HOUSE OF ASSEMBLY

Tuesday 2 December 1986

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

ASSENT TO BILLS

His Excellency the Governor, by message, intimated his assent to the following Bills:

Administration and Probate Act Amendment,
Futures Industry (Application of Laws),
National Companies and Securities Commission (State Provisions) Act Amendment,
Residential Tenancies Act Amendment,
Sale of Goods (Vienna Convention),
Securities Industry (Application of Laws) Act Amendment,
Tobacco Products Control,
Trustee Act Amendment.

PETITION: MAGILL SCHOOL

A petition signed by 129 residents of South Australia praying that the House urge the Government to approve the permanent employment of Mrs Jolly, Mrs Felt and Mrs Patrick to the Magill Primary School was presented by Hon. G.J. Crafter.

Petition received.

PETITION: LOWER MURRAY HOSPITAL

A petition signed by 1 453 residents of South Australia praying that the House urge the Government to retain the full services of the Lower Murray District Hospital was presented by Mr Lewis.

Petition received.

QUESTIONS

The SPEAKER: I direct that written answers to the following questions on the Notice Paper, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 188, 237, 245, and 253.

PAPERS TABLED

The following papers were laid on the table:

By the Premier (Hon. J.C. Bannon):
Jubilee 150 Board—Report, 1985-86.

By the Minister for the Arts (Hon. J.C. Bannon):
Adelaide Festival Centre Trust—Auditor-General's Report on, 1985-86.
The State Opera of South Australia:
Report, 1985-86
Auditor-General's Report on, 1985-86.
State Theatre Company of South Australia—Auditor-General's Report on, 1985-86.

By the Minister of Water Resources (Hon. D.J. Hopgood):
South-Eastern Drainage Board—Report, 1985-86.

By the Minister of Transport (Hon. G.F. Keneally):
Food Act, 1985—Report on the Operation of the, 1985-86.
South Australian Health Commission Act 1976—Regulations—Accommodation Fees.
State Transport Authority—Report, 1985-86.

By the Minister of Education (Hon. G.J. Crafter):
Second-hand Motor Vehicles Act 1983—Regulation—Special Sale Exemption.
Securities Industry (Application of Laws) Act 1981—Regulations—Futures Contract.
Summary Offences Act 1953—Regulation—Turn Infringements.
Accounting Standards Review Board—Report, 1985-86.

By the Minister of Aboriginal Affairs (Hon. G.J. Crafter):
Aboriginal Lands Trust—Report, 1985-86.

By the Minister of Fisheries (Hon. M.K. Mayes):
Fisheries Act 1982—Regulations—
Investigator Strait Experimental Prawn Fishery—Extension of Scheme of Management
West Coast Prawn Fishery—General Regulations, 1986.

MINISTERIAL STATEMENT: SACOTA

The Hon. M.K. MAYES (Minister of Recreation and Sport): I seek leave to make a statement.

Leave granted.

The Hon. M.K. MAYES: In the grievance debate in this House last Thursday afternoon, 27 November, the member for Morphett raised some concerns which he had relating to recent activities of the South Australian Council on the Ageing, or SACOTA. In the course of his debate he made several allegations relating to the role of an officer of the Department of Recreation and Sport in SACOTA. In particular he claimed:

(i) Mr Kim Bennett, then Vice-Chairman of SACOTA, offered the position of Executive Director, then held by Mr Bob Randall, to Mr Rod Martin, who was the Department of Recreation and Sport's consultant to SACOTA.

(ii) That Mr Martin criticised Mr Randall at a board meeting for giving a copy of a board report which Mr Randall had prepared, to the Minister of Community Welfare, and that this criticism helped lead some board members to take the view that Mr Randall should be sacked.

(iii) That I as Minister of Recreation and Sport continued to allow Mr Martin to serve on the SACOTA Board when the Minister of Community Welfare had withdrawn his consultant immediately he became aware of Mr Randall's concerns.

(iv) That funding by the Department of Recreation and Sport for a Healthy Lifestyle Program involving camps for the elderly had not really been required for that purpose and had instead been used to meet SACOTA's overall shortfall of funds.

I will answer these allegations in order.

First, in relation to the Executive Director's job, I am advised that at no time was the departmental consultant, Mr Martin, formally approached by Mr Bennett, or any other council member, offering him that position or any other position with SACOTA. Mr Martin had, and has, no interest in the Executive Officer's position: in fact, the remuneration would put him at a definite financial disadvantage.

Secondly, regarding the influence the department representative may have had on any decision made by the board concerning the contract termination of the SACOTA Executive Officer, I am advised that the decision to do so

resulted from an unanimous vote by board members, and that the departmental consultants, including Mr Martin, did not have voting rights. I am advised that, upon request, Mr Martin left the room whilst the vote was taken.

Thirdly, regarding the withdrawal of the Department of Recreation and Sport's nominee from SACOTA, I can advise that following consultation with the Minister of Community Welfare regarding both Mr Randall's and Dr Leon Earle's reports, I asked Mr Martin to cease attending board meetings. This is confirmed in a letter to the Chairperson of SACOTA dated 29 September 1986 from the then Director of the department informing her that, until such time as a permanent Executive Director had been appointed and the council board had stabilised, a departmental representative would not be available to the board.

Lastly, in relation to the department's funding allocations to SACOTA and, in particular, the Healthy Lifestyle program, I am advised that the following contributions were made:

	$
Commonwealth moneys (through Department of Health)	22 000
State moneys (through Department of Recreation and Sport)	3 000
Total	$25 000

SACOTA has conducted two extremely successful Healthy Lifestyle camps since 1984 and has received an extension from the Commonwealth for 1986 to complete the initial project. Approximately $10 000 is currently set aside in Telecom bonds, specifically earmarked as dual funding moneys for the completion of the project, as required by the terms of the Commonwealth grant.

In conclusion, I believe that my departmental officer (Mr Rod Martin) has at all times acted both with propriety and within the best interests of the specific population groups within his responsibility. It was this Government, a Labor Government, that recognised the particular recreation, sport and fitness needs of socially disadvantaged groups within our society and, as a result, established the Specific Populations Development Unit within the department to advocate and address this imbalance. The unit is currently responsible for the specific areas of women, physically and intellectually disabled persons, Aborigines and the elderly.

I am extremely pleased with the community and Government support for the work of this unit and would suggest that the member for Morphett ensure the accuracy of his statements before raising them in the House in the future.

QUESTION TIME

The SPEAKER: Before calling on questions, I advise that questions that would otherwise be answered by the Minister of State Development and Technology will be taken by the Premier; questions to the Minister of Lands will be taken by the Deputy Premier; questions to the Minister of Mines and Energy will be taken by the Minister of Transport; and questions that would otherwise be directed to the Minister of Labour will be taken by the Minister of Housing and Construction.

SHOP TRADING HOURS

Mr OLSEN: I direct a question to the Premier. Does the Government intend to take action to extend general shop trading hours in Adelaide and, if so, when, and will the Government concurrently address the question of labour costs involved in such a move to protect consumers and small businesses? Press reports at the weekend suggest that the Government may take action next year to extend general trading hours. The Minister of Labour is quoted in the *Sunday Mail* as saying that full deregulation of shopping hours will happen. Consumer surveys have repeatedly highlighted strong demand for such a move, but successive Governments have failed to reconcile the different interests involved.

I refer in particular to the need to review labour costs so that prices are not forced up and small businesses unfairly disadvantaged in any move to extended trading hours. In asking the Premier to clearly spell out the Government's intentions, I seek an assurance that the Government will also address the need to review labour costs—something that it has not done in relation to the extension of bread baking hours.

The Hon. J.C. BANNON: The Government has no intention of embarking on a wholesale deregulation of shopping hours. This was made clear in statements in response to those newspaper reports. The Minister of Labour was commenting on what he said was the inevitability of the freeing up and deregulation of hours, and, if anyone observes what has happened interstate and overseas, one sees that that is probably a correct analysis. The pace and the way in which it happens will depend very much on the circumstances. At this stage I believe that the shopping needs of most people are quite adequately catered for under our existing system.

That does not mean that there are not anomalies in the system: there are anomalies, and sometimes those anomalies discriminate against particular traders in particular segments of the market. They have been with us for quite a while. Because so much history is attached to this issue it is not really possible, in my view, to change the system overnight without considerable disruption, possible cost implications and certainly job loss in the short-term in some segments.

I put on the record again that where we find anomalies that have to be dealt with, where there is an urgent public need, we will do so. We have done that in relation to the deregulation of petrol retailing and the bread baking situation, because there were specific and clear anomalies that required urgent action. However, we are not on about deregulation for its own sake, as is the Opposition—or rather as members opposite used to be. They have backed away from deregulation very much in the last few months, having brayed about deregulation in this place for four years, but, when put to the test, on every single occasion we see members opposite backing off, qualifying and changing their mind. They have either opposed outright or qualified in such as way as to make it very murky indeed.

So, the great deregulators have suddenly discovered that perhaps it is not quite as simple as it all seemed when confronted with it, particularly when it affects their rural or primary industry constituency. They do not care much about costs in those areas. Deregulation for its own sake has nothing going for it. One should deregulate where it is seen to have strong compelling reasons, where efficiencies can be created and where there is a clear public demand. In relation to shopping hours, at this stage I do not see any need for urgent action.

PLASTIC WATER PIPES

Mr ROBERTSON: Will the Minister of Transport, representing the Minister of Mines, take steps to clarify the demarcation of responsibilities which appears to arise when a plumber disconnects a multiple earth neutral cable from

a galvanised water pipe and replaces the metal pipe with a plastic one? On 22 April of this year, I was approached by a constituent whose galvanised iron water piping had been replaced by plastic water pipes, which obviously have a lower electrical conductance. Prior to the job, the multiple earth neutral on the house had been connected to the metal water pipe and, at the end of the job, realising that the plastic pipe would not provide an adequate earth, the plumber left the earth unattached. When my constituent discovered this, he was most upset at the realisation that he would be unable to lodge an insurance claim in the event of an electrical fire or lightning strike. He then made a point of visiting other houses in his street where similar plumbing jobs had been completed and found, to his amazement, that three of his neighbours' houses were also lacking an adequate earth.

My office contacted the Master Builders Association, which confirmed that it was a requirement of the Electricity Trust that the house be earthed, and we were advised by the Master Builders Association that the plumber should have alerted the owner of the house to the fact that the earth had been removed, and made it clear to the owner that an electrician should be called in to reattach an addequate earth.

On contacting the Master Plumbers Association, we found that plumbers were reluctant to reconnect the earth themselves on the grounds that the job should be done by a fit and qualified electrician, and in conversation with the Master Plumbers Association we were told that the association had organised a conference involving the Electrical Contractors Association, ETSA, E&WS, and the trade school at Regency Park to clarify the issue. According to the secretary of the Master Plumbers Association, the meeting was to have taken place on 29 May.

When my office had had no contact with the Master Plumbers Association by 26 June, we again contacted the Master Plumbers Association, who told us that the issue had still not been resolved and, in further conversation with the Master Plumbers on 4 August, we were told that another meeting was to be held the following day to resolve the issue. We were also told to expect a report on the meeting within 10 days. On 3 September we again contacted the Master Plumbers and asked to speak to the Secretary, Mr Peter Lord, and we were told that he was unavailable and would ring us back the following day.

On 10 September I wrote to Mr Lord asking for a copy of the report, which should have been produced by the third week of August, and to date, despite a succession of telephone calls, we have been unable to establish any contact with Mr Lord or any other member of the association. My constituents understandably are disillusioned by the whole procedure and I would ask the Minister to use his good offices to resolve the issue once and for all and to ensure that South Australians no longer face the prospect of living in houses unprotected by an adequate earth.

The Hon. G.F. KENEALLY: I thank the honourable member for his question, which is a serious and quite a complex one. A considerable number of *ad hoc* replies have been given to the honourable member and his constituents in what is a very worrying situation. I do not intend to add to those *ad hoc* replies; as everyone would understand, I am quite competent to give a detailed response to the matters raised, but I will take it up with not only my colleague the Minister of Mines and Energy but also with the Minister of Labour, as it is a demarcation issue. I will refer the matter to my colleagues.

MARIJUANA

The Hon. E.R. GOLDSWORTHY: Before introducing on-the-spot fines for marijuana possession, will the Premier ask the Prime Minister whether this move will put Australia in breach of international treaties to which it is a signatory? The Premier looks a bit stunned. Let me explain—

Members interjecting:

The SPEAKER: Order!

The Hon. E.R. GOLDSWORTHY: Well, we invoke international treaties to shut down dams. I would have thought that this question needed some explanation. The question is, of course, very serious.

An honourable member interjecting:

The Hon. E.R. GOLDSWORTHY: The public thinks it is serious, if the Premier does not.

The Hon. J.C. Bannon interjecting:

The Hon. E.R. GOLDSWORTHY: I know the truth, all right. Documents provided indicate that the Commonwealth is seriously concerned about the implications of the South Australian Government's policy in relation to cannabis use. I refer first to a meeting on 11 November 1983 of the senior State and Federal officials supporting the Ministerial Council on Drug Strategy.

That meeting considered proposals by South Australia and Victoria to relax laws relating to cannabis and reaffirmed the need for a uniform approach by all States. In reaching that decision, the meeting noted—and I quote directly for the Premier (who, I hope, will take the question more seriously than he appears to be), as follows:

> The Commonwealth informed members that the International Narcotics Control Board (INCB) had expressed concern at press reports regarding the relaxation of existing controls on cannabis in some States. They further advised that, in response to these concerns, the Australian Ambassador in Vienna emphasised to the INCB that the Commonwealth Minister for Health had proposed to all jurisdictions that a national approach, consistent with our treaty obligations, be maintained by all State and Federal Governments.

The Commonwealth confirmed the need for a uniform approach in a paper that it presented to the 1984 Australian Health Ministers conference. Pointing out that Australia is a party to the UN Single Convention on Narcotic Drugs 1961 and the UN Convention on Psychotropic Substances 1971, the paper notes that under these conventions Australia is required to limit exclusively to medical and scientific purposes the production, manufacture, export, import, distribution or trade in use and possession of drugs, including cannabis and cannabis resin. The paper further warned:

> As a party to these international conventions, therefore, if Australia were to liberalise its laws on cannabis, it may be in danger of breaching the provisions of the treaties to which it is a signatory.

I understand that this matter was further discussed at a meeting of Health Ministers in Canberra three weeks ago and that some States expressed concern at that meeting about South Australia's move. As this move clearly has implications for Australia's existing international obligations and may also jeopardise our involvement in negotiating a new international treaty on drug trafficking, will the Premier clarify these matters with the Prime Minister before proceeding to introduce on-the-spot fines for marijuana possession?

The Hon. J.C. BANNON: That was an extraordinarily laboured and tortuous question asked by the Deputy Leader of the Opposition, and I am surprised at both the manner in which he raises this issue and the fact that he persists with it in this way. Let me deal with the substance of it. First, in relation to the international level, I would have thought that the record of South Australia in particular, but

Australia generally, was second to none in terms of drug surveillance and drug usage. We in this State can feel particularly proud of the fact that we are one of the most drug free societies in the world in terms of illegal drugs of this kind. That is our record. Look at the offence list, and so on—

Members interjecting:

The Hon. J.C. BANNON: Members opposite can chivvy because they do not like to hear good news about South Australia, but that is a fact. I will stand up in any international forum and present both our legislation and our record, and there will be no other country that is able to match that. Secondly, at the national level, this State Government has taken leading initiatives to ensure that there is a national approach to the drug offensive.

In fact, we took the initiative that resulted in the Commonwealth Government accepting the concept of a drug summit. We played our part fully in it. Programs have been test piloted in South Australia because we were willing to pick it up and do it. We were the only State that looked at the whole situation comprehensively through the education and the health process as well as in relation to the penalty and conviction process, because we recognised that there were underlying problems. Again, in any national forum my Ministers and I are proud to stand up and explain what we are doing in this State, because our record is second to none.

Finally, let us look at our own situation. Our laws and the reforms that we have made to drug laws in terms of increased penalties and our drug offensive action are again second to none—the toughest penalties in the country in most respects. We took the lead in it and we continue to maintain that lead. We have not liberalised laws; on the contrary, we have made them tougher. In one small area in order to ensure that in totality we can get the pushers, the peddlers and the traffickers—who are our primary target—and that we do not enforce on the victims, we have made some modifications to that law.

Those international treaties and that national approach must be looked at in the totality of our drug laws which are the best and toughest in the country. What we have done in relation to cannabis is what has been done in a number of other jurisdictions where they have found that the most effective way of keeping the criminal element out and of ensuring there is not widespread peddling and trafficking amongst children and others is to make some of the changes that we have made, and time will prove that.

Members interjecting:

The Hon. J.C. BANNON: If members opposite continue to talk about legalisation, all I can say is that they are leading people into crime quite deliberately, because that is the impact of talking in that way. We have no problems whatsoever in explaining our record and what has been done. I ask members, instead of reacting as they have, to sit back and see just what sort of effects this legislation is going to have in this State. They will see that our comprehensive approach will be far more effective and, indeed, will be copied in other parts of the world. I think I have covered the international, national and local scenes comprehensively, and I hope that we have an end to the nonsense that is being talked by the Opposition.

BOUNCERS

Ms GAYLER: Will the Minister of Emergency Services outline to the public of South Australia the legal limits within which hotel bouncers must operate and the rights of patrons assaulted by bouncers? Concerned families have reported to me two recent incidents allegedly involving excessive use of force by bouncers at a new hotel in the north-eastern suburbs. In one case a person was reportedly hit with an iron bar by a bouncer. The victim sustained a broken jaw and the bouncer was sacked by the hotel management.

In the latest incident a 21 year old lad described to me as a seven stone weakling was at the same hotel. After using a swear word in conversation with a friend, the lad was pulverised to a semi-conscious state, allegedly by a bouncer. He sustained serious injuries, later photographed by police, and he was hospitalised. It has been put to me that bouncers should be protecting hotel patrons, that they can be liable for criminal assault, and that bouncers and patrons should be advised of their legal rights and obligations.

The Hon. D.J. HOPGOOD: I would have to agree with Max Harris: we are really being overwhelmed with neologisms. I prefer to use the words 'chucker out' because that, of course, is the traditional Australian description for these people who, I thought, were not used all that much any more, although in former and perhaps more virile days they were a regular part of picture theatres and the like. I recall two friends of mine, actually fellow players in the local church tennis club, who had casual employment in what was called the Prossie Bug House, and they found the local hoods were a little too much for them and did not stay in that employment for too long.

However, this is a serious matter, and I thank the honourable member for raising it and bringing it to the attention of the House. I can inform her that there is action available to both the State and the individual in the unfortunate circumstances that she has outlined. First, the Liquor Licensing Act 1985 makes it perfectly clear that, although the licensee or an employee of the licensee can eject an individual from the premises, only sufficient force can be used in order for that to occur. In all circumstances only sufficient force necessary to remove a person from the premises is permitted.

In the circumstances where it is felt, either by the individual affected or by bystanders, that force has been used far in excess of that, it should be reported to the police so that, if necessary, the Crown can bring a prosecution against the alleged offender. Secondly, where people believe their rights have been infringed, they can of course take their own legal action for compensation against the owner/occupier of the premises or the offender (if the owner/occupier is not the person who is allegedly at fault). If this is a trend that is developing, it is one that I deplore, just as I deplore the circumstances which make it necessary from time to time for the owners of licensed premises to have to employ chuckers-out in the first place. People should take heed of this matter and ensure that the rights and interests of both the licensee and the individual are properly protected. The police will do their bit.

EDUCATION CUTS

The Hon. JENNIFER CASHMORE: Will the Minister of Education withdraw his unwarranted criticism of the Institute of Teachers and those many parents who are supporting the institute's current actions, when his own department has exposed the Minister's failure to tell the truth about cuts in education funding? In the *Advertiser* last Friday the Minister accused the Institute of Teachers, and, by implication, all those parents who are so publicly supporting the institute, of 'playing games at the expense of children'

by taking industrial action over cuts in education funding which break election promises made by the Premier.

While the Minister of Education repeatedly denies any cuts, the truth has been told by his own department. I refer to leaked copies of Education Department minutes dated 24 October 1986 which indicate that a departmental Director, Mr Glen Edwards, told a meeting that the State budget had cut the department's funding by $10.5 million. In these circumstances, the Minister should apologise to the institute and parents he has criticised for attacking the Government's failure to honour its election promises.

The SPEAKER: Order! The honourable member is commenting. Commenting is particularly out of order when it comes in a prepared question.

The Hon. JENNIFER CASHMORE: Yes, Mr Speaker.

The Hon. G.J. CRAFTER: It is interesting to see the Opposition supporting the Institute of Teachers on this occasion and continuing to peddle some of the untruths about the reality of education funding in this State.

Members interjecting:

The Hon. G.J. CRAFTER: An honourable member repeated an untruth a moment ago in respect of a question asked of the Premier, and obviously he will interject while I am trying to explain the situation to other members, but if they want to hear the truth the reality is that there will be improvements in our schools in the 1987 school year, and the State budget just brought down has provided for that.

That is in sharp contrast to the situation obtaining in a number of other States, particularly the smaller States, as a result of the Federal Government's budget decisions. I understand that the Western Australian education budget was cut by about $20 million; the Tasmanian education budget is in such disarray that Tasmania has not decided how to provide funds for its schools next year; and the Victorian education budget saw a reduction in numbers of 1 000 teachers in that State. I would ask members to bear in mind the decline in enrolments in our schools, in this State during the 1980s, in the order of some 38 500 students. That is the equivalent of no longer requiring some 35 large high schools in this State.

During the four budgets brought down by the Bannon Government, about 1 200 teacher positions have been freed up by enrolment decline. We have taken budget decisions to return 1 000 of those teaching positions in our schools; that is, 1 000 teaching positions to cater for the many needs and programs existing in our schools. That results in a recurrent expenditure to the taxpayers of this State in the order of some $25 million—$25 million spent on improvements in our schools during the last four years. I am very proud of that record of the Government, and it indicates our high commitment to education. I ask the people of South Australia to compare our record with that of the Opposition.

Members interjecting:

The Hon. G.J. CRAFTER: It is certainly very interesting, now that the truth is coming out, that the Opposition does not want to hear it. The question was asked but members opposite do not want to hear the answer. The reality is that the Government has shown its high commitment to education not only in that area referred to. Next year we will provide an additional 100 full-time equivalent and ancillary staff positions in our schools—that is, the equivalent of 150 additional persons being employed in those positions in our schools. We have made up a $1.6 million cut in the Federal budget for the ESL (English as a Second Language) program—the equivalent of some 67 teaching positions. That very important program will continue in our schools.

We have made up funding to continue the multicultural education program. We have made up funding to continue programs for children with special needs, and we have also provided nearly $¾ million for professional development programs, which were threatened also as a result of Federal Government budget cuts. I do not need to go on to mention the many other additional resources that have been provided in our system during the past four years.

It is interesting to note that the honourable member portrayed industrial action as being widespread. In fact, as I understand, 10 schools stopped work for one hour yesterday—six junior primary and primary schools and four secondary schools. In that region, there will be an improvement in the teacher-student ratio next year. I understand that today in the western region about 19 schools stopped work for one hour. I might mention that in one of those schools that has decided to protest—I will not mention the name of the school—not only will all the teachers be retained but also an additional three school assistants will be provided. I do not know what it is that has caused the schools to make the decisions that have been made, but one can only assume that it is for purposes other than providing adequate education for those persons for whom they are charged with that responsibility.

I am very proud of what has been achieved in education in South Australia over many years. The South Australia education system is held in the highest regard around this country in a whole range of areas, whether it involves the provision of assistance for primary school sports, curriculum development, swimming programs, or whatever else.

Despite the ill-informed criticism emanating during the year from the Opposition and from others in the community, we can hold up our heads as having the very best that is on offer in schools in Australia. It is a pity that the public of this State are not given the opportunity to really understand the tremendously valuable work being undertaken in our schools. The overwhelming majority of teachers, together with those in leadership positions in our education system, are very professional people; they are very dedicated, generous with their time and creative in their abilities, and I am very proud of the work they do in our schools. In conclusion, members should reflect on those dark years of 1979 to 1982, when we saw what the Liberal Government would do to our schools.

Members interjecting:

The Hon. G.J. CRAFTER: We did not have only a handful of schools on strike during those years: we had the whole State out on strike. That period saw not an increase in the number of teaching positions in our schools but a massive decrease as a result of the allocation for our schools in the budgets for those three years.

Let us consider one area in particular: the important role that the ancillary staff plays in our schools. That Liberal Government decided to cut ancillary staff by 4 per cent, and it has taken us years to repair the damage that that action caused in our schools and to the standing of those people. Now, we have just resolved and removed some of the bitterness that resulted in our schools from that decision. This Government's record in education is there for all to see. I am proud of what we have been able to do, albeit in difficult economic times, and this Government will maintain and improve the quality of education in South Australia.

WHITE RUST

Mr GREGORY: Will the Minister of Agriculture say what action he has taken to protect South Australian gardens

following the discovery of the exotic disease white rust, which affects the genus chrysanthemum, on five properties south-west of Melbourne? The flower known as chrysanthemum is widely purchased on Mothers Day. As a genus, it is also widely represented in many South Australian gardens. It has been put to me that commercial gardens, as well as home gardens, will be severely affected if white rust appears in South Australia, with serious economic consequences for commercial gardeners.

The Hon. M.K. MAYES: I thank the honourable member for his question, because white rust is a serious problem and I know that, because of his interest as a home gardener and his concern for gardeners generally, he would take a keen interest in this disease.

Members interjecting:

The Hon. M.K. MAYES: Members opposite may laugh, but this is a million dollar industry which could be threatened by white rust in chrysanthemums. Members opposite may not be interested in hearing about it, but I am sure that many members of the community are concerned about the impact that white rust could have on their livelihood as well as on the community as a whole, bearing in mind that probably the largest area of recreation is that of home gardening. We were notified by telex on 26 November by the Federal Minister and by the Victorian Minister that an outbreak of white rust had been detected on five properties south-west of Melbourne in the genus chrysanthemum. Concern was immediately expressed by both Ministers and we were advised. Consequently we took action to bring together the Standing Committee on Agriculture's Consultative Committee on Exotic Pests, Weeds and Plant Diseases. As a consequence of that committee's link up with its interstate counterparts, it was determined that a survey should be taken of our population and also our growers to see whether or not there had been an outbreak in South Australia or anything conveyed to South Australia. That survey is continuing. I have been given preliminary advice that there may be a serious situation in South Australia and I may have to act within a day or two to institute quarantine provisions within the State. This would affect not only our South Australian Nursery Industry Association but also home gardeners, and have an impact on the chrysanthemum when it is used for Mothers Day. So, we may see a major deterioration in the population of this State.

I urge all growers to inspect their crops immediately, remove and bury infected plants, and spray all crops with the fungicide Tilt, which would control the outbreak of white rust. The first symptoms of the disease are pale green to yellow spots on the upper surface of leaves, the centres of the spots later turning brown. On the underside of the leaves, raised buff to pinkish coloured pustules will appear, later turn white, and become prominent. I urge all growers, whether home gardeners or commercial gardeners, to urgently inspect their chrysanthemum crops.

This is a serious problem and is being treated as such by the department. There have been urgent consultations with the South Australian Nurserymen's Association on this disease and the department will keep everyone in the industry informed. I am afraid that we may have a serious problem, to which we must react in the next day or so if we are to address and control the situation in South Australia. It is unfortunate, but it appears that our crop is under high risk at present.

CHEESE EXPORTS

Mr GUNN: Will the Minister of Agriculture urge the Storemen and Packers Union to immediately lift bans on the handling of cheese exports by Southern Farmers Co-operative before exports worth at least $5 million are put in jeopardy? I am advised that members of the Storemen and Packers Union employed by Southern Farmers at Mile End are on strike today and have decided to put an indefinite ban on the handling of cheese for export over a productivity claim.

This action amounts to blatant blackmail, as during the next four days the company must move five containers for export to the West Indies, the Middle East and Malta. If they are not moved this week, they will be delayed until mid January. I am also advised that, if such delays occur, further exports next year worth $5 million will be in jeopardy. With a world glut of cheese products, it is becoming increasingly difficult to maintain a place in export markets. This union action therefore has serious implications for South Australian milk producers and processors as well as the State's general reputation as a reliable supplier, and demands the Minister's immediate intervention.

The Hon. M.K. MAYES: I thank the honourable member for his question. I will certainly take up this matter immediately the Minister of Labour returns and obtain a report on the situation. I will also ask the department for an immediate report. I understand the honourable member's concern. I am sure that most people would appreciate the difficulty where cheese, a perishable product, is being handled. The potential for deterioration is obvious. I will take up the matter straight away.

HOUSING TRUST

Mr RANN: Will the Minister of Housing and Construction say whether the Government intends to commemorate the fiftieth anniversary tomorrow of the South Australian Housing Trust and the completion by Friday of 150 000 homes built by the trust in this State?

The Hon. T.H. HEMMINGS: I am sure that all members in this House would join with me in congratulating the South Australian Housing Trust on its fiftieth anniversary.

Members interjecting:

The Hon. T.H. HEMMINGS: It is rather strange to hear an interjection from the member for Eyre. He is a very good supporter of the South Australian Housing Trust. I rarely receive a letter from the honourable member criticising the trust. He is normally full of praise not only for the way in which this for Government builds public sector homes but also for the South Australian Housing Trust. One of the things he touched on is that the South Australian Housing Trust has always enjoyed bipartisan support, albeit we build more homes when in government than the Liberal Party builds. The trust also enjoys a reputation that is the envy of other housing bodies in Australia.

I think it is fair to say that the trust has played a major role in the lifestyles of people in South Australia. I do not think any member of this Chamber does not know at least one person who lives or has lived in a Housing Trust home or whose advancement has been touched by the Housing Trust. In the days when there was a high level of migration, the first contact for many thousands of migrants in this State was the South Australian Housing Trust. That was my experience: the first person with whom I dealt after coming through immigration was an officer of the South Australian Housing Trust, who explained to me the virtues of buying a South Australian Housing Trust home.

The second person to whom I spoke was the Party Secretary, and thus I joined the Labor Party. The trust is an organisation of which I am very proud and of which I

believe the State is very proud. In 1984 we opened the fifty-thousandth home in Queenstown, and I had the pleasure of meeting our very first tenant, a dear old lady who had occupied a house in Rosewater in 1937.

This lady, who was still a tenant, said to me that she could could not be living in a nicer home and could not have had a nicer landlord than the South Australian Housing Trust. That demonstrates the value of the South Australian Housing Trust. The Premier will open the 100 000th home built by the South Australian Housing Trust, and it is only right and proper that that occurs on the 50th anniversary of the Trust and during the 150th Jubilee of this State.

PETROL RESELLERS

Mr S.J. BAKER: Will the Premier advise what action is proposed to assist petrol resellers who have been or are being forced out of business since the introduction of 24-hour petrol trading?

Members interjecting:

The SPEAKER: Order! I call Government backbenchers to order.

Mr S.J. BAKER: It is appropriate in the absence of the Minister of Labour that this question be addressed to the Premier, because previously today, in response to a question by the Leader of the Opposition, he spoke about problems caused by sudden shocks to the industry through deregulation. The Liberal Party was critical of the Minister's haste in implementing only part of the recommendations of the *ad hoc* committee—

The SPEAKER: Order! The honourable member will resume his seat for a moment. He has been given leave by the Chair, with the concurrence of the House, to explain his question and not to make a speech on deregulation.

Mr S.J. BAKER: The Liberal Party in this House was critical of the Government's haste in implementing the recommendations on petrol retailing. The safety net of having an independent arbitrator to resolve disputes between oil companies and resellers in the event of closures was not pursued by the Minister. A recent survey conducted by the Motor Trades Association, covering 447 service stations, revealed that 95 per cent of the 65 resellers who responded during the first week were either operating at a loss or were making insufficient profits to pay themselves.

It is estimated that about 15 per cent of petrol stations in the Adelaide metropolitan area will be forced to close down within the next year. Despite an undertaking by the oil companies that they would adopt a responsible attitude towards the plight of resellers, two of the major oil companies have provided no assistance. The Minister has been kept informed of these developments, but has taken no action, so I ask the Premier what he intends to do to assist the small operators who are being forced into bankruptcy through the Minister's incompetence.

The Hon. J.C. BANNON: Where does the Opposition stand? Are members opposite the people who have spent years braying about free enterprise and market forces, claiming that the Government should get out of the way of business? The member asks, 'What is the Government going to do about these traders in this industry?'

Mr S.J. Baker interjecting:

The Hon. J.C. BANNON: I thank the honourable member for his concern but I suggest that he sit down with his colleagues and try to get their story straight, so that we know what we are addressing and how to address it. In relation to the problem that the honourable member raises, the Government indeed is working with the industry in its restructuring, and I will certainly refer the matter to my colleague, the Minister of Labour. Again, I ask whether we are in an environment where the Opposition is suggesting that we ought to see the free play of the market forces and the Government out of the way, or are they at last now unreconstructed democratic socialists, in which case they may as well start voting with us instead of opposing us.

EXPORT AWARDS

Mrs APPLEBY: Can the Premier inform the House of South Australia's performances in the recent Austrade export awards? The importance of developing our export trade and import replacements has been the subject of great interest in this House and in the community generally. I seek information from the Premier about the performance of South Australian firms in this regard. Can the Premier also indicate whether awards won by local industries indicate that the State has a narrow industrial base or whether a wide range of industries have shown good export performances?

The Hon. J.C. BANNON: I thank the honourable member for the question, because I do not think that a lot of members, and indeed, the general public, realise just how well we are performing in South Australia and how well our entrepreneurs, often with the active association and assistance of the Government, are able to address export markets. As I was saying earlier, we do not believe in getting out of the way of business. We believe in working with them and reinforcing their efforts for the overall welfare of the community and the State. Earlier this year at the national design awards, we had the remarkable performance of South Australian companies gaining seven out of 13 Prince Philip Design Awards. That is a remarkable performance.

In this very competitive export award area, we can claim a tremendous performance for South Australia as well. Out of 37 awards that were made this year, eight went to South Australian companies. That is more than 20 per cent on a work force base of around 8 per cent. It was twice the number that went to Western Australian firms and only one less than New South Wales—a pretty good achievement. However, it is not just the numerical terms that are worthy of notice. I would just like to mention briefly each of those eight companies to indicate what a wide range of enterprise activity there is in the export field in South Australia.

Thomas Hardy and Sons is one of the companies, and I do not think it is realised that in fact 21 per cent of Australia's overseas wine sales are generated by that one company alone. It has had some amazing results: it has achieved a fivefold increase in its exports in the last five years with major breakthroughs including gaining a market in Sweden this year, requiring approval from the Swedish Wine Board. So, Thomas Hardy and Sons has done very well. Gerard Industries is another of our manufacturing industries which manufactures more than 4 000 products, including some under licence and some originating from their own research and development programs. It has had great trading success in the Pacific and South-East Asian region and is now moving into Britain, the United States and Europe. The company's consumer switchboard system won the Prince Philip Design Award in 1984, again showing what can be done from this base in South Australia.

Anchor Foods won an award this year—the third time that it has done so. It increased its exports by 33 per cent last financial year and, particularly in the area of labelling and packaging, has shown how to get products into some

very difficult markets, particularly in the Middle East. Adpro, one of our stars from Technology Park, is a division of Vision Systems. Its video movement detector is recognised for its particular purpose as being the best of its kind in the world. It is the first of its type to obtain laboratory listing for fire and safety in the United States, and it is being used on defence installations in the United States. So, there is another completely disparate company, this time in the high tech area.

Castalloy received an award, and that company has increased its export sales over the past three years, now accounting for about 30 per cent of its total. It has made some major breakthroughs. I do not think it is generally known that the wheels for the famous Harley Davidson motor cycle, enjoying a new vogue in the United States, come from South Australia. They are made at the plants of Castalloy, which has the Harley Davidson contract.

Hy-drive Engineering has devised an hydraulic boat steering system which is the best of its kind in the world. It has won numerous design awards. This system has just been released into the United States markets, its exports having lifted by more than 300 per cent. It is in a very specialised area, and is the best product of its kind—highly engineered and a guaranteed standard of excellence that has been picked up in the luxury power boat class all over the world. Again, that is from South Australia.

The South Australian Seedgrowers Cooperative is another example of our supremacy in agriculture and the agri industry area. In fact, it has won four export awards over the years and another one this year, with a very diversified range of agricultural seeds including vegetable and spice seeds. That area, plus horticulture, will obviously be a big winner for South Australia.

