HOUSE OF ASSEMBLY

Wednesday 19 November 1986

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

QUESTION

The SPEAKER: I direct that the following answer to a question without notice be distributed and printed in *Hansard.*

EQUAL OPPORTUNITY ACT

In reply to **Ms LENEHAN** (17 September).

The Hon. G.J. CRAFTER: The question of legislation dealing with discrimination on the grounds of age is something that requires a considerable amount of further consideration. The Attorney-General advises that its ramifications need to be examined before any action can be taken. He advises that there are some difficulties in the area of discrimination against people because of their age and it is certainly not a question that can be resolved very easily. The Government during the last Parliament promoted legislation to establish a Commissioner for the Ageing, who has the responsibility of advising on problems with respect to aged people in our community, and that person also acts as an advocate on behalf of aged people in the community. It is not as though the aged are completely without a point of contact through which their problems can be aired. An amendment such as that proposed would also have resource implications and there is therefore no intention to amend the legislation at this time.

WATER SUPPLY DISTRIBUTION SYSTEM

The SPEAKER laid on the table the progress report by the Parliamentary Standing Committee on Public Works on development of EL 076 Zone Water Supply Distribution System.

Ordered that report be printed.

QUESTION TIME

TELEPHONE TAPPING

Mr OLSEN: Does the Premier trust the South Australian Police Force with telephone tapping powers and, if so, will he urge the Prime Minister to reject recommendations of a Federal parliamentary committee which would prevent State police forces from applying telephone taps to assist in drug investigations? This morning I visited police headquarters to inspect Operation NOAH, and I commend our Police Force for the work that it is doing to pursue drug traffickers. To that end, might I take the opportunity to commend channel 9 for the program that it screened last night in relation to the drug crack, which program had a clear message for many sections of the South Australian community, and I would hope that—

The SPEAKER: Order! While the Chair is sympathetic to the sentiments being expressed by the Leader of the Opposition, I point out that he should restrict himself to factual matters in relation to the explanation of his question.

Mr OLSEN: Thank you, Mr Speaker. In relation to the pursuit of drug traffickers, the Police Force has repeatedly made it clear that telephone tapping powers granted under judicial warrant are a vital tool in this sort of investigation. At the drug summit almost 20 months ago the Federal and State Governments agreed that the State Police Force should be given these powers. This move is therefore long overdue. However, the ALP members of a Federal parliamentary committee are now recommending a modification to this so that the State police forces will not be able to apply taps themselves but, rather, would have to apply through a national monitoring agency. The clear implication of this recommendation is that State police forces cannot be trusted.

I understand that the member for Makin, Mr Duncan, a member of that parliamentary committee, is behind the push to severely limit telephone tapping powers in this way. I invite the Premier to show that he does not share Mr Duncan's distrust of our Police Force by agreeing to urge the Prime Minister to reject the recommendation to place a bureaucratic Canberra controlled impediment in the way of giving our Police Force full telephone tapping powers.

The SPEAKER: Order! The Leader of the Opposition has been here long enough to know when he is straying into comment.

The Hon. J.C. BANNON: As a preliminary matter, I make the point that, when publicising particular drugs and drug practices, one has to be very careful not to extrapolate into an Australian or even a South Australian environment experiences in other parts of the world. Indeed, sometimes one runs the danger of increasing curiosity and desire to experiment or to find aspects of it. I therefore make the comment—

Members interjecting:

The SPEAKER: Order! I call the Leader of the Opposition to order.

The Hon. J.C. BANNON: —that, in terms of handling drug education and publicity around it, I think it is most commendable. I certainly congratulate our media on the way that they have responded so well to this, but I just direct that note of caution, not against channel 9 or any program that it showed, because I did not see the program, but to remind the Leader of the Opposition that he has in fact tried to raise this issue (and he has given quite false information about it) in a way that could lead people to be curious to experiment in our own jurisdiction. We want to keep such substances out of South Australia and we gain nothing by politicising the issue in the way that the Opposition has tried to do. Perhaps basic psychology ought to be a field of study undertaken by members of the Opposition.

As to the question of telephone tapping, our position as a Government was made quite clear at the national drug summit last year. I offered to the Federal Government that, if it were deemed appropriate as part of the national offensive against drugs, we would play our part by ensuring that powers were conferred on a national basis on our Police Force. That has been communicated since then by the Attorney-General on behalf of the Government. What the Federal Government determines to do obviously will arise from its consideration of the select committee report. It established the select committee and it will announce what legislation will be introduced. South Australia will do whatever it is required to do by the Federal Government in terms of that drug offensive. If it means more powers, or subcontracting out, or whatever, then we will be involved in it. I made that clear in 1985 and I have not changed my position.

TOXIC SPILLAGES

Ms GAYLER: My question is directed to the Deputy Premier, in his capacities as Minister of Emergency Services, the Minister for Environment and Planning and the Minister of Water Resources. Can he advise the House as to how Australian States and South Australian authorities would cope if a toxic spillage of the kind recently experienced along the Rhine River were to occur along the Murray River? The European community has been alarmed by the catastrophic pollution of the Rhine after a fire destroyed a chemical warehouse in upstream Switzerland. Mercury, herbicides and other chemicals polluted the river and water supplies at various downstream cities had to be cut to prevent contamination and poisoning of their populations.

Downstream countries have been critical of delayed notification to neighbouring States and their river monitoring authorities and inadequate measures to prevent pollution and make the polluter pay. European Community Environment Commissioner Davis proposes that procedures for reporting oil spills at sea should be extended to inland waterways and involve all bordering States, and that chemical companies should increase their insurance cover. How could the Murray/Darling basin, with four bordering States and 70 adjoining local government bodies, be safeguarded from similar chemical disasters and the threat to South Australia's water supplies?

The Hon. D.J. HOPGOOD: I commend the honourable member for her concern about this matter. I guess that at the outset we have to realise that the Rhine has adjacent to it far more chemical installations than are located in the Murray/Darling basin. There has been information from the Australian Embassy in Berne about the amount of chemicals that were involved in the most recent incident, which is the fourth incident that has occurred this calendar year in Basel, which is regarded as Switzerland's chemicals capital. Very briefly, I understand that the warehouse which burnt contained 1 250 tonnes of agrochemicals, including insecticides; 71 tonnes of herbicides; 39 tonnes of fungicides; four tonnes of solvents; and 12 tonnes of an organic liquid containing mercury. It is claimed that the concentrations of all those materials in the river following the fire were not of a carcinogenic level, but I guess that is something that will require considerably more investigation before we can be sure about that matter.

The only significant concentration of such industries of which I would be aware in relation to the Murray/Darling basin would be in the Albury-Wodonga area, with a far lower concentration than in Switzerland, France or anywhere along the Rhine. However, there is sufficient industrial activity in some of these areas for us to be concerned as to what might happen if an incident occurred. As I am advised, the other States have laid down procedures similar to the those laid down in our blue book for dealing with incidents involving pollution of waterways or other significant forms of pollution onto the land or the water.

The effectiveness of these procedures in the South Australian context was demonstrated with the irresponsibility that occurred in the dumping of agricultural chemicals in Ral Ral Creek some months ago, and I understand that similar procedures can be used in the upstream States. The overall coordination of this matter and notification from one State to the other is in the hands of the River Murray Commission, and Mr Lewis, the Director-General and Engineer-in-Chief of the Engineering and Water Supply Department in this State, is the River Murray Commissioner for South Australia.

I am reasonably confident that most spills could be managed and we would have reasonable warning of the necessity to take whatever action was required to ensure that our domestic water supplies were not polluted in any way. However, in the light of the honourable member's interest in this matter (and, obviously, the interest of other members in this Chamber), I will discuss the matter further with Mr Lewis and the commission to determine whether any upgrading of procedures is necessary.

TELEPHONE TAPPING

The Hon. E.R. GOLDSWORTHY: I direct a question to the Premier. I will wait until he finishes his telephone conversation.

Members interjecting:

The Hon. E.R. GOLDSWORTHY: He might be smart, but he cannot do two things at once.

The SPEAKER: Order! The Deputy Leader of the Opposition will at least ask one thing at once.

The Hon. E.R. GOLDSWORTHY: That is all I had in mind, Sir. Does the Premier agree with the member for Makin, Mr Duncan, that a national monitoring agency rather than the State Police Force is more appropriate to tap telephones to help with drug investigations?

The Hon. J.C. BANNON: Whether or not I agree with Mr Duncan is quite irrelevant. I do not know why Mr Duncan has suddenly been elevated to this great eminence in this matter. I will explain the position. Last year at the national drugs summit I agreed that, if the Federal Government deemed it appropriate as part of the national drugs offensive, we would ensure that the South Australian police have sufficient powers to undertake phone tapping regarding those offences and organised crime. It was then up to the Federal Government—and my Attorney-General conveyed that formally to it—to determine whether or not that is the approach it is taking. In fact, it referred the matter to a select committee, whose findings have just been published. We await the Federal Government's decision. Our views on the matter are not relevant in this instance and the Federal Government will bring down its decision at an appropriate time.

Members interjecting:

The SPEAKER: Order!

The Hon. Jennifer Cashmore interjecting:

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

DRIVERS LICENCES

Mr FERGUSON: Can the Minister of Transport explain what process applies when a driver loses his licence after disqualification for an alcohol related offence? When the disqualification is over, does the driver automatically regain use of the licence previously held? A constituent of mine was puzzled to receive a letter from the motor registration authorities about his status as a licensed driver following his conviction for a drink/driving offence. From inquiries I have made it appears that many people in this position may, in fact, be under a complete misapprehension about what they have to do at the end of their disqualification and I would appreciate advice about the exact position.

The Hon. G.F. KENEALLY: I thank the honourable member for his question. This is an issue that has also been raised with my office by the member for Todd. I thank the honourable member for advising me that he would be asking the question because I think it is such an important question that the advice I give to the House needs to be

correct in every detail. There seems to be some confusion amongst drivers who have lost their licences for drink/driving offences as to their legal status in relation to that driver's licence. I think that confusion needs to be clarified and the issue put beyond doubt.

Where a driver has been convicted of a drink/driving offence the court notifies the Registrar of Motor Vehicles of the disqualification imposed. The Registrar, upon receipt of this advice, sends out to the driver, a notice of cancellation which requires the driver to surrender his or her licence within seven days. The licence, in terms of the Road Traffic Act, is deemed to be cancelled.

Letters are going out from the Motor Registration Division advising drivers who are thought to have completed their disqualification period but have not shown up in the records as applying for a new licence—and that is, of course, the requirement. When a driver's licence is cancelled, that is the end of it—it ceases to have any effect. At the completion of the period of disqualification the driver is required, in terms of the Motor Vehicles Act, to take out a new licence which will be subject to probationary conditions of at least 12 months—or longer, if the court has so ordered. One would imagine that that is part of the penalty.

Some drivers are not aware that their licences have been cancelled and they are being warned in the following terms:

> If you have resumed driving, you may not be aware that you are not licensed to do so. Unlicensed driving is an offence which carries a $200 penalty. In addition, insurance companies are unlikely to pay any claims made by, or against, an unlicensed driver.

After proof of identity is provided, a new five year licence can be obtained for the appropriate fee, which puts the driver back on the road quite legally. So drivers who have lost their licence because of a drink/driving offence should be well aware that, after they have completed the period of disqualification, their licence is not automatically returned to them; they need to contact the Motor Registration Division and reapply for a licence, and they have to go through the probationary period again before they are fully licensed.

LITTER CONTROL

The Hon. JENNIFER CASHMORE: Would the Deputy Premier say how much private sector funding of litter control has been lost to South Australia as a result of the Minister's refusal earlier this year to accept from the beverage industry a proposal which not only incorporated bottle deposits and recycling procedures which the Government has now been forced to adopt, but also provided for significant contribution from the industry towards litter control in this State?

Following passage of the Beverage Container Act Amendment Bill earlier this year, the beverage industry group sought on numerous occasions to meet with the Deputy Premier to present a proposal based on the need to provide both a system and an incentive for the return of non-refillable bottles, which are used for major interstate and international beers, and wine coolers. The system as proposed by the beverage industry group would have assisted resource recycling as well as litter control. I am advised by members of the industry group, who represent major employers in South Australia, that the Minister consistently refused to either see the group or consider its proposal.

One element of the proposal, which was based on a single recycling authority, a series of established collection depots for refund of deposit, and deposits of 6c, was an industry contribution of at least 1c per bottle towards State litter control programs. I am told that such a contribution would have yielded an estimated annual amount of at least $100 000 for use by KESAB and/or other nominated authorities. Can the Minister confirm that his department received such a proposition and, if so, say why it was either ignored or rejected?

The Hon. D.J. HOPGOOD: The only approach to me that I recall was one which was qualified by the condition that we drop our desire to increase deposits. That was not what we were prepared to do. Of course, the system to which the honourable member refers is one that has been in operation in other States for some time, but it is the system that has been used, as it were, by industry to ensure that those Governments did not go into a deposit system. I am not prepared to give any more details of what I am about to say, but the Government has had in recent times an offer for such a system which would not be based on any reduction of the deposits that now obtain, and we are looking at that very seriously indeed.

We were not prepared to countenance any situation in which we would back off from our desire to have a reasonable level of deposits—or, perhaps, no deposits at all, as some areas of industry have enjoined upon us—in exchange for this system. I think it is a system that could work well in relation to those containers which can probably never have a deposit attached to them because of the nature of the material from which they are manufactured, but, as a substitution for the long and well understood and well supported system in this State, certainly not.

STA SERVICES

Mr M.J. EVANS: Will the Minister of Transport give the House an assurance that the STA will be more cooperative in future in providing bus and train services to major public events, such as the RAAF Edinburgh open day? The House will be aware that, last Sunday, the RAAF at Edinburgh staged a very successful open day and air display. Almost 150 000 people attended on the day, and many more had to be turned away because the car parking areas were filled to capacity. Many of these families could have been accommodated at the base if the train service to Penfield had been available and if bus services had been expanded to meet the needs of the public.

RAAF approaches to the STA failed to stir the authority into any public spirited action as the RAAF was unable to meet the full extra cost of the additional services required. Given the massive success of the day, will the Minister assure the House that the policy will be reviewed to ensure that on those few occasions when this type of event is held the STA will be more cooperative?

The Hon. G.F. KENEALLY: The STA is cooperative with organisers of major events in South Australia, and two come to mind, namely, the Grand Prix and the Grand Final, although there are many others. The STA includes in its budget the cost of providing the service for these major events. The request referred to by the honourable member was not known to the STA when it developed its budget, and the sevices provided by the STA during the Grand Prix, as with the Grand Final, are at a cost to the community. The receipts do not cover the cost of the operation, and that applied with the Edinburgh open day.

The organisers contacted the STA and asked whether or not the trains and buses could be made available. They were given a cost of providing those services, which would be reduced by any receipts that occurred as a result of the patronage. Those details were given to the organisers, who rang back later in the afternoon to say that, in view of their

budget constraints, they would ask the STA not to consider any further provision of those services.

Members interjecting:

The Hon. G.F. KENEALLY: The STA has a responsibility to provide a public transport service for the people of South Australia, especially those in the metropolitan area. As I said at the outset, the STA, when notified, budgets for major events. It has done so in the past and it will do so in the future. The last time that the Edinburgh base had such an airshow was in 1979—seven years ago. If it were an annual event, we would include it in the budget. The STA is always prepared to cooperate with organisers. It is not uncooperative but, if in future people such as the RAAF are to be involved in a function that attracts the numbers that were attracted by last Sunday's function, they would be wise to advise the STA in time so that the event could be included in the STA's overall budget. If they do not, the cost of that has to be met by South Australian taxpayers in funding the deficit, and my responsibility, which is loudly echoed by members opposite, is to ensure that the deficit is as small as possible.

An honourable member interjecting:

The Hon. G.F. KENEALLY: The shadow Minister just indicates his ignorance of the cost of running South Australian transport services; we would run them at a loss. Had there been a profit, there would have been no cost to the RAAF at all.

Members interjecting:

The SPEAKER: Order! I call the honourable member for Bragg to order for continuing to interject. The honourable member for Light.

CARRICK HILL PAINTINGS

The Hon. B.C. EASTICK: Has the Premier been able to ascertain whether any Government Minister or senior public servant requested or authorised the Police Department to offer immunity to any person or persons involved in the theft of four paintings from Carrick Hill, and will he advise the House of the progress of police inquiries to date?

In reply to a question from the Opposition on this matter on 4 November, the Premier told the House that only the Attorney-General had the power 'in a formal sense' to authorise immunity, and that the police had 'never' sought to obtain immunity for any person. The Premier also said that, as far as he was concerned, the recovery of the paintings was 'the chief object of the exercise'. Some weeks ago, the Premier said investigations were continuing 'in an attempt to identify the principal offenders'.

Since then, the *Advertiser* has publicly identified one man, a Mr Arthur Wunderlich, who a senior police officer confirmed has assisted police in the recovery of the paintings. In fact, it has been reported that Mr Wunderlich may have asked a solicitor to seek a reward for his role in the return of the paintings. In view of continuing public speculation about the events leading to the return of the paintings, I ask the Premier to answer this question quite specifically.

Members interjecting:

The SPEAKER: Order! I call the Deputy Leader of the Opposition to order.

The Hon. J.C. BANNON: I understand that no immunities were offered, that the police are continuing their investigations, and that the only reason charges have not been laid is that the police have not been able satisfactorily to gather evidence to form the basis of a prosecution.

EDUCATION DEPARTMENT STAFF

Mr ROBERTSON: Will the Minister of Education advise the House whether the Education Department's officers in the Western Area have been prohibited from using motor vehicles, as reported in the *Advertiser* on Monday this week?

The Hon. G.J. CRAFTER: I can advise the House that that is not the case, and it was with some surprise that I read the headline in the *Advertiser* on Monday morning, when I was in Berri with my Cabinet colleagues for a Cabinet meeting. In fact, it was a call from the ABC which alerted me to that story. It is important to put on the record the facts of this situation. There is no across-the-board grounding, as the *Advertiser* reported: that simply is not the situation at all. The facts are that the Area Director has required some restrictions on expenditure as part of proper budget management, and I presume that members of this House, having just recently approved the budget, want us to maintain our budget within the respective departments. It is with some surprise that I learnt of the Opposition's using such inflammatory terms as 'crazy' and 'total lunacy' and of its urging to expend, in fact, more money than that which was budgeted for this purpose in accordance with the wishes of this Parliament.

During the first quarter of this financial year there was an extraordinarily high demand for education services to schools in the Western Area, and a priority of service to the more isolated schools was given. This factor, coupled with some higher costs, such as air fares, meant that the expenditure pattern was above the budget provision in that period. The Area Director decided to take steps in the second quarter to curb expenditure so that funds would be available for services in the second half of the financial year.

The majority of students in the Western Area are at schools within 20 kilometres of the towns of Kadina, Port Pirie, Port Augusta, Whyalla and Port Lincoln. The present circumstances permit the continuance of services to many schools. Priority for more isolated schools will be given in the next quarter from the commencement of the 1987 school year. In addition, the Area Director has advised his staff that work in conjunction with the more distant schools should be carried out by telephone, but requests for unavoidable essential work requiring attendance at those schools would be considered on an individual basis, depending on merit. Superintendents and their staff in each of the five districts of the Western Area have developed service plans within budgetary requirements, which will enable visits to schools and the completion of key projects.

The article in the *Advertiser* included comment from the shadow Minister of Education which implied that staff would be unproductively used—in fact, he used more inflammatory terms than that. A sample taken yesterday of 16 area staff indicated that they had made a total of 64 school visits during the first two weeks in which travel restrictions had been operating. So much for that nonsense. School visits are, therefore, continuing but, in any event, at this time of the year, as we approach the end of the school year and examination time, it is usual for officers to spend a greater proportion of their time in their offices on tasks such as the examination of school curriculum plans submitted for approval, the preparation of curriculum packages to assist teachers, the undertaking of research on behalf of a group of schools, preparation of reports on curriculum developments, and summarising evaluations of school programs for reports to staff and developing plans for 1987.

The Area Director, in addition, as part of his responsibilities for prudent management of resources, has placed

restrictions on visits from Whyalla to Adelaide and meetings in the area requiring travel, to conserve funds to be applied to the first priority of direct services to schools. I must say that I was rather surprised to learn that the *Advertiser* had based its front page story on comments from an unnamed informant within the Education Department and comments on that by the shadow Minister of Education, who presumably had not had first-hand knowledge of that situation, while quoting me as not being available for comment. As any political reporter would know, I would have thought, I was at a Cabinet meeting in the Riverland, where other members of the press were available to contact me. This is another baseless attack on our State education system by the Opposition.

PRISONER EARLY RELEASE SCHEME

Mr BECKER: I direct my question to the Minister of Correctional Services. How many prisoners is the Government considering giving early release to as a solution to prison over-crowding, and what criteria will be applied in deciding who will be released? The Government has been forced to consider this measure because the Minister has been tardy in responding to prison over-crowding. To reassure members of the public that their safety and security will not be jeopardised in the process, I ask the Minister to reveal how many prisoners will be considered for early release, what criteria will be applied in relation to types and offenders to be released and the length of sentence they must have served before becoming eligible for early release.

The Hon. FRANK BLEVINS: I certainly disagree with the statement made by the member for Hanson that the Government has been tardy in this respect: it has not been anything of the kind. I do not want to go into the detailed history covering the past three years, but I am sure that, if the honourable member wishes, he will be able to ask me privately for the information. Over the past 3½ years this Government has spent approximately $60 million on capital works alone on the provision and upgrading of prisoner accommodation. If that is tardy, I plead guilty.

The provision for administrative release on the discretion of the Executive Director of Correctional Services has been in the Act for as long as I can remember. At the moment there is provision for a 30 day early release or administrative discharge, whereas in the old Act under which the Liberal Party operated, I think that was 56 days. This Government saw fit to reduce that to 30 days. I will obtain a copy of the departmental instruction for the member for Hanson so that he can peruse the criteria used when the management of institutions feel it necessary to use administrative release under the authority of the Executive Director.

Given the current problem with overcrowding in the police cells, I asked the Executive Director yesterday to review the departmental instruction to see whether there was any way that the guidelines could be loosened so as to provide some temporary relief for the police, who are doing an excellent job (I am sure it is a job that they do not want) in holding up to 30 prisoners overnight for the Department of Correctional Services. That question has been examined today and it may well be that a further six prisoners can be released under this provision of the Act. It will not entirely solve the problem for the police but, if we can reduce the numbers that they are holding, even by six (I think it is 24 today), it will assist them.

I point out that at present we have about 100 more prisoners than we had at this time last year. Prisoner accommodation cannot be provided for such an eventuality. I am sure that the community, and the Opposition in particular, would not want prisoner accommodation to be built on the off chance that the courts would supply sufficient prisoners to fill it. It would certainly be very bad government to do that. A medium security prison is being built at Mobilong at a cost of about $20 million, and it will cost about $4 million or $5 million in recurring expenditure. One does not have those facilities hanging around just in case there is an increase in the number of prisoners at a particular time. One tries to manage available resources as effectively and as economically as possible and that is what the Government is doing.

I hope that next week a Bill will be introduced to provide for a system of home detention. I welcome the very responsible comments that have been made by the shadow spokesman in this area, the member for Hanson, in supporting that scheme in principle. If we can get the necessary legislation through the Parliament next week, I see the scheme operating before Christmas, and that will give further relief to the police, who at present are having quite a difficult job looking after people for longer than they were perhaps expected to do.

I can assure the honourable member that we have not been the least bit tardy. My guess is that in the past five years more money has been spent on prisoner accommodation in this State than in the past 50 years, if not longer. The Government is running very fast indeed. However, the courts are supplying us even faster with prisoners, in response to this Government's law and order campaign, so we will have the position in balance very quickly indeed and hopefully there will be some relief for the police before Christmas.

SHIPPING SERVICES

Mr DUIGAN: Will the Minister of Marine advise the House whether improvements in shipping services in South Australia and the development of extra port facilities have had any significant effect on the volume of cargo being shipped through South Australian ports, and will he indicate whether any further improvements are planned to make South Australian ports more attractive and competitive?

The Hon. R.K. ABBOTT: Cargo handling through South Australia has improved by almost 1.3 million tonnes for the last financial year, and this reflects the good grain harvest, the continued improvement of Port Bonython exports and the effect of the direct container shipping link with Japan. The direct container shipping link with Japan was introduced on a monthly basis from July 1985, and we hope that very shortly we will see a fortnightly service from that country. In addition, regular liner services were maintained with Europe, South-East Asia, North America, Africa and the Indian subcontinent.

Negotiations on our commercial shipping operations are ongoing and the department is always working hard to attract more services for South Australia. I hope that very shortly I will be able to announce a completely new service to South Australia. I am not able to give any information yet, but I hope that within a few weeks I will be able to announce a completely new service. Of course, the second container crane, due to be commissioned in January or February next year, will certainly help with the current operations as well as attracting more new services to South Australia.

AMERICA'S CUP

Mr OSWALD: I direct my question to the Premier. In view of the Government's financial interest in the syndicate and the current media speculation that the South Australian entry in the America's Cup trials will be withdrawn at the end of this week, has the syndicate consulted the Premier about its continuing participation, and does he believe that *South Australia* should remain in the trials?

The Hon. J.C. BANNON: I have kept up to date with developments. Of course, we have direct Government representation on the syndicate committee. At this very time the Director of State Development, Mr Hartley, happens to be in Western Australia on other business, but he is taking occasion to look directly at some of the promotional opportunities that are available through participation in the America's Cup. The syndicate has advised me that at the end of each series of races they consider whether or not further participation is warranted. Of course, the current series finishes today, so a decision will be made today about the future participation of the yacht in the third series, which begins in a couple of weeks, I believe.

As far as the Government is concerned, we believe that to date the syndicate has delivered the goods in terms of the promotion of South Australia and general value in respect of promotional aims that we saw warranted Government participation. In fact, I am having detailed material collated and studies undertaken to try to get a better fix on just what sort of value we have derived from our involvement.

I might say that while the yacht has received considerable publicity in South Australia there is no question that it has also received a lot of interstate and international publicity which we have not been aware of here. For instance, international television networks such as CBS, the US sports cable network ESPN, the BBC and the French television network, have all run features on the America's Cup which have highlighted South Australia's participation in it. We have also had the South Australian yacht featured in English, French and US print media. Of course, the yacht has appeared regularly in various international yachting magazines, and so on. All of that has value attached to it.

I would remind the House that the reason we became involved in this challenge, particularly at the time we did, was to try to get promotional value for South Australia. Quite clearly, if the yacht was winning more races and if it was ultimately the defender, we would get massive publicity. Of course, we would also get considerably more income than we have. One of the problems the South Australia yacht has had is that it has required very much the efforts of local industry and the public. We are the only State to have sponsored a yacht in this way and local industry and the public have been required to provide the finance. So we are not in a position to pull the yacht out of the water and spend another few million dollars on tests and modifications, as some of the other syndicates have. Despite that, we have been competitive and the question of whether or not the yacht will continue in the series will be decided later today.

LIQUOR LICENSING

Ms LENEHAN: Would the Minister of State Development and Technology, in his capacity as the Minister responsible for small business in South Australia, support my call to restauranteurs to adopt a more flexible and creative approach in maximising the provisions of the Liquor Licensing Act, namely, that every fully licensed restaurant may also offer patrons the alternative BYO facility?

I have recently had discussions with a number of people involved in the hospitality industry and I am aware that many Adelaide restaurants, while fully booked on Friday and Saturday nights, have considerably less patronage during the Monday to Thursday period. It has been suggested to me that, if restaurants were to actively promote their BYO facility, particularly on the slower weeknights, many working couples and families could be enticed to dine out during that period, thus making restaurants more economically viable and creating greater employment.

The Hon. LYNN ARNOLD: I thank the honourable member for her question and can indicate that I am prepared to support an approach to the Restaurant Association about this matter. I think that the idea the honourable member has canvassed in this place is well worth pursuing. It is unfortunate that some members opposite seem to find it worthy of catcalling and various other cynical remarks. In fact, there would be a number of benefits to be achieved from something like this.

The licensing laws of South Australia are the most flexible in Australia and provide that a restaurant that has a licence is able, not only to sell liquor under that licence, but also to provide a BYO service that would enable patrons to bring wine to the restaurant and, for a corkage fee, have that wine served in the restaurant. The benefit that would take place is that there would be increased usage of restaurants on Monday to Thursday.

If members of the public felt more able to go along to restaurants with their own bottles of wine rather than having to pay wine at the prices charged in many restaurants, they may feel that the total bill for the meal plus wine would be less than would otherwise be the case and, in the process, that would increase patronage of restaurants, particularly in the low period of Monday to Thursday. It would also have a consequent net benefit effect for the wine industry in terms of increased bottle sales and a net positive employment effect both in the wine industry and the restaurant areas.

I think what is really required is that those restaurants that are presently not taking advantage of the Licensing Act provisions to the extent that they can operate BYO and are just operating on the sale of wines from their own cellars are missing out by not inviting the BYO opportunity, particularly in the off-peak period.

The other benefit it would have for them is that they need not sustain such large inventories of wines in their cellars and, of course, inventory costs are very high at this time of high interest rates: that would be a net benefit to the small businesses running many of the restaurants of South Australia. I thank the honourable member for her question. I will be prepared to refer it to the Restaurant Association and commend the proposition that more restaurants introduce (as is allowed under the Licensing Act) BYO provisions, particularly during off-peak periods of trading, namely, Monday to Thursday.

ICI

Mr S.J. BAKER: Can the Premier report any success from the meeting that he had in Canberra last Friday with the Minister for Industry, Senator Button, on the threat to the future of ICI's operations in Adelaide? Unless Senator Button changes his decision to reject an IAC recommendation on levels of protection for the chemical industry, ICI's operations of the soda ash factory at Osborne and the

Dry Creek salt fields will close down over the next three years. This is no idle threat. I understand, for example, that ICI has already informed its shipping service that the 10 year charter arrangement that it previously entered into will not be required for the full term.

These closures will mean the loss of 420 ICI jobs and a further 1 000 jobs involved in servicing the site and the industry. In addition, it will cost the State economy more than $42 million a year in lost spending and investment. This is made up of items such as the following: $10.2 million in wages, $8.4 million in natural gas purchase and $6.5 million in contract maintenance. This is the direct cost. There are flow-on effects which would add a further $80 million to $100 million loss to the State. While the Premier has sought a very high profile on the submarine project, little has been heard from him or the Government—

The SPEAKER: Order! I caution the honourable member about straying into comment. The honourable member will continue for the moment.

