am given to believe that all CUB glass containers are in fact shipped back to Victoria for reuse or recycling. Also, I understand that glass is recyclable and that this can be achieved within South Australia, which is what happens to glass containers used for 'wine', 'spirits', 'overseas beer' and other miscellaneous products.

I cannot understand why there is a problem with the beverage containers sold here in South Australia, and on behalf of the Australian Beer Can Collectors Association, please find this to be an extreme protest for such unnecessary proposed deposit increases.

It is a vested interest group.

Mr S.J. Baker: The beer can collectors?

Mr PETERSON: Yes, that is the association that sent it to me. The letter is signed by Mr Rod Noble, the Secretary/Treasurer of the Australian Beer Can Collectors Association. It is a valid point. Why should it not be raised in this place?

Mr Duigan: They do not have to be empty.

Mr PETERSON: They are not when they buy them but they are when they swap them. It is a point of view. He is putting a point of view, the same as is every other member. This is a constituent of mine; he has written to me, his point of view is quite valid, and it should go on record. He cannot understand why there is a 15 cent deposit on cans. Nor can many other people. I wait for the Minister to convince me that there should be. I am sure he will try his best, but this is a point of view, and the member for Briggs, the member for Adelaide, the member for Fisher and everyone else are all entitled to their view.

I did supply the Secretary with a copy of the second reading explanation, which I am sure the Minister is pleased about because that is the reason for the legislation. He went away and read that explanation, and he wrote to me again—that is how concerned he was about this—the very next day. The letter is date marked 'Urgent, 25 February 1986'. Again, from the Australian Beer Can Collectors Association to myself, it reads:

Ref:

My letter to you dated 24/2/86 relating to proposed amendments to the Beverage Container Act, 1975.

Dear Sir,

Further to my letter as referenced above, I would like to enhance it with this letter as a result of being made more cognisant of finer details of the proposed amendments to the Beverage Container Act, 1975. It is blatantly obvious that one of the main reasons for such proposed amendments is due to some problems in the recovery of multi-trip beer containers—specfically glass containers. Beer cans are an entirely separate issue and should be treated as such, in fact, they should be exempted from any deposit increase, as is the case with soft drink cans.

Again I digress—that is the point made by the member for Coles, that really, as far as litter problems are concerned, what is the difference between a beer can or a soft drink can? Beer is exactly the same can with a different content. These are valid points being made. The letter continues:

For the purpose of the exercise, why should beer cans be discriminated against? Beer cans and soft drink cans are both aluminium cans that have the same recyclable value—

that is exactly the point I make.

I reiterate my statement per my previous letter. The current 5 cent deposit on all beverage cans sold in South Australia is quite adequate, and has proved to be a success as far as the environment is concerned. Higher deposits on beer cans will only serve as the initial step towards forcing brewers not to market their products in cans at all, and that in turn will mean loss of jobs for some people eventually.

In summary, including beer cans in the proposed amendments is unjustified, when they are not the cause of the problem at hand. BEER CANS ARE NOT A LITTER PROBLEM IN SOUTH AUSTRALIA!!!!!!!

Very cordially yours,

And it is signed by Rod Noble, Secretary/Treasurer of the Australian Beer Can Collectors Association. As I say, that is a valid point of view and one that I agree with to some degree. In his second reading explanation the Minister said:

The Government is serious about its attack on litter in this State.

As I say, it is litter, whether in the form of a beer can or a soft drink can. Cans as such are not a problem, according to this report in 1980.

Mr Becker: Stubbies are a curse.

Mr PETERSON: Stubbies are a problem. It is a matter of recycling, and I see that as a problem, too. The returning of containers to the retailer is the problem. It has to go to a marine dealer. That is where they should all go, and that is what they are set up for. Retailers trying to handle this are causing all sorts of problems. Hotels are not set up to do it; nor are beer sales centres, bottle shops, and soft drink shops. It seems to me we should look at that aspect as well, and perhaps create a little more employment by creating more marine store dealers around the place, giving them a chance to earn a quid with the empty bottles, even the non-recyclables. That is how I see it and I wait for the Minister to convince me whether or not the points I make are valid?

Mr GREGORY (Florey): I support this Bill, for a number of reasons. I think that over the last 10 years we have had a demonstration of this very controversial piece of legislation working in this State. One only has to travel interstate to realise that our legislation has, in one way or another, meant that litter that used to be on the roads is no longer there. When you move into Victoria you suddenly think the roads are paved with silver, because there are so many cans around, until you realise there is no can deposit in that State.

Beverage container deposits resulted from a measure introduced by the Labor Government in 1975, and it was said that it would not work. It has been suggested tonight by the member for Coles that perhaps we are in the vanguard of this movement and are ahead in the world. I found a reference to the Beverage Container Act in South Australia in one of the magazines in the Parliamentary Library, and it has this to say about overseas trends:

The trend overseas, especially in North America and in the Common Market countries, is for legislation and/or cooperation with industry to ensure the maintenance of a reliable bottle system or, at worst, a recyclable bottle and can system. While the United Kingdom is currently examining the matter of beverage containers, Germany, the Netherlands, Sweden, Greece and Portugal have effective systems for the continued use of refillable bottles. A deposit of $A0.12 cents applies to PET—

that is the plastic bottles—

in Germany, and the tests are being carried out there to introduce a new refillable milk bottle. Massachusetts became the eighth State of the USA to impose a deposit system when new legislation came into force in January 1983, and the US Senate is currently holding hearings on a national container deposit law. The 'turning back or turning forward of the clock' exercise is still controversial throughout the world, and South Australia is now viewed as a pioneer in this area of legislation.

That illustrates that perhaps we are not alone, that significant states in Europe have followed our lead, and that this measure is proving effective there. This State has done two things: it has sought the cooperation of industry and introduced deposits. There has been cooperation with the Adelaide Bottle Company and deposits were introduced in the area where there was no cooperation. Deposits have had a continuing effect. It has meant that our State is a safer and cleaner place to live, and that a considerable number of

people have been employed. When people talk about jobs being lost they do not talk about jobs and income that are created.

The member for Coles talked about small boys and girls who earned pocket money by finding bottles and reclaiming the deposits on them. I join issue with the honourable member on one point. I have been a frequenter of licensed premises for a long time and I have never thought of them as evil places, as the member for Coles describes them. I know that deposits would be reclaimed in the bottle departments of hotels and in licensed bottle shops. It is rare to see anyone drinking in a bottle shop attached to a hotel; in fact, this would upset the licensee. The only people I have seen drinking on licensed premises are those who are sampling wine when there is a promotion.

The Hon. Jennifer Adamson: Are you suggesting that the retailers are telling me untruths?

Mr GREGORY: I suggest that a licensed premise that sells bottled beverages—a bottle department of a hotel or a licensed bottle shop—would have no detrimental effect on young children. I suggest that the member for Coles should go to a number of licensed bottle shops and tell me about the depraved behaviour that goes on there. I am not aware of it. I am sure that the honourable member would agree that bottle shops that specialise in selling packaged alcoholic beverages have the same atmosphere as supermarkets or any other form of retail establishment.

The Hon. Jennifer Adamson: Come on!

Mr GREGORY: What is the behaviour that is so depraved? There is none.

The Hon. Jennifer Adamson interjecting:

Mr GREGORY: In bottle shops?

The Hon. Jennifer Adamson: Yes.

Mr GREGORY: The honourable member must go to different bottle shops. In all those I have been to I have seen reasonably sober people. I have yet to see intoxicated people in those places. Bottle departments of hotels offer no more problems to people than walking past a hotel. I cannot see the hang-up. In 1976, when the South Australian Government proclaimed the current Act, it persuaded brewing companies to go down a certain path in selling their packaged beer—that is, in returnable bottles. It makes a lot of sense to have a container that can be used a multiple number of times. It is energy saving, resource saving, and a number of people are employed in ancillary tasks.

It also meant that the brewing company and Coopers specialised in the installation of certain techology, to the detriment of technology associated with the canning of beer, because, in going down that path, they ceased to sell large quantities of packaged beer in cans. The Adelaide Bottle Company is not a stranger to reusable bottles, and has been operating since 1897. In a promotion based on figures compiled to the end of February 1984, it claimed that 90.67 per cent of 750 millilitre bottles and 88.17 per cent of Echo bottles were returned. It also claimed that another 7 per cent were in the pipeline to be returned and 3 or 4 per cent were lost in the garbage collection system or destroyed accidentally or by vandals. That is not a bad return rate, and is something to be encouraged.

We now have a situation where organisations from interstate are moving into the market and avoiding what this State regards as a responsible attitude. They are exploiting a situation and not going down the path that the other two companies have followed in this State. This legislation will redress that situation. They are being offered a choice: if they go down the path of returnable bottles and can demonstrate that the bottles are being refilled and reused, it will cost them 4 cents per bottle: but if they do not go down that path it will cost 15 cents per bottle.

If there is no recyling, these bottles will create litter. I spend a lot of time walking my dogs. Since the Adelaide Bottle Company has increased the return on bottles from 30 cents to 50 cents, I find that Pickaxe bottles do not lie around in the streets and parks. I am also picking up less broken glass. However, one of the disturbing factors is that Foster's beer bottles are lying around. People who pick up the Pickaxe bottle are loath to pick up the Fosters bottle. I have seen people who are carrying what they consider to be the maximum number of bottles they can carry in a bag, when they come across a Pickaxe bottle, take a Fosters bottle out of their bag and put the Pickaxe bottle in and walk off, leaving the Fosters bottle on the ground. The return is reasonable because these people are looking at an extra 20 cents for a dozen bottles. This situation occurs because people supplement their income or livelihood by collecting these bottles.

The Hon. Jennifer Adamson: How do you think they are going to find an extra $2.40 for a carton of canned beer?

Mr GREGORY: It is the same situation as the people with whom the honourable member associates and who would be paying the extra $2.40 per dozen when they go down to Coles and Woolworths to buy soft drinks. I anticipate that they would be doing exactly the same thing that happens down at Coles when a person goes into the supermarket: they take the bottles there, see the appropriate counter assistant, tell her how many bottles are there, and are then paid at the rate of 20c a bottle. When you go and buy soft drink, you do not use the argument that you are paying an extra 20c a bottle or $2.40 a dozen.

Quite a few people buy bottles at that sort of level, but nobody complains about that, and I do not see that as a point at issue. Once you have brought your dozen or two dozen bottles of beer, you are in a recycling situation, just like you are with the soft drinks, and I do not see that as a problem. With reference to the cooler situation, I am sometimes amazed when people who call themselves responsible businessmen and who engage in an activity suddenly come across some problems. They then come down to the Government, or to the Opposition, and say, 'Look, we want this fixed up.'

Mr Lewis interjecting:

Mr GREGORY: We never ask anyone to fix it up: we tell them what we want.

Mr Lewis: You tell them what to do.

Mr GREGORY: We tell them what we want, not what to do. I refer to the cooler bottles. The people who are marketing the coolers have been doing so for over 12 months. They were well aware of the problems that would be associated with the 5c deposit, which was refundable at the point of purchase. If they were half as smart, as they lead you to believe they are (and if they are not that smart perhaps the board of directors ought to examine the attitude and the responsibility of those managers) they should have thought through the problems that would arise at the point of return of the cooler bottles.

