LEGISLATIVE COUNCIL

Tuesday, April 26, 1977

The PRESIDENT (Hon. F. J. Potter) took the Chair at 2.15 p.m. and read prayers.

CLERK'S ABSENCE

The PRESIDENT: I have to inform the Council that Mr. A. D. Drummond will be absent this week on Commonwealth Parliamentary Association business and during his absence, in accordance with Standing Orders, the Clerk Assistant (Mr. J. W. Hull) will act as Clerk; and I have appointed the Second Clerk Assistant (Mr. C. H. Mertin) to act as Clerk Assistant and Black Rod.

PETITION: PORNOGRAPHY

The Hon. J. A. CARNIE presented a petition from 522 electors of South Australia praying that the Legislative Council would pass legislation to impose severe penalties on persons who induced children to pose for pornographic photographs and to facilitate the prosecution of and the imposition of severe penalties on persons offering for sale pornographic material depicting children.

Petition received and read.

QUESTIONS

CANS

The Hon. R. C. DeGARIS: Can the Minister representing the Minister for the Environment tell me whether the regulations on deposits on cans will be tabled before this session is completed?

The Hon. T. M. CASEY: I will endeavour to obtain a reply to the Leader's question and bring it back as soon as possible.

RURAL YOUTH

The Hon. J. C. BURDETT: I seek leave to make a brief explanation prior to directing a question to the Minister of Agriculture.

Leave granted.

The Hon. J. C. BURDETT: I understand there are certain officers in the Ministers' department designated permanently to assist the Rural Youth Organisation. By telephone from the department, I have been told that there are three such officers on the establishment for that purpose. One is on sick leave, so there are only two available. In fact, when I rang apparently all were away sick. I have recently been speaking to members of the Rural Youth Organisation, who have been concerned that they are not able to conduct their activities properly with the present establishment of officers, and they feel they will not achieve their ends unless more are appointed. I appreciate that one of the objects of this organisation must be to try to organise itself and it should not be pampered because it is scattered throughout the State. However, it seems that it needs in order to fulfil its activities, to have a reasonable number of officers to assist its members with advice and organisation. Will the Minister say what he proposes to do in this matter? First, will the establishment of three officers be made available, and, secondly, does he propose to appoint any more officers for this purpose in the near future?

The Hon. B. A. CHATTERTON: I realise that there have been some problems in this area because, as the honourable member pointed out, some officers have been absent on sick leave. Because we are currently regionalising the Agriculture and Fisheries Department, nearly all of the various services that we provide will eventually be regionalised. This will mean that the help given to rural youth will, when the department is fully regionalised, go to rural youth organisations through the various regions. It is therefore not possible to say whether any appointments will be made to this area of the extension branch until we have completed our regionalisation programme, which is well under way. An appointment has been made in the South-East region. The establishment of that region will be a good indication of how regionalisation should develop. We will then see how the regionalisation of rural youth and other organisations will take place and whether we need more staff.

EYRE PENINSULA WATER SUPPLY

The Hon. M. B. DAWKINS: Has the Minister of Lands a reply from the Minister of Works to my question of March 30 about extensions to the Eyre Peninsula water supply, with particular reference to the Edillilie area?

The Hon. T. M. CASEY: No plans have been formulated by the Engineering and Water Supply Department to provide water for the Edillilie area. However, an investigation is being carried out on the feasibility of a scheme to serve the area along the main road between Cummins and Edillilie, but it will be some time before this can be completed.

NORTHERN TERRITORY

The Hon. R. C. DeGARIS: I seek leave to make a short statement before asking a question of the Chief Secretary, as Leader of the Government in this Council.

Leave granted.

The Hon. R. C. DeGARIS: As most honourable members may recall, for some time I have believed that the Northern Territory was never correctly constitutionally ceded to the Commonwealth. Not long ago Mr. Rex Jory had a long article in the *News* pointing out that in future South Australians may be bathing on the northern beaches of their own State. No-one took much notice of the matter I raised, but the Law School of the University of Western Australia has now taken up this question. I was contacted by a constitutional lawyer at that university who asked for my notes and research material on this question. He has now replied to me stating that he believes that the matter should be taken up with the High Court. He enclosed for my information the opinion, given in 1910, of Mr. E. F. Mitchell, K.C., on the issue, prior to the surrender of the Northern Territory to the Commonwealth. Has the Government received any communication from the University of Western Australia, and is the Government aware that constitutional lawyers at that university wish to rectify certain matters in the Australian Constitution in relation to this question, if their views are sound? If the Government has been approached by these people, is it willing to give a fiat to such an action either to the gentleman concerned or to a South Australian elector?

The Hon. D. H. L. BANFIELD: I know of no approach that has been made to the Government. A direct approach may have been made through the Premier but, as I know of no approaches that have been made, I will certainly take up the matter with the Government to see what is the position.

PONIES

The Hon. A. M. WHYTE: Has the Minister of Lands a reply to the question I asked on March 30 concerning the future of a group of ponies, which have been running at large for the past 70 or 80 years on Coffin Bay Peninsula?

The Hon. T. M. CASEY: The future of the horses on Coffin Bay Peninsula has been considered on a short-term basis, and it is proposed that they remain in their present state until a complete assessment is made. The final decision on their future will be made in the management plan for the Coffin Bay Park when it is prepared in accordance with the requirements of the National Parks and Wildlife Act, which also requires that the public be given an opportunity to comment on a management plan at the draft stage.

FIRE BANS

The Hon. M. B. DAWKINS: Has the Minister of Agriculture a reply to my question of April 12 concerning fire bans, and especially concerning the burning off on fire ban days in certain areas of the State?

The Hon. B. A. CHATTERTON: It is generally recognized that "hot burns" are essential for successful and economical scrub clearing operations. As the honourable member has pointed out, fire ban days are often the only days when conditions are such as to allow "hot burns" and this is a problem which mainly exists in new ground farming areas. Provision is made in the existing Bush Fires Act, and in the new Country Fires Act, to cope with this problem. At present there are 20 district councils authorised by me, as Minister of Agriculture, to appoint competent persons to issue permits to burn scrub on fire ban days. In areas of the Far West Coast outside council boundaries I have appointed certain fire control officers who may also issue such permits. Until Tuesday, April 12, when the daily fire ban warning broadcasts ceased for this season, several permits had been issued by authorised officers on Kangaroo Island, the Riverland, and the West Coast. Permits may only be issued during the conditional burning period, which for most councils extends from mid-February until the end of April and every authorised officer must be satisfied that all conditions of the Bush Fires Act will be met, and that an applicant for a permit will follow an accepted code of practice, which stipulates the number of fire trucks and men in attendance, the water quantities and minimum fire-break widths required in relation to the size of the area to be burnt. I believe that the permit system is operating successfully and is administered by responsible persons who are concerned about the fire danger in their areas.

TRADE PRACTICES ACT

The Hon. J. C. BURDETT: I seek leave to make a brief explanation prior to directing a question to the Minister of Health, representing the Minister of Prices and Consumer Affairs.

Leave granted.

The Hon. J. C. BURDETT: On the first day of this part of the current session I directed a question to the Minister asking whether he would follow the lead of the Federal Minister for Business and Consumer Affairs and make the State, when it entered the commercial field, subject to the Trade Practices Act and consumer protection laws. Subseqently, I pointed out on April 14 that that question had not been answered and now I ask the Minister whether I can receive an answer to that question. The Minister of Health indicated that he would obtain a reply to my question and as I have still not received a reply and, because it is near the close of the session, I ask whether I can receive a reply as soon as possible.

The Hon. D. H. L. BANFIELD: I will take up the matter with my colleague and see whether a reply can be obtained.

ILLEGAL GAMBLING

The Hon. N. K. FOSTER: I seek leave to make a short statement prior to directing a question to the Minister of Health, representing the Minister of Prices and Consumer Affairs.

Leave granted.

The Hon. N. K. FOSTER: I refer to a recent press report of apprehensions and possible name-taking by the police of people in a tunnel or sewer. I understand that the people were involved with illegal gambling and that much liquor was on hand and about to be consumed. Can the Minister say whether the police apprehended persons and took the names and addresses of about 400 people who attended a function in a tunnel or sewer in the southern suburb of Sleeps Hill? Can the Minister confirm whether illegal gambling machines were used at that function and whether it is likely that prosecutions will result? Is it true that the function was partly for the purpose of fund raising on behalf of a political candidate? Also, is it a fact that the tunnel is owned or leased by the Liberal Party candidate for the seat of Unley in the forthcoming State election? Finally, is the candidate involved with the unlicensed underground casino a Mr. Spiel of the Liberal Party?

The PRESIDENT: Order! Before I ask the Minister to reply to that question, I should say that it seems to me (and I do not know at this stage) that this matter could be *sub judice*. If summonses have been issued and the matter is before the court—

The Hon. N. K. Foster: Have they been issued? That was part of the question.

The PRESIDENT: Order! I am asking the Minister whether he can assure me that this matter is not before the courts.

The Hon. D. H. L. BANFIELD: No. I have no report on this matter.

The PRESIDENT: In those circumstances, I must rule the question out of order.

The Hon. D. H. L. Banfield: You don't have to rule it out of order.

The Hon. C. M. Hill: That's his ruling.

The Hon. D. H. L. Banfield: I don't care.

The Hon. C. M. Hill: I know you don't.

The Hon. D. H. L. Banfield: Will you be quiet?

The PRESIDENT: Order! I will hear the Minister.

The Hon. D. H. L. BANFIELD: You, Sir, have sought from me an assurance that this matter is not before the courts. The Hon. Mr. Foster asked me a question, and I was

merely going to say that I did not have a report on the matter. I do not know whether you, Sir, can issue a direction to me if a summons has not yet been issued. I am willing to seek a report, but I do not want the Hon. Mr. Hill sticking his bib in.

Members interjecting:

The PRESIDENT: Order!

The Hon. D. H. L. Banfield: Is he trying to take over your job, Mr. President?

The PRESIDENT: Order! I think, on reflection, that I should ask the Minister to ascertain whether or not this matter is before the courts. If he tells me tomorrow that the matter is not before the courts, I will allow the question.

The Hon. D. H. L. BANFIELD: Perhaps you could put it another way: perhaps you could say that if it is before the courts you will not allow the question, and that if it is not before the courts I may obtain a report for the Hon. Mr. Foster.

The PRESIDENT: Very well, I will put it that way.

The Hon. N. K. FOSTER: Mr. President, a meeting took place in Ottawa (although the year escapes me), and—

Members interjecting:

The PRESIDENT: Order! I cannot hear the Hon. Mr. Foster.

The Hon. N. K. FOSTER: It is no wonder: that gentleman (I think Hill is his name) will not shut up.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr. Foster.

The Hon. N. K. FOSTER: Meetings dealing with the subject of *sub judice* matters were held in the cities of Ottawa and Delhi. At those meetings, attended by the Presidents and Speakers of various Houses of Parliament, a paper, prepared by a former Speaker of the House of Representatives, Mr. Aston, was delivered.

The PRESIDENT: I have had a chance of examining that paper.

The Hon. N. K. FOSTER: Can you inform the Council of its contents?

The PRESIDENT: Not offhand.

The Hon. N. K. FOSTER: I bet you cannot.

The PRESIDENT: Order! It is clear that any matter that is before the courts is *sub judice*. We will find out tomorrow what is the position.

NURSING HOMES SUBSIDY

The Hon. N. K. FOSTER: I seek leave to make a short statement before asking the Minister of Health a further question.

Leave granted.

The Hon. N. K. FOSTER: I refer to a report in the April 21 issue of the *Australian*, a newspaper which I do not generally support. In that report it is stated that the Federal Government is considering dropping the $16 a day subsidy for patients in private hospitals. That move, which would save the Government $70 000 000 a year, would, the report states, be one way of pruning Health Department spending in line with proposed Budget cuts. It would mean that private hospital patients would have to pay the extra $16 a day out of their own pockets, unless the health funds agreed to take it on. However, if the private health funds did agree to cover these costs, it would mean a substantial rise in rates. The report also states that the Federal Government is considering saving another $145 000 000 in respect of nursing home payments. Undoubtedly, honourable members who were members of this place in 1975 before I was a member are aware of the necessity for the State Government a few years ago, when the former Liberal Government was in office in Canberra, to do a similar thing, which was reported in the press. The State Government then had to face the burden of picking up the tab for the ever-widening gap between the subsidy and what people were required to pay on behalf of aged relatives, and so on. Does the Minister consider that this is a direct abrogation of the responsibility to the aged and infirm in this State? Does the Minister not consider that representations ought to be made at the national conference of Health Ministers, or does he not consider that he should seek the support of all his counterparts in the other States, with a view to having the Federal Minister for Health and the Federal Government accept, in a proper way, their responsibilities to elderly people, particularly those in nursing homes?

The Hon. D. H. L. BANFIELD: The $16 a day does not refer to the people in nursing homes. It refers—

The Hon. N. K. Foster: It does later on. I did not quote the whole report.

The Hon. D. H. L. BANFIELD: It refers not to people in nursing homes but to patients who enter private hospitals. They are subsidised to the extent of $16 a day by the Federal Government. If the Government removes that subsidy, obviously there will be a further burden on people who are paying into the funds. As honourable members know, at present the Federal Government already has imposed a burden on the people in relation to the Medibank levy, and this is another way in which the Commonwealth Government is adding a further burden on the community generally.

The Hon. C. M. Hill: Rubbish!

The Hon. D. H. L. BANFIELD: This burden means an additional $7 a week for the average person.

The Hon. C. M. Hill: Why don't you answer the question?

The Hon. D. H. L. BANFIELD: Never mind about answering the question. Where have you been for lunch?

The Hon. C. M. Hill: In Parliament House.

The Hon. D. H. L. BANFIELD: I thought so, instead of getting out and finding out the position. It is as simple as that.

The Hon. C. M. Hill: After that, I was with the shop assistants union.

The Hon. D. H. L. BANFIELD: And, boy, have they bought you over!

The PRESIDENT: Come back to the question.

The Hon. D. H. L. BANFIELD: What I have said is not rubbish. This Federal Government has imposed a levy on everyone in relation to Medibank. This amount of money charged to private funds of $16 a day (which at present they do not have to worry about) means that a large burden is placed on people who are insured with the funds. The Hon. Mr. Hill says "rubbish", yet the average family in Australia already is paying $7 a week more than it had to pay under the Labor Government.

FOOTBALL TRAFFIC CONTROL

The Hon. N. K. FOSTER: Is the Minister of Health aware that the assistance of traffic police is given for Australian rules football matches in the metropolitan area on Saturdays, and is he also aware that soccer matches,

usually at Kensington and Hindmarsh, draw a crowd in excess of the crowd at some football matches? Will he ask whether traffic police attend the soccer matches, particularly at the end of the matches, to ease traffic flow?

The Hon. D. H. L. BANFIELD: The South Australian National Football League and other people who organise matches keep in close contact with the police to see that traffic control is dealt with, and the police normally attend. If there have been problems in the area to which the honourable member has referred, I will draw the attention of the police to the matter to find out whether they can arrange for traffic police to be on hand at these matches.

SAVINGS BANK LOANS

The Hon. C. M. HILL: I seek leave to make a short statement prior to asking a question of the Chief Secretary, as Leader of the Government in this Council.

Leave granted.

The Hon. C. M. HILL: I have a copy of a letter that has been sent to a person by the Savings Bank of South Australia, approving a loan for a house purchase by that person under certain conditions. The letter sets out the amount and term of the loan, the repayments, and other details of that kind.

The Hon. D. H. L. Banfield: What is the date of that?

The Hon. C. M. HILL: It was sent a little more than a month ago, on March 18. The second to last paragraph of the letter starts with the word "important", which is in capital letters and underlined. The paragraph then continues:

Prior to settlement of the loan, the buildings must be insured with the State Government Insurance Commission in the names of the bank and yourself for at least $18 400 under a policy covering houseowner's and householder's risks and the Certificate of Insurance lodged with the bank. The certificate must expire on the last day of a month. The bank does not attend to insurance matters on your behalf and it will be necessary for you to communicate directly with the commission.

We have heard much from the Government from time to time about the arrangements that exist between the S.G.I.C. and this particular institution. Will the Chief Secretary not agree that the requirements set out in this letter are contrary to the principles laid down by the trade practices legislation of the Commonwealth? Will he not agree that the S.G.I.C. gains an advantage over other competitor insurance companies by this arrangement? Will he ascertain whether the S.G.I.C. is granting any commission, or benefit of any other kind, to the Savings Bank of South Australia as a result of this example and other similar arrangements?

The Hon. D. H. L. BANFIELD: I shall make further inquiries concerning this matter and would ask the honourable member to make available the correspondence so I can take the matter up.

PRUDENTIAL ASSURANCE COMPANY

The Hon. N. K. FOSTER: I seek leave to make a short statement prior to asking the Minister of Health a question.

Leave granted.

The Hon. N. K. FOSTER: A report in the Melbourne *Age* on April 21, 1977, under the heading "The 'Pru' misled, on policy—insurer fined $10 000 for 'serious breach' of Act", states:

The Prudential Assurance Co. was yesterday fined $10 000 after pleading guilty to charges of misrepresenting a superannuation policy. The Trade Practices Commission laid charges over a policy known as the Prudential Australian Employed Persons Superannuation Fund. The company claimed the scheme's benefits would be free from Tasmanian death duties. But it conceded in the Federal Court sitting in Hobart that policies issued under the scheme were not exempt from the duties.

Can the Minister say whether or not that particular company, trading in this State, has issued or advertised policies of a like nature and has misled the public of South Australia?

The Hon. D. H. L. BANFIELD: I will have inquiries made to ascertain whether this has happened in this State.

HILLCREST HOSPITAL

The Hon. C. M. HILL: I seek leave to make a short statement prior to directing a question to the Minister of Health.

Leave granted.

The Hon. C. M. HILL: On April 18 a report in the *News*, headed "Hillcrest medical staff not adequate" stated:

Medical staff at Hillcrest Hospital was inadequate, Dr. B. Taylor said today.

Later in the report Dr. Taylor was quoted as saying:

When I started at the hospital in 1972 we were treating around 20 outpatients a day. Now that figure is around 50. The staff situation has made it impossible for me to do my job as I would have liked.

Later in the report Dr. Taylor said he intended to resign at the end of this year, but he pointed out that he did not blame this particular staff shortage situation on any one person. I ask the Minister of Health, in view of the disclosure of this unfortunate staff situation in Hillcrest, what plans, if any, has he for overcoming the problem?

The Hon. D. H. L. BANFIELD: I have had no request from the Hillcrest Hospital for an increase in staff. I assume that there is adequate staff there because the hospital is aware that it can come to me if it is understaffed and put forward a proposition. It is interesting to note that this man, now that he is leaving, says this, yet it has not been drawn to my attention before.

The Hon. C. M. HILL: I ask the Minister of Health did he not inform the Council in a reply to a question about two weeks ago concerning Dr. Zacharia's complaints about the Hillcrest Hospital, that one reason why the problems existed was a staff shortage?

The Hon. D. H. L. BANFIELD: Dr. Zacharia, who is a Liberal candidate, when asked (I did not say that there were drugs that might or might not have been purchased out there) said it was a voluntary patient that was involved. We asked him for further information, but he was not prepared to give us any more information.

DRUGS

The Hon. ANNE LEVY: I seek leave to make a short explanation before directing a question to the Minister of Health.

Leave granted.

The Hon. ANNE LEVY: It has been reported in the press that the Australian Medical Association proposes to recommend to doctors that they do not take part in distributing a pamphlet on the effects of alcohol and drugs when

taken together. This leaflet has been produced by the Pharmacy Guild of Australia and the Australian Foundation on Alcohol and Drug Dependence. Medibank has helped finance the production of more than 2 000 000 leaflets, and has an advertisement for itself on the back of the leaflet. This subject has very important health and safety implications for the community. I am glad to see that the pharmacies in Adelaide are distributing this pamphlet to people entering pharmacy shops. Could the Minister state his attitude to what seems to be the selfish and bigoted behaviour of the A.M.A., which is ignoring the wider social and ethical implications of this pamphlet, and can he arrange for the widest possible distribution of this leaflet in South Australia?

The Hon. D. H. L. BANFIELD: This leaflet is certainly educational and it is desirable that it be distributed over as wide an area as possible. As regards the A.M.A.'s attitude to it, it is falling down in its duty in not affording the public access to it, if that is the case. I will certainly take up the matter with the A.M.A. to see whether I can get it to change its mind on this leaflet, if this is its policy.

PEDESTRIAN CROSSING

The Hon. C. M. HILL: I seek leave to make a short statement before asking a question of the Minister representing the Minister of Transport.

Leave granted.

The Hon. C. M. HILL: I have been contacted by a constituent who is concerned about the danger to pedestrians on Morphett Road. A lady has pointed out to me that there is a situation on Morphett Road near the corner of Folkestone Road that presents danger from traffic. At or near that point, she claims, there is a serious need for a pedestrian crossing. The reasons submitted are that the Dover Primary and High Schools children cross that busy street at that point, and also children from the Darlington Primary School, as do children from the Stella Maris schools, both primary and infants. Also, she noticed that pensioners often cross that street. In that vicinity a child was killed recently. Will the Minister investigate the possibility of a pedestrian crossing being installed there for the safety of these people to whom I have referred?

The Hon. T. M. CASEY: I will refer the question to my colleague the Minister of Transport and bring down a reply.

ADELAIDE FESTIVAL CENTRE TRUST

The Hon. D. H. L. BANFIELD: I direct a question to the Hon. Mr. Carnie and ask him whether he has an answer to a question he asked some time ago in relation to the Adelaide Festival Centre Trust. In the circumstances, we have gone to a lot of trouble about this matter. It has been raised in the Council on a number of occasions—

The PRESIDENT: Does the Minister want to make a Ministerial statement?

The Hon. D. H. L. BANFIELD: Yes. On at least two occasions, the Hon. Mr. Carnie has accused the trust of inefficiency and maladministration by not having a report tabled in Parliament. He has been casting a reflection on the trust. He raised this matter 12 months ago and has since raised it again and has accused the trust of inefficiency. Had the Hon. Mr. Carnie done his homework, he would have seen that the inefficiency lay within himself, because the report of the Adelaide Festival Centre Trust was tabled in this Council during December of last year and now forms part of Parliamentary Paper 84A, and he is not prepared even to seek an answer to his question regarding that report. He was told it was available last week.

PHARMACY BURGLARIES

The Hon. C. M. HILL: I seek leave to make a short statement prior to directing a question to the Minister of Health.

Leave granted.

The Hon. C. M. HILL: I have a copy of correspondence from the Pharmacy Guild of Australia. One paragraph is headed "Burglaries of pharmacies" and this short paragraph follows:

We believe the law enforcement in these cases where a person is caught is too lenient. There have been many cases when the offender comes to court and the judge is giving a little tap on the wrist and telling the offender to be a good little boy.