The Hon. E.R. Goldsworthy interjecting:

The SPEAKER: Order! It is the member for Mitcham who has the call, not the Deputy Leader of the Opposition.

Mr S.J. BAKER: The statement was related to the fact that we have not heard anything from the Premier on this subject. As Senator Button's present attitude could offset many of the potential benefits to the State economy from the submarine contract, the Premier should be putting much more public pressure on the Federal Minister for industry to change his mind.

The SPEAKER: Order! The honourable member should be aware of what the Chair has stated on so many occasions about the introduction of comment into the explanation of questions.

The Hon. J.C. BANNON: No statements have been made because at this stage there is nothing to report. It is not true that we have maintained a low profile on this issue. On the contrary, right from the very time the decision was announced, the view that the Minister of State Development and Technology and I share is that, in a sense, the implications of the soda ash aspect of the chemical industry decision were not fully understood by the Federal Government. From that very time we have made most strenuous representations, held meetings and, indeed, kept up considerable pressure on the Federal Government.

It basically comes down to an argument about the effect of the decision. The Federal Government and its advisers contend that the 2 per cent tariff level which it announced will not have the dire consequences that ICI predicts for soda ash, and indeed that there might even be other people who would operate the fields if ICI felt that it could not carry on.

We reject that on the basis of our analysis. On the contrary, we think that the figures are not either fully understood or properly authenticated by the Federal Government and the Department of Industry and Trade. We have made most vigorous representations, and these matters are being considered at present. As soon as any kind of announcement or decision can be made or an attempt to influence a decision is necessary, we will act.

POLITICS COURSE

Mr TYLER: Will you, Mr Speaker, report to the House on the launching in this Chamber yesterday of Politics and Politics P as curriculum choices for year 12 students in South Australian secondary schools?

The SPEAKER: The honourable member has previously drawn to the attention of this House the potential that exists for encouraging an understanding by young people of our traditions and procedures through the medium of a youth Parliament. I am pleased to advise members that yesterday our Chamber was the venue for several senior secondary students participating in a brief simulated parliamentary session. I can report that all contributed to the debate with a grace and style that could serve as a model to us all.

As a former teacher, I am particularly pleased to advise the House that the occasion for this mock Parliament was the official launching of the long overdue year 12 politics curriculum, a course developed with great care by Dr Dean Jaensch, Mrs Di Sullivan and Mr Allan Reid, of the Senior Secondary Assessment Board of South Australia, who asked me for permission to use our 97 year old Chamber as the venue. In passing, I also pay a tribute to one of my predecessors in the Chair, the honourable member for Light, for encouraging the development of this course at Clare High School, in his former electorate.

After the excellent speeches from the senior secondary students, all of whom spoke with passion and concern about the lack of civic and constitutional awareness that exists among people of all ages, the new course was launched by the Minister of Education and the shadow Minister of Education, with the proceedings being jointly chaired by me and my fellow Presiding Officer, the President of the Legislative Council. The occasion, therefore, was not only bipartisan in nature but also bicameral. (In some circumstances, in the past, it is possible that the latter could have been harder to achieve than the former!)

The only disappointing aspect of the proceedings was the lack of interest shown by the electronic media (in contrast to the print media) in giving any coverage to a healthy and constructive 'good news' story about the young people who will constitute the next generation of citizens and electors.

STEPHENSON GARDENS

The Hon. D.C. WOTTON: I ask the Minister for Environment and Planning whether he can confirm, first, that the State Government, in collaboration with a consortium, has taken an option on a property known as Stephenson Gardens, near the Devil's Elbow on the Mount Barker Road, and secondly, that this property is intended for use as the base for the proposed cable car which will be part of the development associated with the St Michael's-Mount Lofty Summit site? Further, will the Minister say when it is expected that an environmental impact statement associated with this development will be made available for public comment?

The Hon. D.J. HOPGOOD: I have no knowledge of any purchase of land by the Government or by any other person associated with the so-called Mount Lofty venture. Although I believe that an environmental impact statement is being prepared at present by the proponent. I do not know when that will be released for public comment. That is up to the proponent. The Government's responsibility in this matter begins once there is a firm proposition for us to assess and to put on public record. So, I could not have any information about that unless the proponent wanted to take me into his or her confidence.

EMPLOYMENT

Mr PETERSON: Is the Premier satisfied that the Federal Government is fully aware of the effect upon employment in our State that could result from decisions that are taken

by Commonwealth departments and what specifically is being done by the South Australian Government to protect South Australian workers? During the past year we have seen the results of decisions taken by the Federal Government seriously affecting jobs in the wine, citrus, and car manufacturing and sales industries. I recently drew to the Government's attention the proposed changes to the Australian custom services procedures that have the potential, when coupled with the policies of Australian National Railways, to seriously diminish our port operations.

I have been informed that the number of wharfies will be decreased and that Port Adelaide is in danger of being classified as a B class port. The Glanville plant of Colonial Sugar Refineries will be at risk if, as has been suggested, sugar protection is removed. The jobs of textile workers at Actil, Woodville, are at risk over tariff reductions, and now the Industries Assistance Commission (a misnomer in any terms) has recommended a slash in tariffs on imported soda ash, a step that would close the Osborne plant of ICI and put 400 direct employees out of work. All in all, thousands of direct and indirect jobs will be slashed unless we resist these changes. So, on behalf of the many people who find their jobs at risk, I ask what is being done to protect their jobs, their future and that of the State?

The Hon. J.C. BANNON: What the honourable member is highlighting is the difficult situation that we have always had.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: I apologise to the member for Semaphore: I treat his question as a serious one deserving a serious answer.

Members interjecting:

The SPEAKER: Order! I call the Leader of the Opposition to order for the second time for disrupting Question Time.

The Hon. J.C. BANNON: Thank you, Mr Speaker. I utter three words and this chivvying nonsense comes from the other side of the House. In fact, a number of the policies referred to in relation to tariffs that are being adopted by the Federal Government, to which the honourable member refers and which have an adverse effect here in South Australia, are the very policies that members opposite, and members of the Liberal Party in Canberra as well, support. It is this whole concept of deregulation and free marketeering which has been very vigorously supported, and in many cases, unfortunately, the Federal Labor Government is able to make some of these decisions based on IAC reports, because they do it in an environment of complete support as far as the Parties in Canberra are concerned.

It also highlights the vulnerability that we have in our industrial structure in South Australia, and it is not just a case of reacting to decisions on tariffs, which I point out do not just affect plants or operations in South Australia: they have an effect across Australia. We must seek out allies in order to preserve that, but we must also seek to restructure and find replacements or reinforcements for those job losses where they are inevitable. The Government takes the view, however, that no job loss is inevitable: that in fact if there is going to be a major tariff restructuring, first, one must establish the benefits for the economy as a whole; and, secondly, one must examine how that will impact on a regional economy specifically and what measures can be put in place to compensate for any changes or job loss.

I believe that in many cases the IAC recommends changes with no regard to those regional effects. It can establish the best case in the world for a national approach or policy but forget that there are key establishments, such as those at Port Adelaide or in the city of Whyalla and elsewhere, which are very directly affected. In those instances my Government makes representations, using the considerable resources of the Department of State Development to prepare comprehensive cases, to the IAC and to the Federal Government, when such matters are under consideration. If it is thought that that list indicates that there are failures in all cases, I can assure the honourable member that there are many cases (and my colleague the Minister of State Development and Technology will also testify to this) where this Government and its intercession in these matters has resulted in very fundamental changes to decisions that the Federal Government was going to make, and in fact that has ensured that we do not suffer such drastic consequences.

One example concerns the motor vehicle industry. It was this Government that took up the cudgels for changes to the fringe benefits tax—in an environment where no change was being accepted in any quarter—in association with, and at the invitation of, I might add, the industry to act as their champion and get some changes made. They did not go as far as we would have liked but at least they helped to modify the effect. There are many other examples of this. In relation to the most recent one, referred to by the honourable member involving the ICI matter, I have already pointed out that we have not only ourselves rigorously looked at the figures and evidence of ICI and validated their case, thus making more credible our representations, but we are ensuring that we get access to the Department of Industry and Trade figures so that in fact we can check them against the situation as we understand it.

So, I assure the honourable member that we are not sitting idly by while these things happen: we are making vigorous representation. I thank the honourable member for his assistance in this matter by highlighting, as he does, both locally and in this place, many of these problems. That is an important part of the process. I think if we could get from members opposite the same sort of cooperation as we receive from the member for Semaphore this State would be in a much healthier position.

DAIRY INDUSTRY ACT AMENDMENT BILL

Returned from the Legislative Council with amendments.

METROPOLITAN MILK SUPPLY ACT AMENDMENT BILL

Returned from the Legislative Council with amendments.

CONSTITUTION ACT AMENDMENT BILL (No. 3)

The Legislative Council intimated that it insisted on its amendment to which the House of Assembly had disagreed.

EVIDENCE ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

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 proposes an amendment to the Evidence Act to provide for the services of interpreters in court cases. The Bill is similar to one introduced in February 1986 which lapsed on the prorogation of Parliament. It has been redrafted to state a witness's entitlement to an interpreter in a more positive way. A similar amendment will be made to the summary Offences Act in relation to the questioning of suspects by police before arrest.

At present in civil cases, the use of an interpreter by parties or witnesses is entirely a matter of discretion for the judge. There appears to be no authority directly on the point for criminal proceedings though presumably the position is the same for it is a basic rule that court proceedings must be conducted in English. While there is no legal right to use an interpreter, the law seeks to ensure that those who are not able to speak English receive a fair hearing.

When a party or witness lacks competence in the English language, it is important to ensure that the party or witness understands the questions and that any risk of mistake arising from language difficulties is avoided. If courts are to do justice in these cases it is essential that the party or witness has the right to the services of an interpreter.

The proposed amendment to the Act will ensure that parties and witnesses have the right.

Clause 1 is formal. Clause 2 provides for the commencement of the measure. Clause 3 provides for a new section 14 relating to the giving of evidence in a language other than English. The section provides that where the native language of a witness who is to give oral evidence is not English and the witness is not reasonably fluent in English, the witness is entitled to give the evidence through an interpretor. In addition, the section makes provision for the reception of an affidavit or other written deposition in a foreign language if the affidavit or other written deposition has annexed to it a translation of its contents into English and an affidavit verifying the accuracy of the translation.

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

SUMMARY OFFENCES ACT AMENDMENT BILL (No. 3)

Received from the Legislative Council and read a first time.

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 similar to one introduced in February 1986 which lapsed on the prorogation of Parliament.

The Bill proposes an amendment to the summary offences Act to provide for the use of interpreters in investigations of suspected offences. A similar amendment is being made to the Evidence Act in relation to the giving of evidence before the courts.

The proposed amendment will entitle a suspect to have the assistance of an interpreter where the suspect's native language is not English and where he/she is not reasonably fluent in English.

In relation to persons being interrogated by police officers, current police general orders require police officers, prior to commencing an interrogation or interview with a person who appears to have an inadequate comprehension or command of the English language, to satisfy themselves that the person is able to understand and speak English to a degree which would be acceptable in a court hearing. Where there is some doubt as to the level of comprehension of language ability, the officer should arrange for an interpreter to be present before the interview proceeds.

As statements made during an investigation can often be critical evidence in criminal proceedings it is important that no misunderstandings arise between an interrogating officer and the suspect. Where a suspect's command of English is limited, the services of an interpreter should be made available, to minimise the risk of a misunderstanding. An inability to master English should not prejudice a person's right to be dealt with fairly.

Access to an interpreter should not merely be dependent on administrative orders, but should be a legal entitlement recognised in legislation. The proposed amendment grants such an entitlement.

It should be noted that on account of amendments moved in the Legislative Council this Bill now relates to all investigations carried out by investigating officers, not just by members of the Police Force. The Government has accepted that the policy for this legislation is equally valid to all investigations.

Clause 1 is formal. Clause 2 provides for the commencement of the measure. Clause 3 redesignates section 75a of the principal Act. Clause 4 inserts a new section 83a in the principal Act. The section provides that a person who is not reasonably fluent in English and who is suspected of having committed an offence will be entitled to be assisted by an interpreter during any questioning conducted as part of the investigation of the offence.

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

OMBUDSMAN ACT AMENDMENT BILL

Recieved from the Legislative Council and read a first time.

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

The Bill provides that any body which is created under an Act of Parliament may be declared to be an 'authority' for the purposes of the Ombudsman Act. This will enable the Ombudsman to conduct an investigation into the administrative acts of any such declared body.

The existing definition in the Ombudsman Act of 'authority' restricts the Ombudsman to inquire only into the administrative acts of bodies which are created by an Act only and does not extend to those created by a statutory instrument.

The Bill will enable such bodies as public hospitals, health centres and other statutory bodies which have been created by proclamation or other statutory instrument to be declared

as authorities as may be necessary for the purposes of the Ombudsman Act.

The beneficial objective and remedial purpose of such extension to the Ombudsman's jurisdiction will be the provision of an independent and impartial process for investigation of any matter of administration on the part of such bodies.

Clause 1 is formal. Clause 2 provides for the commencement of the measure. Clause 3 provides for a new definition of 'authority' for the purposes of the Act. The new definition makes reference to bodies created under an Act and declared by proclamation to be authorities for the purposes of the Act. Clause 4 provides for various other amendments to the principal Act that are being made in conjunction with the proposed reprinting of the Act. The proposed amendments are contained in a schedule to the Bill and in most cases either eliminate unnecessary or outdated material or revamp provisions so that they accord with modern drafting practices.

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

STAMP DUTIES ACT AMENDMENT BILL (No. 2)

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

The provisions contained in the Bill propose measures which recognise established commercial practices, which more clearly establish the extent of the liability for stamp duty, which provide some concession in stamp duty for specific types of transactions and which provide more effective powers in obtaining access to records and other information and in recovering outstanding duty.

It has been a long standing practice for insurance companies upon cancellation or revocation of an insurance policy to be permitted to deduct the premiums returned to policy holders from the total premiums received if adjusted within the calendar year in which the premiums were originally paid. The Government has accepted that the level of clerical work required to identify the year in which the premiums were paid, is not justified by the minor loss of revenue which may result and proposes to legislate for the deduction of all such premiums irrespective of the year in which they were returned.

Greater flexibility has been sought by life insurance companies to allow a range of insurance/investment options to be offered in South Australia which have not been viable under the existing stamp duty provisions. It is intended to permit transfer of moneys between investment accounts and insurance premium accounts without losing the concession applicable to invested amounts. As duty will be assessed on any moneys transferred to the premium account such action will not prejudice revenue.

The removal of stamp duty on international marine insurance, in respect of hulls of commercial vessels, and on international ocean cargo and air freight is seen as a means of promoting the competitiveness of the Australian insurance industry. The South Australian Government is joining several other States in exempting this type of insurance and is extending the exemption to include the insurance of all goods carried by land, sea and air.

At present an exemption from payment of stamp duty on the transfer of marketable securities applies to stockbrokers trading on their own account provided the securities are not held for more than two clear days. A consistent approach is being sought in all States and Territories to extend this two day exemption to 10 days and South Australia supports such action which has been endorsed by Victoria and New South Wales. Similar action is to be taken in respect of securities handled by the Talisman system for securities traded on the Stock Exchange of the United Kingdom.

It is proposed to extend the period during which purchasers of motor vehicles, with the acceptance of the vendor, may return vehicles and receive a refund of stamp duty paid on an application to register or transfer the registration of the vehicle. The Government accepts that the seven day period is sometimes insufficient and a thirty day maximum period is considered to be more realistic.

Measures to allow recovery of rental duty in commercial transactions were inadvertently removed in a Statute Law Revision Act in 1984. The necessary provisions are reinserted and are retrospective.

An amendment is necessary to update the definition of a second-hand motor vehicle dealer consequent upon the introduction of the Second-hand Motor Vehicles Act 1983. Action is also taken on the advice of the Crown Solicitor to clarify that exemption No. 2 in the second schedule expressly excludes new motor vehicles which had never before been registered. Exemption No. 2 was intended to exempt a second-hand vehicle intended for resale but has been used as a means of purchasing and using vehicles outside of the range of normal car dealing.

Modifications to the rental duty provisions are necessary to allow the issue of a default assessment based on estimates where a registered person fails to lodge a statement of rental received. Existing provisions only allow duty to be recovered within 12 months but a new provision is included to apply to all stamp duties enabling recovery of unpaid duty to be made within five years, or after five years with the Minister's approval.

An anomaly which exists in relation to an annual return of rent received is removed.

A Commonwealth instrumentality may not be required to register and pay rental duty. In such circumstances special provisions are proposed to apply to those persons paying rent unless the rental organisation undertakes to lodge statements and pay duty. The proposals in this Bill are comparable with those introduced recently in other areas of State taxation.

The Bill provides for a definition of value in respect of both new and second-hand motor vehicles to be declared at the time of application for the registration or the transfer of a registration. Stamp duty is payable on the value stated but, without an appropriate definition, there are opportunities to avoid payment of the correct amount of duty. It is proposed to remove the uncertainty which now arises in determining the value because of any optional features and accessories fitted to a motor vehicle. Only optional transmission and power steering are to be included for the purposes of calculating stamp duty. Action is also taken to ensure that the person by or on whose behalf the application is made is responsible for the value stated.

Certain exemptions were given earlier this year to permit the computer settlement and transfer of Australian marketable securities on the Stock Exchange of London to be extended to South Australian securities and to enable this

State to receive stamp duty on share transfers on companies incorporated in South Australia. It is necessary to provide that transfers into and out of the trustee, Sepon (Australia) Pty. Ltd., be exempted from stamp duty. Duty becomes payable upon the transfer of the beneficial interest between transferor and transferee.

In line with the recommendations of the recent Hancock report into Australian industrial relation laws and systems, the Bill provides relief from stamp duty on the conveyance of property between registered unions or employer bodies upon amalgamation.

Powers of inspection and access to instruments and records are sought to be extended to include search warrant provisions. The powers of the Commissioner to obtain information and evidence to enable him to determine whether duty is payable, or for any other matter relevant to the enforcement of the Act, have been clarified and restated. The modified provisions in this Bill are consistent with those in more recent State taxation legislation.

The amendments seek to empower the Commissioner to express an opinion regarding the amount of tax payable of his own volition on any instrument and in any particular case. The existing legislation, which is primarily aimed at dealing with the stamping of instruments, does not adequately cover a number of circumstances which arise in respect of the payment of duty by way of return. For this reason rewording of those clauses relating to the conduct of an inquiry has also been included in the Bill.

Clause 1 is formal. Clause 2 amends section 4 of the Stamp Duties Act 1923, which is the interpretation section, and insets new definitions of 'authorised officer' and 'records'. An 'authorised officer' will be a person appointed under the proposed new section 6 (4) (see clause 3) and will have functions under the proposed new sections 27a, 27b and 27c (see clause 6). 'Records' is defined to mean records in documentary form or any other form and will apply to various sections of the Act, including the proposed new sections 27a, 27b and 27c.

Clause 3 substitutes section 6 of the principal Act and inserts a new section 6a. The new section 6 restates the existing section 6 (1) and (4) and provides for the appointment of the Commissioner of Stamps, Deputy Commissioner of Stamps and other staff and, in addition, authorised officers. The new section 6a restates the existing section 6 (3) and allows the Commissioner to sue and be sued as Commissioner.

Clause 4 amends section 23 of the principal Act which provides for the Commissioner to give opinions on liability to pay stamp duty. The new subsection (1) extends this function of the Commissioner to cases where duty is payable otherwise than in respect of an instrument and also allows the Commissioner to perform this function upon request, as is now the case, or upon his or her own initiative. The new subsection (1a), which is based on the existing section 25, permits the Commissioner to require relevant information from a person requesting an opinion. The new subsection (1b) restates the existing rule that opinions are not to be given in respect of unexecuted instruments. Consequential amendments are made to subsections (2) and (3).

Clause 5 repeals section 25 of the principal Act. This is consequential on the enactment of the new subsection (1a) of section 23 (see clause 4). Clause 6 substitutes sections 27a, 27b, 27c and 27d of the principal Act:

The new section 27a provides for the obtaining of information in relation to liability to pay stamp duty or other matters relevant to the enforcement of the Act. The Commissioner may require a person to furnish information, to attend for examination or to produce instruments or records. Evidence or information may be on oath or verified by a statutory declaration. Persons attending for examination may have their expenses reimbursed. Instruments or records may be retained by the Commissioner or authorised officer but may be inspected while retained. There is an offence of not complying with a requirement made by the Commissioner attracting a maximum penalty of $10 000.

The new section 27b provides for entry and inspection of premises for the purposes of enforcing the Act. Instruments and records may also be inspected. There is an offence of hindering or failing to afford assistance to the Commissioner or an authorised officer attracting a maximum penalty of $10 000.

The new section 27c provides for the issue by a justice of a warrant to enter and search premises and seize instruments or records. The warrant may be issued if there is reasonable ground to suspect that instruments or records relevant to the assessment of stamp duty are on the premises. The warrant may be executed by an authorised officer. Instruments and records may be retained but may be inspected while retained. There is an offence of obstructing a person acting in execution of a warrant attracting a maximum penalty of $10 000.

The new section 27d restates the existing section 27b and provides that an instrument that comes into the possession of the Commissioner and is unstamped or insufficiently stamped must be retained by the Commissioner until the duty and any penalty are paid.

Clause 7 amends section 31f of the principal Act which requires persons registered to carry on rental business in South Australia to lodge monthly or annual statements of the rent received by them and to pay duty on those statements. The effect of the amendment is to provide that the 'threshold' amount of rent above which monthly rather than annual statements are required is the same as the 'threshold' amount of rent attracting duty (i.e. $1 250 per month or $15 000 per year).

Clause 8 amends section 31l of the principal Act which prohibits the 'passing-on' to a lessee of stamp duty payable in respect of rental business. The new subsection (3) provides for proclamations to be made by the Governor to exempt certain transactions from the prohibition. Subclause (2) is a transitional provision and its effect will be to confer retrospective operation on the first proclamation made after the new subsection (3) comes into operation. The Statute Law Revision Act 1984, repealed the then exemption provision contained in this section of the principal Act.

Clause 9 inserts new sections 31m and 31n into the principal Act:

The new section 31m empowers the Commissioner to assess the duty payable in respect of rental business where the registered proprietor of the business does not lodge statements as required by the Act. The new section 31n relates to proprietors of rental businesses who are not required to be registered and provides that such a person may enter into an agreement with the Commissioner under which he or she lodges statements of his or her receipts of rent and pays duty as if registered. If such an agreement is not made, the liability to pay duty passes to the lessee, except if the total rent payable is $100 or less or the transaction in question is not a South Australian transaction.

Clause 10 repeals sections 37 and 38 of the principal Act the provisions of which are now to be covered by the proposed new section 27a and amended section 23 respectively (see clauses 6 and 4 respectively).

Clause 11 amends section 42a of the principal Act which contains definitions related to the collection of stamp duty on registration and transfer of registration of motor vehicles:

The new definition of 'applicant' provides that the person in whose name a motor vehicle is to be registered will be the applicant for registration and liable to pay duty even though another person may actually make the application to the Registrar of Motor Vehicles.

The new definition of 'dealer' is consequential on the enactment of the Second-hand Motor Vehicles Act 1983. The definitions of 'list price', 'market value', 'new motor vehicle', 'optional equipment' and 'second-hand motor vehicle' are provided for the purposes of the amendments to be made to section 42b in relation to the assessment of the value of a motor vehicle and the amount of stamp duty payable (see clause 12).

Clause 12 amends section 42b of the principal Act. The existing subsection (1) provides that the value of a motor vehicle for the purposes of assessing the stamp duty payable on registration is the amount stated by the applicant for registration. The new subsection (1) provides for an objective assessment of value according to whether the vehicle is 'new' (that is, not previously registered) or 'second-hand' (that is, previously registered)—for a new vehicle, the value is the list price (that is, the price fixed by the manufacturer, importer or principal distributor) of the vehicle and its optional equipment; for a second-hand vehicle, the value is the price at which it was sold or the market value, whichever is higher; in any case not caught by these provisions, the value of the vehicle is its market value (that is, the amount for which the vehicle could be sold, free of encumbrances, in the open market). The new subsection (4) provides that the Commissioner may assess the duty payable if in any case he or she considers that the value as stated is not correct within the terms of subsection (1). The Commissioner may request further information, if necessary, from the applicant (see the new subsection (5)) and the new subsection (6) provides for recovery of unpaid duty and refunding of overpaid duty.

Clause 13 amends section 42d of the principal Act to provide that refunds of overpaid duty in respect of the registration of motor vehicles may be made within 30 days, rather than the existing seven days, after registration.

Clause 14 repeals subsection (9) of section 90c of the principal Act the provisions of which will be covered by the proposed new section 27b (see clause 6).

Clause 15 amends section 90g of the principal Act which relates to transactions in South Australian shares and securities on the London Stock Exchange. Subsections (6) and (7) are amended so that exemptions from duty in respect of transactions between brokers and jobbers apply where the transactions took place within 10 days of each other, rather than the existing two days. Subsection (8) is substituted in order to remove an internal inconsistency in language (the present reference to both records and books) and to adopt the term 'records' as in the new definition (see clause 2).

Clause 16 amends section 110a of the principal Act to insert a new subsection (2) which provides that summary prosecutions may be commenced within five years after the alleged offence was committed (instead of the usual six months limitation period under section 52 of the Justices Act 1921). In addition, a summary prosecution may be commenced after the expiration of five years after the date of the alleged offence, if the Treasurer authorises the prosecution.

Clause 17 amends the second schedule to the principal Act. The effect of the amendment in paragraph *(a)* will be to provide that in the assessment of duty payable in respect of insurance business the amount of any premiums returned by an insurance company will be deducted, whenever the returns were made. Paragraphs *(b)* and *(c)* also relate to duty payable in respect of insurance business and the new provisions clarify that premiums relating to investment under a life insurance policy, rather than insurance of a risk, will not be counted for the purposes of assessing duty. If an amount is transferred from an 'investment account' to a 'risk account', it will, however, be treated as a premium received for insurance of a risk.

Paragraph *(d)* inserts a new exemption which provides that premiums paid for marine insurance of commercial vessels or for insurance in respect of goods carried by railway, road, air or sea will not attract duty.

Paragraph *(e)* relates to duty payable on the registration of a motor vehicle and restricts the exemption in question (in respect of registration in the name of a second-hand dealer) to vehicles previously registered in South Australia or elsewhere in Australia (that is, used vehicles).

Paragraphs *(f)* and *(g)* contain similar amendments. First, transactions to bring shares or securities into the scheme envisaged by section 90g and transactions to remove shares or securities from that system are exempted from duty (section 90g provides for transactions within the system to be dutiable). Secondly, conveyances or transfers of property arising out of the amalgamation of associations under the South Australian Industrial Conciliation and Arbitration Act 1972, or the Commonwealth *Conciliation and Arbitration Act* 1904 are exempted from duty.

Paragraphs *(h)* and *(i)* relate to transactions in shares by brokers on their own account and, as is proposed in clause 15 in respect of section 90g, duty will not be payable if the transactions took place within 10 days of each other, rather than the existing two days.

Mr OLSEN secured the adjournment of the debate.

MOTOR VEHICLES ACT AMENDMENT BILL (No. 3)

The Hon. G.F. KENEALLY (Minister of Transport) obtained leave and introduced a Bill for an Act to amend the Motor Vehicles Act 1959. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The purpose of this Bill is threefold, namely, to prevent the manipulation of the motor registration processes to avoid fees; to adopt a graduated heavy vehicle driver licensing scheme and to make amendments consequential upon the introduction of the new Commonwealth licensing system for hauliers operating solely in interstate trade. Under the present provisions of the Motor Vehicles Act, the registration processes can be manipulated to reduce fees by the renewal of registration at the beginning of a month, usually some three weeks after the expiry date, with the effect that seven months registration is achieved for the price of six months registration, or 13 months registration for the price of 12 months. Also, by cancelling the registration of a motor vehicle, followed by an immediate re-registration just prior to a fee increase in registration fees or third party insurance

premiums, a vehicle owner can defer the effect of the increases for nearly 12 months.

In relation to renewals at the beginning of a month, the Registrar of Motor Vehicles estimates that 20 per cent of all motor registrations made in the State occur after the expiry date. There is a large number of applicants who renew registration at the beginning of a month, usually some three weeks after the expiry date. There are, of course, persons who inadvertently overlook the renewal of a registration on the due date. Such practices represent an avoidance of large sums of money, both in registration fees and compulsory third party premiums. In addition, a new registration period is calculated which involves a change to the register, incurring additional costs in clerical and computer time. The proposed amendments to the Act should eliminate these problems, whilst ensuring that a person who drives a vehicle between expiry and the date of renewal is still guilty of an offence.

The proposed graduated heavy vehicle licensing scheme has arisen out of the National Road Freight Industry Inquiry which was sponsored by the Commonwealth Government. At a meeting on 27 June 1986, the Australian Transport Advisory Council adopted a resolution which introduced a number of new classifications for drivers of heavy commercial vehicles. The essential element of the scheme is the requirement that, before a person can be tested to drive a truck exceeding 14.8 tonnes gross vehicle mass limit, the person must be at least 19 years of age and have at least three years experience driving a rigid vehicle with a GVML of greater than 4.5 tonnes but less than 14.8 tonnes. Similar requirements are required for drivers of heavy omnibuses. In the case of buses, the graduation point is a vehicle with a seating capacity exceeding 30 adult persons, including the driver.

To minimise the effect of the new classifications on the transport industry, it is proposed to retain all present classifications and to introduce the new classifications to drivers applying for licences from 6 January 1987. Some existing drivers will have to have their licences endorsed with higher classifications, and these persons will be given six months (by virtue of an exemption in the regulations) in which to have their licences endorsed with the appropriate classifications. Because the driver classification system is becoming increasingly complex and could be subject to the need for fairly rapid amendments, it is proposed to remove the detailed licence classifications from the Act and place them in the regulations. The opportunity is taken to repeal those provisions of the Act that deal with registration of vehicles solely engaged in interstate trade. The repeal will be suspended until all existing State registrations have expired.

Clause 1 is formal. Clause 2 provides for the commencement of the Act on a day to be proclaimed. Certain clauses may be suspended. Clause 3 provides that the Registrar may register a vehicle for less than the usual six month or 12 month period where the previous owner cancels registration but applies for fresh registration before the expiry of the old registration period. (The regulations will deal with the question of the reduced registration fee payable in such a circumstance.) The Registrar is also given power to renew an already expired registration provided that the registered owner applies for renewal within 30 days, but it is made clear that late renewal does not mean that a vehicle is subsequently deemed to be registered between expiry and that renewal.