Finally, BHP (Long Products Division)—which is what we know as the Whyalla steelworks—has also won an export award for its head-hardened rail technology. It has got that technology into the United States, in addition to a major contract this year with China, and that was followed up by a second Chinese contract within weeks of the delivery of the first contract. In fact, the Chinese questioned the specification because it was higher than they required, even though the price was not changed. They wondered what the catch was. In fact, there was no catch; it was simply that the BHP process which had been developed at Whyalla enabled it to put out a product superior to that of Japan or Europe. As a result it is reaping the rewards. There is the diversity that represents enterprise in South Australia, and it is a pity that it is not recognised more in the community generally. I thank the honourable member for her question, as it gave me an opportunity to pay a tribute to those firms.

LABOR MINISTER'S LOAN

Mr BECKER: Will the Premier explain why a current Government Minister has been the recipient of a concessional housing loan from the South Australian Government? This month it has been revealed that South Australians pay a higher percentage of their income towards home loans than home buyers in any other State of Australia. For the June quarter of this year that percentage of family income required for mortgage repayment was 28.3 per cent.

I understand that this contrasts sharply with the case of the Minister of Labour, who in 1976 was granted a concessional loan by the Housing Trust at an interest rate of 9.25 per cent per annum. This compared with an interest rate for home borrowers with the then Savings Bank of South Australia of 10.5 per cent. Will the Premier investigate why taxpayers' funds were used to subsidise this particular purchase of a property for a member of Parliament, and indicate whether any other current members of the Government are receiving similar favours?

The Hon. T.H. HEMMINGS: Mr Speaker—

Mr Becker: I asked the Premier.

The Hon. T.H. HEMMINGS: I am the Minister of Housing and Construction.

Mr Becker: You're not the Premier.

The Hon. T.H. HEMMINGS: Mr Speaker, I like to get a question occasionally; it makes me feel good. I am aware of the situation. The member for Hanson previously asked this question on notice, and a reply was given on behalf of the South Australian Housing Trust. When the Minister of Labour received that loan at that rate it was well within the realms of anyone earning a similar salary at that time. The Minister of Labour has nothing to hide, nor has the South Australian Housing Trust or this Government.

SCHOOL CROSSING MONITORS

Ms LENEHAN: Will the Minister of Transport undertake to continue to provide certificates of assistance in recognition of the valuable role played by school crossing monitors? I have recently been contacted by the Deputy Principal of the Hackham East Primary School, which is situated in my electorate, who expressed concern about the fact that the provision of certificates to school crossing monitors had been discontinued. Because of the important function carried out by these monitors, will the Minister undertake to provide certificates of recognition to schools that request them?

The Hon. G.F. KENEALLY: I thank the honourable member for her question. I think that the same matter may have been raised with me by the shadow Minister. As I understand it, the certificates for school monitors were provided by the Road Traffic Board when it was still in existence, although that board has now been abolished. Those certificates were one of the good services that seem to have fallen through the crack somewhere and have not been picked up by the Road Safety Division, although the flags and vests previously provided to school monitors by the Road Traffic Board are continuing to be provided by the Road Safety Division.

Because the responsibility in question was not transferred or picked up by my department, there are not, as I understand it, any certificates available at present. It is appropriate for Government to acknowledge the good work of school monitors. Last year I visited a North Adelaide school where present were not only the current monitors but I think just about every monitor over the last 50 years, and it was a great day for the school. It provided an opportunity for the community to pay tribute to these people. Certainly, I believe that school crossing monitors ought to be acknowledged by the Government as well as by the schools and local communities. I will certainly see that certificates are provided. I do not know how long that will take, because I do not know what is involved. This is a matter in which I have not been closely involved, but I believe the Government has a responsibility, and I will ensure that we meet that responsibility.

BAROSSA DISCO

The Hon. B.C. EASTICK: Will the Minister of Emergency Services investigate the staging of a disco in the

Barossa Valley 10 days ago which included activities which have alarmed parents in the area? A disco was held on Friday night 21 November. It was advertised in the local press as 'Noosa Aussie birds: the show with a difference' and was for people aged 18 years and over. However, I have been informed that children as young as 15 years were in attendance and in some cases obtained access to alcohol.

During the course of the evening, a rather dubious form of entertainment took place, known commonly as a 'wet T-shirt competition'. However, on this occasion, the show certainly lived up to its billing as a 'show with a difference': after wetting the girls wearing T-shirts, members of the audience were invited to buy the T-shirts from those whose bodies had displayed them. Having agreed to their individual purchases, the buyers, who I have been reliably informed were generally young men, were required to remove the articles of clothing from the wearers. The females involved were left wearing a solitary piece of attire, known to some as a G-string. A number of young men from the audience were then taken on to the stage—some of them against their will—and they were stripped to a similarly brief piece of fabric, described to me as 'jocks'. A considerable number of young people present at the disco were embarrassed by this floorshow, and I have been approached as the local member to seek an assurance from the Minister that such functions are not conducted with police approval. If the Minister believes this incident warrants investigation, I would be happy to provide him with details of the venue.

The Hon. D.J. HOPGOOD: Given the excellence of the brass bands in the Barossa Valley, I wonder why people would go to any other sort of entertainment at all. I can understand why people would be embarrassed by this sort of unseemly exhibition, and I will certainly call for a report from the police. If the honourable member gives me what other details he thinks are appropriate, I will certainly hand them on to the police.

PLANNING

Mr FERGUSON: Will the Minister of Education tell the House whether residents of Mitchell Street, Henley Beach, can be involved in normal planning approval connected with the proposed development of facilities at Mitchell Oval? I have been advised by residents of Mitchell Street and surrounding areas in Henley Beach of the proposed development of changerooms, clubrooms and lighting for the Mitchell Oval. I understand that this oval is owned by the Education Department and that, therefore, it is exempt from normal planning approval. Some of the residents wish to raise objections to the plans, and it has been put to me that they ought to be able to raise objections in the same way as with any normal plan to be approved.

The Hon. G.J. CRAFTER: I will most certainly obtain a detailed report on the situation. I point out to the honourable member that the method, as I understand it, of normal planning processes is that plans for redevelopment of Government owned property are submitted to local government authorities, in a manner similar to all other applications for development proposals, and the local government authority has a discretion as to whether it will undertake some process of consultation with neighbours or property owners adjoining the proposed development site. That process varies from council to council, but in the circumstances it would seem appropriate that neighbours were advised and given an opportunity to comment on the application for development so that their interests could be taken into account in relation to this development proposal. However, I undertake to ascertain the attitude of the local government authority to the proposal referred to at Henley Beach and whether further action is required to be taken by me or by persons at the school.

HOCKEY STADIUM

Mr INGERSON: Will the Minister of Recreation and Sport confirm that the Government has decided to build a hockey stadium at the Paddocks at a cost of $4.5 million—about $600 000 more than the original estimate? If so, will the Minister give a guarantee that this project will go ahead, and not be a repeat of the plan announced just before the last election to build this stadium at Glenelg North?

The Hon. M.K. MAYES: At this time I will not give any indication to the honourable member as to the stage of development reached regarding the hockey-lacrosse stadium. He knows that the Government has made a commitment in relation to this matter. This has been confirmed with people in the industry. If the honourable member is patient, along with the rest of the community, I hope to make in the not too distant future a very clear public statement in regard to the proposed development. I am sure that all people in South Australia with an interest in this matter, particularly the hockey and lacrosse fraternities will be more than delighted when the announcement is made.

The SPEAKER: Call on the business of the day.

PUBLIC ACCOUNTS COMMITTEE

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

That, pursuant to section 15 of the Public Accounts Committee Act 1972, the members of this House appointed to the Public Accounts Committee have leave to sit on that committee during the sitting of the House today.

Motion carried.

COMMERCIAL ARBITRATION BILL

Adjourned debate on second reading.

(Continued from 18 November. Page 2018.)

Mr S.J. BAKER (Mitcham): The Opposition supports this legislation, which attempts to establish a new uniform set of rules in relation to negotiation or settling of disputes arising from commercial agreements. The matter has been canvassed since the 1960s and in 1974 it was considered before the Standing Committee of Attorneys-General. The matter has been well canvassed in another place, and I indicate the Opposition's support.

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

GOODS SECURITIES BILL

Adjourned debate on second reading.

(Continued from 30 October. Page 1718.)

Mr S.J. BAKER (Mitcham): The Opposition supports the Bill, but with some reservations. The debate on this Bill will take a little longer than that on the previous Bill, but

it will receive the attention that it deserves. The Bill aims to secure the interests of the person or corporation that has a financial stake in a motor vehicle or a prescribed good and it allows for a search system. Members will know of instances in which motor vehicles with encumbrances have been sold with the investor being unable to recover any moneys that are owed. This Bill seeks to protect all parties to the transaction and offers a means of identifying financial interest. As the second reading explanation states, motor vehicle dealers have in the past suffered from actions that have been taken by creditors, and creditors have on occasion suffered where motor vehicles have been sold privately.

The Bill has been through another place and has been subject to amendment there, but in my view there are still difficulties associated with it which must be addressed, and I hope that the Attorney-General will address those difficulties soon. The areas which I believe need to be canvassed in this debate concern the following. First, administration fees for registration and access have not been resolved and we do not know how much it will cost the industry to have this form of registration. More importantly, how is it intended to pass on the cost of telephone calls to check whether there is an encumbrance on a motor vehicle?

Secondly, the matter of priorities in the case of debts and vehicle has not been fully addressed, even though the Attorney-General said in another place that it need not be. Thirdly, the disposition of cash from a sale has not been resolved and, importantly, the date of inspecting the register when the register is in existence could mean that on a later day, after that transaction had been agreed to, the register could have changed. In this respect, there must be some form of indemnity, but that is not in the Bill. The only way in which the Bill indemnifies someone is if it has not reached the register and the transaction takes place immediately after the check has been made. Under the postal system, if one asks for a certificate, it could take some time to obtain one, in which case a further encumbrance could be placed on the motor vehicle.

There is also a question mark about how interstate vehicles could be handled and about what happens when there is an error on the register. In such a case who pays the cost arising from such an error? A further question concerning the general lien over goods is not addressed in the Bill. For example, when a finance company, having decided to secure its loan to a person places a general lien over all the goods of that individual or of the trading enterprise, how is that situation to be handled and will the sale that could normally be transacted be prevented?

The system appears overly cumbersome and more people will be required to operate it. It is a vexed question as to how we should cater for this situation where there is an encumbrance on a good and that good is sold. I am not convinced that the way in which we are going about it here will reduce the problems to any measurable extent, even though the Liberal Opposition has agreed to allow the Bill to pass. To my mind, the Government should have addressed the question that hangs over this proposition more intimately than it has done to date.

I do not wish to waste the time of the House. This area has been the subject of deliberations over a long period and the question is how we protect people's interests. If a motor vehicle or other goods are sold, are those interests intact and how do people recover losses accordingly? The plan to have the Registrar place the details of loans or any other encumbrances on a file has theoretical merit, but it also carries a lot of problems and administrative difficulties which I do not really believe have been addressed properly at this stage. The Opposition will question certain parts of the Bill.

Mr S.G. EVANS (Davenport): I have a similar reluctance to support the Bill, although I believe that the Government is making a genuine attempt to overcome a very difficult situation that exists within the community. For that reason, even if the Bill passes as it is, I will still support it in the final analysis, because perhaps it will only take practice to find out where we can make further amendments or rewrite the whole thing if we find that the procedure of registering interest in a motor vehicle is too cumbersome.

I want to refer briefly to the difficulty faced by the Police Force and individuals who buy motor vehicles from other than a registered dealer (as we know them now). The police must try to arrive at a just decision. For example, the member for Fisher would be aware of a case that occurred in his area where a lady and her husband bought a vehicle genuinely believing that that vehicle was not encumbered in any way or stolen. They bought the vehicle from a crash repairer in the motor vehicle industry whom they knew and in whom they had some faith.

Mr Tyler interjecting:

Mr S.G. EVANS: I will not name them. The police took possession of the vehicle which those people believed was theirs. They had borrowed money to buy it, but suddenly they did not have it. The police had to take the vehicle to carry out tests to ascertain whether the numbers had been erased and new numbers placed on the vehicle. It turned out that that was not the only vehicle of doubtful ownership that had been sold by that person—there were several others. These two people were trying to live an ordinary, everyday life: they borrowed money and bought a vehicle, while struggling to live within the bounds of present day conditions. But suddenly they did not have the vehicle, which was necessary for them to operate their home and work lives. The husband drives a truck on interstate runs and is not at home at times. It appears that someone fraudulently sold them that vehicle, and the police had to take it away for tests. That was heartbreaking.

If this proposal helped in any way in such a situation, it would be great, although it does not go far in similar circumstances, and perhaps the person from whom the purchaser borrowed money should register his interest at that point. I have been aware of several such cases over the years, and each time I have felt sorry for the purchaser and the police officers, who have the horrible and embarrassing task of going to an individual and saying, 'Sorry: you think the vehicle is yours, but we have to take it.' I would not like that job. I would not appreciate it, and I would not know how to handle it, having a conscience about the position in which I would be placing a family.

That is happening throughout the community and it is one of the reasons why this Bill is before us. We hope that we can create some form of title to a vehicle. This Bill does not go quite that far, but that may be the end result. We might need to create titles on ownership of vehicles, as in regard to land. It will not be easy, but that may be the other way of tackling the problem if this measure fails, because it does not go that far. If we considered titles, every vehicle would have to have a title, whether people paid cash or bought it direct from the manufacturer. That is the best way of eliminating some of the problems, but it will not eliminate all the problems, because rogues will always find their way around whatever law we make in this place.

I support the Bill, and I will be interested to hear the Committee debate. I will not ask many questions, because I am unsure exactly how the whole thing will operate, and

I say that quite frankly. I will be interested to hear what happens in Committee but, regardless of what happens, I will support the Bill in the hope that it eliminates at least a considerable number of the difficulties that are faced in the community at present because of the rackets that have continued.

The Hon. G.J. CRAFTER (Minister of Education): I thank the members who have contributed to the second reading debate, and I thank the Opposition for its indication of a measure of support, albeit with some reservations. It is true to say that with legislation of this type we are trying to establish administrative proceedures to provide some degree of certainty with respect to this type of fraudulent transaction. There was always a degree of uncertainty, and unfortunately that will always exist in this area, but the Government believes that this measure takes the law much further down the road to providing security. As all members know, motor vehicle dealers have faced an increasing number of claims for conversion as they do not have a method of ascertaining whether the vehicle is the subject of a security interest, and therefore have no effective means of protecting themselves from such claims.

The essence of this Bill is to enable those who hold security interests to register them. People can inquire of the Registrar as to the existence of security interests. I understand that the Commercial Tribunal will have exclusive jurisdiction over applications for compensation and applications to review the decisions of the Registrar with respect to claims in these matters? In all other matters arising from the Act, there will be concurrent jurisdiction with the courts. I point out to members that there has been extensive consultation in the formulation of this Bill, which has the active support of the Australian Finance Conference and the South Australian Motor Traders Association.

It should also be noted that the Government is actively participating in discussions with all other States for the establishment of a national security register. To this end it may be necessary at some future time to review this legislation to accommodate the development that we hope will proceed at a national level. I commend this Bill to all members.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

Mr S.J. BAKER: My question relates to the position of interstate vehicles. In the interpretation clause we have the definition of 'corresponding law', which means the law of another State, yet when we get down to the definition of 'prescribed goods' there is no reference to vehicles of another State coming under the jurisdiction of this legislation, despite the fact that they may well be, to all intents and purposes, housed within the State. I notice that an amendment was attempted in another place, but that it failed due to lack of numbers. The question mark still remains over not necessarily visiting vehicles but those that have come with their owners to this State. Why indeed do we not allow these vehicles also to participate in the registration?

The Hon. G.J. CRAFTER: The honourable member raises an important point. Discussions are proceeding with respect to the establishment of a national register but, until that national register is established, each State's register will naturally be limited to goods of that State. Until all States agree to participate in the scheme, there is no alternative. Administrative arrangements will be made to notify registered security holders where motor vehicles are transferred from one participating State to another.

Mr S.J. BAKER: Will it be made quite clear to anybody who purchases an interstate registered vehicle in this State that the lack of information is no indication that there is no encumbrance on the vehicle at the time of sale?

The Hon. G.J. CRAFTER: I am not quite sure who the honourable member is suggesting ought to have the onus to provide that information. Perhaps he could explain further who he believes should have the onus to provide the information.

Mr S.J. BAKER: This register will become a very important form of identification of loans on vehicles and other goods, as it will be the major area to which people will go to ascertain whether there is a liability owing on a vehicle. In this case certainly there will be an absence of information of any kind on that vehicle. There could be an assumption on behalf of an unwitting buyer that the vehicle was free of encumbrance. Of course, the person who was a creditor would have no opportunity to put on the register an encumbrance on the vehicle. It could be assumed that a buyer in good faith, because of this new law, would then buy a vehicle and the company's finances could be lost as a result of an assumption by an unsuspecting buyer.

The Hon. G.J. CRAFTER: To the extent of my knowledge of this matter, whilst it is not for obvious reasons included in the legislation before us, there is an administrative relationship being established between registrars around Australia so that there can be a sharing of information, and, to that extent it will overcome in part the difficulties to which the honourable member is referring.

Clause passed.

Clause 4 passed.

Clause 5—'Application for registration.'

Mr S.J. BAKER: The question of priorities was raised in another place, and I again raise the issue. The application for registration of an interest in goods, in this case a motor vehicle, will be placed on the register in the order in which it is received. Therefore, if a motor vehicle has more than one encumbrance the registration of that interest will be in the order in which the registrar receives that information. The question of priorities has been raised in that, when there is an amendment or the nature of the loan is changed, the nature of the loan could very well mean that the order of registration could alter and place in a secondary situation the person who had primary interest in the vehicle. If that is the case, it may well be to the disadvantage of the creditor.

The Hon. G.J. CRAFTER: Usually the matters are registered in the order in which they are received. This matter was referred to in debate in the other place. I refer the honourable member to subclauses (6) and (7) of clause 12, which provide:

(6) The priority accorded by this section to a registered security interest operates only in respect of debts or other pecuniary obligations referred to in the particulars of registration.

(7) Where particulars of registration of a security interest are varied to include debts or other pecuniary obligations not contemplated in earlier particulars, the order of priority of the security interest, insofar as it relates to those debts or other pecuniary obligations, shall be determined as if it had been registered at the date of the variation.

Mr S.J. BAKER: I intend to address the question of obligations being not contemplated when we get to clause 12. I was making the point that that does not answer a number of questions. However, I will leave it to clause 12, when we can address it more adequately. The question of how long a certificate is valid is a matter about which all people must wonder. In the second reading contribution I noted that one of the problems was the time at which the article was registered and what responsibility would be borne by the creditor and the Registrar in that respect. Will the Minister explain how long a certificate will be valid? I

understand that anybody who makes a telephone call does so at their own risk and that they may not be able under the law to pursue any losses that are incurred as a result of a mistake that is made. However, when a certificate is issued that is specified by the time at which it is issued. One minute later it could well be defunct as an instrument and as a form of proof. Will the Minister inform the House of the Government's intentions?

The Hon. G.J. CRAFTER: Once again this matter was addressed at some length in the other place. It was stated there that the certificate is not guaranteed for any time in the future, but the Attorney did explain that a telephone inquiry system is to be instituted and will be utilised to update or check the contents of a certificate.

Clause passed.

Clauses 6 to 9 passed.

Clause 10—'Applications.'

Mr S.J. BAKER: What is the perceived cost of the registration of, first, putting it on the register (a cost that will be borne by the creditor) and, secondly, the cost of access to the register, which cost will be borne by potential buyers?

The Hon. G.J. CRAFTER: I cannot give the honourable member a figure off the top of my head, and I cannot see any reference to that being the subject of discussion in another place. What I can tell the honourable member is that it is envisaged that the legislation will bring about a substantial saving to persons who have in fact been defrauded because of the lack of this type of administrative and legislative protection that this Bill will provide. If the honourable member wishes me to pursue that matter, I will be pleased to obtain the information for him.

Clause passed.

Clause 11—'Discharge of security interests.'

Mr S.J. BAKER: I bring the Committee's attention to clause 11 (1) *(c)* (iii), which refers to the third party acquiring a good title to the goods and the security interest being discharged in respect of the goods. This is in relation to where there is no security interest in existence or indeed registered. Clause 11 (1) *(c)* (iii) provides:

> After registration of the security interest and before the time of the purported acquisition of title, a certificate of registered security interests was obtained under this Act by or on behalf of the third party and the certificate did not disclose the security interest, the third party acquires a good title to the goods. . .

Can the Minister please explain who bears the responsibility in this case? It states 'after registration of the security interest'. If the certificate does not dislose the security interest, who bears the burden of the failure?

The Hon. G.J. CRAFTER: I am trying to obtain an answer for the honourable member without having to get a reply for him. I point out that a compensation fund is established under this legislation and that it provides for compensation where that previously was not available. With respect to the precise question about who accepts the risk in the circumstances that he described, it is my view that the credit provider does so.

Mr S.J. BAKER: I remind the Minister that it states 'after registration of the security interest.' The security interest has been registered, so one would assume that it should be on the register. However, it provides, 'and the certificate did not disclose the security interest', in which case the Registrar of Motor Vehicles or one of his officers must have failed to have it put in the appropriate place. I would have thought that the creditor would have been covered in such circumstances. If he is not, we are wasting our time with this Bill. Can the Minister please clarify it?

The Hon. G.J. CRAFTER: The ultimate outcome is that the purchaser does take good title and, where there is an erroneous certificate at the beginning of that process, it does not validate the processes that follow. So, where there is that erroneous certificate, it sets into train the rights that follow.

Mr S.J. BAKER: I guess that I have to accept that interpretation, but I wonder whether the creditors out there would be overly pleased if a mistake had been made within the Registrar's office and they had to wear the full costs of it. As the Minister and I have pointed out, the purchaser obtains good title. I am referring to that circumstance—as if the vehicle was clear of all encumbrances, when indeed it is not and it should have been on the certificate of title.

The Hon. G.J. CRAFTER: I may not have explained it very clearly to the honourable member, but I suggest that this is the process that takes place: where there is an erroneous certificate, and that has been established, the registered security interest is then discharged, the purchaser obtains good title, and the security holder then, pursuant to clause 14, applies for compensation.

Clause passed.

Clause 12—'Order of priority.'

Mr S.J. BAKER: Very briefly, I would like the Minister's interpretation of subclause (7). What does 'obligations not contemplated' mean?

The Hon. G.J. CRAFTER: This matter was also debated at some length in another place. It was the subject of an amendment by the honourable member's colleague in that place. All I can really add to that somewhat pedantic debate about the meaning of the word is that it is felt by the Government that that change does not add much and may in fact subtract something from the Bill. The Government believes that 'contemplated' is the preferable drafting rather than the word 'included'. A later advance, under an interest which is clearly contemplated, if the possibility of it is referred to in the initial particulars, might be thought by some people not to be included in those particulars until such time as it was specified. If that was so, it would get a lower priority. There are, of course, arguments against that fear, but the Government prefers to avoid the argument by using the word 'contemplated'.

Mr S.J. BAKER: I will use this clause to ask my final question on the Bill. Can the Minister explain, when talking about priorities and the question of general liens when they are over goods and chattels which are owned by a corporation or an individual, how this situation will be handled? Is it the right of the creditor, if it involves, for example, a motor vehicle establishment, to register an interest in all the motor vehicles? If it is a person with a house and two cars, can that same person place a register of interest over those goods and prevent their sale? If so, how can this be set aside if indeed the creditor is quite happy for the sale to go ahead?

The Hon. G.J. CRAFTER: It has to relate to a motor vehicle or an identifiable number of motor vehicles. So, for example, it could include a floor plan of a dealer. I think that clarifies the situation.

Mr S.J. BAKER: Actually, it does not clarify the situation. We can use the floor plan of a dealer or we can use the house and cars—the real property if you like—of an individual as good examples of where a lien may be put over those goods. In fact, I think liens can actually be put over crops and a motor vehicle as some form of security against a loan. How is that situation handled? Will the Registrar accept a registration of interest against that property?

The Hon. G.J. CRAFTER: The register will only contain information in relation to motor vehicles—

Mr S.J. Baker interjecting:

The Hon. G.J. CRAFTER: Yes, the component of that parcel of matters that may well be covered by some other order or lien.

The CHAIRMAN: I inform the member for Mitcham that he has now asked three questions.

Clause passed.

Clause 13 passed.

Clause 14—'Compensation.'

Mr S.J. BAKER: Again, how does the register cope with a situation where a general lien has been placed on goods and those goods are worth far in excess of the loan in question? Does the creditor have the right to put a security interest on that motor vehicle which takes account of the full value of that vehicle, or does the general lien entitle the person concerned only to some smaller proportion of the total value of the goods?

The Hon. D.J. HOPGOOD: As I understand it, it has to reflect the agreement. If it can cover the total amount under the agreement obviously that is what it should do.

Clause passed.

Clause 15—'Goods Securities Compensation Fund.'

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

To insert clause 15.

I commend this clause to the Committee. I understand that it was informally agreed on in another place, but it could not be moved because it contains a money provision.

Clause inserted.

Clauses 16 to 20 passed.

Clause 21—'Exemption from Stamp Duties Act 1923, s. 27.'

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

To insert clause 21.

I urge this amendment on the Committee for the reason I cited in relation to clause 15.

Clause inserted.

Clause 22, schedules and title passed.

Bill read a third time and passed.

SUMMARY OFFENCES ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 25 November. Page 2270.)

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): I do not think much of this Bill, which tidies up the law in relation to people who leave gates open (and that was a little hazy), seeks to repeal the Trespassing on Land Act, and inserts some provisions which, in my view, are entirely inadequate to come to grips with problems that unfortunately have occurred with increasing frequency in my electorate over recent years. The first mistake that I think the Government has made is to repeal the Trespassing on Land Act. That matter requires its own distinctive legislation to which people can quickly refer.

There also seems to be a change in the Government's attitude as to what I call ownership rights. It seems to me that the same rights should attach to a Torrens title whether one has a block of 20 acres in the Adelaide Hills or a quarter acre or suburban block in metropolitan Adelaide; the same degree of privacy and freedom from unwanted intrusion should apply in both circumstances. With concern, I read in the report that the Government commissioned some time ago (to cover this range of matters) the sentiments expressed referring to use of land, as follows:

> That as society becomes more and more mobile and pluralistic, the law will be required to meet further changes in competing attitudes to the ownership of property and the enjoyment of the environment. Therefore, any attempt to codify the law could ossify its ability to respond sensitively and adequately to meet such new demands.

That is surprising and unjustified statement to be contained in such a report. What it is getting at, and what the Government has been on about—particularly the Attorney-General—is the idea that people should be free to roam the countryside. There is talk of English law and of common land in England where people have rights to go on to that land, and so on. Conditions in Australia allow a great deal of access to and free use of public property such as national parks and the parklands which ring the Adelaide area.

The area of public land increased enormously in the 1970s and into the 1980s so that, if people want to go into rural areas, for example, they have plenty of places to visit where land is held by the Crown in one way or another. In connection with this Bill we have to look at the ownership of land (and the rights that that would normally confer) and, if anything, free things up. That is the way I read what is being promulgated in that report—that we ought to free up access to land so that people can roam the countryside at will.

In my judgment that ignores completely what ought to be to some degree the privacy that people should be able to enjoy through the ownership of their property, whether it be the Minister in his suburban home or a property owner in the Adelaide Hills or elsewhere. Metropolitan residents would raise their eyebrows and become incensed if people climbed over their back fence and dallied in their backyards, yet the Government seems to believe it is fine for people to wonder at will around rural properties in the hills, in particular. As a result of this legislation, problems will increase. The Government has been made aware of the problems in my electorate over many years. I know that letters have been sent to the Attorney-General.

Letters have been sent from the Agricultural Bureau at Lenswood where the problem has been particularly acute, but the problem extends throughout the whole of the hills areas, with particular difficulty being experienced when so-called magic mushrooms are available. People swarm into the hills to pick magic mushrooms, and when they have consumed them they sometimes behave worse then drunks. Magic mushrooms are a hallucinogenic drug causing people to behave in an irrational manner, and this matter greatly concerns landholders. That is one area in which the Government obviously has not come to grips with the problem. I now quote from a recent letter from the Agricultural Bureau, as follows:

> At a recent meeting of the Lenswood and Forest Range Agricultural Bureau, considerable concern was expressed regarding the increasing problem of trespassing in this area. Generally the trespassers are relatively young—late teens and early twenties—often arriving by the car load and sometimes bringing dogs with them.

The letter goes on to comment on other problems:

> There are other problems with this Act, too—how does one accurately define 'enjoyment of the premises'?

That is in the current legislation. It continues:

> Why should the trespasser be able legally to come back every 24 hours without committing an offence if he leaves when asked to?

In other words, a landholder can ask people to leave the property if they are offensive and are interfering with that landholder's enjoyment of the land, but these people can come back 24 hours later. That is an absurd state of affairs. The Minister replied to that letter, and the Secretary of the bureau sent a further letter to the Minister indicating that he was not satisfied, and putting a simple proposition that, if people want to come onto property, they ask permission

to do so. That is eminently sensible, civilised and fair, yet the Government has knocked it back.

The Hon. Ted Chapman: If people come onto land in our district they get a bloody hard time, whether it's in the Bill or not.

The Hon. E.R. GOLDSWORTHY: All I can say is that the Attorney-General would have you up for assault.

The Hon. Ted Chapman: He might try.

The Hon. E.R. GOLDSWORTHY: I am just pointing out the stupidity of the provision and the eminently sensible manner in which this problem could be overcome. If the Government had the wit to go down that track of putting into the law a provision that, if people want to come onto property they should ask permission to do so, the situation would then be covered. I am sure that people in the hills would be happy with that. Of course, the Attorney-General goes on with all this garbage that, if they do not ask, we make these people criminals. The Government has this hangup about people being criminals. A person who jaywalks across Hindley Street is a criminal, according to its definition. Any person who breaks a law is a criminal.

Mr S.G. Evans: No, not when they smoke marijuana.

The Hon. E.R. GOLDSWORTHY: Not when smoking pot. The Government has a hangup about turning people into criminals. It is stupid. Every bit of legislation that has a penalty turns someone into a criminal if we use that definition. I have heard all this garbage trotted out by the Attorney-General—'No, we can't put in a provision that people have to be authorised to go onto someone's private property. It's not sensible to ask permission or ring up and seek permission because, if they don't get permission, we turn them into criminals.' Talk about garbage! Gun laws dictate that people who go onto a property to shoot must have written permission. If they do not have written permission they are criminals.

The Hon. D.J. Hopgood interjecting:

The Hon. E.R. GOLDSWORTHY: That is fair enough, but it seems that anyone who is picked up for anything is a criminal, according to the Attorney's definition. If a landholder finds a person on his land becoming a menace and committing an offence, the landholder is turning that person into a criminal. 'Criminal' has become the in word.

Every time the Government wants to knock back a sensible provision that will carry a penalty it says, 'No, we can't do that, because it will turn many people into criminals.' What an absurd response by the Chief Law Officer in this State to a difficult situation involving tresspass. From the responses that I have had, when I told my constituents of the fate of the legislation in another place they said, 'We'll see just what does happen.' It will be a sorry day if people do become fed up with the current Administration and take the law into their own hands along the lines described by the member for Alexandra. We will have an unfortunate situation where people seeking to protect their property and their families will find themselves on the receiving end, and they will be turned into criminals, because the Government is so stupid that it will not come to grips with the real problem.

This Bill is deficient and I intend to move amendments, similar to the amendments moved in another place, which in effect simply require that if a person wants to go onto another's property that person will seek permission. That is done by defining 'authorised people'. I believe the Attorney would be sorry if someone bowled onto his private property. His title is no different: he has a Torrens title which says that he is the owner of his land. If someone rocked up to his surburban home and set up a picnic in his back yard—

The Hon. D.J. Hopgood: That is a classic example where—

The Hon. E.R. GOLDSWORTHY: It is easy to apply it there, because he can locate the people. What if picnickers are over the hill and the landholder cannot see them? The Minister would not expect someone to go onto his front lawn and set up a picnic without permission. People do not do it because they know it is easy to police, but the changes that the Government say will be effective in the rural areas do not work, because they cannot be policed adequately.

Landholders get to the scene too late, when the damage is done, and then they have a fight on their hands. People in the metropolitan area would be outraged if picnickers used their properties without seeking permission. All I am suggesting is that we write into the legislation some way of requiring that, before people enter the property of another person, they seek permission, that they are authorised to enter. The Government's talk of turning people into criminals is just emotive garbage. If we are going to use that definition, one might well say that we turn people into criminals every day of the week—whenever we inflict a penalty on them for doing anything that society says they should not do. So, I maintain that the Bill is deficient, and I will try to do something about it in due course.

Mr S.G. EVANS (Davenport): I support the views expressed by the Deputy Leader. We must remember that the Bill refers not just to land but also to buildings. It could involve a house, a workshop, or any building that is under quarantine, in accordance with the quarantine laws of the country at that moment. In other words, it could be insect proof, for example, or otherwise set up to abide by Commonwealth law, and some intruder could decide to cut the lock or and enter the premises. I know that that is covered by the law as break and enter, and I am not denying that, but at that point the damage would have been done; it could be quite serious damage to the plants, say, and the owner might not be able to keep them if the quarantine people decided that the quarantine law had been broken. This provision maintains that a person does not have to obtain permission to enter one's property or even to go inside premises. I realise that if a person causes damage and is caught they can be sued, but, as I said, we are not just talking about land—it could involve shipping vessels, cars, trucks or whatever. The trespass that we are talking about at the moment could include all those things.

I think it is quite proper that people should seek permission. I well remember the incident of a family going to the Hills to pick blackberries on a person's property. The property owner, who lived at Aldgate—and his relatives still live there—photographed them and obtained the number of the motor car. He had a friend in the Police Force, who found out who owned the motor car and where they lived. They happened to live at Tusmore, so this Hills property owner said to his family on the following Sunday that they were going for a picnic: they went to the person's property, threw a rug on the front lawn and set about having a picnic. The owner of the property got upset and asked what they thought they were doing. The Hills dweller suggested that he was doing the same as they had done on his property the week before—except that they did not have any blackberries to pick and the flowers were not worth having. The owner became upset and said that if they did not leave he would call the police. That is an example of the attitude of society.

I believe that that is exhibited in the Government's attitude in this Bill, namely, that if a person out in an open field happens to enter a property at a point where the owner or occupier cannot see him, then that is all right, whereas if a person enters someone's property in the city, where it is easy to police such things, then it can be policed, with

with the present laws, and the amendments as suggested by the Government, being sufficient. I say that that is quite foolish, and it is unfair. People on rural properties, especially reasonably close to the city (but I do not detract from the problems that people have farther afield), have the difficulty that many people nowadays are able to travel by motor car in the country on a bit of a jaunt, going along a country road and deciding, when they see a nice field or paddock, perhaps to look for mushrooms. However, people do not know what harm they might cause by entering such properties.

This Bill suggests that if they disturb animals they are committing an offence. I take it from that that such people are considered to be criminals. Would it not be better if we placed an obligation on them to obtain permission from an owner before entering a property, thus eliminating those risks? Many landowners would say, 'Yes, you can venture onto such and such a paddock,' or if they do not require them may even suggest that the visitors may look for mushrooms. A landowner may grant permission for a person to go rabbiting—if the person has a shooting permit. He may suggest which paddock that a person can shoot in. In fact, at the moment many people in the country are encouraging people to ferret for rabbits. In some cases they prefer people not to have guns, but they will encourage people to go rabbiting. One person I know at Upper Sturt rabbits professionally on that basis. However, permission is sought before entering property.

On my own property, in quite recent times—in the past 18 months—four young people got off two motor bikes and walked past me. As I wanted to know where they were going, I said, 'Excuse me, where are you going?', to which they replied 'Looking for mushrooms.' I said, 'It is the wrong time of the year,' to which they said, 'No, not for the type that we want.' I said, 'You won't find any of them because my family are regular users of them.' They walked on a few paces and then stopped and said, 'Do you pick them all?' I said, 'Yes'. As they then walked back one of the youths, from Belair, said, 'Aren't you Stan Evans?'—I was in my rough garb, which I prefer, at that stage—to which I replied, 'Yes', and they then walked off scratching their heads, thinking that the local member must participate in such things. We do not, of course, but it was one way of bringing home to that young man that he was on private land. Anyway, he was unlikely to find those mushrooms in that country; he would be more likely to find them farther out in the Deputy Leader's country, where there are pine plantations; the mushrooms like that country more than the more acid soil in my area. That is an example of the arrogance of people who think that, because there is a bit of open space country with a bit of a fence around it (I might say that it now has a 6 foot fence around it), they can walk onto land and do what they like.