I am well aware of the dangers associated with the smashing of glass. I am also aware that, when any worker is engaged in any activity, it is the responsibility of the employer to provide that worker with either protective clothing or, even better, a safe working situation. It is not beyond the wit of the people who have been able to market (according to the member for Coles) 3 000 000 litres of wine that has been turned into cooler by Penfold-Kaiser Stuhl to design a method of collecting those bottles, and to provide for their disposal and subsequent re-use at the place where the bottles are made.

In any other organisation when they are preparing to market a new product, they go through the research of whether the product is acceptable, and they advertise to

convince the public to buy their product. They should then be looking at the end product, if there is a 5c return. You cannot tell me that when they went into that business they did not know that there would be a 5c return. They must have thought that one out, because it seems to me that in their drive to create profits they never thought about the other aspect of the marketing problem that they may have been creating. I do not see what the problem is because, if these people applied their minds to it, they could establish a system which would work quite well. I do not see why they do not do that instead of coming here whingeing and carrying on about it. At the same time it is something that can, and probably will be, looked at as time goes by.

We are dealing tonight with a measure that has some immediacy. It is something that has been looked at over a period of time, and we need to protect people who have played the game in this State. It is no good just saying, 'Blow them, we will go away with a fiddle like Nero and watch Rome burn.' I make the point that in 1973 the beverage and packaging industries claimed that under the Act it would cost 13c more to enjoy your favourite drink.

They argued that the 5c deposit on cans would be further increased by a 'subsequent increase in warehousing and production costs' resulting in a total rise of 13c. Time was to show that this was not the case, for the net-of-deposit price of soft-drink cans rose only 3c in the two years after the commencement date of the Act.

The proof is that, when the Liberal Party was amazed to find itself in Government in 1979, the then Minister of Environment, Hon. David Wotton, announced in May 1980 the Cabinet had agreed to the findings of the report of March 1980 and that the Government had no intention of repealing the Beverage Container Act. In fact, the ambit of the Act has since been broadened to include the range of mineral waters marketed in South Australia.

That illustrates the point that from outright opposition in 1979 members opposite have developed an attitude that the Act should continue, and I applaud them for that because, in the words of Winston Churchill when he was accused of changing his mind, he said that factors happened that cause people to change their minds. If people do not, they just stand still and do not keep going.

Mr Lewis: When things are different they are not the same.

Mr GREGORY: That might be right, Peter.

Mr Lewis: Things go better with Coke.

Mr GREGORY: Peter, you would know, because I do not drink the stuff.

The SPEAKER: Order! Interjections are out of order.

Mr GREGORY: One of the other matters raised tonight was the attitude of the Coca-Cola company. The member for Coles talked about its diverse range of products and the diverse range of competition facing the company (I suppose that is why it calls itself 'Diverse Products'). The company makes a range of soft drinks, carbonated and non-carbonated, and it has a considerable slice of the market in South Australia.

When the deposit legislation was introduced it had a bottle return system that worked well. It was sophisticated and depended upon small and large retailers of their products to have a system whereby bottles were recycled. At certain times they have had a round-up to get as many empties as possible to overcome filling difficulties. However, I understand that over this summer period the company has not experienced that problem. I am aware that there are problems in that area, especially from products that are packaged in treated paper—the sealed tetra pak package. One finds in it flavoured milk, unflavoured milk, fruit juice and fruit juice mixed with water; they are all products with a long shelf life and they are all extremely useful. It is a package which when dropped will not break, but it also creates another environmental problem.

Some people claim that it takes over 20 years before any of these packages show any sign of deterioration, yet we all know that a normal paper package left in the environment breaks down to a cellulose structure fairly quickly. But, because of the treatment of this package, it does not break down so quickly. If one spends time walking around areas where people relax one finds many of these containers lying around. I must admit that the campaigns that have been conducted in this State by KESAB, the Government and other people, and a longstanding attack on litter have resulted in people in this State having a good attitude towards ensuring that we do not litter. Nevertheless, it is a problem that will have to be redressed. However, now is not the time to do it. I am sure that the problem will be redressed in future.

In conclusion, if we were to adopt the blinkered attitude of 1973, 1974 and 1975, when this legislation was first introduced, that we should do nothing to impede progress and avoided having recyclable containers, we would have been surrounded with the biggest heap of rubbish that one could find. We have taken a conscious decision in this State to ensure that containers used for beverages are reusable. That is commendable, because we are re-using our scarce resources and not wasting. We are trying to ensure that the disposable rubbish of our society is not left lying around. The Bill will go a way along the path of removing from our environment those containers that are not desirable.

Mr LEWIS (Murray Mallee): As I said just a minute ago, when things are different they are not the same. That is just about the way in which the market for beverages at the present time has developed from where it was five, 10 or any greater number of years earlier. What is more, the saying that has been the slogan of the Coca-Cola Company is 'Things go better with Coke'. In relation to this legislation and in the present context of how we control the litter that containers represent around us, things are not going all that much better with Coke or anyone else.

This kind of measure, as has been pointed out by the member for Coles, is not about litter control at all: it is about trying to restore competitiveness of a South Australian based industry with interstate imports to this State's market, rather than competing with them on unfair terms of trade, as happens at present. The Government ought not try to obscure the fact; nor should any member of the Government when addressing the House.

To do what the member for Florey has just done is to get pretty close to being legitimately charged with hypocrisy and camouflage of the real issue. Without any qualification whatever, I support everything that was said by the member for Coles in her address to the House in response to the second reading explanation. Indeed, I want to add some additional dimensions to that, because the Act that we are amending is supposed to be about litter control and not about commercial advantages and disadvantages as between traders.

It is to be remembered that those present inequities in the market to which we are referring would not otherwise have arisen had it not been for the Beverage Container Act. The member for Coles made that point plain: it is not about our playing favourites as a Parliament for our own indigenous industries; it is about our restoring fair terms of trade between people or enterprises who are competing in the market and supplying to it a variety of beverages. In this instance the problem is beer.

Given that this is the case, I want to draw attention to some of the concerns that have arisen in the past five years, because they underline the necessity for the proposition put

by the member for Coles, namely, that the whole problem of beverage containers *per se*—across the board—be they for alcoholic or non-alcoholic beverages, should be referred to a select committee of Parliament. That would enable Parliament, on behalf of the people whom members represent, their welfare and the welfare of the industries in which people work and from which they get their livings, their goods and their services, to sort out the problem in a bipartisan way in the best interests of retaining South Australia's reputation as a clean State. That reputation has been built on the development of pride in the community in our surroundings, in public places, and on the efforts made by organisations (as well as the beverage industry making considerable efforts) to develop public awareness through a variety of education programs.

Let me now take a look at those aspects on which I wish to focus the attention of the House. The first is the practice of those tending to consume alcohol rather than, say, milk or fruit juice, and the circumstances in which they choose to consume alcohol, particularly beer. Over recent times, a practice of bombing has developed along the State's highways, especially in my electorate. I thought long and hard about whether I would raise this problem in this place, and I have decided on balance that it needs to be raised because it is a problem that is escalating, regardless. I do not think that any publicity that my remarks may draw to the practice of bombing will in any way increase that practice. What I hope to do is ensure that the Government and the police understand what is going on.

I myself have been subjected to bombing. I believe that it all started when I began to notice stubbies (empty 375ml beer containers) at the base of solid poles along the roadside and in the verge adjacent to the road. This was back in the time when those containers did not attract a deposit significant enough to ensure their collection and return, if not recycling. It is an awful practice, not only irresponsible but also damned dangerous, when these loons, lairs, or fools (whatever you like to call them), having consumed some of their six pack and in high spirits and a little inebriated, decide on some fun and roll down the windows of their car and begin aiming at particular targets along the roadside.

The practice began by aiming at stationary targets from a moving vehicle. It was not long (only three or four years ago) before it was not just stobie poles and other solid structures along the roadside: it became the bull bars on semi-trailers. The semi-trailer drivers with whom I speak at places like Tailem Bend and Coonalpyn, where they tend to stop and do some maintenance on their trucks and themselves, have complained to me of the emergence of this practice. Some of them have lost headlights worth over $100 a shot because of it. Then it became a question of bombing not just semi-trailers but motor cars.

I saw a motor car sideswipe the Swanport bridge after the car's windscreen was bombed by a full stubbie. I stopped to assist the people who were in that car, and not three weeks after that event—and this is less than two years ago—my own vehicle was bombed with a full stubbie and I lost a headlight on the vehicle. That was not during daylight hours but at night. You do not even know when it will happen. Something suddenly hits you out of the air: there is a hell of an explosion, and beer goes all over your windscreen, if you still have one. I believe that the police need to be made aware of this practice and to watch out for people who are drinking while they are driving along the road.

Certainly, motorists who have been subjected to it need to report the matter. It is a most terrifying experience. The people whom I assisted in the car on the Swanport bridge that night were so shaken by the incident that they needed to be treated for shock. When it happened to me less than three weeks later, I am sure that nobody recognised my car. As I said, it was dark so it was not anything directed at me personally: I just happened to be the motorist coming in the opposite direction, but I was quite shaken by the incident. That is one aspect of the problem that exists, and the reason, in my judgment, is that these containers do not attract a sufficient deposit for the people who have them in their possession to value them and to return them for the deposit that they have paid at the point of sale.

The next matter that I want to refer to is just as dangerous and damaging. If you are travelling along one of the State's major highways or major arterial roads along which other vehicles are travelling in the opposite direction, from time to time you will come across hair-raising situations when another motorist, inexperienced or otherwise incompetent, is overtaking, say, a semi-trailer or any other vehicle without sufficient space to carry out that manoeuvre. Whoever or wherever you are, when confronted with a vehicle heading towards you in the process of overtaking someone else, and with nowhere else to go, you naturally hit the picks and head for the verge to get out of the way. That happens more commonly at night and in wet weather, when people's judgment of distance may be impaired by distortion on their windscreens or any other reason, but I seem to find myself confronted with that hazard more frequently when it is raining than at other times and it does not seem to be related to the density of traffic.

In this unfortunate position, one often encounters an empty stubbie out on the verge which simply slashes car tyres to pieces, and that can happen when the driver is braking heavily off a sealed surface. If the unsealed surface is the wet verge, that can have a devastating consequence on the driver's ability to control the vehicle. I am speaking in this instance of somebody who does not just sit around to do the job but who feels compelled, on behalf of his constituents, to drive something in the order of 100 000 km a year. Perhaps in some part that explains why I am on the road more often than most people, and why I have encountered these unfortunate circumstances, these misadventures, more frequently than other members may have.

I speak with some feeling and from personal experience in this matter. When you find that you have lost control of your steering on a slushy verge, when you have headed off the road to avoid a head-on collision which would certainly result in severe injury, if not death, to yourself and/or any other person involved, you begin to think: how on earth can we solve this problem? I know that, since the time I was elected here in 1979, the number of stubbies left along the roadside decreased after the brewery, under considerable pressure from the Minister, decided to increase the deposit refund on the return of beverage containers—pickaxe bottles and stubbies in particular.

I am now alarmed to find since the entry of brewers from interstate with the kinds of container to which we are addressing ourselves that there has been not just an increase of a few per cent but a doubling or a trebling of the number of empty stubbies lying along the roadside. It is absolutely essential, not only that the Minister consider restoring the terms of trade as between competitors for the beer market in this State but also that this Parliament must review urgently the mechanism by which we can ensure that those containers are collected as thoroughly as they were previously collected. We must get them off the roadsides, out of harm's way and out of the location in which they can be the final straw that breaks the camel's back when a vehicle has to be manoeuvred off the sealed surface on to the verge, often resulting in serious injury if not death.