Clause 4 is a consequential amendment that makes it clear that, if a registration is renewed within 30 days of expiry, the registration period is not interrupted.

Clause 5 repeals the section of the Act that provided for the registration, for a nominal fee, of vehicles engaged solely in interstate trade. This clause of the Bill, and also clause 6, will not come into operation until all current State registrations of interstate hauliers and buses have expired, thus leaving the new Commonwealth Act completely covering the field.

Clause 6 strikes out references to registration of interstate hauliers, etc.

Clause 7 provides that all licences must be endorsed with one or more of the prescribed classifications, thus paving the way for the whole question of licence classifications to be dealt with in the regulations.

Clause 8 is a consequential amendment—the matters covered by the deleted provisions will be included in the regulations.

Clause 9 expands the regulation-making power to cover prescribing licence classifications, providing for the classes of vehicle that any particular classification will authorise a person to drive, prescribing qualifications in relation to classifications and giving the Registrar a power to exempt a person from having to hold a particular qualification. Power is also given to make regulations for the fees that will be charged for the functions to be performed by the Department of Transport for the purposes of the new Commonwealth Act.

Mr INGERSON secured the adjournment of the debate.

PETROLEUM (SUBMERGED LANDS) ACT AMENDMENT BILL

The Hon. R.G. PAYNE (Minister of Mines and Energy) obtained leave and introduced a Bill for an Act to amend the Petroleum (Submerged Lands) Act 1982. Read a first time.

The Hon. R.G. PAYNE: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

Petroleum exploration in South Australia is administered under three separate Acts—

1. The Petroleum Act 1940 applies to all onshore areas and the waters of a number of bays and gulfs including those of St Vincent and Spencer;
2. The Petroleum (Submerged Lands) Act 1982 applies to a narrow strip of offshore waters (the territorial sea) extending three miles seaward of the territorial sea baseline; and
3. The Petroleum (Submerged Lands) Act 1967 (Commonwealth) applies to all waters outside of the three mile territorial sea to the limit of the continental shelf.

The arrangements made between the Commonwealth and the State for the administration of petroleum exploration in offshore South Australia provide that—

The Commonwealth, the States and the Northern Territory should endeavour to maintain, as far as practicable, common principles, rules and practices in the regulation and control of the exploration for and the exploitation of the petroleum resources of all the submerged lands that are on the seaward side of the inner limits of the territorial sea of Australia. (Refer Introduction to S.A. Petroleum (Submerged Lands) Act.)

This Bill proposes one combined batch of complementary amendments to the S.A. Petroleum (Submerged Lands) Act 1982 following two separate sets of amendments made to the Commonwealth Petroleum (Submerged Lands) Act during 1984 and 1985. Similar complementary amendments have also passed through the Victorian, Northern Territory and New South Wales Parliaments.

Although a considerable number of amendments are involved all are relatively inconsequential, and are mainly aimed at the more efficient administration of the Act. The amendments proposed are complementary to the Commonwealth Act and are designed to—

1. establish retention lease provisions, which provide for security of title on a discovery which is not immediately economic, i.e., similar provisions to onshore mining legislation; (sections 37a-37k)

2. provide the power for the joint authority (i.e. Federal Minister and the State Minister) to exercise control over rates of petroleum production; (section 57)

3. refine the registration provisions to take account of the recommendations of the Royal Commission into the Activities of the Ships Painters and Dockers Union and other suggestions aimed at clarifying and streamlining the process of registering transfers and other dealings affecting petroleum tenements; (sections 74-86a)

4. amend the directions and regulations provisions to enable codes of practice and standards to be adopted and to facilitate general administration of the Act; (sections 100-101)

5. revise the provisions relating to special prospecting and access authorities in order to encourage and facilitate offshore seismic surveys; (sections 110 and 111)

6. provide for the earlier release of basic and interpretative data subject to the consideration of objections by titleholders; (section 117)

7. establish the provision to declare certain areas as areas to be avoided by unauthorised shipping. (section 137b-137e)

In addition, there is a host of minor drafting amendments which are a necessary consequence of the above amendments. Some of these were highlighted following recommendations of the Costigan Royal Commission into the Ship Painters and Dockers Union.

Clauses 1 and 2 are formal.

Clause 3 makes consequential amendments to the arrangement provision.

Clause 4 makes consequential and drafting changes to the definition section of the principal Act.

Clause 5 makes a consequential change to section 6 of the principal Act.

Clause 6 inserts a new section that is the equivalent of section 149 of the Commonwealth Petroleum (Submerged Lands) Act 1967. When the State Act was enacted in 1982 it was considered that this provision was unnecessary. However, on reflection, it is considered desirable to include it.

Clauses 7 and 8 make consequential amendments.

Clause 9 will allow a permit to come into force on a day specified in the permit.

Clause 10 corrects an error in section 34. Clause 11 makes a consequential change.

Clause 12 is a drafting amendment.

Clause 13 introduces new Division IIA into the Act. This Division deals with retention leases. The rationale for the inclusion of retention lease provisions is to provide security of tenure over discoveries which are not immediately economic. Retention leases will allow explorers to retain tenure over discoveries until they become commercial and are aimed at providing an additional measure of encouragement for companies to explore in offshore waters. Similar provisions already exist in relation to the onshore Mining Act, and have been found to work well.

Clause 14 inserts new subsection (5) into section 39 of the principal Act. This provision is consequential on the introduction of retention leases.

Clause 15 enacts section 39a which provides for application by a lessee for a production licence.

Clauses 16 to 19 make consequential and drafting changes.

Clause 20 makes consequential amendments and replaces subsection (3) of section 45 with more elaborate provisions comprehending both permits and leases and the situation where part only of the blocks constituting a location cease to be subject to a permit or lease.

Clause 21 makes a consequential change.

Clauses 22 to 24 make drafting changes.

Clause 25 replaces subsections (3) and (4) of section 57 with three new subsections. New subsections (3) and (4) apply to petroleum pools. New subsection (5) enables the Minister to have regard to the effect of production on State revenue.

Clause 26 makes drafting and consequential changes.

Clause 27 allows a pipeline licence to come into force after the day on which it is granted.

Clause 28 makes a consequential change.

Clause 29 makes a drafting change.

Clauses 30 and 31 make consequential changes and include special prospecting authorities in sections 74 and 75. Special prospecting authorities, as granted under section 110 of the principal Act, enable geophysical surveys to be carried out in an area over which an application has been invited. However, in this Bill, section 110 is amended so that special prospecting authorities may be granted over any vacant area irrespective of whether applications for the award of a permit or licence have been invited. Special prospecting authorities are included in these clauses so that the Act requires a register of special prospecting authorities to be maintained and specifies what particulars must be kept in the register.

Clause 32 makes a consequential change to section 76 of the principal Act.

Clause 33 replaces section 77 of the principal Act. The amended arrangements for approval and registration of transfers of title broadly follow those set out in the principal Act but remove deficiencies identified in the light of experience in the administration of the Commonwealth and State Acts since 1967. The new provisions are aimed at streamlining the administrative arrangements for approving and registering transfers of interests in tenements.

Clause 34 makes consequential amendments to section 78 of the principal Act and includes a provision for the change of name of a company on the register.

Clause 35 removes section 79 of the principal Act and replaces section 80. The clause also inserts a new section 80a that makes provisions in relation to future interests. The amended arrangements for registration of specified dealings affecting title remove deficiencies in the existing arrangements, particularly the uncertainty surrounding which dealings might be able to be registered and the effect in law of instruments evidencing dealings which have not been approved and registered. Once again, the new provisions are aimed at streamlining the administrative arrangements for approving and registering transfers of interests in both existing and future titles.

Clauses 36 and 37 make consequential changes.

Clause 38 inserts three new subsections into section 83 that give the Minister the right to certain information.

Clauses 39 and 40 make consequential amendments.

Clause 41 inserts new section 86a into the principal Act which details provisions whereby the Minister may make necessary corrections to the register and setting out the procedures which must be followed before any corrections can be made.

Clause 42 replaces section 91 of the principal Act. Section 91 of the principal Act is the equivalent of section 4 of the Commonwealth Petroleum (Submerged Lands) (Registration Fees) Act which was amended substantially in 1985. The amendment does not increase the fees. It simply elaborates on the previous provisions.

Clauses 43 to 49 make consequential changes to various sections.

Clauses 50 and 51 amend sections 100 and 101 respectively of the principal Act. The new section 100 will allow the Minister, in giving a direction to a titleholder, the opportunity to specify that the direction also applies to servants and agents of, or persons acting on behalf of, or persons performing work or services either directly or indirectly for the registered titleholder. Directions may also be applied to persons not having any contractual relationship with the titleholder. Consequential amendments are then made to section 101.

Clauses 52 to 58 make consequential amendments to various sections.

Clause 59 amends section 111 of the principal Act. New subsection (1a) allows the Minister to grant an access authority to the holder of a title in the Commonwealth adjacent area or under the Victorian or Western Australian Acts.

Clauses 60 and 61 make consequential changes.

Clause 62 inserts more detailed provisions in relation to the release of information.

Clauses 63 to 69 make consequential changes.

Clause 70 corrects a cross-reference.

Clause 71 inserts a new provision relating to the service of documents where two or more persons are registered as the holders of a title.

Clause 72 inserts new Division VIA into Part III of the principal Act. This Division provides for the policing of safety zones created under section 118.

Clause 73 provides for fees in relation to retention leases.

Clauses 74 to 81 make consequential changes.

Clause 82 expands the regulation-making power to allow the regulations to incorporate codes of practice or standards to be adopted from time to time.

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

STANDARD TIME BILL

Adjourned debate on second reading.

(Continued from 18 November. Page 2045.)

Mr OSWALD (Morphett): If the public read the press and watch television, they can be excused if they were led to believe that there was a strong campaign for Eastern Standard Time to be adopted in South Australia. A campaign has been waged by the Chamber of Commerce and Industry, by the media and by the Government. We have been led to believe that, as a matter of great importance, this legislation should be passed. I submit that nothing is further from the truth.

I represent a metropolitan electorate which I think would contain a reasonable cross-section of the community and the letters and circulars that I have received indicate a ratio of about 25 against the change and four in favour of it. Most of the correspondence which agrees with the change is in the form of circular styled documents which all members have received from the Chamber of Commerce and Industry and similar organisations. I think that the House should clearly understand that this is not a big issue, despite a campaign by the Chamber of Commerce and Industry and the media to make it one.

As a member representing a metropolitan electorate, I think it is interesting to observe the reaction from people who live on the West Coast. Members opposite will say that that is the rural rump of the Liberal Party speaking, but I refute that statement. It is interesting to note that the member for Flinders received a petition containing about 10 000 signatures from people who oppose any change to Eastern Standard Time. That is not an insignificant number of signatures, and it was argued initially that that sort of response could be expected from the West Coast, but by no stretch of the imagination would there be such a response in Adelaide. As time has elapsed, the truth has come out and we find that those opposed to the change represent the figure that I quoted previously when referring to the ratio.

People do not want to change; they want things to remain as they are, and I will look at the reasons why that is so. First, the State's borders do not finish at metropolitan Adelaide, and I think that that has to be quite clearly understood. No Government should set out to divide the State with a time zone, because commercial barriers would be created. The West Coast would trade with Adelaide, but it would have to check with times here. Firms on the West Coast would have the same problems that exist for some companies in Adelaide that trade with the Eastern States. Let us not forget that the West Coast belongs to Adelaide and that we are all part of one State.

Secondly, there are the social issues. One has to bear in mind young families and I submit that, when the twilight stretches to 11 p.m. in metropolitan Adelaide, it would be no joke trying to put children to bed. On a clear night with a cloudless sky the twilight would occur at about 11 p.m. and, if that were the case, one would be able to sit outside and read the newspaper at 10.30 or 10.40 p.m. During winter, sunrise would occur at 7.45 a.m. and that is absurd. In most cases, people in metropolitan Adelaide have started work by that time. Some workers commence work at 6 a.m., and they would have to go to work in the dark. Delivery services to shops and warehouses will occur in the dark. I do not believe that that is fair: nor is it fair that families would have to get their children off to school in the dark.

As metropolitan members, we have heard this argument from people who live on the West Coast, and we know the impact that these problems will have on them. As a result of this Bill, the Government is importing those problems from the West Coast and transplanting them fairly and squarely in the middle of Adelaide. I put to the Government that there is no demand in the community for this Bill. As the Premier pointed out in a press statement some weeks ago, the problem has been around for many years and it had to be resolved. The reason why it has been around for some years but has not been resolved is that there is no demand for this legislation. There is no need to change the legislation or to change the rules just for the sake of changing them. The letters that I have received clearly indicate that the people of South Australia do not want this legislation.

I refer to some of the correspondence that I have received. I will canvass some of the reasons put forward by country areas of the State for their opposition, and then I will come to reasons put forward by people who live in my electorate. I received a letter from the District Council of Streaky Bay,

which covers a district well out on the West Coast. The letter states:

The existing Central Standard Time, because of man's tampering with nature, gives the people of South Australia 30 minutes of permanent daylight saving for the whole year. There seems to be no justifiable or rational reason for imposing an additional 60 minutes of daylight on the people of South Australia. If there are good and sound reasons for Eastern Standard Time/daylight saving/two time zones, then it would seem appropriate to have the issue properly debated and put before all South Australians—not just a selected few.

Reading between the lines of that letter, I think it suggests that there should be a referendum on the subject. I submit that, if a referendum were held, interesting results would be obtained, but they would not be the results that the Premier and the media hierarchy have been preaching, because the indication in my electorate is that there is just no agreement to the change. In a letter from the District Council of Elliston, the Chief Executive Officer states:

There has not been a mandate from the people with regard to the proposals, and it is considered that such a fundamental change to the State should not be made in view of this fact.

If members believe in democracy, I do not think that they would argue with that point. We have already seen the Government use its jackboots to force legislation through against the wishes of the people, certainly on other issues which I am not permitted to raise in this debate. The Government conducted a survey on pot smoking and, as a result, it was shown that the people of South Australia did not want that legislation. Time was allowed to pass before the Government decided to whip its pot Bill through in jackboot fashion, because it knew that if it went to the people it would lose. I submit that the same is the case with this change to Eastern Standard Time. If we went to the people with a referendum, I suggest that the Government would lose.

The second point that the people from Elliston made is that the media campaign by radio, television and newspaper interests should be viewed with some concern. There is concern about that. I thought that there would have been some concern in media circles because, if the Adelaide media tap into interstate broadcasts so that they flow straight down the line to this State and go to air, suddenly a lot of people in the media will be out of work. That probably does not worry members opposite, but it will certainly worry the members of the media who are suddenly displaced in the newsrooms and those out in the field who will be displaced when news comes down the line from Melbourne, Sydney and Canberra. The press release further states:

Whilst the Chamber of Commerce and Industry is supporting the change to Eastern Standard Time, its own economist was attributed in the *Advertiser* on 20 October 1986 as saying there was not any economic evidence to support the shift.

That was a very interesting press release. I was able to locate it in my files at the office at Glenelg. An article in the *Advertiser* of 20 October this year under the heading 'Libs back Olsen's anti-EST stance' refers to Mr Rod Nettle and states:

In another development on the controversial issue, the economist with the SA Chamber of Commerce and Industry, Mr R. A. Nettle, said there was no economic evidence to support the shift.

Mr Olsen: He just happens to be the economist with the Chamber of Commerce.

Mr OSWALD: Yes, and he is the person who is closest to the scene in the chamber, I submit. He has tertiary training in these areas and he understands the scenario and the *status quo* of thought within the chamber. He has come out and said that there is no economic evidence to support the move. Quite understandably, the other members of the chamber, in particular the General Manager, had a conference with Mr Nettle and came out with statements, but they did not get away from the fact that Mr Nettle did not give ground. He said that a study was required to determine where the benefits and costs would lie. The article further stated:

A lot of businesses would gain from a switch, whilst those that dealt with the western part of the State would lose.

That is the point I made earlier. It was also stated:

Mr Nettle said he was in a 'rather delicate' situation.

The next statement is important:

I can't say there is economic evidence to do something if there is no economic evidence to do something.

That might sound like gobbledegook, but what it really means is that, as far as Mr Nettle is concerned, there is no evidence on which to make a change and he cannot go out and create evidence. That is what he is talking about, and he is the head man of the chamber. He fully understands the problems that are facing industry and those who are in commercial contact with interstate counterparts, but he is honest enough to say that there are no economic problems and he cannot go out and create economic problems just for the sake of making statements to support the chamber.

The fact that someone like Rod Nettle is honest enough to come out and say that puts a question mark over the campaign of the Chamber of Commerce and Industry and indicates that there may be no basis or foundation for it. It is an interesting slant that Rod Nettle has put on the whole argument. I would like to draw the attention of members to a couple of letters, among many, that have come to me from within my district. I am not allowed to display them, but I have a file of letters and I will cite some. The first letter comes from a constituent who lives in Tennant Street, Glenelg and states:

I wish to protest against the State Government's decision to switch South Australia to Eastern Standard Time from March 1987 and to divide the State into two time zones during summer. As South Australia's time is based on the longitude at the Victoria/South Australian border, it would mean we would be permanently one hour ahead of the sun, and two hours during daylight saving.

We are all aware of the inconvenience it will cause to the families on Eyre Peninsula, and I support their protest. The change would also further alienate Western Australia from the Eastern States. I do hope you will fight this legislation. Yours sincerely.

The letter is signed. Another of the many letters I received states:

Dear Mr Oswald.
Re: Standard Time

I am employed by an organisation which is principally involved in manufacturing and I consider the Government's approach to split South Australia into two time zones and to adopt EST for the eastern time zone is unacceptable.

Splitting the State will create a lot of problems for companies trading within South Australia and in my opinion far more than now exist because of the variation between Central Standard Time and Eastern Standard Time. In addition, the proposal to change to EST will mean that many employees would be forced to come to work in darkness for a good proportion of the year and firms will be forced to use additional lighting because it will not be full daylight when work commences. If anything, it will add to the cost of business.

That is an interesting matter, which has not been raised in the debate by many speakers so far, that is, the additional cost to business in employing people during these additional hours and the cost of power and the other aspects to which I refer. The letter further states:

The proposal will not add one single job within the State and will cause serious inconvenience to individuals, particularly in the primary sector, and to families with small children, because in summer we will effectively have one and a half hours daylight saving.

If the large commercial companies want to have the same opening hours as their counterparts in the Eastern States, it would be a simple matter for them to open 30 minutes earlier than they do now, which would bring lunch hours and closing time into

line with the commercial hours in Melbourne and Sydney. If this means that banks and the Stock Exchange need to reschedule their hours, this would, at most, mean a simple legislative change with none of the disadvantages that would flow to the rest of the State through the adoption of Eastern Standard Time and split time zones.

That letter was signed. There is some value in what that person had to say. As he said, we would be creating an intolerable situation: when we go west, there will be a different time zone, but if we go east across the border into Victoria we will be in the same time zone. If there is to be a time zone change it is better to maintain the same time zones within South Australia. That gentleman put up quite a sound argument.

Another letter that I received from a resident of Beadnall Terrace, Glengowrie (also in the District of Morphett), states:

I am disturbed at the push by some to have Eastern Standard Time for South Australia when this year's daylight saving ends. I saw in the *Advertiser* that Mr Olsen now wants us to stay on SA time, and I trust that all the Liberal members are of the same opinion.

The writer points out the geographic location of the borders and the implication of arising at normal hours but in the dark and having to go to bed in twilight late at night. That will have an impact on elderly folk, children and other people in South Australia. This lady makes the point that it will be distressing for elderly people, and I support that view. It is something that the elderly are not used to, and there is no reason why it should be thrust on them by this Government. I really have not heard any substantial reasons from the Government. The Government wants to take this action, but sound reasons to justify it without affecting ordinary families have been very sparse indeed. The Government would do well to listen to the arguments put forward by the Opposition and to back off.

The Government still has plenty of time to say 'No' or turn around and say that it does not want the change. Members opposite must bear in mind that this legislation will cause massive inconvenience in this State. The move is not wanted. It will disrupt families and businesses. Certainly, businesses will have to reallocate lunch hours if they are dealing with businesses on the other side of the gulf or if they tie in with Adelaide. They will have to reallocate business towards the end of the day if they are based around Whyalla or on the West Coast near, say, Ceduna. They will not be able to telephone, and the lunch hours and knocking off times will not correspond. We have heard nothing over the last day or so to support this piece of legislation and, on behalf of my constituents, I oppose it and ask all members to do likewise.

The Hon. P.B. ARNOLD (Chaffey): No matter how smart the Government may think it is, there is no way that it can change the geographic position of South Australia in relation to the sun. It can try as much as it likes but it just cannot do it. After all, the geographic position of South Australia in relation to the sun is the critical and determining factor in relation to time; it is also a critical and determining factor in relation to navigation, but the Government believes that, by passing a piece of legislation through this Parliament, it can alter these things that nothing on earth can alter. Such things are fixed and determined by powers completely beyond our control and the Government can do whatever it likes but there is no way on earth that it can change time, which is what it is trying to do.

I agree with the Leader that surveyors in the last century, who determined that time zones for the west, central and east of Australia would be based on 120 degrees east longitude in Western Australia, 135 degrees east longitude for central Australia and 150 degrees east longitude for the east coast of Australia, showed commonsense. It is perfectly in line with the true times based on the meridians and the position of the earth in relation to the sun.

As I said, there is absolutely nothing we can do about that and I think it is high time that the Government realised that, if it has not already worked it out as a result of the debate in this House over the last two days, the points that have been very effectively made by members of the Opposition, who are dealing with facts and not with theories. The decision to bring South Australia half an hour further towards the Eastern States certainly holds no validity in this day and age with modern communications and the technology that is available to us. I believe it is a great pity that it was ever changed and that we did not learn to live and operate effectively within our true time zone.

One only has to look at the situation that exists in the United States—and I had the opportunity to be there recently—and consider the size of the cities on the west coast of the United States, such as San Francisco, Los Angeles and San Diego, the major cities in the centre like Chicago, and the big cities of the east like New York and Philadelphia. All are very large cities, much larger than anything in this country, and yet they operate very effectively with four time zones. We are talking about a country of roughly the same land mass and overall dimensions (excluding the State of Alaska) as that of Australia. So it is quite amazing to me that the Government has become involved in this argument in endeavouring to make this change.

I will just add it to the list indicated in the *News* today. It is interesting that an article in today's *News*, headed 'Bannon's Year of Living Dangerously', highlights some of the *faux pas* the Government has made so far this year and refers to 'social justice tax, marijuana fines and smoking in cabs'—just some of the blunders where the Government has completely gone off the rails in relation to public opinion. It is high time that the Government got back somewhere in line with the public at large and its views. Obviously, the Government is totally out of touch with those views and that is clearly indicated by the numerous letters received on this side of the House very heavily in favour of the *status quo*.

Members on this side of the House have referred at considerable length to the wide range of correspondence from all over South Australia on this subject, and it is high time that the Government took note of pulic opinion instead of taking the high-handed approach it has adopted in the past 12 months, believing that it can do whatever it likes, regardless of public opinion.

The Leader also made the point that only 14 places depart from the 253 standard times adopted around the world. Of course, two of those 14 places happen to be South Australia and the Northern Territory. As I said, it is a pity that the change was ever made. By rights there should still be a one-hour differential between the east and the west, with South Australia and the Northern Territory clearly in the middle.

If the arguments that the Government has been putting forward had any validity, quite obviously Western Australia and Perth, which is a very go-ahead city, should be bankrupt; of course, that is not the case. In fact, Western Australia, and Perth, have been very much pacesetters in Australia and one recalls the time of the premiership of Sir Charles Court, when Western Australia went ahead in leaps and bounds, and the massive development of the mineral wealth that occurred in Western Australia at that time. However, the Government here would have us believe that the half hour difference in time between South Australia and the Eastern States is to be the determining factor of

whether this State survives or goes under. If that is the basis on which we are going to survive, then I think we have lost the battle and the Government has already given the game away.

There is also the suggestion, as a compromise that has been included by the Government, that during the summer we would have two zones of time in South Australia. It is absolutely ludicrous for the Government to be dividing the South Australian people in that way, and there is certainly no way on earth that I would support that at any price, nor would the vast majority of people in South Australia.

The subject has been very adequately covered by members on this side of the House. I strongly believe that they clearly represent the vast majority view of the people of this State and I will certainly be strongly supporting the Opposition's position in opposing this legislation.

The Hon. B.C. EASTICK (Light): I have been involved with this matter over some considerable time. I notice from the *Hansard* report of 15 September 1971 (page 1485) that I took part in the debate on that occasion when daylight saving was contemplated. It was done for a one year period only, and then subsequently there were changes which extended the period into the pattern which we now enjoy. I recall saying on that occasion—in fact, I have checked it out so that there can be no misunderstanding—that for South Australia not to move with the other States on that occasion would be to put business into jeopardy and that the period of 1½ to 2 hours of some disorganisation during the middle of the day, as currently exists on the half hour variation, would be extended by a considerably greater time if South Australia did not move with the Eastern States on that occasion.

On that occasion, I indicated that a number of people in my electorate were opposing the measure on the basis of the effect that it would have on agriculture. The position has not changed a great deal since then. However, the fact that we recognised the difficulties then does not mean that we should walk away from them now; nor does it mean that, because we recognise those difficulties, we should move heaven and earth to suddenly change a stance or the attitude that is being expressed to us by our constituency.

I have not had one person from my own constituency ask me to support the measure that is currently before the House: a lot of people have asked me to do the reverse. As have all members, I have had material forwarded to me by vested interests in the Adelaide community and business world extolling the virtues of the action that the Government contemplates in this measure, and on every occasion within the arguments put forward by those organisations, they can see a financial benefit to themselves. Some of them have sought to quantify that financial benefit. One television station suggested that it would be worth $8 000 to them to effect the change which was being required. An $8 000 benefit to that organisation, as against the very major disadvantage to hundreds and hundreds of people within the wider community, including my own, just does not stand up as a reasonable argument why one should support what the Government is suggesting is a popular choice.

What the Government has put forward here is not a popular choice other than within a very narrow range. It is a benefit which some people who sit at desks and work by telephone believe they could accrue. Not one of those who has put forward a point of view in support of the measure has to go out early in the morning or later at night to undertake his life's work. Those who have made these decisions of support for the Government generally occupy 9-to-5 jobs or their basic activities circulate around such a job.

I speak for a very large number of people in the wine, agriculture and agricultural service industries. They know that it is the sun which dictates when and how they will function on a day-by-day basis. They are tied to certain time constraints in respect of the opening of schools and the opening and closing of railway stations or other such activities.

The Hon. Ted Chapman: It's a view that's been expressed from time to time: that Parliament ought to observe it, too. It should start early and, when the sun goes down, go home.

The Hon. B.C. EASTICK: That is a philosophy that my colleague the member for Alexandra has put forward since 1973, when he came in here. It is probably a good demonstration of the point I am making. The honorable member, having agricultural origins, has recognised that when the sun gets up it is time for country people to work, and, having worked so hard and so long during the daylight hours, when the sun goes down it is time for these people to sleep, and the honourable member has demonstrated his capacity to do just that.

Members interjecting:

The ACTING SPEAKER (Mr M.J. Evans): Order! The member for Light has the floor.

The Hon. B.C. EASTICK: The degree of levity must not be allowed to intrude on the importance of the issue before us. It is a very serious matter for a large number of people in the community, and it would disadvantage those persons if the action contemplated by the Government were allowed to proceed. Let us not fool ourselves in relation to people getting used to any set of circumstances that is forced upon them.

I refer to a student who comes from Finland and who is currently residing in the Gawler area. Only recently she told me that in her country there are for months on end long periods of the year when there are fewer than 20 minutes of darkness in her country, so the people there get used to going to sleep when it is still light outside. In fact, if they were only to sleep when it was dark, 20 minutes out of every 24 hours would hardly satisfy their personal time clock. So, people can adapt to those circumstances.That is where they have no option other than to adapt, because that is when the sun will come up and go down.

In the other half of the year, the six month period from the maximum to which I have just referred, they are lucky if they get 6½ hours of sunlight during the day. So, they get up and go to school in the dark and go home in the dark—and they live quite comfortably in this way. But we are seeking to create a situation which is against need and which has not been the necessary experience of people in our community, and I, for one, will not assist in the measure that the Government puts forward to make those changes.

I quite seriously acknowledge that, when this matter has been discussed in the open forum, I have been known to suggest that there were distinct advantages of following this course of action. Those distinct advantages can be enumerated, as the business community has done and, taken in isolation, they mount quite a reasonable argument. However, we do not live in isolation. We live as part of the total and, therefore, need very closely to balance those attitudes of the business community against the needs of the majority in the community. It is the majority in the community that I support on this issue.

In relation to the effect on work practice and the ability to work effectively, let me outline to members of the House one of the very real problems which will occur, if this measure were to be successful, for people in the wine growing areas. At harvest time it is necessary—unless one is directly associated with mechanical harvesting—to harvest

the grapes by cutting them off with a pair of secateurs. If one were to work according to the time schedule which is traditional for clocking on in the morning, one would have large numbers of people out in the vineyard trying to cut grapes off the vines in the dark. Not only would that reduce the effectiveness of the labour because of the slowness but also it would be distinctly dangerous to the participants because, with the speed at which they are expected to work wielding the pair of secateurs into a dark vine, they would not infrequently, I suggest, encounter a finger or part of the hand.

This measure has frequently been drawn to my attention by people within my electorate; that they would have to start later than the normal clock-on time for the period from mid-April until May or June. Let us recognise that, although grape harvesting may start in the Riverland in February, it rarely starts in the Barossa Valley or other closer areas before mid-March. Indeed, it goes on well into May and, in some circumstances, into June, because of the techniques now being used for late pick varieties.

Further, it might be suggested that the work program be adjusted so that the pickers start later and the grapes be delivered on the following day. However, a major feature of the wine industry today is the development of better clones of grapes that are specifically for premium wine production, and to get premium wine production the grapes must be in the crushers or in the hands of the winemaker at the earliest possible moment, not stood in buckets or in a cart overnight so that they deteriorate from the physical weight of the grapes pressing on each other—something that adversely affects the wine value of the grapes in the container. The vigneron does not want the loss of juice that can occur when that weight effect is allowed to persist throughout the night and some of the good juice is lost through the bottom of the cart. Indeed, even if the grapes are held in a leakproof container they will not have the same benefit for premium wine production.