I shall give another example of the hypocrisy of Government in relation to such matters. At the moment the Government is fencing the Belair Recreation Park with a vermin proof—and to a degree what one might call humanproof—fence. The fence will be constructed with wire netting to the height of about a metre and there will then be several barbs. The idea is to keep out people who walk their dogs in the park and then might let them roam free to chase kangaroos or emus. So, it thus becomes important to the Minister to try to stop people entering such Government land. The Bill that we are considering now is pertinent in this respect. This is to discourage people from entering Government property—the people's property—even where the Government employs rangers on a regular basis to protect the land or there may be rangers living on the site. But the Minister will not accept that, and there are also special laws.

One of my constituents, from Mount Osmond, was caught in relation to a dog roaming free; it was on a leash but the leash was not held by the owner. That person will be fined because the dog was running free on Government land in a recreation park. However, the owner of private land, a farm, does not have the right to fine an individual for letting a dog run free: in other words, there is one law for the Government and another for the private operator. The only way in which a private operator can seek redress if a dog chases stock, and more particularly injures the stock, is that he may shoot the dog and then try to claim compensation from the owner of the dog—if he can be identified. So, that illustrates the hypocrisy of the situation. People are not welcome on Government owned land, unless they have permission—in other words, they go through the gate and the ranger knows that they are on that land or they seek permission beforehand to ride motor bikes to a forest reserve, for example, or otherwise enter Government land.

However, in relation to private land they are not prepared to stipulate by law that people should seek the permission of the owner before they enter. I will give another example. At the moment, the Minister for Environment and Planning is looking to fence a piece of scrub land adjacent to the Stirling council dump and a small fauna area at the bottom of Brick Kiln Road, Heathfield, running through to Sturt Valley Road and Sturt Grove. That area is to be fenced, but I doubt whether two people would venture into that scrub in a whole year. It is to be fenced with concrete posts and verminproof netting, and perhaps topped with barbs in terrible country to fence, at a cost of many thousands of dollars—all to keep out two people a year. When a fire comes along, possibly every 20 years, the fence will lose all its galvanising and it will be useless thereafter.

So there again, we see the hypocrisy of this Government's fencing to keep people out altogether, whereas it will be too expensive for a farmer to fence his property in that way, nor is it durable in the long-term. After all, the farmer cannot say that it does not matter if the fence must be replaced every few years because of fire. Then there are other problems. Many landholders go to great expense to keep their properties weed free, but then we see a rabbit (and here I am referring to an individual with little or no sense) who has travelled from another district and, having parked his vehicle at the side of the road, has picked up a grass seed there or from one of our Government parks, such as Belair National Park, Turner Reserve, or Cleland Park, which are full of noxious weeds.

The motorist, having gone for a drive in the country, goes through a gate onto private property where the farmer may have spent literally tens of thousands of dollars to keep the property weed free. This foolish person enters that property in his vehicle without permission and the owner of the land will not know for some months about the damage until he suddenly learns that he has an infestation of weeds that he must control. The noxious weeds include salvation Jane and, more particularly, South African daisy, which grow in the lower rainfall areas such as the district in which I live. So, the landholder is suddenly faced with this expense.

Yet, someone dares to suggest that the person who drove on to the property without permission need not have sought permission before entering. Those are the sorts of things that annoy (and rightly annoy) the farmer who takes a real pride in his property. The innocent individual who drove the vehicle onto that property does not realise the potential harm that he may do in bringing into a district an infesta-

tion of weeds that never existed there previously. In this respect, I am talking not only about present day weeds. Who knows what weeds may be imported into this country in the future? We already have the European wasp which, although not a weed, is a damn sight worse.

What the Deputy Leader of the Opposition is on about is fair and just. If I want to use a motor car that belongs to someone else without the permission of that owner I am liable to a penalty because it is not my vehicle and, if someone wishes to use my land without permission, that person automatically should have to pay the penalty. It is important to say that permission should be sought in these cases. After all, I cannot use the vehicle of the Minister of Education without his permission so why should someone be able to use my land without my permission or the permission of the occupier?

I hope that we still live in a country where land is transferred between individuals under the Torrens title system whereby the person owning the land has the care and control of it. That person has to abide by all the local government bylaws relating to noxious weeds and pests, and, to that end, the owner needs to have absolute control and the power to say that other people can enter his land only with his permission or that of the manager or occupier. I hope that the Government will see the commonsense of the Deputy Leader's proposal.

I heard the Attorney-General in the Upper House say that we are trying to make criminals out of people who enter a property that is owned by someone else, but I point out that the principle in this case should be the same as that which applies to buildings, ships and motor vehicles. After all, this Government has said that, if a person carries fewer than 100 grams of marijuana or smokes it in private, that person can buy a non-conviction, so as to avoid becoming a criminal. In this case, we are not making people criminals: we are merely ensuring that a person wishing to enter someone else's property obtains permission before doing so, and I hope that the Government will accept the amendment.

The Hon. G.J. CRAFTER (Minister of Education): I thank all members who have contributed to the debate on the Bill. I understand that some members have raised examples and concerns about the legislation and I trust that, as far as is possible, those matters will be clarified in Committee. It is important to know, as legislators, that hard cases make bad law and, if we try to extend the law to cover every situation, we will not have a precise law. Further, that law will not serve well the community that we seek to serve.

This Bill is before members as a result of much work by the Government to clarify, improve and update the law in this area, and we are dealing with very well established law indeed. Over 70 copies of a discussion paper on this subject were distributed and public comments and submissions were received from over 70 groups, including some members of this House, the Judiciary, the Commissioner of Police, the Law Society, the Legal Services Commission, the Criminal Law Association, various Government departments, the United Farmers and Stockowners, the South Australian Dairyfarmers Association, the Adelaide Hills Trespass Committee, and many others.

The net effect of consideration of these submissions is that we have before us a Bill that seeks to extend the range of persons who are able to exercise certain powers with respect to trespassers, to widen the scope of premises in respect of which these powers are exercisable, to retain reasonably high levels of penalty for the mischiefs covered, and to introduce two new provisions dealing respectively with interference with gates and with disturbance of farm animals. In this respect, I refer to mischiefs that have been clearly identified as being of special concern to the rural community.

The Bill also places all relevant provisions within the Summary Offences Act 1963, so that, as nearly as is practicable, that Act will in future be a self-contained code to deal with these and related matters. By contrast, the scope of the Trespassing on Land Act 1951, is, in the view of the Government, unacceptably narrow, as it applies only to an enclosed field, which is not as extensive as 'premises' as defined in section 17a of the Summary Offences Act.

The second area of concern to the Government is that persons who are able to invoke the law's protection are limited to owners and occupiers or their employees, a situation to be contrasted with the definition of an authorised person in section 17(3) of the Summary Offences Act. Thirdly, the Act applies only in such parts of the State as are specified by proclamation, as contrasted to the Summary Offences Act, which applies throughout the whole State. I therefore commend the Bill to all members.

Bill read a second time.

In Committee.

Clause 1 passed.

New clause 1a—'Being on premises for an unlawful purpose.'

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

Page 1, after line 13—Insert new clause as follows:

1a. Section 17 of the principal Act is amended by striking out subsection (4) and substituting the following subsection:

(4) In this section—'premises' means—

(a) any land;

(b) any building or structure;

or

(c) any aircraft, vehicle, ship or boat.

This new clause, which was the subject of discussion in another place, seeks to clarify the definition of 'premises' and to include those definitions other than of land, that is, buildings or structures or any aircraft, vehicle, ship or boat. That gives to premises the broad definition to which I referred in the second reading debate and provides the protection of the Summary Offences Act to a much wider group of people who may have to rely on that protection at a future time.

The Hon. E.R. GOLDSWORTHY: We support the amendment.

Mr GUNN: I am happy to support the amendment, as it is an improvement, but how will it apply? The amendment refers to 'any land'. Does that mean residential land, and does it refer to owners of freehold properties or leasehold properties? Does it apply to the Pastoral Act? The Minister would be aware that, unfortunately, people in agricultural areas have had to put up with a great deal of inconvenience. Property has been damaged, stock has been let loose and allowed to stray, and windmills have been shot at. Such behaviour was brought to the Premier's attention at a meeting in the north to which people took pieces of a windmill that had been shot at.

There is an increasing number of tourists in the northern part of the State and people with four-wheel drive vehicles and trail bikes who, unfortunately, have no regard to the damage they do or inconvenience they cause to others. They are noisy and they have no understanding whatsoever. Fences mean nothing to some of these people. They tie up dogs at troughs and all sorts of things. Will this legislation give the owners or occupiers of land the right to ask those people to leave and, if they fail to leave, to commence proceedings against them? Unfortunately, some of these people are aggressive, and those who try to apprehend them can find

themselves in difficulties. It may be necessary only to take the number of these vehicles and lodge a formal complaint.

The Hon. G.J. CRAFTER: The simple answer to the honourable member's question is that the legislation covers all land—whoever owns it and however it is described. In my second reading explanation I referred to the difficulties that were obvious under the existing law, the Trespassing on Land Act 1951, where the definition applied only to an enclosed field. That definition is nowhere near as extensive as the definitions in this Bill.

Secondly, those who are able to invoke the protection of the law were limited to owners and occupiers or their employees. That has been brought into this legislation. Thirdly, the Trespassing on Land Act applied only to such parts of the State as were specified by proclamation, whereas this measure applies throughout the whole State. It may well be that this legislation does not provide a remedy for the incidents to which the honourable member referred, such as shooting at windmills, damage to property and other breaches of the criminal law that would provide that remedy. However, under this legislation there are substantial penalties. New section 17 (1) provides that a person who is present on premises for an unlawful purpose or without lawful excuse shall be guilty of an offence and subject to a penalty of $2 000 or imprisonment for six months. So, there is here a substantial discouragement for that sort of behaviour, but it may be that other criminal sanctions that carry different penalties are more appropriate.

Mr GUNN: I am pleased with the answer I have received so far. I understand that the Minister said that these provisions applied to the pastoral areas of the State, and I am pleased about that. I understand that the offence of shooting is covered. Under the National Parks and Wildlife Act, one must have written permission to carry on. However, the owner of property may suspect that a person who comes onto this land is carrying firearms, but he does not have the right to search the vehicle. If he says that a person is not welcome there and asks them to leave, and the person refuses to leave, I take it that under this legislation unless those involved can show good cause they are committing an offence. The real problem is that we know full well what these people get up to. That is no problem.

Most landholders are quite happy to say, 'If you want to pick mushrooms or have a picnic, there is no problem, as long as you go into certain areas and keep away from stock. Don't toss around bottles, light fires or drive your vehicles through certain areas or high grass, because you might get bogged or start a fire.' If people are civil, there is no problem, but there are always those who take it upon themselves to go where they want. As the member for Davenport pointed out, we cannot go into a conservation park, into the Pitjantjatjara lands or into the Maralinga lands without permission. These sanctions are therefore important. I hope that the Minister can clear up that matter. I believe that this measure is an improvement on the existing situation.

The Hon. G.J. CRAFTER: I refer the honourable member to the amendment to section 17a, which relates to a person trespassing on premises. The definition of 'premises' is the subject of an amendment before the Committee. Where the nature of the trespass is such as to interfere with the enjoyment of the premises by the occupier and the trespasser is asked by an authorised person to leave the premises, he shall, if he fails to do so forthwith or again trespass on the premises within 24 hours of being asked to leave, be guilty of an offence. The penalty is $2 000 or imprisonment for six months. I believe that that covers the circumstances to which the honourable member refers.

New clause inserted.

Clause 2—'Trespassers on premises.'

The Hon. E.R. GOLDSWORTHY: I move:

Page 1—

Line 15—After 'subsections' insert '(1)'.

After line 16—Insert new proposed subclauses as follows:

(1) For the purposes of this section, a person has lawful authority to enter or remain on land if the person

(a) is the owner or occupier of the land;

(b) is authorised by or under any Act or law to enter or remain on the land;

(c) has the permission of the owner or occupier to enter or remain on the land;

(d) enters or remains on the land for the purpose of seeking from the owner or occupier permission to be on the land;

(e) enters or remains on the land for social or business reasons relating to the owner or occupier of the land;

(f) enters or remains on the land for the purpose of dealing with a situation of emergency;

or

(g) enters or remains on the land in circumstances permitted by the regulations.

(1a) A person who, without lawful authority, enters or remains on any premises is guilty of an offence.

Penalty: $1 000.

(1b) A person who is on premises without lawful authority shall, if asked to do so by an authorised person, leave the premises forthwith.

Penalty: $2 000 or imprisonment for 6 months.

(1c) A person who, within 7 days of being asked to leave premises by an authorised person under subsection (1b), re-enters the premises, or attempts to re-enter the premises, is guilty of an offence.

Penalty: $2 000 or imprisonment for 6 months.

Line 17—Leave out 'trespassing on premises' and substitute 'on premises without lawful authority'.

Line 21—Leave out 'trespasses on premises' and substitute 'is on premises without lawful authority'.

Line 25—Leave out 'trespasser' and substitute 'person'.

Line 27—Leave out 'trespasser' twice occurring and substitute, in each case, 'person'.

I alluded to these amendments in the second reading debate, but I do not know whether the Minister was here. I suggested that we seek by way of these amendments to ensure that people who want to go on to land ask permission, one way or another, either by telephone or face to face. I said that the only response that I could detect from the Attorney-General in that regard was some emotional nonsense to the effect that, if people did not get permission, we would be turning them into criminals. Of course, that is absurd, because, if we follow that line, we are turning people into criminals every day of the week, every time we impose a summary sanction for any summary offence.

I pointed out that householders would be outraged in metropolitan Adelaide if persons came onto their properties and started to enjoy themselves without letting them know or seeking permission to do so. However, that is what happens freely in the Hills, particularly during magic mushroom season when a lot of people not only do a lot of damage but also become aggressive and offensive to property owners and menacing to the families of property owners. This idea of introducing the concept of getting permission at least gives the landholder an idea who is about and who is on his property. I pointed out that the gun laws demand that, if people wanted to go onto a landholder's property shooting they should have written permission. In many cases landholders do not demand written permission as long as they know who is about. I suppose we are making criminals of them if they do not get written permission. So that argument will not wash.

The amendments seek to define the sort of people who can come onto land to seek permission or who are involved in the sale of goods, and so on. The Attorney went on with a lot of nonsense about turning a minister of religion into a criminal if he came to the front door and wanted to speak

to the owner. It was absurd nonsense seeking to refute the argument. He was complicating what is a simple proposal that, if people want to go onto a landholder's property, they seek out the landholder, phone him up or try to see him in order to obtain permission. That is what these amendments are designed to achieve.

The Hon. G.J. CRAFTER: I have picked up the thread of the honourable member's amendments. The Government rejects them. I do not want to go over all the debate that occurred in another place on this matter, but I point out to members that this was also the subject of considerable discussion by those who prepared the discussion paper and, indeed, it was the subject of comment as a result of the discussion paper.

Obviously, the honourable member is taking up one of the points that the discussion paper and the conclusions drawn from it argued against. I put the Government's philosophy on the record and will quote the discussion paper that has seen this legislation come before the House. In dealing with general considerations, the discussion paper observed as follows:

> One important consideration in the whole debate on trespass to land is that of the competing interests of those whose conduct, whilst technically civil trespass, is nevertheless innocent of aggravation, threat or annoyance towards the person or property of others. For example, to make trespass a crime would render criminal the lost wayfarer; the person who comes onto the land of an occupier to request permission to stay; and the collector for charity or the person who simply seeks assistance.
>
> The argument to criminalise simple trespass tends to overlook the fact that the role of the criminal law is to punish wrongdoers, not the foolish or mistaken. To visit the trauma and stigma of prosecution and possible conviction on a simple trespasser would, it is submitted, be conducive to causing new forms of mischief, not the least being that the administration of justice could itself be brought into disrepute.
>
> In this respect, one has only to envisage the situation where an owner or occupier has called a person onto his land to discuss business. If, during talks, he decides he has had enough and revokes his permission, the invitee would immediately thereupon be committing the crime of trespass. The criminal law normally requires that the guilty mind accompany the guilty act. But, in the example quoted, no such contemporaneity is evident, unless there is some sort of 'relation-back' doctrine which achieves this end. But that sort of fiction is surely to be avoided if people are properly to order and manage their affairs in full confidence that they are not acting in breach of the criminal law. The danger arises, too, that in the event of uncertainty of application of the criminal law people may resort to 'self-help' remedies which are generally anathema to the law of this State.

I am sure all honourable members would agree with that. However, the Bill did go on to make some improvements and a good deal of rationalisation in this area. The conclusions of the discussion paper noted the following:

> The law, be it criminal or civil, seeks to strike a balance between the competing interests of the people that comprise the society it regulates. It attempts (or should attempt) to accommodate simultaneously interests which are very often simply contradictory or adversary. One thing it should not do is suppress the practice, or deny the social utility, of behaviour which does not harm the person or property of others.

So, that is the philosophy that the Government has adopted in bringing down this measure to the extent that it has. I realise that the Deputy Leader wishes to take the law that much farther and disregard the cautions that have been outlined as a result of the discussion paper and the consideration of it by a wide cross-section of the community that is interested in this area of the law.

The Hon. E.R. GOLDSWORTHY: That is garbage and I make no bones about it. The people whose interests are entirely overlooked are those who happen to have title to the land. Everyone else seems to have been consulted except the people who own the property. Certainly those in my electorate have made submissions to the discussion paper. The Minister talks about self-help remedies. I can tell the Minister that there will be some self-help remedies in the Adelaide Hills if the situation continues.

In talking about balancing interests, we are talking about people who are free to roam the countryside. It is their interests against the legitimate interests of people who are suffering from damage and mischief presently. Talk about balancing interests—I have never heard so much garbage!

As to the business of turning people into criminals, we have heard all this emotive garbage! If someone jay-walks across North Terrace, they are criminals! The Government has this word on the brain. The poor kid who smokes marijuana is a criminal, says the Government. It is the 'in' word. When it does not want to toughen up the law the Government says that it is frightened of turning someone into a criminal. It is emotive garbage!

An honourable member: It is the buzz word.

The Hon. E.R. GOLDSWORTHY: Yes. The Government is not going to do it as it would turn people into criminals. I say that, in the balance of interests, no consideration is given to the interests of those who are currently having great difficulty. I suggest that the Minister talk to inspectors of police—the people in the Police Force who live in those areas—about the difficulties that they have in trying to enforce the law as it stands and as it will remain under this Bill. Some of them are also landholders themselves. The Minister should talk to senior police to ascertain what they think about it. I mention also all this nonsense about the lost wayfarer and the collector for charity.

Of course, when we talk about people who are authorised, we can cater for them, and an attempt to do so has been made in the amendments. No-one will contest the rights of collectors for charity and people who have a legitimate reason for being on the land. We have heard all this garbage about what might go wrong. We know that plenty is going wrong presently. The Government will not legislate because it says that something might go wrong. It did not worry about that in deregulating petrol sales. It has gone wrong for a lot of fellows who are going out of business, but that did not deter the Government. Do not legislate because something might go wrong!

Mrs Appleby interjecting:

The Hon. E.R. GOLDSWORTHY: The Whip will hear it repeated in the media over the next few years. If she is sick of it now, she will certainly be sick of it by the time the next poll comes around, because the people in the Hills will not let up. Their members will not let up. Of course, in the odd case one can say that this may happen. The landholder may take a set against somebody on his property and capriciously and maliciously use the law. Those situations can arise at any time anyway.

One may make up a story about a neighbour or an assault against a child. Because there are sanctions about certain behaviour, people can tell lies about things, but it is an absurd argument to mount when trying to come to grips with a different situation and to say that it might go wrong or someone might make up a story and get someone into trouble when they came onto the property legitimately in the first place. All sorts of accusations can be made against people but in due course the role of the court is to find out who is telling the truth and what the situation really was. I think that is the biggest lot of claptrap that I have heard for a long time.

Mr S.G. EVANS: I am surprised at the Minister. Somebody wrote a statement saying what they thought the position was, and the Minister said that he thought members would accept that. I accept it as a statement to be read out but I do not accept it as the true situation concerning the law. It may be an interpretation by the Minister or those

who wrote it—those who sat down to do the assessment and discussion paper: it might be their view, but it is not the view of those who have to suffer the consequences.

Mr D.S. Baker interjecting:

Mr S.G. EVANS: As the member for Victoria says, you can bet that most probably they did not have much interest in property themselves; if they did, it is not the sort of property that people tend to enter and offend on. The Deputy Leader's amendment covers the point about people seeking to enter property for what one might call legitimate reasons. Paragraph *(d)* would amend the Act to provide:

> For the purposes of this section, a person has lawful authority to enter or remain on land if the person enters or remains on the land for the purpose of seeking from the owner or occupier permission to be on the land.

As the Attorney suggested in another place, because a person walks up to the front door and asks, 'Would you help the Salvation Army?' or, 'Do you want to become a Jehovah's Witness?' we are not making criminals of them. The amendment covers that aspect quite clearly. The Attorney-General was just playing around with words and emotion in the other place—nothing more or less. If someone's front or back door is left open and a person walks into that home and is asked, 'What are you doing here?'; if that person replies, 'I've just come to have a look at your house'; the owner then says, 'I want you to leave,' and the person in question says, 'All right, I'll leave, but you can go and get so and so'—in good old Aussie terms—that person is liable to a penalty for using offensive language. However, we now have the situation where anybody can walk into a home or building, if the door is left open, so long as they do not force it open, and you can confront them in the passage and ask, 'What are you doing here?' and if they say, 'We've come in to knock off your china,' they can then be charged with entering with intent to steal. I suppose the same thing applies if they enter your land and they say that they have come to pick mushrooms—they have entered with intent to steal.

The Hon. G.J. Crafter interjecting:

Mr S.G. EVANS: The Minister says that I have not read the Bill. I am quite happy to be corrected. I thought that the amendment that we passed stated that premises included any land, building construction, aircraft, vehicle or vessel. I have read the previous Act. I think there will be some interesting situations for the poor old police when they administer this a little later. The Deputy Leader's amendment does not stop the legitimate entering of a property by someone who walks to the front door and asks for a donation for the Salvation Army or seeks permission to go down to the back paddock to chase a kangaroo. The Deputy Leader's amendment states that, if the door is left open and people enter the property without permission, they are liable to a penalty. But if people walk into the passage of a house and the authorised person asks, 'What are you doing here?' and they reply, 'We have just come in to have a look; we apologise for coming onto your property' and then leave, they have committed no offence. That is my interpretation of what we have now.

The Hon. G.J. CRAFTER: How did the people referred to by the member for Davenport gain entry to the property? Did they break into the property while it was secured—

Mr S.G. Evans: The door was open.

The Hon. G.J. CRAFTER: Then they have not committed any offence, and that is the philosophy embraced in the legislation. They most certainly would commit an offence if they did not obey the order to leave the premises forthwith. Even chasing stock around the property is tending to lead to other areas of the law.

In summary—and I think the honourable member's example is appropriate to the philosophy that I outlined about people who find themselves in all sorts of circumstances on the property of another but have not committed an offence in so doing—how far should the law go in punishing those persons for so being there? I suggest that the law in this area has existed for a long time and in the main has served society well, but it does require updating and some rationalisation. This legislation does that. With respect to talking to the police, the police have been involved in the preparation of this legislation and have formally commented on the discussion paper, as I explained earlier. To make simple trespass a criminal offence would create many more problems, I would suggest, than it would solve and would significantly upset the existing balance (however delicate members may perceive that balance to be) of competing interests, to the detriment of the administration of justice itself.

The general law, both criminal and civil, already contains sufficient substantive and procedural rules and rights of redress to cater for the situations which are considered worthy of closer attention, and the experience of other jurisdictions fortifies that belief by the Government. Certain provisions of the law—for example, section 17 *(a)* and *(b)* of the Police Offences Act—remain relatively untried and untested in the courts. Certain provisions of the criminal law remain relatively under-utilised in viewing the situations considered worthy of closer attention. As society becomes more and more mobile and pluralistic, the law will be required to meet further changes and competing attitudes—

Members interjecting:

The CHAIRMAN: Order!

The Hon. G.J. CRAFTER: I am explaining some of the potential difficulties that could arise out of the simplistic approach that the Deputy Leader is taking in advancing his amendment. While it may seem the simple solution to everyone's problems I suggest that many minds have been turned towards that simple solution and have found it wanting. We most certainly do not want to throw into confusion this important area of the law, which is a very sensitive matter in the community. We need a rational approach to it and for it to be administered with sensitivity. I suggest that the honourable member's approach will not provide the assistance to the community that he seeks.

Mr BLACKER: I am concerned with the Minister's explanation. Did I understand the Minister to say (using the example given by the member for Davenport) that if someone's front door were open a person could go into that home and not have committed an offence? For argument's sake, if my wife had shampooed the carpets and had left the front and back doors open to air the house, would it be legitimate for anyone to walk through the house without permission? That is the import of what the Minister has said, and it worries me, because it could occur in the Minister's home, my home or anyone else's home. Obviously, in such a case such people could be asked to leave. However, they could be there to commit a crime. In that case, or if they fail to remove themselves at the request of the owner (if that person happens to be home), what is the position?

The Hon. G.J. CRAFTER: The question is what offence has been committed. If there has been some damage to the carpet, obviously there is a remedy. If someone walks down to a workshop at the back of a person's property, is he committing an offence? What has he done that is contrary to the law? That is the philosophy under consideration here.

Mr BLACKER: I understand what the Minister is saying in relation to being outside premises or a home (the physical

construction). However, if the door of the family home is left open, is someone at liberty to walk in at one end and out the other and, at that point, not have committed an offence, say, of trespassing, or anything else? That is my interpretation of what the Minister is saying.

The Hon. G.J. CRAFTER: Presumably one is looking at a set of circumstances where someone is seeking to find another person. If they come into the house and are calling out, 'Is anyone home?' and someone appears and says, 'Who are you, and what do you want?', ascertains that and then says, 'You are required to leave these premises'; and if the intruder fails to do so, that person has committed an offence. I am not sure that the member would want prosecuted under the criminal law a person who comes onto the property in those circumstances. If a person comes onto the property in order to commit a crime or do damage, a different situation applies. I refer the honourable member to section 17 (1), which provides:

> A person who has entered or is present on premises for an unlawful purpose or without lawful excuse shall be guilty of an offence. Penalty: $2 000 or imprisonment for six months.

If I can fathom the extent to which the honourable member wants to take the law, he is covered in respect to those who do not have a lawful purpose or excuse for being on the property, and those persons are then guilty of an offence, for which substantial penalties are provided. However, for the innocent person—and that is the concern I have expressed now a number of times—who has committed no harm to anyone and has no malicious purpose, no penalty will flow. Of course, there is the sanction for the property owner to have such people removed, and if they refuse they have then committed an offence and are also subject to a substantial penalty.

Mr BLACKER: I am becoming more confused. If children leave the door open there is nothing to stop would-be housebreakers or thieves from looking around and being at liberty to walk through the premises. Until such time as they touch anything or it can be proved that they are there with the intent of stealing, they could walk through the house until confronted by the owner, if that person is home (and this is what worries me) and be asked to leave. They can then be ushered out and everything is all right, even though they may have been casing the house. I take the other point: what is the role of police in searching premises? I understand that they cannot enter premises unless they are in pursuit of an offender or have a warrant. We have two sets of circumstances which to me do not add up.

Mr S.G. EVANS: I was hoping that the Deputy Leader's amendment would be agreed to. I supported the Minister's amendment which included buildings because it obviously includes people's homes. We are providing for people to enter someone's home without permission, but the Police Offences Act provides differently. We now have two conflicting pieces of legislation. One says a person can enter without authority as long as that person is only going to walk through and look at the property, the same as one might on a farm.

An honourable member interjecting:

Mr S.G. EVANS: If a door is open and someone walks in, looks at the house and walks out again, then under the Act (and the Minister said so) there is no offence. Is it a fact that the actual entry through an open door is not unlawful and that no-one is trespassing to the extent that there is a penalty, so that all a person has to do is leave when requested? I think that that is the position we are in. If we are not, the whole purport of the Bill as it applies to landholders is of no use. I ask that the Minister accept the Deputy Leader's amendment because at least it makes clear that before people can enter one's property (house, land, ship, car, etc.) they must obtain permission. Surely that is reasonable.

The Hon. G.J. CRAFTER: I reluctantly enter this debate, which could go for a long time. I refer members again to section 17 (1) and the circumstances where persons are on premises for an unlawful purpose or without lawful excuse.

Mr S.G. Evans: What is unlawful? Just inspecting?

The Hon. G.J. CRAFTER: The honourable member must look at the circumstances. If a person is involved in a road accident and needs a telephone, that person can go into nearby premises seeking a telephone. The door might be open and, as I indicated in the earlier example, they could ask, 'Is anyone home? Who is here?' The person might be agitated and take a step inside looking for a telephone. The purport of the amendment and the concern of some members is to make that a criminal offence.

The Hon. E.R. Goldsworthy: What if they look around the house?

The Hon. G.J. CRAFTER: They have to have a lawful reason.

The Hon. E.R. Goldsworthy: Who would decide?

The Hon. G.J. CRAFTER: The court. I suggest that to bring down a simplistic approach, as I have warned the Committee previously, will cause more trouble than it is worth and more harm than confusion in the community. My guess is that it would be the lawful people who would be frustrated, and it would still be the unlawful people who would be working their way around the law in those circumstances. This is not a matter that has passed without considerable debate and consideration by all those in the community who are concerned about it. I can only commend the final synthesis of all that consideration to members.

Mr S.G. EVANS: In correcting the Minister, I ask him to read the amendment of the Deputy Leader. It is not seeking to eliminate the circumstances suggested by the Minister in using a telephone in an emergency. Is it unlawful to enter someone's property (boat, car, building or land) if the Bill is passed as amended? Is it unlawful to walk on someone's land to look at a red gum tree? Is it unlawful to walk through an open door of a house and look at a painting? The answer has to be 'No', because we have put all those examples under the same definition. The smart Alecs of the world who want to enter property for unlawful purposes will have the excuse already devised as to why they are there if the door is left open. The same will apply if a paddock gate is left open and if they break a padlock on the gate they are breaking and entering. As far as I am concerned in those circumstances people are breaking the law, even if the law does not say that.

The Minister should read the amendment, because the Deputy Leader has covered every aspect of an emergency in regard to entering a property to get permission to stay on the property, or to enter it further. All those areas are covered. We are talking about people's homes, land, boats and cars. The amendment passed under the Minister's name earlier is dangerous unless we accept these amendments.

Amendments negatived; clause passed.

Remaining clauses (3 and 4) and title passed.

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

That this Bill be now read a third time.

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): The Bill comes out of Committee in the most unsatisfactory state. That will be evident to the Government

with the exacerbation of problems in my electorate and through the rural community.

Bill read a third time and passed.

EVIDENCE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 November. Page 2101.)

Mr S.J. BAKER (Mitcham): This amending Bill merely provides for interpreters for witnesses and statements and is supported by the Opposition. In principle, there is no opposition to the idea that persons who are not competent in English should receive some assistance when they are before the courts. There are some questions about the related legislation—the Summary Offences Act Amendment Bill (No. 3)—about which I have some grave reservations, because it sets up a new set of rights.

We now see legislation across the board giving the right to people who are not competent in English to have the various forms of assistance to allow them to conduct themselves in a way which does not prejudice their rights and which certainly assists them to fulfil their duties. One of the duties that people have to perform on various occasions involves being a witness. Perhaps for some reason their evidence is incomplete or is subject to close scrutiny, and they should be able to call on the assistance of a person more competent than themselves in the English language, should the need arise.

Questions are raised about the extension into tribunal areas. Whilst we are dealing with the courts in this situation, the wider responsibility for tribunals and any other boards to take account of a person's ability or lack of ability in English is important to ensure that the right decisions are made. The Opposition supports this measure.

The Hon. G.J. CRAFTER (Minister of Education): I thank the Opposition for its indication of support for the measure which, although it might appear to be of a minor nature, obviously has a great deal of importance to those who do not have competence in the English language and who may appear before a court in this State. The amendment provides that such persons will have the right to enjoy the assistance of an interpreter so that their circumstances and the facts surrounding their being before a court can be precisely and clearly submitted to that tribunal. It therefore brings about an important right to persons who, in the past, may not have understood that this was a facility available to them, and to the courts, which may have overlooked the need for such services to be available to those appearing before them.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Entitlement of a witness to be assisted by an interpreter.'

Mr S.J. BAKER: I note that during debate in the other place the question was raised with the Attorney as to how far the right of a witness to have an interpreter extended. Questions were raised in relation to such bodies as the Equal Opportunity Tribunal and the Commercial Tribunal. Can the Minister clarify the result of the Attorney's deliberations on this matter?

The Hon. G.J. CRAFTER: I do not have that precise information, and I will obtain it for the honourable member. My experience is that with all the subordinate tribunals it is well established practice to make available an interpreter where that facility is sought. Obviously, the Attorney has been engaged in more formal discussions on that matter, and I will try to obtain that information for the honourable member.

Mr S.J. BAKER: Without pushing the point too far, the Attorney did undertake to provide an answer for this House, but he has not done so through the Minister here. More importantly, this relates to putting in a provision that has been regarded in the past as being somewhat of a right. We are changing the law in that respect, and I would have thought that this matter should be clarified as far as the quasi-judicial authorities are concerned. The matter of whether or not certain tribunals and other bodies which exercise some judgment under the law be included should have been clarified prior to this point, at which time amendments could have been made in relation to authorities not covered.

Clause passed.

Title passed.

Bill read a third time and passed.

SUMMARY OFFENCES ACT AMENDMENT BILL (No. 3)

Adjourned debate on second reading.

(Continued from 19 November. Page 2101.)

Mr S.J. BAKER (Mitcham): The Opposition's support for this Bill is, to say the least, lukewarm. We always face a difficulty when we take a seemingly good principle and place it in the law, as it is then subject to the vagaries of interpretation. This Bill puts in legislation the right of a person not competent in English to use the services of an interpreter and, in criminal cases, where a person has asked for an interpreter, questioning must be delayed. I question the need for this legislation, although the Opposition generally supports it.

The first point I make is that at the moment the police place their case at risk if a person being interviewed is incapable of responding adequately, and thus it is in the best interests of the police to engage the services of an interpreter should there be any risk that the information being taken down is not correct. The General Orders under which the police operate specify the way in which police officers should conduct themselves in the event that they are not clearly understood by the arrested person or the person being questioned. That seems to me to be adequate coverage in this area. Any case before the courts must founder if it can be proved that the record of interview by the police was incomplete or that wrong answers were obtained. It is a very simple proposition that, if the evidence is wrong because the police did not conduct the interview in the right fashion then the whole case against a defendant is placed at extreme risk. There may well be misunderstandings on the part of the defendant and I assume that any competent lawyer would reveal such deficiencies to the court.

Under the provisions of this Bill it would be possible for undesirables not only to frustrate legitimate questioning at a time a person is arrested but also to place prosecutions further at risk if a police officer has failed to offer the services of an interpreter. By encasing in the law the natural right to interpreting services, I believe that we are not facilitating due legal process. The comments that the Attorney made in the other place were interesting. He said:

> The admissibility of the statement will be determined according to the common law.

My understanding is that that is completely wrong. I understand that a new right has been written into the law and that failure to comply will place the whole matter of evidence at risk.

I am not a lawyer and I do not ever pretend to be a lawyer, although I handle legal matters on this side of the House. My only foray, if you like, into the area of law was when I did commercial law at university while undertaking an economics degree, and later on I was involved in putting on to a computer the criminal law statutes of the State and Federal Governments. So, once upon a time I knew which sections of the Criminal Law Consolidation Act and Police Offences Act applied in various circumstances. Indeed, I could even quote to the House some of the sections of Acts in other jurisdictions, relating to, say, the fishing industry or the agricultural industry, where penalties are applied. Sir, that knowledge has long since passed, and I have to go back to the Acts to find out what indeed the law does prescribe these days. Nevertheless, my understanding of the law, as limited as it may seem, is that amending the Summary Offences Act in the way proposed would place the law at risk.