Whilst that is perhaps a little exaggerated, it nevertheless highlights the public concern, about which one hears, in that there is an increasing number of burglaries of pharmacies, where the object of the offender is, of course, to obtain drugs. This is a very serious social problem. Can the Minister say whether this matter has been brought to his attention and whether he proposes at any stage to introduce any further legislation to assist in combating this growing problem?

The Hon. D. H. L. BANFIELD: We believe that the Act is sufficient, and that the penalties laid down under it fit the crime. I know that from time to time people have questioned the penalties meted out by the court. However, the court is in a position to sum up the arguments for and against and, as it is the one that hands out the penalties, I suppose we can draw to the attention of the court the fact that the public believes it is not handing out severe enough penalties; but from the Government's point of view, we are not expecting to change the legislation, because we think that the power is already there for the court to hand out sufficient penalty, if it so desires.

MOUNT GAMBIER CULTURAL CENTRE

The Hon. C. M. HILL: Will the Minister of Health ascertain from the Premier whether any appointments have been made to the Mount Gambier Cultural Centre Trust and, if they have been made, what are the names of the appointees?

The Hon. D. H. L. BANFIELD: I will refer the honourable member's question to my colleague and bring down a reply.

FIREARMS BILL

Received from the House of Assembly and read a first time.

The Hon. D. H. L. BANFIELD (Minister of Health): I move:

That this Bill be now read a second time.

It is designed to introduce stricter controls upon the possession and use of firearms. The rapid increase in the

number of serious offences involving the use of firearms, and the proliferation of extremely dangerous weapons, make stricter control necessary to safeguard the community. The use of firearms in the commission of criminal offences is increasing to an alarming degree. The majority of armed robberies are committed with the aid of some type of firearm. In a two-year period the number of armed robberies in South Australia more than doubled. There were 36 armed holdups during the year ending February 29, 1976. The following figures show the rate of increase in this type of crime:

	1973	1974	1975
Armed robberies	16	22	30
Firearms used	10	10	20
Pistols used	6	12	10

It would seem that the most frequently used weapon is a firearm other than a pistol. This probably stems from the fact that they are more readily available. Apart from robberies, offences against the person are recorded as follows:

	1973	1974	1975
Murder/attempted murder/suicides	6	14	12

No pistols were used in these offences. The greater accessibility of firearms other than pistols is no doubt a contributing factor. Most of these offences occur as a result of matrimonial troubles or romantic jealousy. The following figures illustrate the extent of the use of firearms in threatening or intimidating victims:

	1973	1974	1975
Assaults where firearms used	57	50	57
Firearms used	46	45	47
Pistols used	11	5	10

Of the firearms used, the main weapons were ·22 calibre rifles. Shotguns ranked next and, in a few instances, air rifles and guns were used. Included amongst the pistols were two rifles which had been cut down to pistol size. Firearms are used to a major extent in the commission of offences against property. This is evidenced by damage to road signs, private gate signs, and damage to property both Government and private. It is difficult to place an estimate on the total cost of damage caused by indiscriminate shooters. One of the problems is that there is no restriction on the type of firearm a person may buy. Immature children may possess any firearm ranging from an airgun to a heavy calibre weapon.

Destruction of property by irresponsible shooters does not stop at inanimate objects. Many reports are received where valuable stock has been either deliberately or accidentally shot. One of the greatest problems with this type of offence is that the detection rate is low. A strengthening of the law to prevent firearms coming into irresponsible hands is a necessary precautionary measure. The present Bill seeks to introduce appropriate controls on the possession and use of firearms by instituting a licensing system. The Bill recognises that the institution of such a system involves the conferral of a fair amount of bureaucratic power. It therefore attempts to ensure that members of the public who desire to possess and use firearms are given every consideration and that no-one will be arbitrarily refused a firearms licence. The Bill provides that the Commissioner of Police is to be the Registrar of Firearms who will issue the new licences. It also provides that there shall be a consultative committee. Where the Registrar proposes some action that may adversely affect an applicant for a licence, or the holder of a licence, the proposal must be referred to, and endorsed by, the consultative committee. Moreover, there is to be a further appeal to a magistrate sitting in chambers. The Government believes that the Bill accordingly provides for a reasonable balance between the public interest and the rights of the individual. I seek leave to have the explanation of the clauses of the Bill inserted in *Hansard* without my reading that explanation.

Leave granted.

EXPLANATION OF CLAUSES

Clauses 1, 2 and 3 are formal. Clause 4 repeals the existing Firearms Act and the Pistol Licence Act and enacts appropriate transitional provisions. Clause 5 sets out the definitions necessary for the purposes of the new Act. Clause 6 provides that the Commissioner of Police is to be the Registrar of Firearms and confers a power of delegation in respect of his statutory powers and responsibilities. Clauses 7 to 10 establish the Firearms Consultative Committee. The committee is to consist of a legal practitioner of at least seven years standing, a nominee of the Commissioner of Police, and one other person with wide knowledge of the use and control of firearms.

Clause 11 is a provision of major importance. It provides that no person shall have a firearm in his possession unless he holds a licence of the appropriate category. There are a number of exceptions to this provision. For example, the provision does not apply to use of a firearm at a shooting gallery or on the grounds of a recognised rifle, pistol or gun club. Clause 12 deals with the granting of licences. Where due application is made for a licence the Registrar is obliged to grant the licence unless the consultative committee concurs in his opinion that there are good grounds for refusing a licence to the applicant. Clauses 13 and 14 are corresponding provisions covering the granting of dealers' licences. Clause 15 requires a dealer to keep prescribed records and to submit prescribed returns relating to transactions involving firearms.

Clause 16 requires the vendor of a firearm to satisfy himself that a purchaser is duly authorised to be in possession of the firearm subject to the sale. Clause 17 provides that licences are to be granted for terms of up to three years. Clause 18 empowers the Registrar to cancel a licence where the licensee has committed some act that shows that he is not a fit and proper person to hold a licence or where he contravenes a provision of the new Act. The Registrar can only exercise this power with the concurrence of the consultative committee.

Clause 19 makes it an offence for a licensee to contravene a condition of his licence. Clause 20 requires a licensee to keep the Registrar informed of changes in his address. Clause 21 empowers a person aggrieved by a decision of the Registrar to refuse or cancel a licence, or to impose conditions in respect of a licence, to appeal to a magistrate sitting in chambers. Clauses 22 to 24 provide for the registration of firearms and the exceptions to the obligation to register. Clauses 25 and 26 require the owner of a registered firearm to furnish certain information to the Registrar. This information is necessary to enable the Registrar to trace firearms quickly and easily.

Clause 27 requires the Registrar to maintain a register of licences and a register of firearms. Clause 28 makes it an offence for a person to make a false application to the Registrar. Clause 29 makes it an offence for a person to have in his possession a dangerous firearm or a silencer. Clause 30 empowers members of the Police Force to ascertain the name and address of persons who are found with firearms in their possession. Clause 31 enacts a power to require production of licences and firearms.

Clause 32 empowers a member of the Police Force to seize firearms in certain circumstances. Clause 33 makes it an offence to obstruct officers acting in the enforcement of the new Act. Clauses 34 and 35 provide for the forfeiture

and disposal of firearms. Clause 36 is an evidentiary provision. Clause 37 sets out the penalties for contravention of the new Act. Clause 38 provides for the summary disposal of offences and for the time within which proceedings may be instituted. Clause 39 empowers the Governor to make regulations for the purposes of the new Act.

The Hon. M. B. DAWKINS secured the adjournment of the debate.

LIBRARIES AND INSTITUTES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from April 21. Page 3640.)

The Hon. J. A. CARNIE: I support the Bill as a move in the direction of providing better library services in South Australia. This is a field in which the Government has failed badly. In February, 1976, an important report on public libraries in Australia was tabled in the Federal Parliament. That report, by the Horton committee, was commissioned by the Whitlam Government but it was presented to the Fraser Government. The report is undoubtedly extremely embarrassing to the Dunstan Government, which will readily provide funds for the South Australian Theatre Company, the State Opera of South Australia, and other services associated with the arts but whose record, when it comes to providing basic and essential information for the general community, is dismal. The Horton report states:

This chapter has attempted to paint a broad picture of public libraries in Australia, as they were in 1975. It has been suggested to the committee that from almost every viewpoint, library services to the public in Australia are seriously deficient. Though there are some localities throughout the nation where library services are adequate, or even of a high standard, the overall picture is one of very uneven and poor standards of service. There was, moreover, evidence of a lack of co-operation between libraries in making the most effective use of resources available to them.

That is the Australian situation, which the report says is not good, but let us now see where South Australia falls into the picture. A table in the report, headed "Australian Public Libraries—Principal Sources of Revenue, 1974-75," gives the per capita figures in respect of State and local government. We see that South Australia falls far behind. The figures are as follows: New South Wales, $4·04; Victoria, $3·70; Queensland (the only State behind South Australia, but only marginally behind), $2·83; South Australia, $2·96; Western Australia, $3·86; and Tasmania (by far the highest), $8·10. There is nothing that this State can be proud of in those figures. The South Australian Government claims to have an interest in educating people at all levels, but this claim is best answered by Mr. Colin Lawton, the Honorary Organiser of the Library Promotion Committee of South Australia, who has said:

If the South Australian Government is concerned about people's enlightenment, then surely libraries are an important factor.

Libraries are undoubtedly a vital factor in the overall enlightenment of people in this State. Last September, the Minister of Education stated that a Cabinet committee had been set up to study the Horton report. This Parliament is entitled to know whether the committee has reported its findings to Cabinet. It is widely known that the Minister of Education would like to implement some, if not all, of the findings of the report, but he has not been able to convince his Cabinet colleagues of the merits of his case; it is difficult to understand why. I commend the Government for the idea of expanding school libraries and making them available to the public outside normal school hours, thereby making sensible use of expensive facilities that otherwise would have limited use. However, even this action is moving too slowly, as is the whole of the public library system in South Australia.

At the present rate it will be another 13 years or 14 years before the majority of South Australians have ready access to a public library, and that will be 35 years after the passing of the Libraries (Subsidies) Act. The present position in this State shows the inadequacies of our library services: half of the State's population does not have a public library in its local government area; on the western side of Adelaide between Marion and Port Adelaide, there is only one library; there are no libraries in Prospect, St. Peters or Norwood; on Eyre Peninsula there is no library south of Whyalla; in the Riverland there is only one library; in the South-East there are only two libraries; and the Adelaide City Council is the only capital city council which does not run a free library service.

To date, the initiative has been in the wrong direction. The main fault of the Libraries Board is that it has waited for approaches to come from councils, but I believe that the initiative can and should come from the board. Promotion teams could be sent out by the board to encourage councils to establish libraries and advise on the subsidies and assistance available from various Government sources. This Bill provides for just that by amending section 20 so as to enable the board to engage in promotional activities.

In his explanation the Minister said that the scheme I have advocated is what the board intends to implement. As I have indicated, libraries in South Australia are poor relations of interstate libraries in relation to the provision of facilities, but not in relation to staff levels, and a discrepancy exists here. As I pointed out, South Australia is almost at the bottom of the list as regards per capita expenditure on libraries, yet it has a total of 303 library staff (as at the time of this report). Victoria, which spends 25 per cent more on a per capita basis ($3·70), has 21 per cent less staff than South Australia. Queensland, which spends only marginally less than South Australia, has 33 per cent less staff than South Australia; and Tasmania, which holds the record for per capita expenditure (it is about three times greater than that of South Australia), manages to run its library services with 36 per cent less staff.

Surely better use can be made of staff funds in South Australia. I ask the Government, and especially the Minister of Education, to examine expenditure on library services. I hope that the introduction of this Bill is an indication that the Government is finally recognising the importance of the library system to the people of the State, as well as the need for a rapid expansion of library services. I support the Bill.

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

STATE GOVERNMENT INSURANCE COMMISSION ACT AMENDMENT BILL

In Committee.

(Continued from April 21. Page 3648.)

The CHAIRMAN: Although we have passed clause 1, further amendments to the Bill have now come to hand, and I believe that the Committee should deal with clause 1 again.

The Hon. R. C. DeGARIS (Leader of the Opposition): I ask that clauses 1 and 2 be dealt with after the Committee has considered new clause 2a, which I intend to move.

Consideration of clauses 1 and 2 deferred.

New clause 2a—"Interpretation."

The Hon. R. C. DeGARIS: I move:

After clause 2—Insert new clause as follows:

2a. Section 2 of the principal Act is amended by inserting after the definition of "insurance" the following definitions:

"Life Fund" means the fund kept under section 20 of this Act in relation to the life insurance business undertaken and carried on by the commission:

"Life Fund Trust" means the trust constituted of the trustees of the Life Fund for the time being in office under section 20a of this Act:

As I indicated in my second reading speech, an interesting situation now obtains. Clause 1 amends the State Government Insurance Act, 1974, but the year should be 1977, depending on the outcome of this new clause and new clause 3a. As these two new clauses are linked, I may have to deal with all my amendments to explain to the Committee what they do. New clause 2a inserts a definition of "Life Fund" and "Life Fund Trust". As I indicated in the second reading debate, mutual life societies act for the benefit of policy-holders, who have a right to elect members to the boards of the societies. Whilst the Life Fund Trust and the Life Fund do not take control of the S.G.I.C., the trust acts as a trustee for investors. This is a reasonable method by which people who take out a policy with S.G.I.C. can have some knowledge of investments being made on their behalf in relation to their premiums.

Later amendments try to build into the Act the same conditions which apply to the operation of ordinary insurers. New clause 3a (and I have to deal with this clause to tie up the matter) puts into the Act three sections of the Trade Practices Act. Private operators in this field have certain rules to follow, and the amendments dealing with sections 45, 47 and 49 of the Trade Practices Act cover this aspect. Section 45 of the Trade Practices Act deals with the restriction of trade and makes that which is illegal for the private sector to be illegal, too, for S.G.I.C. The Government would agree with me that, in any operation where it is trading with the public, it should be on an equal basis with the private sector. As honourable members know, the Trade Practices Act contains provisions relating to restraint of trade or commence. New section 12 (*a*) (2), which is a distillation of the Trade Practices Act, 1947, provides:

In the exercise of its powers and authorities the commission shall not, without the approval of the Treasurer—

(*a*) supply any service;

(*b*) charge a price for any service;

(*c*) give or allow a discount, allowance, rebate or credit in relation to the supply of any service,

on the condition, or subject to a contract, arrangement or understanding that the person to whom the commission supplies the service will not, or will to a limited extent only, obtain services of a similar kind from a competitor of the commission.

That is a distillation of the prohibition of exclusion in relation to trading. New subsection (3) provides that the commission cannot discriminate regarding price between any person for whom it writes a policy. New subsection (4) provides that the Treasurer can give an approval under new subsection (1) or new subsection (2) and, when he does so, he shall forthwith publish in the *Gazette* a notice of approval, setting out, with reasonable particularity, the matter approved of. However, there is no exclusion of new subsection (3). This is because under the Trade Practices Act the tribunal can give an exemption or grant an approval if it so desires. I am willing to accept that the Treasurer can give an approval under new subsection (1) or new subsection (2), which brings the provision almost in line with the Trade Practices Act, but he must publish in the *Gazette* notice of the approval.

The whole aim of the amendment is to ensure that competition between the private sector and the State Government Insurance Commission is on exactly the same basis. I refer the Committee to page 357 of *Hansard* of August 8, 1974, where the Hon. Mr. Casey replied to a question I asked regarding sales tax, as follows:

I am informed that the State Government Insurance Commission applied to the Australian Taxation Department in October last for an exemption from sales tax on goods purchased for the commission's use and not for resale, but the application was refused. Subsequently, the Taxation Department advised the commission that it was exempt from sales tax on goods of this nature. In these circumstances, I see no reason why the commission—or any other business organisation for that matter—should voluntarily decline to take advantage of a benefit to which it is legally entitled. The same situation applies to the arrangement which the commission has made with the State Savings Bank. The answers to the Leader's questions therefore are "No" in each case.

I should like now to examine the question I asked that led to that reply. On July 25, 1974, I said:

During the passage of the State Government Insurance Commission Bill the Council made the following amendment:

The commission shall pay to the Treasurer annually—

(*a*) as an underwriting or trading charge, such amount as the Auditor-General certifies is in his opinion—

(ii) the difference between the actual purchase price of goods and commodities purchased by the commission and the price for which such goods and commodities would be purchased by any other person engaged in the business of insurance, but only to the extent that such difference is due to exemptions in force under any Acts of the State or Commonwealth relating to sales tax, customs and excise duties and levies in respect of goods sold to any department or instrumentality of the Government of the State.

That amendment was disagreed to by the House of Assembly and, when that disagreement was made known to the Council, it did not further insist on its amendment, having received an undertaking on the matter from the then Chief Secretary (Hon. A. J. Shard). This undertaking is recorded on page 1733 of *Hansard*, as follows:

It would be quite impracticable to apply subparagraph (ii) as submitted and, in any case, the commission, being a trading concern, would not ordinarily qualify for exemptions from sales tax, etc. There is not much difference between what, in essence, the amendments state and what the Government intends to do, but it would be unfair and unnecessary for this place to insist on the amendments. I therefore move that we do not insist on the amendments.

On page 1735 of *Hansard*, the then Chief Secretary referred to the amendment during the debate, as follows:

They have not been written into the Bill but they have been agreed to in principle.

At page 1737, the Hon. Mr. Shard said:

I thank the honourable members for the attention they have given to the amendments. It is not necessary for me to reiterate that the replies I gave were sincere. As long as I am here, the undertakings I have given will be honoured; I will undertake that on behalf of my colleagues.

Recently an exemption from sales tax was granted to the State Government Insurance Commission. Following negotiations with the Australian Taxation Office, the commission was granted exemption from payment of tax on goods

purchased for its use. In order to comply with the provisions laid down by the taxation office, the commission certified that goods purchased were for its use and not for sale and, accordingly, exemption was claimed under item 74. A letter to this effect dated May 2, 1974, was signed by Mr. C. M. Young. I have in my possession a letter from the Savings Bank of South Australia, which begins as follows:

> We are pleased to advise that the bank has negotiated an agreement with the State Government Insurance Commission enabling its existing mortgagors, if they so desire, to insure their properties for the duration of the loan at rates substantially lower than those normally available.

The letter goes on, giving some advantage to the State Government Insurance Commission. My questions to the Minister are as follows: first, does the Government consider that the exemption from sales tax is in the general spirit of the undertakings given by the then Chief Secretary at the time when the Bill was passed; and secondly, does the Government consider that the letter from the Savings Bank shows an unfair element of competition to free enterprise bodies?

I do not think any honourable member would disagree with me that, if the Government is going to enter the business of writing life assurance policies, exactly the same conditions, whether under the Trade Practices Act or the Federal Insurance Act, as those applying to the private sector should apply to the State Government Insurance Commission in that competition.

Recently, I said I believed that the commission had received a benefit of about $2 000 000 from this sort of operation, where I believe it had an advantage over its competitors in the field, a benefit that came from taxpayers' pockets. The Premier does not agree with me. He said that I was talking a lot of nonsense and uttering a farrago of lies. However, nowhere has there been a refutation of my figures.

If the commission is at present gaining some advantage by not having applied to it the strictures in the Trade Practices Act and the Federal Insurance Act, and if the Government is playing the game, it will not fear these amendments. If, however, the Government is using its position to gain some advantage, the amendments should be carried. That is the logical position. The Premier says that nothing is going on with S.G.I.C. at present that he feels is in contravention of undertakings given in this Parliament. If that is the case, the Government need not fear anything from the amendments, because they only place S.G.I.C. as far as they can do so on exactly the same trading basis as its competitors in the field.

I may as well complete my remarks on all the amendments, because they are all tied to proposed new clause 2a. I admit that there may be disagreement about finer points. I believe that the Government should accept the general principle of what I am trying to do, because in previous debates and in statements to the press it has agreed that what I am including here is being done already, although I have questioned whether that is correct.

New clause 4a provides for the life trustees of the Life Fund and lays down exactly the same principles as are followed by the mutual societies and as provided for by part of the Federal Insurance Act. The life trustees, who are all the people who take out life policies with S.G.I.C., after two years will have the right to vote to elect three trustees on their behalf, and they will have certain controls of the investment policy of S.G.I.C. The Government will not be able to lean entirely on that fund for its own purposes. It must consider the viewpoint of the trustees elected by the policy-holders.

It would be hard for the Government to argue against this, because it has said much about worker participation and I do not see why the policy-holders, the people paying a premium to S.G.I.C., also should not have influence on the investment policy, seeing that it is their money, not the Government's, that is being invested on their behalf. Mutual societies and all other insurance companies are forced by the Federal Insurance Act to invest 30 per cent of their investible income in Government securities. I have included that in this amendment, so again the terms and conditions that apply to S.G.I.C. will be as nearly as possible the same as those under which the life offices sell their business.

The Hon. D. H. L. BANFIELD (Minister of Health): The Hon. Mr. DeGaris has more or less indicated the reasons behind all the proposed amendments. Although new clause 2a can be only a consequential amendment, we disagree with the Leader in this matter, he himself having admitted that, if we accept these amendments, there may be finer points on which we can have trouble.

The Hon. R. C. DeGaris: Not have trouble: I said that you might not agree with them.

The Hon. D. H. L. BANFIELD: The S.G.I.C. already has accepted the principle of these amendments and intends to accept it in future. The Government believes, however, that the amendments as drafted place an undue restriction on the S.G.I.C. and, because the finer points could be in dispute, the Government opposes all amendments. New clause 2a may be regarded as a test but the same principle is involved overall, and there is not one amendment that we could accept.

Let us consider a provision in proposed new section 20a. Proposed new subsection (2) provides that the Life Fund Trust shall, in the terms of the deed creating it, provide for the election of the trustees other than the Chairman. I assume that this will involve one of the finer points to which the Leader has referred. The trustees elected could be all friends of people electing them and they may not be competent to be trustees. There may not be objection to a certain number of trustees being appointed by the policy-holders, but it would be undesirable for all three trustees to be appointed that way.

The Hon. C. M. HILL: I do not think the amendments should be taken in one block, because the one now under consideration, dealing with the proposed Life Fund and the Life Fund Trust, is connected with the detailed amendment on page 3 of the list of amendments which sets out the whole proposal regarding the life trustees, and that matter is separate from the new clause on page 1 of the amendments, dealing with the powers of the commission, and involving those three changes connected closely with the principle in the Trade Practices Act. In regard to the matter of the Life Fund Trust, I have misgivings, and should like to have heard the Government undertake that it might at some stage consider appointing to the board representatives of the policy-holders. It seems that, with the Life Fund Trust, there may be two controlling bodies, namely, the board and the proposed Life Fund Trust.

The Hon. R. C. DeGaris: They are separate functions, are they not?

The Hon. C. M. HILL: The Life Fund Trust has a somewhat more specialised duty but, nevertheless, the investment of all the funds available for investment is, I think, proper to be in the hands of the board. An advisory committee may advise the board, but how the structure of the organisation would develop, with a Life Fund Trust as well as a board, is a situation that I fear would lead to much duplication and misunderstanding among those with authority in S.G.I.C. I am convinced

in my mind that having two such authorities would certainly not be as good as the situation in which the board of the S.G.I.C. had representatives on it who were elected by the life policy-holders. This, of course, would keep the organisation similar to the situation in the private field.