There is a practical reason in that one area of activity that denies the value of the proposition that is being put to members. If we lived in the dark and if grapes could be grown in the dark, that might be an entirely different set of circumstances, but we do not live in the dark during the months of April and May, so we should not place an impediment in the way of quality production by vignerons who are having a difficult enough time as it is without this artificial difficulty being placed on them by this Bill.

Mr S.G. Evans: The Government is trying to keep us all in the dark.

The Hon. B.C. EASTICK: That could well be argued as a pertinent point. I said that I had not had any requests from within my electorate for the introduction of this measure, and I say that without qualification. Many letters have been written to the editors of newspapers circulating in my district, and all of them have been based on the need to throw this Bill out the window. Certainly, the detail which has been forthcoming from the West Coast and which has been referred to by some of my colleagues clearly points up the major difficulties that would occur in that environment as a result of this measure. Not only have letters been coming from the country area, which in this place is sometimes irreverently called the rural rump, but also a great number of letters have come from the city itself. For example, in the *Advertiser* of 26 September 1986 there appears a letter from Roger Brown of Walkerville, who makes his point positively, as follows:

> Is the Government trying to sneak in the proposed change to Eastern Standard Time gradually, by not introducing it until next March? Not until 1987-88 will we experience a summer on EST plus daylight saving. This means even longer hot summer evenings than at present and cold, often dark mornings going to work all year round.
>
> What about people who like to view the night sky and have to wait until about 11 p.m. in summer for the end of twilight? The argument that business with the east is improved is a weak one and affects a few of us—and what about business with the west, which is to be relatively more displaced than ever? We are one country!
>
> People in the new western zone of the State shouldn't be fooled—they will now be two hours instead of 1½ hours ahead of Western Australia all the year. Come on, Legislative Councillors! Stop this foolish move and give us our proper time, one hour behind EST! After all the US has four time zones, Canada five and the USSR 11, with one-hour time differences, and they manage to survive.

The suggestion there is that we could go one step further than is contemplated or supported by members of this place on this occasion if the current standard time is maintained and we move in that direction.

The Hon. P.B. Arnold: Of course they survive because they have no control over it, anyway.

The Hon. B.C. EASTICK: Exactly. The *Advertiser* of 5 September 1986 contains a letter from Captain Oscar M. Lansbury, of Fulham Gardens. Headed 'Frivolity in moves to change our time zone', the letter makes the following clear points:

> Ideally noon should occur when the sun is on a north-south line passing through your specific geographic location. The line is a meridian of longitude. Obviously the ideal is impracticable. Our present time zone meridian is longitude 142°30′ east which passes through Warrnambool in western Victoria; it takes the sun 16 minutes to travel from Warrnambool's meridian to the meridian of Adelaide. Differences in longitude cause this first departure from true or apparent noon.
>
> A variable known as the equation of time can increase the longtitude difference by another 16 minutes. The consequences of the longitude difference, the variable equation of time and the fact that our time meridian is in Victoria are a mild inconvenience; but when clocks are advanced an hour for daylight saving, the time meridian is virtually moved 15 degrees east to 157°30′ east which is out in the Tasman Sea.
>
> If we were on Eastern Standard Time our time meridian would be longitude 165° east, which is within hailing distance of Invercargill, New Zealand. This is absurd. One wonders how New York and Los Angeles, with a time difference of three hours, manage their business satisfactorily.

I dare say that all members recognise that that statement was made with tongue well and truly in cheek. The letter continues:

> One also wonders how politicians can waste time on such unnecessary frivolity when our economy is in parlous straits, rocketing downhill like a riderless horse.

I support the general thrust of the comments made by that writer, as I support so many other arguments that have been put against the Bill.

Some letters have appeared supporting the other side of the argument, but they are few and far between. I stress again that certain information has been made available to me from outside my electorate. I make that qualification because it would be expected that a member would receive many personal representations from within his own electorate. However, disregarding the number of personal representations that I have received from within my electorate, the representations that I have received from outside my electorate comprise 70 per cent from the city and 30 per cent from country areas. Further, of all those representations the only ones seeking support for this measure are from the business interest groups in the metropolitan area.

The Hon. Ted Chapman: Some of the business interest groups.

The Hon. B.C. EASTICK: Yes, and even some within the media group are at variance one with the other. There has been no generalised public support, either from the country or the city, for this measure, so I have no difficulty in opposing it.

The Hon. TED CHAPMAN (Alexandra): I support the views that have been expressed by members of the Opposition, including those of our Leader, on the time change that is proposed by the Government. One might fairly ask: if CST in Australia is suitable to the majority of our community, why do the Eastern States not change to CST? After all, we are, geographically speaking, situated centrally in this nation and, if our time is to be the same as that in the Eastern States, what is wrong with the Eastern States complying with our timetables? One might also fairly ask what are the merits of having two time zones within a single State. I cannot think of anything more hideous in its application than the Government's Bill in that respect.

One might further ask what consultation there has been between the Northern Territory and South Australia, bearing in mind that the Territory is also on Central Standard Time. Further, one may ask about the disruption in trade that may occur between this State and those to the north of us with which we are so actively trying to promote trade, if trade is an argument at all in this issue. A number of members on this side of the House have spoken about parochial and local interests of their constituents and have referred to their concerns. I do not propose to do that on this occasion because, frankly, I have not received a lot of feedback from my constituents on this subject, although the opinion that I have received has clearly been in opposition to this move.

In relation to the proposed division of the State into two time zones, I refer to the intrastate difficulties that may occur, not the least of which, of course, concerns the confusion that would arise in the timetabling of our air services. A number of regular air services operate between Adelaide and Port Lincoln, and beyond to Ceduna as well. Passengers travelling to and from Eyre Peninsula would be required to change their timepieces and indeed calculate the times applicable or have a duplication of timetables in relation to their flight patterns. I see that as being a totally unnecessary and unworkable arrangement to have in that regard.

In relation to the gulf region to the west of the State, let us consider the timetabling that is applicable to the tides. The pattern of the tides is not going to change as it is dictated by the movements of the moon, but timetabling is a regular and required activity in the fishing community, whether for recreational or professional fishermen. Fishermen are very dependent on the schedules that are put out daily identifying the tide timetables. If the Government's Bill succeeds, in the middle of Spencer Gulf we will have a boundary with differing timetables for tide movements on either side. Short of individuals adjusting the times in each case, a duplication of timetables will be required. One could go on and cite example after example of confusion that will undoubtedly arise, with greater expense involved in the division of the State into two time zones.

The Leader of the Opposition has talked about the industrial disruption that will occur, and other members have added their comments about the difficulties of working early in the morning in the dark. I do not recall anyone raising the difficulties that would be experienced by the wool industry in South Australia. The activities of employees in our wool industry are laid down under Federal awards, which dictate not only conditions, salaries and payment of wages to employees but also the times that employees shall commence work, have smokos and lunch breaks and finish work each day. In South Australia, more especially in the western part of the State, 7.30 a.m. is the start-up time in that industry, and at certain times of the year it is pretty dull, if not dark, at that time of the morning. To take the time back half an hour in the western part of the State, and in the summer months albeit without daylight saving applying, is ludicrous, to say the least.

One could argue that perhaps those workers could switch on some lights, but in the wool industry, by virtue of the location of the shearing sheds, many are without power other than that produced by the property owner's own engine driven internal machinery. So, to provide light to allow workers to put in a full working day in those situations would be, if not impossible, very expensive and inconvenient. Further, with the machinery used in that industry, workers would be exposed to additional dangers if they were to work under lights rather than using the natural daylight. Other matters of concern raised have related to school children meeting school buses, problems associated with the dairy industry and the picking up of milk, and the delivery of grain from the cereal growing regions to silos, and so on.

One could go on and mount a massive case to oppose this Bill. Frankly, I have not yet been able to identify the lobby and/or the initiative from which this subject arose. The Government really has not set out to demonstrate to the public at large, even given the media support it alleged earlier or the support of the Chamber of Commerce, a real case to support this proposal. Without such a case, I really believe that we are wasting time talking about this Standard Time Bill. Also, incidentally, it has been signalled to us that this Bill will not get through the other place, anyway, and so I suppose from that point of view it is really a waste of time.

I do not think that this matter warrants each member using fully the allotted time to canvass this issue, and I will not pursue the matter much further. Our position is clear: we support the views of what appears to be the vast majority of South Australians in this instance. The Government is almost without a feather to fly with—unless it has some obligation to the trade union movement or to some specific business sector in the community. The Government does not have the sort of support that one would expect that a Government would seek, if not insist on, in cases like this before bringing a Bill of this nature before Parliament.

The member for Light indicated that there was business support in the metropolitan area. I have had some discussions with business people in the metropolitan area, as well as residents at large, about this subject, and I find it very difficult to believe that there is the level of support for this proposal that has been alleged. There has been some newspaper coverage of the subject and a bit of radio feedback, but generally speaking the opposition to this Bill has been loud and clear. On that note, I signal again that I support the Leader in the statements that he made some weeks ago, when he outlined the position on behalf of the Liberal Party in South Australia. I believe that the Government would be well advised even at this late stage to back off to avoid further embarrassment in seeking the passage of this measure through both Houses of Parliament. I oppose the Bill.

The Hon. D.J. HOPGOOD (Deputy Premier): I remind the member for Alexandra that the logic of what he has just said, if extended, really would be that Oppositions would never say anything in debate in the Lower House. He really said that he believes that this is ultimately a dead horse and that the Government should not flog it. Is it not in fact the case that Oppositions, by the very nature of the arithmetic of the popular House, are always flogging a dead horse? Obviously, one goes ahead with what one believes is right and the matter is put to a vote. Given the number in either House of Parliament, one pushes it as far as possible and that applies to Oppositions as well as Governments. It

applies also to private members' time, when quite often Oppositions introduce legislation on which there will be little progress at all, but one proceeds.

At this stage I do not intend to respond to everything that has been said in this debate, which has gone on for quite some time. I do not think that I should overly prolong the length of this debate. It is necessary that I particularly resist the temptation to get into some of the interesting astronomical aspects of this whole argument because, as members would know, that subject is a particular interest of mine and one on which I could enlarge for some time, but I will withstand that temptation, because we are dealing with the matter basically on sociological and economic grounds.

I want to dispel completely any suggestion that the Government has introduced this legislation at the behest of any particular interest group in the community. As I said to the media last evening, when responding to the ridiculous assertions of the Leader of the Opposition, we are happy to have the general support of the business community throughout South Australia on this matter, and we are happy to have the general support, I believe, of the people particularly in the Adelaide metropolitan area, but that is not the reason for introducing this legislation. In introducing the legislation we believe that we can complete an agenda which was set by Governments a long time ago but which was seen as being too difficult to attain. By virtue of the split time zone envisaged by the legislation, I believe that we can also give some assistance to those in the far west of the State who believe that some assistance is necessary.

I thought that some members of the Opposition (in particular the Leader) tended to contradict themselves because, on the one hand, they suggested that support for this legislation was pretty weak from industry generally but, on the other hand, they then proceeded to lecture industry as to its responsibilities and attitudes so far as this legislation was concerned. I thought a fairly stern lecture was delivered by the Leader of the Opposition, and that would hardly have been necessary had his prime assertion, that there was little support for the measure, been soundly based. Also, we were rather surprised to hear some of the comments made by the Leader of the Opposition (although perhaps less so by his colleagues), because I think that the Government felt that the problem was in the country, but apparently that is not the case: the suburbs are in revolt and, through mountains of correspondence, people are virtually burying the electorate offices of members opposite, metropolitan based though some of them may be with correspondence, about their concerns with this legislation. That has not been my experience, nor has it been the experience of members on this side of the House.

I know that one works very much on the iceberg principle that five letters might mean 500 concerned people and that sort of thing but, moving around the community, we discovered quite a reasonable level of acceptance for what we are attempting to do. People see it quite reasonably as an extension to the daylight saving provision which was supported by well in excess of 70 per cent of the community in a referendum that was held by the Tonkin Government in 1982, and they have accepted it in that light. Those people who opposed daylight saving also oppose this measure largely for the same reasons. This is very much the daylight saving debate revisited. Most of the arguments from the Opposition have been very much along those lines.

However, it is necessary that I say one or two things about some of the claims that have been advanced in the debate. As I recall, the Leader of the Opposition said it was a pity that, in the late nineteenth century, there was a proposal for uniform Australian time on 135 degrees east longitude which was defeated but, because the longitude was in South Australia, it now appeals to him, although parochial views of others prevailed at that time. Now we have an opportunity to move to some greater degree of uniformity than exists at present in Australia, but the Leader does not want that to occur. On the one hand he bemoans the fact that in the last century an opportunity was wasted to provide some degreee of uniformity and now, on purely parochial grounds, he rejects the proposal. I feel that the Leader's thinking is still very much in the nineteenth century.

The Leader of the Opposition mentioned that the astronomical twilight would be as late at 11 p.m. Again, I must say that I have agreed not to get too involved in astronomical details, but I wonder whether he knows what an astronomical twilight is. It is not what he or I would normally regard as a twilight, and in fact it is very much darker. Mention was made of modern communications having overcome the difficulties of time differences, but modern communications accentuate the problems, because one could immediately want to be in communication with somebody who lives in a different time zone, and there is little doubt that that is all the more reason for addressing the problem. In 1898 people talked about cables, because they could not talk about telephones, radio communication and that sort of thing. All these devices are now available to us.

It was mentioned that the adoption of Eastern Standard Time will put Adelaide 45 minutes ahead of sun time. Members opposite did not reveal that such an advance is reasonably common across the globe. I am advised that Buenos Aires is 45 minutes ahead of sun time; San Diego, 43 minutes ahead; Cape Town, 46 minutes; Montevideo, 45 minutes; and in the northern hemisphere Paris deviates by 51 minutes; Madrid, 75 minutes; and the most westerly city in New Zealand is 46 minutes ahead of sun time. Our proposal is by no means novel across the globe and it is one with which other people are certainly able to cope.

The Chamber of Commerce survey showed that we would 'immediately become an integral part of mainline Australia in trade, travel and communications and remove our quaint backwater image'. So far as this legislation is concerned, we have received a good deal of support from industry. We have received support from Mitsubishi, Adelaide Brighton Cement, Softwood Holdings, *Advertiser* Limited, the Stock Exchange, Bennett and Fisher, the State Bank, Telecasters, SAFM, the Green Triangle Council for Regional Development, and the Builders Owners and Managers Association. I would have thought that that is a respectable sort of list.

The Leader of the Opposition tried to make the point that South Australia obtained the investment at Roxby Downs despite the fact that we were not on Eastern Standard Time and, of course, that is true. He could just as easily have mentioned Mitsubishi, ICI, Philips Industries, the Tube Mills, or any industrial establishment in this State.

The point is whether by going to Eastern Standard Time we can establish an even more favourable climate for investment than is currently available to us. I can well understand the member for Flinders wanting to raise matters in relation to his constituents, and certainly the correspondence I have received on this matter has been almost exclusively from the Far West of the State, that is, correspondence that has expressed concern about this matter. Of course, letters of support have come from all over the place but, for the most part, where there has been opposition it has come from the West Coast.

The member for Flinders became involved in a tortuous argument about whether the Minister of Labour was right

in his claim about how this whole matter arose. Of course, the occasion for the renewed agitation was my Bill to change the basis of the way in which daylight saving would be set up. I do not deny that, and I never have denied it. The point was that that might well have been the end of it, but people in the Far West took the opportunity to agitate for something to be done in relation to the amendment that was made in the Upper House, with my agreement. They did not have to proceed with a revival of the debate on this matter.

I am not saying that this Bill might not have come forward if they had not decided to again put daylight saving and its future on the agenda—I am not saying that at all. I really do not know. Given that those people started to send in cards and letters saying that something more should be done about daylight saving and that there was an opportunity now that the legislation allows the Government to set up different time zones, of course the Government thought it was not unreasonable that we should examine the possibility of a separate time zone. Once that examination proceeded, the possibility of the eastern zone of the State (if that decision was taken) going to Eastern Standard Time was one that came back onto our plate.

They are really the plain facts of the matter. I do not particularly mind who started the debate, but I make the point that it really was not necessary for people over there to proceed with their agitation. They chose to do that, and we responded in a particular way. The result of that response is now before us in this Chamber.

The other point I want to make is that I was disappointed that the member for Flinders imputed certain motives to me. I think that in his remarks he said that I was dishonest in the way I had brought forward this legislation. I have not checked the *Hansard*, but I recall his saying that. He also said that this was a cynical move on the part of the Government. I mention this only because it is unlike the member for Flinders to carry on in this way. Simply saying that he honestly disagreed with what the Government was doing and that he thought the Government was incorrect in proceeding in that way would have been reasonable and in line with the sort of approach that the honourable member takes in this place for most of the time. I do not suggest that that level of behaviour is exhibited by other members, but that is what we normally get from the member for Flinders. He simply disagrees with us and leaves it at that. However, on this occasion he has chosen to suggest that I have been dishonest in the way in which I have represented the purpose of the Government and that we have been cynical in the way in which we have tried to bring forward this legislation. I simply reject that.

Again I ask, 'Where does the agitation about which members opposite are so concerned come from?' I see very little evidence of it at all. Of course, there is the rather cynical viewpoint, which was brought forward by the member for Davenport on the other side, by implication, that there always has to be agitation for something to be done: Governments only ever react when pressure is put on and not for any other reason. The honourable member spent most of his speech rhetorically asking questions such as, 'Where does the pressure come from?' 'Where does the agitation for Eastern Standard Time or, indeed, for the two zones come from?'

I simply reject that approach. It is certainly true that from time to time Governments react to pressure. It is certainly true that from time to time legislation is hastened through this place and the other Chamber as a result of a particular need that has arisen, be it economic, law and order, or merely straight political. But in this case it illustrates the fact that a Government can proceed in a particular direction that it sees as being appropriate and correct whether or not there has been agitation within the community.

I do not know that I really need to go on much further. This debate has continued for some time. There have been many contributions from members opposite, and certain of my colleagues have spoken, particularly those who represent seaside districts, and they have pointed out the benefits to leisure and recreation time, quite apart from the obvious economic benefits that this move will bring to the State. I think we have to accept that for the most part people are evening people. There are not too many morning people left around the place. People get up in the morning and they have to do certain things which, for the most part, do not rely too heavily on there being blinding daylight outside. But at the far end of the day there is a demand for more sunlight for recreation and other purposes. There is no doubt about that at all.

It is true that there are morning people and there are evening people and in fact I once read that marital problems can arise if one marries the other. However, I think that most people these days tend to develop a lifestyle which puts them in the category of evening rather than morning people. If that were not so, we would never have had daylight saving in this State and a 70 per cent majority would not have voted for daylight saving at the Tonkin referendum. This Government is merely acknowledging that sociological fact of life.

Mr Olsen interjecting:

The Hon. D.J. HOPGOOD: I am glad to see the Leader back with us. I have had a great deal of difficulty in this debate trying to sort out who was handling this matter for the Opposition. I was aware that the Leader had led off in the debate, but I assumed that the member for Light would probably handle the measure, as I assume that he is the shadow Chief Secretary, although I am not too sure. The role of Chief Secretary does not have to be acted upon too often these days in any case. I guess that the role of shadow Chief Secretary takes second billing to the emergency services shadow portfolio or whatever other responsibilities that honourable gentleman might have.

We had a little trouble working out who was handling the debate for the Opposition, and I assume that we went home last night because the Leader was not in the Chamber to deal with the Committee stage of the Bill. Of course, I quite readily agreed to our going home early: there was no point in staying any longer than the Opposition wanted us to stay. I was reasonable in that matter, as this Government is reasonable in all the measures it bring before the Chamber. I commend this measure to members.

The House divided on the second reading:

Ayes (25)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Blevins, Crafter, De Laine, Duigan, M.J. Evans, and Ferguson, Ms Gayler, Messrs Gregory, Groom, Hamilton, Hemmings, Hopgood (teller), Keneally, and Klunder, Ms Lenehan, Messrs Mayes, Payne, Peterson, Robertson, Slater, and Tyler.

Noes (17)—Messrs Allison, P.B. Arnold, D.S. Baker. S.J. Baker, Becker, Blacker, Chapman, Eastick, S.G. Evans, Goldsworthy, Gunn, Ingerson, Lewis, Meier, Olsen (teller), Oswald, and Wotton.

Pair—Aye—Mr Rann. No—Ms Cashmore.

Majority of 8 for the Ayes.

Second reading thus carried.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

Mr BLACKER: I move:

Page 1, line 12—Leave out '2.30 a.m. eastern' and insert '2.00 a.m. central'.

This is an administrative matter. The main basis of my amendment comes further on in clause 3 but the technicalities are such that, for it to be considered, it would be necessary to amend clause 2. I understand that if that was not proposed there could be the technicality of a half an hour which is not accounted for; in other words, daylight saving would end at 2 o'clock and subsequent time would not pick up from there.

The Hon. D.J. HOPGOOD: I do not think there is too much in this. What the honourable member is saying is that there will be a non-existent half hour; does that really matter?

Mr Blacker: That is the case, yes.

The Hon. D.J. HOPGOOD: That is the situation: does it matter? I am not proposing to accept this amendment. I think I have to read it in the light of the further amendments from the honourable member which really have the effect of rehashing what has happened in the second reading debate. The honourable member is opposed to our move to Eastern Standard Time, and I can understand that. I can understand the reasons for him bringing those arguments forward. Obviously I disagree with him, otherwise we would not be introducing this legislation, so I urge the Committee to reject the amendment.

Mr BLACKER: Mr Chairman, I seek your advice on this matter now. Can I, in fact, talk about the substance of my later amendments and treat this as the test case?

The CHAIRMAN: I think that is reasonable. I am prepared to accept that proposition because, as I see it, if this amendment is defeated, then these other amendments are subsequent to it.

Mr BLACKER: Thank you, Mr Chairman. It need not necessarily be that way but, for the purpose of this exercise and with the indulgence of the Committee—

The CHAIRMAN: The situation is that, if at a later stage you want to proceed with these, you are quite at liberty to do so.

Mr BLACKER: As the Minister rightly pointed out, it was a lead-in to the basis of my amendments which were to follow, and in particular amendments to clauses 3 and 5. The proposal that I am presenting to the Parliament is similar to a proposal that was presented by the Local Government Association some four years ago and, in particular, promoted from the Eyre Peninsula Local Government Association based on the argument of the concern about daylight saving. It was felt at that time that we had all had daylight saving and, because of our time meridian being based on 142 degrees, which is through Warrnambool in Victoria, the further one goes to the west, so the period of daylight saving experienced is greater.

As I pointed out in the second reading speech, Ceduna is obviously experiencing much more daylight saving under natural conditions as well as the daylight saving that was implemented under the Daylight Saving Act and now with an additional period that would occur less with the split than would occur under Eastern Standard Time. At that time it was quite widely felt throughout my electorate that if we could adopt the natural time—in other words, when one stands a crowbar up at noon, there is no shadow because the sun is directly overhead—

An honourable member: What if you do not have a crowbar?

Mr BLACKER: I think the point is taken and the Minister understands what I am talking about. In other words, whether it is noon in South Australia, Western Australia, New Zealand—

The Hon. Ted Chapman interjecting:

Mr BLACKER: As the member for Alexandra says, the rural people certainly understand because they have used a crowbar on many occasions. Let us not trivialise the debate, because it is serious and it is affecting people in the community. All we are seeking is to use the natural time that every other citizen in the world uses, with a few very minor exceptions. It is not an unreasonable request. It is a perfectly logical request and, if we could have that, then the whole State can wear daylight saving with no problems and accommodate it. I am sure that we, as a State, would be recognised.

By doing as the Government proposes, we are isolating ourselves from the Northern Territory, splitting the State and facilitating the Eastern States expansion of their business. If the Government's argument were valid, the Eastern States should be adopting Central Standard Time—in other words, through Warrnambool—and it would be more of a natural time. Sydney is to the east of their time meridian; Adelaide is to the west of its time meridian; and, if we put them on a like basis and use 135 degrees east as the meridian for South Australia, we would have a parallel between Adelaide and Central Standard Time and Sydney and Eastern Standard Time. Daylight saving would then be equal in the States. I know that many members probably turn off when I talk on this subject, but I am trying to defend the case, which I believe is very valid, for and on behalf of the people of my electorate. I ask the House to give this serious consideration.

The Hon. D.J. HOPGOOD: I do not want to give the honourable member the discourtesy of not responding in some way to what he has just said, but again I make the point that, obviously, were the Government to accept this amendment it would vitiate the purpose of the Bill. I understand the arguments that the honourable member is bringing forward. I have made it clear all along that we see strong economic and sociological arguments for going to Eastern Standard Time on the basis as set out in this legislation, and we do not propose to deviate from them. All I can do is ask the Committee to reject the amendment.

Mr OLSEN: The Opposition will not be supporting the amendment because it is in contradiction to the position that I have put on behalf of the Opposition. We seek to have the *status quo* prevail, and this amendment effectively takes Central Standard Time back half an hour. I, like the Minister, understand the objectives that have been put forward by the member for Flinders. However, in accordance with the position that I put down on behalf of the Liberal Party, and our endeavour to retain the *status quo* in South Australia as it relates to the time that currently applies here, incorporating daylight saving at the appropriate times throughout the year (which the Liberal Party supports), we are unable to support the amendment.

Mr S.G. EVANS: I support the amendment, but for another reason. I spoke in support of what is currently the practice, but I think it would be good for us to have a look at what the member for Flinders is suggesting, because one of the arguments of the business houses and of the Government is that the half hour time slot is too small and that, for that reason, this State should shift further away from real sun time.

If we take up the point of the member for Flinders, we are accepting the time difference throughout the world, namely one hour. I support the amendment, if for no other reason than that perhaps within the community we might have some discussion as to which is the best direction to take. In recent times I heard the Deputy Premier say that the member for Davenport was only talking about where the push was coming from and that the Government should

not have to respond to where pushes come from or to community attitudes.

Members interjecting:

The CHAIRMAN: Order! The Chair has been very flexible.

Mr S.G. EVANS: Could I tie this up with the amendment?

The CHAIRMAN: I wish that the honourable member would.

Mr S.G. EVANS: I will do so. There has been no survey of or assessment in the community by bringing this up as an election issue. There has been no opportunity for the community to express an attitude other than by letters to the paper. There has been no Government promise at any time, and no Government or political Party has carried out any survey in this State. By bringing up the point that the member for Flinders is bringing up, we are also introducing this aspect and giving the community an opportunity to express a view at a future date when a political Party—whichever it is—goes to an election offering either a change or to stay with the *status quo*. Now is the opportunity to bring the other element into it, so that we can ascertain what the community thinks and what this House thinks. Perhaps it might encourage someone in another place to take a similar attitude, to test it up there if it fails here; I therefore support the amendment on that basis.

The Committee divided on the amendment:

Ayes (2)—Messrs Blacker (teller) and S.G. Evans.

Noes (38)—Messrs Abbott and Allison, Mrs Appleby, Messrs L.M.F. Arnold, P.B. Arnold, S.J. Baker, Bannon, Becker, Blevins, Chapman, Crafter, De Laine, Duigan, Eastick and M.J. Evans, Ms Gayler, Messrs Gregory, Groom, Gunn, Hamilton, Hemmings, Hopgood (teller), Ingerson, Keneally, and Klunder, Ms Lenehan, Messrs Lewis, Mayes, Meier, Olsen, Oswald, Payne, Peterson, Robertson, Slater, Trainer, Tyler, and Wotton.

Majority of 36 for the Noes.

Amendment thus negatived; clause passed.

Clause 3—'Interpretation.'

Mr BLACKER: As I have treated my first amendment as a test case, I shall not move my subsequent amendments to this clause.

Mr M.J. EVANS: I move:

Page 1, after line 14—Insert definition as follows:
'central standard time' means time that is 30 minutes behind eastern standard time:

This amendment is also a test case for subsequent amendments that I have foreshadowed on the basis that, although my amendments cover 1½ pages, they achieve the single purpose of inserting a sunset clause in the Bill. I believe that, if ever a Bill deserved such a clause, this is one that is high on the list for such consideration.

In a survey which may have had a questionable statistical basis, the Chamber of Commerce and Industry ascertained that 57 per cent supported the introduction of Eastern Standard Time and 43 per cent preferred the *status quo*. Although that represents a majority for one point of view, it also indicates that a substantial group is concerned about the introduction of EST. The Minister has indicated that an attitude common to all groups and individuals in this State is that South Australia should at least give it a go. I accept that as a reasonable proposition, but in that context the Minister has indicated that this Bill is something of a social experiment. As such, it should contain a provision to ensure that, if the social experiment is not successful, it will come to a reasonably early end without Parliament's having to intervene.

My proposal is that, unless Parliament acts to preserve the arrangement, the move to EST will expire at the commencement of the daylight saving period in 1988. This means one winter, one summer and another winter of EST, which would give the State an adequate opportunity to see whether or not it liked the social experiment and then a period of some months during which Parliament could act either to continue the proposal or to allow it to lapse. The period of the trial should be reasonably long so that people can see what the effect of the legislation will be on their business and their lives both in the country and in the city.

As the Government has done on many other occasions, an automatic expiration of the legislation in this instance would be reasonable. The principle is accepted in both Federal and State legislation that, where one is conducting an experiment that is based on a reasonable proposal, one should not only ensure that it has to come before Parliament again for debate to determine the success or otherwise of the experiment but also be able to revert to the present *status quo* (that is, CST) automatically, so that those who seek an extension of EST must produce evidence and support for it in the Parliament to justify its continuation. If that support is not forthcoming, the law, like the sun, will set and the legislation will automatically expire. Such a provision, which has been tested previously, would serve the State well if this Bill became law.

The Hon. D.J. HOPGOOD: I ask the Committee to reject the amendment. The history of daylight saving legislation in this State has illustrated that, notwithstanding the large majority in favour of daylight saving, there are people who are implacably opposed to it, and they will continue to be implacably opposed to it. I see this measure as being in much that same category. Therefore, the honourable member is really asking Parliament two years hence to go through a fairly difficult process of trying to assess what is behind the noise that will almost certainly still be heard on this measure at that time.

Members interjecting:

The Hon. D.J. HOPGOOD: I have no qualms about this matter so far as an election or anything like that is concerned. The Government would be very much on a winner, but I see no reason why the legislative program should in any way be disrupted by our having to pass legislation which I believe will have secured a considerable level of acceptance (indeed, well beyond majority acceptance) in our community, even though there will continue to be a noisy minority for reasons which will be well understood and with which, if I were in the position of those people, I might not disagree.