The Opposition supports the proposition that a person who is not competent in English should have assistance. We should make that quite clear. Importantly, however, that is not at risk for two reasons: first, the General Orders under which the police operate require that the police should pay attention to this matter; and, secondly, in any case brought before the court, the court would apply itself to ensuring that the evidence was given in a completely free fashion, that is, not under duress and with the respondent having a full understanding of the questions being asked at the time of interrogation or questioning. As I said previously, the difficulties involved in this are that people will misuse the law. I am not saying that this is the fault of the non-English speaking community. Many people in South Australia will use every device at their disposal to avoid the consequences of the law. Importantly, we should not place impediments on the due exercise of the law, and this amendment places the law at risk.

I cite briefly for the benefit of the Minister the case of a person who has been arrested and who, when brought before the court, says that he asked for the services of an interpreter. Is it a matter of record whether or not that person asked for an interpreter? What happens in the case of people who do not know? Is it the responsibility of the police to ensure that they know that such persons have the right to an interpreter, even though they may be fluent in English? Further, there is the possibility that the quality of evidence that is given in cases where a person has not asked for the services of an interpreter and has given his statement freely will also be put at risk. Obviously, those people with some knowledge of the law will use that law to the best of their ability to avoid the consequence of the law, whereas people with less ability in that respect could say that they do not need an interpreter.

This Bill provides that in almost every possible situation an interpreter is provided. This has special relevance to a situation where a person is questioned immediately after arrest. The general proposition under the Bill is that the questioning shall be delayed until the interpreter arrives. If a person has said that he does not need an interpreter, the courts could rule, under this legislation, that an interpreter could have been required. We do not underestimate the need for an interpreter in cases where a person is not fluent in English. We all know of cases where a person from another country with a non-English speaking background has, during transactions, failed to understand the English language for their own purposes. It is the same as Australians saying, for their own convenience, that they do not understand certain matters.

Although Opposition members support this measure, with reservations, we hope that, if members of the judiciary find coming before them as a result of this change cases in which evidence has been placed at risk, they will inform the Attorney-General of the day of the problem that they face. Obviously, much of this debate is speculative because I am not a member of the legal profession. However, I contend that the law will be placed at risk as a result of the changes that are being made by the Bill.

The Hon. G.J. CRAFTER (Minister of Education): I thank the member for Mitcham for his indication of support, albeit lukewarm, for the Bill. I am not sure that the path trod by the honourable member, in explaining his concerns about the Bill, sits squarely with the fundamental principles of the laws of evidence and the general principles of people having the right to a fair hearing and being equal before the law. Already there is an onus on police officers, under their General Orders, requiring them, 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 can understand and speak English to a degree that would be acceptable in a court hearing. When there is a doubt as to the level of comprehension or language ability, the officer should arrange for an interpreter to be present before the interview proceeds. So, that is already well entrenched in the General Orders and is a practice of police officers in this State.

This legislation entrenches this as part of the laws of evidence of the State, so it takes that General Order into the general law of the State. Therefore, the fears that have been expressed by the member for Mitcham could be applied in the current practice of this area of the administration of the law. If, in fact, the General Orders have not been followed or the proposed law is not followed, the court would most certainly reject the evidence before it. So, safeguards have been built into the system to avoid all the problems that are associated with having before the courts evidence which has been wrongly obtained or is inadequate. In those circumstances, it is only proper that this should become part of the law of evidence and that those General Orders of the police can be assumed into the general law. This will therefore bring about a further right to those members of our community who do not have that command of English and are therefore placed in jeopardy before the law.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Redesignation of section 75a.'

Mr S.J. BAKER: The Minister said that there were General Orders under which the police operated today, and the court must satisfy itself not only that the person was capable of giving evidence but also that the evidence was not in any way depreciated by the person's lack of English. That is the common law right, but the Attorney-General said that this legislation will not derogate in any way from the determination by the courts, under common law, as to the validity of the evidence.

Previously, as the Minister would appreciate, when a person went to the court and evidence was presented, the court had to make up its own mind on the evidence provided. It has been said that the answer is that the admissibility of the statement will be determined according to the

common law, so this is really what has previously been the case. Therefore, no-one has lost any rights: the right to fair representation has been there all along and it has been preserved.

Certainly, if there is any risk that the evidence was obtained unlawfully or that the evidence is misleading because the person cannot understand English, the case will be thrown out of court. That is how the courts operate today. The point that I contest is whether, if this legislation has not been complied with, irrespective of the merits of the evidence, the evidence and the statements collected can be thrown out of court.

The Attorney assures us that the admissibility of the statement will be determined according to the common law, but I do not believe that that is true. Even with my limited knowledge of the law, I believe that this is an overriding right written into the law. I do not know how many people occasionally have the time to watch television shows, but they would know that there are odd occasions depicted where the law enforcers become upset because of a technicality, such as the admissibility of the evidence. They are asked, 'Did you break into a house for some other reason and did you find evidence of another crime? Did you in some way not take account of the person's state of mind at the time he was providing the evidence?' There is a long list of reasons why police have been frustrated in the United States jurisdictions. I am sure that much of the detail on those television shows is a bit of showmanship, but nevertheless the courts face the situation where, if we provide an overriding right, they are duty bound to dismiss the evidence that was wrongly obtained.

As the law stands today, that would not necessarily be the case. The courts would have the right to make up their own mind, on the weight of probabilities or on the balance of the evidence provided, whether in fact that evidence was obtained correctly and whether indeed the defendant was capable of responding properly. I believe that we are creating another problem for the courts. The Minister has failed to respond to my comments, so I can only presume that I am correct. The second matter I wish to raise relates to a person who is 'not reasonably fluent in English'. Can the Minister inform the Committee, as the Attorney had some difficulties with that clause, exactly what it means to anyone interpreting the law?

The Hon. G.J. CRAFTER: I do not think I can add any more to the Attorney's explanation. The honourable member interpreted the Attorney's comments as his having difficulty, and I guess it is his right to so interpret. However, that is not my interpretation. Regarding the honourable member's interpretation of the effect of the common law, I believe that he may be looking at this in a restrictive way as if, because a right is established, that excludes other considerations by the court. What the Attorney was arguing in the other place was that the court still has the right at common law to accept evidence which might have been challenged in the court on the ground that it was obtained illegally because an interpreter was not made available in those circumstances.

Under our law and by the advantage of the common law, we have a broader brush approach. That is a very important attribute under our law, and it is used sparingly and wisely by the courts. However, that adds to the capacity of the courts to judge the validity of the evidence that comes before them. Obviously, investigators, whether the police or other persons under this measure, run a great risk if they do not take account of what is spelt out very clearly in this legislation. Nevertheless the court has the final say regarding acceptance of this evidence.

Clause passed.

Clause 4 and title passed.

Bill read a third time and passed.

OMBUDSMAN ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 November. Page 2102.)

Mr S.J. BAKER (Mitcham): The Opposition supports the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Schedule.

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

Page 4, new subsection (4) of section 10—

In paragraph *(g)* after 'or of the Commonwealth' insert 'or becomes a member of a Legislative Assembly of a Territory of the Commonwealth'.

Leave out paragraph *(h)* and insert new paragraph as follows:

(h) becomes, in the opinion of the Governor, mentally or physically incapable of carrying out satisfactorily the duties of office.

These amendments have been prepared after consideration of comments made by the Hon. Mr Griffin when this Bill was before the Legislative Council. Both amendments relate to the statute law revision amendments contained in the schedule to the Act and to proposed new section 10 (4), which provides for the grounds upon which the office of Ombudsman becomes vacant.

Under section 10 (4) *(g)* of the Act, the office of Ombudsman becomes vacant if he or she becomes a member of the Parliament of this State or another State or the Commonwealth. It has been suggested that reference should also be made to the Legislative Assembly of a Territory. This is logical, so the Government is willing to propose an appropriate amendment.

Under section 10 (4) *(h)* of the Act, the office of Ombudsman becomes vacant if in the opinion of the Governor the Ombudsman cannot carry out official duties by reason of physical or mental illness. The form of this paragraph is different to that now used in legislation, where the standard provision refers to mental or physical 'incapacity' (and not 'illness'). The honourable member suggested that it would be appropriate to alter the provision so that it is consistent with other recent legislation, and the Government is, again, willing to adopt these suggestions.

Amendments carried; schedule as amended passed.

Title passed.

Bill read a third time and passed.

SECOND-HAND MOTOR VEHICLES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 November. Page 2364.)

Mr S.J. BAKER (Mitcham): The Opposition supports the Bill. The major changes under the Bill are, first, to modify the exemption of credit providers from the force of this Act and those providers who sell repossessed vehicles will be subject to regulatory control so as to prevent them setting up shop as second-hand motor vehicles dealers. If they should feel inclined to operate as dealers, they will be subject to the same force of law as would be normal second-hand motor vehicle dealers. Secondly, it allows wider scope for the Commercial Tribunal to grant a licence to deal in

second-hand motor vehicles, and conditions can be attached to such licences. This will allow more flexibility for family partnerships and employing inexperienced personnel where they would previously, under the rules operating, be excluded.

Thirdly, the control on wholesale dealers who indulge in retailing is strengthened through conditional licensing and disciplinary proceedings. On occasions wholesale dealers have been participating in the retail market. Under such circumstances it has been difficult for the tribunal to take appropriate action. Fourthly, the Second-hand Vehicles Compensation Fund will now receive the benefit of fines from disciplinary actions, mainly from prosecutions by the Commercial Tribunal.

Fifthly, the Bill allows the sale of motor vehicles on other than registered premises, subject to conditions imposed by regulation. This is to cater for special sales involving more than one dealer. Under the Act, a registered or licensed dealer can only operate from the premises upon which he is licensed. Under these provisions it will be possible, in prescribed circumstances, for more than one dealer to sell cars by way of special sale on a site to one or all of the people concerned. That adds some flexibility to existing arrangements.

A major difference of opinion exists as to whether the tribunal should be able to set conditions pertaining to a licence. Normally it is the responsibility of the tribunal to interpret the laws in a manner consistent with the wishes of Parliament. Under changes made to section 6, the tribunal can set the rules as it wishes. It is not our intention to move an amendment, but I make the point that the tribunal is a *quasi* judicial body and should be subject to the general directions of this Parliament. A number of changes are being made in the Bill that will be helpful to the second-hand motor vehicle industry. It tightens up provisions where previously they have been somewhat loose.

These provisions, particularly in the area of credit providers who can act with impunity as second-hand motor vehicle dealers and in the area of wholesale dealers who can wander over the dividing line of wholesaling into retailing, again with reasonable impunity, have been tidied up. The increased flexibility in relation to the granting of licences for these people who previously would not have been eligible and for the sale of motor vehicles on other than designated sites is a positive step: it reduces the inflexibility that existed in the past.

Finally, the Opposition agrees with the principle that the moneys from prosecutions or proceedings should go to the compensation fund. So, the Opposition supports the proposition. It has only one difficulty, namely, in relation to the power of the tribunal to set its own laws on licensing.

Mr M.J. EVANS (Elizabeth): I support the general provisions of the Bill, because they certainly add substance to the provisions that we already have in terms of enforcement, and generally assist in the administration of the Act. Some aspects of it the Minister may wish to take into account when looking at the matter in future. They have been raised with me by dealers who are concerned at some aspects of the administration of the Act, the first one being the application form that must be filled in each year before the Commercial Tribunal grants a new licence or the renewal of an existing licence. The area of greatest concern relates to details of applicants' financial standing.

Section 10 (1) of the Act requires that the application for a licence must be made to the tribunal, and that it must be in writing in the prescribed form and be accompanied by the prescribed fee. The applicant shall also furnish the tribunal with such information verified, if the tribunal so requires, by statutory declaration, as the tribunal may require. The purpose of that is to ensure that persons it is proposed to license have adequate financial resources to carry out all of their obligations under the Act. In looking at that, we have to bear in mind that there is a fund established under the Act that is able to provide compensation to anyone who suffers loss as a result of the failure or defalcation of a second-hand motor vehicle dealer. There is considerable protection there.

The details sought by the Commercial Tribunal include, in relation to the assets of a licensed person, the value of the real estate, motor vehicles, plant and equipment and all other assets excluding only house contents and personal effects. It requires details of total credit account balances with banks, building societies, credit unions and cash on hand and the total value of trade debtors, including amounts owing for work in progress, if applicable, and total stock on hand. In relation to liabilities, the tribunal requires to know the amount of any mortgages owing, amounts owing and outstanding in relation to all other assets, and the total amount of overdrafts and charge accounts but excluding trade accounts as well as the amounts of trade creditors that the firm or person may also have. All of that information is quite extensive and involves the people concerned in divulging almost the total amount of their personal assets.

All that is required in relation to this is for these people to give an overall declaration and statement in relation to their net assets and liablities so that the tribunal may be satisfied that the difference between the assets and liabilities in total is sufficient to maintain their financial viability. I submit, for consideration by the Minister at some future date when this matter is being reviewed, that in fact the detail required by the tribunal is far in excess of that required with respect to these people satisfying for the purposes of the Act that they have adequate financial resources. That is all that is required and all that should be asked. By going into extensive detail it is requiring people to declare something which is, to a large extent, unnecessary and, after all, could well be dramatically different within six months of the application being granted, and therefore their financial vability could be quite different at that time. It is an unnecessary invasion of their privacy.

Another matter I raise briefly relates to the circumstances of second-hand dealers and wreckers yards where cars have been involved in an accident and the insurance company takes possession of the vehicle in exchange for paying out the insurance policy. The insurance company may decide, if a vehicle is so severely damaged it should be written off, that in those circumstances the carcass of the vehicle be sold for scrap to a wreckers yard and be then available for use as spare parts. The registration of the vehicle is cancelled at that time by the insurance company. Unfortunately, some of these vehicles are finding their way back on to the market as an amalgamation of several other vehicles. It is not uncommon for one vehicle to be sliced in half, quarters or whatever, and other identical make vehicles to be spliced on or welded on to the original chassis. A hybrid vehicle is reregistered and sold through the second-hand vehicle dealers.

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

Mr M.J. EVANS: While this can be done professionally and competently, and thereby without risk to the new owner, the consumer, there are those who are not capable of doing this professionally. There are those in the industry who lack the proper and necessary facilities to ensure that the major welding operations which assemble the single piece chassis from its constituent components and from the various cars

available are not done in such a way as to be completely safe.

It has been drawn to my attention by those in the industry that there are cases where vehicles have been assembled in this way with very major defects in the welding, resulting in improper alignment, tyres being worn out within a few months or a few thousand kilometres because of the improper alignment, and all sorts of safety problems arising subsequently as this hybrid vehicle is used on the roads often by an unsuspecting consumer and driver.

While I realise that there is quite a substantial legitimate industry in this area, I believe at the moment that there are not enough checks in the system to ensure that those vehicles which have been so assembled are properly and competently assembled. I believe that the Minister should perhaps take that matter into consideration to ensure that where a vehicle has been involved in an accident and is written off, when it comes to be subsequently reregistered there are some checks to ensure that the work has been carried out in an efficient and professional manner, and that the vehicle does not present a safety hazard in the future to the person who subsequently buys it. The registration process offers us that opportunity. It is certainly the case of the Government's inspection facilities that motor vehicles are up to the standard required to take this into account. It may not have been true some years ago, but it is now quite within the power of the Government to ensure that, before a vehicle is reregistered in this way, safety checks are conducted to make sure that the welding and reassembly of the vehicle are adequate for its future performance.

Just to give the House some idea of the magnitude of this problem, I understand that a minimum of 160 vehicles a month are sold through the trade which have been written off in this way after major accidents and which are then capable of being cannibalised for their constituent parts from their chassis in the way that I have described. In some months the figure is substantially in excess of the 160 I have mentioned, and I believe that a problem of this magnitude certainly cannot go unaddressed much longer. It is quite in order now for the Minister to take that into account and to further refine the system in ways at which this Bill makes a good first attempt.

With those two areas of discussion—first, the matter of the adequacy or excessive adequacy of the information required for the renewal of a licence and, secondly, and perhaps most importantly, the safety aspects of vehicles which are reassembled in this way, I support the measure but seek the Minister's comments and subsequent consideration of the issues which I have raised in the debate.

The Hon. D.J. HOPGOOD (Deputy Premier): I would like to thank members for the consideration that they have given to this legislation and urge that they support it.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—'Application for a licence.'

Mr S.J. BAKER: As mentioned during the second reading debate, the Opposition expresses some dissatisfaction with the fact that the tribunal can set conditions such as it thinks fit in respect of licences. Can the Minister, with all the advice that he has at his disposal, say how this system will work, so to ensure that those people who do have licences or who are seeking licences will not somehow be encumbered by unreasonable conditions? It is normal for the Parliament to set the rules, and it is then up to the tribunal to interpret those rules. When there are disputes, it is up to the tribunal to sort them out with due equity. On this occasion, we have a situation where the rules are not being preset by Parliament, and it will be up to the tribunal to set its own rules.

The Hon. D.J. HOPGOOD: This can happen only except as provided in the general tenor of the legislation. Rules could not go beyond that. I cannot give the honourable member at this stage any more specific information than has already been stated in the second reading explanation regarding clause 6.

Clause passed.

Clauses 7 and 8 passed.

Clause 9—'Tribunal may exercise disciplinary powers.'

Mr S.J. BAKER: Because we do not have the appropriate Minister in the House, perhaps the Minister who is present can take this on notice. Can details be supplied of the moneys received from fines imposed in cases taken by the tribunal? This information will obviously have to be supplied later, but, if the Minister has some information at his disposal, we would be delighted to hear it now. I would be interested to hear how many dealers have been prosecuted by the tribunal and what money has been collected.

The Hon. D.J. HOPGOOD: I am happy to give that undertaking.

Clause passed.

Clauses 10 and 11, schedule and title passed.

Bill read a third time and passed.

CITY OF ADELAIDE DEVELOPMENT CONTROL ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 18 November. Page 2015.)

The Hon. JENNIFER CASHMORE (Coles): The Opposition supports this Bill, which seeks to clarify the operational arrangements for appeals to the City of Adelaide Planning Appeal Tribunal established under the City of Adelaide Development Control Act. The original amending Bill, which created two additional appeal rights against decisions under the Act, was debated on 8 May 1985. It was not easy to find because the second reading explanation indicated that Parliament had passed amendments in April 1983. Nevertheless, the second reading explanation at that time indicated that the Bill repealed section 42 of the Act (which was similar to section 56 (1) *(a)* of the Planning Act, about which there has been much debate) and, in so far as that section purported to protect the right to continue to use land, it was redundant. It also indicated that the term 'development' meant a change in the use of land but not a continuation of an existing use; and that the Act, therefore, did not attempt to control the continuation of the existing use of land (and this was indicated on 8 May 1985).

The other provision allowed the council to require the removal of outdoor advertisements which are considered unsightly. During the Committee stage I will ask the Minister (and I hope he is able to reply) whether that provision has been much used by the city council and, if so, in respect of what kind of signs and in what location those signs were placed. It will be most interesting for the House to know how much the council is exercising these powers and in what direction.

The Bill is technical in so far as it simply seeks to put beyond doubt the fact that the procedures relating to appeals to the tribunal are the same for these two provisions (the abandonment of existing use after an activity has ceased for at least six months, and the power for the council to require the removal of outdoor signs). The Bill simply makes

sure that the operational provisions which apply in appeals relating to development applications also apply in respect of these two matters.

The appeal procedures are outlined in section 4a, which is quite a lengthy section taking up more than a page of the Act. It is highly specific in terms of the rights of owners and occupiers, which are outlined. Apparently there has been some confusion (and again I will ask the Minister to elaborate on this in reply if he is able) as to which cases have created doubt, and this needs to be overcome through the amending Bill.

The Opposition has consulted with the relevant bodies: with the Secretary of the City of Adelaide Planning Appeal Tribunal (the Chairman of that tribunal being absent on leave); with the Building Owners and Managers Association; the Real Estate Institute; the Royal Australian Institute of Architects; and, I believe, with one or two other interested bodies. In particular the architects are still unhappy about the lapsing after six months of existing use rights and would like even stronger controls on unsightly advertising.

Even consultation on such a small matter as this very technical Bill reveals the continuing debate which takes place in relation to all planning matters affecting the City of Adelaide and which no doubt will be debated even more vigorously when the City of Adelaide plan comes before the House. Having flagged the matters of particular interest I am happy simply to support the Bill and await the Minister's response either to the second reading or during the Committee stage.

The Hon. D.J. HOPGOOD (Deputy Premier): In relation to signs, I am not aware that the matter that has been raised by the member for Coles has really been used aggressively by the City of Adelaide. I will endeavour to get more specific information for the House and the honourable member. However, I understand it has not been used particularly actively, so it is difficult to comment on the ultimate impact of the matter.

As to the second specific matter that the honourable member raised, I am afraid I am not able to quote a specific case. None has been drawn to my attention. Of course, the request was for this to take place so that this legislation in relation to appeals would be foursquare with what we sometime ago provided for under the Planning Act, and that seemed not unreasonable because there seems to be no great issue of principle here. Obviously there are issues of principle which separate those matters which refer generally to the City of Adelaide legislation and the South Australian Planning Act, otherwise we would not have separate legislation for the city.

In relation to appeals generally, there seems no good reason to separate out the rules which apply to the two mechanisms, although the mechanisms themselves are institutionally separate. However, I will get what information is available for the honourable member and the House. I thank the honourable member for her support and commend it to members.

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

RADIATION PROTECTION AND CONTROL ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 November. Page 2268.)

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): This is an interesting Bill, resulting from a demarcation dispute between the Minister of Health and the Minister of Mines and Energy. Unfortunately, the Minister of Mines and Energy got rolled, so we have this Bill.

Members interjecting:

The Hon. E.R.GOLDSWORTHY: The member for Henley Beach obviously concurs in what I am saying. It is a plain fact of life. Let us set the scene for members opposite. Liberal members know more about what is happening in the Labor Party than those members do much of the time. The fact is that the Minister of Health is a glutton to get himself on the front page. He just cannot leave the media alone. He is facing preselection, so he needs to woo certain sections within the Labor Party. He needs to woo the left wing—so that is the motivation for the Minister of Health's statements in the media in relation to the matters that led up to this Bill. I see you have a puzzled look, Sir, and you wonder what is the relevance. The relevance is clear.

The Hon. Jennifer Cashmore: He can link up his remarks.

The Hon. E.R. GOLDSWORTHY: I am linking them up fast. The Minister of Health needed notoriety and needed to woo the left wing of the Party. What better vehicle than to get stuck into Roxby Downs and talk about 40 extra cancer deaths being on his conscience, and all this sort of nonsense, and try to take over control of the mine? That is what has occurred. The Minister of Mines and Energy was done like a dinner.

We had the fortunate leak—from the Minister of Health's point of view—of the documents from BP about sales of uranium to Taiwan. Of course, that let the cat out of the bag, and all hell broke loose. It was an ideal circumstance for the Minister of Health to get into the public arena and make a lot of noise. Anyway, that is the background, the politics, that led to the Bill.

When the indenture was before the select committee, there was ample evidence from people associated with the drafting of the indenture to suggest to that committee that the radiation controls spelt out in the three codes—reinforced by the ALARA principle—were satisfactory to contain the situation. It was generally agreed that the toughest radiation controls around the world of international repute were embodied in the indenture. Further evidence was given by Dr Keith Wilson, of the Health Commission, that the most useful tool to control the company, if there was some need to put the screws on, would be *via* the Mines and Works Inspection Act.

I have a copy of his evidence in which Dr Wilson made that statement to the committee. I cannot lay my hands on it now, but I ask the House to take my word for it: it is there. We had all this hoo-ha, suddenly, that something was going to be wrong at Roxby and the Minister of Health, with all this nonsense about some 40 extra cancer deaths, suddenly came bobbing out of the sky—the typical scare tactics.

The interesting thing is that nothing will change; nothing will change at all in the day to day and week by week practice at Roxby Downs. In typical manner we saw the Premier having two bob each way flying up to Roxby, having an underground inspection of the mine, and coming up with the undoubted conclusion that he was most impressed with the safety arrangements in place.

That was after Cabinet, because of the smart manoeuvrings of the Minister of Health, had agreed to let this Bill come forward. During the Estimates Committee hearings in this session the Minister of Mines and Energy believed that he had won the battle. I questioned him closely—that was in the early days before he was outmanoeuvred by the publicity hungry Minister of Health. I asked him some questions about what was happening with this demarcation dispute and these radiation controls at Roxby Downs. The

Minister of Mines and Energy was quite sure then—only a month or two ago—that any changes would be minimal and would simply clear up a small degree of ambiguity existing in the current legislation.

I was also interested to note that the Minister of Health gave the Roxby Downs joint venturers an exemption from the necessity for him to give them a licence to mill their ores. We have had all this hoo-ha about the Minister of Health needing to be in charge of radiation controls up at the mine, so I looked at the sections of the Act which the Liberal Government brought in—in this far-sighted Radiation Protection Control Act, which was brought in by my colleague the member for Coles. I looked at sections 24 and 25, which cover these matters that the Minister of Health has been on about.

Section 24 talks about cooperation between the Minister of Mines and Energy and the Minister of Health for any prescribed mining tenements. It makes it obligatory for the Minister of Mines and Energy to consult with the Minister of Health to attach any conditions to the mining licence which he may think are appropriate to that mine if they are in the business of mining radioactive ores. However, Roxby was not caught under section 24 because it had a special licence to mine in terms of the indenture, and so on. So, the Minister of Health did not get into the act there, and that has been a source of frustration no doubt to some people in the intervening years.

Certainly, he had some controls under section 25—sections 24 and 25 are the subject of two major amendments in this Bill—which provides:

(1) No person shall carry on any operation for the milling of radioactive ores unless he holds a licence under this section.

That is a licence from the Health Commission or the Minister of Health. The section continues:

(2) Subsection (1) does not apply—
(a) to an operation carried on in pursuance of a prescribed mining tenement.

Roxby is not a prescribed mining tenement—it is a special mining tenement. It is not let out there. The section continues:

(b) to a person who carries on an operation for the milling of radioactive ores only in the course of employment by the holder of a licence under this section;

that is irrelevant to what we are talking about—

or

(c) to an operation of a prescribed class.

Blow me down if the Minister of Health did not give an exemption, in April last year, in a set of regulations prescribed as the result of the passage of this Act. He got round to proclaiming the regulations only in April, I think, last year. I have that here, where the Minister of Health gave Roxby Downs joint venturers that exemption. I refer to the Radiation Protection and Control Act 1982, and to Regulations made at Executive Council office, Adelaide, 4 April 1985. Regulation No. 203, which talks about the handling of radioactive ores, in 'Division IX—Licence to mill radioactive ores', provides:

Pursuant to section 25 of the Act—

the one I have just been talking about—

operations of the kind referred to in subregulation (2) of this regulation are operations of a prescribed kind.

Subregulation (2) *(c)* provides:

The operation is carried out on land the subject of a special mining lease issued pursuant to clause 19 of the Olympic Dam and Stuart Shelf indenture as defined in section 4 of the Roxby Downs (Indenture Ratification) Act 1982.

Only last year the Minister of Health gave the Roxby Downs joint venturers an exemption from the necessity for him—the Minister of Health—to give them a licence to mill radioactive ores. I ask the House how genuine he is when he suddenly bobs up in the latter part of this year and says that he does not have any control over what is happening up there, that we are going to get 40 extra cancer deaths, and so he needs to get into the act. Events unfolded in such a way that he won the public battle. The public was concerned, and the poor old Minister of Mines and Energy got rolled. So, we see these substantial amendments to the Act.

Ms Gayler interjecting:

The Hon. E.R. GOLDSWORTHY: The member for Newland may know more than I do, but if one reads the transcript of the Estimates Committee deliberations when the Minister of Mines and Energy answered questions on what was happening to the Radiation Protection and Control Act, his understanding of what was going to happen, and what in the event has happened, one cannot escape the conclusion that he was well and truly rolled. What has happened does not line up with what he said that he believed would happen, which was virtually nothing. So, we now have substantial amendments to sections 24 and 25 of the Radiation Protection and Control Act.

After giving in, the Premier saw fit to visit Roxby and to assure us that everything in the garden was rosy. However, nothing will change. The weekly meetings between the Health Commission officers, the Mines Department people and the Roxby Downs operators will go on. The same standards of radiation and the three codes will still apply. There has been no hint of a suggestion that the joint venturers have not played the game until now. There has been no dissatisfaction, and the returning Premier says that he is most impressed. There was even a photograph of the Premier and his ministerial colleague having their boots washed. It is a case of our two bob each way Premier: we must do this, that and the other to solve a problem that is not there. So, we have the Bill. I do not believe that things will change.

This Bill does nothing about the levels of radiation that must be observed or about the principles of the original legislation. The only excuse which was advanced by the Minister and which could have some validity is that the sanctions were not satisfactory if the joint venturers did not play the game. The Premier said that publicly, but Dr Keith Wilson told the select committee that under the Mines and Works Inspection Act Regulations the screws could be applied if that was necessary—not that the Premier believes now that they need be. Under the legislation the company can be fined $2 000; the plant can be visited at any time of the day or night announced; the plant can be shut down; the company can be fined $4 000 subsequently; and other regulations are possible.

There are all sorts of ways of putting on pressure if that is required. No-one now suggests that such pressure is required, except the Minister of Health, who will suddenly save 40 people from death by cancer. That is the sort of emotional stuff that gets people stirred up and wins the public battle of emotions, not the rational battle of facts. It helps one if one is trying to secure a base within one's political Party for preselection purposes or for some other purpose.

They are the substantial amendments in the Bill. It is a case of much fuss about very little. I am sorry that the Minister of Mines got rolled. He is a nice inoffensive chap with whom I get on well. He does his job without much fanfare. He is not in the media every second day stirring the possum, not insulting people every second day as does the Minister of Health. The Minister of Mines is not a glutton for punishment and seems to have a substantial support base in the Labor Party, so he does not have to go

in for these antics. However, this is not a place for pity and we must expect life as it is, and this Bill illustrates that.

The other amendments, which are relatively straightforward, make for flexibility. They go the other way and are less draconian legislation. Indeed, some penalties are prescriptive, and even for minor breaches there are severe penalties. However, the rest of the amendments seem to alleviate that situation a bit. There is no matter of controversy there. The business about Roxby is spelt out in the fine print of the schedule to the Bill. There is a new set of so-called special arrangements to cover the new circumstances at Roxby. The joint venturers, I understand, are most unhappy with what has happened, but they have already spent a lot of money and cannot afford to buck too much. It is all very well for Governments to change the ground rules once companies have committed hundreds of millions of dollars to a project. That is why the Roxby Downs indenture is the most detailed piece of legislation that has been enacted in Australia up to the present. It dots the i's and crosses the t's so that the rights of the State and of the joint venturers are protected and so that the Government cannot capriciously change the ground rules. We will never get investment of that magnitude in this country if ground rules are to change. That is why I, as Minister, and the Government were at great pains to spell out the indenture in such detail. The venturers view askance such changes, although we are assured that this is not in breach of the indenture.

However, one can imagine their concern at what has happened in relation to this Bill. One would be tempted to reminisce at length about the stance of the Labor Party over the years on this venture. Suffice to say, the mirage in the desert, as it was described by the present Premier when the original legislation was before this Chamber, has now become more than a mirage in his view. During the most recent election campaign, the Premier said that this project was an initiative of the Labor Party, yet every Labor member in this place voted against the project originally when the Premier described it as a mirage in the desert. The present Minister of Mines and Energy and the present Deputy Premier, as members of the select committee, put in a minority report, suggesting that the uranium was going off to make bombs; they produced all the scare stuff that is occurring now.

However, four years down the track, it gives me much satisfaction to know that the legislation which I introduced now has the enthusiastic support of both sides of Parliament. Things do change. The conversion of the Minister of Mines and Energy has been more dramatic than any religious conversion. The Deputy Premier, too, has been converted. Uranium is no longer going off to make bombs and Roxby Downs is a great project that will put the State on the map. The Minister of Health wants to get his sticky fingers on the project, so we have got this Bill. As Liberal members do not wish to interfere with the internal preselection process of Labor members, we support the Bill.

Mr GREGORY (Florey): If members opposite were playing in my football team, we would never win a match if they supported the team in the same way that the Deputy Leader supported this Bill. I have never heard so much rubbish in my life as I have heard this evening from the Deputy Leader. I can understand why the Deputy Leader wants to support what he did as Deputy Premier, for it is about the only thing that he ever did. He talks about it constantly, but he refuses to accept that, when he was Minister of Mines and the member for Coles was Minister of Health, when the Radiation Control Act was being drafted for submission to Parliament and when the Roxby indenture had been drawn up, there was no tick tacking between the two Ministers. There was no cooperation or checking to see whether one Bill affected the other.

Although the Liberal Party introduced the original legislation (and I think that the Radiation Control Act was essential legislation when it was enacted, as it provided adequate penalties for transgressors), it did not really apply in the ultimate to the people who were mining uranium at Roxby Downs, although it applied at other mines. As a person who spent much time working in industry and representing workers there, I know that employers are forced to take action that is necessary to deal with traumatic injuries in the workplace when there are guts and blood and where people die immediately from the injury sustained at work. Employers will do things about that because people go crook about persons who walk around with fingers, legs or arms missing.

But sometimes it takes 20, 30 or 40 years for the full effect of radiation to become known. Only now are the effects of radiation on people who have worked at Radium Hill starting to come to fruition. Studies show that people are dying sooner than they should. People who work at Roxby Downs do not have to give years of their life: they go there to get an income to live, not to die. Experience with uranium mines, particularly in Canada, indicates that, if there is not strict enforcement of controls, workers will die on average a lot earlier than other workers in the work force in that country.

It is amazing that the Deputy Leader of the Opposition should denigrate this Government's attempts to enact a Bill to ensure that workers' safety is kept to a high plateau. He joked about 40 extra deaths—that is, 40 ordinary working people, not 40 high flyers in the management of the company, but 40 working people whose families are deprived of the breadwinner, the husband and father. That is what it is about, and the honourable member makes light of it.

Members interjecting:

Mr GREGORY: I ask the honourable member to have the courtesy to keep quiet when I am speaking, as I had the courtesy to keep quiet when he spoke a lot of rubbish. Will he just behave himself and keep quiet for a change?

Members interjecting:

The SPEAKER: Order! The Deputy Leader of the Opposition is out of order. The honourable member for Florey must direct his remarks to the Chair, regardless of what he may consider to be provocation by way of out of order interjections.

Mr GREGORY: One of the things that I find most interesting in relation to occupational safety is that an Act may provide a number of penalties, but if those penalties are not applied from time to time, there seems to be the approach, 'Why worry about it?' The United Kingdom occupational safety and health legislation provides a number of penalties which, until recently, had not been applied, and one of the worst things that has happened as far as the employers were concerned was that ICI was fined £1 000. In itself, that was a fairly insignificant sum when we consider the operations of ICI, a large multinational company, but the effect of that £1 000 fine was tremendous throughout industry in the United Kingdom. It brought to focus the activities of company managers in respect of occupational safety and health. It meant that, for the first time, employers were being faced with reasonably large monetary fines. There was a change in the approach to occupational safety and health; people were more concerned about it and about ensuring that employees were not hurt.

As I said previously, one of the easiest injuries to avoid is a traumatic injury, where people lose their hearing because they use a lot of air operated machinery, or the use of their lungs through silicosis in the case of mines or the effect of radiation. All those things can be reduced to an absolute minimum, and we must remember that most work processes carry a risk. However, that risk can be reduced to a minimum if proper controls are applied. This legislation ensures that the management of the mine is ultimately responsible for the safety of the workers. If the regulations and the controls in this measure are not applied, those managers will suffer penalties.

It is nonsense to say that the indenture, which had the ultimate sanction of taking away the right to mine at Roxby Downs, was an appropriate measure in this case. I can imagine the hoo-ha that would be created by the member for Kavel if the Labor Government took from Roxby Management Services the right to mine because of infringements in relation to occupational safety and health. Imagine the hoo-ha that would create (and 'hoo-ha' is a word that the Deputy Leader uses frequently). If that happened, it would be a very severe economic penalty. We really want people to be able to work in absolute safety.

It is a long time since I have been to the mine, but my understanding is that at present the measures for radiation control are reasonable. However, the threat of silicosis and the effect on people's hearing have not been treated with the urgency that Roxby Management Services should exhibit. I understand how that works. When people are losing their hearing through industrial deafness and excessive noise, they do not notice it until they cannot hear. I would—

Mr S.J. Baker interjecting:

Mr GREGORY: I suggest that the member for Mitcham sit there and keep quiet. If he wants to speak, he should approach the Speaker and ask him if he can have a go. That is the correct way to do it, instead of interjecting. I wish he would give me the same courtesy that I gave his mob.