I am also a little worried about the stricture to enforce the investment of 30 per cent of the life fund moneys in securities guaranteed by the Commonwealth Government. I know that this conforms to the private practice area, but I wonder whether it would not be in the best interests of South Australia if, for instance, this money was invested as the S.G.I.C. is investing funds at the moment, in mortgage investments within this State. The money that the S.G.I.C. is making available must be of considerable assistance to borrowers, particularly the younger age bracket where young married people must find it very difficult to obtain sufficient finance for the purchase of their first home. If we drain off that 30 per cent of the funds into what is equivalent to Commonwealth Government securities, I question whether that is altogether wise from the point of view of this State. We are dealing with Government instrumentalities concerning this matter.

I accept the argument that the Hon. Mr. DeGaris has put forward, that a comparable position with the private sector is his principal aim in moving these amendments. He is, of course, saying that because life offices must invest 30 per cent of their funds in this way, therefore, the S.G.I.C. should pay over the same 30 per cent of the life funds in such investments. In many years to come that will amount to a considerable sum of money. Whether or not we are cutting off our noses to spite our faces concerning this matter of investment is a point I cannot help but query in my own mind.

If this Bill does ultimately pass, and whether or not this amendment is ultimately accepted by the Government or carried by Parliament, I personally would like to see members of the board of the S.G.I.C. elected by the life policy-holders. In my view that is the only satisfactory way to cope with the problem that now faces the Government, where it has existing legislation which does not allow for board members to be elected by life policy-holders simply because at the moment it does not have the right to write life business. I would do everything in my power in the future to change the situation so that at least some of the members of the board of S.G.I.C. are elected by the policy-holders.

On the one hand one has an organisation in which one has a group of trustees with total control over the investments of the bulk of the funds because, ultimately, the life moneys will be the bulk of the S.G.I.C. funds. On the other hand one has a board which is supposed to be in a position of not having any power over that very important phase of the operations. That is a situation which is not particularly satisfactory.

As the Hon. Mr. DeGaris spoke in general terms about the amendments, I support the other principal amendment that is on file, in that an endeavour is being made to enforce conditions applying under the Trades Practices Act within this legislation. I notice that the Treasurer can opt out of two of the three conditions. I see he cannot opt out of the third one. This would create the necessary competitive restrictions which members on this side claim should exist between the S.G.I.C. and the private sector. My position is that I do not object to that amendment, but I have very serious worries about the one concerning trustees.

The Hon. R. C. DeGARIS: I thank the Chief Secretary for his examination of the amendments, and as I pointed out, when one drafts amendments such as this, one can only make suggestions as to what one would like, but the principle is still there. If, for example, there is disagreement on the point raised by the Hon. Mr. Hill and the Chief Secretary concerning the 30 per cent of the money being invested in Commonwealth securities, I would like to know what the Government or the Hon. Mr. Hill would consider is reasonable.

That provision is taken out of the existing Commonwealth Life Insurance Act and applies exactly the same conditions to the S.G.I.C. as apply in that Act. If the argument is "We do not want to invest in Commonwealth Government securities" can I have a suggestion as to what is necessary? I cannot agree with the Hon. Mr. Hill that life people should be elected to the board of the S.G.I.C., because S.G.I.C. writes general insurance. The life holders should have nothing to do with that at all. It is an entirely different form of insurance. It is risk insurance not based on the partial investment type insurance. In all the private sector the two functions are separated. No company or society that I know of runs on its own both life and general in the one fund. It is always separate.

At the present time, although some criticism has been made of it, the life policy-holders have the right to elect the boards of the societies. If one is an A.M.P. policy-holder and wishes to vote at the election of the board (which determines the investment policy of the funds) one is able to do so. I emphasise that life assurance is an entirely different thing to general insurance. There should be a separation of funds and the policy-holder should have some direct knowledge and information of how that money is invested on his behalf.

The CHAIRMAN: Does the Leader know the position in other States where Government insurance commissions operate?

The Hon. R. C. DeGARIS: No, I cannot answer that question, but I can say that whatever is operated in this field in other States would have no bearing on this issue in South Australia, because what I am putting forward is generally accepted by most people: first, that the terms and conditions of trading as far as the S.G.I.C. is concerned should be exactly the same as those applying to the private sector and, secondly, that in regard to the life sector, which is a totally different field of insurance, the policy-holder should have some representative who can influence decisions in relation to investments.

I cannot accept the statement made by the Hon. Mr. Hill and others that the life component of the S.G.I.C. will become the big component. This year, the S.G.I.C. will take in more than $50 000 000 worth, or thereabouts, of motor insurance, and I do not think we shall ever reach the stage where the S.G.I.C. will take in annually $50 000 000 of premiums for life insurance; so, in the S.G.I.C.'s operations, the motor sector will always be the major sector of its business. I see no argument why people taking out life assurance with the S.G.I.C. should have any influence on the investment policy about the $50 000 000 coming from the motor section; but where life assurance can be looked on as life assurance—

The CHAIRMAN: Do you mean "assurance" or "insurance"?

The Hon. R. C. DeGARIS: I never know the difference.

The CHAIRMAN: You assure your life but you insure your motor car. Assurance on your life means that you will get a certain amount at a certain time.

The Hon. R. C. DeGARIS: As regards life insurance or assurance different sets of circumstances apply to them.

The Hon. J. E. Dunford: The term "insurance" covers both assurance and insurance.

The Hon. R. C. DeGARIS: Yes. In that case, the question I raise is affected by the Hon. Mr. Dunford's suggestion, that here, where the S.G.I.C. is selling life policies and where the premium will be invested on behalf of the policy-holders, it is reasonable that the policy-holders should have some interest in that investment policy. If that principle is accepted, which I think on any classic democratic approach it must be, then let us sit down and talk about crossing the t's and dotting the i's later, because I am flexible about the terms and conditions laid down in new clause 4a, because that is taken largely from the existing Federal Insurance Act.

The Hon. M. B. DAWKINS: Unlike the Hon. Mr. DeGaris, I agree largely with what the Hon. Mr. Hill has said. I, too, am concerned about new clause 2a and also new clauses 4a and 4b, which amend sections 20 and 20a of the principal Act, but I was concerned also with the fact that the Minister in replying to the original amendment of the Hon. Mr. DeGaris attempted to lump together all these amendments and apply them all to new clause 2a. While there may be some queries about new clause 2a, and also about new clauses 4a and 4b, new clause 3a sets out what I consider to be reasonable limitations on the power of the commission. I should like to hear the Chief Secretary in due course discuss that and tell the Committee why the Government is not apparently prepared to go along with new clause 3a, which is intended—

The CHAIRMAN: I was out of the Chamber for a while; I do not know whether new clause 3a was discussed. We are talking about new clause 2a now.

The Hon. M. B. DAWKINS: All the clauses were discussed and I think the Chief Secretary implied that we would discuss them all together. In due course, I should like the Chief Secretary to talk about new clause 3a, which, in my view and in the view of the Hon. Mr. Hill, endeavours to insert limitations which would only make the competition from the S.G.I.C. as fair as possible with the private offices. I understand (I heard this from a fairly prominent member of the insurance industry only yesterday) that something not entirely dissimilar to new clause 3a operates in State Government insurance offices in other States where life assurance is already sold by those offices. I must query new clause 2a and those clauses tied to it. Can the Chief Secretary say why he thinks new clause 3a is not a reasonable and sensible clause, which would tend to make competition fair for all concerned?

The Hon. M. B. CAMERON: I have no doubt that, in this amendment, the Hon. Mr. DeGaris is motivated by a desire to make the Bill as fair as possible and to make sure that the people have some say by means of having some influence on how the money is invested. I am not impressed by arguments of that sort, because I have been an investor in life assurance companies for a long time and have never been told about their investment policies at any stage; I have never had any say about who goes on to the board; I have never been notified of any election to the board. So that line of argument does not impress me. No doubt, one could become an elector by notifying the company that one wished to do so. I should think it would be an automatic right over the years. I have some acquaintances in New Zealand who are policy-holders in a company and they have been attempting to get representation on the board for a long time, but have failed.

The Hon. R. C. DeGaris: Was there an election?

The Hon. M. B. CAMERON: There was an election, but the problem was that not every person involved was notified. One has to be aware of one's rights; otherwise, one gets no say in the matter. So, while I do not criticise the Hon. Mr. DeGaris for these amendments, I am not impressed by the argument about the private companies' attitude. Therefore, at this stage I will not support the amendment.

Then Hon. J. C. BURDETT: It seems to me it is important to separate the issues in these amendments. They have properly been allowed by you, Sir, to be debated together, but some separate issues are involved. The first is new clause 3a. I would be amazed if the Government attempted to object to this amendment when it had considered it fully. All that new clause 3a does is to subject the State Government Insurance Commission to the same strictures imposed by the Trade Practices Act as those to which the private companies are subjected. Those strictures are designed to protect the consumer. It would amaze me if the Government was unwilling to protect the consumer who buys S.G.I.C. policies in the same way as the consumer is protected who buys policies from other companies.

New section 12a (1) deals with contracts in restraint of trade, and I can see no reason why the S.G.I.C. should not be dealt with in this connection similarly to the way in which private companies are dealt with. This provision is a paraphrase of section 45 of the Commonwealth Trade Practices Act. New section 12a (2) is a paraphrase of section 47 of the Commonwealth Trade Practices Act, dealing with conditional contracts. New section 12a (3), dealing with discrimination, is a paraphrase of section 49 of the Commonwealth Trade Practices Act. So, what I have called the first basic amendment makes the S.G.I.C. in the life field and all other fields compete fairly with all other companies and in regard to the consumer. Further, the amendment gives the consumer the same protection against the S.G.I.C. as he already has against private companies. Perhaps the consumer will need protection just as much in regard to the S.G.I.C. as he needs it in regard to the private companies. I hope that when we come to new clause 4a and new clause 4b—

The CHAIRMAN: I think that inevitably the vote on new clause 2a will be a test vote on them all.

The Hon. J. C. BURDETT: There are two quite different issues in proposed new section 20a.

The CHAIRMAN: But can they stand at all without new clause 2a?

The Hon. J. C. BURDETT: They cannot stand without new clause 2a.

The CHAIRMAN: So, the vote on new clause 2a will inevitably be a test vote on them all.

The Hon. J. C. BURDETT: I beg to differ. I say that there are two separate issues in new section 20a.

The CHAIRMAN: I have no doubt that there are.

The Hon. J. C. BURDETT: I suggest that, if honourable members are willing to vote for any of the substantive measures, they should vote for new clause 2a and, when they get to the substantive measures, they should exercise their discretion. One issue is making the S.G.I.C. subject, in effect, to the Commonwealth Trade Practices Act in the same way as private companies are subject to that

Act. An issue arises from new section 20a in that it is proposed that not less than 30 per cent of the moneys to the credit of the Life Fund shall be invested in Commonwealth securities. Further, it is provided that all profits arising from the investment of the Life Fund shall be applied for the benefit of holders of life assurance policies issued by the commission. I have no doubt that the requirement in the Commonwealth Insurance Act relating to the investment of 30 per cent of funds in Commonwealth securities is made for two reasons: first, to give the Commonwealth the benefit of the money; and, secondly, to protect the policy-holders. As the Hon. Mr. Hill has pointed out, the first of these two points is not relevant here, because it could be more beneficial if the money was invested in the State, but the second reason does apply. The S.G.I.C. policy-holders will need protection and security.

Even though the S.G.I.C. is, in a sense, a Government instrumentality, taxpayers' funds may well be at risk if the investments are not protected. The investment requirement of 30 per cent is the least important of the three points, and I would not be terribly worried if the provision relating to this point was not carried. However, the third point (that all profits arising from the investment of the Life Fund shall be applied for the benefit of holders of life assurance policies issued by the commission) is most important. The profits from investments should be returned to the policy-holders in the public sector, as in the private sector. This point is, in a sense, related to worker participation. It means that regard is paid to the consumer. I hope that honourable members will realise that there are at least three major issues. When honourable members vote on new clause 2a, I hope they will vote for it if they are disposed to vote for any part of new clauses 4a and 4b and, if they discriminate in favour of one part or against another part, they will discriminate at that time.

The Hon. R. C. DeGARIS: As much has been said about the amendments and as several suggestions have been made, will the Chief Secretary consider reporting progress for about an hour so that detailed examination of the suggestions can be made?

The Hon. C. M. HILL: Before the Minister considers the Leader's request, I refer to the need for haste. The Government's officers and the Parliamentary Counsel have been inundated with work, but these amendments have not been on file for long. Regarding the control of separate funds in offices dealing with both life and general business, in such organisations there is a separate Life Fund. I would expect the S.G.I.C. to have a separate Life Fund. Surely two separate funds under one board is the most efficient system. Having two controlling boards could lead to problems in the long term. The Life Fund would be a separate fund within the commission, and I question the control of the Life Fund under the proposed trust whilst, say, another board exists controlling the commission's total operations. It would not be in the best interests of the commission to have such a plan implemented.

The Hon. D. H. L. BANFIELD: As these amendments were not on file previously, and this was the fault of no-one in particular, I ask that progress be reported.

Progress reported; Committee to sit again.

Later:

The CHAIRMAN: From what I see now, the Hon. Mr. DeGaris may seek leave to withdraw his new clause.

The Hon. R. C. DeGARIS: Yes, Mr. Chairman.

Leave granted; new clause withdrawn.

New clause 2a—"Interpretation."

The Hon. R. C. DeGARIS: I move to insert the following new clause:

2a. Section 2 of the principal Act is amended by inserting after the definition of "insurance" the following definition:

"Life Fund" means the fund kept under section 20 of this Act in relation to the life insurance business undertaken and carried on by the commission:

I had moved to insert a new clause 2a to define Life Fund and Life Fund Trust. Following that, I have decided to move to insert this new clause 2a, which defines only Life Fund. The definition meets the objections of honourable members who spoke earlier on the matter. Further, I will move to insert new clauses 4a and 4b. Section 20 already provides for separate funds for the various parts of the franchise for S.G.I.C. I will move another amendment to take the place of the new section 20a that is on the file. Not all life assurance policies carry provident benefits, and that was overlooked in the original amendment. The new clause 4b that I will seek to insert overcomes the problem that arises where life assurance has been taken out without bonus attachments. I ask the Committee to accept the amendments as being realistic.

The Hon. D. H. L. BANFIELD: The Government has considered the matter, and we still think that the variation from the original provision is restrictive. The principle is all right, but we do not want the finer points written in. We oppose the new clause.

The Hon. C. M. HILL: I am pleased that the orginal amendment has been changed and that the proposed trust has been excluded. I see no objection to holders of life policies obtaining the financial benefits that accrue from investment of their own Life Fund. I take it that the profits from the Life Fund will not be able to be used to bolster losses that may accrue (and losses have accrued so far) on the life assurance side. Further, I take it that the profits from the investment of the Life Fund will have to be net profits, because outgoings would have to be taken into account.

The Hon. R. C. DeGARIS: The position that the Hon. Mr. Hill has outlined will be the actual position. Under the original section, separate accounts must be kept in each section of the S.G.I.C. Separate funds are kept for third party insurance, motor comprehensive insurance, and so on. All this does is create a separate Life Fund, and the normal administrative charges will be apportioned amongst those funds. The profits from the operation shall be applied to policy-holders who hold policies where a bonus is payable. The S.G.I.C. board becomes the trustee of the Life Fund.

The Committee divided on the new clause:

Ayes (9)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), C. M. Hill, D. H. Laidlaw, and A. M. Whyte.

Noes (9)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, T. M. Casey, B. A. Chatterton, J. R. Cornwall, J. E. Dunford, N. K. Foster, Anne Levy, and C. J. Sumner.

Pair—Aye—The Hon. R. A. Geddes. No—The Hon. C. W. Creedon.

The CHAIRMAN: There are 9 Ayes and 9 Noes. This is a new matter not previously considered by the other House, and I give my casting vote for the Ayes.

New clause thus inserted.

Clause 3 passed.

New clause 3a—"Limitation on powers of commission."

The Hon. R. C. DeGARIS: I move:

After clause 3—Insert new clause as follows:

3a. The following section is enacted and inserted in the principal Act after section 12 thereof:

12a. (1) In the exercise of its powers and authorities the commission shall not, without the approval of the Treasurer—

(*a*) make a contract or arrangement or enter into an understanding in restraint of trade or commence;

or

(*b*) give effect to a contract, arrangement or understanding to the extent that it is in restraint of trade or commerce whether or not the contract or arrangement was made on the understanding entered into before, on or after the commencement of the State Government Insurance Commission Act, 1977.

(2) In the exercise of its powers and authorities the commission shall not, without the approval of the Treasurer—

(*a*) supply any service;

(*b*) charge a price for any service;

(*c*) give or allow a discount, allowance, rebate or credit in relation to the supply of any service,

on the condition, or subject to a contract, arrangement or understanding that the person to whom the commission supplies the service will not, or will to a limited extent only, obtain services of a similar kind from a competitor of the commission.

(3) In the exercise of its powers and authorities the commission shall not discriminate between purchasers of like services in relation to—

(*a*) the price charged by the commission for that service;

(*b*) any discounts, allowances, rebates or credits given in relation to the supply of those services;

(*c*) the method of payments for those services,

if the nature of that discrimination is likely to have the effect of substantially lessening competition in the market for services of a similar kind.

(4) Where the Treasurer gives an approval under subsection (1) or subsection (2) of this section he shall forthwith publish in the *Gazette* notice of that approval setting out with reasonable particularity the matter approved of.

This new clause builds into the Act the three main protections of the Trade Practices Act. I do not see any reason why this should not be included, because the Government has said it is taking notice of the Trade Practices Act. I think it is a reasonable protection that should be built in. Proposed new section 12a (1) builds into the Act the provisions of section 45 of the Trade Practices Act.

The Hon. N. K. Foster: Can you quote that chapter and verse? Section 45 is a wide section.

The Hon. R. C. DeGARIS: Proposed new subsections (2) and (3) distil sections 47 and 49 respectively of the Trade Practices Act.

The Hon. D. H. L. BANFIELD: The Government opposes the new clause, which it thinks is unnecessary. We think we can put our trust in the commission, which conducts its business as though it is bound by the Act in question, and for this reason we oppose the provision.

The Hon. C. M. HILL: I want to raise a point on what I take was a Government undertaking that the commission will only write life business across the counter and not through outside agents. That received a good deal of publicity, and I know the Premier mentioned from time to time, during the general lead-up period to this Bill, that it was intended that life business would be transacted only across the counter. I should like the Chief Secretary to confirm whether or not this is the case. The Government having undertaken that its proposed operations are to be conducted across the counter and not by outside selling, it could well be that under proposed new subsection (3) it will not be able to reduce its costs of comparable policies to that of private industry.

That would mean, I should think, higher profits per policy to the Government because the costs to the commission to sell a policy would presumably not be as high. I accept the fact that highly trained staff will have to be employed for this work if they are to give proper service to the public. Being paid on a salary basis, together with all other forms of outgoings connected with this employment, would mean that with these high salaried personnel the cost of labour would be high, but it would not be as high as having highly skilled people who are paid on a commission basis. I point out to the Committee that that should be borne in mind when we consider the discrimination that is being overcome as the result of the amendment under proposed new subsection (3). Will the Chief Secretary confirm or comment upon this practice that has been publicised as anticipated by a public accountant?

The Hon. D. H. L. BANFIELD: Discussions have taken place as regards sales.

The Hon. A. M WHYTE: This is an important point in this legislation Wherever life assurance is discussed, the role of the S.G.I.C. is mentioned. People who are adamant that it would be proper for the Government to take over this role are almost as adamant that the S.G.I.C. should not take unfair advantage in its method of selling insurance. This amendment does exactly that: it spells out and takes away the concept of agreeing to promises and undertakings. It is writing into the legislation that this is what the role of the S.G.I.C. in this field would be, and I see no opposition to it.

The Hon. M. B. DAWKINS: The amendment is fair. Any honourable member in this Chamber would be concerned about any body, whether private or Government, operating unfairly. By and large, this amendment is designed to see that the competition is fair and just. I understand that similar guidelines are operating in those States where the Government offices are already selling life assurance. I ask the Chief Secretary to reconsider his position on this good clause.

The Hon. D. H. L. BANFIELD: No evidence is coming forward that the S.G.I.C is not acting in accordance with the principles enunciated by honourable members opposite. There is no reason to believe that the commission will depart from those principles. We can all have great faith in the commission, because it has been operating so well for a number of years.

The Hon. J. C. BURDETT: I must disagree with the Chief Secretary. It can easily be proved that the S.G.I.C. is competing unfairly, contrary to the provisions of the Trade Practices Act. A letter was written by the Savings Bank of South Australia to a person applying for a loan, and that letter stated that the loan had been approved and the moneys would be paid to the applicant upon his complying with certain requirements, one of which was producing a policy from the S.G.I.C. This is perfectly true; it has been substantiated. That is grossly wrong in terms of the Trade Practices Act. So I cannot agree with the Chief Secretary that the S.G.I.C. has acted fairly and in accordance with the rules applying to other companies. This amendment applies the requirement that the substantial provisions of the Trade Practices Act apply to the S.G.I.C. both in its life and in its general fields of operation. So what the Chief Secretary has said is completely untrue.

The S.G.I.C. has acted contrary to the requirements of the Trade Practices Act, and that is exactly what this amendment is designed to prevent.

The Hon. N. K. Foster: That is only your opinion.

The Hon. D. H. L. BANFIELD: The allegation that it is contrary to the Trade Practices Act was taken up with the trade practices people, and it is true to say that correspondence did go out. As regards the allegation that the bank requires borrowers to insure with the S.G.I.C., the honourable member is talking about a request.

The Hon. J. C. Burdett: It was not a request—it was a requirement.

The Hon. D. H. L. BANFIELD: Let me read this letter. It is as follows:

Following the announcement by the Commonwealth Banking Corporation in January, 1974, that it was introducing its own insurance scheme covering homes mortgaged to that bank at substantially lower rates than those normally available to the general public, an insurance offer was made to the trustees of the Savings Bank of South Australia by the State Government Insurance Commission. The main basis of the offer was that, if the bank would make insurance with the commission a condition of all future mortgages, the commission would provide conditions of insurance to mortgagors at least comparable to those offered by the Commonwealth Banking Corporation. It was realised by the bank's trustees that, if the bank were to retain its competitive position in the savings market, which is influenced to some degree by comparative mortgage loan conditions, it should accept the offer. The proposal offered substantial advantages to the bank's borrowing customers. In February, 1975, the Savings Bank of South Australia decided that the Trade Practices Act was possibly being contravened by the bank's requirement that properties be insured with S.G.I.C. The bank applied for authorisation from the Trade Practices Commission and subsequently an interim authorisation was received and is still current.