The other aspect of the damage caused by these containers being left along roadsides, either broken or intact, is that farmers who have to use the roadways are courteous when

they are moving their heavy agricultural vehicles along the roads. It is a practice they have observed for decades, taking their tractor, or more importantly these days the autoheader or the large combine, to the side of the road when travelling between paddocks or properties, in order to allow vehicles (which have banked up behind them) to pass and vehicles coming from the opposite direction to overtake with safety.

However, as a result of the situation I have outlined, they find themselves confronted not just with the replacement of a tyre (which in my case costs only $80; God knows that that is a big enough hole in anyone's weekly budget) but also with the cost of a replacement tyre costing $800 or $1 000. Because they drive to the side of the road, one or more tyres must go outside the normal verge, and the driver cannot see a broken or whole stubbie, but the weight of the vehicle soon puts paid to that proposition and the tyre is slashed to the point where it is useless.

It is not outside the realms of possibility considering the cost of tyres today that the farmer will have to pay several hundred dollars, perhaps more than $1 000, to replace tyres. These are the reasons why during the course of the last Parliament we found that rural people from all over South Australia were complaining and signing petitions about the necessity for amendments to the Beverage Container Act to increase the amount of the refund that can be obtained on dead marines of any kind, particularly beer containers whether stubbies or large bottles. I well recall the impassioned pleas of the member for Flinders, in response to the proposals of other members. All members from rural districts understood that problem.

Significantly, the Local Government Association recognised the problem as not only being restricted to the roadsides in rural areas but also further afield, and it was also found to be a problem on our beaches, both metropolitan beaches and as far afield as Goolwa, Robe, Venus Bay, Ceduna or, for that matter, Port Hughes—or anywhere else we might name. Beer bottles did not warrant the attention of people who were collecting beverage containers to which a deposit attached so that they were taken out of the litter that was never otherwise collected. They were simply left lying about. If there was a lemonade bottle, a coke bottle or any other kind of soft drink bottle, it was worth enough to warrant the individual taking it with him, or at least it was worth some other individual collecting it after the irresponsible person who had consumed its contents left it in those locations where it was not only an eyesore but also a hazard to personal safety and property.

It is not good enough for the beverage container industry or members on any side to argue that South Australia has the best percentage return of the containers in question of any State in the Commonwealth or any country in the world. That is just not good enough. The problem is of alarming proportions.

To argue in terms of the percentage return of empty bottles is certainly an inadequate, inappropriate and invalid argument; to say, 'We are doing very nicely, thank you' is just not good enough. We are not doing as well as we must, and we are certainly exposing ourselves to the risk of serious injury and damage to our property of the kind I have already mentioned. It is the risk of damage and injury as well as the eyesore factor to which we must address ourselves and require the public of South Australia to focus their attention. The mores by which people live, especially those people who become inebriated when drinking beer—

Mr Groom interjecting:

Mr LEWIS: They have already heard what I have to say in casual conversation to them both inside and outside the Party room. They support the concern I am expressing, and I trust that members of the Government will do likewise. They are the problems that this House must recognise. They are not simple problems, and the solution is complex. I think that the most important aspect of the solution is educating the public in the necessity to be tidy and to be respectful of others.

Of course, I am reminded of what The Dog in Footrot Flats thought when Wal threw the super bags and empty bottles into the creek: the dog collected them, stuffed them all in one bag, took them back into Wal's house and scattered them around. If only the dog (and other animals that find *Homo sapiens* littering their backyard the way *Homo sapiens* feels inclined to do without any sensitivity for what they are doing) collected the rubbish that we scatter around the place and scattered it around our backyards or our living rooms, as the dog did to Wal, we might learn a salutary lesson.

Therefore, it is imperative that we signal, in a bipartisan way to the South Australian community, including the business community (be it big corporations engaged in the manufacture or small business engaged in the retailing of any beverage or any other substance that has to be put into a suitable container to protect it from infection and deterioration) that we, as a Parliament, will ensure that the evidence of the practice to which I have referred is revealed to the public of South Australia.

I can think of no better way of doing it in a bipartisan fashion than through a select committee, after we have got this measure on the Statute Book (because I do not ignore or overlook the fact that the purpose of this legislation is to restore fair terms of trade between competitors for the South Australian market). It is not about litter control; it is simply about that. Let us not delude ourselves on that point. Let us insure our own home grown company and its product has a fair go with everything else. That is why the Opposition is committed to support that aspect of this legislation.

I therefore urge members of the Government to see the good sense of and the necessity for a bipartisan approach to the determination of a policy which includes public education through the means of a select committee. We need to get all the evidence, re-present that evidence to the public through the media, and the solution to the problem which we reach then, as a Parliament, have determined. That is, given that the Government is at least capable of that much responsibility, we would ensure that the legislation arising from the recommendations from such a select committee would be given a speedy passage.

I want to make it clear, if I can mention another point altogether, still relevant to this matter, that the wine industry is at present in dire straits. I do not mean it is being pushed to the top of the hit parade, or anything like that. It could be said in another context that that is what is about to happen to it and the markets it has found through wine coolers for its product. We cannot simply wipe out $20 million worth of market and in the process destroy the capacity of those growers who are already marginal to continue to survive in a viable way; or the capacity of the processors who are turning their grapes into a consumable product which the market wants.

We should look more closely at that. It is not good enough for Treasury to recognise and accept the revenue it derives, both State and Federal, from the sale of that product in that form and have other Government departments, like the Department of Environment and Planning, deny that there is any problem associated with it. There are already unequal terms of trade as between the producers of that product in that market. That is the wine cooler trade. The member for Coles has explained that. I want to underline it.

I want all members to understand that it is not good enough to ignore it. The problem within that sector of the

wine industry trade is just as great to that industry as is the problem confronting the South Australian Brewing Company and Coopers in their battle to stay viable in the face of unfair competition, as a consequence, in each case, of the stupidity of the law which requires one producer, the home grown product, to pay a higher deposit on that container than the other which is imported.

I therefore urge the Government to accept the proposition put by the member for Coles to have a select committee after this measure has passed so that we can sort out that problem and to take note of the concern which was expressed, not just on one occasion, but over that three year period between 1981 and 1984, by the Local Government Association about those few bottles which are left littering beaches, roadsides and other places of recreation, which are a very small percentage of the total but which represent a very great safety hazard.

Mr ROBERTSON (Bright): I want to bring a few facts and figures to this debate tonight. We have had a great deal of talk in general terms, and I think it is agreed that at least as far as litter is concerned there is basically a bipartisan policy on the subject, but I do want to introduce some figures because I believe the call for a select committee is not really appropriate at this point. The figures I am about to divulge will show, I hope, that we do not have time for a select committee, that in fact we need the proposed legislation as soon as possible—

Mr Lewis: We agree with that. Didn't you hear us?

Mr ROBERTSON: Thank you—and that this present deposit of 5 cents on beer cans and stubbies is really not enough. It is tantamount to having no deposit at all. It is way under value and it is really putting these things into the litter stream and not grouping them with the returnable containers.

The legislation as proposed will bring beer cans and stubbies, that is the 375 ml glass beer bottles, back into the multi-trip category and take them out of the category of things that just find their way straight into the litter stream.

I want to turn to some figures which have been prepared by KESAB and which I think will illustrate this point. This is a longitudinal study of the litter stream since the mid 1970s. There is a very crucial break point at 1977, when the Beverage Container Act was enacted in this State. If we look at the flow of paper in the litter stream, we find that in fact in 1978 it peaked at 78.3 per cent of the litter stream, and since that time it has decreased to the point where in 1983 it is only 48.3 per cent of the litter stream. This is gross litter by weight. On the subject of bottles—in 1977 when the Beverage Container Act was enacted they comprised, 1.7 per cent, and at the present day they comprise 5.9 per cent of the litter stream. I will look more closely at bottles in a moment and analyse the various kinds of bottles in that stream.

The figures for cans (that is to say cans of all kinds, both aluminium and steel) show that in 1973 they constituted 13.3 per cent of the litter stream. After the Beverage Container Act in 1977 the figure dropped to 3.1, and went down as low as 1.4 in 1979 when the legislation began to bite.

The Hon. Jennifer Adamson: You just said we need to increase the present deposit.

Mr ROBERTSON: I will come to that; if the honourable member has even the slightest degree of patience, all will be revealed. In 1985 we are back to 1.7 per cent. While that shows a decrease since the Beverage Container Act, it has hovered around about the same level. The plastic component of the litter stream, 6.2 per cent in 1973, has risen quite dramatically and regularly since that time until 1985, when it now constitutes 19.2 per cent of the solid waste litter stream. That is a considerable increase.

The other area of concern, of course, is the one referred to by the member for Florey earlier, and that is the cardboard containers for milk and soft drinks and juice drinks. In 1979 that constituted only 7.8 per cent of the solid litter stream. It is now up to 24.5 per cent, and that again is a worrying increase in the total volume in the litter stream. We find in addition that since 1979 when, as I said, the legislation began to bite a little, we have had decreases in the litter stream every year until 1985. In 1985 we find an increase of 0.6 per cent, which is not a huge increase but it is an increase in the litter stream. That is the first time since 1979 that we have had an increase in solid waste from one year to the next. I think that is a very significant figure.

I want to turn now to a closer analysis of the bottle component of solid waste and we find, although the bottles still constitute only 5.9 per cent of solid waste, which has of course grown quite considerably since 1979, of those bottles the very major share are stubbies, the 375 ml beer containers. Of the 5.9 per cent, only .5 per cent belonged to the large recyclable beer bottles, and this legislation will increase the deposit on those bottles to 4 cents for a 750 ml bottle. Of the 5.9 per cent 3.1 per cent constitute the 375 ml bottle, and the others are relatively minor players: .9 per cent comprises soft drink bottles, .8 per cent comprises plasticised containers, and surprisingly wine and beer bottles, which attract no deposit, are only .3 per cent. Of the 5.9 per cent, 3.1 per cent was for stubbies, which is of enormous concern at present. I seek leave to insert in *Hansard* a document which illustrates that this problem has been with us for some time.

The DEPUTY SPEAKER: Can the honourable member assure me that it contains statistical material only?

Mr ROBERTSON: It is highlights of a survey conducted for the Minister for Environment and Planning in a previous Government in 1979, and it contains a precis of that survey.

The DEPUTY SPEAKER: Unless it contains statistical material only, I am not able to allow it to be printed in *Hansard.* However, the honourable member may read it into his speech.

Mr ROBERTSON: I will read the relevant parts. This survey was commissioned by the Tonkin Government to ascertain public reaction to the 1977 legislation about beverage containers. The findings revealed that over half the sample of people from South Australia surveyed would have liked the legislation extended to cover other containers. By other containers it meant bottles, plasticised containers, cardboard containers, etc. This survey also revealed that 40 per cent of people would like to see all glass bottles including drink bottles, tomato sauce bottles, jam jars, etc included. The only group that did not have a significant desire to see these categories included were young men from the ages of 18 to 24 years and ladies over 55 years. The score in that case was under 30 per cent. However, 40 per cent of people surveyed indicated that they wanted all bottles included in the beverage container or similar legislation. In the same year that the survey was taken the present Minister for Environment and Planning made the point that South Australians were asked whether they thought the beverage container legislation had been effective. From the same survey 72 per cent of South Australians thought that we had the best legislation in the country and that it had been effective.