Mr S.J. Baker interjecting:

Mr GREGORY: I know a little bit about it. The member for Mitcham has little bits of knowledge: it is like grains of wheat around a fowl yard—like a fowl with its head chopped off, he has to go around picking it up. I support this Bill, and I believe that the penalties are realistic. There has not been a competition between the Minister of Health and the Minister of Mines and Energy as to what we would do: there has been an urgent desire by our Government to ensure that the people who work in the mine can do so in absolute safety and not have their life shortened because of the shortsightedness and pigheadedness of some people in relation to worker safety.

The Hon. JENNIFER CASHMORE (Coles): I had not intended to enter this debate, but the ill informed remarks of the member for Florey have prompted me to do so. I want to refute quite positively the assertion of the member for Florey that there was no cooperation or liaison between the Minister of Mines and Energy and the Minister of Health in the Tonkin Government in the development of the radiation protection and control legislation that was complementary to the Roxby Downs indenture. In fact, it was the other side of the coin, if you like, because the indenture would not have been acceptable to either the Tonkin Government or the people of South Australia unless the safeguards that the Liberal Government undertook to put in place were enshrined in legislation in the form of the Radiation Protection and Control Act.

It may be worth informing the House, particularly those members of this House who were not members at the time of the enactment of that legislation, that the Radiation Protection and Control Act, like many other South Australian laws, still is, and certainly was at the time, unique in the world in that it enshrines in the one statute the necessary requirements and provisions for radiation in all its uses and applications, be they medical, scientific, mining, commercial or research. In my studies overseas on this matter, it became clear that the multiplicity of statutes in other countries, notably in Canada, which mines uranium, causes immense administrative difficulties.

The Liberal Government, in enacting a Bill which required the miners to observe the same law as the doctors, set an example which could well be followed by other States and other countries and which to date, I understand, has worked well. It has worked well largely not only because it set up the appropriate framework but also because the Radiation Protection and Control Committee which drew up the regulations involved people with a very great deal of expertise who have worked together in a cooperative fashion and with the assistance of very diligent professional people within the Health Commission and other departments.

To return to the assertion by the member for Florey that there was little cooperation, I would like the member for Florey to know that, at the time both these pieces of legislation were being developed, an officer of the Crown Law Office was deputed to liaise with every Government department and authority that was to be affected in any way by the indenture.

In the event, many departments and authorities from the Electricity Trust, the Education Department, the Health Commission, E&WS and many other departments were involved. The liaison and exchange of information were carried out most diligently. In addition, I had continuing discussions with my colleague the Minister of Mines and Energy and the joint venturers had quite intensive discussions with the South Australian Health Commission. So, the assertions by the member for Florey that there was little cooperation can be nailed fairly and squarely as being incorrect.

The key clause of the Bill we are debating is clause 6, which repeals sections 24 and 25 of the principal Act (which provide that the Minister of Health issue the licence to mine or mill radioactive ores) and replaces them with a single provision. It is interesting that the present Minister of Health has exempted the joint venturers from the requirement for a licence to mill radioactive ores. The indenture itself is in effect the licence in this case, although not in the case of other mining of radioactive substances.

As the legislation transpires, having been Minister of Health I believe that the confidence of the public and workers is likely to rest with health authorities. I hasten to add that the South Australian Department of Mines has an exemplary record in administering safety regulations and I do not believe that there have ever been any complaints or reason for complaints about the department's administration of its licensing powers in relation to occupational health. The arrangements that have been worked out by the Labor Government, notwithstanding the fact that they obviously constitute a defeat by the Minister of Health of the Minister of Mines and Energy, are satisfactory arrangements and should be supported.

The Hon. G.F. KENEALLY (Minister of Transport): I thank all members who have participated in this debate. There was a sense of *deja vu* about the debate, as I imagine most members would appreciate. Whilst I personally appreciate the historic nature of the debate which has been carried on, nevertheless it would be interesting for those people

who are not aware and not certain of how parliamentary debates are carried on to understand that everybody is supporting the Bill. For that the Government is grateful, and I ask the House to support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 19 passed.

Schedule.

The Hon. E.R. GOLDSWORTHY: Will the Minister representing the Minister of Health indicate what the Roxby Downs joint venturers think about this schedule?

The Hon. G.F. KENEALLY: The joint venturers have been made aware of the schedule. In fact, their contribution resulted in amendments moved in the other place, so I believe the schedule now has, if not the enthusiastic support, the support and understanding of the joint venturers, whose comments have been incorporated in the amendments accepted in the other place.

The Hon. E.R. GOLDSWORTHY: The changed arrangements are that the Minister of Health has control of the mining operation—not just milling, which he had and gave away: he has to issue a licence with conditions. Is anything that the Minister does subject to the arbitration provisions of the indenture?

The Hon. G.F. KENEALLY: My information is that the answer is 'Yes': the conditions are as set out in the schedule and are subject to the arbitration process.

Schedule passed.

Title passed.

Bill read a third time and passed.

INDUSTRIAL CODE AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 November. Page 2358.)

Mr S.J. BAKER (Mitcham): As the Minister is well aware, the Liberal Opposition supports the thrust of this Bill. However, before debating the issues associated with the deregulation of baking hours, I wish to raise a number of pertinent matters. First, the Opposition would have appreciated more time to research the possible implications of deregulation on employment in the industry and on the price of bread. People are important and should be our prime concern. To introduce a measure and expect it to be dispensed with six days later is asking too much, particularly as it is the last week of sitting and the amount of business to transact is quite enormous. It is quite inappropriate that the Bill should be handled in this way.

Secondly, the Opposition queries the haste with which this measure has been put together. As everybody would now be well aware, the current restrictions on bread baking in the metropolitan area have been in existence since 1945. It is now 41 years down that track, and we wish to change in five minutes something that has been in place for that long. Perhaps the Minister can explain during his reply to the second reading debate why all parties were not given time to respond.

It is a matter of concern that the Minister allowed time for submissions up until 18 December 1986, which of course is still some days away. The Baking Trades Employees Federation had been informed that they could submit information up until that date. Why did the Minister break that commitment? A number of possibilities have been canvassed as to why such extraordinary contempt should be displayed towards the union movement. It is normal for the Minister to treat employers in such a cavalier fashion. The Minister of Labour has been wont to go on his employer bashing cavalcades in the past, but it is rather unusual to treat his own comrades in this fashion. I leave the House to draw its own conclusions on this matter, but I suspect his motives, as should also people on the Government side.

The Hon. E.R. Goldsworthy interjecting:

Mr S.J. BAKER: I do not know what he is up to but presumably someone will explain at some time why he has broken his commitments to his friends. I would like to read a statement made by the Minister on 7 October 1986 in the Estimates Committee. Talking about deregulation, he said:

> The problem with that is that, when an industry is structured in a certain way, to change dramatically overnight the structure of that industry could have some very serious consequences. In some areas it does not matter—the consequences are not serious.

I presume that he is talking about bread being non-consequential.

The Hon. Frank Blevins interjecting:

Mr S.J. BAKER: I am talking about 7 October 1986. He further said:

> However, in the general retail area one must strike a balance between the competing forces, mainly of big business and small business.

They are interesting comments made but two months ago, outlining the Minister's viewpoint on deregulation. The major point he made there is that change should not happen overnight but that we should consider our actions.

Thirdly, why did the Minister bypass submitting the legislation to the Industrial Relations Advisory Committee (IRAC)? This self-same issue has been canvassed previously in relation to workers compensation. The IRAC Bill requires the Minister (whether Liberal or Labor) to place industrial legislation before IRAC prior to introducing it in Parliament. Once again, the Minister has shown his contempt to the representative organisations and to the process of consultation. The Minister can no doubt elaborate when he responds. Fourthly, why did the Premier tell an untruth to an *Advertiser* journalist after the Caucus meeting by saying that the matter had not been decided? Was the Caucus so divided on the issue that the Premier felt inclined to mislead a member of the press? While the Premier has on more than one occasion in the past been guilty of mishandling the truth but has been able to cover his sin, he has now exposed himself. It is quite unlike Premier Bannon to leave himself so vulnerable. What encouraged him to do so?

Fifthly, deregulation of hours must inevitably have an effect on award wages. Employers will not idly sit by and allow conditions in the award to go unchallenged. Consumers would also feel cheated if the existing double and triple time penalty rates and the restrictive hours forced bread prices to soar. Why would the Minister place the working conditions of baking employees under the microscope? There is little doubt that not only will they change, but this very process will set a precedent for other areas. I ask that the Minister table the report, which has been produced for him by the prices unit of the Department of Public and Consumer Affairs and which outlines the cost impacts that will occur with this legislative change.

Sixthly, the press has rightly identified that deregulation of baking hours removes an obstacle in the way of deregulated shopping hours. The Minister initially responded positively to the idea of deregulating shopping hours but now seems to have withdrawn from that position. Perhaps the House can be informed as to what caused his change of heart and what his position is currently. These are unanswered questions. The Minister would understand that failure to respond satisfactorily will only heighten speculation as to what he will gain from this particular move.

I think it is important that we do have a bit of background on certain things that were not done at the time, and I have no doubt that the Minister will have some satisfactory answers. It is regrettable that we did not have time to do what I think is a very important piece of research—research on the impact of this legislation on people in the community. Something that has been in place for some 41 years will suddenly change. I do not believe that I or any member on this side could do justice to this question, because we just simply did not have the time. In the time available I consulted with as many groups as was humanly possible. We spoke to the Retail Traders Association, the bread manufacturers, the Baking Trades Employees Federation, and a number of bakeries. I visited a number of supermarkets and called in at a number of delicatessens. That was the best that we could do in the time available.

I believe that legislation of this nature requires far more intensive research. I will inform the House of our deliberations so that people can understand that, if we have it wrong, there is a very good reason why we have it wrong, namely, insufficient time. At least they will understand the reason for our ultimate conclusion on the Bill.

I would first like to address the question of demand for bread, and there are two schools of thought on this matter. One opinion is that the demand for bread is finite. We are now talking about reshuffling the market to meet the same needs. The other school of thought is that there is enormous potential to provide new varieties of bread in the market place because it is an untapped potential that has yet to be met. Our finding on that matter is that the answer lies somewhere between those two schools of thought. We believe that there is potential in the market to provide to people what is commonly called hot bread seven days a week if desired, or particularly on Saturday mornings when shopping centres operate. We believe that that will increase the employment potential in the baking area.

There is a school of thought also on product range. I know that some bread manufacturers say that the market is being catered for at the moment with the standard 680 gram loaf which comes out virtually the same irrespective of who produces it, except that the wrapper is somewhat different. We believe that after some research and talking with various people in Adelaide, there is further scope for extending the variety and the types of bread. There is no doubt that bread consumption, not only as a total item but as a proportion of the household budget, has been declining quite significantly over the past 10 to 15 years. We believe that there is scope for improving bread consumption, particularly when dieticians maintain that bread, because of its carbohydrate content, is a good food.

We agree that there are some difficulties being faced by the Minister of Labour and his department in enforcing the regulations as they stand today. As the Minister has pointed out, it is difficult to get into locked premises. Certainly, when baking shops are within shopping centres and the outer door is locked, there is no conceivable way that an inspector can get through that door and into the baking premises. However, we do note that there are a number of hot bread shops which open straight on to the main roads of Adelaide and which seemingly operate with impunity. So, all I can suggest is that the effort is not being made.

One of the real questions faced by the Opposition in determining the future employment potential of the market was the question of automation. There is no doubt that automation will impose some fierce changes on employment levels within the industry. It was one area which I would have liked to spend a lot more time in developing and understanding the pressures applying in the Adelaide market. On the one hand we were told by the bread manufacturers that this measure would hasten automation, while there were still some years left in the Adelaide bread baking industry where we could enjoy higher levels of employment because automation was not a necessity.

On the other hand, the suggestion was that automation was virtually on our doorstep and that the shakeout in the market was going to be significant, whether it occurred this year or the next. Given those two schools of thought, it was difficult to choose between them. In the end we said that automation has taken place interstate, it is certainly taking place overseas, and certain things are happening today which suggest that automation is not far away. Therefore, what we do here will not change bread making in Adelaide, although it may bring about automation earlier.

One thing that all parties agreed on (everyone we spoke to) was that the artificial boundaries had no logical basis. It is fair to say that the people who are opposed to this measure agree that there is no sense to the arrangement. The only sense to the arrangement is that people have made decisions on the basis of the boundaries that have been imposed. To that extent I suppose that, while there is no logic to the boundaries, there is some historical basis which says that they should be taken into account.

The other major problem for the Liberal Opposition concerned price. We did not want to be involved in any move that would significantly affect price. No doubt there are various schools of thought as to what will happen to prices after the change in legislation. It might be worth briefly relating to the House that the award structure that exists today, unless it was changed, would immediately push prices up. Under the existing award the normal working hours cover a five day week. Within that five day week there are prescribed hours and times of day. For work outside those hours penalty rates apply on top of the normal baking time. Beyond 6 p.m. on Friday we then go, from memory, to a double time situation; and beyond 12 noon on Saturday into a triple time situation.

It is important to understand that, if a person bakes during those standard hours, any additional time worked will be on top of the weekly wage: if someone has worked 10 or 15 hours during the standard hour week, he will be paid the full wage (as far as I can understand it) and then additional payments would have to be at weekend rates, which are extraordinarily high and which I do not believe can be justified in today's environment.

It was difficult to form a conclusion. However, we said that the structure of the award has to change in the industry and that, as a result of this change, the Industrial Tribunal would have to address itself—

Mr Groom interjecting:

Mr S.J. BAKER: The honourable member will have to wait before he draws conclusions as to the artificiality of the awards as they exist today. We will give every encouragement to the commission to address those questions because, if they are not adequately addressed, the price of the goods will immediately rise, adding further imposts on each loaf of bread baked over the weekend.

Mr Groom interjecting:

Mr S.J. BAKER: The honourable member opposite is making a noise, and all we have said is that the tribunal will have to address the questions in the industry.

Mr Groom: You're advocating a reduction in wages. Own up to it.

Mr S.J. BAKER: The member for Hartley poses an interesting question. We are talking about a Government that is taking this step, knowing full well that the tribunal must address it. Who is affecting wages? I just ask the question.

Mr Groom interjecting:

Mr S.J. BAKER: If you had listened you may have learnt. The next question concerns what would happen to South Australia's cheap bread prices compared to the other States. We have only been able to canvass some of the issues that affect prices in the other States and have not necessarily fully canvassed them because, as I said, the time has not been available. Victoria, where deregulation occurred in 1972, currently has the highest bread prices in Australia, and that would indicate that any move in the direction we are suggesting here will lead to significantly increased bread prices.

I conducted more research and found that the two States which do not have regulations on baking hours (Tasmania and Queensland) also have the second and third lowest bread prices, so the deregulation of baking hours does not necessarily lead to extraordinary increases in costs and should not affect our competitive situation, provided the awards are changed. Interestingly enough, Tasmania in 1971 was the highest priced State—Victoria was one of the most expensive States and has continued to be one of the most expensive States for bread in Australia—and is now the second to lowest State, and it has had deregulated baking hours for all those years. We were not able to find, from interstate experience, any evidence to suggest that South Australia's competitive advantage in the bread area would be diminished, provided, as I said, that there was a restructuring of the awards.

Given the nature of our investigation and the limited time we had available I am sure that the Minister will forgive us if we have been unable to address other questions as adequately as we should have. We believe that there is a great potential for hot baking. The reason why we decided to file amendments is clear. Our press release today indicated that we were moving two major amendments.

First, there should be a time for the industry to adjust and to give time to those people who have already made investments (namely, country bakers) to arrange their affairs and capital. Obviously, that will not be sufficient in the situation they are facing, but at least it gives them some respite. It also gives time for the industry to sort out the questions of manning schedules (how does one change the manpower situation to meet a wider range of demand that was previously met up to 6 p.m. on Friday which has now to stretch over the weekend?), and also the question of wages. The second matter contained in our amendments concerns the Department of Consumer Affairs reporting to Parliament, no sooner than 18 months but before 21 months after the Bill has been proclaimed, on what has actually happened to bread prices.

This has been an interesting exercise. I thank the people who took time to make submissions to the Liberal Opposition and who also made time available to see us. It was a very healthy exercise and I hope that we can conduct more of them in the future, because often we hear only one side of the story. The Opposition supports the Bill, but will seek to amend it.

The Hon. D.C. WOTTON (Heysen): I oppose the legislation. Tonight we have heard the member for Mitcham refer to a previous speech made by the Minister of Labour, when he suggested that the measures contained in the Bill would have serious consequences. I believe that is what will occur as a result of the deregulation of baking hours. I wish to refer to a couple of matters that the member for Mitcham has already brought to the attention of the House.

First, I refer to the lack of involvement on the part of IRAC, which I regard as being extremely serious. I will be interested to hear the Minister's comment about why IRAC was not involved. Like my colleague the member for Mitcham, I thought it was necessary to consult with IRAC before the introduction of legislation such as this. Also, I suggest that, if there are those on the other side who support the legislation, they should go the full hog and deregulate shopping hours altogether.

Like the member for Mitcham, I will be interested in hearing just how far the Government is willing to go in this matter. I cannot see why it would find it necessary to deregulate baking hours if it is not prepared to go the rest of the step and deregulate shopping hours generally. I will refer to that matter later.

I wish now to refer to a couple of letters, and I need to say at the outset that I have received a considerable amount of representation over a long period from Mount Barker Bakery. I make no bones about that. The bakery is an important industry in my electorate, employing people who come from my electorate, and I would want to support that enterprise and the people who work for it. That is not my only concern, and I will refer to other concerns later.

First, I want to talk about the situation that the bakery is facing as a result of the deregulation of baking hours. I believe that all members have received recently a letter from Trevor Gilmour, of the Mount Barker Bakery, setting out his situation. The letter explains that Trevor and his family have owned the bakery for more than 8½ years. Trevor indicates that they have developed a business which fills a demand for fresh bread on weekends and public holidays. The bakery currently supplies almost 40 000 loaves on a normal weekend to about 600 delicatessens and small seven day supermarkets.

These retail traders rely heavily on fresh bread as a drawcard for their businesses, and all members would be aware that this is so. The bakery puts a replacement value on its plant and equipment of nearly $1 million, and it is currently operating at 75 per cent of its capacity. I suggest that that is a considerable outlay for a family business. The fact that the plant is not being used to its full capacity is and has been of concern to the business for some time.

The business employs a staff of 12 on any one shift and the wages exceed $3 500 for any normal week outside of family income, and approximately double that on long weekends. The bakery also has 10 subcontract drivers who have each bought, developed and maintained their own business. I commend them on that concept, which is an excellent one. The drivers buy products directly from the bakery and share the discount with their customers—again, a very sensible idea.

These drivers own their delivery vehicles plus the goodwill that they have paid for the same, all of which together adds up to about $750 000 invested. In the letter sent to members of the House the bakery refers to other similar bakeries, such as Williamstown or Golden West, Otto's Bakery of Hahndorf, Prices Bakery of Kadina and, until recently, Mal Badenoch's, of Yankalilla. Those bakeries all supplied the weekend market. Trevor goes on to state:

> Deregulation, as proposed by the current Government, critically affects all of the abovementioned people. It is easy to see 'hot bread shops' and 'in-store bakeries' eroding current city bakeries' share of the market, making the big three, namely Tip Top, Buttercup and Baker Boy, bring forward plans to build and maintain completely automatic bread plants. Obviously, this would put out of work a far greater number of bakers than the employment that any in-store and small hot bread shops would create.

He goes on to refer to the Victorian situation, which he describes as having a similar deregulated system to that proposed here, and he understands that the retail price of bread is about 20c above the price in South Australia. He goes on to state:

We spent some considerable time on sending Mr Blevins a submission of our position, and thoughts of implications of any change, as did our drivers as a group. Obviously this fell on deaf ears.

He again refers to the Minister, and states:

Incidently, Mr Blevins was the man who seven years ago was the main speaker in exactly the same debate in Parliament, but then he was opposed to any form of deregulation.

He states that he has had several meetings with top level management from two out of the three largest bakeries, as well as the Bread Manufacturers Association, South Australian Mixed Business Association and the Bakers Union Secretary and President. He says that all of these people recognise the disastrous effect complete deregulation would have on the industry. He indicates that he finds it difficult to put all of his thoughts on paper in just a few lines.

This is a matter to which the member for Mitcham referred earlier, that is, the lack of time we have all had to obtain the information that we need to contribute to this debate. I support what Mount Barker Bakery has said in its letter. I know the business well and I know the problems it sees in its own case and in the case of those other bakeries referred to. I only hope that the Government and the Minister at the bench at the present time recognise the problems that the bakeries are going to face.

If the Bill passes, I hope that the Government will support the amendments that will be moved, because at least that will give companies such as the one to which I have referred the opportunity to get their act together before the changes are made.

The other letter to which I refer is from the South Australian Mixed Business Association (SAMBA). Again, I understand that it has sent letters to all members of this House. The association's letter states:

The South Australian Mixed Business Association view with great concern the proposal by the Retail Traders Association to abolish the present restrictions on the hours which bread can be baked.

This association represents approximately 1 200 delicatessens and snack bars, the vast majority of whom rely heavily upon the weekend trade to make their businesses viable, and to a large extent that viability is dependent upon their sales of fresh bread and other purchases that the customer may make when buying the bread.

It is the opinion of SAMBA that if an 'open slather' situation is allowed to develop, this could prove disastrous to its members. We are in no doubt that if the restrictions are abolished enabling supermarket 'in-store' bakeries to operate at weekends and the possible increase in the number of hot bread shops; many of our members, their families and employees would suffer a loss of livelihood. This would also apply to many small independent cake manufacturers.

I should say that, from talking to some of the suppliers in my own district, I support the claim made. The letter continues:

The South Australian Mixed Business Association believes the Retail Traders Association submission is another attempt by the large supermarkets to increase profitability and market share at the expense of the smaller food retailer who does not have the facilities or the resources to compete with them, and therefore looks to legislation for a degree of protection.

The letter from SAMBA continues:

We would point out that already many of our members have been severely disadvantaged by the recent decision to allow service stations in the metropolitan area to operate 24 hours a day, many of whom have increased their range of foodstuffs to a greater extent than they ever carried prior to the introduction of the legislation. Add to this the weaknesses in the Trading Hours Act which allows supermarkets to 'rearrange' their shop area to enable them to operate seven days a week, and the corner store operator feels he has been deserted by the Government.

Again, I can understand that feeling. The letter continues:

If the South Australian Parliament accepts the RTA submission and this legislation is passed and abolished the present restrictions on baking hours, then it will be another nail in the coffin for the small food retailer and will no doubt make their survival more desperate. SAMBA submits that the consumers are well catered for with fresh bread being available through some 800 metropolitan deli's seven days a week. If regulation were lifted this would mean:

1. Less outlets stocking fresh bread therefore the consumer will be disadvantaged for fresh bread will only be available from a very few locations.
2. Prices must rise as we observe is the case in Victoria and the consumer will be paying up to 20 cents more for that product.

Those two letters need to be recorded. I support those letters and refer especially again to the situation of the Mount Barker bakery: it is a business which I recognise as a family business and which this Parliament should support. For those reasons, I oppose the Bill.

Mr S.G. EVANS (Davenport): I do not support the Bill in its present form, although I would support it reluctantly if its date of operation was extended to 1 January 1988. I do not think that the small operators in that business can renegotiate their position within six months, as is suggested by another proposed amendment. I have some bread carters in my district who have committed themselves financially, and it is not for us to know whether they have mortgaged their home once or twice or whether they have a mortgage on their home and another mortgage on their van. However, they have placed themselves in a position where they have a debt because they believed that the law at the time gave them a chance to operate in a certain type of business, that of delivering goods from a bakery: for example, as the member for Heysen said, from the Mount Barker Bakery.

I have had no approach from those working for other bakeries, but I have had approaches from people working through that bakery in their own small way. They are not on the dole and do not cost the taxpayer anything. They work and pay tax, taking the risk, and suddenly Parliament decides to deregulate. I support deregulation, but the law has been as it is at present for 41 years. To ask Parliament to give this group of genuine people 12 months in which to change is not unreasonable, let alone those working in the industry who see the risk of their jobs going. Indeed, some union members believe that jobs will be lost and, although I do not know whether they are right or wrong, I cannot even guarantee that the small bread carter will have difficulty in meeting his or her commitments at the end of 12 months. However, at least it is being reasonable, and it will give people an opportunity to reassess their position. Such people have worked in the industry all their working life, and such an extension would give them time to start looking for something else.

These hot bread shops (they are called that, but I thought that all baking would be hot) are a concern. I was amazed when the Minister said recently in this House that the trouble with some persons operating illegally at present was that they were operating behind closed doors, so that one could not get to them to prove that they were baking illegally. However, I find that excuse unacceptable because I am sure that, if an illegal game was going on in a building (as it was in a football club in Frome Street five years ago), the authorities would have no hesitation in gaining entry, bearing in mind the powers of the Police Force.

So, if the Department of Labour authorities have not the power to order people to open their doors when requested, whether by telephone or whatever, this place has the power to change the law. If I was employing some people under unsafe conditions behind locked doors or against the law concerning conditions in the workplace, I am sure that the present Minister of Labour would soon find a way to get through those doors and bring me to be tested. So, I believe

that the Minister's excuse was weak when he said that we could not get around it. If he has no power to gain entry under such conditions, this place surely has the opportunity to give him that power if he desires it. In making his excuse the Minister was really saying that the department knows that illegal baking has been going on and that it has condoned it.

As far as I know, there has been no request to Parliament seeking to give the Minister more power in this regard; nor have I read anywhere, apart from his recent comment, anything that would justify his Government's action or any request or report on the problem stating that someone would not allow an inspector entry to premises to see whether illegal baking was in progress. We are saying that if a person is doing something illegally in a building with the doors shut, no-one will worry that person because the department cannot get at him.' That is the sort of logic that we are having rammed down our throats on that aspect.

There is talk of overall deregulation of shopping hours, and I do not object strongly to that but, if we are to deregulate those areas and if we want deregulation, then we should deregulate wages also. That is where the pitfall is. We pick on areas to deregulate, but we will not worry about the penalty rates that apply for those working hours that are considered to be outside the normal five-day week. Other countries, however, have deregulation on seven-day trading because they do not have the same rigidity as we have in our system of award payments and conditions of work.

If Parliament says to these small business operators, including the bakeries with which I am concerned, such as the Mount Barker bakery, that it does not matter whether they go through, what support will Parliament offer them? If someone is made redundant, the Government of the day automatically supports a special payment to that person, who has been made redundant because a company has closed down and shifted to another State. Indeed, there is no hesitation in asking for a redundancy payment, and under this Bill we will be making people in small businesses redundant.

Years ago an attempt was made to stop the Clarendon bakery baking because it was just outside the metropolitan area. All the pressure possible was brought to bear on a tiny operation at Clarendon to try to close it down in the early 1970s, when I had to fight the cause for that group. We won because at the time we had a Labor Government that had more consideration for people in that situation than the present Government has displayed in this case. I have received letters from the Mixed Business Association and from Mount Barker, as well as a submission from the bread manufacturers. I have also had letters from people in my community, and I agree with their sentiments: this is a massive change, and it is happening too quickly. I am not sure whether bread will rise or fall in price. A few cents either way does not matter in the long term, because in the end it will level out, however far it goes.

What does concern me is that we are moving to provide those in the supermarket game with more opportunity. I am concerned at the way in which they will ruthlessly cut prices until they get rid of the small operators. Once they get rid of the small operators, they can play the market. Under Federal law, they cannot collude, and I know that, but they do not have to collude. They can do that by their own actions. If the price of bread at one supermarket goes down, the price at another will reduce and, when they get rid of the small operators, together they can put up the price.

If the Government is concerned about the more ruthless operators in the wage structure system, it should consider the way some of the supermarkets operate. A small operator cannot do that: he does not have the financial power behind him to challenge whether there has been a fair or an unfair dismissal. They cannot say to kids who are put on at 15 or 16 years when they turn 18, 'Out the door!' without being very cautious. And yet we are moving to a situation where supermarkets are able to install their own bakeries, whether they operate them themselves or under licence to some other poor sucker who signs a contract (and that puts them in the category of earning not much more than wages, if that, although they are taking a risk in business—and we all know that that is happening).

The Hon. H. Allison interjecting:

Mr S.G. EVANS: It sounds like the situation in relation to petrol in the service station game, but I will not get into that, because it will have sad and very disappointing effects on some individuals, who will lose their life savings because this Parliament changed the law—and we have the power to do that. We should consider how quickly this is done. I will ask the House to give it 12 months. It is not the sort of law that someone can exploit. I know that in relation to some laws and amendments we cannot give the community notice, because some people exploit the situation. In other words, if we were to change the tax system or land zoning, we could not afford to give the community notice because there are out there people who would exploit it. Some people have the power, knowledge and ability to do that and, if they had the money, they would have the opportunity.

In this case, if we say that the provision will not operate until 1 January 1988, who can exploit the situation? No-one can do so. However, we would give the wage earners in the industry the opportunity to assess the situation and to talk things over with the boss in order to determine what will happen. They can ask, 'Will we retain our job or should some of us look elsewhere?' We would give the carters a chance to reassess their position. They could sell their van at the best price and get out, or they could aggregate the rounds, one van doing the work where two operate now because they would lose customers. Those things can be negotiated, but a forced sale, a forced action in six months, does not provide the opportunity to restructure an operation.

If a bakery such as Gilmour's at Mount Barker or Otto's invested money, you can bet that that money was not all theirs. They are still borrowing money, paying the Federal Government's accepted high interest rates on borrowed money. They are still borrowing the money with which they hope to buy the business. With this measure, we are automatically saying that to some degree their business is at risk. There is a cut-off point where a business becomes viable or non-viable, and we must be conscious of that. I do not support the Bill in its present form and, if there is not an extension of the date of operation to 1 January 1988, I will oppose it in the name of small business and those who have the guts to go out, do something for themselves and take a risk. That is what Mr Hawke and others are telling us to do—to use our initiative, to do something and to help get the country going. When people do that, we have to protect them to some degree, and that is what I will ask the House to do when I attempt to amend the proposition before us.

The Hon. H. ALLISON (Mount Gambier): I oppose this legislation, because I am not satisfied that it is in the best interests of the local workers in the South-East. Already, the bakeries there bake on week-ends, and they have to pay

double and triple times on Saturdays and Sundays. The Minister says that bread will be cheaper if his legislation is passed, but I question that, because there is first-hand experience in Mount Gambier in the South-East: over the border in Victoria bread is baked on week-ends, and I understand that the Victorian bakers are paid $100 a week less than bakers in the South-East. In fact, bread costs 18c a loaf more. That begs the question how the Minister imagines that, by introducing this legislation, there will be cheaper bread throughout South Australia.

The Hon. Frank Blevins interjecting:

The Hon. H. ALLISON: One of the arguments that has been touted around is that ultimately bread will become cheaper. If it is not the Minister's argument, I wonder on what argument he has introduced this legislation. If he is simply doing it for the sake of deregulation, it sounds to me like a case of ministerial madness.

The Hon. Frank Blevins interjecting:

The Hon. H. ALLISON: If the Minister did not say it, it is one less reason why the damn legislation should have been introduced. I am not satisfied that this legislation is in the best interests of the people in my district, at least those who are currently engaged in the baking industry. I have received representations from bakers across the border, who maintain that the real issue is that which the member for Davenport talked about—that wages must be deregulated. If the Victorians are receiving $100 a week less and if the distribution and baking costs are resulting in a loaf which is 18c more than in South Australia, it is highly unlikely that, given the present awards in South Australia, with double time on Saturdays and triple time on Sundays, bread will be cheaper.

The message that I received from the major bakers in the South-East was that at the week-ends, when competition is exceedingly keen from the major bakeries, the numerous bread kitchens and small bakers who are winning national awards in competitions, bread is baked at a loss. I suggest that relatively few bakeries, even in the metropolitan area, would bake at a profit on week-ends. Therefore, the Minister really must do all he possibly can, if his legislation is passed, to ensure that the awards are renegotiated, and renegotiated fairly.

Further, it has been put to me that a double award is being sought. One of them relates to the supermarkets, where people are looking for a lower award rate for in-house bakers and another for the bakers at large—both large and small. As other members have said, the supermarket chains are massive, and they have billions, not millions, of dollars behind them. They can afford to run a bakery and sell at discount prices for a substantial period in order to get rid of opposition. I am particularly concerned, because in Mount Gambier there are four very large supermarkets—Woolworths, Target, and two Coles stores side by side—forming a massive conglomeration of supermarkets for a population of 25 000 but obviously serving a much bigger hinterland.

These people with immense funds behind them are obviously in a position to discount bread. They are already discounting milk to 60c a litre—at least that was the situation yesterday or the day before—instead of the normal 72c that the milko charges in country areas. That means that the milko, who paid for his round and his business and who does door-to-door sales, finds that his business is declining. Chances are he, too, will be out of business in the near future. A number of milkmen in the South-East have rallied round to try to change the legislation, but obviously that is just another example of what huge business can do.

I am obviously talking on behalf not of big business but of the people who really matter to me in my electorate, namely, the mass of working people who may be small investors in their business but who are nevertheless employing people locally. I am scared that the large metropolitan bakeries have already overrun a great number of rural areas in South Australia. They have not really overrun the lower South-East but are already into Bordertown and possibly Naracoorte. While Mount Gambier has met this competition with the large barkery, 4M, involving a merger of three smaller bakeries (which have now made a large combine), in addition to all other small bakeries that are still competing and making money (but, more importantly, employing local people), I ask the Minister to rethink this legislation, because the important component—the renegotiation of wages and negotiations with unions—

An honourable member interjecting:

The Hon. H. ALLISON: I know that it is a gone cause, but nevertheless I will put the case on behalf of those people who really matter to me, namely, the local people employing local workers. I cannot support legislation which, in the long term, is bound to affect the livelihood of those already established in Mount Gambier—the local investors employing local people. I have seen what the large monopolies have done and know what they are trying to do in the metropolitan and country areas of South Australia. I have seen the adverse effects because I have seen people close to me bankrupted by the monopolistic bread concerns already controlling Adelaide during the week. That is not myth but fact.

I am sure the Minister would know that the key to the whole situation is the renegotiation of awards on a fair basis—not with double standards with one concern having a lower rate and another group having a higher rate, but a fair and equitable award giving good returns to people who work over the weekend but surely making some reduction for the double and triple rates in place currently for Saturday and Sunday. I am sure that the legislation will pass, but I believe the Minister could defer the Bill to allow time for some people already in trouble in the industry to renegotiate their position over the next several months. I would hope that the Minister, with his vital interest in the labour and industry portfolio, will do his utmost to ensure that the negotiations industrially, when they do take place, are geared to bring out an equitable wage structure with a better balance just as we have suggested happens in other lines of industry, namely, the tourist, hospitality and catering industries. There will then be a chance for both the large and small manufacturers to survive in South Australia. Under the present circumstances I have no alternative but to oppose the legislation on behalf of the people who are employing and employed in the South-East.

The Hon. JENNIFER CASHMORE (Coles): I support the Bill and commend the member for Mitcham for the excellent speech he made and for the wide consultation he has undertaken in the short time available in order to ensure that the Opposition's approach to this Bill is as balanced and informed as it can be given that we have had less than a week to consider the matter. I also commend my colleagues who have opposed the Bill for the sincerity with which they hold their views and for the diligence with which they represent their constituents. One of the great strengths of the Liberal Party is that it permits that to happen and the speeches tonight—

The Hon. Frank Blevins interjecting:

The Hon. JENNIFER CASHMORE: The Labor Party is extremely selective on the issues which it determines as

so-called conscience issues. The debate tonight has demonstrated the diversity of view and the freedom with which it can be expressed within the Liberal Party. I have an interest in this subject on two counts, first, because my family—my father and uncles—were master bakers and I know what it is like to work in a bakery. It is hard work undertaken at inconvenient hours. It can be extremely hot work. On the other hand, it has its pleasant moments, notably, when that glorious smell of fresh bread comes out of the oven.

I support the general principle of deregulation and, in fact, before I entered Parliament I made my position on this very clear indeed in giving evidence to the Royal Commission on Shop Trading Hours held in 1977. I have since welcomed the deregulation of liquor trading hours and the deregulation (which was not a matter for this Parliament but for the Executive) of petrol trading hours. I look for the day when general shop trading hours will be deregulated, because today's consumer operates under constraints very different from those operating for consumers when the Shop Trading Hours Act was introduced. The women in paid employment have very great pressure and tension, as do men who undertake particularly food shopping for a family, in trying to fit in their domestic responsibilities with their work responsibilities. My general support for the principle of deregulation is embodied in my support for this Bill.