If anyone can say that he wanted to be exempt from that requirement, the bank would agree to that. So it is working in conjunction with the Trade Practices Act.

The Hon. R. C. DeGARIS: The Savings Bank of South Australia has not said, "We can offer you cheaper insurance than anyone else"; it has been a requirement for a loan. If the applicant does not insure with the S.G.I.C., the loan will not be available. That is the essential difference between the Savings Bank and what has just been read out by the Chief Secretary. There is a big difference between the Savings Bank asking that the S.G.I.C. should provide cheaper housing insurance for people borrowing from the Savings Bank and writing a letter stating, "Unless you insure with the S.G.I.C., you will not get a loan." That is the essential difference.

The Hon. C. M. HILL: I rise in the interests of truth, because the Chief Secretary is obviously reading from literature that has been supplied to him by the S.G.I.C.; is that so?

The Hon. D. H. L. Banfield: No, that is wrong.

The Hon. C. M. HILL: By whom is it supplied?

The Hon. D. H. L. Banfield: The Under Treasurer.

The Hon. C. M. HILL: Well, the Under Treasurer should know better, and that is the kindest thing I can say about that.

The Hon. C. J. Sumner: You are now criticising a public servant.

The Hon. C. M. HILL: Never mind about pettiness like that. I will go on the information given to this Committee by the Chief Secretary, when he said it is not necessary that borrowers from the Savings Bank cover themselves by insurance from the S.G.I.C. I have a copy of a letter dated March 18, 1977, just over a month ago, to a prospective borrower, one paragraph of which advises him, "It is pleased to inform you"—those are the words in quotation marks.

The Hon. F. T. Blevins: Read the lot.

The Hon. C. M. HILL: The letter states that a loan of $15 000 is approved, and it states the number of years, the repayments, the interest rate, and other information about finalising the loan. Then follows a paragraph that is dissimilar from other paragraphs in the letter. It starts with one word in capital letters; they are the only capital letters used in the letter, other than for the name of the person signing the letter for the Manager, Lending Department. The word "IMPORTANT" is most prominent in the whole letter. The paragraph states:

Prior to settlement of the loan, the buildings must be insured by the State Government Insurance Commission in the names of the bank and yourself for at least $18 400 in a policy covering householders risks, and the certificate of insurance lodged with the bank.

The Hon. N. K. Foster: What is wrong with that?

The Hon. C. M. HILL: It is contrary to what the Minister said. The Hon. Mr. Foster cannot get the Minister off the hook by making interjections. There was a time when the ceiling would have caved in if an untruth was uttered in this place. The Minister should say that the information he has just given to honourable members is wrong.

The person to whom the letter was written is not being given any discretionary right at all. I stress the word "must" in the paragraph I quoted. If a person receives a letter from a lender stating that the person "must" insure with a certain enterprise, that person surely cannot interpret the letter as giving him a discretion.

The Minister said that the borrower has a discretion, but this letter says that the borrower does not have a discretion. I therefore ask the Minister to withdraw his statement and admit that this is not the type of competition that we want. This is contrary to the principles of the Trade Practices Act, and it is giving to the S.G.I.C. a competitive advantage over the other companies.

The Hon. D. H. L. BANFIELD: If it was contrary to the Trade Practices Act, there is no way whereby the Savings Bank could receive an authorisation from the Trade Practices Commission. In February, 1975, the Savings Bank of South Australia decided that the Trade Practices Act was possibly being contravened by the bank's requirement that properties be insured with the S.G.I.C. The bank applied for authorisation from the Trade Practices Commission, and subsequently an interim authorisation was received and is still current.

The Hon. C. M. Hill: What else did you say? Does this letter give any discretion?

The Hon. D. H. L. BANFIELD: The honourable member said that it was acting outside the Trade Practices Act, but I point out that the Trade Practices Commission has given an authorisation.

The Hon. C. M. Hill: Has this person any discretion?

The Hon. J. C. Burdett: The Minister said that there was a discretion.

The Hon. D. H. L. BANFIELD: The Savings Bank of South Australia has received an authorisation from the Trade Practices Commission. It was realised by the bank's trustees that, if the bank was to retain its competitive position in the savings market, which is influenced to some degree by comparative mortgage loan conditions, it should accept the offer from the S.G.I.C. The proposal offered substantial advantages to the bank's borrowing customers. In February, 1975, the Savings Bank of South Australia decided that

the Trade Practices Act was possibly being contravened by the bank's requirement that properties be insured with S.G.I.C. The bank applied for authorisation from the Trade Practices Commission, and subsequently an interim authorisation was received and is still current.

The Hon. C. M. Hill: Go back to your earlier statement. You said there was a discretion, but there is not a discretion.

The Hon. R. C. DeGARIS: The essential point is this: if the Government believes that it is already complying with the Trade Practices Act, it has no reason to fear this amendment.

The Hon. D. H. L. BANFIELD: Honourable members opposite are casting aspersions on the S.G.I.C. The amendment is unnecessary and should be rejected.

The Committee divided on the new clause:

Ayes (9)—The Hons. J. C. Burdett, M. B. Cameron, J. A Carnie, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), C. M. Hill, D. H. Laidlaw, and A. M. Whyte.

Noes (9)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, T. M. Casey, B. A. Chatterton, J. R. Cornwall, J. E. Dunford, N. K. Foster, Anne Levy, and C. J. Sumner.

Pair—Aye—The Hon. R. A. Geddes. No—The Hon. C. W. Creedon.

The CHAIRMAN: There are 9 Ayes and 9 Noes. This, too, is a provision never previously considered by the House of Assembly. I therefore give my casting vote to the Ayes.

New clause thus inserted.

Clause 4—"Power to invest."

The Hon. R. C. DeGARIS: This is a remarkable clause. It is not a unique clause but a zombie clause, as it does nothing. Its inclusion really unties the question of this Bill's being a double-dissolution issue. It involves an attempt by the Government to use this Bill as a double-dissolution Bill, when it really is not such, half the contents of the Bill already being on the Statute Book. I asked during the second reading debate whether, if this clause was deleted from it, the Bill would be a double-dissolution Bill, and the answer was, of course, "No". It cannot be, because part of the Bill is already on the Statute Book.

This Bill is a contrivance on the part of the Government to bluff this Council, and I am not one to be bluffed. If we in this Council are to pass legislation that makes sense, clause 4 must be opposed, because it is already on the Statute Book. I refer also to the title and short title, which will have to be amended to put the Bill in its correct shape. As this clause does nothing at all, but is merely a zombie clause to exert pressure on and bluff the Council, it should be deleted.

Clause negatived.

New clause 4a—"Amendment of principal Act, s. 20—Funds."

New clause 4b—"Enactment of section 20a of principal Act."

The Hon. R. C. DeGARIS: I move to insert the following new clauses:

4a. Section 20 of the principal Act is amended by striking out from subsection (1) the passage "for each" and inserting in lieu thereof the passage "for the life insurance business and each other".

4b. The following section is enacted and inserted in the principal Act after section 20 thereof:

20a. The Commission shall ensure that any surplus arising from an actuarial valuation of the Life Fund shall not be applied otherwise than for the benefit of holders of life insurance policies issued by the Commission who in the terms of their policies are entitled to participate in the profits of the Life Fund.

This ties back to the establishment of life funds. Section 20 of the Act already refers to the matter of separate accounts for separate insurance. The new provision merely establishes a Life Fund, which shall be kept separately, as is the fund for other insurance referred to in section 20. New clause 4b virtually appoints the commission as trustee of the Life Fund, and stipulates what it shall do with profits arising from the actuarial valuation of the Life Fund, how those profits are determined, and so on. They are returned to the policy-holders, as happens at present with mutual life offices. This is a perfectly sensible amendment, to which the Government should agree.

The Hon. D. H. L. BANFIELD: The Government opposes the new clauses.

New clauses inserted.

Clause 1—"Short titles"—reconsidered.

The Hon. R. C. DeGARIS: I move:

Page 1—

Line 4—Leave out "1974" and insert "1977".

Line 8—Leave out "1974" and insert "1977".

Having cleaned up the Bill, as it should have been cleaned up in the first place, we are now left with this clause and clause 2. I hope that the Government will not oppose these amendments.

Amendments carried; clause as amended passed.

Clause 2 and title passed.

Bill recommitted.

New clause 4b—"Enactment of section 20a of principal Act"—reconsidered.

The Hon. C. M. HILL: Previously, honourable members had before them a certain new section 20a that included, *inter alia*, the words "of all profits". I asked what was meant by "profits", and whether it included the net profit, and I was given an explanation of that matter. However, the provision that you, Sir, now have in front of you does not include the word "profits". The point is that honourable members had another provision in front of them. I asked a question about that provision, and was given an answer on it. I do not want to be made a fool of, Mr. Chairman, with the readers of *Hansard* not being able to connect my comments with the new section.

The CHAIRMAN: The honourable member has been given a copy of the new section. He has made his situation clear. Has he any further comment to make on the provision to which the Committee has agreed?

The Hon. C. M. HILL: I wish to say merely that it is worded in such a way that it is a vast improvement on the previous provision. It conforms to my thinking that the profits should pass to the holders of life policies.

The Hon. R. C. DeGARIS: I am sorry that the changed amendment is not on the file, but I read it to the Committee.

The CHAIRMAN: I will put clause 4b as previously accepted by the Committee.

New clause inserted.

The Hon. D. H. L. BANFIELD (Minister of Health) moved:

That this Bill be now read a third time.

The Hon. R. C. DeGARIS (Leader of the Opposition): I said in my second reading speech that I would try to amend the Bill so that, if it passed the third reading stage, it would place S.G.I.C., in its general insurance and life assurance operations, on an even and competitive basis, as far as I could go, in regard to the private sector of the industry. The amendments do that. I do not think there is anything radical in that, and the amendments place

S.G.I.C. in a position where, if it follows the guidelines laid down, there will be equal competition between the Government and the private sector.

I take the matter one step further. I do not believe that the Government has any mandate or reason in logic to enter the field of life insurance or life assurance. That field is covered extremely well by existing societies, mutual societies that operate purely in the interests of the policy-holders. If people do not wish to insure with the societies, there are public companies with which they can insure. Of all policy-holders, 90 per cent insure with the mutual societies (in other words, co-operatives with all profits going to the policy-holders) and, of the other 10 per cent, 9 per cent insure with companies where operations are totally mutual or co-operative and 1 per cent insure with totally private companies in South Australia. Because of that, even with the amendments, I do not agree that the Government has any mandate or reason in logic to enter this field. At this stage, I am not saying more than that it is a matter of philosophy, nothing more.

The Hon. J. E. Dunford: The people want it.

The Hon. R. C. DeGARIS: They do not. They have shown time and time again that they do not want the Government to be involved in a private endeavour field that is well covered and includes most of the operation on a co-operative basis. If there is a case for the Government to be involved in this field, there is a case for it to take over every sector of private industry, and I oppose the third reading.

The Hon. M. B. DAWKINS: In my second reading speech, I gave the reasons for my not opposing the second reading. I stated that, whilst there might be no big demand for S.G.I.C. to enter this field, there was not a demand for it to stay out of the field, except by people interested, and I think it fair enough that such people should make representation. I stated that I would seriously consider the amendments, and the Bill as it is now before us is much more acceptable than it was previously. I believe that the Government, in some measure at least, has a mandate for this Bill. For those reasons, I support the third reading.

Bill read a third time and passed.

INDUSTRIAL CODE AMENDMENT BILL

Adjourned debate on second reading.

(Continued from April 21. Page 3651.)

The Hon. J. A. CARNIE: Before I sought leave to conclude my remarks I said that I did not intend to go over the long and sorry history of the shopping hours question in South Australia. Certainly, it is a long and sorry history, and in that time this matter has been dominated by one man. However, I want to deal with the present position. This Bill would not have been introduced if I had not raised this matter by way of a private member's Bill last year and if a few weeks ago the Leader of the Opposition in another place had not announced that my Party's policy was for extended trading hours.

The Minister is now obviously trying to recover face, but he is in an unfortunate position: he is under the control of the unions of this State. The Minister cannot do what I am sure honourable members know he wants to do. Privately, I believe that the Minister would like to do what we are trying to do, that is, extend trading hours in South Australia. The Minister is on record as supporting that situation.

The Hon. M. B. Cameron: That was when he returned from overseas.

The Hon. J. A. CARNIE: I believe that the majority of Cabinet and the majority of Caucus members want extended trading hours, but they are not the ones in South Australia who make such decisions. Such decisions are made on South Terrace, in a building paid for by public funds. The decision was made by Mr. Goldsworthy and others like him. Indeed, as a result of pressure, the Minister has introduced this joke of a Bill, which merely shows the Minister ducking for cover, and the Government shirking its responsibility. The Minister is going through the motions of trying to do something but, in reality, this Bill does nothing. The Minister knows that people are not so stupid and will see that it does nothing.

The Bill ignores the most important person involved in retail trading: the consumer, the customer. Instead, the Minister has allowed himself to be ruled by two minority groups, first, and to a lesser extent, the Retail Traders Association and, secondly, to a bigger extent, the Shop Distributive and Allied Employees Association, which I shall refer to as the Shop Assistants Union in the remainder of my speech.

Neither of those bodies is fully representative of either the retailers or the shop assistants. The former represents a small percentage, mainly the larger stores in South Australia, and even that body is divided. Some retailers, including the association, are strongly opposed to any extension of trading hours in South Australia. However, many other retailers either want extended trading hours or are willing to accept them if they come. Regarding the shop assistants union, there is doubt in South Australia about the number of its members. Press reports in the past few weeks have used various figures. In one report it was 10 000 members, whereas in another it was 20 000. I imagine, without really knowing, that the figure is probably nearer 20 000 and, if it is, the union represents less than one in four shop assistants in South Australia, of whom there are more than 80 000. When these reports of membership were published, no statement was made that they were wrong or, indeed, how many people were in the union. This is because the shop assistants union does not want the public to know what a small percentage of shop assistants it represents.

So, the two groups consulted by the Minister were the Retail Traders Association and the shop assistants union. Certainly, the Minister should have consulted them. However, he did not consider the most important person in the whole matter: the consumer or the customer. In his second reading explanation the Minister stated that he was impressed with the situation obtaining in Queensland, as follows:

> The position in Queensland, where the Industrial Commission has jurisdiction to determine shopping hours, has commended itself to the Government.

Queensland has, since about 1960, had legislation similar to that proposed here. Section 96b of the Queensland Industrial Conciliation and Arbitration Act deals with trading hours in shops. Subsection (2) (*a*) thereof provides:

> The Full Bench of the commission may by order fix the trading hours in shops, whether or not employees are employed therein.

That provision also specifies the commission's jurisdiction. It refers, for instance, to the fixing of hours at which shops may open and close and it specifies whether premises are wholesale or retail. That provision is similar to what is contained in the Bill; although the wording may be

different, the effect is the same. I have no doubt that the Minister and Mr. Goldsworthy of the shop assistants union would be impressed by that, because under the Queensland legislation nothing whatsoever has happened.

The Hon. C. J. Sumner: Why?

The Hon. J. A. CARNIE: In the 17 years since the Queensland legislation has been in force, there has been no significant change in trading hours in that State. I am told, however, that there is finally some stirring in the deep north, and that they are investigating the position in New South Wales and Victoria, which have had extended trading hours for some years. I also believe that in Queensland there is a submission before the Industrial Commission to abolish Saturday morning trading. That is what we in this State can expect if this Bill passes in its present form.

The Hon. C. J. Sumner: How many applications have been made up there? Do you know?

The Hon. J. A. CARNIE: No, I do not know, although obviously there have not been many. I feel sorry for the Minister, because he has been forced to introduce a Bill the provisions of which are obviously against his own wishes. I should like now to refer to what the Minister was reported as having said when he returned from overseas last year. A report in the June 7 issue of the *News* stated:

Shopping hours in South Australia may be reviewed. The Labor and Industry Minister, Mr. Wright, today hinted that he was in favor of changes. "I was very impressed with the shopping hours situation throughout Europe," he said. He said that compared with Adelaide shopping hours were much more liberal in Europe.

There was a possibility of change. In the second reading explanation, the Minister's wishes tend to show through. In that explanation, the Minister said:

It has become apparent that there is an overall public demand for the availability of particular goods after normal hours and a willingness on the part of shopkeepers and their employees to meet this demand.

If the Minister believes that (and there is no question but that he must believe it, because it is so obvious and because polls have shown this for years), why does he not have the courage of his convictions and introduce a Bill to allow for it? Instead, the Minister has introduced this abomination of a Bill that completely ignores the consumer.

The Minister admits that there is a public demand, which all honourable members know exists. However, I should like to draw to honourable members' attention the extent of that public demand in South Australia. I refer to the position that obtained in March, 1972, when an Australia-wide Gallup poll was conducted. About eight out of 10 people in every State wanted late night shopping, most favouring only one night a week. An interesting aspect of this is that there was no great difference between Liberal and Country Party voters and Australian Labor Party voters, 80 percent of L.C.P. voters and 79 per cent of A.L.P. voters wanting extended trading hours. So, politics really do not enter into this matter; most people, irrespective of their politics, want this facility. I should like now to deal with some more recent figures. In this respect, I refer to a poll conducted by Peter Gardner and Associates during the last two weeks of November, 1975, which showed that 72 per cent of the people in metropolitan Adelaide wanted shops to remain open on Friday night; 19·3 per cent said that shops should close; and 8 per cent said that they did not know. I will deal with that last figure later.

However, I should like now to draw honourable members' attention to the latest figures. In the first and second weeks of December, 1976, 80·2 per cent of the people questioned said that shops should remain open; 14·5 per cent said that there should be no late trading; and the "don't know" category had decreased to 5·3 per cent. In other words, the "don't know" category represented only a small proportion of those interviewed. Therefore, people have a positive view regarding trading hours: most want them.

That is the extent of public support for this measure in South Australia, yet the Government continually ignores it. The Government is completely inconsistent regarding the hours of trading for retail premises. Honourable members will recall that last year we passed a Bill extending hotel trading hours to midnight. The same Bill completely abolished the hours for which restaurants could remain open. Restaurants are now completely unrestricted regarding trading hours, and I understand that the Government is now investigating the hours for which service stations may remain open. Why is there this difference in policy? Why is the Government opposed to the same thing happening in relation to normal retail shops? Could it be that Mr. Goldsworthy is a strong supporter of the Premier and the Government and that he wields power that is not commensurate with the size of his union?

There being a disturbance in the gallery:

The Hon. J. A. CARNIE: I point out that interjections seem to be coming from the gallery. The same thing happened in a similar debate in another place in 1970. No-one denies that there would be problems if this came in, and there must be confusion initially. However, the Minister has over-dramatised this aspect when he states:

It would mean that the public and industry alike would be at the mercy of any trader who was prepared to be aggressive in his marketing policies based on his own calculation of his immediate commercial gain and remain open as long as possible.

That could happen, but I have no doubt that if it did the position soon would settle down when the market place found its own level. The market place did that in Melbourne, where shopping hours were completely unrestricted. Even so, since when has the community discouraged aggressive marketing policies? Although much has happened to erode this, we are still a free enterprise community, and what is wrong with someone using aggressive marketing, to use the Minister's term? We do not want everyone reduced to the lowest common denominator.

The Minister is trying to say that we would be subjected to the law of the jungle in retail trading. He is saying it would not be possible to sit down like reasonable people and sort out the problems. The Liberal Party does not believe in this attitude. We believe that people will be able to sit down and negotiate hours and conditions, and the people to whom I am referring are the retailers, the shop assistants and the consumers. When I say that I think the majority of people are reasonable, I cannot include the Secretary of the shop assistants union (Mr. Goldsworthy), whose history in this whole matter has shown that he is totally unreasonable. Last year, when I introduced my private member's Bill for unrestricted trading, Mr. Goldsworthy rushed into the press saying that he would instruct the shop assistants not to work on Saturday morning. That drew the following editorial comment:

The union's stand is arrogant and precipitate; arrogant because it rejects out of hand any idea that the public is entitled to be given service as near as practicable to when it wants it . . .

Mr. Goldsworthy's attitude was totally unreasonable, in that he was not prepared to give it a try or to negotiate. There have been complaints from retailers, and many of them are valid. The complaints have been regarding the penalty rates that they would have to pay for any extended hours. Certainly, I accept that, if an employee works added hours, he should be paid a loading for what could be accepted as time worked outside normal trading hours.

I also believe that full penalty rates should apply only after the full working week, whether that working week comprises 40 hours or 35 hours. That system applies in the United States and Europe. However, I know that it is a pipedream to think that penalty rates will not apply after a working day. Provision for such payment has been written in in so many cases and we have had it for so long that I think we must accept that the penalty should apply after the working day. Even so, the penalty rates for shop assistants in South Australia are among some of the most savage in Australia.

I should like to bring to the attention of the Council award rates for shop assistants in New South Wales and Victoria, compared to the rates in South Australia. In Victoria, which I repeat has Friday night shopping in most cases, the normal working hours for shop assistants during which the flat hourly rate is paid are from 8 a.m. to 5.45 p.m. on Monday to Thursday and from 8 a.m. to 6 p.m. on Friday. From Monday to Thursday, the rate of pay is doubled after 5.25 p.m. for hours not accepted as being normal trading hours. For Friday night and Saturday morning, the overtime rate is calculated at one and one-quarter times the flat rate and is payable after 6 p.m. on Friday and for all time worked on Saturday.

Normally, shop assistants in Victoria work until 9 p.m. on Friday (three hours overtime) and from 8 a.m. until noon on Saturday (four hours overtime). My own investigations have shown that, at least in the big stores in Melbourne, shop assistants work a staggered week. They work from Monday morning until 9 p.m. on Friday and then have Saturday, Sunday and Monday off. In the next week, they work from Tuesday, on Friday night, and until mid-day or whatever the finishing time may be on Saturday. Shop assistants in Melbourne to whom I have spoken would not go back to the old hours. They get a three-day weekend every fortnight.

In New South Wales, shop assistants are expected to work a nine-hour day at normal rates. The normal commencing time (although this varies) is 8 a.m. I imagine that that would not apply to shops similar to those here but that they would open at 9 a.m. Thursday night is the night when the shops are open in Sydney. For Thursday evenings, if they have already worked nine hours by 6 p.m., they are paid one and one-half times the normal rate for the three hours from 6 p.m. to 9 p.m. and twice the normal rate after 9 p.m. If they have not worked nine hours by 6 p.m., they are paid one and one-quarter times the normal rate until nine hours have been accumulated and then they are paid at one and one-half times the normal rate for hours worked thereafter. The standard penalty for Saturday morning is one and one-quarter times the normal rate of pay.

In South Australia, the hours covering most shop assistants are in the Shop Conciliation Committee Award, which lays down that the normal hours are to be from 8 a.m. to 6 p.m. Monday to Friday and 8 a.m. to 11.30 a.m. Saturday. Any time worked outside those hours is to be rewarded by an overtime penalty of one and three-quarter times the normal payment for the first three hours and twice the normal payment thereafter. This is much more than applies in either Victoria or New South Wales.