Mr OLSEN: The Opposition does not support the amendment. The Minister's comment shows that he is again trying to drag daylight saving into the matter, but that has no relevance to the Bill. As the member for Elizabeth pointed out, the Government is trying a social experiment with this Bill, and we have seen passed during the past month a couple of other Bills relating to social experimentation. Where we are experimenting with the lifestyle of South Australians, the problems should be sorted out before the legislation is introduced.

In his second reading reply, the Deputy Premier did not try to answer any of the questions asked by members on this side. What is the Government's attitude to the problems of workers who now start work at 7 a.m.? How will the Industrial Commission look at such problems? The Deputy Premier has not answered our questions about the problems of single parents of children who will have to travel to school early in the morning in darkness.

The CHAIRMAN: Order! I ask the Leader of the Opposition to return to the amendment. There will be a third reading stage later.

Mr OLSEN: I am explaining the Opposition's reason for opposing the amendment. Because there has been no attempt to deal with the problems that Opposition members have highlighted on this Bill, we do not support an experiment for one year, two years or three years or the sunset clause as regards Eastern Standard Time. The net effect of the amendment is to insert a sunset clause in the Bill.

It is too important to be experimenting, particularly when we do not have answers to the very real problems that will affect the lifestyle of ordinary South Australians. Without those matters being clarified, it is the Opposition's view that this legislation ought not be proceeded with. For that reason we do not believe that we ought to implement the proposal even on a trial basis.

Amendment negatived.

The CHAIRMAN: I believe that the member for Elizabeth's other amendments to this clause are consequential on the passing of the previous amendment.

Mr M.J. EVANS: Yes, and I will not seek to detain the Committee by pressing those further amendments.

Clause passed.

Clause 4—'Standard time in South Australia.'

Mr M.J. EVANS: Can the Minister assure me that the proposal that the Governor may make regulations to exclude a part of the State from daylight saving is in fact the same exclusion power that we have just proposed to give him in clause 3 (2), and that in fact those two powers are identical and concurrent and do not create a multiple power of dividing the State into time zones: that the only two time zones we can ever have are in fact Eastern Standard Time with daylight saving and Eastern Standard Time without daylight saving? It seems to me that there is almost a duplication of powers there, and I would like the Minister's confirmation that they are one and the same power.

The Hon. D.J. HOPGOOD: The legislation is clearly broader than the Government's intention here, and I think that is purely for convenience of drafting. Just exactly how the State would be divided is a matter for the regulations envisaged under clause 3 (2), but I can certainly tell the honourable member that the Government does not intend to do other than what has been publicly canvassed in both the second reading explanation and the various pronouncements that I and my colleagues have made from time to time.

Mr OLSEN: I ask the Deputy Premier what advice the Government has received in relation to the difficulties that will be created for people who normally start work at 7 a.m., that is, say, high rise building workers, council, road and E&WS workers, who will be required to work for about an hour in the dark. Is it the Government's intention that they work for an hour in the dark, or that they remain in the depot for that hour with a consequent loss of productivity, or does the Government intend to take the matter to the Industrial Commission to amend the various awards relating to those workers?

The Hon. D.J. HOPGOOD: We would be guided by the wishes of the Trades and Labor Council in something that affects the members of its various constituent organisations.

Members interjecting:

The CHAIRMAN: Order!

The Hon. D.J. HOPGOOD: The Leader of the Opposition is a little premature in his interjection, Sir. What I want to go on and say is that we have consulted with the Trades and Labor Council about this matter all along the line, and it has not indicated that it has any particular concerns in relation to this matter. I understand that the Government would not be asking for any change to awards in any way whatsoever—and, of course, the situation is by no means as the Leader of the Opposition makes out. For most of the year there will be quite enough light for work to be able to continue. I indicated when this matter was first proposed, and I have indicated publicly, that I thought there were two problems that would have to be resolved one way or the other (and you cannot please everyone in these matters): one was what I saw as being the somewhat anomalous position of Port Lincoln and whether that should be in the eastern or western time zone of the State, and the other was the possibility of significant concern on the part of the industrial work force as to the conditions of light when workers are going to work in the morning.

The Port Lincoln question has been resolved so far as the Government is concerned in that it will be in the western part of the State, and as to the other matter the Trades and Labor Council, as the organised mouthpiece of the industrial workers of this State, has not indicated that there has been any real concern expressed by its constituent organisations.

Mr OLSEN: In view of the fact that the Government will seek no variation in the awards governing those people in the industries to which I have referred, will the Deputy Premier indicate—just as it relates to one industry, the building industry—the extra cost that will be passed on to that industry if there is no variation in the award and there is lost productivity time over some 60 days in June and July, and over some 156 days during the winter months, as the work capacity of those people in the workplace will be restricted? This is quantifiable—obviously if the award is not to be varied one can quantify the cost involved. Therefore, can the Deputy Premier indicate what the cost will be?

The Hon. D.J. HOPGOOD: The Leader's basic premise is simply wrong.

Mr BLACKER: My question is similar to that asked by the Leader. I refer to the shearing industry and point out that it is physically impossible to shear at 7.30 a.m. on Eastern Standard Time, particularly in the west of the State—and the west of the State will not have daylight saving in the middle of winter as proposed in this measure. Therefore, as it would be physically impossible, some arrangements would have to be made with the trade union movement to vary the award, otherwise where would we go from there? Is the Minister saying that the Government supports shearing starting half an hour later to accommodate that problem?

The Hon. D.J. HOPGOOD: No, I am not saying that at all. I am saying that the Trades and Labor Council, as the organised voice of the constituent unions, has not indicated to us that there is a significant problem in that regard. I am sure it can be resolved if it arises and is shown to be a problem. I understand that most shearing sheds have lights, anyway.

Mr OLSEN: I just go back to one basic point that the Deputy Premier is attempting to gloss over. Does the Deputy Premier acknowledge that sunrise during the winter months of June and July and over 58 consecutive days of the year would be as from 7.54 a.m.? Of course, it does not get relatively light for some time after the actual designated time of sunrise. Therefore, will the Deputy Premier acknowledge the basic point that for about an hour between 7 a.m. and 7.54 a.m. there will be no light for people to work in?

The Hon. D.J. HOPGOOD: The Leader is obviously astronomically illiterate because the reverse is the case. There is a thing called dawn and a thing called dusk. It is no good the Opposition using the concept of dusk on the one hand but denying the concept of dawn: of course it gets light before the sun comes up.

Mr LEWIS: Where work is being done in buildings such as shearing sheds, it is not sufficiently light to work in the light of dawn; some far more extensive illumination would be needed than that available if shearing were to commence at the usual time.

The Hon. B.C. Eastick interjecting:

Mr LEWIS: Yes, it is not only the ewes that I am thinking of here, either. Maybe the Minister has never shorn a sheep; I do not know. The main problem is that an increasing cost will be incurred by somebody in order to provide the additional illumination that previously was provided by the sun.

Ms Gayler interjecting:

Mr LEWIS: Pardon?

The DEPUTY SPEAKER: Order! Interjections are out of order in any event.

Mr LEWIS: They can help the debate. While I acknowledge the strict letter of Standing Orders, it does help if we understand any differences that arise and they can be explained at the time that we try to make our points clear. There is not only the condition to which the Leader of the Opposition has referred but also the instance cited by the member for Flinders. It is not good enough for the Minister to presume that, in the middle of winter when the sky is overcast, one can shear on about 60 days and run a shearing shed, or can undertake building work on, say, the partially completed interior of top storeys of buildings without any illumination. It is just bloody-minded and ridiculous, involving serious implications for industrial health and particularly safety.

I believe that the Government must do more than simply wait passively for the United Trades and Labor Council to say that it has a concern. Also, I believe that the Government has a responsibility (and indeed had a responsibility before it introduced the legislation) not only to specifically ask the trade union movement but also, and more importantly, to investigate for themselves the consequence of the proposal. By not doing that, it has clearly indicated that it just does not care and that it is quite happy to have the trade union movement negotiate a variation in conditions without a change in the overall award. The situation could arise where employees would say, 'We are appealing against the light, and we'll go to work when the number of footlumens has increased'; in other words, they will start work at around 8 or 8.30 a.m. and not 7 or 7.30 a.m. when they commence to be paid.

The Hon. D.J. HOPGOOD: I will not carry on with this for very much longer. I can see what the Opposition is up to. I am prepared to say to the honourable member that, if he can give me the details of, first, the number of sheds in his electorate which shear in winter and, secondly, those which have no internal illumination, I will try to obtain a costing for him.

Mr M.J. EVANS: In relation to the exemption from daylight saving of part of the State (for example, the West Coast) which this clause clearly contemplates, that power is already contained in the existing Daylight Saving Act. When that clause was inserted, we began to go down the track of looking at Eastern Standard Time, and that question of the possible exemption from daylight saving of the West Coast area has, to some extent, been subsumed into this whole Eastern Standard Time question. Whether or not this Bill becomes law, does the Minister intend to review the question of the daylight saving exemption for those areas and does he intend to proceed in that matter?

The Hon. D.J. HOPGOOD: Yes, because the whole thrust of what we are trying to do here is that the whole of the State goes to Eastern Standard Time but, during the period of daylight saving, the western zone would remain on Eastern Standard Time.

Mr M.J. Evans interjecting:

The Hon. D.J. HOPGOOD: I accept the theoretical nature of the question raised by the honourable member, but, if this were not to become law, the *status quo* would continue.

Mr M.J. EVANS: So it would not then be the Minister's intention, under those circumstances, to exercise the existing power in the Act to provide that exemption. He is saying that that exemption is conditional upon the State adopting Eastern Standard Time?

The Hon. D.J. HOPGOOD: That is correct.

Mr LEWIS: I do not believe that it is my responsibility to discover the information sought by the Minister but, rather, I believe that the converse is the case. After all, it is the Minister's and the Government's proposal. Did the Government consider deregulating the labour market to the extent that it would consider abolishing commencement and conclusion times according to the position of the hands on the clock face and to leave it to employers and employees to register their arrangements in the Industrial Commission according to the number of hours that they work each day of each week, regardless of starting and finishing times? Also, did the Government then consider the consequence of not doing so? Who will pay for the additional work that will attract penalty rates, because that work will not be completed at normal rates?

The Hon. D.J. HOPGOOD: Deregulation of the labour market and labour conditions is a shibboleth of the Tories of this country and not the Labor Party. I point out that it is not the responsibility of the Government to take initiatives in the Industrial Court in relation to those matters: it is the responsibility of the parties registered in the commission, namely, the relevant trade union or the relevant employer or employers. I do not believe that it is appropriate for the Government to get involved in that.

Clause passed.

Clause 5—'Construction of references to time in instruments, etc.'

Mr M.J. EVANS: This clause relates to the effect upon legal instruments, including Acts, of the time zone in question if we divided the State into two time zones. Obviously, a number of matters would arise as a result of that, but I refer to polling times. Obviously, if the State is divided in that way, an almost unique situation will be created in relation to State, Federal and local council elections. The polls would close one hour earlier in one zone as opposed to another zone, because 8 p.m. or 6 p.m. would occur at different times. Normally, where that situation arises between States, that is not a problem, because State boundaries are also council, State and Federal electoral boundaries. None of those three ever cross State lines, but in this instance there is the potential to create a dividing line within a State, which could also cross council ward boundaries, council boundaries, State electoral boundaries and Federal electoral boundaries.

Obviously, we do not know where that would occur, because that is not spelt out in the legislation; it would occur through regulation. That means that there is a potential for polls to close at different times within the same council ward or the same electorate. Obviously, the Government has promulgated some ideas in relation to where that line might fall, but, as that is not contained in the Bill, could the Minister indicate what steps will be taken to ensure that no difficulties arise with polling booths in the same electorate, at whatever level of government, closing at different times?

The Hon. D.J. HOPGOOD: As I recall, the proposed line does not cut any local government area. Of course, it has been chosen to ensure that it goes through what is either water or arid or semi-arid and very sparsely settled areas of the State and, for a good distance, that part of the State that is unincorporated. As far as local government elections are concerned, I do not see any real problems. In relation to State or Federal elections, it is possible that, if an election were held at a particular time of the year, the situation to which the honourable member has referred could arise. It only arises during the period of daylight saving.

Of course, the concept of the two time zones does not operate for the rest of the year, so it would depend on when the election was called. I think that we would want to look fairly closely at whether or not there should be some adjustment to the hours of polling in these various areas. The only real problem that I see is the situation that I know is canvassed from time to time around the world where people still could be voting even though the results from other polling booths were known. That is probably unlikely since the time difference is only one hour in any case. That is something that arises in relation to Federal elections, or at least there is the possibility when there is a very early announcement of results from the eastern seaboard and people are still voting in Perth.

Apparently, this occurs quite frequently in the United States, and no-one worries about it at all. People in California can still be lining up to vote in the booths when the results in New York are wellknown. I would probably see that as being perhaps undesirable. It is a situation where people might already know that their vote was virtually irrelevant in terms of the ultimate result of a Federal or Presidential election. That is unlikely to arise, but certainly the Government would consider it carefully in setting times for opening and closing of booths.

Mr BLACKER: I wish to take up that point. According to my recollection since I have been in this House, a large number of elections are held within the period of daylight saving. Therefore the State District of Eyre would be affected as would the Federal District of Grey and, I think, in a local government area with extended boundaries the corporation of Whyalla would be similarly affected.

The Hon. D.J. HOPGOOD: I think that the honourable member is right. The election that brought me into this place was certainly held outside daylight saving but, generally, that is true. However, I do not think that I would alter anything I said to the Committee or the member for Elizabeth in relation to that matter. We will certainly look at it.

Mr M.J. EVANS: I recognise what the Minister is saying and I acknowledge the position in the United States, but I refer to individual districts being split, not a division between States. This move would divide the District of Eyre and possibly the District of Flinders, and certainly the Federal District of Grey would be divided almost in half with people still being able to vote for a further hour by crossing the line and going to a polling booth in another part of the district. In the one electorate any number of polling booths could have been declared and the result known within an hour when polling booths in the same electorate but down the road, 20 minutes away, would be open. While I accept them as the same—

Members interjecting:

The CHAIRMAN: Order!

Mr M.J. EVANS: People may not be able to vote twice, although I am sure that that has been tried. The fact is that we are talking about a situation that is slightly different to that which has prevailed between States in Australia and in America: we are talking about dividing individual electorates. It should also be borne in mind that nominations would close one hour earlier or later on different sides of the line. If the Federal or State Electoral Office was located in an eastern or western time zone, those offices would close an hour before or after nominations close in other parts of the State. All those factors have not necessarily been taken into account in making that distinction in the Bill before us.

Mr S.G. EVANS: I support what the member for Elizabeth has said, and I ask the Minister about starting and finishing times for Government departments. Members have said that the Bill makes changes that will benefit business, but some Government departments close their door to business at 3.30, 4 p.m., 4.30 or 5 o'clock. If the West Coast has a different time slot as compared with Adelaide, the opportunity for businesses or even Government departments will be subject to variation. They will not be able to communicate during normal hours. I hope that, whatever answer the Minister gives, he will bring down a report to the House about which Government departments do not operate during hours that are suitable to the normal business operations of people within and outside this State.

The Hon. D.J. HOPGOOD: I am happy to bring down that report.

Clause passed.

Remaining clauses (6 and 7) and title passed.

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

That this Bill be now read a third time.

Mr OLSEN (Leader of the Opposition): I do not believe that a more important piece of legislation has come before this House in recent times that has the net bottom line result of affecting the lives of people in South Australia. For an important piece of legislation that will affect the lifestyle of people in South Australia, this Bill has been subjected to minimum research regarding how it will be implemented and what the effects will be. Again today we have heard vague generalities from the Deputy Premier, who has not been prepared to answer any of the specifics. It is no wonder that the Government was not prepared to debate this issue with me or another Opposition member in a public forum. Members opposite were not prepared to go out into the public forum and debate, despite my offer to the Government, because they had no answers. They had undertaken no research.

During the passage of this legislation today and the second reading contributions of Opposition members and some of the Independent members on the Government side, legitimate questions were put to the Government, pointing out problems that will occur as a result of the implementation of this Bill. The Deputy Premier has not even attempted to answer those questions. Once again, we heard vague generalities. Why did the Deputy Premier not answer the questions? It was because he has no answers, because the Bill has not been researched adequately. The Government has not assessed the impact of this measure. Clearly, we should not proceed with social legislation that is basically an experiment without quantifying the cost of this move to the building industry, and that is something that could be quantified. The Government refused to do that: it has not quantified the costs. The line to establish the two zones is also in the vague category. Other members have highlighted many problems related to this legislation.

Basically, the Government is treating the processes of this House with contempt, I suggest. It is not attempting to respond and to allay the fears and concerns that we have

highlighted. That is not good enough for South Australia: it is not good enough for South Australians, and it illustrates clearly once again the arrogance of this State Government following the last State election. Members opposite believe that they are above and beyond reproach, recall and accountability in this Parliament. They have made no attempt to answer the legitimate concerns that we are expressing on behalf of South Australians. For those reasons, the Opposition opposes the move.

Mr BLACKER (Flinders): I too oppose the third reading of this Bill and I take up a point that the Minister made in closing the second reading stage. He implied that I had reflected upon him personally regarding the way in which he has handled this debate. If the Minister looks at my speech, he will see that I picked off point by point his second reading explanation and pointed out the gross anomalies. If the Minister took that as a personal reflection, may I suggest that he does his homework.

The Hon. D.J. Hopgood interjecting:

Mr BLACKER: The Minister said that I implied that he was dishonest. I might well have done that, because as an example in reference to the shearing industry the Minister said that the bulk of sheep are shorn in the summer time when there is most light and not in winter. That is grossly untrue. If the Minister had consulted with one of his own colleagues, the member for Peake, who sits just behind him, he would know that that is untrue. If we compare the two months in the middle of winter and the two months in the middle of summer, then the bulk of shearing is in winter, without doubt. Nobody shears in the middle of summer because of grass seeds.

Members interjecting:

Mr BLACKER: Well, it is too hot, but it is not only the temperature; the grass seeds are the problem there. In winter time they do not have grass seeds and I guess the other reason people are forced to shear in the dead of winter is because of the unavailability of shearers at the peak time when they would like them, and that is during spring. That is one of many reasons the Minister used. He used other examples and he was quoting other organisations. I note today that the Minister talked about Mitsubishi. It is interesting to note that Mitsubishi made only one statement. I believe the next day they found out that they had lost one sale and every comment since that time has been withdrawn.

They are the little things that have come up, and they are the things that place doubt in the mind of the public and doubt on the Minister's credibility in the way he has handled the matter because he has not been able to answer the questions that have been put by the Opposition.

The Minister said in his second reading explanation that he was going to consult with the Minister of Education. We have had no report whatsoever about the effect on the schoolchildren. We were talking about shearing earlier but many schoolchildren catch the bus long before shearers start work, and yet there is no mention of that. That is the part that concerns me and concerns the people of my electorate. To that end, I strongly oppose the Bill.

Mr S.G. EVANS (Davenport): I oppose the Bill at the third reading. I think what I said at the second reading, in part, is quite accurate. The Government is hoping this will get rolled upstairs. They have pandered to a few people in the finance industry and the sharebroking field and they think that is a benefit: they have pandered to a few business houses that trade interstate more than they trade here and they see that as a benefit—whether or not it be at election time, with funds, I do not know.

Let us be quite honest: we have proven in this place over the past two days that the Government has not done any research. There has been no survey of the State and the needs of the people. They have spoken about more play time for the community but perhaps we need to look at more productivity in the community if we are to get out of trouble. Some business houses need to think about that when they start to talk about this move. I oppose the Bill, and I can see that the Government will be thrilled if it gets thrown out of the other place and disappointed if it gets through.

The Hon. D.J. HOPGOOD (Deputy Premier): It is amazing how people show their true colours when one endeavours to bring some real reform into legislation at any particular time. This is one of those situations where, because people do not like change—

Members interjecting:

The DEPUTY SPEAKER: Order! The Minister has the floor.

The Hon. D.J. HOPGOOD: It is remarkable how much noisier the place becomes when the Minister has the floor, too, I notice. It is one of those cases where people are simply quite happy to procrastinate until the cows come home because they just do not want change. There is little doubt that there is majority support for this matter from those ordinary families that the Leader of the Opposition confesses he is concerned about and from industry, and there is any amount of indication from individual industrial houses of the benefits to this State by going the way we are. I completely reject the suggestion—

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. D.J. HOPGOOD: —from the Independent on the other side that the Government wants this legislation rejected. Of course the Government does not want this legislation rejected. It has more important things to do with legislative time than to be putting up Bills that it hopes will suffer in the other place. What I want to say to members in the other place is that they do have a responsibility here and they have an opportunity to be able to make a real statement of confidence in the future of this State and a real responsibility to take what I believe is a significant reform.

I agree with the Leader of the Opposition that this is very significant legislation that we are putting before the Parliament. They have an opportunity to show that they are a progressive House, exercising their responsibilities of review, but they are nonetheless also prepared to be progressive and to see that this is a measure that is very much in our interest. I believe that the Leader of the Opposition has imputed certain motives to this Government in an attempt to shore up his flagging fortunes so far as being Leader of the Opposition is concerned. It is a responsibility that he is trying to exercise. I am still a bit bemused as to why the Leader took the lead in this matter, because I do not believe he is, in fact, the spokesperson on it. Therefore, I can only assume that he took the matter up in furtherance of that theme that he has been trying to push for some time but I do not think it will wash at all.

In any event, there is little doubt that there is support for this measure. It is wrong to suggest that it is a quite separate measure from daylight saving. What it does is to provide to the people of South Australia a permanent additional half hour of daylight saving and there is no gainsaying that. It will mean that during the daylight saving period we will have an hour and a half in addition to what the old Central Standard Time provided, and for the rest of the

year we will have that additional hour. Where adjustments have to be made in relation to various points of administration—and I accept what was said about the opening and closing of Government offices and things like that, to the extent that there are Government offices in the areas of the State that are affected by the time zone—that is a matter, of course, that can certainly be taken up. It is not something that can be properly taken up until the overall matter has been resolved by the Parliament of this State: are we prepared to give to the people of the eastern zone of the State that additional daylight they want and are we prepared to give to the western half of the State that half an hour of what they call relief in the daylight saving period that they have been asking for and perhaps asking for more than that over the years?

I believe that this is a responsible measure which picks up those two main aims. It gives something for people in the more populous eastern part of the State but it does not ignore the concerns which have been addressed by the constituents of the member for Flinders and the member for Eyre, as they have expressed to both those members and to me. I commend the third reading of the Bill to the House.

The House divided on the third reading:

Ayes (26)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Blevins, Crafter, De Laine, Duigan, M.J. Evans, and Ferguson, Ms Gayler, Messrs Gregory, Groom, Hamilton, Hemmings, Hopgood (teller), Keneally, and Klunder, Ms Lenehan, Messrs Mayes, Payne, Peterson, Plunkett, Robertson, Slater, and Tyler.

Noes (16)—Messrs Allison, P.B. Arnold, S.J. Baker, Becker, and Blacker, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Goldsworthy, Gunn, Lewis, Meier, Olsen (teller), Oswald, and Wotton.

Pairs—Ayes—Messrs McRae and Rann. Noes—Messrs D.S. Baker and Ingerson.

Majority of 10 for the Ayes.

Third reading thus carried.

EDUCATION ACT AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1—Page 1, line 19 (clause 3)—After 'amended' insert—

'—

(a) by striking out from subsection (1) the definition of 'parent' and substituting the following definition:

'parent' of a child includes—

(a) a person who has legal custody or guardianship of the child;

and

(b) a person standing *in loco parentis* in relation to the child,

but does not include a parent of the child where another parent or person has legal custody or guardianship of the child to the exclusion of that parent:;

and

(b) '.

No. 2—Page 1, line 33 (clause 6)—Leave out 'Minister' and insert 'Governor'.

No. 3—Page 4 (clause 25)—After line 29 insert paragraph as follows—

'*(ab)* by inserting in subsection (1) after the passage 'according to the' the passage 'age and';'.

No. 4—Page 4, lines 35 to 38 (clause 25)—Leave out paragraph *(b)* and insert paragraph as follows—

'*(b)* who is of compulsory school age,'.

No. 5—Page 4, lines 41 and 42 (clause 25)—Leave out all words in these lines and insert 'at any Government primary school or (according to the age and educational attainments of the child) any Government secondary school'.

No. 6—Page 5, line 10 (clause 26)—After 'may,' insert 'subject to the regulations,'.

No. 7—Page 5, lines 10 and 11 (clause 26)—Leave out 'after consulting the parents of a child, if satisfied that the child' and insert 'if satisfied that a child'.

No. 8—Page 5 (clause 26)—After line 17 insert subclause as follows—

'(3) The Director-General may give a direction under this section, or vary or revoke a direction under this section—

(a) on the application of a parent of the child;

or

(b) at the Director-General's initiative,

but, in either case, after taking reasonable steps to consult each parent of the child.'

No. 9—Page 5, line 18 (clause 26)—After 'may,' insert 'subject to the regulations,'.

No. 10—Page 5, line 18 (clause 26)—Leave out 'consulting the parents' and insert 'taking reasonable steps to consult each parent'.

No. 11—Page 5, lines 23 to 27 (clause 26)—Leave out subclause (2) and insert new subclause as follows—

'(2) The Minister shall not give a direction under subsection (1) in respect of a child of compulsory school age unless the child is afforded the right to participate in a program established by the Minister for the education of children outside the ordinary Government school system.'

No. 12—Page 5, line 30 to 33 (clause 26)—Leave out subclause (4) and insert new subclauses as follow—

'(4) Where a direction is given under subsection (1) in respect of a child of compulsory school age, the participation of the child in an educational program of the kind referred to in subsection (2) shall have the same effect for the purposes of section 75 as if the child were enrolled at a Government school.

(5) The Minister may revoke a direction under this section—

(a) on the application of a parent of the child;

or

(b) at the Minister's initiative,

but, in either case, after taking reasonable steps to consult each parent of the child.'

No. 13—Page 5, lines 34 to 37 (clause 26)—Leave out subclause (1) and insert subclauses as follow—

'(1) A parent of a child may, if aggrieved—

(a) by a direction of the Director-General or the Minister given in respect of the child under section 75a and 75b;

or

(b) by decision of the Director-General or the Minister on an application by the parent under section 75a or section 75b,

appeal to a local court of full jurisdiction against the direction or decision.'

No. 14—Page 5, line 39 (clause 26)—After 'direction' insert 'or decision'.

No. 15—Page 5, line 45 (clause 26)—After 'direction' insert 'or decision'.

No. 16—Page 6 (clause 26)—After line 3 insert subclause as follows—

'(4) No order for costs shall be made against the appellant unless the court is satisfied that the appeal is frivolous or vexatious.'

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

That the Legislative Council's amendments be agreed to.

During the passage of the Bill through this House, several matters were raised which I undertook to have further investigated. Indeed, a number of further matters were raised when this Bill was before the other place, and they have been investigated by departmental officers and Parliamentary Counsel. That process revealed certain ambiguities in the wording of these matters, and it was certainly wise, I believe, to put those matters to rest so that, in legislation of this type, there could be no doubt about the intention of the legislation.

A number of amendments were moved from both sides of the House, and they were accepted in that place. I recommend that they therefore be accepted by this place. I can explain those in a little more detail for the Committee, which might facilitate a speedy debate of this measure.

Regarding clause 5, during the debate in the Council it became clear that the definition of 'parent' in the Act could cause some difficulty in the application of later clauses where there was reference to parents. The substantive Act

required a definition of 'parent' essentially to deal with the matter of compulsory school attendance. Under those circumstances, the person with whom a child resides has the responsibility to ensure that the child attends school. The amendments in the Bill give rights to parents in the natural or legal custodial sense. The new definition covers the requirements of both sections.

With respect to clause 6, page 1, line 33, the amendment places the responsibility for approving changes to fees to non-government members of the committee established under section 10 (1) of the Education Act on the Governor in Executive Council. Fees are generally set following the recommendation of the Commissioner for Public Employment. The present practice is for the fees to be approved by the Governor in Executive Council and then promulgated by regulation, which is a time consuming practice.

In future, the Cabinet recommendation to the Governor will specify the eight standing committees established under this section of the Act, and so eliminate what has become double handling. I am sure that all members would agree that that is a wise course of action to take.

Regarding clause 25, page 4, and the wording after line 29, it was clear from the nature of the debate in this place that the original wording of the clause could be interpreted in a rigorous and pedantic manner. The clause provides an entitlement to enrolment in a primary school for all children who are residents of South Australia irrespective of their educational attainment.

The majority of children progress from primary to secondary schools on the basis of their age, because their educational attainments following seven years of primary schooling are considered appropriate. In a limited number of cases, children do not progress in this quasi-automatic manner. Each of these cases is the subject of assessment and discussion between the principal, the child's teacher and parents. In some cases the assistance of a guidance officer is also sought.

The final decision takes into account social and educational factors which are not subject to a set of rigorous testing procedures. The emphasis in South Australian Government schools over the past 20 or so years has been to keep children together on the basis of age rather than educational achievement. This amendment recognises that practice.

With respect to clause 25, line 35 to 38 and lines 41 to 42, the phrase 'according to the age and educational attainments of the child' now refers specifically to the transition from primary to secondary school and not to the point of initial entry into a primary school. This was the original intention of the Bill, but it was clear from discussion that some people were interpreting that in another way. This matter is now clarified.

Regarding clause 26, page 5, lines 10, 11, 17 and 18, there are two changes. The inclusion of the words 'subject to the regulations' allows for the processes to be followed to be set out in regulations. Since a right of appeal is made available to parents, it is important that the procedures observed by the Director-General of Education and his officers are clearly set out.

The second change rectifies an anomaly created by the original drafting of the clause. Regulation 154 allows parents to request the Director-General to place their child in a special school. It was felt that this should now be enshrined in the Act where any action will then be subject to the appeal provision. This amended clause has also been reworded so that it is possible for one parent to present a request to the Director-General. There is still the provision for consultation with both parents. However, in cases where parents are separated there is no longer the requirement for both parents to take the initial action together. It was also felt prudent to introduce the phrase 'reasonable steps' to cover the case where the whereabouts of one parent may be unknown.

I now refer to clause 26, page 5, lines 23 to 27. This amendment places the onus on the Minister to establish a learning program for children precluded from enrolment in a Government school before such an order is made.