In the same survey the question was asked, 'Which is better—the disposable or throw-away drink container or returnable bottle?' Seventy-seven per cent of the survey respondents said that they preferred the returnable bottle. The majority of the others 'did not know' or 'did not care'. A publication of the same vintage, when comparing litter between South Australia and Western Australia, reveals that cans and bottles constituted only 6 per cent of South Aus-

tralia's roadside litter whereas in Western Australia, where no such legislation existed, it constituted 34 per cent of roadside litter. That may mean a number of things.

Mr S.G. Evans: Can you tell us how much was cardboard?

Mr ROBERTSON: I cannot tell the honourable member that at the moment. I am happy for him to address that question to the Minister during the next stage of the Bill. In case honourable members are in any doubt as to whether the question of recycling is serious, I will quote from a publication of that period when the issue was very much before the public. This report was prepared in 1981 and concerned the Beverage Container Act and its positive results in South Australia. It starts off by comparing the economics of the throwaway container as opposed to the recyclable container. It states:

> ... if you consider an average 750 ml bottle of soft drink, the throw-away version might cost you 75 cents. Of this about 15 cents goes towards the cost of making the container, whilst another 3 cents or thereabouts goes towards the cost of the contents. The remainder of your 75 cents is divided between storage, transport, handling and refrigeration costs, taxes, advertising and, of course, profits. Compare this with an equivalent deposit-bearing re-usable bottle. Even though the returnable must be thicker and more durable than the throw-away and therefore your 750 ml unit may cost you 17.5 cents—

instead of 15 cents or so; this cost is recouped because it may make up to 25 trips, that is to say, it may be returned up to 25 times for refilling. The report continues:

> After taking into account the costs of collecting, handling, transport, washing, checking, etc, the refillable 750 ml drink is from 5 to 10 cents cheaper than its throw-away competitor. So your 750 ml of soft drink might cost you 65 cents—

instead of 75 cents, which is a difference of 10 cents in cost to the consumer, which has to be a good thing. The report continues:

> The Australian Environment Council estimates conservatively that if returnables become the normal type of beverage container throughout Australia, around $30 to $40 million would be saved in annual waste management costs.

As the report points out, beverage containers are only the tip of the iceberg, but they are not the most highly visible part of that iceberg. Though they make up a total of one-third of household garbage by weight, because they are bulky these empty bottles and cans take up half the space in suburban garbage. The report concludes:

> By making returnable deposit-bearing drink containers mandatory, the total amount of waste local governments have to find space for in their tips drops by between 25 per cent and 35 per cent.

In fact, a number of local government authorities in Victoria were surveyed at this time to find their attitude to the South Australian legislation. This survey was conducted by a conservative Victorian MP who found that, of the councils surveyed, 134 were in favour of the introduction of legislation similar to that operating in South Australia and another 16 gave qualified support. The size of the sample I am not sure of, but I imagine there are not too many more councils in Victoria all told.

To leave the legislation any longer and move to a select committee would be disastrous. The legislation as proposed is both timely and necessary, and I heartily support its introduction.

The Hon. D.J. HOPGOOD (Deputy Premier): I move:

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

Motion carried.

Mr S.G. EVANS (Davenport): I went overseas at the expense of the industry in 1974. I thought that I should say that at the beginning of my speech so that it is not thrown up adversely later. In Washington State, the industry had carried out an education and clean-up program by making moneys available to Government agencies. At that time I said that city was just as clean as the city of Oregon, which had the deposit system. I still believe that and people I correspond with in both States hold the same view. As the member for Florey said, there are two ways of doing it, and in this State we are trying to use two methods. However, I do not want to say more about that aspect of it.

I believe that a select committee could do some good, but I realise that Governments that have won by a large majority are unlikely to accept a recommendation from an Opposition in that vein because it would, to most political Parties, be seen as a sign of weakness instead of as a sign of strength in the democratic system. After all the years I have been in this place I have found that most times whoever is in Government is unbending to any suggestions coming from the Opposition on an issue such as this—not always but most times. I think that the Minister would agree.

An honourable member interjecting:

Mr S.G. EVANS: I am not being uncharitable. I am saying it is done with both philosophies and, if the member does not want to accept that, it is bad luck. What has disappointed me about the whole legislation since it has been operating is that we all said we would put a $200 fine on it. We all said, 'That is a great idea'. We all said that we would try to punish the culprit about whom we spoke today and last week in other legislation.

But, when it comes to litter, how often does one hear of a council inspector taking action to find somebody? Do not tell me that they are not there. One can go down any of our major entertainment or nightlife streets (if I can define them as such), particularly on Thursday, Friday and Saturday nights, and see people throw a can, bottle, milk container or whatever into the street. Nobody walks up, taps them on the shoulder and says, 'Look, that is an offence', or at least warns them or, if a person smashes something out of sheer viciousness towards society's environment, no charge is laid.

We hear all the statistics about how much litter is in the community, what it is made up of, and all the surveys that are done. But, do the Minister, or any of his backbenchers, say, 'Look, local government has fined so many people for what I will call everyday run of the mill litter offences'? Nobody tells us how many charges have been laid by the police or the Department of the Environment officers, if they have that power in national parks. I am unsure whether they have that power but, if they do, they should use it.

One should go to Glenelg beach, which is supposed to be one of our best beaches, and see the sort of litter there; or, one could go to certain functions and see that, although litter bins are within a few feet of people, they will not put rubbish in them. Why do we not fine people who litter? That was part of the deal. We do not do so because it is embarrassing to fine people for littering. We think it is a major problem, but we have not got the intestinal fortitude to say to our officers that we want to enforce the law.

I say that as much about local government as I do about any other section of the enforcing authorities. Local government officers complain about beer bottles and want a general deposit to be equal across the board. But, how many of them actually take action to apply the penalty? Nice green and white signs are erected stating that littering in the area concerned attracts a $200 fine, but that is it. Nothing happens!

Why does not the Parliament say that we want the law enforced? I would like to see it enforced? If I offend, I will pay the penalty. A parking inspector the other day got me for a parking offence because at a service that was held for the beginning of this Parliament somebody spoke for too

long. Instead of putting the money into the collection tray, I suppose I can now send it along to the Adelaide City Council. But I broke the law: I parked for too long because somebody spoke for too long, and that was it.

An honourable member interjecting:

Mr S.G. EVANS: I will pay it. I do not do what some other parliamentarians do and plead the case that it was an important function and therefore I should not have to pay. I did not even litter the street with the parking notice, although at times I am likely to do so if I get angry enough. If I did that, I would be liable to pay a fine for littering, if the inspector was prepared to fine me. However, inspectors are not prepared to do so.

I return now to the casual environment in which people are just driving or walking along in small numbers where there is not a lot of excitement. I do not know whether this happens as a result of one's imbibing alcoholic fluid, smoking something that has an effect on one, or just by one's being around other people. In that casual environment, our community has in the main responded well to the education program. People have learnt not to litter, and all the figures used by the member for Bright cannot be tied to the deposit figures on containers to prove that there is less litter.

When we brought in the deposit system an intensive campaign was conducted throughout the State. It was backed by KESAB (which was backed by industry and the Government). Also, the education program was backed by the Government through the school system to encourage people not to litter. It is not uncommon for a family unit to travel along in a car and for dad, who has been accustomed to throw his cigarette or something out the window, to be told by his children, 'You should not litter. Haven't you seen the adverts? Don't you know the story?'

We have been successful, so Government members should not attribute to deposits all the change in and stabilising of the litter stream. I am not saying that deposits have not had an effect, because they have. But, there has been a combination of the two systems, and we need to be conscious of that. There is one area about which I laugh in the whole system. The can attracts a 15 cent deposit, but bottles, which really create a worse problem in the litter stream because they can be damaging to humans (particularly children) and animals, have a different deposit. The can is probably the greatest container ever created for carrying something safely—whether it is carried in the boot of the car or in a bag in a shopping centre. Alternatively, one can drink from it when sitting on concrete or rocks, because it will not break if dropped. Also, the can is much cheaper to cool because it is thinner and refrigeration costs are less. It also costs less to transport because it is so light.

The position is laughable when we say that we put a higher deposit on a can than on a glass container. I know the reason for the difference but, when we look at it logically, the position is hard to justify. I support the legislation in the sense that we are now in the game of deposits. As I said when the legislation was first introduced, it would not be the end because we would have to put deposits on all containers. They will be put on cardboard containers; otherwise, those involved will be forced back to other types of containers. It will also end up on some plastic containers. I will support it, not with enthusiasm, but because we are in the system and there is a problem in the community.

Previously, with the member for Coles and others, I raised the problem with the media but we did not proceed with the story because we heard that Government was going to bring in this Bill. However, the problem involving Island Cooler and Tooheys stubbies was brought to my notice by people in the scouting movement. They were picking them up but could not get rid of the confounded things, because they did not know from what shop or hotel they had been bought, and they had to be returned to the point of sale in order to obtain the deposit. That was the humbug with them.

I would not be at all surprised to find that we have been successful through this move in getting interstate operators virtually out of the market temporarily. However, I would be amazed if the South Australian brewery was not that big a goal and that lucrative and isolated an operation that within two years or less (based on something I have heard on the grapevine) there was not some takeover bid in relation to it.

Mr Ferguson: You wouldn't have to be a genius to work that out.

Mr S.G. EVANS: I did not think of it; someone put it to me. The member for Henley Beach may be a genius; I do not claim to be. It was put to me that it is the beginning of another takeover process because other companies will not be able to operate successfully in the market under the conditions that are laid down in this Bill. I have no shares in a brewery in this state or elsewhere. The brewery has been successful. I have had my little clashes along the line on certain issues, because I do not like the monopolistic system and the way in which they work hotel leases. I had a shot at that once in a *Sunday Mail* article. It is what I genuinely believed.

Mr Ferguson interjecting:

Mr S.G. EVANS: The principle under which they operate does not cheer me because of the type of leases involved. They get extra rental based on the entrepreneurial skills of the person running the hotel. In other words if the hotel is run down and a man and woman have the capacity to build up the trade they are charged a higher rental. That principle does not appeal to me. However, I am straying from the Bill. I merely state that I have had a clash or two along the way.

I respect the company and also Coopers for the way in which they have successfully operated in this State and kept equity in this State. They have helped to promote sport and assisted in many other fields. I respect them and thank them for that. Those companies were placed in a difficult situation by the way in which other operators were working, and for that reason, and that reason only, I support the legislation as it is. It straightens out the problem.

Although I know that the Minister will not accept it, I support the concept of a select committee. I do not seek to be on it. I have been through the mill. I have been overseas on a trip that was paid for by the industry, and some people might say that I have a biased view. I would not seek to be on a select committee even if one was set up or if I was asked to go on it. I hope that Parliament sees the benefit of having a look at the overall situation.

I finish on this note: if one looks at the figures used by the member for Bright, one sees that he talks about the increase or decrease in the amount of litter. What happened when we brought in the deposit legislation? We had a massive increase in this State in cardboard carton litter and a decrease in other more conventional containers. That is what the industry will do: it will keep on finding another method of containing drinks to get around the deposit system until we have deposits on all containers, or some industry regulated system or Government backup with no deposits. It will involve one of those two positions. I support the legislation.