In an industry of which I have knowledge, the pharmacy industry, the award provides for payment of time and one-half after 6 p.m. but, if a shop assistant works some time in normal hours and some time on overtime, he receives payment at time and one-half for the overtime and also a 10 per cent loading for the time worked in ordinary hours. I do not see the rationale of that loading. A shop assistant in a pharmacy who commences at 1 p.m. and works until 9 p.m. receives payment at time and a half for the three hours after 6 p.m. and an additional 10 per cent for the hours worked as normal hours. The rates of pay in South Australia are much more savage than the rates in the two States that have late-night shopping. What is wrong with working staggered hours? It is worked in many industries and it could easily be done in retail trading.

The Hon. J. E. Dunford: What industries?

The Hon. J. A. CARNIE: There is shift work in factories.

The Hon. J. E. Dunford: They are rostered hours.

The Hon. J. A. CARNIE: It is in this area of the fixing of wages and conditions that the Industrial Commission should be employed. It should not be involved in fixing legal trading hours.

In 1974, a Bill providing for late-night shopping was debated in this Council, and it was defeated. That Bill, which provided for late shopping one night a week, also included provisions relating to awards and conditions. I was not in the Council at that time, but I certainly agree with the principle that it is not the duty of Parliament to fix awards and conditions. That is clearly the function of the commission.

The Hon. C. J. Sumner: You wouldn't have voted for the extension? Is that right?

The Hon. J. A. CARNIE: No, I would not. If we could not take out the fixing of wages and awards, I would not have.

The Hon. C. J. Sumner: The Hon. Murray Hill did.

The Hon. J. A. CARNIE: I am not the least bit interested in what the Hon. Mr. Hill or anyone else did. It is not the function of Parliament to fix awards and conditions, but the converse also applies: it is not the duty of the Industrial Commission to decide when shops shall remain open, and the Government knows that perfectly well. It is a clear case of the Government's passing the buck. It knows full well that what happened in Queensland will be repeated here. Exactly nothing will happen.

The Hon. C. J. Sumner: You don't know that.

The Hon. J. A. CARNIE: Who would apply to the commission?

The Hon. C. J. Sumner: It is in the Bill.

The Hon. J. A. CARNIE: One of the first applications it would get would be from the shop assistants union trying to cut out Saturday morning shopping. The public has not been given a say or an opportunity of going to the Industrial Commission. I refer to the powers of the commission in clause 15 (2), as follows:

The Industrial Commission shall not make an order or vary or revoke an order under subsection (1a) of section 221 of this Act except upon the application of—

(*a*) the Minister;

(*b*) The Commissioner for Consumer Affairs for the time being in office under Prices Act, 1948-1976;

(*c*) a council;
(*d*) a person representing a body of persons, whether corporate or unincorporate being a body approved by the Minister by notice in writing as a body representing the interests of consumers;
(*e*) a registered association as defined for the purposes of the Industrial Conciliation and Arbitration Act, 1972-1975, having members some of whom, in their capacity as such, will or may be affected by the making of the proposed order;
or
(*f*) a body of employers, whether corporate or unincorporate some of whom will or may be affected by the making of the proposed order.

It is a restricted list. Paragraph (*d*) is not sufficient to allow the ordinary consumer, who will be affected by the legislation, to have a say.

Again, the Government has consistently ignored the consumer in this measure. We on this side of the Chamber do not believe that Parliament should shirk its duty on this or any other matter. I have received telegrams and phone calls from many shop assistants and shop owners on this matter.

The Hon. M. B. Cameron: Do you think it was organised?

The Hon. J. A. CARNIE: Yes, I got that feeling. I understand and respect the position of both of these sections of the industry.

The Hon. F. T. Blevins: Will you support them when they go on strike about Saturday mornings?

The Hon. J. A. CARNIE: We are now hearing the union whips cracking again. I was involved in the retail trade for very many years before I came into this place.

The Hon. F. T. Blevins: What was the position in Port Lincoln?

The Hon. M. B. Cameron: What's the situation in Whyalla?

The Hon. J. A. CARNIE: That is more to the point. I hope the Hon. Mr. Blevins will speak on this matter. He is in a very awkward position. While I understand and respect the position of both the shop owners and shop assistants, I must always, as we all must, remember we are elected by the people of this State, 80 per cent of whom have shown that they want extended trading hours. The people are the ones to whom we must listen.

I move now to another aspect of the Bill that concerns me. I do not like the Government's including new and used cars in the list of the exempt goods. I do not believe that either the industry or the public want this provision, because it means that trading on Saturday afternoon and Sunday will be possible. I have stressed all along in this matter that trading on Saturday afternoon and Sunday should not be included, and the amendments I have on file specifically exclude those times. If the hours are changed as we want them to be changed, and as my amendments provide, motor vehicle retailers will open the same as will any other non-exempt premises, and that will not include Saturday afternoon or Sunday. The Minister concluded his second reading explanation as follows:

This Bill will ensure an orderly change in shopping hours in response to a properly tested demand balanced by considerations of the wefare of those within the industry. As such it represents a fair and reasonable way to deal with a matter of some controversy.

The only phrase with which I agree is "a matter of some controversy": it has been a matter of some controversy for many years. I do not believe that the Bill represents a fair and reasonable way of dealing with this matter, or that it will ensure an orderly change in shopping hours. It is simply a way of the Government's refusing to face its responsibilities. I will support the second reading, but only so that I can move amendments which will mean not only that Parliament will face its responsibility but also that we shall have a sane and reasonable approach to the whole vexed question of shopping hours in South Australia. I give notice now that, if those amendments are not carried, I will oppose the third reading of this Bill.

The Hon. J. E. DUNFORD: I support the Bill. I want to be as brief and as constructive as possible, because I have been told that this is legislation week, and I want this Bill to pass. This is the fourth occasion that this Council has failed to give satisfaction to public and union demands.

The Hon. M. B. Cameron: We haven't failed yet.

The Hon. J. E. DUNFORD: I mean up until now. The honourable member has not spoken in this debate yet, but I know he will be speaking after me. I wish I was speaking after his contribution. The Hon. Mr. Carnie has talked about an orderly change. When we heard him speak before Christmas about an orderly change, the position was so confused that the Bill being considered then was tossed out on the third reading. The proposed amendment now suggests a change to come about on Thursday night. His amendment provides, in part:

(*a*) for every shop other than a hairdresser's shop, shall be 5.30 p.m. on every Monday, Tuesday, Wednesday and Friday, 9 p.m. on every Thursday.

It makes me wonder whether the Hon. Mr. Carnie has made a mistake, has been untruthful or has misled the Council.

The Hon. F. T. Blevins: Or all!

The Hon. J. A. Carnie: I'm always willing to compromise.

The Hon. J. E. DUNFORD: Having spoken to shop assistants in Melbourne, he first suggested that Friday night was the best night. He suggests now that the public of South Australia prefers Thursday night.

He went on to attack the Minister. I have known Jack Wright for many years as a trade union official and now as the Minister, and he is not frightened to make statements. I do not doubt that he did say that it was different overseas. He is not the only one who has been overseas; of course, it is different overseas—there are no unions in some of the countries he has been to, where the workers have no say at all and do not have decent rates of pay. The Hon. Mr. Carnie suggests that, if this Bill is passed, the first application will come from the shop assistants union for no Saturday work. If this Bill is passed, the union will have every right to go to the commission on behalf of its members to apply for Saturday morning closing; there is nothing wrong with its doing that. I have spoken to the union Secretary (Mr. Goldsworthy) at Trades Hall. I hope members opposite do not mind my going there now and again, because there is much more sensible discussion there than we hear from the Opposition.

The Hon. C. M. Hill: Are you a member of the Trades and Labor Council?

The Hon. J. E. DUNFORD: Yes, and I am proud of that. The Hon. Mr. Hill wants to catch me off the track, but I will not go off the track. The Hon. Mr. Carnie has not read the Bill: he has read the Queensland Bill and has spoken to people in Victoria but, if he had looked at page 5 of this Bill, he would have seen provisions dealing with the consumer, the unionist, and everyone in our society. New section 228 (1) provides:

In the exercise of the jurisdiction conferred on it by subsection (1a) of section 221 of this Act the Industrial Commission shall consider the public interest and, subject to that interest, the interests of employers and employees in shops that will be the subject of an order under that subsection and the interests of employers and employees in the vicinity of those first-mentioned shops; and may consider any other matter or thing that to it appears relevant.

That covers the whole spectrum of the debate that has taken place in both Houses on the four Bills dealt with.

For many years, I appeared before the Industrial Comission in South Australia. If there is an application under this Bill by the shop assistants union, the consumer groups or any other group in the community can go to the Industrial Commission, give evidence and make an application. I had a fair amount of successes and some losses before the commission, but what impressed me about the commission was the quality of the commissioners and their ability to conciliate. The Hon. Mr. Carnie may not be doing it intentionally but, by proposing this amendment for Thursday night shopping, he will become off-side with many small retailers, with unrestricted hours.

People usually like to shop when they have money in their pockets. As an ex-union official, I know that thousands of workers are paid on a Friday, not a Thursday, so they do not like to shop on a Thursday because they are not paid until Friday. If there are to be changes, applications for changes in working hours, conditions of work, and wages should be made to the Industrial Commission. To suggest that, because one in every four shop assistants is not in the union, the shop assistants union has no authority is no argument for not approaching the Industrial Commission.

I have had much experience and much success in organising non-unionists. I know the difficulties associated with organisers in shops. In most industries, one can talk to the employees at a meeting during the lunch break outside the factory gates and one can go around the factories during the day and talk to the workers; but one cannot do that in shops. When the shop assistants go for lunch, they go to the canteen or cafeteria, and always in pairs or singly. It is a difficult area to organise, and I have no doubt that many shop assistants would be members of the union if there was more co-operation from the employers. However, that does not detract from the fact that the 25 per cent of the people who are not represented by the union have authorised Mr. Goldsworthy to write a letter on their behalf. I received that letter last September, in the debate last year, when the Hon. Mr. Carnie wanted to open shops for unlimited hours, with no consultation. (One would think he was Fraser: just go ahead and do this and everything will work out later.) Members opposite would not accept it, it was so ridiculous. In the debate last year there was a contribution by Frank Blevins.

The Hon. M. B. Cameron: From Whyalla.

The Hon. J. E. DUNFORD: I have lived in Whyalla and, if I lived there now, I would most probably vote for unrestricted hours. In both cases, the contributions last year incorporated in *Hansard* included a copy of a letter from the Retail Traders Association setting out clearly its objections to the legislation proposed by the Hon. Mr. Carnie. I have now received a similar letter from the Shop, Distributive and Allied Employees' Association on this matter. When it dealt with extended trading hours last year, it was pointed out that the costs of merchandising, administrative costs, and overhead operating costs would increase as a result of the extension of hours. The association maintained there was no great public demand for extended trading hours and that there could be a disruption of family life with so many women employed in the industry, which would cause further social problems within the community. I can imagine that, with young people struggling to pay high interest rates on the mortgage on their homes, they accept employment in an industry that has been stabilised in this State for many years. They may have arranged to have their children looked after by, perhaps, a mother-in-law or a creche. Suddenly, if the Hon. Mr. Carnie's proposal is adopted, without any consultation the boss will say, "A Bill has been passed by Parliament changing your working hours. As a result, an application will have to be made to vary your rates of pay and conditions." That is completely unfair, and it disregards the most important unit in society—the worker. He is demanding more recognition.

The Hon. J. A. Carnie: The consumers are workers, too.

The Hon. J. E. DUNFORD: Some consumers have a very narrow approach to this matter. During the campaign for a 40-hour week, it was alleged that a reduction in the number of working hours would wreck the country. Workers were fined if they refused to work on Saturday mornings. Public opinion polls in 1946 showed complete hostility toward trade unions and toward shortening the working week, because the newspapers told the people that reduced hours would wreck the country. Because workers unfortunately believed what they read in the newspapers, some of them did not want a 40-hour week. However, as a result of better consultation with trade unions, workers now know that any improvement in conditions will not be obtained through Parliament, because Opposition Parliamentarians have had no experience of being workers. The South Australian Industrial Commission is fully competent to deal with this matter and with any application lodged by the Retail Traders Association or by people associated with consumer affairs. If parties are so far apart in their views that they go into conference, on nearly all occasions when the public interest is at stake a result is forthcoming. Under the Government's proposal, people will be satisfied that there are no politics associated with the matter. A newspaper article of April 22 states:

The major amendments, moved by the Leader of the Opposition (Dr. Tonkin), sought to give unrestricted trading hours, except between the hours of 1 p.m. on Saturday and midnight on Sunday.

Dr. Tonkin is reported as saying:

If they are not prepared to govern and make decisions for the people of South Australia let them get out and let us get in.

That is about all that the Liberal Party has got to offer South Australians—unrestricted trading hours. Last year the Hon. Mr. Carnie said that his proposal would create employment, but I point out that, if employment is created, the cost of goods will be increased. If more staff are employed, the wages bill will be increased, and this will affect prices. I have found that there is no great demand for what the Hon. Mr. Carnie proposes. In the past two years no-one has contacted me seeking Friday night shopping, Thursday night shopping or unrestricted trading.

The Hon. M. B. Cameron: They would know it would be hopeless to contact you.

The Hon. J. E. DUNFORD: I point out that bus services in some areas cease to operate at 6 p.m. each day. Therefore, under the Hon. Mr. Carnie's proposal, the problem of providing buses would arise. Further, problems associated with shoplifting would result in a need for increased supervisory staff. I am sure that the Hon. Mr. Carnie is not speaking for the consumer, the

trade unionist, or the general public. Last year he expressed strong views on unrestricted trading hours. Now, he wants Thursday night shopping. He suggested that Government members were controlled by the Trades Hall and the Shop, Distributive and Allied Employees Association, but that is not true. I point out that the Premier has on occasions told workers that they were wrong. He has spoken at the Trades Hall and told unions where he thought they were wrong. So, the honourable member's allegation that the Premier or any Minister is controlled by the Trades Hall is quite unfounded, and it reveals the honourable member's ignorance. The Hon. Mr. Carnie said that the Trades Hall was paid for out of public funds.

The Hon. J. A. Carnie: I am sorry.

The Hon. J. E. DUNFORD: He then went on to eulogise the Queensland situation.

The Hon. J. A. Carnie: I did not.

The Hon. J. E. DUNFORD: Since then he has found out that the hours and conditions for shop assistants in Queensland are decided in the Queensland Industrial Court. Further, the honourable member suggested that the Victorian people are happy with staggered hours. It has been said that Sir Henry Bolte did not mess around; he just brought in the legislation and told the unions to go to hell. The workers had to accept the legislation, and the unions applied to the court and got decent penalty rates, but that might have happened many months later. This Bill will facilitate orderly changes. We do not want a repetition of what happened in Queensland and Victoria. We do not want industrial unrest. There are some very militant unions.

The Hon. M. B. Cameron: They won't do anything because some of them favour a change.

The Hon. J. E. DUNFORD: By his interjection the Hon. Mr. Cameron has given me some hope that there are responsible people on the other side, and we will not get to a situation where an amendment is carried forcing shop assistants to work on Thursday nights.

If I were a shop assistant employed for about 20 years by Myers and I had become involved on Thursday evenings in a sporting activity or community matter, which I considered important, and I was suddenly told that I was required to work on Thursday night, I would expect some redress, as is my democratic right. I would want to consider leaving my employer. In that case, I would seek some sort of severance pay, but these aspects have not been considered by the mover of the amendment. I know that the Hon. Mr. Carnie has been successful in business and in the political field (he has moved from one Party to another and has continued to obtain endorsement), but he may not always be so lucky. He may not be able to buy back his chemist shop and will become a shop assistant. Will the honourable member join the union?

In relation to Saturday work, I refused to do that 30 years ago and, as a result of the action of men such as myself, the courts handed down their decision implementing the 40-hour week. The courts accepted reality, and honourable members should accept reality. There were complaints about the closure of banks on Saturday mornings. Workers asked how would they make withdrawals and employers were concerned about making deposits. The post offices were closed on Saturday morning and people were concerned about obtaining stamps. I do not believe those complaints were justified. It has been suggested to Mr. Carnie that shop assistants should work longer hours.

Last night, people asked me what I felt about society, and I said there was too much greed and not enough concern for others. The honourable member referred to a poll, but I am not a believer in polls, especially regarding the phrasing of the questions asked. Perhaps we should ask people who once worked on Saturday morning and who no longer do so whether they would want to make others work such hours, while at the same time paying more for their goods. My three sons play football on Saturday morning and, in order to watch them, I might seek to work on Friday night, but unions are not comprised of members of my opinions, and courts do not give decisions based only on the needs of individuals or small consumer groups. Indeed, courts take every aspect into consideration in order to make a decision that can be equitably accepted by the community.

On this occasion the Minister has introduced a Bill and, if the media presented correctly what was covered by the Bill, the public would accept it. The Bill is worth considering, but I am sure that the Hon. Mr. Carnie's amendment will be thrown to the wood heap, where it belongs.

The Hon. M. B. CAMERON: I wondered why the honourable member who just resumed his seat was selected as the first speaker on the Government side in this debate. I concluded that the Government's bright boys on the back bench were not willing to defend this rather defenceless Bill.

The Hon. J. R. Cornwall: He is one of the bright boys.

The Hon. M. B. CAMERON: That is a matter of opinion. After the honourable member's speech I would not put him in that category. The honourable member says that the proper place to make any change is the Industrial Court. Is that where he—

The Hon. J. E. Dunford: That is change in relation to working conditions.

The Hon. M. B. CAMERON: How did the Government decide that people in the motor industry should have a change foisted on them without any prior consultation whatever? I might have believed the honourable member's claim if the Government had not put people employed in that industry into an exempt category. This Bill is a dishonest attempt to deceive the public. Suddenly, one section of industry has been told it must work for ever. It is not even exempt on Sunday. This is because the Government wants to be able to say to the public, "We have looked after an important section of the industry dealing with what you want to do on weekends."

It is a nonsensical argument to say that working conditions shall be changed only in the Industrial Court when the Government itself has taken one section of industry and put it into an exempt class. Although I do not disagree with what the Government has done in this case, I question whether it has the right to exempt one section only. If an exemption is to be made, it should be made for everyone. You are not genuine, you have not put forward a genuine argument, because the Government has taken the opposite action—

The Hon. J. E. Dunford: That is not—

The Hon. M. B. CAMERON: If you are to be genuine, take the matter as a whole and handle it through proper Parliamentary procedure.

The Hon. J. E. Dunford: Mr. Acting President, the honourable member is reflecting—

The Hon. M. B. CAMERON: I have merely—

The Hon. J. E. DUNFORD: On a point of order, Mr. Acting President. The honourable member has made suggestions and certain innuendoes, yet he has left the Liberal Movement—it is clearly a proper point of order.

The ACTING PRESIDENT (Hon. M. B. DAWKINS): There is no point of order.

The Hon. M. B. CAMERON: I am sure the honourable member will find a better point of order in the future. I realise that the honourable member has a problem. I have indicated that the honourable member is not genuine. He has referred to changes and has supported changes, but not through the channels he purports to support. It is important to see the difference between what has been said and what is the real position. I will be interested to see what happens with this Bill. Several Government members must support what we are trying to do, that is, giving people freedom. The Hon. Mr. Blevins states, as a good socialist, that he believes in the equality of man, and I am sure that he is genuine in what he says. He believes that people should be equal. The honourable member has Friday night shopping in Whyalla, but we do not have it here.

The Hon. F. T. Blevins: It's on Thursday and Sunday, too.

The Hon. M. B. CAMERON: Surely the honourable member will not try and deprive the remainder of South Australia of having what he enjoys. If the honourable member believes in the equality of man he has one of two possible choices: either he supports the attempt to give everyone what he has already got (I am not sure about Sundays), or he introduces an amendment to cut out Friday night shopping or any other additional shopping hours applying in Whyalla.

The Hon. F. T. Blevins: But I agree with the Whyalla agreements.

The Hon. M. B. CAMERON: Let him put that situation to the people. There has been much talk about double dissolutions and elections. Why do we not have an election on this issue? Why do we not take this issue to the people? The Government is not game. The Government has not got the guts to put this issue to the people, because it knows it is wrong. Indeed, the Government has not the people's support on this issue. The Government knows it is depriving people of something they want. The Government is taking the first step towards its downfall in supporting this Bill. I should be pleased about that, but I am not, because I would like the people in this State to have the freedom that is their right. I should like to see support for this amendment. Let me now refer to another Opposition member, the Hon. Mr. Sumner, who puts forward an image of a cosmopolitan man.

The Hon. C. M. Hill: A man about town.

The Hon. M. B. CAMERON: Exactly. He is always well dressed, supporting the Rundle Mall, and putting himself forward as a genuine man of modern outlook. But what does he do? When the Opposition tries to introduce something to give a modern outlook to our lives in this State, he knocks it down. I cannot believe that the honourable member really thinks what he said he thinks. The honourable member is apparently going to take action that will turn the Rundle Mall into a "maul". Why cannot people do their shopping out of hours?

What about the Hon. Miss Levy, who purports to represent women? If this Bill is not an attempt to help the working wives of this State, I should like to know what is, because it will give the women of South Australia an opportunity to do their shopping at a time when the rest of the family can stay home and look after the children. That section of the community should be afforded this opportunity to shop. Anyone who works for an industry is working for a section of the community, and must realise that, in doing so, he must provide a service, just as we, as members of Parliament, must do.

I do not know what the Hon. Mr. Cornwall thinks about this matter. I find it hard to summarise his thoughts. I cannot believe that the honourable member is not a genuine, modern man, and that he does not believe that this community should have facilities enjoyed by any other modern, forward-looking country. Looking further along the back bench, I see the Hon. Mr. Creedon. He seems to be a permanent pair these days, so we will be waiting in vain to hear his thoughts on this matter.

The Hon. C. M. Hill: What about the people of Gawler?

The Hon. M. B. CAMERON: The Hon. Mr. Carnie, who made an excellent contribution in this debate, pointed out that certain areas of this State used to enjoy the privilege of Friday night shopping. They had then what any modern community should have. However, as a result of the most deceitful campaign conducted in relation to a referendum in this State, involving as it did a scare campaign, that facility was taken away from the people who had previously enjoyed it. It was not even taken away on a genuine basis. Let me now examine the situation in the areas that were deprived of Friday night shopping. I refer to Elizabeth, where 9 385 people voted in favour of shops remaining open, and where 2 444 voted against it.

The Hon. C. M. Hill: That Labor seat's gone.

The Hon. M. B. CAMERON: Of course it has.

The Hon. F. T. Blevins: Want a bet?

The Hon. M. B. CAMERON: Will the honourable member take a bet that before the next State election he will be making another attempt to change shopping hours, because he is frightened, as well he might be?

The Hon. F. T. Blevins: I'll give you 10 to one.