Regarding clause 26, page 5, lines 30 to 33, the amended clause (4) limits the requirement to provide an alternative program to children of compulsory school age. New clause (5) provides a mechanism for the review of the direction given by the Minister on the initiative of either the Minister or the child's parents.

In relation to lines 34 to 37, reworded clause (1) is consequent upon the amendment to lines 10, 11 and 17 of this clause.

Finally, I refer to clause 26, page 5, lines 39 and 49. The inclusion of the phrase 'or decision' makes these two clauses more comprehensive.

That concludes the remarks that I wish to make to the Committee on the amendments that were passed and agreed to by the Government in another place, and I recommend them to members of the Committee.

The Hon. JENNIFER CASHMORE: The Opposition supports the Legislative Council's amendments. Indeed, several of the points that are raised in the amendments were referred to either directly or indirectly by my colleagues and me during the debate in this place. Speaking generally, the amendments enlarge and clarify the rights both of parents and of children. In that regard the amendments are a classic demonstration of the benefits of a second Chamber and of the merits of the bicameral system. I see that the Minister is smiling, and I am sure that that smile indicates his agreement with my statement, notwithstanding his Party's commitment to the abolition of the other place.

The expansion of the definition in clause 3 and the amendments to clause 26 both give practical recognition to the extent of change in guardianship of children, the extent of broken marriages, and the likelihood of the department's experiencing difficulty in having access to both parents. In that respect, this amending Bill might be considered an interesting piece of social legislation, as it reflects the changed social realities of the 1980s as distinct from those of the time when the Act was passed and when previous amendments were inserted. Indeed, I can think of few other Bills that have been passed in recent years which indicate more clearly the need for altered procedures and for altered specifics of the law to take account of the social realities than this amending Bill.

The Hon. G.J. Crafter: The Bill reflects the recommendations of the Bright committee.

The Hon. JENNIFER CASHMORE: As the Minister says, the changes in the legislation reflect that committee's recommendations in respect of the disabled, but the Bright committee, as I recall, did not refer to the social realities of broken marriages, and it is the combination of both those things that mean that the law must be extremely careful and precise, first, in recognising the rights of parents and children and, secondly, in recognising the social reality of broken homes and broken marriages and the way in which the department must deal in the practical sense with those changes.

The Hon. G.J. Crafter: Particularly where there is a conflict over the correct course of action.

The Hon. JENNIFER CASHMORE: Yes. Departmental officers, especially those working in special education, deserve

a tribute from this Parliament for the sensitivity with which they approach those problems and for the extreme patience, tact, tolerance and sense of justice that they exercise when dealing with parents who have children, in this tragic situation. Very often, the tragic situation of the child can exacerbate the strain on a marriage and contribute towards breakdown. Both as Minister of Health and as member for Coles, I have had cause to see the tragedy of marriage breakdown that is often brought to a head by the intolerable stresses and strains that are imposed, particularly on the mother, because of the need for 24-hour care of a disabled child, particularly an intellectually disabled child and especially if such intellectual disability is accompanied, as it so often is, by a physical disability of some kind.

The amendment which is made in line 33 of clause 6 and which places the responsibility for approving changes to fees to non-government members of committees established under section 10 (1) of the Education Act involves a purely practical and procedural matter. However, in lines 30 to 33 of clause 26, the Legislative Council's new subclause (4) provides that, where a direction is given under subsection (1) in respect of a child of compulsory school age, participation of that child in an educational program of the kind that is referred to in subsection (2) shall have the same effect, for the purposes of section 75, as if the child were enrolled at a Government school.

Without having checked the record of the debate in another place, I believe that this again reflects the particular sensitivity that my colleagues and I, and indeed the Minister, have for the rights of children in non-government schools and the recognition of their different situation, being enshrined in legislation.

The Legislative Council's amendment to clause 26 (lines 10 and 11) leaves out the words 'after consulting the parents of a child if satisfied that the child' and inserts 'if satisfied that a child'. Although this may seem to be a semantic alteration, it nevertheless clarifies the rights of parents when exercising their right of appeal. I believe it is essential that parents know and have outlined to them clearly what they can and cannot do under the Act. I raised this matter on second reading when the Bill was before the House of Assembly. Often, it is a fearsome thing for a parent who is under some kind of strain, because of doubt and indecision as to what is best for a child, to face the possibility of confronting the bureaucracy and the legal system in order to pursue the path that the parent thinks is best for the child. In those circumstances, it is only reasonable that Parliament should provide a specific set of guidelines so that all parents know where they are and may exercise their rights in the interests of their children. I am therefore pleased that that minor but important alteration has been made to the clause.

The amendment made by the Legislative Council to clause 25 (after line 29) refers, as the Minister has said, to the progression of a child from primary to secondary school on the basis of age. In the case of intellectually disabled children, age is not necessarily a relevant factor, and each of these cases is the subject of assessment and discussion between the principal, the child's teacher, and the parents, sometimes, as the Minister has said, with the help of a guidance officer.

The thrust of the Bright committee's report, which dealt with the principle of normalisation, was to try, wherever possible, to ensure that children were not removed from the mainstream of education. This really means the mainstream of society, because once one has gone through school with one's contemporaries and has been subjected to the same influences and has absorbed the same information as they have, one takes one's place in the mainstream of society on a more or less equal footing. Sir Charles Bright was most concerned to ensure that that equal footing was made as equal as possible at as early an age as possible.

Indeed, Sir Charles would have been very pleased had he seen the extreme care and attention to detail that has gone into these amendments, which the Opposition is pleased to support. I hope that the Bill, as amended, will be well received not only by the community of special education but also by those parents who are working under extreme difficulty, that it will work to the benefit of the rising generation of South Australian children who suffer in one form or another from disability, and that the other procedural matters that have nothing to do with that aspect of the Bill will help the department to fulfil its administrative responsibilities.

Motion carried.

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

ANIMAL AND PLANT CONTROL (AGRICULTURAL PROTECTION AND OTHER PURPOSES) BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1—Page 4, line 29 (clause 7)—After 'panel' insert 'of not less than 4 persons'.

No. 2—Page 4, line 35 (clause 7)—Leave out paragraph *(c)* and insert paragraph as follows:

(c) the remainder shall be persons chosen by the Minister from a panel of not less than 6 persons nominated by United Farmers and Stockowners of South Australia Incorporated.

No. 3—Page 4, lines 36 to 39 (clause 7)—Leave out subclause (3).

No. 4—Page 4, line 40 (clause 7)—Leave out 'the Local Government Association of South Australia' and insert 'a body'.

No. 5—Page 4, line 45 (clause 7)—Leave out '*(b)*'.

No. 6—Page 5, line 3 (clause 8)—Leave out 'A' and insert 'Subject to this section, a'.

No. 7—Page 5, lines 3 and 4 (clause 8)—Leave out 'not exceeding' and insert 'of'.

No. 8—Page 5 (clause 8)—After line 5 insert new subclause as follows:

(1a) Of the first members of the Commission to be appointed, 3 shall be appointed for a term of 2 years.

No. 9—Page 5, line 29 (clause 8)—After 'office' insert '(but a person who is to fill a casual vacancy in the office of a member shall be appointed only for the balance of the term of the person's predecessor)'.

No. 10—Page 12, lines 37 to 39 (clause 27)—Leave out 'there is any animal or plant, or any records or papers, that is or are likely to afford evidence of an offence against this Act' and insert 'an offence against this Act is being or has been committed'.

No. 11—Page 13, lines 33 to 34 (clause 27)—Leave out all words in these lines and insert 'subsection 1 *(a)* or *(b)* in relation to any house or other building except on the authority of a warrant issued by a justice'.

No. 12—Page 13 (clause 27)—After line 34 insert new subclause as follows:

(2a) A justice shall not issue a warrant under subsection (2) unless satisfied, on information given on oath—

(a) that there are reasonable grounds to suspect that an offence against this Act is being or has been committed in a house or other building;

and

(b) that a warrant is reasonably required in the circumstances.

No. 13—Page 30, line 8 (clause 69)—After 'control board' insert 'or council'.

No. 14—Page 30, line 10 (clause 69)—After 'board' insert 'or council'.

No. 15—Page 31—After line 33 insert new clause 74a as follows:

74a. *Forfeiture of profits on conviction of certain offences*—Where a person is convicted of an offence against section 52 (2) *(b)*, 53 (4) or 54 (2), the court by which the conviction is recorded shall order the person to pay to the Crown an

amount estimated by the Court to be the amount of the profit that has accrued to the convicted person, or any other person with whom the convicted person has a business or personal association, in consequence of the commission of the offence.

Amendment No. 1:

The Hon. M.K. MAYES: I move:

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

Motion carried.

Amendment No. 2:

The Hon. M.K. MAYES: I move:

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

Mr GUNN: The Opposition supports this amendment and will continue to do so most vigorously, because we believe that if we are going to have a commission that is broadly representative it is quite proper that the people who represent the landholders in this State—the United Farmers and Stockowners—are entitled to have some representation on this authority.

Ms Gayler: How much?

The CHAIRMAN: Order! Interjections are out of order.

Mr GUNN: I do not need to be told by the academic member for Newland—temporary though she may be—who should be on the commission. These are matters about which I have some knowledge, having made my living as a farmer for much of my life. The honourable member has no knowledge of these areas, and she should stick to looking after the greenies and continue to ruin the State with the sort of nonsense that she is involved in. I am quite happy to speak on behalf of the rural producers of this State, and I do not need any assistance from the likes of the honourable member. Let me tell the member for Newland that, no matter what she says or thinks, an incoming Liberal Government will amend this legislation in an effort to bring back some commonsense, if this Government is not prepared to do that. Let me make that quite clear.

Members interjecting:

The CHAIRMAN: Order! I ask the Committee to come back to order. The member for Eyre has the floor, and he should be allowed to speak without interruption.

Mr GUNN: This amendment from the Legislative Council gives the United Farmers and Stockowners the opportunity to be represented on the commission. It is provided that the commission shall consist of seven members, with six nominated by the Minister and one to be an employee of the Public Service of the State, nominated by the Minister for Environment and Planning. That will be someone to represent conservation views, I suppose. Of the members appointed on the nomination of the Minister, it is provided:

One shall be an employee of the Public Service of the State who has, in the opinion of the Minister, appropriate knowledge of agriculture.

That is fair and reasonable; that person will obviously be chairman. It is further provided:

Two shall be persons chosen by the Minister from a panel nominated by the Local Government Association of South Australia.

That means that at least the councils will be represented, and, as the councils are involved in raising a lot of the finance and in administering these provisions, that is fair enough: I have no objection to that. It is further provided that no fewer than four of the members of the commission shall be primary producers, among whom there could be some hobby farmers. The Opposition believes that broadacre farmers and the United Farmers and Stockowners, and in particular the people who reside in the pastoral areas where considerable problems arise from time to time, should have representation on the commission.

I offered the Minister what I thought was a reasonable compromise in this matter, and it could have been cleared up without the necessity of keeping the House sitting here later tonight. I find it difficult to understand why the Minister does not want to give the United Farmers and Stockowners the opportunity in its own right to be represented on this authority. It is a most important body to ensure that the agricultural assets of the State are protected against animal and plant problems.

It would appear to me to be a quite sensible course of action that the very people who will be most affected by the decisions of the commission be allowed representation in their own right. For the life of me, I cannot see why the Department of Environment and Planning should be able to nominate a person to the commission while the United Farmers and Stockowners are denied representation. The compromise that I offered to the Minister was that we would be quite happy to reduce the number of primary producers represented from four to two and that one of those two people could come from the pastoral area. I and my colleague, with whom I discussed this matter, would be quite happy with that. However, the Minister is not prepared to accept that, and he may get more than a compromise before this matter is finished.

The Hon. M.K. Mayes interjecting:

Mr GUNN: No, I am just—

The Hon. M.K. Mayes interjecting:

Mr GUNN: It is a home truth—I do not make threats.

The Hon. M.K. Mayes interjecting:

The CHAIRMAN: Order! I call the Minister to order.

Mr GUNN: I did not catch what the Minister said.

The CHAIRMAN: Order! I ask the honourable member to address the Chair and to ignore interjections, and I ask the Minister to stop interjecting.

Mr GUNN: I do not know why the Minister is so touchy about this matter: I was just stating the facts.

The Hon. M.K. Mayes interjecting:

Mr GUNN: The Minister can take it as he jolly well likes—I do not mind. I am just stating the facts of life, but if he does not want to understand, so be it. A bit of commonsense in this world goes a long way. I suggest that the Minister not be so thin skinned about it. I have tried to be pretty reasonable in dealing with these matters. I am just telling him what will take place in relation to this matter. I think it is far better to have a bit of commonsense prevail in discussing these matters around the table at a reasonable time of day rather than ending up in the middle of the night at some stupid conference. But, if that is what the Minister wants, I suppose that is what will happen. However, in my view I think it is a fairly foolish way to legislate, when if a bit of commonsense was displayed on both sides these matters could be resolved.

I again point out to the Committee that the Opposition considers that this amendment is quite proper and that it would improve the operations of the Bill. The Bill is long overdue and we are pleased to see that it has reached this stage, but we believe that the amendment would improve the operation of this legislation, and accordingly I ask the Committee to support the amendment.

The Hon. M.K. MAYES: The Goverment's position on this matter has been outlined during the second reading and Committee stages of the Bill. It is interesting to note that the existing animal and pest plant commissions have both had an opportunity to consider the Opposition's amendment to the Bill (bearing in mind that their background is mainly in relation to primary industry), and they support the Government's recommendations in this matter. I do not want to drag out the debate on this matter, but I point

out that the Government cannot accept the Opposition's proposal to virtually tie the hands of the Minister in relation to limiting the nominations to be made. I would be very surprised if members opposite if they were in Government, would accept this amendment—in fact I would be astonished. In addition, a huge number of interest groups have listed an interest in this application. We have kept to those people who are directly involved or who have a financial responsibility in ensuring that the provisions of the Act are administered. I think that it is totally workable and that there should be no problems in having primary industry representation. The shadow spokesman on these matters talks about hobby farmers, but I am sure that he would give me credit for having sufficient intelligence to determine who should be appointed on the commission with appropriate experience in the area.

We are not likely to place hobby farmers in positions where they will take responsibility for what is a very important Act of Parliament including a very important aspect of State and industrial policy. I think that the honourable member is trying to draw a shadowy veil over this whole clause.

I believe that we should take a firm stand on this matter. The Minister, whoever that may be, should have the flexibility of appointing those people whom he and the Government see as having experience and knowledge in the industry. I have the support for this provision of people involved in the industry who have not been encouraged or induced by me to make any comments. They have, of their own volition, brought forward recommendations which support the Government's view. If they saw fit to do otherwise, that would have been their prerogative. I stand by this provision.

Mr GUNN: It is a pity, as the Minister has indicated, that those people with direct involvement who will be funding the main operation of this organisation will be denied direct representation. I do not want to go into the reasons why the people who sit on existing boards support the Minister's point of view, because I think that is quite obvious to everyone. They will not do anything to upset the Minister because, if people are interested in this area, obviously they would hope to be included on a new board. I will not go any further with those comments, because I do not think that we will achieve anything by to-ing and fro-ing across the Chamber.

This matter will be discussed at some length in another place and I envisage that a sensible compromise will result from this exercise. I hope that the Committee as a whole will support the proposal put forward by the Opposition in order to give the United Farmers and Stockowners the opportunity to be directly involved in nominating people to be on this committee. It is a sensible suggestion which ought to be agreed to.

Ms GAYLER: I support clause 7, but I oppose the amendment. I suppose that I am not entirely surprised by the proposals put forward by the member for Eyre. Last week I received representations from people who suggested that this week the United Farmers and Stockowners would attempt, through the Opposition, to dominate the membership of this commission, and that has come to fruition by the amendment proposed and advocated by the member for Eyre. I am rather surprised that the shadow Minister for Environment and Planning has not put forward a more balanced position from the Opposition on this matter. Despite any snide remarks that the member for Eyre might care to make about my academic or other qualifications, it seems that a body dealing with animal and plant control in South Australia really ought to be a balance of interests representing, quite properly, the rural producer interests in this State and also representing, quite properly, those concerned with the environment of our rural areas and national parks.

It comes as no surprise that the member for Eyre takes his predictable one-eyed view of this matter. I support the proposal that the commission have a balance of interests represented on it. The Government's proposal is eminently fair in suggesting that four of the seven members of the commission be representatives of primary producers. That is an absolute provision in the clause dealing with the composition of the commission. I do not want to spend too much time on dealing with the claims of the member for Eyre, and the snide remarks that he made about my academic background, except to say that I think that it is entirely irrelevant and perhaps he is not aware that I also come from a rural part of the State. As to any suggestions that he might make that I do not have that kind of balance—

Members interjecting:

The CHAIRMAN: Order!

Ms GAYLER: —to which he aspires, along with the member for Alexandra, and the member for Flinders, I remind members that I am also a member from a rural part of South Australia. I do not take the slings and arrows of the member for Eyre—

Members interjecting:

The CHAIRMAN: Order! I ask the honourable member to resume her seat, and I ask the Committee to come to order. At the beginning of the Committee stage I asked the Committee to conduct itself in the proper way, and I now ask that the interjections from both sides of the Chamber cease and that we conduct the Committee in the way that it should be conducted. The honourable member for Newland.

Ms GAYLER: Thank you, Mr Chairman. Some members opposite assume that all members on this side are members who represent metropolitan electorates with a certain bias. I think that that is excessively simplistic, and I suppose that it is reflected in the view of the member for Eyre that basically animal and plant protection ought to be a matter for UF&S nominees. I very strongly support the Government's balanced composition of the commission as expressed in the original clause 7.

Mr GUNN: I am quite at a loss to respond to the attack which has been levelled at me. I have been lined up by the member for Newland. She attempted to rebuke me for having the audacity to criticise her. The honourable member claims to have some knowledge of country areas. It is fairly obvious from her contributions since she has been a member of Parliament that, if she did have any knowledge of the rural areas, she has forgotten it since she arrived in Adelaide. She has never contributed anything of a constructive nature to this Parliament. I reject what the honourable member said. The Labor Party insists that, with any legislation which remotely involves the trade union movement, one of their people be nominated, but here is a most significant group of people who pay their bills, but we will not give them any say in the matter. I hope that the Committee will ignore the remarks of the honourable member.

The Committee divided on the motion:

Ayes (22)—Messrs Abbott, L.M.F. Arnold, Bannon, Crafter, De Laine, Duigan, and M.J. Evans, Ms Gayler, Messrs Gregory, Groom, Hamilton, Hemmings, Keneally, and Klunder, Ms Lenehan, Messrs Mayes (teller), Payne, Plunkett, Robertson, Slater, Trainer, and Tyler.

Noes (16)—Messrs Allison, P.B. Arnold, S.J. Baker, Becker, and Blacker, Ms Cashmore, Messrs Chapman,

Eastick, S.G. Evans, Goldsworthy, Gunn (teller), Ingerson, Meier, Olsen, Oswald, and Wotton.

Pairs—Ayes—Messrs McRae and Rann. Noes—Messrs D.S. Baker and Lewis.

Majority of 6 for the Ayes.

Motion thus carried.

Amendment No. 3:

The Hon. M.K. MAYES: I move:

That the Legislative Council's amendment No. 3 be agreed to.

Motion carried.

Amendments Nos 4 and 5:

The Hon. M.K. MAYES: I move:

That the Legislative Council's amendments Nos 4 and 5 be disagreed to.

The CHAIRMAN: Would honourable members please resume their seats. It is very difficult for the Chair. I do not know who will accept the call and who will not.

Motion carried.

Amendments Nos 6 to 14:

The Hon. M.K. MAYES: I move:

That the Legislative Council's amendments Nos 6 to 14 be agreed to.

The CHAIRMAN: Order! The member for Bragg will please resume his seat.

Motion carried.

Amendment No. 15:

The Hon. M.K. MAYES: I move:

That the Legislative Council's amendment No. 15 be agreed to with the following amendment:

Insert '41, 43,' after the words 'against section'.

Mr GUNN: I have grave reservations about this amendment. It is a draconian measure. Any Government which, on a matter such as the Animal and Plant Control (Agricultural Protection and Other Purposes) Bill accepts an amendment from a minority group in the other place that virtually gives the Crown the opportunity, in relation to the most minor offences, to seize people's profits is, in my view, stretching the law far beyond anything that responsible or reasonable people would envisage. I do not know whether members have actually read the amendment and understood it fully because, if they had, I am sure that they would not agree with it. The Legislative Council's amendment includes the word 'shall' not 'may'. That throws the net so wide that we would pick up the grandmothers and second cousins in this exercise.

I am absolutely amazed that the Minister would accept it. Fair enough if the word 'may' was used, giving the court some discretion. I believe that this proposal is absolutely ridiculous. It takes this sort of provision much too far. It is necessary where people are engaged in the drug trade. That is understandable. But where people engaged in normal agriculture quite unwittingly commit an offence, such as selling stock that they do not know carry seeds, they may breach the law and be prosecuted. We find that the measly profits that they make in any case are seized by the Crown. If this amendment stands, the court will have no discretion. It is taking things absolutely too far. If the Minister agreed to the use of the word 'may' instead of 'shall', that would be different. I am certainly not happy with this proposal.

Mr M.J. EVANS: I also have reservations about the proposed amendment. In particular, as the member for Eyre has said, I have reservations about the use of the word 'shall' and the inclusion of the personal and business association, particularly the personal association, in relation to these offences. Quite clearly, a person who was not only unwittingly involved but also totally uninvolved in the commission of an offence (for example, a spouse, children or adult children or the next door neighbour of a person who has offended against a provision of this Act) can have their share of the proceeds impounded.

Thus a person who was totally uninvolved in the commission of an offence might subsequently find that the court was required to make an order sequestering their assets. I draw the attention of the Committee to the fact that the Controlled Substances Act in relation to the possession of drugs and dangerous drugs and the profiting from those drugs requires only that a court may by order forfeit to the Crown any substance, equipment or device and a court may order that any money or real or personal property received by a convicted person is sequestered. In all the relevant offences under the Controlled Substances Act, the word 'may' is used and not 'shall'. Will the Minister comment on the comparison between the forfeiture of the profits from the sale of hard drugs in this community as against the forfeiture of profits by an unwitting personal associate of someone who traffics in an illegal plant, being not a prohibited substance but a prescribed animal or plant?

I would suspect that while it is perfectly reasonable that a person who makes massive profits from transactions concerning illegal plants or animals might well suffer some loss of profit, but it seems that this provision simply goes too far in doing that, particularly in relation to a comparison with the Controlled Substances Act.

Mr GREGORY: I support this amendment. I am rather surprised that the member for Eyre, representing the interests of primary producers, should want to weaken the penalties for persons who traffic in exotic plants and animals. We do not need to be reminded in this Chamber—but perhaps the member for Eyre and the members opposite do—what can happen when unscrupulous people who are trading in exotic plants and animals bring some of those things into Australia. It is a fairly reasonable approach to adopt that, if people do bring these things into Australia, any profits they make from the importation of those products ought to be confiscated, and the courts ought not to be given a discretion where bleeding hearts can get up there and carry on. I have heard the members opposite complain about lawyers who have been able to get the courts to be very lenient on people who have committed crimes. Here there is no compassion, no discretion; they have got to do it. We know that in our country, we are free of foot and mouth disease—we are free of a number of exotic plants and animals—but there are unfortunately people who are prepared to go to great lengths to import into Australia exotic birds and reptiles.

Any members who know anything about aviculture will know that people can have in their aviaries a bird that has been reported as being in Australia before the ban was put on the importation of exotic birds. If inspectors turn up to look at it and ask, 'Where did you get that bird?' people can fabricate a story based on the defence that somebody may have had it somewhere else. That is how they can get away with it. In the past people used to bring them through New Zealand, but that has been chopped off. So it ought to be. If that importation continued we could find that our avian industries tied up with poultry, in meat and egg production, and with turkey and duck or any other game bird, could be ruined and wiped out overnight. It could also have the other effect where, if people are bringing in exotic animals, we can find that our meat industry would not be able to export a kilogram of meat because some fool brought in an animal that was spreading an exotic disease.

The Hon. H. Allison interjecting:

Mr GREGORY: The member for Mount Gambier can interject if he likes, but he would not be interjecting if foot and mouth disease was loose in the South-East and they

had to quarantine the whole of Australia because somebody was stupid enough to bring in semen or anything else and—

Members interjecting:

The CHAIRMAN: Order! I ask the honourable member to resume his seat. As Chairman of Committees, this is the third time that I have had to call the Committee to order, and that is quite ridiculous. The Parliament ought to know how to conduct proceedings in Committee, and I will not have interjections across the Chamber. I will not have one side shouting down the other. The honourable member for Florey.

Mr GREGORY: My concern is for two classes of people in this country: the class that produces and sells and the class that works on the farms and in the factories—in other words, all the Australian people, not just a section, as members opposite favour. It is very important that the penalties are severe when people do stupid, irrational things that can endanger our agricultural produce in Australia.

Members opposite are fond of telling us that if it was not for the work that they did our economy would be in ruins because from time to time they claim that they provide over half the exports. I do not know whether that is true or not, because it is down to about 43 per cent at the moment, but we would be in a stupid position if people were to bring in exotic plants, birds, reptiles and animals and we were unable to export anything because one of them was stupid enough to do that. I know it is happening in the avicultural area, where people have brought in exotic birds. I have my suspicions about the egg laying industry and the meat industry, because there have been quantum leaps in the ability of birds to lay eggs per year and in the production of meat birds which can indicate only that new genetic material has been brought in. They will not admit to it but it is there and we need to recognise that. When we do find out about these things—

The Hon. H. Allison interjecting:

The CHAIRMAN: Order! I call the member for Mount Gambier to order.

Mr GREGORY: —we need penalties that are sufficient to stop people from doing it.

Mr GUNN: We have just been treated to quite an amazing contribution by the member for Florey. He has—

An honourable member interjecting:

Mr GUNN: The honourable member is very naughty for interjecting. We have just been treated to an address by the honourable member who has obviously never heard of a number of other Acts of Parliament, both Commonwealth and State, which cover the very matters he is concerned about. People are not allowed to import into this country without restrictions under Commonwealth quarantine legislation.

In a few moments we are going to be debating the Fruit and Plant Protection Act Amendment Bill, which deals with a number of the matters the honourable member refers to and which has the wholehearted support of the Opposition. Do not let the honourable member start going down an emotional track, trying to make out that the members on this side of the Chamber are not concerned about the protection of the agricultural industries. Of course we are, but there ought to be a bit of commonsense when we start passing legislation of this nature.

We are dealing with matters which are quite unrelated to what the member for Florey has been talking about. Other pieces of legislation in place impose severe penalties on people who have transgressed, and so they should. Surely, if we just alter that word from 'shall' to 'may', if some irresponsible person were to try and bring in some exotic animal or plant which was likely to endanger, the court would act quite properly and inflict a severe penalty. So I think it is quite improper for the member for Florey to try and mislead the Committee.

Mr GREGORY: I do not think it is improper at all. One of the things that amazes me—

Members interjecting:

The CHAIRMAN: Order!

Mr GREGORY: —which we have been treated to tonight is that people can be sensible and sometimes make honest mistakes, but it is quite different when they are dealing with problems which happen in other areas—they want extreme penalties, long gaol terms and heavy fines.

Members interjecting:

Mr GREGORY: Perhaps the member for Victoria has a guilty conscience, and that is why he is making a lot of noise. Perhaps the member for Alexandra also has; I do not know. Perhaps they protest too much. I do not think it is draconian. Remember, Australia is one of the few countries left in the world without a significant number of these exotic diseases which cause havoc throughout Europe, America and Asia. We should go to any length to make sure that we do not get these diseases, and we should ensure that the people who bring in exotic plants and animals suffer the full penalties of the law and do not profit by one cent.

Mr BLACKER: I have a lot of sympathy for what the member for Florey says, particularly in relation to quarantine activities. Whilst I recognise that there may be some correlation to it, I wish that the honourable member had been equally forceful last week when we were dealing with the Controlled Substances Bill, because that is a double standard.

What is the position in relation to the movement of stock? For example, a stock agent has negotiated the sale of stock, and so forth, so that we are bringing in a second and third party who are totally innocent and this legislation ties them down.

Members interjecting:

The CHAIRMAN: Order! I call the member for Eyre to order, and he well knows that he is out of order.

Mr BLACKER: My question relates to the second and third parties who could be dragged into this by way of being stock agents, financiers and even banks, where they would in fact benefit from the sale of stock or plants, or something like that. I recognise what the member for Florey has said and I support him only from the point of view of the broader context, but I believe that what he is saying is a matter of quarantine, which does not necessarily come under this legislation. If it does, it is very indirect, but more particularly, in the practicalities of operation of quarantine stock or plants, where does the obligation lie? If the legislation says 'shall' then it will automatically encompass within that net every stock agent and financier, bank or otherwise.

The Hon. M.K. MAYES: I will be brief in my response. There is no question that this is tough legislation, and I think that in the circumstances and in the environment it needs to be. I can assure members opposite—and the member for Elizabeth—that Parliamentary Counsel advises that we should insist on this to give the legislation some clout. I think that is the way in which I intend to—

Members interjecting:

The Hon. M.K. MAYES: I will ignore the stupidity of members opposite.

The CHAIRMAN: Order! I put it to the Minister that he must not refer to Parliamentary Counsel.

Members interjecting:

The CHAIRMAN: Order! I call the Committee to order.

The Hon. M.K. MAYES: We need to give this Bill some clout and to prevent what could be a serious threat to rural

livelihoods. It is quite extraordinary to see the switching and turning which occurs on the opposite side when these matters come before the House in regard to this aspect of the Bill. I would expect that the member for Flinders will probably support the amendment that is brought down from another rural member in the Upper House in regard to the provisions and the application of this Bill. But, for his interest and benefit. I state that clause 52 (3) of the Bill covers the very point he raises, and gives a safety valve for any person who might be a second or third party to an illegal act.

Where it is not seen as being wilful intent on the part of the persons involved, they have an immediate and absolute defence available to them. I can assure the honourable member that those people who may be seen as innocent bystanders in the event of transfer of stock, an exotic plant or exotic animal would be able to argue very successfully an immediate and absolute defence in this matter. I have a view regarding the advice given to me and to the Government in relation to the application of this Bill and the need to give this Bill some solid clout so that its full impact can be felt in the community. Also, it should serve as a warning to people that, if they indulge in any foolishness that endangers the well-being or livelihood not only of those rural producers who depend on producing animals for their livelihood but also of any other person who derives a livelihood from the keeping of exotic plants or animals and/or other animals that may suffer from a disease as a consequence of someone's foolishness or wilful act, they will suffer the consequences. I believe that this is therefore a fair and reasonable measure to have in the Bill. Given the escape clauses that are available, I believe that they should be supported by the Parliament.