Mr OSWALD (Morphett): I want briefly to make four points. First, I second a move for a select committee. It is eminently sensible and will give an opportunity for individuals and the industry to come forward and put their position once again. Secondly, on the question of the 48c a dozen deposit, I believe that the figure should be 60c. I would like

to see a flat 5c deposit across the board. Thirdly, on the question of a 15c deposit on cans, I believe that is wrong: it should be 5c. Finally, I will support the legislation.

Mr BECKER (Hanson): Over the last 15 years I have had the opportunity to represent three of the most popular seaside beaches in South Australia, and it has enabled me to understand and appreciate the problems involved regarding various drink containers. In my area are Brownhill Creek, Sturt Creek and part of the Patawalonga basin. When one visited such areas in the 70s one saw huge amounts of litter created by various drink containers. It was therefore necessary for action to be taken to introduce deposits on certain beverage containers in order to curtail the litter problem.

At that time it was agreed, and the seaside councils promoted and wanted a deposit on drink cans. It was always accepted that what has been known as a pickaxe bottle was half a cent, or a halfpenny in the good old days. However, the fast growing market at that stage was the drink can. So, a 5c deposit was put on the drink can, contrary to the wishes of the industry and contrary to the wishes of the retailers of the various types of drinks. However, what nobody appreciated was that some 300 jobs were lost. I think one company curtailed its operations at Port Pirie, and certainly another company transferred its operations interstate. So, I am mindful of the impact that this type of legislation would have on the industries involved.

Again, I remind the Government to always consider the economic impact of its legislation. I maintain that we should have written into our legislation (indeed, our Constitution) that there should be no new legislation unless there has been an economic impact statement. So, the member for Coles, in promoting the idea of a select committee, is getting around to giving all sections of the industry—retailers, marketers, manufacturers, everybody else involved in drink packaging—the opportunity to present to a committee of the Parliament—and let us be honest, it is the cheapest form of any inquiry that could be held—information so that we can ascertain what should be done.

I cannot support the idea of a 15c deposit on a can. I know that I have written to the Minister of several occasions asking for something to be done about the litter on our beaches, but drink cans are not the problem. One rarely sees a beer can, let alone a cool drink can, on beaches or in the streets of seaside suburbs. As a matter of fact, I have not seen a can at Glenelg North, Glenelg, West Beach or Henley Beach South for months. Of course, at Henley Beach South we have the Henley Beachcombers, who do a magnificent job during the summer months. The member for Henley Beach is a member of that group, whose members, he would testify, are environmentally conscious citizens. It is a voluntary organisation concerned to ensure that our beaches are kept in excellent condition.

At West Beach, we have two citizens, who wish to remain anonymous, who patrol the beach at about half past five or six o'clock in the morning and pick up any litter that is left there. These people have reported back to me on numerous occasions that the only real problem litter, apart from some paper, a few milk cartons and icecream wrappings, is the stubbie bottle, and the worst offender of the stubbie bottle is that horrible brew made in Victoria called Fosters, which seems to be the most popular stubbie sold through retail outlets. Anybody who went to the Australian Grand Prix would have witnessed the volume of sales of beer stubbies at the hotel on East Terrace. Stacks and stacks of cartons of this horrible Fosters stuff were standing on the verandah, and one can understand the problem that is growing in the community.

We in the seaside suburbs are getting a little sick and tired of having to pick up broken bottles and litter brought in from interstate. If there is to be some impact on the environment, I suggest a 15c deposit on stubbies that come from interstate. We do not want them. There has not been a reduction in the amount of glass on our beaches, even though the Henley Beachcombers go out every weekend and two people patrol daily at West Beach. I was so concerned that I approached KESAB, because I believed that it was not doing its job. I said, 'I am a bit worried about this. Are you getting sufficient funds to do what we expect you to do, and are you getting the support of the seaside councils?' KESAB informed me that it had devoted a lot of energy to trying to maintain a glass and bottle free area, but it is not satisfied with the results by any means.

Those people believe that the problem will not be arrested by a deposit on beer bottles and that the current return or reimbursement of 50c a dozen or 4.16c a bottle does not solve the problem. A higher deposit would certainly be an improvement factor, but obviously the problem will not be solved: the person to whom I spoke believes that bottles are left by people who enjoy themselves and cannot be bothered to pick them up.

The trouble is that the stubbie is heavier than the aluminium can. If we bump a bottle and break or chip the neck, the deposit is lost. Perhaps one way of overcoming the deposit situation would be if a deposit was reimbursed even if the neck of the stubbie was chipped or cracked. It has been found that people, particularly scouts or community organisations, prefer not to collect beer bottles, because they are too cumbersome. They break if they are not collected with care, and they are messy and dangerous, whereas cans are light, they can be put into a plastic bag and compacted, and they retain their value. There is an argument for the steel can as compared with the stubbie bottle.

Various other reasons have been mentioned by people in KESAB and the seaside councils, but the councils admit that the broken beer bottle is the problem—not the 750 ml bottle but the stubbie. I ask the Minister and the Government to further consider the impact of this legislation, because we are taking the wrong path. I saw what was probably the most ridiculous thing that I have ever seen in my life when I visited the local bottle shop at the Glenelg shopping centre the other day (and it is well known to the member for Morphett) and asked what XXXX is like.

Mr Baker interjecting:

Mr BECKER: It is well known to the honourable member because it is in his district, not because he patronises it. I have never seen him there. I went to the bottle shop because both of us know the proprietor and, if one wants an independent assessment of the impact of this legislation, one knows that he would give that assessment. He was selling interstate beer. If anyone buys two dozen bottles of this terrible stuff that comes from across the border he is given a lot of little stickers that he is supposed to put on the stubbies so that when they are empty the 5c deposit can be collected. The proprietor has no facilities for collecting and storing the empty bottles, and that is the case with most bottle shops or liquor stores.

Storing empty bottles is a nuisance. Nothing was worse than having to keep a bottle stack outside at the back of a hotel. It was hard to secure such a bottle stack, because one could pay someone for three or four dozen empties, perhaps then serve a couple of drinks at the bar, and then find that the person had returned with another couple of dozen empties, and one would not know whether the person had been back to the stack and pinched another couple of dozen empties and started all over again. If the Government is going to insist in this legislation on getting rid of non-returnable bottles, I suggest that bottles should be returned

through the marine stores, as occurs now with cans. Currently there is insufficient space in most liquor stores. Most modern drive-in bottle departments of hotels do not have the facilities to collect or handle non-returnable bottles. The marine store dealers are the best people to do it.

Secondly, the Minister should know and understand that insisting that outlets take back stubbie bottles could pose a health risk. No matter how hard one tries, one cannot completely drain every little bit of liquid and smell from a beer stubbie. That can only be done by washing them out, and the average citizen, responsible as he is, will not wash out an empty bottle or a stubbie before taking it back to the retail outlet. The soft drink bottles that people return to the main supermarkets, such as Woolworths, K-Mart or Coles, have screw tops on them. Therefore, there is some guarantee that cockroaches or other insects will not get into the bottle. But there is no such guarantee with a stubbie. The Minister and his departmental officers have probably not thought of that. So, the first problem is that immediately a health problem would be created in these liquor stores, as can occur in hotels.

Secondly, marine store dealers of course, are licensed to handle these tasks, and I think that they would be the best people to deal with the matter. They can handle any health problems and are licensed by the local council to operate. We will not get rid of the problem of broken glass on surburban streets. Last Sunday the milk carton regatta was held on the Patawalonga. That event is a nuisance the for residents down there. It might have been delightful for the 25 000 people who saw it—

Mr S.J. Baker interjecting:

Mr BECKER: Of course, that is what my wife says, too. However, we have to put up with the noise, rubbish and inconvenience involved. One has to travel 3½ kilometres out of one's way to get out of the local residential area. On that occasion stubbies were left in the gutter and were broken against stobie poles. The broken glass in the streets and the bottles left on our footpaths are a curse. If we could get rid of them and replace them with cans I would be delighted. Cans are the best type of drink container as far as subsequent collection is concerned. They still entail a 5c deposit, but one does not see drink cans left anywhere on our streets or beaches. That situation also pertains to those two litre plastic bottles—one does not see them lying around.

The Hon. D.J. Hopgood: PET containers.

Mr BECKER: Yes, whatever they are. It would not hurt the Minister to take one step backwards on this matter, and to call for an economic impact statement. As I said, I understand the problems that all sections of the industry are experiencing. I would not like to give my endorsement to legislation that will cost jobs. We went through that experience many years ago: 300 jobs were lost when deposits on cans were introduced in this State. I have never seen the litter through cans in Sydney or Melbourne, as far as that goes, so I think that they have overcome the problem of having the cans collected there and compacted by various charity groups, the Scouts and community minded citizens. We have the 5c deposit; therefore, it works, but to put 15c on a drink can, a beer can, to me just does not make sense.

How can the Labor Party justify to the average worker that every time he buys two dozen stubbies to go to the football or the cricket he is up for an extra $2.40? It is simply not on. We will see that these horrible glass stubbies are going to be found all over the metropolitan area. That is why I think it makes absolute sense, as the member for Coles has stated this evening, to have a select committee. Another few months is not going to make any difference, and I believe that in the meantime the Government can use its regulatory powers to stop these horrible bottles coming in across the border.

The SPEAKER: If the Minister speaks, he closes the debate.

The Hon. D.J. HOPGOOD (Deputy Premier): I would like to thank honourable members for the attention they have given to this very important measure. I have to say that I think that the Opposition is trying to have a bob both ways in relation to this matter. Members opposite have indicated their support for the measure in general terms. They are raising a series of problems about the Act in general which, were they as serious as is suggested, would have been things that I would have thought would have been brought before their then Minister, the present member for Heysen, even so long ago as when they were in government. The things that have changed as far as I can see in the market and in the industry over those three years are largely things which are of very recent moment and things which are being addressed in the Bill which we have before us and which members opposite largely support, unless they are those other matters to which I referred when I announced the Government's inquiry last year and to which members really have not referred.

The change which has occurred and which has created an element of anachronism in the Act has been the movement of certain types of beverage containers right out of the traditional metal/glass areas altogether into plastics and waxed cardboards and that sort of thing. Members were, for the most part, silent on those matters and, in suggesting that there is a good deal of confusion and inconsistency in the Bill, were still largely confining their remarks to the traditional glass/metal area. I would suggest that the Liberal Party probably needs to sort itself out quite considerably as to certain fairly basic questions in relation to the beverage container legislation, and then perhaps we can determine whether in fact there are matters that need addressing by way of select committee, whether or not indeed it is possible to get to a bipartisan position on these particular matters.

I do not think it is good enough (in fact, it is somewhat of a cargo cult mentality) to be saying, 'Well, we think there are problems, so let us have a select committee so that they can be sorted out' because that appreciation may not be shared by the community in general or by the Government. What the Liberal Party needs to sort out is this: firstly, the desirability of the glass container. In this connection, does the Liberal Party accept the basic philosophy which is written into the Act? I listened with a great deal of interest, and I am confused as to the stance of members opposite as to glass containers. On the one hand they are saying they accept the basic thrust of the legislation, which legislation makes it perfectly clear that the Parliament of this State has decreed that there should be a bias in the system or incentives in the system for glass containers, yet on the other hand they talk about the desirability of metal containers.