The Hon. M. B. CAMERON: When a political group such as that to which I belong and which is now becoming a dominant group in this State is in favour of this legislation, and when 80 per cent of the people support it, it will come into being, whether or not Government members want to deprive the people of South Australia of this right.

The Hon. J. E. Dunford: We don't.

The Hon. M. B. CAMERON: If Government members do not change their minds before the next election, we will have a change of Government in this State and this will become law. The Government is turning into a real dictator, as it is dictating to 80 per cent of the people of this State who want this change. It is saying, "You will not have it", and that is the beginning of the end for this Government as a political power. Much has been said about the Secretary of the shop assistants union.

The Hon. F. T. Blevins: An honourable man.

The Hon. M. B. CAMERON: I have no doubt that he is. That gentleman does his best in his capacity as leader of his union. One wonders, however, how he manages to wield so much power over Government members.

The Hon. M. B. Dawkins: He had a responsible attitude on the wage freeze.

The Hon. M. B. CAMERON: That is so, much better than that of Government members. Would the Hon. Mr. Dunford support that wage freeze? In no way would he do so.

The Hon. J. E. Dunford: I have never scabbed on my workers yet, and I won't start now.

The Hon. M. B. Dawkins: You're not suggesting that Mr. Goldsworthy has, are you?

The Hon. J. E. Dunford: If I have anything to say to Mr. Goldsworthy, I will say it.

The Hon. M. B. CAMERON: I do not know how Mr. Goldsworthy wields so much influence. I wonder whether it has anything to do with preselection.

The Hon. C. M. Hill: Surely it wouldn't be that!

The Hon. M. B. CAMERON: One does wonder. I have been told by unionists outside this place that Mr. Goldsworthy has only 1 000 unionists associated with the United Trades and Labor Council and the Labor Party. Perhaps it is because of a threat that one day he will affiliate 20 000, 30 000 or 40 000 of his members. Perhaps then some Government members will be in trouble with their preselection. There must be some reason for this. I cannot see why members opposite are continuing to follow the direction that they are following in this matter.

The Minister has claimed that he has introduced a Bill to change the situation that now obtains. However, every honourable member knows that that is nonsense. This Bill is an apology to the people for what the Minister is unable to do, because of the dictates of the people on South Terrace. The Minister is not permitted to make the change that he would like to make. I do not believe that any honourable member would have been impressed with the poor contribution to this debate made by the Hon. Mr. Dunford. Even his friends the shearers must be offside with him. At what time are they able to shop? Shearers do not finish work until 5.30 p.m., so how can they shop?

The Hon. J. E. Dunford: They haven't any money.

The Hon. M. B. CAMERON: The honourable member is entitled to his own opinion. However, I think that shearers are paid very fairly. Although they are probably one of the hardest working groups in the State, shearers are well paid. However, that is getting away from the issue.

The Hon. J. E. Dunford: Yes, get back to the Bill.

The Hon. M. B. CAMERON: I intend to do so. I ask the Government to examine the amendments carefully because, if it refuses them, it may bring about its own downfall at the next election.

The Hon. C. J. SUMNER: I will direct my remarks primarily to Opposition members who perhaps may have a more realistic approach to the problem than have the Hon. Mr. Carnie and the Hon. Mr. Cameron. Particularly after his intemperate tirade, I would not direct any remarks to the Hon. Mr. Cameron. He was strong on rhetoric, freedom, dictatorship, and all the rest, but he was thin on facts and on what this Bill does.

My remarks are directed perhaps to yourself, Mr. President, and other members, particularly the Hon. Mr. Hill, who in the past has voted in this Chamber for an extension of shopping hours. His colleagues deserted him in 1972 or 1973 when the Government introduced a Bill to allow Friday night shopping on a roster system. The legislation contained provisions regarding industrial conditions, and members opposite voted against it on that ground. The Hon. Mr. Hill voted with the Government, because he saw an opportunity to extend shopping hours, and that was a correct decision to make.

Sometimes I am concerned about members opposite, because they talk about wishing to extend shopping hours but, when they have had an opportunity to do so, they have opposed the Government's legislation. The Bill to which I have referred protected the employees, an important part of any industry, and I was sorry when members opposite voted against it. I would be interested to know the Hon. Mr. Hill's attitude to the Bill before us, because he has shown that he is concerned about the interests of employees and about the regulated extension of trading hours. The Hon. Mr. Carnie and the Hon. Mr. Cameron have misrepresented the effects of the Bill. They have said that there will be no change, but that is not correct.

The Hon. Mr. Carnie has relied on experience in Queensland, and I will show how he has misrepresented the position there. The system there does not consider the public interest and the interests of consumers, employers, and particularly employees. The Government Party of which I am a member has never been prepared to extend shopping hours without providing adequately for the interests of employees. We took that action last year in regard to the Hon. Mr. Carnie's Bill, which we did not think had adequate regard for the employee.

The Hon. A. M. Whyte: The right to regulate regarding exemptions is in the Industrial Code, not the Bill.

The Hon. C. J. SUMNER: I am talking about protecting the industrial conditions of employees. The Hon. Mr. Cameron referred to dictation from the Trades Hall by the shop assistants union. That represents employees in the industry and any sensible and responsible Government concerned about the rights of employees and their conditions would consider the views of a responsible union. To say that that is dictation from the Trades Hall is nonsense, and I am surprised that the Hon. Mr. Cameron has carried on in that intemperate way.

I repeat, for the benefit particularly of the Hon. Mr. Hill, that the Bill gives opportunity for change by a regulated extension of shopping hours, through the commission. I say that the Queensland experience cannot be used to show that there will be no change because the provisions in the Queensland legislation are completely different from those in this Bill. They do not give consumers the right to apply to the commission for extension of hours. They keep the right with employer and employee organisations. There is nothing in the Queensland legislation to show that the public interest or the interest of consumers should be considered.

The Hon. Mr. Carnie could not tell me the full details of the legislation there and he could not tell me about moves made to change shopping hours during the 15 years in which the Act has been in operation there. He probably has not researched the matter carefully. This Bill is significantly different, and new section 228 (1) provides:

In the exercise of the jurisdiction conferred on it by subsection (1a) of section 221 of this Act the Industrial Commission shall consider the public interest and, subject to that interest, the interests of employers and employees in shops that will be the subject of an order under that subsection and the interests of employers and employees in the vicinity of those first-mentioned shops; and may consider any other matter or thing that to it appears relevant.

There is a positive direction in the Bill to consider the public interest and consumers, and that is not in the Queensland Act. Also, by our Bill, many organisations and people may apply such as the Minister, the Commissioner for Consumer Affairs (again, there is a consumer element), a council (presumably a local government body that is in touch with community feelings), a consumer organisation, the appropriate trade union, and the appropriate employer authority.

The Hon. J. A. Carnie: I mentioned those.

The Hon. C. J. SUMNER: Yes, but the honourable member did not say that there was a clear distinction between that and the position in Queensland. The Bill gives the consumer and the public a paramount right to apply. The public interests will be protected and there will be a regulated approach to shopping hours, not an open slather that could adversely affect employees and employers. The commission is accustomed to judging economic effect and matters generally concerning industrial conditions, and this is a logical extension of those functions. It is not something with which it would be unfamiliar. It provides a very good way of getting a regulated change. I appeal to honourable members opposite to have a look at the Bill again, not adopting complete opposition to it because they think it will not represent any change, but considering it on its merits and as a genuine attempt by the Government, which it is, to get orderly change, with regulation, and not open slather. I believe that there is no justification for saying that because in Queensland there was no change, alteration or movement there will be none here. The Bill is different. The Bill itself attaches paramount importance to the public interest and gives the right to consumer representatives to appear. I urge honourable members to have another look at the matter and to vote again for an opportunity to extend shopping hours, providing the public with some extension that is subject always to the protection of the interests of all parties.

The Hon. D. H. L. BANFIELD (Minister of Health): I thank honourable members for the attention they have given this Bill. Unfortunately, members opposite have not come around to our way of thinking and have done nothing to convince us that this Bill is not correct in principle. Members opposite always believe in arbitration and that is the main thing that this Bill provides. It allows the Industrial Commission to have a proper look at this matter and inquire into it if it so desires.

I know members opposite would like a proper inquiry into the question of shopping hours, for that has always seemed to be their approach on other matters. The Bill allows this situation to go before the Industrial Commission, and this is putting the Opposition's policy into operation. We know, however, that members opposite are jumping on the band waggon and advocating what they think the public desires, but they have not given us the names of people they have approached who may or may not actually want late night shopping.

We can point to Tasmania, where the provision of unrestricted shopping hours has resulted in no Saturday morning shopping. That could happen here. Is this what the members opposite want? Is this what the public want? Have members opposite thought about this possibility? I can assure them that it is a real possibility if they persist with their attitude, and I am sure that the public do not want that. I ask honourable members to allow a provision for the Industrial Comission to sort out this matter with the people concerned including the consumers, employers and the employees.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Interpretation."

The Hon. J. A. CARNIE: All the amendments on file in my name deal basically with one matter, and in speaking to each of them I should like also to be able to refer to all of them.

The CHAIRMAN: As they all clearly form one package, I will allow the honourable member to speak to all of them.

[*Sitting suspended from* 5.42 *to* 7.45 *p.m.*]

The Hon. J. A. CARNIE: I move:

Page 2, lines 10 to 16—Leave out all words in these lines.

This is the whole crux of the matter as far as I can see. My amendment seeks to remove all reference to the Industrial Commission and to bring into the Bill a short trial period of Thursday night shopping and then unrestricted hours, in line with our stated policy. One of the parts of new clause 12 brings in Thursday night shopping, which the Hon. Mr. Dunford appeared to make much of. Before Christmas, apparently, I said "Friday"; actually, before Christmas I said "unrestricted hours".

The Hon. J. E. Dunford: That is what I said.

The Hon. J. A. CARNIE: I got the impression that the honourable member said I said it should be Friday night shopping; anyway, that is immaterial. This is a trial period until June 30, 1978, and the trading hours will be 5.30 p.m. on the Monday, Tuesday, Wednesday, and Friday, 9 p.m. on Thursday, and 1 p.m. on Saturday. After this trial period of one night a week shopping, all sections of the industry, both retail and the assistants, can decide whether that has been successful, whether Friday night might be better, or whether Wednesday night might be better, and that is the point I made last year, as the Hon. Mr. Dunford knows. People may decide that it does not pay to open on any night, because, in my amendment, there is no compulsion on anyone to open if he does not wish to. Much has been said today about this Parliament's trying to push conditions and hours on to retail trading in South Australia; actually, we are opening it up so that the industry itself can decide what hours it wants to open.

The Hon. J. E. Dunford: How would you get a consensus?

The Hon. J. A. CARNIE: By rational discussion.

The Hon. J. E. Dunford: Within the Industrial Commission?

The Hon. J. A. CARNIE: No.

The Hon. J. E. Dunford: Then how will you do it?

The Hon. J. A. CARNIE: By reasonable people sitting down together and sorting out what they want. Honourable members know that these amendments are consequential on each other. They do not mean that shops are open on Sundays, because section 222 of the Industrial Code states:

Except as otherwise provided in this Act a shopkeeper shall keep his shop closed and fastened against the admission of the public for the whole of a Sunday or a public holiday.

The Hon. M. B. CAMERON: I indicate at this stage that I have an amendment being drawn up that will affect clause 1. I should like that amendment to be considered before we go too far with the Bill.

The Hon. D. H. L. BANFIELD (Minister of Health): Although the amendment to clause 1 is not on file, there is no reason why we cannot go on with the others, and we can recommit the Bill later. We oppose the amendment, and possibly this is a test amendment. It is not new; it was moved by the Leader in another place. However, it is not acceptable to the Government. As I outlined in the second reading explanation, the Government proposes that the question of shopping hours should be determined

before an independent body, to which all interested parties should have access. The Hon. Mr. Carnie says that we were passing the buck to the Industrial Commission; it is not that at all. The Industrial Commission is set up for that very purpose. Why set up a commission if it cannot look into the working hours of people? The Hon. Mr. Carnie would leave it entirely to the employers: they will decide without any consultation with the employees, yet the honourable member is trying to tell us that the industry will decide what the hours will be. The bosses will decide, irrespective of any reference to the employees and without any reference to the consumers, who will have to carry the burden of any increased charges that must result. If this amendment is carried, it automatically must mean an immediate increase in the cost of goods. There is no indication from the honourable member that, before the industry can bring this into operation, there will be a change in the shop assistants award. So, it means that the overtime provisions must prevail. We want this matter to go to the Industrial Commission, so that it can consider the total picture from all viewpoints.

What is the honourable member saying about overtime? Not a word! He now wants to by-pass the commission in connection with hours, but he wants to run to the commission to ensure that the employees are not paid overtime rates. Why rush to the commission for one thing, but not for the other thing? Does the honourable member believe that the employees are entitled to overtime for their extra work? If they work after 5 p.m. they should be paid whatever the award provides—penalty rates. There is not a thing in the Hon. Mr. Carnie's proposal as to what will happen in connection with penalty rates. Let the court consider the industry and consumers' rights. I oppose the amendment.

The Hon. D. H. LAIDLAW: I support the amendment, but I have reservations about it. My reservations relate to the matter about which the Minister of Health spoke. I do not agree that all matters both political and industrial ought to be handed to the Industrial Commission. Its functions are industrial, not political.

As the Hon. Mr. Cairne has pointed out, shop assistants in South Australia will receive, if this amendment is passed and under the present industrial provisions, overtime penalty rates much higher than those prevailing in New South Wales and Victoria. For example, in Sydney, where there is late-night shopping on Thursdays, shop assistants work for 42½ hours in one week and 37½ hours the next week. Under the present award, adult shop assistants in Sydney are entitled to $137·10 a week, but this increases on average to $140·11 because they receive time-and-a-quarter pay between 6 p.m. and 9 p.m. on Thursdays and between 8 a.m. and 12 noon on Saturdays, which they work in alternate weeks.

In Melbourne, retail shops are allowed to trade on any week night but, in general, they open on only one or two nights a week. Some firms work on a two-week roster, as in Sydney, and for this the shop assistants receive time-and-a-quarter pay between 6 p.m. and 9 p.m. on any week day and between 8 a.m. and 12 noon on Saturdays.

In South Australia, the situation is quite different, because the State Industrial Commission laid down in 1960 that, when a retail store opens for Christmas late-night trading, an adult shop assistant will receive time-and-three-quarters pay. At present, under the South Australian award, a permanent shop assistant works 43 hours in one week and 37 hours in the next week, a total of 80 hours a fortnight. The present award rate for adults is $135·80 a week but, by working on one Saturday in every other week, for which the shop assistants receive time-and-a-quarter pay plus 30c for travelling costs, their average pay increases to $137·65 a week.

If late-night shopping on Thursdays is introduced and if the present award conditions and the provisions for Christmas late-night trading are sustained in the Industrial Commission, a permanent adult shop assistant in Adelaide whether male or female, working between 6 p.m. and 9 p.m. on Thursdays would receive $5·95 an hour, compared with the permanent adult shop assistant working in Sydney between 6 p.m. and 9 p.m. on Thursdays and receiving $4·29 an hour.

It is most undesirable that the cost of providing shopping services should be so much higher in Adelaide and the rest of South Australia than in Sydney. The difference between $5·95 and $4·29 is significant. It means that an adult shop assistant would receive 38 per cent more working under present conditions in Adelaide than in Sydney in respect of late-night trading. It is essential that an official application should be made to the Industrial Commission to vary the award to bring pay during late-night trading into line with that applying in Sydney, if late-night shopping is introduced in South Australia. I do not agree with all that the Minister of Health has said in connection with the Industrial Commission. It has its proper role. It should decide awards and rates for hours worked after Parliament has set the guidelines. With that plea and warning, I support the amendment.

The Hon. J. E. DUNFORD: I was more impressed by what the Hon. Mr. Laidlaw said than by what the Hon. Mr. Carnie said, because at least I could understand what the Hon. Mr. Laidlaw said. The Hon. Mr. Carnie knows nothing at all about industrial relations and the Industrial Commission. The Hon. Mr. Carnie said that people should see how his proposal works over a 12-month period. If this Bill is passed, a conference could be called to deal with the problems that the Hon. Mr. Laidlaw raised. If wages are 38 per cent over and above those applying in Sydney, there will be greater costs for the consumer to bear.

I should like to know who the Hon. Mr. Carnie thinks should sit down and talk. Once this amendment has been passed, everyone in the industry can sit down and talk and reach conclusions, without having to wait 12 months. There is nothing to support the amendment, as it would be silly for us to sit down and talk about a matter after a year, when that could be done now.

The Hon. C. J. SUMNER: I have been a little disappointed with Opposition members, in that none of them has seen fit to comment on what I said during the second reading debate. The Hon. Mr. Carnie put his case on the basis that our legislation was the same as the Queensland legislation and that, therefore, there would be no movement in shopping hours. I quoted him the clause of the Bill and the sections of the Queensland legislation which showed clearly that there was a distinct difference between them; this is because of the consumer and public interest aspects that have been written into the Bill. However, the Hon. Mr. Carnie has seen fit not to comment on it. If the honourable member thinks that there may be movements in shopping hours under this Bill, why does he not support it?

The Hon. Mrs. Cooper and the Hon. Mr. Hill know the difference between this Bill and the Queensland legislation. They realise that there is a definite provision in the Bill for the representation of consumer and all other interests involved. The public, consumers through consumer

organisations, the Prices and Consumer Affairs Branch, and employers and workers in industry will be represented, and that seems to be the proper way of proceeding with the matter. It is not a matter, as the Hon. Mr. Carnie suggested, of our having the Queensland situation, under which there could be movement. Although I have tried to put the arguments in a reasonable manner, the Hon. Mr. Carnie has chosen not to refer to them.

I also find it strange that, in heralding the cause of consumers in this situation, the Hon. Mr. Carnie is adopting a proposal that completely excludes consumer participation. For instance, if the union and employers wish to come to some agreement regarding hours, as has happened in Victoria and in other States, they may come to a more restrictive agreement than that which exists at present, and the consumer will have no chance to put his point of view if that is adopted.

However, under the Government's proposal there is a clear obligation on the Industrial Commission (it is not just something that it may do) to take into account the considerations of all these interests and the public interest. Under the free-for-all argument suggested by the Hon. Mr. Carnie, there would be no obligation on the commission to do that. If members opposite are interested in and concerned about consumers, they should support this Bill.

The other matter about which I was surprised was the Hon. Mr. Laidlaw's approach. That honourable gentleman spoke of the higher costs that might occur as a result of the Hon. Mr. Carnie's amendment, yet he came down fully in support of it. There seemed to be an enormous contradiction. However, he did not realise that, if this was put in the hands of the Industrial Commission, the matters of hours and conditions could all be sorted out in the one area. In that event, all interested parties, including the Minister if he so desired, could intervene and put their arguments.

The Hon. D. H. Laidlaw: I still think that Parliament should set the guidelines.

The Hon. C. J. SUMNER: Parliament is setting down the guidelines. If the Hon. Mr. Laidlaw is concerned about costs, I am surprised that he supports the Hon. Mr. Carnie's amendment and not that which puts the whole gamut of the arguments and considerations involved in the hands of the Industrial Commission. There, employees could argue about their conditions, the Minister of Prices and Consumer Affairs and consumer interests could argue about costs, and ultimately it would be left to the commission to decide. By doing it that way, the matter of industrial conditions would be interwoven with that of hours.

The Hon. D. H. Laidlaw: I do not think Parliament should slide away from the issue.

The Hon. C. J. SUMNER: It is- not doing that. Parliament is saying to the commission, "Here are your guidelines. This is the sort of procedure that you ought to follow, and these are the people of whom you should take notice." It is not as though hours were a strange thing on which the Industrial Commission should adjudicate, as the question of hours always arises in that jurisdiction. It is not unfamiliar with economic arguments, and it seems appropriate that the matter of trading hours should go before the commission and be intermeshed with considerations of industrial conditions.

The problems foreseen by the Hon. Mr. Laidlaw would be raised, and there would be a chance for proper debate and adjudication on the cost structure, if the whole matter was placed in the hands of the Industrial Commission. I cannot therefore follow why the honourable member supports the Hon. Mr. Carnie's amendment. I really think that honourable members opposite may be being a little stick-in-the-mud about this matter.

The Hon. D. H. Laidlaw: I would say that we are being progressive.

The Hon. C. J. SUMNER: An opportunity exists for honourable members opposite to allow changes to and liberalisation in shopping hours, subject to the interests of workers, employers and, primarily, the public. I ask honourable members opposite to give more thought to the matter and to consider opposing the Hon. Mr. Carnie's amendments.

The Hon. J. A. CARNIE: One point that the Hon. Mr. Sumner made was that my amendment did not allow the consumer to have his say. However, the consumer will have his say in the best possible place, the market place. If he stays away from there, obviously he does not want to go there. Does the Hon. Mr. Sumner mean to tell me that shops will remain open if there is not a demand?

The Hon. J. E. Dunford: Will the fares of shop assistants be paid?

The Hon. J. A. CARNIE: If there is a demand, it will pay the buses to run.

The Hon. J. E. Dunford: For three or four female shop assistants in an outback area?

The Hon. J. A. CARNIE: I ask whether there are not shift workers at present.

The Hon. J. E. Dunford: These things must be thrashed out in the commission.

The Hon. J. A. CARNIE: I accept that it will be a new thing for people in the industry and that adjustments will need to be made. People will be able to choose whether to go into the industry.

The Hon. C. J. Sumner: What about the position in South Australia and that in Queensland? They are competely different.

The Hon. J. A. CARNIE: They are not. Written into this Bill is provision about consumer organisations.

The Hon. C. J. Sumner: No, what is written in is that the public interest is paramount.

The Hon. J. A. CARNIE: The Chief Secretary tried to give the impression that I wanted all shop assistants to work unrestricted hours, to work about 163 hours a week. That is ridiculous. He also said that the commission must determine conditions of employment, and of course it must.

The Hon. J. E. Dunford: Are not hours of work conditions?

The Hon. J. A. CARNIE: Of course it means hours of work and the hours after which overtime and penalty rates are paid. If the commission decides that, after 6 p.m., time and one-half or double time is to be paid, after the Retail Traders Association and the union have been before it—

The Hon. J. E. Dunford: You want to do it here.

The Hon. J. A. CARNIE: That is the function of the Industrial Commission, not of Parliament.

The Hon. J. E. Dunford: You do not believe in consultation with the workers first. You want to barge rubbish through Parliament, without consultation.

The Hon. J. A. CARNIE: This so-called rubbish is wanted by many people. The Industrial Commission will still set penalty rates and decide at what hours they will be paid, but Parliament will not be abrogating its responsibility. Parliament should not involve itself in industrial conditions but should lay down guidelines so that people can settle on what they want.