Mr M.J. EVANS: I agree wholeheartedly with what the Minister and the member for Florey have said tonight. I think what they have said is a very reasonable and rational policy for the State. However, I do not think that this is entirely reflected in the amendment that is before the Committee. Unfortunately, in relation to what the Minister has just said, the points which I raised in my argument—and which the member for Flinders raised in his—were not addressed by the Minister's response, and I would appreciate it if he would reconsider that opinion.

I do not feel that this is reflected in the Bill. It provides that it is a defence to a charge of an offence in subsection (2) if the defendant proves certain things. In other words, the Minister is quite correct in saying that, where an individual is charged with an offence, he may offer the defence that he was not wilfully involved, but, if a person is convicted of an offence which it is clear he conducted wilfully, that still leaves their personal or business associates, ('non-wilful', if you like), such as stock agents, the banks, and so on, liable for forfeiture by the court because they are not charged with the offence.

The defence which the Minister raises is available only to the person being charged. It is not available to their innocent but associated colleagues, for example, the bank, stock agent, or whatever, or their spouse, next door neighbour or business partner. That defence is available, as I read the Bill, only to the person who is actually charged. That person having been convicted—let us assume, quite properly— proposed clause 74a then goes on to say that any other person with whom the convicted person has a business or personal association is also not only liable to forfeiture but also must suffer that forfeiture.

So, although the Minister's defence correctly applies to the person who is charged, once that person is correctly charged and convicted, the defence of not being wilfully associated does not apply to a person who is simply associated with those people. They would then be liable for forfeiture under clause 74a, notwithstanding the defence available in clause 52. If the Minister can demonstrate to me that that line of reasoning is not correct, I will naturally accept his point of view. But, it seems to me that the defence that he put forward in clause 52 is available only to the defendant charged, not to the person with whom he is associated under clause 74a.

I would also like to ask the Minister whether he considers the Controlled Substances Act lacks clout. If he claims that the only way to give this legislation real teeth and clout is to insert the word 'shall', why is it that the Controlled Substances Act in relation to trafficking in heroin and the like only includes the word 'may'? People can make profits from heroin. Quite clearly, one only possesses and trafficks in heroin for the purposes of making a profit. Despite that, the courts only 'may' order the forfeiture, and yet in this case the Minister says that the only way to give this legislation clout is to say 'shall.'

I agree that those people should suffer substantial penalties; that is fair enough. But, in relation to all these clauses the Bill provides penalties only of the order, at the most, as far as I can see, of $2 000 or six months imprisonment. It would be possible for a person to introduce dangerous diseases and exotic plants into this State, cause the sort of diabolical consequences foreshadowed by the member for Florey but, in fact, not make a profit out of the transaction. If we put all that—

Ms Gayler interjecting:

Mr M.J. EVANS: That is my very point, because they do not make the profit they do not therefore suffer—

Members interjecting:

The CHAIRMAN: Order!

Mr M.J. EVANS: My point is just that which the member seeks to make. If the penalty is to be severe, as I believe we all agree it should, the penalty should be provided in the Bill. The sum of $2 000 and six months imprisonment is not a severe penalty in the context that the member for Florey is raising. A person may clearly introduce dangerous diseases into the State and cause massive havoc and, because he did not make a profit out of it, the only penalty he suffers is $2 000 or six months imprisonment. Quite clearly, we are establishing two classes of offence which are not necessarily related to the damage that they do to the State.

Those who do the most damage should suffer the biggest penalty, not the people who make the greatest profit. If the Minister is dissatisfied with the penalties provided in the Bill—and it would appear that he is—then he ought to be increasing the penalties in the Bill to make them substantial, not seeking in a hit and miss way to hit only those people who happen to make a substantial profit. I do not disagree with the concept that a court may order a person who profits in these circumstances to lose that profit; that is perfectly reasonable.

But, if we are dissatisfied with the level of penalties, we should be addressing this penalty of $2 000 or six months which appears to me to be quite inadequate based on the argument that the member for Florey has put forward. I ask the Minister if he could address those points in relation to his defence argument and in relation to the questiion of people who cause great damage but make no profit.

The Hon. M.K. MAYES: I take the honourable member's point in regard to the application of the words 'convicted person has a business or personal association'. I certainly addressed earlier the question in regard to the application of escape for the second and third party who might not be involved in any wilful act or intend to commit a wilful act.

Mr M.J. Evans interjecting:

The Hon. M.K. MAYES: Yes, I accept the point that is being made. Given the provisions that apply within that clause as it is sent back to us, it certainly gives a good deal of clout. Perhaps the member might want to argue that it is more clout than has been envisaged in regard to the act which may be committed by someone, wilfully or not, in relation to the transportation of animals or plants against the provisions of the Act.

As far as I am concerned, in relation to protection of this industry, measures such as this are necessary, albeit that it has been, as I said, sent back to this place from the other House and represents the motion of a member of that place who comes from a rural background. I presume that that member drafted this with the intention of protecting the industry and ensuring that there is protection within the industry. So, as a person who has the responsibility of ensuring the safety and the well-being of the industry involved, and that of the people who derive a living from those industries, I am prepared to accept the amendment.

I understand the honourable member's point, and I accept the argument regarding a person who has a personal or business association with another who is found guilty of an offence under the legislation. However, given the circumstances and the difficulties, of which the honourable member would be aware as much as I, I believe that the amendment from the Legislative Council should stand in the legislation and give those involved the power to enforce its procedures and administrative requirements.

Mr GUNN: It would be wrong of this Committee flippantly to pass over a matter that could significantly affect individuals who have no relationship to a criminal act that might be perpetrated by another person. So that the Minister may talk with his counsel, I move:

That progress be reported.

The Committee divided on the motion:

Ayes (16)—Messrs Allison, P.B. Arnold, D.S. Baker, S.J. Baker and Blacker, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Goldsworthy, Gunn (teller), Ingerson, Meier, Olsen, Oswald, and Wotton.

Noes (24)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Crafter, De Laine, Duigan, and M.J. Evans, Ms Gayler, Messrs Gregory, Groom, Hamilton, Hemmings, Keneally and Klunder, Ms Lenehan, Messrs Mayes (teller) Payne, Peterson, Plunkett, Robertson, Slater, Trainer, and Tyler.

Pairs—Ayes—Messrs Becker and Lewis. Noes—Messrs McRae and Rann.

Majority of 8 for the Noes.

Motion thus negatived.

Mr BLACKER: Despite what has happened in the last few minutes on the motion to report progress, I am very concerned about the effects of the legislation on the second and third parties that could be involved in this matter. After all, one could commission anyone to round up stock and shift them out, and a stock firm could easily be dragged in. I am often involved personally in asking someone to shift my stock while I am in the city and, by implication, that person would be dragged in. The Committee has not been given a satisfactory explanation of that. I support what the member for Florey said, and I strongly support tough penalties where exotic diseases are involved. I have often said that, but I do not believe that a case can be made out in Parliament where stock firms, carriers or best friends can be dragged in.

The Hon. H. Allison: Do people read *Hansard?*

Mr BLACKER: If the provision is not in the Bill it is for the courts to interpret. That worries me, because it is not right and, compared to recent legislation there is a grave inconsistency in the principle involved here. Regarding strengthening penalties in respect of exotic diseases and trafficking in birds, that is another problem that is not involved here.

The Hon. M.K. MAYES: The honourable member is confusing the issue. I answered a question regarding clause 52 in total, and that will answer the honourable member's concerns. If he carefully reads the Legislative Council's amendment, the honourable member will see clearly that it relates to the person who is involved on a profit that is assessed by the court. There are safeguards in clause 52 that pertain directly to the points raised by the honourable member concerning stock agents and the transfer of exotic plants and animals. The wording of the Legislative Council's amendment covers the position specifically.

Mr GUNN: Mr Chairman—

The CHAIRMAN: Order! The honourable member for Eyre has spoken to this question three times.

Mr GUNN: On a point of order, Mr Chairman, I am the lead speaker on behalf of the Opposition on this matter.

The CHAIRMAN: The question before the Chair, now involves two matters. At this point we are discussing the first question, namely, that the Minister's amendment to the Legislative Council's amendment No. 15 be agreed to. After that question has been put, another question will be put, namely, that amendment No. 15 as amended be agreed to. At the moment the member for Eyre has utilised his full time in Committee but if he wishes he may speak to the second question. I now put the question that the Minister's amendment to the Legislative Council's amendment No. 15 be agreed to.

Amendment to the Legislative Council's amendment No. 15 carried.

Mr GUNN: I do not want to delay the Committee any further. Unfortunately, the Minister has not adequately answered the concerns raised by the Opposition. We do not want to be forced to another division, but we will have no alternative, because the ramifications of this amendment are such that we would be irresponsible if we did not protest most vigorously. The reasonable thing to do would be to undertake to seek more advice, but that opportunity was not taken. Therefore, I have to say to the Committee that, although we do not want to give licence to people who are irresponsible and break the law, commonsense should apply. As it appears that commonsense will not apply here, we will have to fight out the matter the only way we can and continue to pursue it elsewhere. If the Government is going to carry on like this, in future these matters will have to be looked at and addressed.

Ms GAYLER: It seems to me that there are four areas of legislation in relation to rural land and primary production in which fines and penalties for various offences have been inadequate for many years, and I refer to animal and plant protection measures, soil conservation measures and pollution, particularly from hazardous chemicals. The penalties contained in this Bill are quite appropriate to the danger posed by the offences threatening primary producers in South Australia. I am rather surprised that members of the Opposition seem to be letting down those rural producers whom they purport to represent. In each of the offence provisions being considered two quite specific defences are provided to those who claim that they have not deliberately or negligently offended against the provisions of the Act. Defences provided in clauses 52 and 54 are:

(a) that the defendant acted in accordance with the terms of a written approval given by an authorised officer; or

(b) that the circumstances alleged to constitute the offence were not the result of a wilful or negligent act or omission on the defendant's part.

Those very wide defences are available to any person charged with an offence under this legislation, and there is a very heavy onus on the Crown prosecuting cases pertaining to these matters to demonstrate that those defences are not applicable. So, I am rather disappointed that members opposite are apparently not prepared to support the stringent penalties provided, as well as the penalties in relation to profits derived from any deliberate offence against this legislation.

Motion carried.

The following reason for disagreement to the Legislative Council's amendments Nos. 2, 4, and 5 was adopted:

Because they give advantage to the UF&S and exclude representation from other interested parties.

FRUIT AND PLANT PROTECTION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 17 September. Page 934.)

Mr GUNN (Eyre): The Opposition is pleased to support this measure. I hope that the member for Florey has read and understood it and that therefore he will not criticise the Opposition as he did recently. The Bill gives the Minister more flexibility in dealing with an outbreak which could affect our horticultural industries. It allows the Minister to have notices placed in the *Gazette*, instead of going through the procedures of proclamation. It speeds up the operation of this legislation. Amendments to the Act were found necessary following an examination of the legislation in 1985. I am pleased to indicate the Opposition's support for this measure.

The Hon. M.K. MAYES (Minister of Agriculture): I will be very brief. I thank the Opposition for its support. I think this is an important measure, and it certainly adds to the existing provisions and the current protections available to our industries and to our environment.

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

FUTURES INDUSTRY (APPLICATION OF LAWS) BILL

Adjourned debate on second reading.

(Continued from 29 October. Page 1622.)

Mr OSWALD (Morphett): Today's unstable economic climate, with its frequent fluctuation in prices and exchange rates, has led to extraordinary expansion and diversification in futures markets and has greatly increased their importance in economic affairs in this country. In Australia the history of the futures industry dates back to the Sydney Greasy Wool Futures Exchange in 1960. The traditional commodity futures market for wool was used to fix a price at which the commodity would be sold in, say, six, nine or 12 months time. The seller's return is thereby insulated from a price fall in the intervening period.

However, since 1978 there has been increasing speculation in trade in a range of futures including wool, boneless beef, gold, US dollars and Treasury bond interest rates. It is interesting to compare the futures industry in Australia, which has been generally self-regulating, with that of the United States where it has been controlled both by Federal legislation and by its Commodity Futures Trading Commission.

In Australia the futures industry has been under pressure in recent years, with several commodity firms going out of business, and there have been several instances of malpractice recorded in the courts. As some members may know, futures markets develop in response to persistent needs and economic demands of market participants in spot markets. Commercial demands for contracts negotiated today for transactions to be consummated in the future (for example, contracts for future transactions) at first tend to generate forward contracts and later, if conditions warrant, futures contracts. The Futures Exchange may be viewed as the application of economies of scale to trading in forward contracts.

When the volume of forward trading becomes sufficiently large, it tends to become advantageous for brokers and dealers to set up exchanges or centralised market places, with their standardised contracts and risk reducing technology and low carrying costs. The crucial factor underlying the creation of futures markets is the expectation of a strong and reasonably persistent demand for futures contracts. Such an expectation tends to be formed on the basis of developments in underlying spot and associated forward markets (for the commodity, security or foreign currency in question), together with expectations concerning the role of a futures market organisation in fostering the economic demand for futures contracts.

This Bill has been introduced following the passage of the Commonwealth Futures Industry Act. The legislation was agreed to unanimously by the Ministerial Council for Companies and Securities. That is a Ministerial Council comprising Federal and State Attorneys-General. Both the Australian Capital Territory and the Northern Territory have also joined in that cooperative scheme. When this Bill was introduced it was part of a package of three Bills. It was my expectation that we would deal with them as one package, because in actual fact they make up a package of three which I thought would be passed at the same time. However, I can only assume that the other two Bills will follow at some time in the future. Those two Bills are the National Companies and Securities Commission Bill and the Securities Industry (Application of Laws) Bill.

The Minister's second reading explanation indicates that, with the deregulation of financial markets, futures contracts for hedging purposes are being taken out by an increasing number of corporations and individuals. The deregulation and sophistication of financial markets, the increased range of investments that are available to potential investors and the internationalisation of financial markets have meant that more and more people are entering the futures market. People who enter the market must be confident that other parties to the transaction will be in a position to meet their obligations arising from the contracts that they enter into and based on the fact that it may be six, nine or 12 months before the contract is realised. This is not unreasonable, and I think that anyone who enters into the futures industry would have that expectation.

I have mentioned already that cases of malpractice have occurred in recent years within the futures industry. This measure seeks to bring the futures industry and the brokers operating within it into line with other persons already involved in offering investment services. The legislation provides also for the establishment of a fidelity fund for the protection of clients against defalcation by members. It sets down penalties for a number of offences; accounting and auditing requirements will also be tightened.

The Liberal Party, as the Government would know, philosophically is anti-regulation but, of course, that has to be balanced by the public interest. In this case, we have to clearly consider the public interest of those people entering the industry. Clearly, investors, large and small, are entitled to measures of protection. It is clear that risks are involved in the futures market that may well lead to heavy financial loss, but that is a different matter from incurring losses through defalcation of brokers and the inability of people involved in the futures industry to manage their affairs properly.

It is important that professional standards are set and adhered to. This Bill seeks to do that, and the Opposition has no hesitation in giving the Bill its support. We believe that it is sound legislation on the basis that, as I have said it seeks to bring the futures industry and the brokers operating within it into line with other persons who offer services to members of the general public who wish to invest. I support the second reading and commend the Bill to the House.

The Hon. G.J. CRAFTER (Minister of Education): I thank the honourable member for the comments that he has made and for his indication of support for this Bill. The need for this regulation, which as the honourable member has said is part of a national scheme to ensure that there is uniformity of law with respect to the futures industry across this country, has been brought about as a result of, first, economic or financial system issues and, secondly, investor protection issues. This legislation provides, under those two broad headings, for the protection that is sought.

As to economic or financial system issues, deregulation of the financial system has led to greater sophistication in investment and risk hedging strategies. Increasingly, futures contracts for hedging purposes are being taken out by businesses at all levels, and it is imperative that participants in the futures industry and its markets have confidence that the market pricing mechanism operates fairly and without manipulation. Participants must also be confident that the obligations which parties assume in respect of futures trading are met.

As to investor protection issues, one of the essential requirements to an active market such as the futures market, which has a large hedging component, is the presence of speculators who are prepared to risk their capital to give liquidity and depth to the market by taking positions opposite to hedgers with a view to making profits at a far higher rate than would be made in other areas of investments such as shares, debentures and bonds. Under those general headings, I commend this Bill to the House.

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

RESIDENTIAL TENANCIES ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 23 September. Page 1070.)

Mr S.J. BAKER (Mitcham): This very simple amendment to the Residential Tenancies Act has the support of the Opposition. For the edification of the House, I point out that the amendment merely redresses an anomaly in the current legislation. Under the existing arrangements, periodic tenancies signed by the Crown between 1 December 1978 and 1 March 1986 cannot be adjudicated under the Residental Tenancies Act. This was an omission from the legislation when it was formulated and, indeed, addressed by the Parliament. This oversight is now to be corrected by the Bill, and it has the support of the Opposition.

I would like to make passing reference, in regard to the Residential Tenancies Act, to the fact that a review of the procedures involved is long overdue. It has been pointed out to me on several occasions that a number of anomalies have arisen as a result of decisions made within the tribunal and perhaps in conjunction with some of the conditions under the Act. I am aware of a recent case where a person rejected a tenant on the basis of appearance. That tenant applied to the tribunal claiming to have been discriminated against. The tribunal informed the owner of the premises that they had to take the tenant, and the tenant subsequently destroyed the premises and sold the goods, the owner suffering great loss. Some of that loss was redeemed because of the compensation fund, but the loss of income associated with the furniture was only partly compensated, and in addition there was the loss of tenancy due to forfeiture and because the premises were vacant for a number of weeks when the damage was being repaired. Thus the owner suffered considerable loss.

Anomalies exist, but this is not the place to address them. However, I believe that some of the question marks that hang over residential tenancies must be considered. I will refer that matter to the Attorney-General in the not too distant future and perhaps give him details of cases that have been brought to my attention so that we can make the Act work better than it works at present. On the whole, the Act has proved reasonably beneficial, but there are some difficult areas which must be addressed. The Opposition supports this simple Bill.

The Hon. G.J. CRAFTER (Minister of Education): I thank the honourable member for his remarks on the Bill and his indication of support for this brief measure, which overcomes anomalies which exist in the current legislation and which came about because different sections of the 1981 legislation came into operation at different times. Clearly, it was the intention of the Parliament that the Crown be bound by the Act, and this measure will overcome the administrative difficulties that have been experienced.

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

TRUSTEE ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 23 September. Page 1071.)

Mr S.J. BAKER (Mitcham): This too is a relatively simple Bill, designed to clarify the situation in relation to public trustee investment policies. There has been some doubt as to whether estates and the moneys coming from them can be invested in the common fund. The Bill makes the position clear and removes the doubt that exists about how money can be invested. It is a simple Bill and is perhaps something that should have been thought about when the principal Act was last amended. The Opposition finds no difficulty in supporting it.

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

ADMINISTRATION AND PROBATE ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 23 September. Page 1072.)

Mr S.J. BAKER (Mitcham): The Opposition supports this Bill, which does two basic things. First, it allows the Public Trustee to set up more than one common fund. Interestingly enough, in the previous Bill they were allowed to set up and invest in their first common fund, so it is almost like going from famine to feast.

The principle behind that proposition is very straightforward. If we have a number of estates where there are amounts of money which are not in an investible form to receive the highest return then obviously it is in the interests of those beneficiaries under the estates that they be put in a form which can gain the highest return. Establishing the common fund, as we did in the previous Bill, enables the Public Trustee the ability then to put the money out at the highest possible return.

As members would appreciate, in the financial market there are long-term, short-term and medium-term needs as far as the beneficiaries of estates are concerned. So it is not appropriate, for example, for the trustee fund to take funds from the estate and invest them in 10-year securities if indeed they have to be redeemed within the space of six months. Therefore, the principle is that certain estates will require long-term investment policies and others will require short-term investment policies so that the money can be taken from the fund. The Opposition finds that, for reasons of good management, this is a very healthy change. We certainly do not do it in support of the Public Trustee but rather for the people whose estates are held with the Public Trustee.

The second thing that the Bill achieves is that it makes the borrowing power of the Public Trustee less stringent. It allows the Public Trustee to borrow with the approval of a Minister instead of a judge and to borrow from any bank and not just the State Bank, which are the current provisions. That must enhance the opportunity for the Public Trustee to administer estates properly and so the ultimate benefits must flow to the beneficiaries of the estates.

The need for all trustee companies to be more flexible is recognised in today's financial world. Members on both sides of the House do not need to be reminded that the competition in the market is far greater than ever before. It is simply not good enough that a trustee company can invest money at the State Bank at 3¾ per cent interest, which was the case 20 years ago. In many ways I feel that the Public Trustee has suffered some disadvantages in the ability it has had to invest the funds to the maximum benefit of those people who are beneficiaries under the estates. I commend the Bill to the House.

The Hon. G.J. CRAFTER (Minister of Education): I thank the Opposition for its indication of support of this amending measure to increase the powers vested in the Public Trustee in this State: indeed, to bring the activities of the office of the Public Trustee into line with those enjoyed by private trustee companies under their own separate Acts of Parliament, which they have enjoyed for a number of years.

In summary, the Bill amends section 102 of the Administration and Probate Act, 1919, to allow the creation of common funds additional to the present one. This will permit better tailoring of investments to suit the varying needs of estates managed by the Public Trustee. It will allow significant administrative savings by having all investments go through common funds rather than have the present large number of individual holdings and will protect the real value of moneys invested by the Public Trustee on behalf of medium and long-term estates. There is an additional amendment being proposed to the Trustee Act to provide that the common funds of the Public Trustee are authorised trustee investments, as is the case with the common funds of private trustee companies.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Repeal of ss. 102 and 102a and substitution of new sections.'

Mr S.J. BAKER: I refer to the common fund reserve account, which I understand is the account held in reserve should there be any difficulties with default or losses incurred. Because I am not aware of the circumstances about trustee companies and the way in which they have to set aside reserve funds, can the Minister advise whether this is the first time the Public Trustee will be participating as part of the common fund reserve account?

The Hon. G.J. CRAFTER: All I can say is that income arising from the investment of the common fund shall be credited as income on amounts invested in maintaining the common fund reserve account and, in appropriate circumstances, towards the Public Trustee's costs. The existing common fund is to continue for as long as it is appropriate to retain moneys in that particular fund. The proposed new section 102a alters the restrictions on the ability of the Public Trustee to borrow money on overdraft. It is proposed that the Public Trustee be able to borrow with the approval of the Minister instead of a judge and from any bank and not just the State Bank, as is the present case.

I think that clarifies the position of the Public Trustee now with respect to the common fund reserve account but, with respect to other trustee companies, I will have to take that question on notice and get the information for the honourable member.

Mr S.J. BAKER: Can the Minister say what is the administration fee arrangement with the common funds under the investment policies of the Public Trustee? Is there a schedule of fees that attach to the administration of estates when they are put into a common fund? Is it a percentage of the income that is earned or is it a flat fee that is associated with such investments?

The Hon. G.J. CRAFTER: I do not have specific information with respect to the operations of the Public Trustee's office and I am not sure whether there is that sort of information available prior to the legislation being passed by the House, but I will certainly undertake to get whatever information is available for the honourable member.

Mr S.J. BAKER: The reason I am asking these questions is that many people in South Australia put their trust in the Public Trustee. There has been comment that perhaps the Public Trustee takes a little too long sometimes to wind up estates, but, more importantly, people have found that the returns on money invested have been of a minimal nature compared to what they have understood to have come from other trustee companies. Certainly the change that we have made here is going to be quite beneficial in that it will allow the Public Trustee to seek the highest and best return from that money. The one hidden agenda of course is how does the administration of the estate moneys with the Public Trustee as a public body differ from those in the private sector and the trustee companies in the private sector.

As I have said, many people place their money with the Government because they know it is going to be safe. However, if the administration charges are somewhat different and higher than those that are applied in private companies, then perhaps there should be some review of the charging policies of the Public Trustee.

The Hon. G.J. CRAFTER: I think that this raises wider questions. Generally, I think the Public Trustee's charges are competitive with those of other trustee companies which are operating, and this legislation will in fact enhance that situation—or, where some disadvantage was being experienced by the Public Trustee's Office, this will bring them onto an equal footing.

With respect to the honourable member's comments in regard to the charges for the administration of estates, obviously over the years there has been debate as to the respective trustee companies, but with respect to a comparison between charges of solicitors who administer estates and those of trustees companies, including the Public Trustee, who administer estates.

Generally, the practice is that the trustee companies, and certainly the Public Trustee, charge a fee based on a percentage of the overall value of the estate, whereas solicitors in the main charge per hour of work performed in administration of the estate. There lies the difference, in a number of instances, and clients need to choose which form of assistance they receive in the administration of estates. I think that the earlier questions that the honourable member raised were somewhat more specific than that and, naturally, I will put those on notice.

Clause passed.

Remaining clauses (5 to 8) and title passed.

Bill read a third time and passed.

SALE OF GOODS (VIENNA CONVENTION) BILL

Adjourned debate on second reading.

(Continued from 25 September. Page 1238.)

Mr S.J. BAKER (Mitcham): The Opposition is in a very supportive mood tonight. We support this measure and commend the Government. As members on both sides of the House would understand, there are inevitably difficulties when dealing with contracts between countries. This really addresses simple contractual arrangements and sets down under the Vienna Convention, which was signed in 1980, a simple set of rules which will allow freer trade and, where conflicts arise, those conflicts will be able to be resolved far more adequately. This is one of the steps that is needed to put this convention in place.

The convention differs very little from the Sale of Goods Act itself, in that the proposals set down are really commonsense proposals and are reflected largely in the legislation which we have in this State and which governs the normal sale of goods. However, as the Minister pointed out in his second reading explanation, the convention has been tailored to the special needs of international trade. When all States and Australia become signatories, we will see the benefits flowing to all those other countries which have taken the same steps. Some already have, of course.

The convention recognises established international trade usages and encourages a party to rely on less drastic means of litigation to resolve disputes. At this stage I am not sure what mechanisms will be put in place to resolve disputes, but they will be along the lines of a tribunal that is acceptable to both countries involved. It also limits the right to avoid a contract. We get numerous examples of people contracting to buy or sell goods from one country to the next and suddenly that contract is declared void by one party.

Under the Sale of Goods Act which operates in South Australia, of course, there is redress under the law. At this stage, in many countries there is little redress, so that those who suffer damage have little ability to be able to redress their situation. The convention also requires prompt notice to be given of a non-conformity in goods or a third party claim on goods. We see a number of pieces of legislation (and one will be coming up shortly) which address encumbrances on motor vehicles. So, it will mean that, if any of the traders of those countries that are the signatories to the Vienna Convention trade with Australia and *vice versa*, they will have to declare non-conformity and any encumbrances on those goods.

This recognises forms of communication such as telex. There has always been a grave doubt, where a telex is used in relation to a contract, whether it is proof of the contract. This is therefore tied up under the convention. It makes allowance for the redirection of goods in transit in relation to the duty to inspect. It enables a party to suspend the performance of a contract, if the other party at any time appears to be unable to perform, and cannot on request provide adequate assurance of the ability to perform.

All those items are contained within South Australian legislation but, when it comes to dealing with our overseas counterparts, difficulties often arise. I find this a very healthy piece of legislation. It recognises that we do trade with the outside world and that there are difficulties between contractual parties which are exacerbated by distance and communication. Nevertheless, these difficulties can be overcome in a better fashion than the way in which they are overcome today. Importantly, Australian sellers will understand their contractual obligations when merchandising overseas in those countries that are signatories.

Australian buyers and overseas sellers will have a clear understanding enforceable in law as to their rights and responsibilities. As we would expect, some conditions parallel those that are already in the Act; others in principle address guidelines relating to international trade. So, we support the provisions despite not being a party to the negotiations (because they were negotiated at Federal level), because we believe that this is a step in the right direction. It is part of the shrinking world, and we think that it is fitting that the South Australian Parliament should be part of that change in good trading relations.

The Hon. G.J. CRAFTER (Minister of Education): I thank the Opposition for its indication of support for this measure, which will do our part as the State of South Australia in bringing about the ratification on the part of Australia of the United Nations Convention on Contracts for the International Sale of Goods. Each other State and Territory in Australia is effecting similar legislation and, as the honourable member said, this does in that sense enhance the rights of those citizens of Australia who enter into contracts that are provided for in this legislation, and will afford them the protection that is provided under the law that we enjoy as citizens of this State and nation.

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

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 September. Page 1239.)

Mr S.J. BAKER (Mitcham): This Bill provides for a rewrite of certain sections of the criminal law dealing with damage to property and unlawful threats to persons or property. The amendments simplify the law, update it to

meet more modern day needs, rationalise penalties, and make the proof of intent easier to deal with. As the Minister pointed out in his second reading explanation, the reforms are long overdue and remove anachronisms from the law in this State.

We have a new definition of 'property' to extend the scope to cover more adequately intangibles, as well as wild animals that are kept in captivity. The penalty for threats of violence have been extended by two years when those threats involve children under 12 years of age, thus recognising the inherent damage that can be done to our very young people in a traumatic situation. Acts or omissions which knowingly place people at risk have been catered for in a more generalised but effective manner in the Bill. Arson has, since the criminal law was first promulgated in this State, been an offence incurring life imprisonment, but under this Bill the imprisonment provisions have been changed a little to make them more effective in those cases where minor damage has been incurred. Apparently, the judiciary has avoided convicting persons of arson because of the mandatory life sentence that has been in the criminal law ever since it was enacted.

Improved provisions have been made concerning the care of children, irrespective of food and shelter, and responsibilities are more clearly defined. When I read the changes, although I considered that they were a positive addition to the South Australian law, I had a feeling of nostalgia when I saw that some of the law that was first written in this State had been changed. In this regard, it would be useful to consider briefly some of the terminology in the Bill for the benefit of those people who have not had the opportunity to peruse it, so that we might see the context in which some of these offences were first specified. For example, section 32 of the Act provides:

> Any person who, with intent to burn, maim, disfigure, disable, or do grievous bodily harm to any person, unlawfully and maliciously—
> *(a)* causes any gunpowder or other explosive substance to explode:

That is fairly quaint wording regarding gunpowder. As it was first on the list of offences, I assume that, when the law was first enacted, gunpowder was regarded as the major weapon for inflicting damage. The section then talks about explosive substances, and I imagine that the reference to corrosive fluid may have been a later addition to the Act. So, circumstances have changed. Section 33 of the Act provides:

> Any person who unlawfully and maliciously places or throws in, into, upon, against, or near any building, ship or vessel, any gunpowder or other explosive substance with intent to do bodily injury to any person shall, whether or not any explosion takes place, and whether or not any bodily injury be effected, be guilty of felony, and liable to be imprisoned for any term not exceeding fourteen years.