The clearest exposition of this was given by the member for Davenport, when he talked about the fact that metal containers obviously cool down more quickly than glass containers because of the thickness of the material and because you are dealing with a conductor rather than an insulator. He talked about the fact that metal containers do not break, except under extreme stress, and, when they do, they provide a less dangerous package than does glass. On the one hand we have members opposite who suggest that perhaps glass is not a desirable container and, on the other hand, they are prepared to underwrite legislation which has made it perfectly clear since 1977 that we provide an incentive for industry to stick to glass. I will expand on that a little further.

I do not know why Parliament should provide some sort of committee for the Liberal Party to get itself straight on that matter. Surely the Liberal Party has resources available

to it to determine its policy stance on this issue. I am also very confused as to the Liberal Party's stance on the desirability of point of sale refunds, which are in the Act for a particular environmental purpose. Do members opposite support that environmental purpose? Do they or do they not support point of sale refunds; or do they want to make certain distinctions? The Liberal Party had three years in office in which it could have, if it wanted to, wiped out point of sale refunds and done some sort of deal with the industry as to a different means of recycling certain types of containers. It did not do that; it was silent on this matter.

Thirdly, I think it is very confusing for members on this side to try to determine from members opposite what they see as the role of the Government as opposed to the industry in this system. What is the role of Government and what is the role of industry? I know that a select committee might be able to address itself to the three central problems. However, I am not sure why it should do so when the Liberal Party itself should be perfectly capable of sitting down and working out a consistent position on all three. It may come eventually to an accommodation of the Government's position on the three matters — and it may not. However, at least we can then have clear and sensible dialogue on the three matters.

In relation to the track record of select committees—without in any way breaching privilege, or without in any way reflecting on the capacity of members of Parliament here or elsewhere to be able to grapple with the great questions of the day—the track record of the most recent select committee which looked into beverage container legislation (that set up by the Victorian Parliament) is one not to inspire confidence. I understand that that committee created some sort of record for the mileage covered. It sat for a very long time indeed and it finally came up with a system which I personally would find most discouraging indeed.

I will return to the matter of the select committee a little later. I suggest, because I do not want simply to criticise members opposite, that there are five basic areas of principle about which I thought we could have agreed and from which the basic thrust of the legislation flows quite logically. I will take a minute or two to share the five assumptions with honourable members. If they disagree with any of the assumptions, let them say so; if they do not, it seems to me that the Government's position on the legislation flows quite logically.

The first assumption is that beverages, and in particular certain beverages, create litter problems because they are consumed in the wider environment and the containers have to be disposed of in some way. That is why we do not have deposits on the packages for men's shirts—I have heard that advocated from time to time—because for the most part we do not take that container to Henley Beach, unwrap the shirt and put it on there. That is something that is done in the home and the package can be disposed of through the normal litter system. However, a large element of consumption of beverages occurs in the wider environment and therefore there must be some means of ensuring that the packages are disposed of in an environmentally responsible way. That is the first assumption, and I do not know that too many people will argue with it.

The second assumption is that some beverages modify, often drastically, human behaviour and may diminish the sense of responsibility of those consuming them, thereby increasing the chance of littering in the environment. It would seem to follow that there may be circumstances in which we might want to discriminate not only between the packages but the contents with which we are dealing. The third assumption is that environmentally we have two goals: we want to minimise litter and also minimise resource and energy use.

The Hon. Jennifer Adamson: That is exactly what I said.

The Hon. D.J. HOPGOOD: I am glad that we are unanimous thus far. Let me continue. I also assume that we would say in pursuit of what we have been talking about, that recyclable containers are environmentally preferable to throwaway containers, because the material is reused. Further, reusable containers are environmentally to be preferred to those where only the material is recycled rather than the whole container being reused. Now that would seem—

Mr Ingerson interjecting:

The Hon. D.J. HOPGOOD: I think that I lost the member for Bragg at that point.

Mr Ingerson interjecting:

The Hon. D.J. HOPGOOD: I do not think it is. Obviously, the honourable member disagrees with me; that is interesting and I am not quite sure why. It seems that that is perfectly logical. There are those people who talk about how, in the old days, one went down to get one's cream with a pitcher. That domestic utensil was reused over and over, for some 20 or 30 years.

Mr Ferguson: I had a billy can.

The Hon. D.J. HOPGOOD: The member for Henley Beach had a billy can and might still have it, for all I know. Environmentally that is possibly the best container with one exception and, that is, the icecream cone where one consumes the container, which completely takes care of the environmental problem. Let me conclude. The fifth basic set of assumptions, with which I would have thought all environmentally conscious people would agree, would be that there are three possible approaches to securing these general goals. The first is education, but that does not always work to the extent we would like it to. If education worked no one would smoke any more. The second is punitive action. Again the perceptive member for Davenport has pointed out some of the problems about that, except that I do not think he followed right through the logic of what he was saying, because it is simply a resource matter. These poor benighted local government people who have to implement that legislation simply do not have the resources to be able to fine everyone who drops a lolly packet. Finally, we get to what the Act talks about—that is, incentives to return to some place or other where the material can either be disposed of in an environmentally sensitive way, or preferably, in terms of what we have been agreeing on, the material can be recycled or reused.

It seems to me that if we accept those five principles then the basic thrust of the legislation follows quite logically, and I do not understand what the real confusion is in the minds of honourable members. The member for Coles—and I thank her for the consideration she has given to this matter—talks about the community interest. I am afraid that what she indicated by her discussion in this matter is that the community interest is shot through with a series of contradictions.

There are the particular interests of producers, consumers, local government, environmentalists and all the rest of it, but this is environmental legislation. It has been brought down for an environmental purpose and attempts to enshrine those two basic environmental conditions that I laid down a minute or so ago: first, resource re-utilisation and minimisation of energy input into what, after all, is only a container and, secondly, minimisation of litter and an incentive to return where litter actually takes place. Let the Liberal Party tell us where it stands in that particular matter.

I want to close with the matter of the wine coolers. There was confusion in some parts of the industry when the wine coolers came in whether they were subject to the Act, because they contain wine, and containers for wine are not subject to the legislation. That is reiterated in the Bill we have before us.

It is clear that what we are dealing with here is a carbonated beverage and not wine as understood under the legislation. Therefore, I recently wrote to the industry and indicated that the cooler was subject to 5c deposit at point of sale. I do not think we can look at a 15c deposit at point of sale, as some sections of the industry suggested. I know that is not what the Opposition is suggesting. We have gone from a situation in which in some people's minds there should be no deposit, to a situation in which there is 5c deposit at point of sale. It is a very recent situation that has developed, and I would prefer to observe that continuing setup for some time to determine whether what has been provided is appropriate. As to the return system, given that 5c deposit, that is subject to an amendment by the member for Coles, and I will address myself to that matter when that comes up.

I should mention one other matter, although the honourable member is not currently in his place. The member for Semaphore asks for a justification of the 15c deposit on the throw-away containers, those that are only recycled, not reused—the one-trip containers. It is a fairly simple situation. This legislation provides for a 4c deposit on reusable beer containers. When the original legislation was brought down, effectively the industry was offering 1¼c per container —15c a dozen—but the legislation provided for 5c for the non-reusable containers. We are simply restoring the ratio between those two types of container that existed at the initiation of the Act, and in doing so are ensuring that the desires of the Parliament of 1977 for a reasonable incentive for reuse should be preserved. I commend the Bill to the House.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

The Hon. JENNIFER ADAMSON: If the Bill is enacted there will be costs inherent in its implementation as far as producers are concerned, notably in respect of conforming with clause 6, which requires the identification of the deposit level on the label. What will the time scale be to enable the producers to conform with the Act? Also, I am aware that the costs to the producers of conforming with the Act will be significant, since they will run into tens of thousands of dollars. I imagine their significance diminishes when compared with the market share that they are losing as a result of inequitable trading conditions in competition with their interstate counterparts. Nevertheless, tens of thousands of dollars is a significant impost, and the industry should obviously have time to absorb those costs. What time scale has the Minister in mind for the proclamation of the Act?

The Hon. D.J. HOPGOOD: That is yet to be determined. The honourable member probably knows that I am having discussions with the industry. I will be talking to a section of the industry tomorrow afternoon about aspects of this. Obviously, there will have to be a reasonable time for the industry to adjust to the new situation, and it really will depend very much on the outcome of those negotiations. The Government understands that time will be needed to enable the industry to modify its operations and be able to take account of this Bill, if it is passed into law. It will be sensitive to that.

Clause passed.

Clause 3 passed.

Clause 4—'Interpretation.'

The Hon. JENNIFER ADAMSON: I move:

Page 1, after line 29—Insert definition as follows:

'low alcohol wine-based beverage' means a beverage—

(a) that contain wine;

and

(b) that at 20° Celsius contains less than 6 per cent alcohol by volume:

In the second reading debate I stressed the importance of this amending legislation in taking account of problems that have arisen as a result of the Minister's letter to the wine industry indicating that wine coolers are subject to a 5c deposit at the point of sale.

I understand that the Bill as it stands could, in respect of a clause that we have not yet dealt with, give the Government power to do what the wine industry wants, namely, ensure that wine coolers are treated in the same way as cans, that the deposit is built into the wholesale price and that the containers are disposed of at can collection points. The wine industry has put that proposition to the Minister. The fact remains that the Minister did write to the industry, and the industry now has this imposition placed on it and wants it removed.

I also understand that this definition, which is linked to the substantive amendment to clause 5 to which I will speak at greater length later, is designed to ensure that there is no doubt whatever about what is a wine cooler. For the purposes of federal legislation, wine coolers are treated as a wine—as alcohol. Under this legislation, wine coolers are treated as carbonated drink. Between the two, producers could no doubt take the Government to court, but that would be costly and undesirable. It is far better to clarify the situation by inserting a definition that leaves no doubt in anyones mind about what a wine cooler is.

The explanation of the definition is linked to the definition of low alcohol beverages in the Licensing Act, which identifies an alcoholic beverage as being one that at 20 degrees Celsius contains 8 per cent or more alcohol by volume. There seems to be a grey area or hiatus between the 8 per cent and the 6 per cent, but my advice is that the 6 per cent alcohol by volume is the one that is applicable, and therefore I move that this amendment be agreed to.

The Hon. D.J. HOPGOOD: The honourable member is talking about possible challenges in the courts. Of course, anybody can challenge any legislation any time in the courts and that is understood. As I understood what the member for Coles said, it was that we could be subject to challenge in the courts because, under this legislation, this particular product is a carbonated beverage, whereas under the Licensing Act it is clearly an alcoholic beverage. I submit that that just does not follow.

I can think of many examples where legislation treats something or other as being in a particular category and other legislation treats it as being in another category and people understand that. There is certainly no defect in law as a result of that. I suppose that one example that comes to my mind as a resident of the outer suburbs is that, from time to time, what has been defined as the metropolitan area has been quite different from one Act to another. The member for Light would be aware of the differences, I think it was under the Industrial Code, dealing with the hours of retailing, where parts of the outer metropolitan area were treated as being the metropolitan area, but under other sorts of legislation, say, the Country Fires Act, they may be in a different category altogether. Because there may be inconsistency between Acts, it does not necessarily follow that there is a defect in law.