The Hon. J. R. CORNWALL: I appeal to members opposite to use common sense and reason, and I know that there is some common sense on the benches opposite. The Hon. Mr. Carnie has spoken of Thursday night shopping and then of unrestricted hours. He has spoken of the Industrial Commission, which on his interpretation ought to be concerned with wages and conditions but not with hours. That is extraordinary. That statement shows that he has no appreciation of industrial law, yet he has been put up by the Party opposite to lead the debate. Members opposite are often pleased to talk about law and order. I have never met "Lora Norder", but I have heard of her many times,

The Hon. M. B. Cameron: Do veterinary surgeons work outside normal hours?

The Hon. J. R. CORNWALL: Of course they do.

The Hon. M. B. Cameron: Do the staff?

The Hon. J. R. CORNWALL: Of course the staff get penalty rates if they are called back, and the client pays for those rates.

The Hon. M. B. Cameron: You give what the client wants. You operate when he wants staff. You are in bother.

The Hon. J. R. CORNWALL: I am not.

The Hon. C. M. Hill: You are in even more bother this week than you were last week.

The Hon. J. R. CORNWALL: I am making the point that in service industries, of course people are expected to deliver the goods in emergency situations but it is the client (the consumer) who has to pay. That is something that has been said many times before on this side of the Chamber and must be borne in mind. I started, before I was rudely interrupted by the Maverick on the other side, by talking about law and order. In this particular instance members opposite say, "We are prepared to throw law and order out of the window. We want a complete *laissez faire* situation. Let the market find its own level. Let people vote with their feet. Throw the whole thing open and it will sort itself out. Forget about the Industrial Commission." This is nonsense. The present Bill has been arrived at after a great deal of consultation.

The Hon. M. B. Cameron: With whom?

The Hon. J. R. CORNWALL: I can tell you.

The Hon. D. H. L. Banfield: More people than you conferred with.

The Hon. M. B. Cameron: We conferred with the public. They don't exist on your side.

The Hon. J. R. CORNWALL: This position has been arrived at after a great deal of consultation between the shop assistants union and the Retail Traders Association and, of course, the thing that was paramount in all the deliberations right through was the public interest.

The Hon. M. B. Cameron: These were secret meetings? That is what the Minister told us.

The Hon. J. R. CORNWALL: These were not secret meetings at all. People have been given the opportunity to make all sorts of representations. It has been shown that the Hon. Mr. Carnie does not know what he is talking about when he talks about wages and conditions and industrial law in general. The Hon. Mr. Laidlaw was not going to participate in the debate at all, but he ultimately spoke in the Committee stages and talked about wages and hours. It was a slip of the tongue, but out it came.

The Hon. D. H. Laidlaw: I talked about rates per hour.

The Hon. J. R. CORNWALL: This Bill does nothing more than ask the Industrial Commission to act as an umpire: as a referee. I think that is somethting most South Australians (and most Australians) understand, and I think that is a completely reasonable proposition. We have heard about Mr. Cosmopolitan and Mr. Modern and all sorts of people, and how wonderful it is to go overseas where there is shopping seven days and nights a week, and what a great atmosphere prevails. If one is a tourist this is very good. I have been in Hong Kong, for example, and they virtually trade 24 hours a day seven days a week. However, they exploit labour by doing it. They pay somewhere between $10 and $15 a week for a 48-hour week. If that is the sort of thing members opposite are advocating, I do not want a bar of it.

The Hon. N. K. FOSTER: The Bill we are dealing with takes certain matters concerning this particular industry to the Industrial Commission. I have heard it said no fewer than five times tonight that that is not a problem that ought to be left to it to adjudicate on, but is a matter for Parliament.

Let me quote from some notes that deal with the historical background to the formation of the arbitration and conciliation system as we know it today. It deals with what happened in 1890 following disputes concerning contracts. It was a shearers' strike in 1890 that brought it to the forefront of the warring factions of trade unions and the employers of the day. The article states:

The economic dislocation and social distress caused by the strikes affected the whole community, and some liberal politicians and like-minded citizens anxious to avert similar massive confrontations of industrial strength in the future began to advocate State intervention in industrial disputes and the settlement of disputes by compulsory conciliation and arbitration. They wanted to replace open industrial warfare and the "law of the jungle" by an authoritive system of public industrial law and order. In 1890, Charles Cameron Kingston introduced a Bill in the South Australian Parliament which provided for the compulsory, arbitration of disputes between unions and employers' associations registered with a proposed industrial court.

Since that day it has been widened. Honourable members know who Kingston was. He was the then Premier of this State and was Premier for a number of years. It went across the Tasman and was enacted first in New Zealand. The fact remains that members opposite have condemned members on this side of the Council for having the front and daring even to remotely suggest that a matter purely and simply industrial in nature ought to be in the province of the Industrial Commission. If this Government is wrong, why is not each and every member opposite standing on his or her feet and condemning the present Federal Government?

The Hon. C. M. Hill: There you go!

The Hon. N. K. FOSTER: Most certainly I will go. Is not the Federal Government at this moment debating industrial legislation which will force every possible aspect of trade union organisations, conditions, over-award payments, private agreement decisions of executive bodies and the trade unions, conditions of the rank and file—

The CHAIRMAN: Order! On the consideration of clause 4, I am not going to allow the honourable member to have a dissertation on the Federal Government's industrial legislation.

The Hon. N. K. FOSTER: You never do, so let me change my tack. I say to honourable members opposite that they are out of step with their Federal colleagues. The criticism of this Bill is that it provides for certain

industrial aspects to be within the province of the Industrial Commission of this State. I see nothing wrong with that. I see nothing in that that would even remotely suggest an abdication of responsibility on the Government's part.

If we were endeavouring to provide that the Industrial Commission no longer had the right to hear cases put before it on behalf of any other trade union in South Australia, or depriving or taking away from the Industrial Commission the right of the unions to go to it as to hours, wages, conditions and so forth, I could imagine the uproar on the other side of the Chamber. Members opposite would say that we were taking from the commission its original role. I would suggest that members opposite ought to think again on the proposed amendments and in fact support the measure that is now before this Council.

The Hon. M. B. CAMERON: The simple fact is that Parliament took shopping hours away from a section of the South Australian public, and it is up to Parliament to restore that right to those people—it is as simple as that. We legislators took away that right from the people in Elizabeth, and to say that they have an opportunity to get that back through the Industrial Commission, through some innocuous clause of this Bill, through a group representing the consumers, is so much poppycock. Who will guarantee that the 9 000 electors in Elizabeth will get late night shopping, and will get it through the same body that is purporting to represent the consumers? It is not on, and it is ridiculous to suggest that that means that the consumers have some say in this matter.

The Hon. J. E. Dunford: How did they vote in 1975?

The Hon. M. B. CAMERON: I would have been impressed by the Government's saying, "The Industrial Court is the body to decide these matters and we should leave it to that body." If it, of its own action, had not taken out one section of the industry and exempted it for seven days a week—

The Hon. J. E. Dunford: You don't know what you're talking about.

The Hon. C. J. Sumner: Will you vote for the Bill if that is done?

The Hon. M. B. CAMERON: I will vote for the Bill if you put everyone in the same position as the motor vehicle people are. I will give members opposite the opportunity, through an amendment, to tell us what they will do about the motor vehicle people and why they have indicated they will do it. Members opposite have no intention of being honest about this Bill because they will not tell us why they have arbitrarily decided to exempt one section of the industry. Is it because there is not enough union penetration into the industry that members opposite do not care about those people? Will they make them work on Sundays; will they make them work seven days and seven nights a week? Even the people in charge of the industry do not want them to, and yet you are not prepared to let the consumer decide. The Government has double standards; it has tried to get itself out of some bother by trying to pick out one section.

The Hon. J. E. Dunford: You talk about double standards; how many political Parties have you been in?

The Hon. M. B. CAMERON: No political Party I have been in would let you in after what you have done to the people on Kangaroo Island. You were a disgrace to the community at that stage.

The Hon. J. E. Dunford: That's a bit rough.

The Hon. M. B. CAMERON: Well, you lay off, too.

The CHAIRMAN: Order!

The Hon. M. B. CAMERON: This measure is an abomination of a Bill to try to get a deceitful Government out of trouble. It will not do so; the Government will have to face the public and tell it why somebody should not exercise his right in relation to shopping. If he does not want late-night shopping, it will not happen. I am glad to see that the Hon. Mr. Cornwall is now here, because he is in a different industry, the veterinary industry.

The CHAIRMAN: Order! The Hon. Mr. Cornwall wants to take a point of order.

The Hon. J. R. CORNWALL: On a point of order, I take exception to the Hon. Mr. Cameron's referring to my profession as an industry.

The Hon. M. B. CAMERON: He is not a worker like the Hon. Mr. Dunford—he is a professional! That is a different kettle of fish altogether. I must remember to bow to the honourable member. He is not a worker; he is a representative of a profession.

The CHAIRMAN: Order! I think we have had enough of this.

The Hon. M. B. CAMERON: The Hon. Mr. Cornwall represents a different section of industry—he is a vet. He is trying to imply that he works only in emergencies. What has he got on a plate outside his surgery as his hours? Does he indicate whether after half-past five he takes only emergencies? That is a lot of tommy rot. I bet he does not apply that standard. He does not believe in that or in this Bill; he believes that people should enjoy all the various commodities available to them on demand and he would supply that demand if it was there, and so would any other section of industry be able to. I hope the Government will not try to run away from this issue and shift it on to another section of the Industrial Court. It should face up to its responsibilities. If it will not, we will make it.

The Hon. D. H. LAIDLAW: The Hon. Mr. Dunford in an interjection a little while ago asked when Parliament last dealt with shopping hours. I refer him to section 222 of the Industrial Code, which states that there shall be no shopping on Sundays.

The Hon. D. H. L. BANFIELD: First, I challenge the Hon. Mr. Cameron to show me in this Bill any reference to car sales. He knows there is no such reference.

The Hon. M. B. Cameron: You know what the Minister said.

The Hon. D. H. L. BANFIELD: Never mind that. The Minister has said regulations may or may not be placed before this Council. If they come down they will be open to debate; but there is not one word in this Bill about car sales; I challenge any member opposite to deny that. Members opposite are talking about public demand for late shopping nights, but already councils have the right to petition the Governor to allow them to have late shopping nights; but not one petition has been presented to the Governor. How much public demand is there when the councils already have that right? Honourable members opposite know that not one council has availed itself of that right, which is already in the Act. So much for public demand.

The Hon. F. T. Blevins: The Hon. Mr. Carnie suggested the exact opposite.

The Hon. D. H. L. BANFIELD: The Hon. Mr. Laidlaw told us what it was all about; he said there would be an attack on the conditions set down by the court, which have been achieved by the shop assistants over many years. The honourable member says, "Let us get a late shopping night and we will attack these conditions in court."

The Hon. D. H. Laidlaw: You said, "Let us get the same as Sydney."

The Hon. D. H. L. BANFIELD: Yes; the honourable member wanted to lower the conditions in this State; never mind what the shop assistants and the employers have already agreed upon and what the court has already decided! The Hon. Mr. Laidlaw wants to attack those conditions; he does not want to improve them—he wants to lower them to something that the Liberal Party brought in in New South Wales, when Askin asked for late night shopping hours. I agree that the honourable member wants to attack these conditions which have been achieved after many years of negotiation, after many applications to the court. The conditions are now acceptable to the employees and to the employers, but the Hon. Mr. Laidlaw wants to attack them.

The Hon. D. H. Laidlaw: You want time and three-quarters for overtime.

The Hon. D. H. L. BANFIELD: I want double time at least, as a minimum, for overtime, and I want triple time on Saturdays, and quadruple time on Sundays.

There being a disturbance in the President's gallery:

The CHAIRMAN: Order! There can be no demonstrations from the gallery.

The Hon. D. H. L. BANFIELD: The court has already set out what will be the rates of pay outside a certain spread of hours, and the honourable member wants to lower those.

The Hon. D. H. Laidlaw: Yes.

The Hon. D. H. L. BANFIELD: The honourable member wants to tell the court it has made a boo-boo. He wants to put only one leg in court in his attack against unionists. The Opposition has said it would not be necessary to increase the cost of goods, because employers will attack the conditions which unions have fought for. If the Hon. Mr. Carnie's amendment happens to get through, if it happens to be proclaimed next Thursday by Executive Council, and if extended shopping hours do come into force, retailers obviously will pay double rates for overtime. Will retailers bear that cost? Of course not. The public will bear that cost. Moreover, there will be no public demand. Not one petition has been presented on this matter. I ask honourable members to let the courts determine the spread of hours and the conditions. The honourable member's amendment has been prepared without any consultation with consumers, who honourable members opposite say are demanding this change, but the public has not been told what will be the price of this demand. The increased costs will not be borne only by customers shopping between 6 p.m. and 9 p.m.: they will be borne by people shopping between 9 a.m. and 5.30 p.m.

The Hon. J. A. CARNIE: As the amendment to be moved by the Hon. Mr. Cameron deals with an earlier part of this clause, is it in order to deal with my amendment at this stage?

The CHAIRMAN: Yes, we can come back to that later.

The Committee divided on the amendment:

Ayes (9)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie (teller), Jessie Cooper, M. B. Dawkins, R. C. DeGaris, C. M. Hill, D. H. Laidlaw, and A. M. Whyte.

Noes (9)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, T. M. Casey, B. A. Chatterton, J. R. Cornwall, J. E. Dunford, N. K. Foster, Anne Levy, and C. J. Sumner.

Pair—Aye—The Hon R. A. Geddes. No—The Hon. C. W. Creedon.

The CHAIRMAN: There are 9 Ayes and 9 Noes. So that this amendment can be further considered, I give my casting vote to the Ayes.

Amendment thus carried.

The Hon. M. B. CAMERON: I move:

Page 2, line 4—After "kind," insert "other than motor vehicles".

In announcing the Government's policy on this Bill the Minister issued a list of goods that would be exempt from this legislation. He referred to the motor vehicle industry. Honourable members have received much correspondence from people involved in the industry asking why that section should be excluded. While supporting late night shopping, I believe it is improper to merely exempt one section of an industry.

True, this is not contained in the Bill, and the Chief Secretary will say, "We are trying to do something, but you are going to stop us." Such arguments would be relevant if the Government had not consistently stated that all such matters should be subject to Industrial Court determination. How did the Government select this sector? I have moved this amendment to give the Government a chance to explain its position.

The Hon. D. H. L. BANFIELD: The only time the Opposition knows there is a public demand is when it wants to deny it.

The Hon. M. B. Cameron: How did you determine that there was public demand?

The Hon. D. H. L. BANFIELD: One need only walk down West Terrace or Goodwood Road on Saturday afternoon or Sunday to see the many people in car yards. That is where the demand is and that is where it has shown out. As soon as demand bobs up honourable members opposite want to stop the public from having its right to purchase motor vehicles outside normal hours. As I indicated earlier, there is nothing in this Bill dealing with this aspect and, if the honourable member wants the Government to deal with the matter of exempting the sale of motor vehicles, it would be appropriate to do it at another time.

The Government is aware of the demand, especially from sales taking place south of Adelaide at Victor Harbor and north of Adelaide at Port Pirie, as well as by the interest shown by the public in car yards on Saturday afternoons and Sundays. For those reasons the Government opposes the amendment.

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the amendment. Irrespective of one's views about late-night shopping, it is unfair at this stage to select one of the industries involved and to say that it shall have unrestricted hours but that every other industry involved will be referred to the commission. The Minister has referred to queues of people wandering around second-hand car yards at weekends. However, I can show the Government queues of people wandering around shopping centres at weekends. So, the Government cannot claim that there is any more demand for late-night trading in motor vehicles than in anything else.

The Hon. M. B. CAMERON: I find it difficult to answer the Minister's inane argument. He suddenly decided he could decide public demand by driving past car yards and seeing queues of people looking at the cars. If anyone walks along Rundle Mall outside normal trading hours, he can see people longingly looking at goods in shop windows. Can we decide public demand on that kind of basis? In his second reading explanation the Minister says:

To assist honourable members I seek leave to have inserted in *Hansard* without my reading it a list of the goods the Government proposed to be exempted by regulation.

Included in the list we find motor vehicles. When this list of exempted goods comes out in regulations, we will have either to disallow the lot or to leave the list as it is. How did the Government arrive at this decision? Surely the Government did not decide the matter on the basis of queues of people wandering around car yards. Why did the Government decide that every industry involved, except the motor vehicle industry, should be subject to the Industrial Commission?

The Hon. D. H. L. BANFIELD: Departmental inspectors reported that sales of motor vehicles were being conducted outside the proper hours. The Hon. Mr. DeGaris has asked why we want to exempt only the sale of motor vehicles. The Leader has already agreed to the exemption of book and card shops, chemist shops, plant shops, newsagents, restaurants, and souvenir shops. He implied we were treating the motor vehicle industry as something special but he himself has already agreed to the exemption of the kinds of shop I have referred to.

The Hon. R. C. DeGARIS: The Government is virtually instructing the Industrial Commission to introduce late-night shopping.

The Hon. D. H. L. Banfield: Are you opposed to it?

The Hon. R. C. DeGARIS: What I am saying is that the Government, in dealing with the motor vehicle industry in this way, is virtually saying to the commission, "We want you to bring in late-night shopping." If the commission is to make a determination without any influence, it must do so without the inclusion of motor vehicles in that consideration.

The Hon. M. B. CAMERON: The Minister dredged up another reason in connection with reports by department inspectors that sales of motor vehicles were taking place outside the proper hours. When shops opened in Rundle Street at night and inspectors reported the matter, the Government prosecuted the proprietors. The Government has known about the demand for late-night trading at the end of Rundle Mall. Why not have those shops exempted? I admit that, at the beginning of the debate on this amendment, I did not expect to get sufficient support to have it carried, but now that the Government has completely turned about on its attitude to the Industrial Commission I ask honourable members to support my amendment.

The Committee divided on the amendment:

Ayes (9)—The Hons. J. C. Burdett, M. B. Cameron (teller), J. A. Carnie, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, C. M. Hill, D. H. Laidlaw, and A. M. Whyte.

Noes (9)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, T. M. Casey, B. A. Chatterton, J. R. Cornwall, J. E. Dunford, N. K. Foster, Anne Levy, and C. J. Sumner.

Pair—Aye—The Hon. R. A. Geddes. No—The Hon. C. W. Creedon.

The CHAIRMAN: There are 9 Ayes and 9 Noes. To enable the matter to be further considered, I give my casting vote for the Ayes.

Amendment thus carried; clause as amended passed.

Clauses 5 to 11 passed.

Clause 12 negatived.

New clause 12—"Closing times."

The Hon. J. A. CARNIE moved:

After clause 11, page 3—Insert new clause as follows:

12. Section 221 of the principal Act is amended by striking out subsections (1), (2) and (3) and inserting in lieu thereof the following subsections:

(1) Subject to this section, until and including the thirtieth day of June, 1978, the closing times—

(*a*) for every shop other than a hairdresser's shop, shall be 5.30 p.m. on every Monday, Tuesday, Wednesday and Friday, 9 p.m. on every Thursday and 1 p.m. on every Saturday; and

(*b*) for every hairdresser's shop, shall be 6 p.m. on every Monday, Tuesday, Wednesday and Friday, 9 p.m. on every Thursday and 1 p.m. on every Saturday,

and after the thirtieth day of June, 1978, the closing time for every shop shall be 1 p.m. on every Saturday.

(2) The Governor may by proclamation, amend subsection (1) of this section in its application to any shop or any shop of a class or kind by substituting in paragraph (*a*) or (*b*) of that subsection a day other than Thursday on which the closing time shall be 9 p.m. and may by subsequent proclamation amend, vary or revoke that amendment.

(3) Any amendment, variation or revocation referred to in subsection (1) of this section shall have effect as if it were enacted by an Act.

New clause inserted.

Clause 13—"Shops to be closed at closing time."

The Hon. J. A. CARNIE: I move:

Page 3, After line 32—Insert—

(*aa*) by striking out subsection (1) and inserting in lieu thereof the following subsection:—

(1) Except as otherwise provided in this Act, where in relation to any day a closing time has been prescribed, a shopkeeper shall at or before that closing time close and fasten his shop and keep it closed and fastened against the admission of the public for the remainder of that day.

Page 4, After line 24—Insert—

(*da*) by striking out from subsection (3) the passage "after the closing time" and inserting in lieu thereof the passage ", in relation to which a closing time has been prescribed, after that closing time";

After line 40—Insert—

(*fa*) by striking out from subsection (4) the passage "after the closing time on any day" and inserting in lieu thereof the passage "on any day, in relation to which a closing time has been prescribed, after that closing time";

Page 5, After line 7—Insert—

(*ga*) by striking out from subsection (5) the passage "after the closing time on any day" and inserting in lieu thereof the passage "on any day, in relation to which a closing time has been prescribed, after that closing time";

These are consequential amendments.

Amendments carried; clause as amended passed.

Clause 14 passed.

Clause 15—"Enactment of ss. 228, 229 and 230 of principal Act."

The Hon. J. A. CARNIE moved:

Page 5—

Line 27—Leave out "sections,".

Lines 29 to 45—Leave out all words in these lines.

Page 6, lines 1 to 27—Leave out all words in these lines.

Amendments carried; clause as amended passed.

Clause 16 and title passed.

Bill read a third time and passed.

CONSTITUTION ACT AMENDMENT BILL

Received from the House of Assembly and read a first time.

The Hon. D. H. L. BANFIELD (Minister of Health): I move:

That this Bill be now read a second time.

It is intended to rectify an anomalous situation that could arise in an election for members of the Legislative Council that next follows a dissolution of the Council pursuant to section 41 of the Constitution Act, the "double dissolution" provision. Section 41 (2) provides, amongst other things, that after such a dissolution the order of retirement as between members of the Council shall be "as provided in section 15"; the determination of this order of retirement is necessary to ensure that only one-half of the members retire at the first House of Assembly election that occurs more than three years after the post-dissolution election.

However, at present section 15 of the Constitution Act provides that where the service of members of the Legislative Council is equal (as it inevitably would be in the circumstances outlined) the order of retirement is determined "by lot". It is suggested that it is self-evident that it is, to put it no higher, quite inappropriate that the composition of the Legislative Council for the second triennium next following a dissolution of that House should be entirely dependent on chance. Accordingly, this measure proposes that the order of retirement of members of the Legislative Council for such an election, that is, an election that next follows a dissolution election, shall be determined by the application of a simple formula derived from the election results of the post-dissolution election.

As soon as practicable after a post-dissolution election the Electoral Commissioner will be required to produce a list showing the members who would have been elected at that election had that election been for only 11 members. The members comprised in that list will then serve a term of approximately six years, and the remaining members will serve three years in terms of section 41 (2) (*b*) of the Constitution Act. The element of chance will accordingly be eliminated and, as is proper in the circumstances, the determining body will be the electors of the State. In effect, the short-term, and, to some extent, the longer-term composition will be determined by the views of the electors demonstrated at the time of the post-dissolution election. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Clause 1 is formal. Clause 2 amends section 15 of the principal Act—(a) by consequentially amending the last passage of its present contents with a view to inserting two new subsections; and (*b*) by inserting two new subsections, the most significant of which is proposed subsection (2). This provision provides for the Electoral Commissioner to produce his list and thereupon the provisions of section 14 of the principal Act, the provision that enjoins half of the members of the Legislative Council, who have completed the "minimum term of service" to retire at each election for the House of Assembly, shall apply as if the minimum term of service of the members not comprised in the list was three years calculated from the first day of March of the year of his election. Subsection (3) merely provides that a member chosen to fill a casual vacancy shall be treated the same way as the member whose vacated seat gave rise to the casual vacancy.