The law, in the way in which it is written, represents an era, and in the era in which this was written gunpowder was a major weapon that was outlawed by the legislation. Other observations can be made about changes in the legislation. Some of the heavy penalties, such as life imprisonment, have given way to lighter and more reasonable sentences. Problems have been caused in the courts by laws which had a specific place in ethics when first enacted and which, when they are reviewed in the terms of offences today, are now considered to be lesser offences. Some of the offences under the old legislation incurred far heavier penalties than more serious offences incur today.

So, it is important that we continually upgrade the law and keep it in its true perspective. It is also important that the heaviest penalties should attach to those crimes which Parliament and the people of South Australia deem the most serious and that the penalties should be graduated downward.

The Opposition supports the reforms. This area of the law has been the subject of intense scrutiny over many years. During the mid 1970s, the Mitchell committee reported on the terminology of the Act, so it has taken a considerable time to change certain provisions. More importantly, however, I believe that the final result will mean more effective legislation, and the judiciary will no longer be tied by mandatory sentences that cannot be imposed when compared with other penalties under the law. I commend my colleague, the Hon. Trevor Griffin, in another place for his attention to the Bill. As always, as shadow Attorney-General, he has applied himself meticulously to the subject and has put forward useful amendments to the Bill that was introduced in the Upper House.

Mr S.G. EVANS (Davenport): I support the Bill as far as it goes, but next year I will move a further amendment in this field. I have before the House another Bill which I cannot discuss now and the amendments in which I wanted included in this Bill. However, the time allocated to private members' business would not have allowed a proper debate on that subject. This Bill fails because it does not provide for people who deny others the right to use their property.

For example, if a person starts to construct a building and the union steps in and says that because all the workers are not members the site will be picketed, and the owner of the property is denied possession of the property to work it in the manner that a person would expect to do, the only recourse that an individual has is to fight the case in a manner similar to that which occurred at the abattoirs in the Northern Territory. I believe that we can take the law further and provide that where an individual is denied access to or use of his property the offending party should be liable to the sort of penalties that apply in this Bill.

The Minister might tell me if I am wrong about this, but at least this Bill will provide that if pickets are on site and forcibly stop a person from moving onto the site to continue with the building or the delivery of goods, or if they injure that person in any way, then this law will apply. Further, it will apply to damage to, say, a vehicle taking goods onto a property and will provide a much more severe penalty than has been the case in the past. If the foreman attempts to drive, say, a Mercedes Benz onto the site and someone damages it in any way then that person would be subject to the severe penalties that are provided for here. That being so, I support the Bill even more wholeheartedly.

It is very important that we have extra powers and larger penalties applying to offences committed by people who belong to, say, the Builders Labourers Federation and who think they can take the law into their own hands, while the poor little individual operator cannot afford to take them through the courts. The small property owner cannot afford that sort of action undertaken in relation to the abattoirs dispute in the Northern Territory, for example.

Mr Ferguson: You're talking about two different unions.

Mr S.G. EVANS: I am not talking about any particular union—I just used the example of a building site and then referred to how much it costs in the case of an action undertaken such as that which occurred with the abattoirs in the Northern Territory, where individuals tried to get legal access and to exercise their legal right to what was theirs. It cost them a fortune. They won in the end, but they had the resources and backing of big organisations to do that. Whereas the small operator does not have these resources. The member for Henley Beach should appreciate that what I am arguing for is quite proper. Why should a

person who, for example, has a contract to build a property worth about $1 million, be told that someone cannot work on site because they are not a certain union member and that if the person continues to do so the site will be picketed and black banned?

I hope that this law strengthens the opportunity for property holders to sue for damages in circumstances where the owner is injured or where property is damaged in trying to obtain access to the property but where union pickets might give the person a shove, for instance, and say that entry will be denied. If the penalties in this legislation can apply to those union renegades who defy the present law, then that is excellent. Next year I want to try to get legislation through the House which provides that persons denying the owner of a property access (not involving injury or damage but simply denial) will also face the sort of penalties that pertain to this Bill. I hope that that legislation can be enacted soon. Will the Minister say whether that is one of the things that will happen in relation to this Bill, namely, that where people damage a person's property on a building site in the course of picketing a site or denying delivery of supplies, or injure a contractor or person entering the site, they will be subject to the penalties provided for in this Bill? I support the Bill.

Mr Ferguson: You're worse than Margaret Thatcher.

Mr S.G. EVANS: I'm better looking!

The SPEAKER: Order! This Bill is not concerned with the attributes of a member in a far away place. The honourable Minister of Education.

The Hon. G.J. CRAFTER (Minister of Education): As the member for Mitcham has said, this Bill brings about a very substantial reform in this area of the criminal law. It arises out of the Mitchell Committee's report, that is, the fourth report of that Criminal Law and Penal Methods Reform Committee. That committee found that the present offences as provided for in the Criminal Law Consolidation Act were an unsatisfactory pastiche of sundry offences, and they were understandably criticised by that committee, which recommended their repeal *in toto*. It has appeared appropriate to enact a general offence that would deal with this whole topic, including endangering a person by damaging property. I think that was the matter that the member for Davenport was referring to in his speech this evening.

The reforms that are the objects of this measure are long overdue and remove anachronisms from the law of this State. This measure has received the long and careful consideration of the Judiciary, the Law Society and the prosecution and defence lawyers. Its gestation has been painstaking, careful and measured, and obviously it is looked forward to by all those parties and indeed those who seek the protection of the law in this way.

In respect of the specific questions raised by the member for Davenport, I obviously cannot give him any absolute opinions on the application of the law in certain sets of circumstances, but I can say that the law as provided for in this legislation will certainly give a much more comprehensive and appropriate response to the circumstances to which the honourable member refers. Obviously, the penalties are more appropriately provided for in this legislation. In particular, I refer the honourable member to clause 5, which deals with acts endangering life or creating risk of grievous bodily harm—which is the concern of the honourable member, in the circumstances that he described. The offences are very clearly outlined as are the circumstances of them. But as to the opinion in each individual circumstance, obviously I am not able to give that.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Unlawful threats.'

Mr S.J. BAKER: There has been a change in the law which in some ways has been made more simple, but new section 19 relates to 'unlawful threats', and new subsection 1 *(a)* refers to a person who, 'without lawful excuse, threatens to kill or endanger the life of another'. Why do we need the words 'without lawful excuse'? I do not know how anyone can have a lawful excuse to threaten to kill or endanger the life of another. This seems to be new terminology. As far as I am aware, there is never any lawful excuse to threaten the life of somebody else.

The Hon. G.J. CRAFTER: I suggest one situation is when a person is engaged in armed combat or an act of war. This provision may cover that situation. The law could perhaps be changed in relation to capital punishment. There could well be a number of circumstances where, if it were unstated in the legislation, to that extent the legislation would be inadequate.

Mr S.J. BAKER: As far as I am aware, the law prescribes that, if a person's life is threatened and they then threaten somebody else, that person has a defence against any charge. Obviously, in that case the Crown would not prosecute. The Minister mentioned armed combat. In that situation, the Crown would not prosecute, because there would always be the natural defence that exists under the law. I do not understand why the law is being complicated by including the words 'without lawful excuse'.

The Hon. G.J. CRAFTER: There is another example where a policeman, as was the case in Rundle Street some years ago, in the course of his duty is required to shoot another person in the interest of the safety of other people in the community. Obviously, that situation must be provided for but, as I said, I think that a number of circumstances can be brought to mind.

Mr S.J. BAKER: I refer to new section 19 (3) which states:

> . . . applies to a threat whether communicated by words (written or spoken) or by conduct, or partially by words and partially by conduct.

If the threats are made via modern communication channels such as through television screens or VDUs, is that perceived to be covered by this provision?

The Hon. G.J. CRAFTER: It is my interpretation that, if that communication is received in that way, more than likely it would fall under the provisions of new subsection (3). Obviously, one would have to look at the circumstances of each case.

Clause passed.

Clause 5—'Acts endangering life or creating risk of grievous bodily harm.'

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

Page 3—
Line 4—After 'to' insert 'the person of'.
Line 32—After 'cause harm to' insert 'the person of'.

These amendments are calculated to qualify the phrase 'to cause harm to another' as it appears in new sections 29 (3) and 30 (2). The word 'harm' without further qualification could extend beyond physical, personal or bodily harm; for example, economic harm, harm to reputation, and so on, and it is considered that the scope of the substantive criminal law should not be so extensive.

The amendments will ensure that its scope is restricted to the type of harm contemplated by the general scheme of the proposed sections 19, 29 and 30, that is, harm to the person by another. Indeed, these qualifying amendments echo what is already formulated in proposed section 19 (2) *(a)*. They will ensure that only conduct that is deserving of

criminal censure is caught. Anything beyond that is better left to criminal injuries compensation, to civil law or to tort law.

Amendments carried; clause as amended passed.

Clause 6 passed.

Clause 7—'Repeal of Part IV and substitution of new Part.'

Mr S.J. BAKER: New section 85 (1) *(b)*, referring to a person 'intending to damage property . . . or being recklessly indifferent as to whether property is damaged', uses the wording 'without lawful authority to do so, and knowing that no such lawful authority exists'. Can the Minister cite an instance where a person may act intentionally but would not know that that act was unlawful? It seems that we are making an ass of the law. If a person has not been given authority to do something, surely he would know that that authority does not exist.

The Hon. G.J. CRAFTER: I think that there is a danger in trying to give precise factual situations. However, we are attempting here to provide for the situation where a person, in good faith, damaged property—for example, something he may have found—and honestly believed that he was able to do whatever he did to that property but at a later stage found that not to be so, and is then given the protection of the law. Clearly, it is a matter that has been given very careful consideration by me, by the committee that recommended these changes and by other jurisdictions where similar legislation has been passed, particularly in the United Kingdom.

Mr S.J. BAKER: My understanding and reading of the law (which is extremely limited) suggests the wording is sufficient without 'no such lawful authority exists', which only confuses the issue. I cannot understand why what I would call a 'get-out' clause should be included in the Bill. Where the damage exceeds $2 000 as in the case referred to, the penalty is imprisonment for life, but where the damage does not exceed $2 000 the penalty is imprisonment for five years. There seems to be an anomaly in that there is a mandatory sentence of life imprisonment at the top end of the range, that is, where damage amounts to, say, $2 001 but, where the damage amounts to $2 000, the maximum penalty is imprisonment for five years. I can imagine that, when determining property damage, in order to secure a conviction, people may count up to $1 199 because it might not be appropriate to gaol a person for life if the property damage amounts to a little over $2 000.

I believe that we will be creating more problems in the law if we handle the matter in this way. The Minister would understand that it is a bit of a nonsense to say that, regarding a person who is recklessly indifferent to the damage he causes and goes ahead, if the damage amounts to more than $2 000, there is only one sentence that can be handed down—imprisonment for life—whereas, if the damage does not exceed $2 000, the sentence is five years. This is not the way in which the law should be written, and perhaps the old law was a little better, although I suggest that instead of imposing a life sentence we should provide maximum sentences that more reasonably reflect the circumstances. Obviously, if a person lights a fire that gets out of control and destroys property and maims or kills people, the ultimate penalty must be imposed, but that is not the usual occurrence.

I believe that the historical law reflected the fact that property was paramount—perhaps more important than life. That was the view when this law was first put together, and we still see a semblance of that thinking in this legislation with an artificial dividing line at $2 000. I do not believe that this is a healthy way to address the law. While I concur with the provisions of the Bill, I am not sure what positive assistance will be provided. To my mind, the police will have to doctor the accounts to limit the damage to less than $2 000 so that a conviction will not automatically result in imprisonment for life. Alternatively, a lesser offence could be proved so that the mandatory life sentence was not brought into play. There must be better ways of addressing the law.

The Hon. G.J. CRAFTER: The honourable member is entitled to his views, but I suggest that many legal minds have been turned to the proper way in which this category of offence should be described and the penalties that should be applied for those respective offences, whether they are completed offences or attempts. The types of offence are described very clearly. The important thing is that the law and the offences are stated clearly, and that is so. Of course, there could be many other ways in which this could be described, but I suggest to the honourable member and the Committee that this matter has received a great deal of consideration. In regard to the mental element of the offence to which the honourable member referred, I can only refer him to proposed new section 85 (4), which provides that it is a defence to a charge of an offence against this section for the accused to prove an honest belief that the act constituting the charge was reasonable and necessary for the protection of life or property.

Clause passed.

Remaining clauses (8 to 10), schedule and title passed.

Bill read a third time and passed.

ADJOURNMENT

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

That the House do now adjourn.

The Hon. TED CHAPMAN (Alexandra): In the District of Alexandra there are about 30 schools, ranging from kindergartens to prep, primary, high and area schools, and in a couple of cases special rural schools. Most of those facilities are the responsibility of the Minister of Education, although a few schools in addition to that group are run by various church organisations, and might I add that they are run pretty well. I want to recognise a couple of factors applicable to premises under the care and control of the Minister and, indeed, to recognise the respective Ministers who have been involved in providing those facilities, particularly new schools, major redevelopments and upgrading, since I became member for that district in 1973.

At Yankalilla, Victor Harbor, Kingscote, Willunga, Aldinga, Mount Compass, Meadows and a number of other regional centres within the boundaries of Alexandra new schools have been established in recent years. I want to put on record that, generally speaking, we have done pretty well as a country region of this State with a scattered population and many regional centres to service at the various educational levels. However, recently I was doing some homework on a small community called Goolwa, lying down there on the banks of the Murray River adjacent to its mouth on the South Coast. It is a delightful little community. I have collected some material from the school staff and from files that have accumulated over the years, and I find that that community has been somewhat ignored in relation to facilities.

I pick up first a minute extracted from His Excellency the Governor's speech at the centenary celebrations on 17 March 1979 and this is what he had to say about the school at Goolwa:

The Education Department recognises the need to redevelop Goolwa Primary School, and consequently the school has been placed on a forward building program. However, because of financial restrictions, it is likely to be another three years before the work can be carried out.

A little later, on 15 August 1979 the department wrote to the then Principal of the school, Mr Cox, and said:

The Goolwa Primary School will be redeveloped and at this stage it appears that the time schedule, as outlined in the Governor's address, will be fairly correct.

A little later, on 13 October 1981, the project was somewhat scuttled by none other than my own colleague the member for Mt Gambier, who was then Minister. After a review of the finances and facility needs as listed before the department at that time he went on to say:

As a consequence of this review the major building project planned for your school—

that is Goolwa—

has at this stage regrettably had to be deferred beyond three years. As the forward building program is reviewed half-yearly, this position may change, and you will be informed of any change in the situation in relation to your school if this happens. In the meantime I regret ...

That correspondence, sent from my colleague the Minister of the day to the local school, was handed to me during a meeting with the school council and staff on 16 October this year. On that day I went to the Goolwa Primary School and, fair dinkum, it is by far the worst public school premises that I have been on for many years. Indeed, it is the poor sister situation within the District of Alexandra, and I do not believe that in these times too many State schools have deteriorated to the same extent as the structures on tha' ıte.

ı *honourable member interjecting:*

The Hon. TED CHAPMAN: My colleague talks about Mylor, and I suppose we can all have a poke here and there about inadequate premises. I heard a Brighton district group this morning during a public meeting, telling us about how deteriorated and run down their premises were. Certainly, it is a palace at Brighton High School compared with the situation at Goolwa.

I make these comments in the presence of our Minister of today, who has kindly remained in the House following the adjournment this evening to hear these remarks. The premises at Goolwa are a disgrace to this State, the department and to my district. As I have indicated and indeed revealed to the House, overall we have had a pretty fair run but at Goolwa the premises are really rough, and cleaning is a nightmare for those involved. The windowsills in some cases are barely in existence; they have fretted away as a result of the rot that has infiltrated into the timber, and they are far beyond economic repair.

They have been officially recognised since 1975 as being in that condition and not worthy of doing up in so far as a number of the buildings on site are concerned.

The store shed, where the school is required to store its bits and pieces, is no more than a lean-to that one can walk into only if one stoops because it is so low to the ground. It is on the back of what is supposed to be the children's shelter shed, which is in a worse condition than my bull shed on the farm. The facilities that I provide for my cattle in the paddock on Kangaroo Island are better in material, design, furnishing and overall condition than the shed in which the schoolchildren at Goolwa are expected to shelter from bad weather and/or have their lunches.

There are no verandahs whatsoever on any of the buildings on site. The children and the staff walk off the mud, up the steps, which are dangerous in some cases, into their classrooms onto floors that have been patched and covered with offcuts of carpet scrounged from other schools and disposals. The kiddies are seated at desks that have been collected around the community from other premises where the desks and student chairs have been thrown out, no longer to be a part of the furnishings in those other premises.

As I say, they have been scrounged by the Principal, his school committee, and the on-site staff. It is my view that the Principal, his staff and the parent body that works diligently in that area are being exploited for their dedication towards that facility and the children they send along to that school.

The department needs to really get its act together as far as the Goolwa Primary School is concerned. This is the first time I have stood in this House in a grievance debate and devoted the time allocated to me to being so parochial and adamant about a situation at the local level. I believe in this instance that it is justified. It is my view that an urgent look at the situation at Goolwa will reveal not only what I am saying but also a situation about which the Minister himself will be embarrassed.

Let me return to the point I made initially about the premises that we have enjoyed. There is no question that (quite apart from the situation applying to Goolwa and the references made to that site by my colleague Harold Allison when he was Minister) Glen Broomhill, for a short period, the Hon. Lynn Arnold, when he was Minister, and Hugh Hudson in particular have really gone out of their way to give us a fair go in our district as far as facilities are concerned. Across the board I have no great argument about the attention extended by the respective Governments in office. Obviously places like Ashbourne, Milang, Langhorne Creek and Yankalilla and others need work done on their premises, as does Victor Harbor High School, but we have a new primary school in that community and in a lot of others. A lot of money has been spent and we are very proud of those provisions. However, as true as I stand here, the situation at Goolwa is an absolute disgrace. I appeal to the Minister to have his officers report to him as a matter of urgency on what they know about the premises, and have it put on a very early program for redevelopment of the site.

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

Mr ROBERTSON (Bright): Tonight on behalf of the House, if I am to take that honour upon myself, I wish the member for Adelaide a happy 40th birthday and may he remain 40 for ever and remain in this place for ever.

An honourable member: I am quite happy to wish him a happy birthday but—

Mr ROBERTSON: Within reason, yes. Tonight I would like to turn to one incident which is infamous in the history of this country, and that concerns the issue of Aboriginal and white relations in the early days of the Australian frontier. To put it in my own personal context, I want to read an extract from the *Inverell Times* of 9 January 1980. The *Inverell Times* happens to be the local paper in my home town, and the article talks about the rather infamous affair of Myall Creek, which has become known as the Myall Creek massacre. The article states:

—Friendly relations—

that is, between Aborigines and settlers—

could sometimes be established as on 10 June 1838 when a party of blacks were camped peacefully on Myall Creek Station. Suddenly several Europeans, believed to be outsiders, surrounded the group. They tied them with rope and drove them to a spot where about 22, including women and children, were slain, mainly by the sword. The Superintendent of Police had been absent for a few days. On his return, he made enquiries and, on riding over a hill, found a pile of dismembered and partly burned bodies.

When Governor Gibbs heard the report, he sent a Stipendiary Magistrate to investigate and apprehend the offenders. Eleven men were charged. They were acquitted, mainly because influential landholders had no sympathy with the aboriginals. The acquittal took place 15 November 1838.

That incident, happily, I suppose, in a sense, went on to be resolved. A number of people who perpetrated that crime did hang for it and the incident marked a watershed in relations between the Aborigines and the settlers in New South Wales, because it was the first time the King's Law, if you like, was invoked against people who took the law into their own hands in that frontier situation.

Unfortunately, that was not replicated in other States. Other incidents in the area from which I originally came and which gave me an interest in this subject were the stories that people of my grandparents' generation tended to whisper about when I was a young child in the 1950s. There were landmarks around the place such as Bluff Rock at Tenterfield, from which a number of tribes people were reputed to have been driven to their deaths, in a fall of about 100 metres to the rocks below.

Again, there was a frontier attitude which still obtained to an extent in the 1950s. Outside my home town of Inverell there was a place called Sheep Station Gully; it was the Aboriginal settlement, from which local farmers and business people obtained cheap labour. There was no thought of award wages, even in those days. Aboriginal people were virtually indentured for long periods of time to work for sub-award wages for people on the surrounding farms.

The town of Moree, which is the next town west on the Gwydir Highway, was always a point of some note and humour in the local community. The Aboriginal reserve was on the same road as the rifle range, and people would laugh and point at the fingerboard, which pointed to 'Rifle Range', with small letters underneath saying 'Aboriginal reserve'. That was the kind of environment in which I grew up, and it certainly was a hangover in some ways from the days when death and injury to Aboriginal people were simply taken as part of a day's work for people on the frontier.

I make no excuses whatever for them; nor, do I make any excuses for the Aboriginal people, many of whom were equally ignorant in their relationship with the whites. So, there was certainly fault on both sides and certainly deaths and assaults on both sides. However, I make the point that there is a great deal of ignorance in this community, and I want to come in a moment to a suggestion which I hope will remedy some of that.

I found when I came to South Australia that the record here was not a great deal better. In fact, in a chapter of his book called *The destruction of Aboriginal society*, C.D. Rowley entitles his chapter on South Australia 'The colony that was meant to be different'. He records such things as a massacre on the Coorong in 1839 and another on the Murray River in 1841. That particular one, where 30 people were shot, resulted in the Protector of Aborigines, Mr Moorhouse, being withdrawn and replaced by Edward John Eyre, who became the magistrate at Moorunde. Even Eyre, for all his fame, was not immune from fault in this area. In his book *Edward John Eyre: The Hero as Murderer*, Geoffrey Dutton recounts a number of incidents in which Eyre himself was involved in the massacre and assault of Aboriginal people. In 1842 in Port Lincoln, a number of Aborigines were shot and a couple hanged for assaults against local farmers. In 1846 at Elliston there were allegations of as many as 260 Aboriginal people being driven over a cliff. Those allegations have never been proven, but again it is part of the folklore of the western part of this State. In the 1860s, Edward Hayward, after whom Hayward Bluff and a number of other natural features in the Flinders Ranges are named, became justly infamous for his treatment of Aborigines on Oraparinna and adjacent stations.

So, the various States of Australia, as the frontier pushed farther inland, became places of enormous conflict. Without wishing to regale the House with too much detail. in New South Wales, Tocumwal, Narrandera, Wide Bay, the Orara River, Yulgilbar, and Kangaroo Creek are all massacre sites. In Queensland, Lizard Island, Rain Island, Kilcoy Station, Nindery Station, Mitchell, Morinish, Burketown, the Norman River, and the Palmer River in the 1870s, Batavia Station and Dulcie River Station were all sites of enormous and significant events and of things that we ought not to forget and ought not to trivialise at this distance of time and place.

In Western Australia there was the infamous massacre of Pinjarra in 1840, in which more than 25 Aborigines were killed. I refer also to Behm River (Kimberleys), Kunnanurra, Windjana Gorge in 1894, Geikie Gorge in 1895, and the Kimberleys as late as 1927, when 30 people were massacred.

In relation to the Northern Territory, I refer to Mount Reddeck near Alice Springs. Also, as late as 1930, 31 people were killed in the Coniston massacre, about which there was an interesting and informative piece of radio journalism several Sundays ago on ABC radio 3.

Those are all events which have scarred the relationship between the whites and the Aborigines in this country, and I think we have probably reached the time, heading for our bicentenary, when perhaps we ought to think about recording some of the faults that lay on our side—'ours' being the Europeans.

In 1970, the Federal Council for the Advancement of Aborigines and Torres Strait Islanders plus the Aboriginal Progress Association in South Australia proposed that a monument be erected to the people killed in the massacre on the West Coast at Elliston. The District Council of Elliston rejected that idea but later said that it would reconsider it if proof could be furnished. As far as I am aware, the matter has not been resolved, and no monument has been constructed. In the United States national monuments to this kind of thing are quite common. It is quite common to find monuments to battlefield sites such as Wounded Knee and a number of others where there were clashes. In establishing those monuments, I think that the people of the United States have recognised that they have to acknowledge a certain amount of fault in the way in which they have treated their native people.

It occurs to me that we ought to be going down that track, and I want to take this opportunity tonight to propose that we think about establishing in South Australia a network of historic reserves or monuments which hopefully could spread throughout the whole of Australia, and that we initiate that kind of activity some time between now and 1988. It would be to document episodes in the history of conflict. It would certainly not be to prove the superiority of Europeans over Aborigines, but it would simply remind Europeans of the cost of the conquest of this land and its native people by an alien culture. It must not be done, I stress, without consultation with the Aboriginal people, and it could only be done—and should be done, in fact—as a belated apology to the Aboriginal people of this State and this country for 200 years of abuse and misunderstanding.

The Hon. D.C. WOTTON (Heysen): I want to talk tonight about a couple of matters which come under the responsibility of the Minister for Environment and Planning who, unfortunately, is not in the Chamber at present, so I will take the opportunity to bring them to his notice on a future

occasion. Before I do that, I want to speak briefly about the program entitled '48 Hours on Crack Street' which was on channel 9 between 9.30 and 11 p.m. last night. Unfortunately, I saw only the second half of the program, because the House was sitting and I was not able to see the start. When I arrived home in the evening I found both my wife and my son watching the program, and I joined with them to watch the latter part of it. I believe that it was excellent. Certainly, a pretty sight was not portrayed throughout the program, which hit the raw nerve when it comes to the dangers associated with crack and the tragedies that result from the use of that drug in the United States of America.

When my Leader today asked a question of the Premier on a matter relating to drugs, both the Premier and the Deputy Premier interjected when reference was made to this program. I believe that both referred to the program as one which they saw as being dangerous. I would very much have liked to hear why both the Premier and the Deputy Premier felt that the program was dangerous. They did not provide us with any of that information. However, I, for one, would strongly urge channel 9 to replay that program at an earlier time in the evening. I believe that it should be almost compulsory viewing for young people in their teens particularly, and for those who have the responsibility for bringing up young people today.

As I said earlier, the program was not full of pretty sights, but it very effectively hit out at the problems associated with crack and the massive difficulties that are being experienced in the United States as a result of that drug. Today I contacted the Program Department of channel 9 to ascertain what sort of response they have had. I was informed that the response had been quite exceptional and had been almost totally positive. In fact, no reference was made to anything other than positive reaction, so I would say from that that it was totally positive and that no people had brought forward criticisms in regard to the program. As such, I urge that channel 9 provide the opportunity for more people to see that program on another occasion.

I will leave that subject and go to those to which I referred briefly under the responsibility of the Minister for Environment and Planning. Both relate to matters that involve the District Council of Stirling. The first matter to which I wish to refer relates to heritage studies. I would like to ask the Minister for Environment and Planning how many heritage studies prepared by local government or other authorities are currently awaiting consideration or approval by the Minister or his department, and what specific action is being taken by the Minister to remove this extensive backlog.

To be specific, in May 1985 (18 months ago) the Stirling District Heritage Study was completed for the Stirling council under a National Estate Program grant and subsequently was presented to the State Heritage Branch for consideration and reference to the South Australian Heritage Committee. The study recommended some 60 items for inclusion on the State Heritage List, and to this date none of the recommended items has been listed by the Minister for Environment and Planning; nor has any assessment been undertaken in respect of any of the recommendations contained within that study. I am aware that council has recently expressed its concern to the Minister for Environment and Planning, in a letter, regarding the delays that were occurring with respect to the consideration of the recommendations contained in that study.

I have a copy of the reply from the Minister. It indicated that the survey was 'undergoing reassessment by the branch', and that the cause for the delay in processing the recommendations of the study had arisen as a result of a backlog in a number of local and regional surveys completed throughout the State awaiting the consideration of the Heritage Branch of the Department of Environment and Planning. I urge the Minister to look specifically at the study to which I have referred. I would like to know just how many other similar studies are being held up in what has been described by the Minister himself as being a quite considerable backlog.

This is a very serious situation, particularly when one realises that this study was funded under a National-Estate Program grant. The Stirling council is very anxious to finalise a supplementary development plan. The council does not want to proceed with that until its heritage study has been finalised, which will enable it to proceed with other planning matters under the supplementary development plan. Of course, the whole lot is being delayed as a result of the backlog referred to. I hope that the Minister will give this matter urgent consideration.

I refer to a letter that the District Council of Stirling forwarded to the Minister for Environment and Planning on 12 September this year. It refers to a matter that was discussed at a recent council meeting when it was resolved to draw to the Minister's attention the matter of conflicts which often arise in respect of the objectives and principles relating to the preservation or conservation of heritage items and the requirements of the Building Act, particularly in relation to buildings located in primary fire zones. I know that the District Council of Stirling has experienced unresolved conflicts in dealing with applications for building alterations and additions to items on the State Heritage List and also those located within a primary fire zone under the Building Act.

I am aware of one specific case where a very significant hotel in my electorate (the Aldgate Pump Hotel), which is on the State Heritage List and which has recently undergone major redevelopment and upgrading. The management of that hotel has put an enormous amount of effort into ensuring that the work was carried out in line with heritage requirements. It has consulted throughout with the Heritage Branch of the Department of Environment and Planning and has done an excellent job. Any member travelling through Aldgate who might want to look at the work done on this hotel would be very welcome in that hotel. They have done the right thing throughout, but they now have troubles because, as a result of requirements with regard to fire protection within the building and the provisions under the Building Act they are now required to carry out more work, which would be totally detrimental in regard to the restoration work that has been undertaken for heritage purposes.

I have written to the Minister for Environment and Planning about this matter. I do not have time to go into the matter in further detail, but once again I urge the Minister to take note of this situation. It must be occurring on many occasions in different parts of the State. I believe that this is a serious matter that the Minister should deal with as a matter of urgency. I hope that the Minister will respect the case that I have put to the House on this occasion.

Motion carried.

At 10.26 p.m. the House adjourned until Thursday 20 November at 11 a.m.