I also support it from my position as a consumer. Previous speakers, notably the member for Mitcham, referred to the likely effect of this Bill in terms of bread consumption. The member for Mitcham said that the answer lay somewhere between the claims of the manufacturers and the counterclaims of the Retail Traders Association. It is important that Parliaments and Governments respond to changing consumer preferences if those preferences are in any way curtailed as a result of legislation. I have no doubt whatsoever of that the emerging strong demand for what is described as hot breads, specialty breads and novelty breads fresh from the oven, particularly on Saturday mornings. This is the time when families are frequently out shopping together, and it is my hope that this legislation will ultimately result in an increase in the demand for and the consumption of bread.

The World Health Organisation and the CSIRO Division of Human Nutrition all advocate an increase in particularly high fibre bread in the Australian diet. We ate much more bread 40 years ago than we eat today, and I hope that the ready availability of bread seven days a week will create a spontaneous increase in the demand for bread consumed in reasonably balanced quantities as part of a generally well balanced diet. The demand is, of course, closely related to the level of employment in the industry, and as the member for Mitcham has indicated the level of employment will increase as a result of the demand for staff in these hot bread and specialty bread shops that are likely to open throughout the weekend as a result of the legislation.

At the same time it is impossible to have this deregulation of hours without an equivalent deregulation of penalty rates. It is absolutely essential that if this legislation is passed the award be examined with a view to both reducing the penalty rates component of the award and examining the restructured hours which require those penalty rates to be paid.

It is true, as I said, that people working in this industry ..ork at hours that would be regarded by most members of the community as inconvenient. Nevertheless, their actual working hours, namely 38 or so per week, are not in excess of those worked by other employees, and if people choose to go into that industry I believe that the disadvantage (if it be such) of night work should be built into the award base rate and recognised in that base rate rather than incorporated by means of what I certainly consider to be a most inequitable application of penalty rates which were dealt with in some detail by the member for Mitcham.

One of the factors which I took into account in assessing my attitude to the Bill was the likely impact of this legislation on future bread deliveries. I suspect that it probably will have or could have an adverse impact: at least, that is what the manufacturers claim. On the other hand, I believe that the demand for delivery will always be constant. Certainly, the housebound young mother or the housebound pensioner simply cannot get to the shop, the supermarket or the delicatessen on a daily basis for fresh bread. Not everybody likes to take advantage of the deep freeze for storing bread, and home deliveries are, I believe, a very important service which goes beyond the actual delivery of bread, for some people, to the contact with the outside world that a delivery of any kind brings. I think it is extremely important that bread deliveries be maintained.

I have also been concerned about the impact of the legislation on delicatessens which really are the archetype of small business in Australia which we should be seeking to nurture and sustain. The basic commodities which draw people into a delicatessen are bread, milk, papers and, unfortunately, tobacco. These commodities, if available at a vastly cheaper price through other outlets—notably supermarket outlets—could reduce the patronage of delicatessens and consequently put at some risk the considerable investment that a lot of delicatessen owners have put into their livelihood. My assessment is that, if there is any short term fall off in the demand for bread from delicatessens and the consequent patronage of delicatessens, that will even out, and the possible risk of that is not in my opinion a sufficient risk for opposing the legislation.

I think it is also important to look in the historical context at this legislation which is being opposed by manufacturers, and to look back 25 years or so when sliced bread came on to the market and when the major metropolitan manufacturers then embarked on a heavy push into the perimeter country areas selling sliced bread, which was in popular demand, and, in doing so, pushed out of business many a small country bakery. Those same manufacturers are now protesting at the prospect that other small businesses contracting to supermarkets might be taking away some of their business. To me, that is a reasonable risk, and I believe that the highly artificial boundary that has been maintained for the past 40 years under the present law is no longer applicable and should be done away with.

However, in doing away with it, it is important that Parliament have some regard to the length of time for which the law has applied and to the need of individuals to come to terms with the change, and to do so in a way which is not unduly disruptive to their business, their lives or their livelihoods. For that reason, whilst I believe that the proposal of the member for Davenport to defer proclamation of the Bill for 12 months is unrealistically long, I believe that some compromise time is desirable, and I hope that the House will support the amendments to be moved by the member for Mitcham. With those comments, I support the Bill and hope that it leads to greater demand for bread and greater employment in the bread industry which, I believe, will be the outcome.

Mr BLACKER (Flinders): I oppose this Bill. I guess it is one of the very rare occasions when one has been able to catch out the Minister of Labour, who is usually quite determined in his approach to any particular subject and unmoving in regard to anyone's deliberations. I was rather

fascinated to hear quoted in this House only a few days ago the Minister's comments when he was responding to the Bill when it came before the House on an earlier occasion. To that end, it is worth noting that the Minister has seen fit for one reason or another to change his view. To my mind, three things are wrong with this country at present: big business, big unions and big Governments. This matter is just another link in that chain of circumstances. It means a further downturn for small business. This legislation without doubt would put many of the small country bakeries out of business, and to me it is the first step in a total deregulation of trading hours which can only benefit the supermarkets.

The Hon. Frank Blevins interjecting:

Mr BLACKER: That is what I was referring to, but I think the point has been made. I was drawing a parallel with what the Minister said at that time when he totally opposed the legislation. When challenged, he said, 'Never is the time to bring it on. It will not result in seven days of fresh bread; it will result in seven days of stale bread.' For the Minister to make such a statement and now do a complete reversal can only call his motivation into question.

It is not my intention to speak at any great length, other than to express my fear that this is, if you like, the thin end of the wedge to bring in total deregulation of trading hours, which will be to the total advantage of the supermarkets. That is the part that worries me. We are seeing more and more small businesses go down the drain at the advantage of the large multinational conglomerates, which do not assist local communities. In many instances they refuse to help local charitable organisations and as such are totally devoid of any compassion or support for the local community. They are there to bleed the community as much as they can, and they do that very effectively.

The point has already been made about bread being used as one of those commodities to attract clientele into supermarkets by cutting the price. We know that bread, being an essential commodity, is something to which, if the price drops, the consumer will come running. But by selling one product at or even below cost, the supermarkets get the consumers into their buildings under, if you like, false pretences. I can relate an instance where a distant relation of mine had a small business. This illustration is related not to bread but to the current marketing system. A small business was set up basically to manufacture calico buffers used in the buffing of cars during the motor vehicle finishing process.

That business employed 12 people solely to cut out and make the buffers. That was all very nice until a large company came along and said, 'If you buy our motor vehicle accessories we will give you the buffers.' So the company took the motor vehicle accessory component parts and received, as a donation, the buffers. This small business, whose only concern was the manufacture of the buffers, was put out of business. That is an example of what I see happening in this case. I oppose the Bill for that reason.

I was interested in the article that appeared on the front page of the *Advertiser* on 26 November and the number of organisations that were giving quotes about this proposal at that time. I share with other members the concern about the lack of time to really find out what the community is feeling. I can only assume the reaction of my constituents and, more particularly, my constituents involved in the baking of bread and, for that matter, other smallgoods or that type of business. I was interested in the comments of the Secretary of the Baking Trades Employees Union (Mr Bruce Reidy) when he predicted price rises of up to 25c a loaf. I note that the headlines on that page predicted that bread was tipped to rise by 18c a loaf. It does not seem to matter who we look to for quotes, there is concern in the community.

Are we feathering the nests of the multinationals (the big conglomerates)? Really speaking, they appear, from the evidence given so far, to be the only beneficiaries. I have no hesitation in opposing the Bill, because I do not believe that small business can benefit by it, and I do not believe that the consumer, in the long run, will be any better for it.

The Hon. FRANK BLEVINS (Minister of Labour): I move:

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

Motion carried.

The Hon. FRANK BLEVINS (Minister of Labour): I thank members who have contributed to the debate; it has been an interesting exercise. I would like to have been an observer at the Liberal Party meeting where this issue was discussed.

Mr Becker: You'd have been disappointed.

The Hon. FRANK BLEVINS: Well then, I am delighted. I would have thought that this issue would have caused a certain amount of debate. Given the response to the second reading explanation, obviously that did occur because it has been opposed by at least one member of the Liberal Party while being supported, I think, albeit lukewarmly, by others. Therefore, we have a conscience vote apparently on bread, but not on marijuana. I suppose one has to question their priorities.

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. FRANK BLEVINS: I will come to the member for Heysen's contribution in a moment. He is opposing the legislation, and I assume will do so if there is a division. I make no comment on that other than indicate that obviously there is a conscience vote on some issues and not on others. The contribution by the member for Mitcham was unusual in that it was not particularly bitter and nasty. I can usually gauge the paucity of the arguments of the member for Mitcham by how much effective and irrelevant abuse he introduces into his contributions to the House. On this occasion there was not a great deal, and there were a few questions which I will attempt to answer to his satisfaction.

The first point he made concerned the short time available to consider this issue. Well, as it has been an issue since 1945 I would not have thought that that was particularly fast, even by parliamentary standards. Let me go back over approximately the past decade and indicate the amount of investigation and consideration that this issue has had. In February 1974 a committee was appointed to inquire into the bread industry. In October 1975 an interim bread industry authority was constituted to recommend new legislation. In August 1976 Cabinet decided not to proceed with legislation which would ease the weekend baking provisions. In October 1983 an interdepartmental working party recommended the constitution of a bread industry authority which would, amongst other matters, also regulate the hours of baking bread.

Of course, that was subsequently introduced into the Parliament by this Government and defeated in the Legislative Council by the Opposition. If members opposite now have some concerns about the bread industry then they should have been more farsighted when that legislation was introduced to establish a bread industry authority. However, they tossed it out and it did not even get a second reading. I do not want to hear members opposite crying—

Members interjecting:

The Hon. FRANK BLEVINS: I will be delighted to come to that in a moment. On 17 June 1985 the South Australian Council on Technological Change reported that the technology applied in bakeries was ageing and indicated that small automatic plants would probably be installed. In August 1986 the RTA made a submission seeking the removal of prohibition, and subsequently that submission was distributed to all members of Parliament either later in August or shortly thereafter—several months ago. In September 1986 council submissions were received from the bread manufacturers of South Australia, the Baking Trades Employees Union and the Breadcarters Union. Those submissions, too, were distributed to all members of Parliament in September—at least two months ago.

Since that time there have been numerous other less formal submissions which have been received from interested parties. I can enlarge on that, but to suggest that this has appeared as an issue in the last week and that people have not had a chance to research it is patently nonsense. What has happened on this occasion happens on everything that is put to the Government—in the end the Government has to make the decision. Some of those decisions are very difficult and painful and require a great deal of courage by Governments, and one does not get much thanks for it. Nevertheless, that is part of being a Government—one has to make the hard decisions and once they are made one has to stick to them.

That is what this Cabinet does. We were fully aware of all the representations that were made by the unions, the Bread Manufacturers Association, the South Australian Mixed Business Association, the Mount Barker Bakery, the contract breadcarters employed by the Mount Barker Bakery—everyone's submission was considered. Also, we considered the reality of November 1986, when the decision was made, and that the consumer had to be taken into consideration as did the present difficult position with which the Government was faced regarding policing the present legislation.

A point that led from that was the question of why it did not go to IRAC. The reason is simple: the position when it went to IRAC would have been exactly the same when it came out. The RTA have a view and the unions have a view. I would say that this position has been argued for the past 10 years at least, and if it was argued for the next 10 years the position would be exactly the same: the parties would not change one iota, and I respect them for that because they are representing quite legitimate vested interests.

Mr S.J. Baker interjecting:

The Hon. FRANK BLEVINS: I did not interrupt the honourable member. If he wants to sit there and have a slanging match, we have another three years. I am better at it than you are—much better! So, if the honourable member chooses to conduct the debate in that manner, I shall be happy to accommodate him. However, my growing up in Parliament was in a much more refined atmosphere, where we tried to debate like human beings.

The measure did not go to IRAC because it was pointless: there was absolutely no point in it. The position that no party would change its mind has not changed in the past 10 years and will not change in the next 10 years. Questions were raised about awards. It is obvious to me, and I hope to anyone who is listening to the debate, that the Opposition is using the debate and the people who are opposed to the legislation, in an attempt to reduce the wages and conditions of employees in the industry. Every member who has spoken has stressed that they want this legislation to be used as an opportunity to break down award conditions provided in the industry.

I reject that totally. The award conditions in the industry are appropriate: they are conditions that have been brought down by various tribunals and have not been donated by generous employers. They have been awarded by the appropriate tribunal after extensive investigations into the industry; they have been awarded in the main because of the anti-social hours worked in the industry. People are entitled in our society to compensation for working anti-social hours. Penalty rates have another effect: they attract people to an industry and keep people in the industry—people of quality.

Members should recall what happened earlier this year when Bjelke-Petersen, the Queensland Premier, offered through legislation to do away with penalty rates in the hospitality industry. He said. 'I will do it in Parliament.' All the employers in the industry said, 'No, don't do that because, if you do, we will not be able to attract a quality work force.' The employers stopped Bjelke-Petersen from legislating to do away with penalty rates in the hospitality industry. The simplistic notion that the Opposition has that to do away with penalty rates will necessarily be a good thing for the industry is quite wrong, and they should look at the position.

The question of the cost of bread when the Bill passes was raised. That depends greatly on what happens. I notice that the South Australian Mixed Business Association letter to all members—I certainly received one—mentions the price of bread in Victoria. However, the association did not refer to the price of bread in some of the other States that are deregulated and, to his credit, the member for Mitcham did. He pointed out that Queensland and Tasmania, without regulation, have the cheapest bread in Australia. I believe that Tasmania went from having the dearest bread when it had regulation to having the cheapest bread without regulation.

So, if the association wants any proper respect to be given to its submission, it should tell all the story and it should not be selective. Where people quote selectively they bring their whole case into disrepute by not pointing out the other side of the coin.

The Hon. E.R. Goldsworthy interjecting:

The Hon. FRANK BLEVINS: Often. However, they run their business as they wish. Bread is under price control. We set maximum prices. I think the maximum price is $1.09, yet every supermarket of which I know sells at about 60c a loaf, which is not surprising when, as I pointed out to the House on another day, in the *Advertiser* about 10 days ago a wholesaler was advertising bread wholesale at 46c a loaf. It seems that there must be an enormous margin in bread. If there is such a margin, the consumer ought to be the beneficiary. The Bread Manufacturers Association has said that its members eventually will automate. It has been honest and open and has said that, 'Of course we will automate. When our machines are worn out we will automate. We have to.' I agree with them—they have no option. If they do that and they save all this labour they are talking about saving, why should not the price of bread come down? If the manufacturers are operating at the moment with a high labour content that they are going to remove from their premises, the price of bread should come down. We will see.

I have no doubt that the bread in hot bread shops will be relatively expensive. It probably will be. When you patronise them they are expensive, especially if you take your family, because they want to buy everything in sight. However, if people are prepared to pay because they want specialty and hand-made bread, that is all well and good.

The argument was also put that because of penalty rates paid at the weekend in the industry the price of bread must rise, but such rates are paid now. Mount Barker Bakery now is paying penalty rates and supplying the metropolitan area with bread. Why would the price increase? That bakery is baking on Saturday and Sunday and paying penalty rates. Why should the price increase? The bakery is selling bread now. Someone sitting opposite said that no-one would bake because they would be making a loss, but I cannot see that going on for long. Is the honourable member suggesting that Mount Barker Bakery and all the other bakeries now baking on the weekend are making a loss? Of course they are not; they are not a charity. The member for Heysen made comments and, as he is the local member supporting an industry in his district, I respect what he said, but I certainly disagree with him. This legislation is not designed to put Mount Barker Bakery out of business.

The Hon. D.C. Wotton: That is what it will do.

The Hon. FRANK BLEVINS: The honourable member says that that is what it will do. He has less faith in the bakery than I have. As I understand it, and I have had complaints about Mount Barker Bakery for many years from a former Secretary of the Bakers Union, Mount Barker Bakery is run by good business people, very good operators, who will still be permitted to compete in local delis for local delis to sell their bread of a weekend. If they cannot compete, they will indeed go out of business, but the rules are the same for everyone; the penalty rates are the same for everyone. If the Mount Barker Bakery goes out of business, it is because it cannot compete with fair competition, and I would have thought that members opposite would have supported such a system. After all, it is a system which members opposite tell us every day is the most dynamic and creative system: free competition equals reduced prices equals efficiency equals nirvana! However, apparently they want competition only when it suits them and, when it does not suit them they do not want it.

The Hon. E.R. Goldsworthy: You can't change the ground rules like that.

The Hon. FRANK BLEVINS: We will tell you about phasing them in and the ground rules in a moment. So, if the Mount Barker bakery cannot compete, it is because it cannot compete in a fair market against other people who are trying to supply that market. If it cannot compete, that is the free enterprise system. It is the same with the South Australian Mixed Business Association. I found the association's contribution to this exercise somewhat strange. Its delicatessens, I would have thought, would be in a better position under the Bill now that each delicatessen will have a dozen local bakers, not just the Mount Barker Bakery or the Hahndorf bakery, knocking on the door wanting to sell bread that is made at the weekend. If I owned a delicatessen, I would say, 'What's the deal?' Indeed, I would say that to half a dozen of them, and I would be delighted, because people will buy bread on the weekend. In fact, I think that more bread will be bought at the weekend than during the week, and, if I had a delicatessen in a good position, I would welcome six people knocking on the door rather than one who might be able to stand over me. I should have thought that the delicatessens would be in a stronger position.

The member for Mount Gambier fears that supermarkets will take over, but I point out that supermarkets operate in a lot of country areas now, unregulated, for 24 hours a day if they wish, and they compete against the hot bread shops. Indeed, they all take whatever slice of the action they can command. Price's Bakery of Kadina competes in Whyalla. It sets up a stall right outside the Whyalla bakery's outlet in the Westland Shopping Centre and competes very well. Should we say to Price's Bakery at Kadina, 'Stay in Kadina and don't interfere in Whyalla'? Of course not. Let them compete. They are doing it very well, and you do not hear complaints from the Whyalla bakery. Being allowed to bake at the weekend, they bake on Saturday but not on Sunday because there is not enough profit in it; that is their business decision.

I thought that the most remarkable, indeed incredible, contribution came from the member for Flinders. He was one of the most vocal advocates for changing the hours during which red meat could be sold, because the more it was available the more people would buy it. He was vociferous in his argument that the sale of red meat be deregulated and that primary producers needed deregulation to allow their products to be sold in fair competition against white meats. Although the honourable member said that regarding red meat, apparently the same thing does not apply with bread.

What does the organised rural industry think of measures such as this today? I can tell the honourable member and he would have to agree that the New South Wales Livestock and Grain Producers Association is a reputable body that speaks for primary producers and that its President (Michael Tooth) is a very responsible person.

The Hon. D.C. Wotton: Is this one of your new found friends?

The Hon. FRANK BLEVINS: I know these people. This week, I was interested to pick up my copy of the *National Farmer*, which I read assiduously every week, as I do the *Stock Journal*. What does Michael Tooth, the spokesman for rural industry, say about this measure? He says:

> My understanding is that there's only about 3½c worth of wheat in a $1.10 loaf. (According to the Wheat board an average 670 gm loaf contains about 7.1c worth of wheat). Excessive bread prices are caused by the ridiculous level of Government regulation of the baking industry . . . not our marketing.
>
> You've got the ridiculous regulation where you can't sell today's bread tomorrow which results in 30 per cent of bread being returned to bakers in some areas. There's also ridiculous regulations on the hours when bread can be baked and hence distributed.

With the greatest of respect to the member for Flinders, I would have thought that the viewpoint of Mr Tooth, the President of the New South Wales Livestock and Grain Producers Association, carried more weight among members opposite than the view of the member for Flinders.

Mr D.S. Baker: What does it say about the union, Frank?

The Hon. FRANK BLEVINS: It is an article by Jack Hallam, the New South Wales Minister for Agriculture and Fisheries, and he says some good things about the union, particularly how friendly the unions are to rural industries. If the honourable member chooses, I will lend him the magazine so that he can read the article.

Mr D.S. Baker: Read on a bit.

The Hon. FRANK BLEVINS: Members opposite should be consistent.

Members interjecting:

The DEPUTY SPEAKER: Order!

Members interjecting:

The DEPUTY SPEAKER: Order! I call the House to order.

The Hon. FRANK BLEVINS: The member for Flinders raised the subject of the remarks that I made in the Legislative Council on 30 November 1977, and I am pleased to address that issue. I have the speech in front of me. It is a very slight speech, and I believe that it is to the credit of my powers of persuasion that, with such a thin case, I managed to convince not only my own Party but also the Liberal Party to defeat the proposal put up by John Carnie as a private member. I am quite happy with that position,

because it brings me to the wind-up of this second reading debate. What has happened (and we must all recognise it, whether we like it or not) is that times have changed, consumer tastes have changed, and people's respect for the law has changed. We, as members of Parliament, must also change. If we do not—

Members interjecting:

The Hon. FRANK BLEVINS: That is what I am trying to do. If we do not change, the general population will be so far ahead of us that it will not be funny. The problem that prompted this legislation is the policing of the provisions. We can argue about employment, and the costs—about all these things—and it is a very interesting debate. Time will tell.

What we cannot argue against is that people no longer respect this law. Some may say that that is a pity, but it does not matter whether it is a pity, because it is a fact. If we are to enforce this law, we must treat like criminals people who are baking bread on a Saturday or a Sunday (and there are lots of them—and members opposite no doubt as well as members on this side buy bread from them—bread which is baked illegally). We are not in a position in 1986 to treat those people like criminals. We do not have the community's support to do that.

Members interjecting:

The Hon. FRANK BLEVINS: The Deputy Leader said that we should abolish the law against murder. That is nonsense, because that law has community support. However, this law does not have community support, and the Government would argue that it is not surprised about that when we have to make criminals out of people who want to bake a loaf of bread and sell it on a Sunday. Obviously, that is nonsense, and the law is regarded as nonsense.

The member for Davenport suggested that, if we want to police the law, we can do so. I say that that cannot be done—not without community support. The honourable member said that we should get more power. However, there is not a shortage of power. We could engage the Vice Squad or the Star Force to break into these places: we could scale the walls of shopping centres and break in through the roof to check out the situation. Are members seriously suggesting that the community would support that action? Of course not. Therefore, what they are saying is absolute nonsense.

The restaurants and hotels in the metropolitan area are baking illegally at present. Are members suggesting that we stop hotels in this city making fresh rolls on a Saturday and a Sunday? That is illegal at present. Should we send our inspectors into the kitchens at the Hilton or the Gateway at 4 o'clock in the morning to say, 'Cut that out,' drag people off and fine them and, if they do not pay the fine, send them to gaol? Of course we should not.

The industry will be deregulated: it will be deregulated by legislation or by the action of people in the industry who no longer respect the law and will not abide by it. To some extent, what the Parliament does with this legislation is irrelevant, because people out there in the community are making their decision every Saturday and Sunday. They are baking and selling, and there is nothing that the Government can do about it in any practical sense. If the Parliament chooses to retain a law that has no relevance in 1986, even for another seven months, it will be seen to be acting in a completely ridiculous way.

Again, I thank members who have contributed to the debate. I will respond to the amendments when they are moved in Committee. I see no point in responding to them now and going through all the arguments again. I can only repeat that the industry is deregulating. It is deregulating in a disorderly manner, and I believe that Parliament should recognise reality and deregulate in an orderly manner.

Bill read a second time.

In Committee.

Clause 1 passed.

New clause 1a—'Commencement.'

Mr S.G. EVANS: I move:

After clause 1—Insert new clause as follows:

1a. This Act shall come into operation on a day (not before 1 January 1988) to be fixed by proclamation.

People employed in the industry do see their jobs as being at risk, and I am referring to straight wage earners. As much as I talk of deregulation of the labour market, I am not talking necessarily of lower wages: that is beside the point. However, these people who have fears about their long term job prospects in the baking industry should be given the opportunity to start negotiating or reassessing their position to move into another area of the work force, and 12 months is not an unreasonable period, when the current conditions have been in operation for 41 years. Also, no exploitation of the market could take place within 12 months. Those who have illegal operations now (and the Minister will not stop them) will still operate, even in the country. They will still have them and have a reasonable chance of getting a fair share of the market as it gradually winds down, as they predict will happen.

I refer to the small business people who have bought vans. These people operating vans are really small subcontractors and in the eyes of the Australian Labor Party, as stated in past debates, are considered as employees and should be considered for workers compensation and other entitlements. There was a move, as the member for Victoria stated, for them to join unions, and pressure was put on them to do so. In the 1970s I argued with Nyland on the second floor, and he almost brought the roof down, and people came running to see what was happening as he yelled at me about having all the people in the pre-mix concrete industry made union members. I merely point out that people who have bought vans, although not big business operators, have to be considered.

Mr Becker: Battlers.

Mr S.G. EVANS: Yes, they are battlers, as the member for Hanson says. They have done what Mr Hawke has suggested—taken a punt. They have tried to do something on their own in order to get off the dole queue, and do something for the country, even if it means mortgaging their home, as some have done, to buy a van. Some will have the rug pulled out from under their feet with this instant change in the law. If they have 12 months, those with small bakeries in the country will be assisted. A business employing 12 people is not a big operation, although it is to the families concerned, who, it can be assumed, are still repaying money they borrowed to buy the business. They must be considered, and a 12 month break is not unreasonable at all.

I cannot get into the area of talking about how we apply a law, but the Minister has told us tonight that, if enough people break the law and get the community to support them in trading 24 hours a day, seven days a week, he cannot police it and that we will have 24 hour trading. The Minister responsible in that area has given that permission tonight by saying that if enough people break the law he cannot police it. He is telling shopkeepers to go their hardest. The opportunity is there because that is the Minister's attitude. I ask members to support the new clause and consider the people affected.

Mr S.J. BAKER: I will canvass the issues associated with the timing of the change, and that will save further debate when it comes to formally moving my amendment. The

reason the Opposition has chosen 1 July 1987 is that it believes it has to meet two opposing forces that are at work here. On the one hand, people in the industry need time to adjust, on the other hand, we believe that if the law were left in this form indefinitely the abuses would outnumber the compliances. We decided on a period of six months because we believed it was possible for these people in the industry who are anxious to perform in this area to see that there is an end to it and they will be able to operate. In the situation cited by the member for Davenport we are getting into an area that is quite untenable. If the industry had not been subjected to all the inquiries that have taken place, and if all motions before the House had not been considered over a number of years in connection with this matter, certainly I would be wholeheartedly supporting the member for Davenport.

The baking industry has been the subject of many reviews over a period. At any one time the hours could have been deregulated, so anyone who invested in that industry or was involved in that industry knew that the day would come. We have tried to allow them to make an adjustment in the shortest time suitable to this Parliament. The people we are talking about are safer with six months as there is likely to be less abuse in that situation than with 12 months, which would be difficult to control.

If supermarkets with hot bake shops have to wait another year, I do not believe that they would not abuse the system, and the situation would become even more untenable than it is today. I raised a question today about petrol reselling: it is no secret to the Minister that we believe a tribunal should have been set up to handle the problems that were going to be faced by petrol resellers.

I produced evidence to the Parliament today that about 15 per cent of operators will drop out of the market because no safety net is provided. That happened virtually without warning. It has not been the subject of enormous reviews or of much consideration by the Parliament previously. A lot of people are being hurt because the Minister never put the safety net into the system. I have asked the Minister to take action as soon as possible to ensure that oil companies meet their obligation. It was a nod of the head situation, and I mention that just to indicate our belief that there should be some period, and that will be as stipulated in my amendment.

The Hon. FRANK BLEVINS: I oppose the amendment of the member for Davenport. I will also oppose the amendment when moved by the member for Mitcham. As best I could understand it, the argument of the member for Mitcham was that a period of seven months would enable the industry to adjust to this measure: that is simply incorrect. The industry will be in no different a position in seven months time than it is today: it is as simple as that. The reason for that is that we will not be able to police the legislation any more in the first six months of 1987 than we can in the last month of 1986. We have no practical means of enforcing the legislation. So, if people choose—as they do every day—to serve the public (including members of Parliament) at the weekend, I do not blame them. The bakers who are baking illegally have told me that they serve members of Parliament. Those who want to deal illegally have told me that and have asked, 'Do you want the names?' I said that I am not interested, but they are doing this.

If the seven month period proposed had the effect of easing people in and out of the industry in an orderly manner, I would support it. If it took three years, I would support that; I would be happy to do so. It is not an argument of my making. The seven months will do absolutely nothing other than make more and more people break the law. If they are to compete fairly in the market place against people who have an advantage imposed by government for reasons which are pretty obscure—but in 1945 no doubt they may have had some validity—

The Hon. E.R. Goldsworthy interjecting:

The CHAIRMAN: Order! I will not have this Committee conducted on a question and answer basis across the floor by way of interjection. This Committee will be conducted in the way that every Committee on a Bill should be. The honourable Minister.

The Hon. FRANK BLEVINS: Thank you for your protection, Mr Chairman. However, Sir—

The Hon. E.R. Goldsworthy interjecting:

The CHAIRMAN: Order! I call the Deputy Leader to order.

The Hon. FRANK BLEVINS: However, as the question has been raised, I just want to repeat for members who were not here that in 1977 it was a credit to my powers of persuasion that with such a thin case I was able to convince not only my own Party but also the Liberal Party to defeat the Bill introduced by the Hon. Mr Carnie as a private member. Not only have I changed my mind over the past 10 years, because circumstances are different, but also the Liberal Party has done exactly the same, and I am delighted to see that the Deputy Leader has such flexibility. Again, I will be able to persuade him of the wisdom in following me on this issue, as he followed me in 1977.

The Hon. E.R. Goldsworthy interjecting:

The CHAIRMAN: Order!

The Hon. FRANK BLEVINS: Some supermarkets at the moment have in-store bakehouses which they use five days a week. I think the position is so stupid that under shopping hours legislation, which I administer, I compel them to keep those bakehouses open: I force them to keep them open on Saturday mornings. However, under some other legislation that I administer, I tell them that they cannot do anything, and if they do I will prosecute them.

Mr Ingerson: The law is an ass.

The Hon. FRANK BLEVINS: An absolute ass. When the RTA came to me and asked why, I quite frankly could not give them any rational reason. Some of those people are already baking. What they have said to me, quite properly in my view, is, 'You enforce the Act. Close down all the others in the supermarkets and elsewhere, where they are baking illegally, or let us do the same now.' I said, 'I can't close the others down. I don't have the resources. I don't have the support of the community to do it.' They said, 'In all fairness, let us compete.' They want to compete on Saturdays. They do not want to compete in seven months time. They will not wait seven months, and nor ought they. The position is utterly ridiculous and ought to be cleared up once and for all this week, so that I hope I will be able to repeat what I said in 1977: we will never hear of this issue again.

Mr S.G. EVANS: I am disappointed at both responses—that of the Minister and that of the member for Mitcham. I understand the argument that is used that it will not make the situation much better overall, but I am talking about individuals, whom at least sometimes Parliament has to consider. My provision slows down the process and gives the opportunity to renegotiate the position and make an assessment for the future. It is easy to pass a law, and it is also easy to ignore the individual; 12 months will not harm the situation. By not accepting this amendment Parliament is not giving individuals an opportunity to assess their position.

Mr S.J. BAKER: The Minister has responded in relation to both amendments. However, he did not respond to the analogy I drew with respect to petrol resellers, and I hope he will take some action in that area. The amount of bread being sold illegally in Adelaide today would make up less than .5 per cent of the total bread sold through retail establishments. Therefore, we are talking about a very minimal impact at this stage. The Minister will admit that, because we are talking about those who are actually baking and selling on weekends as a percentage of the total market being served seven days a week by whatever means, whether through country or city bakeries. The Minister is now saying that it is the tail wagging the dog.

The situation of hot bakes to the Opposition was an important ingredient, but it was not necessarily the ingredient that was most compelling in the argument for the change in hours. Therefore the situation of hot bakes was not of great consequence in determining whether one or two more opened up (and there is some suggestion that one or two might open up) or whether there were one or two breaking the law. The Minister said that he is incapable of policing it. As I said before, he has made little attempt, because hot bake shops are operating on the main roads of Adelaide and he can get an inspector to walk through them any time he likes. He does not have to get through a barbed wire fence, a tin roof or whatever.

Conditions in the industry today are specifically geared for a five day baking week and higher penalties operate at the weekend, so we have this anomaly occurring on weekends. The Opposition has never suggested that there should not be penalty rates in the industry. However, the structure has been in some way predicated on the metropolitan situation. That will have to change because the whole manning schedules of baking will have to change in the process. It is not my intention to hold up the House. The point I have made previously is that six months was a deliberate attempt, first, to get the award situation clarified before the bread hits the market so that the consumers are protected and, secondly, because I believe that if the laws exist and people can see that they are changing within the six month period most, in fact if not all, will comply, because the change is but a short period away.

Mr BLACKER: In supporting the member for Davenport's amendment, I quote from part of the letter from the Mount Barker Bakery:

> Also we have 10 subcontract drivers who have each bought, developed and maintained their business. They buy product directly from us and share their discount with their customers. These people, who own their own delivery vehicles, plus the goodwill that they have paid for same, have altogether approximately $750 000 invested.

The point is that associated businesses related to the bakeries obviously will be disadvantaged and left in the cold if this legislation is assented to almost overnight. I appreciate that it will take some time before Royal assent can be given to the legislation, and it may be two or three months down the track. I think there needs to be breathing space for these people to be able to divest themselves from the industry and recoup some of the losses they obviously will incur.

The Hon. FRANK BLEVINS: I think there is an obligation on the Opposition to state its position here very clearly.

Mr S.J. Baker: We have.

The Hon. FRANK BLEVINS: What you have not answered is what do we do over the next seven months. Those shops that are now open are not necessarily baking at that time. They are baking earlier in the mornings. Are members opposite suggesting that we close them down? Are they suggesting that for the next seven months we have to police hotels and restaurants in this State and stop them baking at the weekends? If members opposite are suggesting that then I assume they will give the Government every support—

Members interjecting:

The Hon. FRANK BLEVINS: —when we prosecute people and, if they do not pay the fine, we put them in gaol. Is that what they are saying? That is the implication of this amendment. I would consider the amendment seriously if the Opposition gave me a guarantee that it will support the Government in whatever action it thinks necessary to ensure that over the next seven months the Act is complied with until the formal deregulation comes in. If the Opposition will not give that assurance to the Government then I think, with respect, it is being somewhat hypocritical.

Mr S.G. EVANS: As far as I am concerned I would have been giving it support, if the Minister had asked for it 12 months ago and had told us of the difficulty he had—and he did not. I will do the same in the future. However, if the law is there and someone breaks it they should take the consequences. I know that I can be booked on the roads for speeding and have been at certain times. The same should apply to them.

The Hon. FRANK BLEVINS: With respect to the member for Davenport, it was not his support I was seeking. He may feel himself very important, but I can assure him that in the community at large he is considered something of an irrelevancy. It is the Liberal Party's support I want in any action that the Government may take or may feel necessary to enforce this Act over the period of seven months in the event that the amendment is carried.

The Committee divided on the new clause:

Ayes (4)—Messrs Allison, Blacker, S.G. Evans (teller), and Wotton.

Noes (30)—Mrs Appleby, Messrs P.B. Arnold, D.S. Baker, S.J. Baker, Bannon, Becker, and Blevins (teller), Ms Cashmore, Messrs Crafter, De Laine, Duigan, Eastick, and M.J. Evans, Ms Gayler, Messrs Gregory, Groom, Gunn, Hamilton, Hopgood, Ingerson, Klunder, Mayes, Meier, Peterson, Plunkett, Rann, Robertson, Slater, Trainer, and Tyler.

Majority of 26 for the Noes.

New clause thus negatived.

New clause 1a—'Commencement.'

Mr S.J. BAKER: I move:

> 1a. This Act shall come into operation on a day (not before 1 July 1987) to be fixed by proclamation.

In response to the Minister's earlier suggestion, I would say that he has the full authority of Parliament to police the Act in the way that he has in the past.

The Hon. FRANK BLEVINS: Not good enough at all. I am looking for the political support of the Liberal Party to support me in taking whatever steps are necessary over the next seven months to ensure that the Act is complied with. The absence of any specific response to that by the member for Mitcham indicates that I do not have the support of the Liberal Party in that course of action and, obviously, without the support of the Liberal Party, I feel doubly sure that I do not have the capacity to police the Act.

The Committee divided on the new clause:

Ayes (13)—Messrs Allison, P.B. Arnold, D.S. Baker, S.J. Baker (teller), Becker, and Blacker, Ms Cashmore, Messrs Eastick, S.G. Evans, Gunn, Ingerson, Meier, and Wotton.