If the honourable member is trying to help me to ensure that there is no challenge, I thank her. However, as administrators of the Act, it has never been any problem to us that a beverage such as this is a carbonated beverage and therefore subject to the requisite clause of the parent Act. I think that any such challenge would be very unlikely to succeed. I am prepared to take further advice on this matter and to determine whether, in another place, my colleague representing me should introduce a Government amendment for a definition which would put the matter beyond doubt. I would prefer not to accept her amendment at this

stage, because I am also concerned about the specific prescription of the 6 per cent alcohol by volume and I believe that that will produce an inflexibility in the legislation that we may regret later on with this very changing scene that we have. The honourable member has canvassed something that may arise later about the way in which the deposits on these things would be covered, but I simply make the point that in our correspondence to the industry we have again provided a scheme which gives some incentive for industry to move towards reusable containers. One significant segment of the industry in this State, the people who market the St Tropez wine cooler material, have indeed decided to use what is a beer bottle in marketing this product.

The Hon. Jennifer Adamson: And it's owned by a brewery.

The Hon. D.J. HOPGOOD: Of course, and in so doing it is able to provide for the lower deposit and the return through the normal marine store dealers. That is an avenue open to other manufacturers, should they wish to do so, and I am sure that they can make the appropriate arrangements with the bottle company. The amendment would remove the advantage that these people have who have already exercised their rights to move into reusable containers. I again make the point that I am worried about the inflexibility of the definition. I am prepared to take further advice and determine whether, in another place, a definition should be written in.

The Hon. JENNIFER ADAMSON: The Minister's remarks towards the end of his statement are accepted, but what he said at the beginning was sheer obfuscation. The fact that the legislation might be subject to challenge was quite incidental to my principal argument—as I made clear—that wine coolers should be brought within the ambit of the legislation so that the present difficulties being experienced in relation to wine coolers can be overcome. The Minister says that it is no problem to the administrators of the Act that wine coolers are not defined presently. Well, it might be no problem to the administrators of the Act, but it is a very big problem to the manufacturers of wine coolers, and surely that is what we are supposed to be concerned about here: litter control and the economic impact of decisions that we make in respect of litter control, and the two are inseparable. As the member for Hanson said, one cannot just look at litter control without taking account of what is happening in terms of its economic impact.

The Minister's remarks about St Tropez cooler simply highlight the illogicality, inequity and injustice of what is happening. On the one hand, St Tropez cooler is produced by Seppelts, which is owned by the South Australian Brewing Company and which sells that product in the same refillable bottle that is used for Southwark Premium beer. The virtually identical or very similar product in another bottle is subject to deposit at the point of sale and redemption at the point of sale and that is what is causing the problem. So, there are identical products in different bottles, and the Minister says that St Tropez would suffer a trading disadvantage if the identical product in another bottle was brought within the ambit of the legislation so that there was no deposit at the point of sale or redemption at the point of sale. On the other hand, he can blithely argue that he can bump up the deposit for beer which is a different product from a soft drink but which is sold in the identical can. That is a really convoluted argument.

Leaving all that aside and taking account of the fact that he is willing to talk to the wine industry, I simply want to reinforce the point of the importance of those talks by quoting from an article by Richard Farmer which was entitled 'Heard it on the grapevine' and which appeared in the *Australian Gourmet Magazine* of February 1986. The article talks about the growth industry which has developed around wine coolers that he describes as being nothing short of a phenomenon:

> If some would argue that it's got little to do with wine, it can't be denied that it's of considerable importance to the Australian wine industry.

And I would add that it is of importance to the South Australian wine industry, which is the principal producer in Australia. The article continues:

> The mixture of white wine, carbonated water and fruit juice has really caught on. It is light and refreshing, and part of the appeal seems to lie in the relatively low alcohol content.

The article goes on:

> At 4 per cent alcohol by volume, West Coast Cooler is about one-third the strength of the average bottled table wine.

Further on, the article states:

> One of the problems of the Australian wine industry is an excess of grape production. Hanging over the heads of wine companies has been a surplus of what are described multi-purpose grapes—grapes that can either be used for dried fruit or turned into wine.
>
> The dried fruit market has been particularly poor in recent years. However, the continued growth in Australia of wine consumption has not been able to absorb all the fruit available for crushing . . .

Thus wine coolers have suddenly emerged as the answer to the wine industry's prayers. It is for that reason that the Opposition is urging the Government to acknowledge wine coolers by definition in the Act that puts beyond doubt that they are a product that is separate and distinct from carbonated water and separate and distinct from wine which, under clause 5 of this Bill, ensures that the containers of wine are not subject to this Act, and none of us would want them to be.

I venture to say that any Government in South Australia that required them to be subject would find itself in very hot water—or boiling or mulled wine. I accept what the Minister said in the latter part of his remarks, so I will not go further. It appears that he intends to find an acceptable definition that puts beyond doubt the inclusion of wine coolers in the legislation.

Amendment negatived.

The Hon. JENNIFER ADAMSON: This clause with its definitions raises questions that concern the soft drink industry. With an increase on beer can deposits from 5c to 15c, what will be the effect on the soft drink industry given that comparative sales volumes are six cans of soft drink to one can of beer? The Minister gave an assurance in the second reading stage that the soft drink industry would not be included under this measure, but I am sure he can imagine the apprehension of soft drink manufacturers who presumably take a logical approach to these matters and who realise that a can is a can, whatever is printed on the label.

Mr S.J. Baker: They are standard. They are all the same size.

The Hon. JENNIFER ADAMSON: They are. I accept the validity of the Minister's statement that the contents of a beverage container can influence the behaviour of the user of that container and that that must be taken into account. We on this side also appreciate that the reason for increasing the deposit on beer cans has as much to do with ensuring that interstate brewers are deterred from competing on the South Australian market as it has to do with litter control—in fact, I would say it has more to do with the former, and I challenge the Minister to deny that that is the case despite his somewhat denigratory remarks in his reply to the second reading.

There is a strong sense of logic on this side when it comes to the application of this legislation. The soft drink manufacturers have real fears that need to be allayed, and I have no doubt that the conservationists, who may not always

appreciate the commercial situation and who are looking only at environmental issues, will simply look at this differential between soft drinks and beer in cans and say to the Government, 'This is an intolerable situation. You can't allow it to continue.' I would like the Minister to respond to the fears of the soft drink manufacturers.

The Hon. D.J. HOPGOOD: I think that the honourable member is being a little patronising towards the environmental movement with which I would imagine she would be trying to achieve some accord right now. However, I should say that the honourable member traduced me somewhat in relation to the previous clause. Obfuscation never, pedantry occasionally: I was only trying to help the Committee. All I can say is that I have discussed this matter with representatives of the soft drink industry, and I have given appropriate assurances. I am not quite sure what I can say beyond that. Decision making is in the hands of the Government of the day and ultimately of the Parliament.

Mr Ingerson interjecting:

The Hon. D.J. HOPGOOD: That means me, and it means the honourable member as well. If I am not talking about increasing the deposit on soft drink cans and the honourable member is not talking about it, who that matters is?

Mr Ingerson interjecting:

The Hon. D.J. HOPGOOD: I think the member for Bragg was late getting into this debate, and I will certainly not respond further to that sort of bait. If we set up select committees and things like that, who knows where they might lead us. All I can say at this stage is that the Government in introducing this legislation has given appropriate assurances to the soft drink industry. I assume that members of the Liberal Party opposite have given similar assurances, and that is all that anyone can do at this stage.

Mr BECKER: We have seen such assurances go bust before. While not related to this situation, I can well remember the situation whereby a retail supermarket at West Beach was allowed to trade 12 hours a day, seven days a week by a Minister of Labour and Industry at the time, and then overnight the Government at that time revoked the relevant legislation. There was a change of Ministers at that time. The Minister who presently occupies the front bench has good intentions (and I do not doubt his intentions at all), but he might be replaced at some stage and a new Minister might decide that he will not continue with the present practice and that it will apply to soft drinks. That is what worries me. Unless a provision is enshrined in legislation there is really no guarantee for the future. The retailer at West Beach learnt his lesson, as he lost tens of thousands of dollars. The member for Coles is quite right in pursuing this point.

The other point I make is that the Minister, in summing up the second reading debate, said that the former Liberal Government had three years to do something about the matter. I point out to the Minister that on several occasions the former members for Glenelg (John Mathwin), Henley Beach (Bob Randall), and Brighton (Dick Glazbrook), as well as myself, all raised this matter in the Party room. The Minister knows that this matter has been raised previously, and if he were to check the correspondence to his department he would find that I wrote a letter not so long ago about this matter of drink containers and bottles being left on the beach. The Minister knows jolly well that we have tried. The Labor Government has been in office for three years, but it did not take three years to come up with this legislation. This legislation has arisen in the past few weeks, and we all know what is behind this move at present. It is a real panic move by one section of the industry. The definition of 'mark' worries me. It is defined as follows:

> 'mark' in relation to a container means mark the container or any label on the container by any method (including embossment).

In South Australia it is well known that the pickaxe label, or the pickaxe mark, which is embossed on the bottle, is the accepted mark. Some number of words indicating that a bottle is returnable is also referred to. I do not know about that. One thing that worries me concerns what I saw the other day: when one buys a two dozen pack of stubbies of the XXXX brand one is given a whole lot of little labels. I think that is wrong; I do not like that at all. If that is not flouting the law, I do not know what is.

However, the definition refers to 'any label on the container'. Even if someone puts the labels on the stubbies, as members would know, if a bottle is packed in ice the label can wash off and float around and it is very likely that the label and the 5c deposit will be lost. I do not like this provision, and I certainly do not like the current practice of these stick-on labels. I would like to see this provision tightened up and perhaps spelt out in more detail. Perhaps the Minister could explain this method of marks and labels a little further.

The Hon. D.J. HOPGOOD: That is precisely what the amendment is designed to do—to ensure that the Government can stop the thumb stickers, as I believe they are called. The normal embossing, crown seal labelling, is a system that is well understood and supported by the industry, and there is no problem. The practice to which the honourable member refers is something which has grown up in recent times. This definition will enable us to rein that in.

Mr BECKER: Do you think this will be satisfactory? I can see problems with it. It is a little sticker that has '5c deposit' printed on it. A smart operator could whip across the border and pick up a couple of dozen bottles of that awful stuff, place a sticker on each one, and someone would have to pay the 5c deposit. I do not like it at all; I think it is too loose. The other definition is the 'refund amount', as follows:

> . . . an amount prescribed as the refund amount in relation to containers of that description:;

Is this where we deal with the amount of refund?

The Hon. D.J. HOPGOOD: I reiterate the point that the 'stick on' label will no longer be allowed; it will have to be on the label itself. Therefore, there is no problem, and the definition makes that clear. As to the final question, yes, this is the provision that deals with the actual quantum of the deposit.

Mr BECKER: The Minister has not yet convinced me about the necessity of placing a 15c deposit on a drink can that contains alcohol. What is the real reason for placing a 15c deposit on a beer can which to me is safer to handle: it will not break or chip and rarely can you can cut yourself on it (although that is possible) and it is recyclable (and so is glass). It is not the environmental problem that we are witnessing today such as the terrible practice of some people that I see happen many times at Glenelg: a car goes around a corner and the next thing someone opens a door and rolls out a stubbie. It is a terrible game indulged in by some young people today. Fortunately, it is practised by a very small minority—but it does happen. The other practice is for someone to get a stubbie and aim it at a stobie pole. Along the Patawalonga frontage of Military Road broken glass can be found at the base of stobie poles or in the gutter. I still cannot see the logic in placing a 15c deposit on a beer can while allowing stubbies to be sold at the same price. There must be some reason for that.