Noes (21)—Mrs Appleby, Messrs Bannon, Blevins (teller), Crafter, De Laine, Duigan, and M.J. Evans, Ms Gayler, Messrs Gregory, Groom, Hamilton, Hopgood,

Klunder, Mayes, Peterson, Plunkett, Rann, Robertson, Slater, Trainer, and Tyler.

Pairs—Ayes—Messrs Chapman, Goldsworthy, Lewis, Olsen, and Oswald. Noes—Messrs Abbott, L.M.F. Arnold, Hemmings, McRae, and Payne.

Majority of 8 for the Noes.

New clause thus negatived.

Clause 2—'Arrangement.'

Mr S.J. BAKER: Two questions to which the Minister did not respond in his reply were raised during the second reading debate. First, why was the union movement, and particularly the baking trades, given until 18 December to complete their submissions to the department when the Minister knew he would be introducing the Bill into the House before that time? I canvassed earlier that when we make undertakings we attempt to keep them. In this case I assume that the Minister has broken an undertaking. That was the first unanswered question. I also asked whether the Premier was untruthful about the fact that a decision was made in Caucus on the Monday, or whether there was a unilateral decision.

The CHAIRMAN: Order! The honourable member is out of order. He may not refer to Caucus decisions. I am having trouble connecting the honourable member's remarks to this clause.

Mr S.J. BAKER: We are talking about baking hours, and I was seeking clarification.

The CHAIRMAN: I am stretching it. I will allow the first question, but that is really drawing a long bow.

Mr S.J. BAKER: The answer to that question would be exceedingly helpful.

The Hon. FRANK BLEVINS: The answer will be most unhelpful. No commitment was made to anyone that further time would be given to allow submissions to my department.

Mr S.J. BAKER: I understand that there was a closing date and that it was 18 December. I note also that the Minister said it was pointless taking things to IRAC, and that should be shown clearly on the record.

The Hon. FRANK BLEVINS: Clearly on the record, that is not what I said. I said that on this issue it was pointless, as the position of the various parties would have been the same when the Bill came from IRAC. Whether the Bill was before IRAC for two years or 20 years, the position of the parties would have been exactly the same.

Mr S.J. BAKER: That is not the point at issue. There are a number of areas in which I am sure the Minister could prejudge the outcome. There was an undertaking by the Government and certainly by the former Minister, Jack Wright, that all legislative matters would be referred through IRAC, whether or not the outcome was prejudged. That was a simple statement. As Mr Wright's commitment to good industrial relations in this State, he was going to allow the union representatives and the employer representatives to see legislation before it came before the House. There are many areas where a Minister could assume that he had total support or where he would find that employer and union representatives were totally at odds. I imagine that on many occasions we could prejudge the outcome of those meetings. However, to say on this occasion, 'I knew what the outcome would be so I didn't do it' is not good enough and, as I said previously, it shows the Minister's contempt for that organisation.

The Hon. FRANK BLEVINS: It shows nothing of the kind. It shows that on occasion Governments must govern and that Cabinets must make decisions, as painful as that might be. Quite often, we wish that we could push matters onto a committee and let the committee sort it out. We manage to do that on occasions, but it is not always possible. This was one occasion when it was not possible to do that: the Government had to make a decision. That is what Governments are ultimately for.

Clause passed.

Clause 3 passed.

Clause 4—'Repeal of s. 194 and heading.'

Mr S.J. BAKER: Will the Minister detail the result of the inquiry and will he table the report that was provided to him by the Department of Public and Consumer Affairs on the impact of bread prices if this move went ahead immediately?

The Hon. FRANK BLEVINS: No, I cannot detail it. I can say that, if the honourable member's Party wishes to question the Minister of Consumer Affairs in another place, it may do so by all means in another place. As best I remember the report, it makes a number of assumptions. We can make what assumptions—

Mr S.J. Baker: Just tell us.

The Hon. FRANK BLEVINS: Will the honourable member tell me why he finds this amusing? I am interested in him as a person. His body language is incredible.

The CHAIRMAN: Order! I ask the Minister to resume his seat. We will not conduct this Committee by way of interjection across the floor. The member for Mitcham has spoken on this clause once, and he has two more opportunities to question the Minister if he wishes. There must not be interjections across the floor.

The Hon. FRANK BLEVINS: As I said, as best I remember, the report made certain assumptions, and on certain assumptions, as the Government has said, it was believed that the price of bread could rise. If we make other assumptions about what could happen (and only time will tell), the price of bread could fall. If the argument that in a free market with intense competition prices are forced down is valid, if that economic theory has any validity, the price should fall. I would have thought that that would be the position that the Opposition argued. If that is not the case, I no longer understand what members opposite stand for, if anything. The Minister of Consumer Affairs will have that report and I am sure he would be happy to give details of it. As I said, it is based on certain assumptions, and you can make any assumptions you like.

Mr S.J. BAKER: The assumptions on which the report is based may be contestable, but we all understand that, when we try to project forward in any shape or form, it is very difficult to know how the market will be affected. We appreciate the Minister's explaining that other assumptions can be used. Will the Minister please tell us the nature and size of the price rise that would be expected if this move was implemented? I understand from very good authority that it was concluded that the price would rise by about 10 per cent. Can the Minister confirm whether or not that is an accurate assessment?

The Hon. FRANK BLEVINS: I cannot do that. I do not want to rehash the whole debate, but we must try to separate from the bread manufacturers' argument what is fact and what is propaganda. It is very difficult to separate the two, because the arguments are put together very skilfully, by very skilled economists. If we ask them straight-out, 'When will you automate?' they will not tell us, and very much depends on what happens to the price of bread. If we ask, 'Will specialty bread from hot bread shops be more expensive than at present?' the answer is probably, 'Yes, it will be,' and people will choose whether to buy that handmade bread on a Sunday. From memory, the Prices Commissioner probably said that that bread will be more expensive, and no-one is arguing about that. Certainly, if the auto-

mation that the bread manufacturers say will happen goes ahead (and whether or not this legislation passes does not make any difference to them), the price of bread should fall. If modern, efficient, labour saving plant is installed, the price of bread should fall. I am not saying that that is desirable, but logically that is what will happen.

Mr PETERSON: It saddens me a little to be here debating legislation that we know will put people out of work. I am surprised to see a Labor Government doing that, but that is the decision. This is a duly elected Government, and a Minister of that Government is obviously convinced that this is the right thing. As it is the duly elected Government, and as the Minister is representing it, I will support it. I have heard the automation argument previously. I was in an industry which automation decimated, putting thousands of people out of work. Automation did nothing for the industry. I see a couple of problems in this legislation, one being that the unions involved would be finished. The bakers union will probably be taken over by the shop assistants union, thus wiping out the bakers union.

It seems that the bread carters will go. What do I tell the aged people in my electorate—the old and infirm people who cannot get out to the shops and are now serviced by domiciliary care or Meals on Wheels and rely on the baker for their bread? Does the Minister envisage that there will still be a home delivery factor, or will these people now be totally on their own?

The Hon. FRANK BLEVINS: That is one of the cheapest speeches I have heard for the night. He is obviously playing to an audience, particularly when the honourable member—

Mr PETERSON: On a point of order, Sir, that is a direct reflection on my character. I have no audience here. I assume that there are people—

The CHAIRMAN: Order! I have heard sufficient of the member's point of order, and I cannot accept it at this stage.

Mr PETERSON: I find the term insulting. Is that a point of order?

The CHAIRMAN: Order! The honourable member has made his point in *Hansard*, but it is not a point of order.

The Hon. FRANK BLEVINS: The member for Semaphore has been associated with an industry, as I have for almost 30 years, that has gone through the most dramatic period of technological change—certainly more than anybody could ever have imagined—and the same thing is happening in this industry. Whether the member for Semaphore or I like it, or whether we do not, it does not affect one iota that technological change. For the member for Semaphore to get up here and lecture us and say that we are a Labor Government that is bringing in legislation to put people out of work is a very cheap shot indeed.

If the Labor Party thought that in this area, on the waterfront, in the car industry or anywhere else, we had the opportunity to stop technological change, to stop consumers changing their tastes and wanting something different, and to set in concrete for ever employment levels that used to apply on the waterfront or in the bread baking industry, we would be very tempted to do it. It would be quite disastrous for Australia, but, boy, would we be tempted. We cannot do that. Irrespective of whether or not we bring in this legislation the industry and consumers have changed. Everybody has changed apparently, except the member for Semaphore. We cannot do that, but not because we like introducing legislation that merely reflects what is happening in the community, namely, that people want bread prepared in a different way at different times.

That is not our choice, but people are making that decision every Saturday and Sunday. On reflection the member for Semaphore ought to have chosen some different words. To suggest that this is the end of the bakers union is incorrect. The bakers union has not disappeared in other States that have deregulated, and I see no reason for it to disappear here—unless there is something peculiar to South Australia that does not apply in other States.

The honourable member asks what he will say to the little old lady who he suggests cannot get her bread delivered. That little old lady might have a greater understanding than has the member for Semaphore, as she has probably seen a lot more change in her lifetime. Things have changed quite dramatically, and this is another example. The little old lady in Semaphore may or may not be quite excited about the change in her lifetime. But, whether or not she asks the question of the member for Semaphore appears to me to be irrelevant, because everyone around that little old lady has changed, whether or not she has changed. The ice man does not come any more, and so on. The questions asked by the member for Semaphore were unworthy and, on reflection, he ought to have phrased them somewhat differently.

Mr PETERSON: Mr Chairman, I draw your attention to Standing Order 154, which provides:

> No member shall digress from the subject matter of any question under discussion; and all imputations of improper motives, and all personal reflections on members shall be considered highly disorderly.

I refer that matter to your attention.

The CHAIRMAN: I take the point that the honourable member is making. He is suggesting that there was a reflection on his character.

Members interjecting:

The CHAIRMAN: Order! I will conduct this Committee, and I require no help from anybody. I recall that the Minister's words were not unparliamentary. Had the member for Semaphore requested that the Minister withdraw any reflection upon him, I would hve been prepared to put that request to the Minister. At the moment the member for Semaphore has two more chances in debate which he may fully utilise in rebuttal of the proposition that the Minister has put to him. That is my answer.

Mr PETERSON: I am sorry that the Minister took the viewpoint that he did. I have no bakery in my electorate. Oldfields bakery used to be there but there are now no bakeries in my area. I assume that there are some breadcarters, but I do not know of any personally. So, I was not referring to any audience. I believe that there are in the gallery people from the industry. I have no knowledge of them in the sense that I do not know them. My comments were related to how I see the situation. To my knowledge, automation has not created any work but has done away with it.

A concern exists in this community that we have an ageing population. Every week I do a Meals on Wheels round if I can. Many people in our community cannot now get to shops. That is a fact and not just my opinion. One can ask the same question of any member who mixes with his community. You, Sir, with your knowledge of your electorate, know that there are many isolated people in our community, and this will put them in further isolation. They will not have that contact or be able to get it.

This is my eighth year in Parliament, and I mixed in the community before that. Never once has a person come to me and said, 'I want a hot bread shop.' I am sure that there are people out there who do want them, but no-one has come to me and stated such. I made no reflection on the Minister in a personal sense in my question. The point I made about the Labor Government is an honest one—I was not having a cheap shot at the Minister. I did not think that he would see it that way, as I said it honestly. I have

never gone behind his back but speak to him as I do anyone in this House.

Technology does do away with jobs. The Minister stated that jobs would disappear. With whatever Government, I would protest at any legislation that did away with jobs. The hardest thing in our State and country is to create jobs and to give jobs to the people who are out there looking for them and to keep the people who are working in jobs, whilst creating possibilities for our young people in the future. That was the nature of my question. It was in no way an attempt to denigrate the Minister or the legislation. I did at the outset say that I supported it—as a member in a majority Government in this House, I support it. The Minister is responsible, and his argument will stand or fall by this legislation. He said—I wrote it down here—'Governments have to govern', and I respect that. That was the basis for my question.

The Hon. FRANK BLEVINS: I still resent very deeply the remarks made by the member for Semaphore, and I take nothing back of what I said. He is misquoting me a little when he said that we are introducing legislation where jobs will disappear. I went on to say that jobs will appear in other areas. That is the dynamics of the changing nature of the industry. To suggest that the Labor Party—a Labor Government—or any Government can set the State in aspic and say, 'There it is: it won't change,' is nonsense. On the LeFevre Peninsula, the honourable member's own area, thousands and thousands of jobs have been lost through technological change and for other reasons over the years. That has not been a deliberate act by a Liberal or Labor Government. They have not wanted that to happen. That is the changing nature of society. To say that this Government is introducing legislation that will cost jobs is, as I said, a little unworthy of the honourable member.

To suggest that the Federal legislation, of which the member for Semaphore would be aware, in the stevedoring industry in Australia has not assisted in some measure in attempting to regulate the massive technological change taking place in that industry, and attempting to manage that change rather than just let it happen of its own volition with the chaos that that might cause, would be nonsense. I am sure that the honourable member knows that that is the case and certainly the various Governments —whether Liberal or Labor—that have introduced and subsequently amended that legislation for the stevedoring industry have done so with the very best of motives and certainly not to reduce jobs in the stevedoring area.

As regards people serviced by deliveries to their front door, of course that practice is changing. Food is not delivered to the front door these days; neither are clothes. One has to go out and get them: we all understand that. It is difficult for some people, but it happens, and it has been happening. The corner grocer does not come on the order bike (as I used to) delivering the weekly grocery order. It is changing, and we all have to cope with change as best we can.

Clause passed.

Clause 5 passed.

New clause 6—'Commissioner for Consumer Affairs to prepare report.'

Mr S.J. BAKER: I move:

After clause 5—Insert new clause as follows:

6. The following section is inserted after section 204 of the principal Act:

204a. (1) The Commissioner for Consumer Affairs shall, not less than 18 months and not more than 21 months after the commencement of the Industrial Code Amendment Act, 1986, deliver to the Minister a report on the bread industry setting out the variations in the price of bread that have occurred since that commencement.

(2) The Minister shall cause a copy of the report to be laid before each House of Parliament within 3 sitting days of receiving the report.

(3) When the report has been laid before each House of Parliament this section will expire.

This simply provides that within three months after the legislation has operated for 18 months we should have a report to the Parliament on how well we legislated—namely, what has happened to the price of bread and the factors affecting that price change.

The Hon. FRANK BLEVINS: I oppose the amendment, although I only saw it as the debate started and have not had a chance to have some discussions on it with the Government. It may have some merit, but I would prefer to have some discussions on it, particularly with the Minister of Consumer Affairs, as he will be handling this Bill in the other place. I can assure the member for Mitcham that the provision will receive further consideration by the Government before the parliamentary process is completed.

New clause negatived.

Title passed.

The Hon. FRANK BLEVINS (Minister of Labour): I move:

That this Bill be now read a third time.

Mr S.G. EVANS (Davenport): I oppose the Bill, as I said I would do if it was not amended in relation to the time frame.

The House divided on the third reading:

Ayes (31)—Mrs Appleby, Messrs P.B. Arnold, D.S. Baker, S.J. Baker, Bannon, Becker, and Blevins (teller), Ms Cashmore, Messrs Crafter, De Laine, Duigan, Eastick, M.J. Evans, and Ferguson, Ms Gayler, Messrs Goldsworthy, Gregory, Groom, Gunn, Hamilton, Hopgood, Ingerson, Klunder, Mayes, Meier, Peterson, Plunkett, Rann, Robertson, Slater, and Tyler.

Noes (4)—Messrs Allison, Blacker, S.G. Evans (teller), and Wotton.

Majority of 27 for the Ayes.

Third reading thus carried.

COMPANIES AND SECURITIES (INTERPRETATION AND MISCELLANEOUS PROVISIONS) (APPLICATION OF LAWS) ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 1, line 30 (clause 3)—Leave out 'and'.

No. 2. Page 1, lines 31 and 32 (clause 3)—Leave out 'workers, employers and their representative associations' and insert 'employees and employers.'

No. 3. Page 1 (clause 3)—After line 32 insert new paragraph as follows:

and

(e) to encourage registered associations to take a constructive role in promoting improvements in occupational health, safety and welfare practices and assisting employers and employees to achieve a healthier and safer working environment.

No. 4. Page 2, lines 14 to 17 (clause 4)—Leave out all words in these lines after 'employee' in line 14 and insert 'authorised by the Minister to exercise the powers of Chief Inspector of Occupational Health and Safety under this Act:'.

No. 5. Page 2, line 21 (clause 4)—Leave out '(the worker)'.

No. 6. Page 2, line 22 (clause 4)—Leave out '(the employer)'.

No. 7. Page 2, line 25 (clause 4)—Leave out '(the worker)'.

No. 8. Page 2, line 26 (clause 4)—Leave out '(the employer)'.

No. 9. Page 2 (clause 4)—After line 26 insert new definition as follows:

'employee' means a person who is employed under a contract of service or who works under a contract of service:

No. 10. Page 2, line 27 (clause 4)—Leave out 'a worker' and insert 'an employee'.

No. 11. Page 2, line 28 (clause 4)—Leave out 'a worker' and insert 'an employee'.

No. 12. Page 2, line 42 (clause 4)—Leave out 'authorised officer' and insert 'inspector'.

No. 13. Page 3, lines 1 to 4 (clause 4)—Leave out all words in these lines after 'employee' in line 1 and insert 'authorised by the Minister to exercise the powers of an inspector under this Act:'.

No. 14. Page 3 (clause 4)—After line 4 insert new definition as follows:

'metropolitan area' means the area comprised by—

(a) Metropolitan Adelaide as defined in the Development Plan compiled under the Planning Act;

and

(b) the City of Adelaide and the Municipality of Gawler:

No. 15. Page 3, lines 28 to 30 (clause 4)—Leave out the definition of 'secondary injury'.

No. 16. Page 4, lines 3 and 4 (clause 4)—Leave out the definition of 'worker'.

No. 17. Page 4, line 5 (clause 4)—Leave out 'workers' and insert 'employees'.

No. 18. Page 4, lines 14 and 15 (clause 4)—Leave out all words in these lines and insert 'that is attributable to work and includes the aggravation, exacerbation or recurrence of a prior work-related injury'.

No. 19. Page 4, line 17 (clause 4)—Leave out 'a worker' twice occurring and substitute, in each case, 'an employee'.

No. 20. Page 4, line 23 (clause 4)—Leave out 'workers'.

No. 21. Page 4, line 24 (clause 4)—Leave out 'such workers' and insert 'them'.

No. 22. Page 4, line 30 (clause 4)—Leave out 'a worker'.

No. 23. Page 4, lines 34 and 35 (clause 4)—Leave out paragraph *(a)* and insert new paragraph *(a)* as follows:

(a) the general well-being of employees while at work;

No. 24. Page 4, line 39 (clause 4)—Leave out 'workers' and insert 'people'.

No. 25. Page 5, line 7 (clause 5)—Leave out 'workers' twice occurring and substitute, in each case, 'employees'.

No. 26. Page 6, line 9 (clause 8)—Leave out 'consultation with' and insert 'taking into account the recommendations of'.

No. 27. Page 6, line 11 (clause 8)—Leave out 'consultation with' and insert 'taking into account the recommendations of'.

No. 28. Page 6, line 13 (clause 8)—Leave out 'workers' and insert 'employees'.

No. 29. Page 6 (clause 8)—After line 20 insert new paragraph as follows:

(aa) the need for the Commission to consist of members who have knowledge of and experience in occupational health, safety and welfare;

No. 30. Page 6, lines 21 and 22 (clause 8)—Leave out all words in these lines after 'Commission' and insert 'to take into account in the performance of its functions cultural and other diversity in the population of the State;'.

No. 31. Page 6, line 29 (clause 9)—After 'years' insert 'in the case of the full-time member and not exceeding 3 years in any other case'.

No. 32. Page 7, line 2 (clause 9)—Leave out 'workers' and insert 'employees'.

No. 33. Page 7, line 35 (clause 11)—Leave out 'workers' and insert 'employees'.

No. 34. page 7, lines 42 and 43 (clause 11)—Leave out all words in these lines after 'Commission' and insert '(and the person chairing the meeting does not have a second or casting vote)'.

No. 35. Page 9 (clause 14)—After line 25 insert new subclauuse as follows:

(1a) The Commission must when preparing or reviewing codes of practice or occupational health, safety or welfare regulations or standards take into account the provisions of the Equal Opportunity Act, 1984.

No. 36. Page 9, line 30 (clause 14)—Leave out 'if it thinks fit' and insert 'so far as reasonably practicable'.

No. 37. Page 10 (clause 14)—After line 17 insert new subclauses as follow:

(9) The Commission shall prepare and publish guidelines to assist people who are subject to the operation of this Act and in particular guidelines relating to—

(a) the responsibilities of employers, employees, occupiers of workplaces and manufacturers under this Act;

(b) the formation of work groups;

(c) the establishing of health and safety committees;

(d) the procedures and functions of health and safety committees;

and

(e) the resolution of health, safety or welfare issues.

(10) The Commission may engage experts to assist in the performance of its functions or to advise it in relation to any technical matter.

No. 38. Page 10, line 26 (clause 15)—Leave out 'workers' and insert 'persons'.

No. 39. Page 10 (clause 15)—after line 28 insert new subclause as follows:

(2) The Commission should, so far as reasonably practicable, ensure that any guideline or information provided for the use in the workplace is in such languages and form as are appropriate for those expected to make use of it.

No. 40. Page 11, line 17 (clause 19)—Leave out 'worker' and insert 'employee'.

No. 41. Page 11, line 19 (clause 19)—Leave out 'worker' and insert 'employee'.

No. 42. Page 11, line 26 (clause 19)—Leave out 'workers' and insert 'employees'.

No. 43. Page 11, line 30 (clause 19)—After 'as are' insert 'reasonably'.

No. 44. Page 11, line 30 (clause 19)—Leave out 'worker' and insert employee'.

No. 45. Page 12, line 1 (clause 19)—Leave out 'workers' and insert 'employees'.

No. 46. Page 12, line 5 (clause 19)—Leave out 'workers' and insert 'employees'.

No. 47. Page 12, line 8 (clause 19)—Leave out 'workers' and insert 'employees'.

No. 48. Page 12, line 11 (clause 19)—Leave out 'workers' and insert 'employees'.

No. 49. Page 12, lines 15 to 20 (clause 19)—Leave out the word 'and' and paragraph *(e)*.

No. 50. Page 12, lines 22 to 27 (clause 20)—Leave out paragraph *(a)* and insert new paragraph *(a)* as follows:

(a) prepare and maintain, in consultation with health and safety committees, the employer's employees and any health and safety representative who represents those employees, on the appplication of an employee, a registered association of which that employee is a member and, if the employer so decides, any other registered association nominated by the employer, policies relating to occupational health, safety and welfare at the workplace;

No. 51. Page 12, line 32 (clause 20)—Leave out 'workers' and insert 'employees'.

No. 52. Page 12, line 35 (clause 20)—Leave out 'workers' and insert 'employees'.

No. 53. Page 12, line 41 (clause 21)—Leave out 'A worker' and insert 'An employee'.

No. 54. Page 13 (clause 21)—After line 2 insert:

, and, in particular, shall so far as is reasonable (but without derogating from any common law right)—

(c) use any equipment provided for health or safety purposes;

(d) obey any reasonable instruction that his or her employer may give in relation to health or safety at work;

(e) comply with any policy published or approved by the Commission that applies at the workplace;

and

(f) ensure that he or she is not, by the consumption of alcohol or a drug, in such a state as to endanger his or her own safety at work or the safety of any other person at work.

No. 55. Page 13 (clause 21)—After line 3 insert new subclause as follows:

(2) In determining the standard of care applicable to a worker whose native language is not English and who is not reasonably fluent in English regard must be had to—

(a) whether information relating to occupational health and safety has been reasonably available to the worker in a language and form that the worker should reasonably understand;

and

(b) whether instruction or training of the worker (if any) has been carried out in a language and form that the worker should reasonably understand.

No. 56. Page 13, line 8 (clause 22)—Leave out 'a worker' and insert 'an employee'.

No. 57. Page 14, line 28 (clause 25)—Leave out 'worker' and insert 'an employee'.

No. 58. Page 15, line 4 (clause 26)—Leave out " 'worker' " and insert ' "employee" '.

No. 59. Page 15, lines 8 to 11 (clause 26)—Leave out paragraph *(b)* and insert new paragraph as follows:

(b) a person employed in a managerial capacity unless a majority of employees at the particular workplace have resolved that it is reasonable to treat the person as an employee for the purposes of this Part;

No. 60. Page 15, line 18 (clause 27)—Leave out 'workers' and insert 'employees'.

No. 61. Page 15, lines 21 to 34 (clause 27)—Leave out subclauses (3) and (4) and insert new subclauses as follow:

(3) Designated work groups shall be formed by agreement between the employer and the employees or a person appointed by the employees.

(4) If an employee is a member of a registered association, that registered association shall, at the request of the employee, be consulted in relation to the formation of designated work groups at the workplace.

No. 62. Page 15, line 35 (clause 27)—After 'to' insert 'guidelines published by the Commission and'.

No. 63. Page 15, line 36 (clause 27)—Leave out 'workers' and insert 'employees'.

No. 64. Page 15, line 38 (clause 27)—Leave out 'workers' and insert 'employees'.

No. 65. Page 16, line 1 (clause 27)—Leave out 'workers' and insert 'employees'.

No. 66. Page 16, lines 3 and 4 (clause 27)—Leave out subclause (7) and insert new subclause as follows:

(7) Where an employer is requested by an employee to form one or more work groups at a workplace, the employer shall respond to the request within 14 days of its receipt.

No. 67. Page 16, lines 5 to 11 (clause 27)—Leave out subclause (8) and insert new subclause as follows:

(8) Where—

(a) agreement cannot be reached under subsection (5);

or

(b) an employer fails to respond to a request in accordance with subsection (7),

an employee or the employer may refer the matter to the Industrial Commission.

No. 68. Page 16, lines 23 and 24 (clause 27)—Leave out ', the workers and any registered association of which a worker at the workplace is a member,' and insert 'and any interested employees at the workplace'.

No. 69. Page 16, lines 34 to 40 (clause 28)—Leave out all words in these lines.

No. 70. Page 16, lines 41 to 44, and page 17, lines 1 to 7 (clause 28)—Leave out subclause (3) and insert new subclause as follows:

(3) The conduct of an election of a health and safety representative shall be carried out by a person selected by agreement between a majority of employees who comprise the designated work group that the health and safety representative is to represent or, in default of agreement, on application to the Commission, by a person nominated by the Commission.

No. 71. Page 17, line 11 (clause 28)—Leave out 'The' and insert 'Subject to subsection (5a), the'.

No. 72. Page 17 (clause 28)—After line 13 insert new subclause as follows:

(5a) The election must be carried out by secret ballot if any member of the designated work group so requests.

No. 73. Page 17, line 19 (clause 28)—Leave out 'a worker' and insert 'an employee'.

No. 74. Page 17, lines 20 and 21 (clause 28)—Leave out 'or any registered association of which such a worker is a member'.

No. 75. Page 18 (clause 30)—After line 2 insert new subclause as follows:

(2a) Where the composition of a designated work group is substantially varied and it is agreed at that time that a fresh election should be held to elect a health and safety representative, the health and safety representative who was representing that work group must resign and a fresh election must be held.

No. 76. Page 18, lines 23 to 27 (clause 30)—Leave out all words in these lines and insert new subparagraph as follows:

(ii) disclosed information (being information acquired from the employer) for an improper purpose.

No. 77. Page 18, lines 42 and 43 and page 19, lines 1 and 2 (clause 31)—Leave out subclause (1) and insert new subclause as follows:

(1) At the request of—

(a) a health and safety representative;

(b) a majority of the employees at a workplace;

or

(c) a prescribed number of employees at a workplace, an employer shall, within 2 months of the request, establish one or more health and safety committees.

No. 78. Page 19, lines 5 and 6 (clause 31)—Leave out all words in these lines after 'and any' and insert 'interested employees'.

No. 79. Page 19 (clause 31)—After line 6 insert new subclause as follows:

(2a) If an employee is a member of a registered association, that registered association shall, at the request of the employee, be consulted in relation to the composition of a health and safety committee under this section.

No. 80. Page 19, line 8 (clause 31)—Leave out 'workers' and insert 'employees'.

No. 81. Page 19, lines 9 and 10 (clause 31)—Leave out subclause (4).

No. 82. Page 19, line 29 (clause 31)—Leave out '2' and insert '3'.

No. 83. Page 19, lines 36 to 38 (clause 31)—Leave out all words in these lines after 'and' in line 36 and insert 'a majority of the members of the committee who are employees'.

No. 84. Page 19 (clause 31)—After line 38 insert new subclause as follows:

(12a) In addition to the other matters provided by this section, the regulations may make provision for—

(a) the term of office of a member of a health and safety committee;

(b) the disqualification of a person from acting, or continuing to act, as a member of a health and safety committee;

(c) the appointment of a person to a casual vacancy in the membership of a health and safety committee.

No. 85. Page 19 line 44 (clause 32)—Leave out 'workers' and insert 'employees'.

No. 86. Page 20, line 12 (clause 32)—Leave out 'workers' and insert 'employees'.

No. 87. Page 20, line 13 (clause 32)—Leave out 'unless the worker objects' and insert 'at the request of the employee'.

No. 88. Page 20, line 15 (clause 32)—Leave out 'a worker' and insert 'an employee'.

No. 89. Page 20, line 16 (clause 32)—Leave out 'unless the worker objects' and insert 'at the request of the employee'.

No. 90. Page 20, line 18 (clause 32)—leave out 'a worker' and insert 'an employee'.

No. 91. Page 20, line 26 (clause 32)—Leave out 'worker' and insert 'employee'.

No. 92. Page 20 (clause 32)—After line 28 insert new subclause as follows:

(2a) Subsections (1) and (2) are subject to the following qualifications:

(a) a health and safety representative is only entitled to be accompanied on an inspection by a consultant approved by—

(i) the Commission;

(ii) a health and safety committee that has responsibilities in relation to the designated work group that the health and safety representative represents;

or

(iii) the employer;

and

(b) a health and safety representative should take reasonable steps to consult with the employer in relation to carrying out an investigation of the workplace and the outcome of any such investgation.

No. 93. Page 20 (clause 32)—After line 30 insert new subclause as follows:

(3a) The powers and functions of a health and safety representative under this Act are limited to acting in relation to the designated work group that the health and safety representative represents.

No. 94. Page 20 (clause 32)—After line 33 insert new subclause as follows:

(4a) Where a health and safety representative exercises or performs a power or function under this Act—

(a) for an improper purpose intending to cause harm to the employer or a commercial or business undertaking of the employer;

or

(b) for an improper purpose related to an industrial matter,

the health and safety representative is guilty of an offence.

Penalty: Division 6 fine.

No. 95. Page 20, line 39 (clause 33)—Leave out 'workers' and insert 'employees'.

No. 96. Page 20, line 42 (clause 33)—Leave out 'workers' and insert 'employees'.

No. 97. Page 20, line 46 (clause 33)—Leave out 'workers' and insert 'employees'.

No. 98. Page 21, line 7 (clause 33)—Leave out 'workers' and insert 'employees'.

No. 99. Page 21, line 10 (clause 33)—Leave out 'workers' and insert 'employees'.

No. 100. Page 21 (clause 33)—After line 11 insert new paragraph *(ea)* as follows:

(ea) to assist—

(i) in the return to work of employees who have suffered work-related injuries;

and

(ii) in the employment of employees who suffer from any form of disability;'.

No. 101. Page 21, line 35 (clause 34)—Leave out 'workers' and insert 'employees'.

No. 102. Page 22, line 1 (clause 34)—Leave out 'unless the worker objects' and insert 'at the request of the employee'.

No. 103. Page 22, line 4 (clause 34)—Leave out 'a worker' and insert 'an employee'.

No. 104. Page 22, line 10 (clause 34)—After 'workplace' insert 'where employees in the designated work group that the health and safety representative represents work'.

No. 105. Page 22, line 14 (clause 34)—Leave out 'workers' and insert 'employees'.

No. 106. Page 22, line 16 (clause 34)—Leave out 'a worker' and insert 'an employee'.

No. 107. Page 22, line 17 (clause 34)—Leave out 'worker' and insert 'employee'.

No. 108. Page 22, line 23 (clause 34)—Leave out 'worker' and insert 'employee'.

No. 109. Page 22, line 26 (clause 34)—Leave out 'a worker' and insert 'an employee'.

No. 110. Page 22 (clause 34)—After line 31 insert new subclause as follows:

(1a) An employer is not required to give to a health and safety representative under subsection (1) *(g)*—

(a) information that is privileged on the ground of legal professional privilege;

or

(b) information that is relevant to proceedings that have been commenced under this Act.

No. 111. Page 22 (clause 34)—After line 37 insert new subclause as follows:

(3) Subsection (2) is subject to the following qualifications:

(a) where the employer employs ten or less employees, the health and safety representative may only take such time off work to take part in a course of training as the employer reasonably allows;

(b) a deputy health and safety representative may only take time off work to take part in a course of training with the consent of the employer;

and

(c) where there is a reasonable choice of courses of training available to a health and safety representative, the health and safety representative shall consult with the employer before choosing the course that he or she is to attend.

(4) The Commission may prepare and publish guidelines in relation to the operation of subsection (2).

(5) If a dispute arises in relation to the entitlement of a health and safety representative under subsection (2), the health and safety representative or the employer may refer the dispute to the Industrial Commission.

(6) The Industrial Commission may determine the dispute and the decision of the Commission is binding on the health and safety representative and the employer.

No. 112. Page 23, line 29 (clause 35)—Leave out 'a worker' and insert 'an employee'.

No. 113. Page 23, line 29 (clause 35)—Leave out 'worker' and insert 'employee'.

No. 114. Page 23, line 33 (clause 35)—Leave out 'a worker' and insert 'an employee'.

No. 115. Page 23, line 42 (clause 35)—Leave out 'a worker' and 'an employee'.

No. 116. Page 24, line 15 (clause 35)—Leave out 'worker' and insert 'employee'.

No. 117. Page 24, lines 23 and 24 (clause 35)—Leave out subclause (14) and insert subclause as follows:

(14) A default notice may be cancelled at any time by—

(a) the health and safety representative who issued the notice;

or

(b) a health and safety committee that has responsibilities in relation to the matter.

No. 118. Page 24, line 26 (clause 36)—Leave out 'a worker' and insert 'an employee'.

No. 119. Page 24, line 40 (clause 36)—Leave out 'the worker' and insert 'an employee'.

No. 120. Page 25, lines 9 and 10 (clause 37)—Leave out 'within 2 business days' and insert—

(i) where the workplace is within the metropolitan area—within 1 business day;

(ii) where the workplace is outside the metropolitan area—within 2 business days;

No. 121. Page 25, line 30 (clause 37)—Leave out 'worker' and insert 'employee'.

No. 122. Page 25, line 41 (clause 37)—Leave out 'worker' and insert 'employee'.

No. 123. Page 26, line 8 (clause 38)—Leave out 'Chief Inspector' and insert 'Director of the Department of Labour'.

No. 124. Page 26, line 22 (clause 38)—Leave out 'workers' and insert 'persons'.

No. 125. Page 26 (clause 38)—After line 26 insert new subclause as follows:

(1a) Where—

(a) a person whose native language is not English is suspected of having breached this Act;

(b) the person is being interviewed by an inspector in relation to that suspected breach;

and

(c) the person is not reasonably fluent in English, the person is entitled to be assisted by an interpreter during the interview.

(1b) A person is not required to provide under subsection (1)—

(a) information that is privileged on the ground of legal professional privilege;

or

(b) information that is relevant to proceedings that have been commenced under this Act.

No. 126. Page 26, lines 36 and 37 (clause 38)—Leave out 'Chief Inspector' and insert 'Director of the Department of Labour'.

No. 127. Page 26, lines 44 and 45 (clause 38)—Leave out 'Chief Inspector' and insert 'Director of the Department of Labour'.

No. 128. Page 27, line 13 (clause 38)—Leave out 'the workers' and insert 'employees'.

No. 129. Page 27, line 14 (clause 38)—Leave out 'workers' and insert 'employees'.

No. 130. Page 27, line 39 (clause 38)—Leave out 'workers' and insert 'employees'.

No. 131. Page 28, line 37 (clause 40)—Leave out 'worker' and insert 'person at work'.

No. 132. Page 29, line 6 (clause 40)—Leave out 'worker' and insert 'person'.

No. 133. Page 29, line 15 (clause 41)—Leave out 'a worker' and insert 'an employee'.

No. 134. Page 29, line 15 (clause 41)—Leave out 'worker' and insert 'employee'.

No. 135. Page 29, line 20 (clause 41)—Leave out 'workers' and insert 'employees'.

No. 136. Page 29, line 22 (clause 41)—Leave out 'worker' and insert 'employee'.

No. 137. Page 29, line 32 (clause 42)—Leave out 'a worker' and insert 'an employee'.

No. 138. Page 29, line 35 (clause 42)—Leave out 'worker' and insert 'employee'.

No. 139. Page 29, line 42 (clause 42)—After 'shall' insert ', subject to an order of the review committee to the contrary'.

No. 140. Page 30 (clause 42)—After line 1 insert new subclause as follows:

(4) Where a prohibition notice has been issued, the proceedings on a review under this section must be carried out as a matter of urgency.

No. 141. Page 30, line 20 (clause 44)—Leave out 'a worker' and insert 'an employee'.

No. 142. Page 31, lines 12 and 13 (clause 47)—Leave out 'after consultation with the Minister'.

No. 143. Page 31, lines 14 and 15 (clause 47)—Leave out 'consultation with' and insert 'taking into account the recommendations of'.

No. 144. Page 31, lines 17 and 18 (clause 47)—Leave out 'consultation with' and insert 'taking into account the recommendations of'.

No. 145. Page 32, (clause 48)—After line 19 insert new subclauses as follows:

(5a) Where—

(a) the native language of a person who is to give oral evidence in any proceedings before a review committee is not English;

and

(b) the witness is not reasonably fluent in English, the person is entitled to give that evidence through an interpreter.

(5b) A person may present written evidence to a review committee in a language other than English if that written evidence has annexed to it—

(a) a translation of the evidence into English;

and

(b) an affidavit by the translator to the effect that the translation accurately reproduces in English the contents of the original evidence.

No. 146. Page 32, line 41 (clause 48)—Leave out 'Subject to the regulations, a' and insert 'A'.

No. 147. Page 33, line 11 (clause 49)—Leave out subclause (3) and insert new subclauses as follow:

(3) An appeal under this section may be on a question of law or a question of fact.

(3a) An appeal on a question of fact may only occur with leave of the Supreme Court (which should only be granted where special reasons are shown).

No. 148. Page 33, line 16 (clause 49)—After 'shall' insert ', subject to an order of a review committee or the Supreme Court to the contrary,'.

No. 149. Page 33—After line 34 insert new clause as follows:

52a.—*Delegation by Director.* (1) The Director of the Department of Labour may, by instrument in writing, delegate any of his or her functions or powers under this Act.

(2) A delegation under this section—

(a) may be made subject to such conditions as the Director thinks fit;

(b) is revocable at will;

and

(c) does not derogate from the power of the Director to act in any matter himself or herself.

No. 150. Page 33 (clause 53)—After line 37 insert new subclause as follows:

(2) A person is not required to provide to the Commission under subsection (1)—

(a) information that is privileged on the ground of legal professional privilege;

(b) information that is relevant to proceedings that have been commenced under this Act;

(c) information that would tend to incriminate the person who has the information of an offence;

or

(d) personal information regarding the health of a person who does not consent to the disclosure of the information.

No. 151. Page 34 (clause 54)—After line 8 insert new item as follows:

Penalty: Division 6 fine.

No. 152. Page 34, line 16 (clause 55)—Leave out 'a worker' twice occurring and insert, in each case, 'an employee'.

No. 153. Page 34, line 17 (clause 55)—Leave out 'a worker' and insert 'an employee'.

No. 154. Page 34, line 18 (clause 55)—Leave out 'worker' and insert 'an employee'.

No. 155. Page 34, line 30 (clause 55)—Leave out 'worker' and insert 'employee'.

No. 156. Page 34, line 31 (clause 55)—Leave out 'worker' twice occurring and insert, in each case, 'employee'.

No. 157. Page 34, line 33 (clause 55)—Leave out 'worker' and insert 'employee'.

No. 158. Page 35, line 9 (clause 55)—Leave out 'a worker' and insert 'an employee'.

No. 159. Page 35, line 10 (clause 55)—Leave out 'worker's' insert 'employee's'.

No. 160. Page 35, line 12 (clause 55)—Leave out 'worker' and insert 'employee'.

No. 161. Page 35, line 13 (clause 55)—Leave out 'worker' and insert 'employee'.

No. 162. Page 35, line 20 (clause 56)—Leave out 'a worker' and insert 'an employee'.

No. 163. Page 35, lines 33 and 34 (clause 57)—Leave out subclause (6) and insert new subclauses as follows:

(6) Notwithstanding any other Act or law, where—

(a) the Crown allegedly contravenes or fails to comply with a provision of this Act;

and

(b) the alleged contravention or failure occurs in relation to health or safety in a department of the Public Service of the State,

proceedings may be brought against the Minister who is responsible for that department.

(6a) Subject to subsection (6b), proceedings for an offence against this Act may only be brought—

(a) by the Minister;

(b) by an inspector;

or

(c) by a person acting with the written consent of the Minister.

(6b) A person may bring proceedings under subsection (6) without the consent of the Minister.'

No. 164. Page 35, lines 35 to 44 (clause 57)—Leave out subclause (7).

No. 165. Page 36, line 2 (clause 57)—Leave out '5' and insert '2'.

No. 166. Page 36, lines 35 to 39 (clause 60)—Leave out subclause (1) and insert new subclause as follows:

(1) Where the commission of an offence against this Act by a body corporate is attributable to the act or omission of a responsible officer of the body corporate, that responsible officer is also guilty of an offence and liable to the same penalty as is prescribed for the principal offence.

No. 167. Page 36, line 42 (clause 60)—Leave out ', secretary'.

No. 168. Page 37 (clause 61)—After line 12 insert new subclause as follows:

(2a) The Commission should in the preparation of a code of practice relating to the health, safety or welfare of persons employed in schools consult with, and take into account the recommendations of—

(a) the Director-General of Education;

(b) the Independent Schools Board;

and

(c) the South Australian Commission for Catholic Schools.

No. 169. page 37 (clause 61)—After line 36 insert new subclauses as follow:

(7) An approved code of practice or the revision of a code of practice is subject to disallowance by Parliament.

(8) Every approved code of practice or revision must be laid before both Houses of Parliament within 14 days of notice of its approval being published in the *Gazette* if Parliament is in session or, if Parliament is not then in session, within 14 days after the commencement of the next session of Parliament.

(9) If either House of Parliament passes a resolution disallowing an approved code of practice or the revision of a code of practice, then the code of practice or revision ceases to have effect.

(10) A resolution is not effective for the purposes of subsection (9) unless passed in pursuance of a notice of motion given within 14 sitting days (which need not all fall in the same session of Parliament) after the day on which the code of practice was laid before the House.

No. 170. Page 37, line 39 (clause 62)—Leave out 'of workers'.

No. 171. Page 38 (clause 62)—After line 5 insert new subclause as follows:

(2) Nothing said or done during the course of conciliation proceedings under this Act shall subsequently be given in evidence in other proceedings under this Act.

No. 172. Page 38, line 22 (clause 63)—After 'against this Act' insert '(except that a person must not be identified if to do so would be in contravention of a suppression order)'.

No. 173. Page 38, line 43 (clause 64)—Leave out 'worker' and insert 'employee'.

No. 174. Page 39, line 10 (clause 64)—Leave out 'workers' and insert 'employees'.

No. 175. Page 39, line 16 (clause 64)—Leave out 'workers' and insert 'employees'.

No. 176. Page 39—After line 26 insert new clause 64a as follows:

64a. *Exemption from Act.* (1) Where—

(a) an employer applies to the Commission under this section for an exemption from all or any of the provisions of this Act;

and

(b) the Commission is satisfied—

(i) that the granting of the exemption would not adversely affect the health, safety or welfare of any employee;

(ii) that it is reasonable to grant such an exemption,

the Commission may, by unanimous decision, by notice in writing to the employer, grant an exemption under this section.

(2) A notice under subsection (1) may exempt—

(a) the employer;

(b) specified operations carried on by the employer;

or

(c) a specified workplace under the management of the employer,

from all or any of the provisions of this Act.

(3) Before deciding on whether or not to grant an exemption under this section the Commission shall, so far as is reasonably practicable, consult with—

(a) any registered association that represents one or more employees who might be affected by the granting of the exemption;

and

(b) any registered association representing employers that might have an interest in the application.

(4) An exemption under this section may be granted subject to such limitations as the Commissioner thinks fit.

(5) The Commission has an absolute discretion to revoke an exemption granted under this section.

No. 177. Page 39, lines 27 and 28 (clause 65)—Leave out all words in these lines and insert 'The Minister'.

No. 178. Page 40 (clause 66)—After line 41 insert new paragraph as follows:

(ab) may leave any matter or thing to be determined, dispensed with, regulated or prohibited according to the discretion of the Director of the Department of Labour or the Chief Inspector, either generally or in a particular case or class of case;

No. 179. Page 42, First Schedule, Item 11—After 'use' insert ', testing'.

No. 180. Page 42, First Schedule, Item 17—Leave out 'workers' and insert 'employees'.

No. 181. Page 42, First Schedule, Item 20—Leave out 'workers' and insert 'persons at work'.

No. 182. Page 42, First Schedule—After Item 21 insert new Item as follows:

21a. The minimum standards that must be observed in providing information, instruction and training for the health and safety of workers whose native language is not English and who are not reasonably fluent in English.

No. 183. Page 42, First Schedule, Item 24—Leave out 'workers' and insert 'employees'.

No. 184. Page 42, First Schedule, Item 31—Leave out 'a Division 2 fine' and insert '$1 000'.

No. 185. Page 43, Second Schedule—After clause 5 insert new clause as follows:

5a.—*Special provisions relating to plant.* (1) It is a defence in proceedings for an offence against this Act in relation to failing to use safe plant for the defendant to prove—

(a) That the plant was manufactured before the commencement of this Act;

(b) the plant was being used for pastoral or agricultural purposes;

and

(c) that its use would not have been in breach of the repealed Act if the provisions of that Act as they applied immediately before its repeal were still in force.

(2) This clause expires on the fifth anniversary of the commencement of this schedule.

Consideration in Committee.

The Hon. FRANK BLEVINS: I move:

That the Legislative Council's amendments be disagreed to.

I do not intend to go through all the amendments as there are some 160, from memory. While very many of them are machinery type amendments and perhaps may not distress the Government too much, certain of the amendments are of such magnitude that I believe the House of Assembly could not possibly accept them. They do, as I have stated previously, distort the intention of the Bill by removing, to a great extent, the rights of trade unions to organise in the area, and also removing the effective rights of safety representatives to protect the interests of workers at work sites. For those reasons I believe that the Legislative Council's amendments should be disagreed to.

Mr S.J. BAKER: I am fascinated that the Minister has rejected some of his own amendments. Perhaps he can clarify that to the press later, because a number of the amendments he moved are in the schedule. The Opposition does need congratulating on the strenuous way in which it applied itself to this legislation.

Personally, I am disappointed that a number of important amendments have failed to be agreed to by the Upper House. I mention them briefly: the position of subcontractors; the penalties clauses; the matter of conflict involving equal opportunity remains; the lack of indemnity for employers who comply with the regulations; the insistence that a safety expert be on the board (whoever that expert may be); the delegation of powers to unionists is not protected under the Bill; the fact that employers have to produce multicultural language material, which should be the responsibility of the commission; the fact that every work site representative can follow an inspector around on an inspection when it may well be an inspection specifically involving a particular group (we wanted that clarified); and a lessening of the thrust of having health and safety committees as the leading edge of safety in the work place.

A number of important areas in the original Bill have been rejected by Upper House members. I am disappointed that a number of important amendments have not been agreed to. However, the Minister has made the point that these things will have to be sorted out in conference. There are 185 amendments, and it will take a lot of time and patience to sort them out. I hope we have the blessing of this House and can sort it out before Christmas.

Motion carried.

The following reason for disagreement was adopted:

Because the amendments distort the intention of the Bill.

COMMERCIAL TRIBUNAL ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

LITTLE SISTERS OF THE POOR (TESTAMENTARY DISPOSITIONS) 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 of the Bill inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

This Bill allows for the vesting in Southern Cross Homes of testamentary gifts and bequests expressed to be in favour of the order of nuns known as the Little Sisters of the Poor and in connection with the nursing home formerly operated by the sisters at Myrtle Bank.

Southern Cross Homes Incorporated is a non-profit organisation providing homes and accommodation for elderly and indigent people. One of its main activities is a major nursing home at Marion but on 24 February 1983 it took over the operation of the nursing home at Glen Osmond Road, Myrtle Bank formerly operated by the Little Sisters of the Poor South Australia Incorporated. That order of nuns has now ceased to operate in South Australia and has concentrated its activities in the eastern States.

Southern Cross Homes Incorporated is carrying on the nursing home and hostel at Myrtle Bank by providing accommodation for elderly people who cannot afford accommodation at resident funded nursing homes.

The Government is advised that it has been the practice for many years for some people to make provision in their wills for the nursing home at Myrtle Bank and the general form of the bequest has been to 'the Little Sisters of the Poor at Glen Osmond (or Myrtle Bank)'. As the Little Sisters of the Poor now no longer operate within South Australia and as Southern Cross Homes Inc. has now taken over the operation of the nursing home, Southern Cross Homes have

requested legislation to provide that bequests and gifts to the Little Sisters of the Poor at Myrtle Bank vest in Southern Cross Homes.

This Bill has been prepared in consultation with the solicitors for the Little Sisters of the Poor Inc.

Clause 1 is formal.

Clause 2 gives the Bill a retrospective operation to the date on which Southern Cross Homes Incorporated first took over the conduct of the nursing home. Since that date some bequests to the Little Sisters have been executed in favour of Southern Cross Homes Incorporated. The intention in making the Bill retrospective is to ensure the legality of the execution of those bequests.

Clause 3 provides that certain dispositions referred to in subclause (1) shall be for the benefit of the nursing home or hostel, at Myrtle Bank. Subclause (2) ensures that, where the testator has made it clear that he wanted his gift to succeed only if it is to be administered by the Little Sisters of the Poor, the Act will not apply to defeat that wish. It may well be that after 24 February, 1983, but before the enactment of this legislation a disposition of a kind referred to in subclause (1) was executed in a manner contrary to that subclause. Subclause (3) ensures that, despite the retrospective operation of the Act, such an execution shall not be invalid. Subclause (4) ensures that surrenders and releases are included in the Bill.

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

MEDICAL PRACTITIONERS ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

LIQUOR LICENSING ACT AMENDMENT BILL (No. 2)

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 detailed explanation of the Bill inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

This Bill makes several amendments to the Liquor Licensing Act 1985 aimed at reducing liquor abuse by minors and incidences of disorderly behaviour related to liquor use.

There has been serious concern recently at the level of liquor consumption by minors. Social workers in the field consider that liquor abuse is the most serious problem facing minors, especially in urban areas. Excessive use of liquor by minors can seriously affect their growth and development. Recent surveys have revealed an increasing incidence of heavy drinking by young people.

For example, a 1984 study by the New South Wales Drug and Alcohol Authority on drug use by secondary students showed that 14.3 per cent of 12 year old males and 11.8 per cent of 12 year old females had consumed alcohol during the previous week. It also showed that 58.6 per cent of 16 year old males and 53.4 per cent of 16 year old females had consumed alcohol during the previous week. Surveys in Victoria and South Australia strongly confirm these results.

While much of this abuse undoubtedly occurs in private homes, in many cases minors obtain liquor from licensed premises or have adults obtain it for them. In some cases, minors consume liquor on licensed premises and in others the consumption occurs in motor vehicles and public places, especially in groups.

The number of prosecutions for unlawful drinking of liquor by minors on licensed premises has increased by about 60 per cent over the past five years, due mainly to an increase in the number of females detected. However, on the most recent figures, males still comprise about 64 per cent of those minors prosecuted.

Many people expressed concern at the incidence of minors openly consuming liquor in the City on New Year's Eve in 1985. As a result, the Liquor Licensing Commissioner was appointed to undertake a review of laws relating to liquor consumption by minors in public places. His recommendation that regulations be made under existing sections of the Liquor Licensing Act to prohibit the consumption of liquor, by both minors and adults where appropriate, in specified problem areas is being implemented.

This Bill contains further measures aimed at countering this problem. It substantially increases monetary penalties applicable to licensees and others who unlawfully supply liquor to minors on licensed premises. Where disciplinary action is brought against a licensee before the Licensing Court upon a conviction for supplying liquor to minors or allowing them to consume liquor on licensed premises, and the conviction follows a previous conviction of the same offence, the licensee will be required to show cause why the licence should not be revoked or suspended. The message to licensees is clearly that they must take all possible steps to ensure that minors do not obtain or consume liquor on their licensed premises, or else their licence will be in jeopardy.

For the first time minors will be prohibited from consuming or possessing or being supplied with liquor in any unlicensed public place (including a motor vehicle). However, the prohibition will not apply where the minor is in the company of an adult parent, legal guardian or spouse. Nor will it apply in private residences and other non-public places. This recognises the primary responsibility of parents and others in similar positions of supervision to control liquor consumption by minors in their charge but still provides a clear indication that unsupervised liquor consumption by minors in public places will no longer be acceptable. It indicates that, while the law should not be the primary tool for preventing liquor abuse by minors, it should control the situations where minors often gather to consume liquor, frequently subject to peer pressure, leaving to unforeseen and undesirable consequences.

The Bill also includes provisions to allow greater control over the behaviour of people, both adults and minors, who may gather in large numbers at special events and consume too much liquor. The Liquor Licensing Commissioner is given power on such occasions to impose conditions at short notice on licenses of nearby licensed premises, for example to prohibit sales of take-away bottles which may later be used as missiles. Licensees themselves are empowered to refuse entry to the premises to any person who is intoxicated or acting in an offensive or disorderly manner, and if requested police officers will be required to assist licensees to refuse entry to such persons.

Clauses 1 and 2 are formal. Clause 3 amends section 50 of the principal Act, which sets out the powers of licensing authorities to oppose licence conditions. Provision is made

for the authority to impose conditions to ensure public order and safety at events expected to attract large crowds. The Commissioner is empowered to impose such a condition on his own initiative at any time he thinks desirable. Specifically, such a condition may limit the sale of liquor for consumption off licensed premises.

Clause 4 amends section 118 of the principal Act by increasing penalties for the provision of liquor to minors.

Clause 5 amends the principal Act by inserting new section 119a. The new provision prohibits minors from entering or remaining in any part of licensed premises subject to a late night permit or any premises subject to an entertainment venue licence at certain times. If a minor enters premises contrary to this prohibition, the licensee, an employee of the licensee or a member of the Police Force may remove him. Where a minor enters or remains in premises contrary to the prohibition, the minor and the licensee are guilty of an offence. The licensee must erect notices at each part of the premises to which the prohibition applies.

Clause 6 provides for the insertion in the principal Act of new section 123a. The new provision prohibits consumption or possession of liquor by a minor in a public place. A person who supplies liquor to a minor in a public place is guilty of an offence. The provision does not apply to the possession or supply of liquor by, or the supply of liquor to, a minor who is in the company of an adult guardian or parent. A 'public place' is defined as a place (not being licensed premises) to which the public has access.

Clause 7 amends section 125 of the principal Act. The effect of the amendment is to provide that where a licensee is convicted of a second or subsequent offence against section 118 the court must suspend or revoke the licence unless the licensee shows cause why that action should not be taken.

Clause 8 is a consequential amendment.

Clause 9 amends section 128 which authorises the refusal of entry to, or the removal from, licensed premises of persons guilty of offensive behaviour. The effect of the amendment is to enable an authorised person to prevent the entry of a person who is intoxicated or behaving in an offensive or disorderly manner. Reasonable force may be employed for that purpose. It is an offence to attempt re-entry where entry has been refused within the previous 24 hours.

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

STAMP DUTIES ACT AMENDMENT BILL (No. 2)

Returned from the Legislative Council with the following amendments:

No. 1. Page 4, line 6 (clause 7)—Leave out 'justice of the peace' and insert 'magistrate'.

No. 2. Page 4, line 10 (clause 7)—Leave out 'justice' and insert 'magistrate'.

Consideration in Committee.

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

That the Legislative Council's amendments be agreed to.

I understand that we are agreeing to the replacement of the word 'justice' with the word 'magistrate'.

The Hon. B.C. EASTICK: The Opposition concurs in the amendments.

Motion carried.

GOODS SECURITIES BILL

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

PRIVATE PARKING AREAS BILL

Received from the Legislative Council and read a first time.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 4)

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 detailed explanation of the Bill inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

This Bill makes a number of amendments to the provisions of the Local Government Act relating to the conduct of local government elections, based on the recommendations of the Local Government Election Review Working Party.

In 1984 as part of the first stage of the Local Government Act revision the electoral provisions of the Local Government Act were rewritten and the new provisions were used for the 1985 local government periodical election.

Following the election the then Minister of Local Government appointed a Working Party comprised of representatives of the Local Government Association, the Institute of Municipal Management, the Municipal Officers Association and the Department of Local Government to review all aspects of the 1985 periodical election.

The Working Party considered the results of the 1985 periodical elections to determine whether the objectives of the prescribed counting systems were met and received a large number of submissions recommending variations to the administrative arrangements for the conduct of elections.

The Working Party reported in June of this year and in relation to the performance of the electoral systems said that both the optional preferential and proportional representation systems had achieved their objectives and while concluding that proportional representation is the fairer and more equitable method, where two or more candidates are to be elected, it did not consider it necessary for the method to be made mandatory as it considered councils will voluntarily move to adopt the proportional representation system.

With respect to the administrative provision for elections the Working Party made a number of recommendations for amendment, which it believes will facilitate the conduct of elections.

Some of the more important recommendations are:

- that councils in rural areas with small numbers of electors be permitted to use a postal ballot in lieu of opening polling booths;
- to permit the primary count to be conducted in the polling place in lieu of a central polling place to assist

in speeding up the counting process; to permit 'How-to-Vote' cards to be displayed in polling places.

The Report was released for public comment and I am pleased to say that the Working Party's recommendations received widespread support, with two exceptions, the first a recommendation that where a group of persons had failed to nominate an agent that the first member of the group in alphabetical progression should be enrolled. The second a recommendation that advance polling places, which would operate in the same manner as a polling place on the day of the election, be established to receive votes prior to the day of the election. Neither of these matters have been included in the Bill.

One matter dealt with in the Bill, but not flowing from the Report of the Working Party, is an amendment which will allow the Governor to suspend the periodical elections in any area affected by a proposal for amalgamation of areas which is before the Local Government Advisory Commission.

Honourable members will be aware of moves emanating from within local government to rationalize the boundaries of councils and presently there are a large number of proposals before the Local Government Advisory Commission.

It is clear that the Commission will not be in a position to deal with all of these matters before the May 1987 periodical election and it would be unreasonable to ask the councils affected to conduct an election in May 1987 and if any of the proposals for amalgamation are accepted to conduct a further election in the short term thereafter.

In addition to the amendments to the electoral provisions there are several other amendments included in the Bill to overcome administrative difficulties which have recently arisen in relation to the operation of the Act which are more fully explained in the clause explanations.

Clause 1 is formal.

Clause 2 provides for the commencement of the measure.

Clause 3 provides that an electoral officer engaged by a returning officer is, for the purposes of this Act, an officer of the council.

Clause 4 provides for a new section 29a relating to polls where an amalgamation of councils is proposed.

Clause 5 proposes a new section 48. The new provision is substantially the same as existing section 48 except that new subsection (5) provides that where a member of a council has been convicted of an indictable offence then proceedings for the supplementary election to fill the resultant vacancy must not be commenced until all appeal processes have been determined.

Clause 6 amends section 49 of the principal Act to provide expressly that all allowances other than those payable to a mayor or chairman are payable in arrears.

Clause 7 inserts a new subsection in section 60 of the principal Act to confirm the practice that the chief executive officer initially presides at a meeting at which a chairman must be elected or a member appointed to preside.

Clause 8 provides for the enactment of a new section 91. The new provision is substantially the same as the existing section except that—

(a) an additional provision provides that where a person is nominated to act as an agent for a body corporate or group the person must be an officer of the body or a member of the group;

and

(b) provision is made for the chief executive officer to request a person who is enrolled as a resident to indicate whether he or she is still resident at the relevant address and if a reply is not received within 28 days or the reply is that the person is no longer resident at the address, it may be assumed that the elector is not resident in the area or ward.

Clause 9 amends section 92 of the principal Act to provide that the closing dates for a revision of the voters' roll are to be the second Thursday in February and the second Thursday in August (a month earlier than what is presently the case). It has been submitted that the present provision, as it applies to periodical elections in May, does not allow nominations to be checked for validity as they are received.

Clause 10 amends section 94 of the principal Act in two respects. Firstly, provision is made for the Governor to suspend the holding of periodical elections for councils that are subject to a proposal for amalgamation before the Advisory Commission. Secondly, the section is to be amended to provide that supplementary elections must be held as soon as practicable after the occasion for the election arises.

Clause 11 provides for the amendment of section 96 of the principal Act. New provision must be made for the close of nominations and new subsection (15) provides that each candidate nominated must be given a copy of Division X (Illegal Practices), thus ensuring that a candidate cannot subsequently claim that he or she did not know of the provisions that apply under that Division.

Clause 12 provides for a new section 97. This provision includes two additional matters that will cause an election to fail. The first is where a candidate, after the close of nominations but before the conclusion of an election, ceases to be qualified for election; in such a case it is thought to be appropriate to provide that the election fails and a supplementary election must be held at a later time. (This will allow persons who supported the nomination of the candidate to nominate someone else). The second situation is where the candidate becomes seriously ill. However, to ensure that a candidate is not influenced by other considerations, the notice that the candidate is withdrawing must be accompanied by a certificate of a legally qualified medical practitioner certifying that the candidate is too ill to carry out satisfactorily the duties of a council member.

Clause 13 provides for the amendment of section 99 of the principal Act. The form of a ballot paper for use at local government elections is not presently prescribed, with the result that at the 1985 periodical elections there were a number of variations, particularly in the nature of the directions given to voters. Accordingly, it is intended to provide that a ballot paper must conform with any requirements imposed by the regulations.

Clause 14 provides for a new section 100. A new subsection similar to section 76 (3) of the Electoral Act, 1985, is to be included to provide that a tick or a cross appearing on a ballot paper is equivalent to the number 1. Furthermore, provision is to be made for a series of numbers to be regarded as valid even though all of the numbers on the ballot paper may not be correctly marked. The existing provisions of the Act would not allow a series in such a situation to be valid even though the voter's intention is at least to some extent clear.

Clause 15 provides for the amendment of section 106 of the principal Act. Section 106 (4) of the Act presently provides that advance voting papers must be delivered by post addressed to the place of residence of the applicant. However, many of the people who apply for advance voting papers are temporarily absent from the residential address shown on the roll. Provision is therefore to be made so that the advance voting papers may be sent to an address shown on the application.

Clause 16 provides for a new section 106a of the principal Act. This provision will allow voting to be carried out by

post in a proclaimed area or ward. Under the proposed scheme, voting papers will be delivered by post to all electors and they in turn will be able to vote and then return the papers by post.

Clause 17 makes a consequential amendment to section 107 of the principal Act.

Clause 18 provides for the amendment of section 109 of the principal Act. It may be the case that advance voting papers are not received by an elector or are lost and so provision is to be made for new papers to be issued in these two situations.

Clause 19 is a consequential amendment on the enactment of new section 106 (9).

Clause 20 provides for a new section 112a relating to how-to-vote cards.

Clause 21 amends section 121 of the principal Act in several respects. One amendment will allow some preliminary sorting of ballot papers to occur at the polling place after the close of counting and before the ballot boxes and papers are transmitted to the returning officer. A second amendment provides for counting where all the votes have been cast through the use of advance voting papers. A third amendment reduces the time within which a recount can be requested or initiated from 72 hours to 48 hours. Finally, an amendment will clarify the procedures that apply on a recount.

Clause 22 revamps section 122 (3) of the principal Act. In particular, the provision will allow a council to choose the method of counting to apply at the next periodical elections up to 3 months before those elections.

Clause 23 inserts a new section 123a which will facilitate the use of electronic equipment of a prescribed kind in counting votes.

Clause 24 amends section 133 of the principal Act to clarify responsibility for the publication of electoral material as letters to the editors of newspapers.

Clause 25 allows a council to become involved in proceedings on a disputed return. In some cases it may be fair and reasonable that the council participate in the proceedings, particularly if the election is being challenged on the ground that the council has failed to comply with a requirement of the Act. However, the court must be allowed a discretion in relation to this matter and if the council is allowed to intervene in the proceedings it should only be to such extent as the court directs.

Clause 26 amends section 144 of the principal Act to provide that costs may be awarded in favour of or against a council that has become involved in proceedings.

Clause 27 amends section 303 of the principal Act so as to enable councils to declare public pathways and walkways as public roads for the purposes of the Act (and thus allowing them to be opened or closed under the Roads (Opening and Closing) Act).

Clause 28 amends section 359 of the principal Act so as to allow part only of a street, road or public place to be closed on a temporary basis.

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

FISHERIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 November. Page 2360.)

The Hon. P.B. ARNOLD (Chaffey): This Bill deals with five matters in regard to the Fisheries Act. First, it deals with forfeitures to ensure that the forfeitures remain in force even if, under the Offenders Probation Act, a situation occurs where a person is found guilty of an offence but is released without conviction. At present, if that occurs, it appears that the forfeiture enforced at the time of the apprehension becomes null and void. This amendment will mean that the intent of the forfeiture will remain in force.

The second matter raised in the Bill is somewhat interesting. The Minister refers to court action, where the onus is put on the complainant—the Minister, the Government or the department—to obtain an order confirming forfeiture. In country courts police prosecutors are often instructed to appear on behalf of the complainant. There is a danger that the prosecutor inadvertently will fail to ask for such an order. That virtually implies incompetence on the part of the police prosecutor. One could look at it in another way and say that it is possibly incompetence on the part of the complainant in not properly briefing the prosecutor. It is interesting that the Government should put the blame for this occurring on the police prosecutor when there is every likelihood that as much of the blame could rest with the complainant which, in fact, is the department acting on behalf of the Government.

While I do not disagree with the end result, I believe that the blame for this situation does not all rest necessarily with the police prosecutor. Thirdly, this Bill gives the Minister the opportunity to act immediately in the event of a chemical spill so that a prohibition can be placed on fish being taken from polluted waters with perhaps a deleterious effect on those who consume them. There is no argument with that. It is commonsense, and I believe that it should proceed without further consideration.

The fourth area deals with a contradiction in the existing legislation in relation to definitions and in particular aquatic flora and fauna and its effect on the taking of fin fish, sharks, crustaceans, molluscs and annelids. The last provision relates to the two categories of exotic fish that have existed in the aquarium industry for some 12 months and have been the subject of a great deal of debate and representation. I understand that, fundamentally, the aquarium industry accepts the two categories. Category 1 involves exotic fish that may be traded freely, with no encumbrance, and category 2 involves fish that may be traded, kept or held on receipt of a permit from the Government.

The Minister said in the second reading explanation that agreement has been reached with the majority of aquarium traders but that one operator has indicated he does not intend to comply with the proposal, nor with the present legislation. He claims that the importation of exotic fish into South Australia cannot be subject to such a limitation as section 92 of the Australian Constitution provides for free trade between the States. I take it we are talking about Mr Miller, who has made representations to many people on this matter. I have had the opportunity to discuss the issue with him at length on a number of occasions.

However, I also understand that the majority of those involved in the aquarium trade now agree with the proposal. The Opposition would like confirmation of that from the Minister, because this has been the subject of considerable debate and representation by those in the aquarium industry. Will the Minister confirm that the vast majority of traders in aquarium and exotic fish now support the proposal before the House?

Mr BLACKER (Flinders): I support the proposal. Most of the provisions are machinery matters, to which the member for Chaffey has referred. I would like to raise a couple of issues, and I take up the matter of the operator (and I

do not think it is necessary to mention his name in the House but, if it is the person referred to by the member for Chaffey, then I believe that that person has probably made representations to me and other members). I am happy to take up this matter privately with the Minister to see how it goes. I seek an assurance from the Minister that the two categories referred to meet with the approval of the majority of those in the industry.

The next point may be a purely mechanical matter: the use of the word 'thing' seems to be strange terminology for use in legislative procedures. I am never quite sure what that word means, and I have not come across it in any other legislation. I believe that the word 'thing' is an unusual way of defining anything. I guess what the Minister is saying is that it means absolutely anything, but I wonder why that terminology is used without more detail as to its meaning.

It makes good sense that the department will immediately be able to prohibit areas from fishing in the event of a chemical spill; in other words stopping people from fishing in those areas. I believe that is required. The Bill also sets out the definition of 'fish', and that makes sense and is to be supported. I hope that the Minister will refer to those points in summing up.

The Hon. M.K. MAYES (Minister of Fisheries): I thank the Opposition and the member for Flinders for their support. The member for Chaffey said that some of these provisions are machinery matters, and I think they are very important to the overall operation of the fishery in this State. The word 'thing' is terminology used by the Parliamentary Counsel and is all-encompassing. From my experience of English, that word will encompass any object that one could possibly contemplate in terms of animal or vegetable matter. In this case we are considering animals.

The clause that amends section 49 in relation to exotic fish has not been the subject of discussion with the industry, but the intent of the Bill has been discussed and the vast majority of people in the industry support the intent of the drafting. In fact, there was extensive consultation with the industry and a senior fisheries officer over many months to arrive at this intention, which was then reflected in the drafting. I can assure members that that has been the case. As the members for Flinders and Chaffey have said, the individual concerned has approached every member of Parliament on this issue and certainly has made other statements indicating what his future actions will be.

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

MENTAL HEALTH ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

ADJOURNMENT

At 11.57 p.m. the House adjourned until Wednesday 3 December at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 2 December 1986

QUESTIONS ON NOTICE

PUMP HOUSE COVER

188. **Mr BECKER** (on notice) asked the Minister of Water Resources: When will the Minister reply to correspondence from the member for Hanson of 5 February concerning the pump house cover located in the laneway between Lowry Street and Portland Court, Fulham and what has been the reason for the delay in responding further to the Minister's acknowledgement of 11 March?

The Hon. D.J. HOPGOOD: A response to the honourable member's letter was forwarded on 11 November 1986.

TERTIARY STUDENTS' FEES

237. **MR S.G. EVANS** (on notice) asked the Premier: Will the Government challenge, under section 96 of the Commonwealth Constitution Act, the legality of the amendment to the State Grants (Tertiary Education Assistance) Act 1984 which includes a provision for $250 administration fee for tertiary students and, if not, why not?

The Hon. J.C. BANNON: The Government will not challenge, under section 90 of the Commonwealth Constitution Act, the legality of the amendment to the State Grants (Tertiary Education Assistance) Act 1984 which includes a provision for $250 administration fee for tertiary students. Crown Law advice is that the Act is a valid effective law of the Commonwealth and the State is obliged to comply with the conditions of the grant, including Section 5 (3a), after the State is to receive and apply the grant moneys paid to it under the Act.

GOVERNMENT MANAGEMENT BOARD

Mr S.G. EVANS (on notice) asked the Premier: In relation to the Government Management Board's *Handbook for Employees*—

(a) what was the cost of printing;
(b) what was the total number printed;
(c) what was the total number distributed;
(d) to whom were they distributed; and
(e) how will the handbooks surplus to requirements be disposed of?

The Hon. J.C. BANNON: The replies are as follows:

(a) $5 000
(b) 18 300
(c) 18 034
(d) Government departments, major statutory authorities, unions with public sector membership and Parliamentarians
(e) surplus being held by the Office of the Government Management board to meet *ad hoc* agency demands for further copies.

PUBLIC SERVANTS

253. **Mr BECKER** (on notice) asked the Premier: What specific work do Mrs Joan Wilson, J.P. and Miss Robyn Loughhead do for the Premier and in which government department and under what classification and salary are they employed?

The Hon. J.C. BANNON: Mrs Joan Wilson is employed as the personal assistant to the member for Ross Smith at the CO-3 classification. (Salary range $22 736 minimum to $24 182 maximum (including 10 per cent loading). Ms Robyn Loughhead is employed as the Electorate Assistant to the member for Ross Smith at the MN-2 classification. (Salary range $20 953 minimum to $21 494 maximum (including 10 per cent loading). Both assistants are paid by the Department of Housing and Construction and are employed on the same basis as the member's own personal assistant.