The Hon. D.J. HOPGOOD: People are using the term 'environmental' in a very loose way in this debate, and have been throughout the evening. The legislation makes it per-

fectly clear. If the honourable member wants to go right back to square one to 1977 and rewrite the legislation, let him try it. The legislation makes it perfectly clear that the Parliament of South Australia regards the reusable glass container as the most environmentally acceptable container. Therefore, there should be an incentive written into the deposit system for its use. The 15c system is to restore something near to the relativity between the deposit for the one-trip container and the multi-trip container as existed in practice in 1977 at the introduction of the legislation.

Mr INGERSON: Can the Minister explain simply why there is a difference in deposit between two empty aluminium cans thrown on to the beach—one that contained beer and one that contained soft drink?

The Hon. D.J. HOPGOOD: The situation that we are addressing here results from fairly drastic market changes in the beer industry. There has been no drastic market change in the soft drink industry and this would suggest that there will be a dramatic incursion of containers into the one-trip category. On the best advice I can get it is suggested that without this legislation there will be a fairly dramatic incursion into the one-trip container in the beer industry. If the Liberal Party takes issue with that, then it should be opposing this legislation.

Mr INGERSON: That is a very emphatic statement. Can the Minister supply us with research material in relation to this matter? My understanding is that interstate there is significant use of the recyclable, safe aluminium can in both the soft drink industry and the beer industry. It seems incredible to me that there should not be a consistency in terms of deposit, whether it be for the soft drink industry or the beer industry, because it is the one recyclable can and I suspect it is made in the same industry, probably owned as suggested in recent days, by one of the breweries.

The Hon. D.J. HOPGOOD: References to interstate comparisons are quite misleading because there is no legislation interstate of the type we have in South Australia. As to objective evidence as to changes in marketing, I do not attend at bottle shops and liquor outlets, because, as the honourable member knows, I am an abstainer. He may or may not be. If he goes to liquor outlets he would have observed over the past few months that there has been a quite significant marketing thrust which seems to open up a strong possibility that there will be a drastic reduction in the use of reusable containers in this State without this sort of legislation being in place.

Mr OSWALD: Is the Government trying to create a market place situation by using the 5c amount compared to the 15c amount whereby the sale of glass stubbies of beer will eventually phase out the sale of cans of beer?

The Hon. D.J. HOPGOOD: The Government seeks to do no more than what the legislation has tried to do all along—provide an incentive for manufacturers to use reusable glass containers.

Clause passed.

Clause 5—'Repeal of section 5 and substitution of new sections.'

The Hon. JENNIFER ADAMSON: I move:

Page 2, line 6—After 'liquor' insert 'other than glass containers made for the purpose of containing a low alcohol wine-based beverage'.

In speaking to my amendment I preface my remarks by referring to the Minister's remark that the Liberal Party should get its act together if it thinks that there are problems. We do not only think that there are problems with this legislation; we know that there are problems.

The Hon. D.J. Hopgood: Identify them.

The Hon. JENNIFER ADAMSON: They were identified in considerable detail in my second reading speech. They are not problems dreamt up by the Liberal Party but problems that are perceived as being real by sections of the community whose interests are perfectly legitimate and should be taken account of by any responsible Government and certainly by a responsible Parliament.

In suggesting the select committee approach I was suggesting that the nature of these problems is of such significance that a bipartisan approach is desirable. I am not suggesting that we as a Party have all the answers, but I would be surprised if the Minister suggested that he has all the answers, because all the authorities, including KESAB, have identified the problems as being so complex and interrelated that this Bill is seen by KESAB as being a bandaid measure. That being the case, I for one freely admit that my wisdom is not greater than that of those people who have been operating in this field for more than a decade. I believe that we could collectively benefit from the wisdom of people like those in KESAB and all the other people who have a legitimate interest in this area. I put that on the record as a response to what I think was rather ill-founded and ill-considered criticism.

This amendment may be consequential to the amendment I moved when considering clause 4, but it stands on its own, notwithstanding the fact that the Minister did not accept the first definition clause. This amendment ensures that the legislation brings within its ambit the wine coolers. It does not in any way present the problems that the Minister saw in accepting a definition clause, the validity of which he wanted to test between the passage of this Bill here and its introduction in the Upper House, and I have no argument with that. This amendment, for which the Opposition strongly urges support, is designed to ensure that wine coolers are no longer in that legal limbo in which they now operate. New section 5a (1) provides:

The Governor may, by regulation, exempt containers of a specified description from the application of this Act or specified provisions of this Act either unconditionally or subject to conditions specified in the regulations.

Therefore, it is true that this amending Bill gives the Minister power to do what the wine industry wants done. However, in order to put that power beyond doubt I believe it is important that the Committee support the amendment clarifying the status of wine coolers and ensuring that there will be no further inclusion of them in the carbonated drink category attracting the 5 per cent deposit and subsequent redemption of deposit at the point of sale, which is causing immense problems to the industry.

I will not go back over the ground I have covered in terms of the importance of wine coolers, but I urge the Minister to accept the amendment, which simply facilitates what the industry is wanting and what I gather from the Minister's earlier remarks the Government is at least agreeable to.

The Hon. D.J. HOPGOOD: I make it perfectly clear to the honourable member that the advice I have before me is that, if the Committee accepts the amendment, then it is not mandatory on the Government that something other than the point of sale deposit would be available. The subordinate powers would still have to be obtained by regulation in order for the deposits to be redeemable at a container depot. What the honourable member is urging on the Committee is that something be written into the Act, and it is still dependent on the Government whether or not it will move. I am quite happy to be in that situation. I have always made it clear that to move in such a direction would depend very much on negotiations that are held between the Government and industry.

My assumption has always been—and I believe I continue to be correct—that, in fact, that is possible under new section 5a. The honourable member, therefore, is inviting

us to amend this Bill to provide for something which I believe is already provided in the Bill.

An unreasonable person might well say that the honourable member is, therefore, wasting our time; we need not proceed in that direction. However, I am not an unreasonable person, and since the honourable member's suggestion still leaves me with the capacity to be able to negotiate with the industry about an acceptable system—and, if we cannot get it, to retain the present requirement for point of sale redemption—then I am quite happy with that.

It will be necessary, since I am signalling that I am prepared to accept this amendment that, in fact, we recommit clause 4 in order to accept the honourable member's earlier amendment about the definition. I am given to understand that, through a regulatory process, we can probably work around what I see as problems that could be raised for us so far as the verbiage of that is concerned—the definition of the 6 per cent alcoholic content.

I want to make it clear that, in accepting this amendment, the Government is not signalling that this is necessarily the end of point of sale redemption of deposits for the wine coolers. It is still very much a matter for the industry to come to us and to indicate that an acceptable system can be negotiated. I ask the Committee to accept the amendment.

The Hon. JENNIFER ADAMSON: Before my amendment is put, may I respond to the Minister?

The CHAIRMAN: By all means.

The Hon. JENNIFER ADAMSON: I am pleased that what we on this side of the Chamber see as reason will prevail and that the Minister will accept the amendment. I am aware that the subordinate powers will be required but, nevertheless, I believe that this amendment and the amendment to clause 4—which will be recommitted—provide the foundation on which those subordinate powers can be soundly based. I also recognise that it is only responsible on the part of the Government to ensure through consultation with the industry that appropriate mechanisms exist for return arrangements which will supersede the point of sale deposit redemption. I think that we all accept that assurances should be watertight and in writing, given by the industry to the Government, which can then use its regulatory power. I will not pursue the matter further. I am grateful for the Minister's response, and am certain that the wine industry will be very grateful and also very willing to fall in with reasonable arrangements.

Amendment carried; clause as amended passed.

Clause 6—'Markings, etc., as to the refund amount for beverage containers'.

The Hon. JENNIFER ADAMSON: During the second reading debate I canvassed the difficulty which is foreseen with the 48 cent sum being the redemption for a dozen bottles, and the difficulties with providing change at the point of sale and at marine dealers.

I acknowledge that 48 cents was chosen because it is divisible by 12. I also acknowledge that one of my colleagues recommended 60 cents, which is equally divisible by 12 and simple in terms of providing change. Did the Minister and his officers consider the difficulties and frustrations arising with people dealing with 2 cents change and multiples thereof? If he did, why did the other arguments outweigh the arguments of those difficulties? I presume the Minister is aware that, when returning soft drink bottles there can be a high level of resentment on the other side of the counter because of coping with a lot of customers and missing sales through the inconvenience of handling returns. That will be made worse if an awkward amount in change is required.

The Hon. D.J. HOPGOOD: I apologise for my pedantry earlier. I presume the member for Coles understands that we are now talking about reusable beer containers and so we are talking about an argument that might occur at a marine store dealer. What happens in a delicatessen in regard to soft drinks is not really comparable. It is not quite pedantry on my part. We are not dealing with a *tabula rasa*: we are not deciding from nothing what we should do, we are modifying the situation in which a portion of the industry offers 50 cents a dozen and another portion offers 30 cents a dozen for the respective containers.

The Hon. Jennifer Adamson: They are both round sums.

The Hon. D.J. HOPGOOD: We think the advantage of having the exact amount per container is preferable. Other figures are round sums for a dozen, but what happens if one has 13 containers? We are simplifying the system rather than complicating it. It may not be a perfect system but it is simpler than that from which we are moving. That is our justification.

Clause passed.

Clause 7 passed.

Clause 8—'Retailer to pay refund amount for empty glass containers.'

The Hon. JENNIFER ADAMSON: Under this clause we are increasing the penalty tenfold. How many retailers in the past have been prosecuted for breaching the Act and have been fined? Is it a significant number? Is the deterrent so important that the fine needs to be increased tenfold?

The Hon. D.J. HOPGOOD: There have been no prosecutions because, until such time as the new container came in, there was neither the confusion nor the temptation to evade the provisions. We had a neat system that ticked away well. The system has been destabilised through the introduction of the new containers and there is now considerable temptation to evade the system, and the penalty has been upgraded accordingly.

The Hon. JENNIFER ADAMSON: The Minister referred to new containers, and I take it he was referring to wine coolers?

The Hon. D.J. Hopgood: No, interstate beers as well.

The Hon. JENNIFER ADAMSON: I am grateful for the acknowledgment, not just about interstate beers but concerning wine coolers, that there are problems, that there has been confusion, and it is good to have those statements on the record.

Clause passed.

Remaining clauses (9 to 17) and title passed.

Clause 4—'Interpretation'—reconsidered.

The Hon. JENNIFER ADAMSON: I move:

Page 1, after line 29—Insert definition as follows:
'low alcohol wine-based beverage' means a beverage—
(a) that contains wine;
and
(b) that at 20° Celsius contains less than 6 per cent alcohol by volume:

I refer the Committee to my earlier arguments in support of the amendment.

Amendment carried; clause as amended passed.

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

That this Bill be now read a third time.

The Hon. JENNIFER ADAMSON (Coles): It is always pleasing when a Bill comes out of the Committee stage improved from its status when it entered the Committee stage. I believe that that is the case with this Bill. I am very pleased that the House of Assembly has recognised the

importance of wine coolers to the wine industry in this State and, therefore, to the economy of the State and that the present impediments placed in the marketplace in respect of those wine coolers now have a prospect of being satisfactorily dealt with.

I wish the Minister well in his deliberations with the wine industry and hope that an acceptable solution can be found which will ensure that the wine coolers go from strength to strength to the enjoyment of the consumer and the benefit of the industry in this State.

Bill read a third time and passed.

ADJOURNMENT

At 11.24 p.m. the House adjourned until Thursday 27 February at 2 p.m.