The Hon. J. C. BURDETT secured the adjournment of the debate.

RENMARK IRRIGATION TRUST ACT AMENDMENT BILL

Received from the House of Assembly and read a first time.

FENCES ACT AMENDMENT BILL

Received from the House of Assembly and read a first time.

MENTAL HEALTH BILL

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

NARCOTIC AND PSYCHOTROPIC DRUGS ACT AMENDMENT BILL

Received from the House of Assembly and read a first time.

The Hon. D. H. L. BANFIELD (Minister of Health): I move:

That this Bill be now read a second time.

It is introduced in pursuance of undertakings given by the Government in relation to the recently established Royal Commission into the Non-medical Use of Drugs. This commission is considering matters of the highest public importance and it is obviously essential that it should have the widest possible range of information available to it. A substantial area of inquiry would be closed to the commission if witnesses who may have experimented with, or indeed, who may be addicted to, drugs were deterred from giving evidence and making submissions to the commission by the threat of prosecution.

The Bill therefore provides that, where a witness gives evidence or makes submissions that tend to incriminate him of offences against the Narcotic and Psychotropic Drugs Act, no prosecution shall be launched in respect of the offences so disclosed except upon the authorisation of the Attorney-General. This authorisation will not be given except in cases where it is clear that the evidence was given, not to advance the inquiries of the commission, but merely to escape criminal liability.

The Hon. C. M. HILL secured the adjournment of the debate.

WORKMEN'S COMPENSATION (SPECIAL PROVISIONS) BILL

Adjourned debate on second reading.

(Continued from April 20. Page 3577.)

The Hon. C. M. HILL: I support the Bill. I commend the Government for taking quick action in this matter because it seems that there was an instance in New South Wales where the definition of workmen applied to some sportsmen who were not professional sportsmen or under contract solely for their sporting ability, and in order that the matter can be looked at more closely this temporary measure is being brought down by the Government.

The Bill exempts from the definition of worker in the Workmen's Compensation Act participants in most sporting areas, those who are involved in training, and those who

travel back and forth between their homes and where they play and train. It does not exempt professionals who are under contract as full-time professional sportsmen. It also does not exempt those in the racing and trotting industries, boxers or wrestlers, or referees in either of those sports.

The principal benefit will be to protect smaller clubs that would find the premiums exorbitant if it was thought necessary that all of the members of those smaller clubs playing sport had to be covered under the workers' compensation legislation in this State. The Minister has said that he has authorised a further inquiry into this whole matter and that the inquiry is to be conducted through the Minister of Tourism, Recreation and Sport and his department. This Bill expires at a date no later than December 31 next year. Obviously, it was thought that the inquiry could be conducted and completed by then, and the Government of the day (which may not be the present Government) will have sufficient time in which to take more definite action.

It is proper that publicity should be given to the fact that smaller clubs can take out their own private cover if they believe there is a need for it after this legislation is passed. I am pleased to see that the Minister has had consultations with the two major sporting administrative bodies, namely, the South Australian National Football League and the South Australian Soccer Federation. I commend him for consulting with those two bodies which, of course, have such a great influence on sport in this State.

I think the measure should enjoy a rapid passage through this Council and I trust that, even after the Bill has passed, the Government will through its publicity machine, which we all know is fairly well oiled and works fairly well in favour of the Government, give considerable publicity to the whole matter. Of course, it is desirable that clubs look into the possibility of covering themselves by private arrangements or with private companies so that they can at least enjoy protection until something more definite is determined by the Government and more permanent legislation brought down.

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

INDUSTRIES DEVELOPMENT ACT AMENDMENT BILL

(Second reading debate adjourned on April 20. Page 3574.)

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Other guarantees."

The Hon. D. H. LAIDLAW: I move:

Page 1—

Line 16—Leave out "to acquire" and insert "to create a prescribed trust fund to acquire".

Line 23—Leave out all words in this line and insert "that a prescribed trust fund will be created".

Line 24—Leave out "employees".

Page 2, after line 8—Insert—

(2a) In this section a "prescribed trust fund" means a trust fund which in the terms of the trust deed creating it—

(*a*) provides that at least one trustee has had experience in financial matters and is approved of by the person engaged or about to be engaged in the relevant business;

(*b*) provides, subject to paragraph (*a*) of this subsection, that the trustees are properly representative of the employees who are or may be beneficiaries of the trust fund;

(*c*) provides that each employee engaged in the relevant business shall be eligible to be a beneficiary of the trust fund;

and

(*d*) provides that it shall not be possible for the moneys in the trust fund to be used to acquire more than one-third interest in the relevant business;

The Minister has stated in his second reading speech that this is an enabling Bill. If it is passed in its present form, it may be claimed that this Council has approved of measures whereby the Government, by granting guarantees, can enable employees to gain majority control of businesses in South Australia and, following that, a majority of working directors on the board.

The object of these amendments is to impose certain restraints. I said in my second reading speech that I am not opposed to the concept of employees owning shares in the business where they work. In fact, I was instrumental in forming an employee share ownership trust in Perry Engineering in 1960.

Concerning my amendments, first, it is essential that the funds of the proposed trusts should be invested in a prudent manner, and for that reason at least one trustee should be a person with financial expertise who is approved by the company or business concerned. It will be critical for the trustees to decide what proportion of funds is to be invested in the business. This will depend, of course, upon its financial stability and future prospects. It is important for the employees to have access to expert financial advice in order to reach such a decision. It is important also for a company to ensure that this employee share ownership trust acts responsibly, and important also for the Government, which is sponsoring such schemes, to be reasonably assured that those trust funds are invested in a proper manner.

My second amendment provides that the trustees should be representative of the employees, and I envisage that a majority of the trustees may be drawn from employee ranks. Superannuation funds in the past in South Australia have often had trustees, none of whom were drawn from employee ranks. I think this may change in the future, and there is provision in these amendments for that.

My third amendment is to ensure that every employee in a business should be eligible to be a beneficiary of the employee share ownership trust, and this is essential to achieve the aims of the scheme.

Fourthly, the trustees should not use the funds to acquire more than a one-third interest in the business. It has been suggested that under some schemes the employee share ownership trust should own up to 50 per cent of the business. However, if the shares were issued from the parent company and if the issue capital was doubled and the new shares were issued to the trust, the employees would then have to buy only one or a few of the old shares. Add those to the 50 per cent owned by the trust, and the workers by the next morning would have a majority control.

In my experience, partly-owned businesses or companies owned by two shareholders (I have been involved in a number of these; some of which have been unsuccessful) function effectively only when there is complete mutual trust. It would be difficult to expect that this would exist in the initial stage of the scheme. It is better that one party should hold a majority and it is reasonable, in these circumstances, that the old shareholders who created the company or business should retain a majority.

The Hon. D. H. L. BANFIELD (Minister of Health): I thank the Hon. Mr. Laidlaw for stating his position on these amendments. The Government is most anxious to have this Bill passed. I take the opportunity to thank the officers of the department and others who have participated in the discussions, and commend them for the amendments recommended which I am happy to say are acceptable to the Government as well as to the Opposition.

The CHAIRMAN: There is a typographical error in line 22, where the word "is" should be "has".

Amendments carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

STATE TRANSPORT AUTHORITY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from April 21. Page 3642.)

The Hon. C. M. HILL: I support the Bill and am happy to help the Government out in its predicament of not having enough members on the State Transport Authority. The Bill is desirable, although I do not know whether it will improve the transport position in the State. It seems that the Director-General of Transport is to be offered the position of a further part-time member. It seems *infra dig.* for an officer of such high rating to be brought in as a part-time member in addition to all the other part-time members of the State Transport Authority. However, Mr. Scrafton can bring much expertise, skill, and dedication to a position like this, and I hope he will assist this authority, and, through the authority, the Minister, in improving the present transport situation.

One hears, when one talks to members of the public about transport in this State, many complaints about crowded buses, old trains, traffic congestion, and railways being upgraded only on one line, the Christie Downs line, in the last seven years. That improvement to the Christie Downs line was part of the policy about which the Government intended to do something in 1970, when it came to power. I am sure the Minister in charge of the Bill will agree that that was the Government's policy.

The Hon. C. J. Sumner: It scrapped it.

The Hon. C. M. HILL: I point out to the honourable member that, in answer to a question in this Council as to how much money this Government had expended on freeways and expressways, as depicted in the MATS report, from 1970 until last year, when I asked this question, I received the following reply from the Minister:

For the period June 1, 1970, to August 31, 1976, a total of $14 875 929 has been expended on the acquisition of properties on proposed freeway and expressway routes, as defined by MATS. Sales of properties for the same period have amounted to $760 888.

It is a fine way to scrap the report, to go ahead and spend over $14 000 000 on the purchase of property on the routes depicted in that report.

The Hon. C. J. Sumner: It did not state it was for freeways.

The Hon. C. M. HILL: If it is not for freeways, why are the properties being bought?

The Hon. C. J. Sumner: There are other forms of transport.

The Hon. C. M. HILL: I suppose we are going to hear all about cubicles on magnetic lines starting at Tapley Hill and going to Cavan without a stop, etc. When the Government came to office we were told that electric trains were on, but now they are off. We were told that reflectorised number plates were on, but they are now off. We were told that dial-a-bus was on, but now that is off. We were told about overall long-term planning for transport but that is off, too. The only thing that was off and is now on is MATS, and over $14 000 000 has been spent to back up that claim. Recently we heard the Minister say that across-surburban transport was to be implemented, but we then heard on the grapevine that his own officers were terribly upset about what he said and believed that he should never had said it. That is now off, too.

We were told about private efficient bus services, but those services have been nationalised; they were taken from private operators. We were told when the Government came to office that the Crystal Brook railway was a goer but, because of procrastination, that project seems to be off. The Minister and the Government are groping for answers regarding their transport policy. They are groping for help in the vain hope that the situation might be improved. The Minister came to Parliament and said, "Let me put one more part-time officer on this seven-man body." So that the Opposition can help in some way, and to enable that part-time gentleman to support the Minister, I support the Bill.

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

LEGAL SERVICES COMMISSION BILL

Adjourned debate on second reading.

(Continued from April 21. Page 3642.)

The Hon. J. C. BURDETT: I support the Bill, which deals with a most important matter—ensuring that every citizen has access to legal representation on an equal basis. The system is necessary in order to ensure freedom, and it is an essential ingredient of democracy and justice. In view of the seriousness of the matter, it is regrettable that the Government introduced the measure late in the session and with quite indecent haste. Not even the council of the Law Society had an opportunity to consider the Bill before its introduction. Such negotiations as had been conducted were conducted hastily during the passage of the Bill through the House of Assembly and through this Chamber. The Bill is of vital importance to the public, and only the most alert sections of the public have started to become aware of the Bill and its provisions during its rushed passage through the other place and through this Chamber.

Representations have been made about the Bill by the South Australian Council of Social Services, the Women's Electoral Lobby, the Conservation Council, and a few other alert organisations that take care to ensure that they are informed about what is happening in Parliament. The Opposition in another place was entirely justified in its move to refer the Bill to a Select Committee. The Attorney-General stated that he intended to have further amendments moved in the Legislative Council to give effect to matters agreed upon in discussions between himself and the Law Society. It is a sloppy practice for a Minister to allow a Bill that was introduced by him to leave the House in which he introduced it when he acknowledges that it is not in proper order. The Opposition in the other place, with the notable exception of the member for

Mitcham, opposed the third reading of the Bill, which had been acknowledged at that time to be unsatisfactory.

Amendments have now been placed on file by the Chief Secretary on behalf of the Attorney-General which largely put the Bill in order. In view of the haste with which the Bill has been introduced and patched up, I have considered carefully whether or not I should move for it to be referred to a Select Committee of the Legislative Council. Because I believe that it is so important that a satisfactory legal aid commission should exist, in view of the changed Government funding in this area, I have decided with some reservations not to move for the Bill to be referred to a Select Committee. However, in view of the public's total lack of information on the Bill when it was before the House of Assembly, the Opposition in that place was justified in so moving. Since that time limited, but some, publicity has been given to the matter. It is unsatisfactory to vote and debate on measures in such haste.

The Hon. C. J. Sumner: We've been talking about a legal aid commission for months.

The Hon. J. C. BURDETT: Yes, talking about it, but a Bill was not introduced. It is necessary to have a Bill to set up a legal aid commission. It is also necessary to have details of that commission before informed debate can take place. On balance, I believe it is in the public interest to deal with the Bill. It is worth pointing out that this measure is another example of the value of a second Chamber of the Parliament. If it were not for what the Hon. Mr. Cornwall calls a "moribund, anachronistic and disreputable House", it would not have been possible for the Attorney to have moved the most important amendments that have been placed on file in this Chamber. The existence of this second Chamber has given the public a slight chance to scrutinise the Bill.

It was disgraceful for the Government to set out to bungle through such an important Bill, yet the Government has the effrontery to talk about open government. Since the Bill was introduced in this place the Attorney has been most co-operative. Because the proposed amendments should really have been included in the Bill before it came to this Chamber for review, I asked the Attorney for a copy of his proposed amendments and I was extremely grateful to him for his consideration in sending me at the week-end a copy by bus so that I could peruse them.

The most frightening aspect of the Bill in its present form is that it could be used as a vehicle for nationalising the legal profession without reference back to Parliament. The commission is, subject to guidelines set out in the Bill, in complete charge of its policy and could, by that policy, on applications to it for assistance, ensure that almost all legal work be directed through it. At the same time it could operate almost exclusively through its salaried employees. True, clause 11 (*d*) provides that the commission in the exercise of its powers and functions shall have regard to the importance of maintaining the legal profession, but that is only a matter to which the commission shall have regard. It could have regard to it and decide to set it aside.

The Hon. C. J. Sumner: How is it going to take over the profession?

The Hon. J. C. BURDETT: Through the provisions of this Bill the commission could form a policy that would make it almost impossible for anyone to afford to apply to the commission for assistance. The commission could then direct all of its work to its salaried officers.

The Hon. C. J. Sumner: How many?

The Hon. J. C. BURDETT: As many as the honourable member likes. Whether the legal profession ought to be nationalised is another matter. I believe that it should not be nationalised, but that is an issue that could be debated. The point is that, under the Bill as it stands, such debate need not take place. The machinery is all here for that position to obtain, because the nationalisation could be affected without any further legislative action, so that there would not be any possibility to debate it. However, I am satisfied that this Government has no intention of using this Bill to nationalise the profession. As proof of this it has placed on file the amendment to clause 10 (1) (*a*), and that provision directs that the commission, in determining the criteria on which legal assistance is to be granted, is to have regard to the principle that legal assistance ought not to be granted to any person who is able to pay in full the cost of legal assistance. That satisfactorily removes the nationalisation fear.

The Hon. C. J. Sumner: It was never a fear; it was just a creation of your imagination.

The Hon. J. C. BURDETT: No, it was a real fear. It is an important and necessary amendment, because it puts the Bill back into perspective. This matter of legal assistance has always been just that—aid to people in necessitous circumstances, so that they may have legal representation in the same way as people who can afford to pay for it. It was necessary to spell this out in the Bill, and this amendment will do that. I join with the Minister in referring to the splendid work carried out by the Law Society of South Australia in providing the best legal aid scheme in Australia, and providing that service for many years with little Government assistance.

True, the Bill is necessary on the assumption that the A.L.A.O. is to be phased out. However, that phasing out does not seem to be happening rapidly. The Law Society has supported the scheme of a commission on the basis that the A.L.A.O. would be phased out and that it was desirable to have a commission administer what would be the sole source of legal aid. Clause 2 provides:

(1) This Act shall come into operation on a day to be fixed by proclamation.

It goes on:

(2) The Governor may, in a proclamation made for the purposes of subsection (1) of this section, suspend the operation of any specified provisions of this Act until a subsequent day fixed in the proclamation, or a day to be fixed by subsequent proclamation.

I trust that the Bill will be proclaimed progressively as necessary when the A.L.A.O. is phased out. The thinking behind the Law Society's scheme, the A.L.A.O., the working party established by the State Government before introducing this Bill and the thinking of the public and the profession have been that this Bill is all about legal aid for persons in necessitous circumstances. The amendment placed on file by the Minister establishes that. I have on file amendments to change the name from "Legal Services Commission" to "Legal Aid Commission". It seemed that to use the term "legal services" suggested that the commission would be dealing with all legal services whereas, in fact, it is a legal aid commission.

To call it a legal aid commission would follow the Commonwealth legal aid legislation, and the recent Western Australian Act and the Australian Capital Territory Ordinance which match this Bill. Part IV deals with legal assistance. Surely the most appropriate and consistent title for the Bill and the commission is "Legal

Aid Commission". However, I do not intend to move my amendments, because I am satisfied that the amendment to be moved by the Minister takes care of that aspect and makes clear that aid to individuals will be given only to persons who are not able to pay in full for legal representation.

As I have said, it was necessary to spell out in the Bill that providing assistance to persons unable to pay for it in full was what the Bill was all about. However, that made it necessary also to spell out that organisations such as the Conservation Council of South Australia and other responsible public organisations of all kinds could apply for assistance and, in proper cases, be granted it. The first part of the Chief Secretary's amendment to clause 10 to insert a new subclause (1*a*) in paragraph (*a*) provides that legal assistance should be granted in pursuance of this Act where the public interest or the interests of justice so require, and I think that covers that aspect. This largely follows the provision in the A.C.T. Ordinance, which has been regarded by concerned public bodies as being satisfactory.

Clause 6 sets out the composition of the commission. It is proper and has been accepted by the profession that lawyers are not always the best persons to administer a legal assistance scheme. With an all-embracing commission designed to be the sole dispenser of legal assistance, the scheme should not be in the total control of the profession. On the other hand, the subject matter is legal assistance, and it will be the profession that is providing it. In my view it will be necessary that there be strong representation not only from lawyers but more importantly from lawyers in private practice on the nomination of the Law Society.

The commission contemplated by the Bill is comprised of a chairman, who should be a judge or senior legal practitioner appointed on the nomination of the State Attorney-General; a person appointed by the Commonwealth Attorney-General; a person to represent assisted persons, nominated by the Attorney-General in consultation with South Australian Council of Social Services; three persons appointed on the nomination of the Attorney-General; and three persons appointed on the nomination of the Law Society; and the Director.

The commission's composition is most important because of its wide powers in this important area. On the one hand, the lawyers appointed out of the 10 members could be as low as four, namely, the judge plus the Law Society nominees, whilst on the other hand, all but one of the members could be lawyers. Lawyers and persons concerned on behalf of assisted persons have complained to me that the commission is unbalanced. The only remedy would be to take away the flexibility and spell out more specifically who shall and who shall not be lawyers.

I think that this is undesirable. It is best to retain the flexibility. I think it likely that perhaps two of the State Attorney-General's appointees will not be lawyers, plus the assisted persons representative, making the commission comprise seven lawyers, who would have different interests, and three non-lawyers. This is a reasonable balance. I am more concerned about the degree of Government control. Obviously, it is desirable that the commission be independent of the Government. A very considerable proportion of applicants for assistance will require legal assistance which could be said to be in a general sense against the Government. It would be most improper if the Government could stifle legal assistance against itself. Only three of the 10 are appointed other than by the Governor on the nomination either of the State or of the Federal Attorney-General, in one case with consultation.

Turning to clause 7, I see that the Government has realised that it will not get away with provisions such as this, setting out a term not exceeding three years. As has been pointed out many times (for example, in the Health Commission Bill, the Grants Commission Bill, and the Poultry Processing Bill), a short term of, say, six months can make the members very dependent on the Government for reappointment. The independence of the commission is essential, and it is acknowledged by the Government amendment to clause 6 (3), which specifically provides that the commission shall be independent of the Government. I intend to move an amendment in Committee. Because of the shortage of time, some of the amendments I have placed on file will not be moved. I will not move the amendments to change the name, but I have placed on file an amendment to clause 7 to leave out "a term not exceeding three years" and insert "a term of three years". It has been pointed out to me by the Government that it would be desirable in the first three years, for the first commission, to dispense with that rule, so I will not move the first amendment, but I will move the second to provide that the first commission shall not be subject to this rule, but that subsequent commissions will be so subject.

I am pleased to note that, in the other place, the Government amended clause 16 to refer not to legal practitioners engaged by the commission, making clear that the practitioner is responsible to the person he represents, and is not wholly committed to the commission. I am pleased to note clauses 29 and 30, inserted by Government amendments in another place, which ensure that a practitioner who is an officer of the commission and acts for an assisted person is on the same basis, so far as is possible, as a practitioner in private practice. On the one hand, it is expressly stated that he shall have the right of audience in the courts; on the other hand, he is expressly subjected to the ethical principles and standards of the profession. I have some uneasiness about clause 27, and I have placed on file an amendment to this clause. The clause states:

27. (1) The State may from time to time enter into an agreement or arrangement with the Commonwealth with respect to:

(*a*) the moneys to be made available by the Commonwealth, and the State, for the purpose of legal assistance;

(*b*) the priorities to be observed in providing legal assistance;

(*c*) any other matter relating to the Commission or the administration of this Act.

(2) Any such agreement or arrangement shall, to the extent that it involves matters within the purview of the Commission, be binding upon the Commission.

It is a very proper and necessary condition. What concerns me is that some future State and Federal Governments, acting in collusion, could direct the commission in effect what to do, could virtually set this Bill at nought, and substitute the agreement and destroy the independence of the commission. I consider that the independence of the commission from the Government is most necessary. I have therefore placed an amendment on file to provide that the commission is bound only with its concurrence. Once it has concurred with an agreement it shall be bound. I turn now to the question of costs. Clause 19 (2) states:

The Director shall determine, in accordance with principles laid down by the Commission, the legal costs due to the legal practitioner and, in making that determination, shall have regard to the legal costs that would ordinarily have been recoverable by the legal practitioner in respect of the legal assistance provided by him if the assisted person had not been an assisted person.

It could be that the commission might decide, for example, to fix standard fees that will be paid under the scheme for certain classes of work, such as pleas in the District Criminal Court, and in such cases it seems proper that the commission first should confer with the Law Society. I have placed on file an amendment to provide that there shall first be consultation with the Law Society.

I have in mind that the commission shall be the boss in this field. It does not have to agree with what the Law Society suggests to it, but it does have to go through the exercise of consulting with the Law Society. Subject to what I have said, the Bill is a commendable means of setting up this commission, which has become quite necessary. I congratulate the Government, the Law Society, and the working party which reported to the Government, and I support the second reading.

The Hon. C. J. SUMNER: I do not wish to detain the Council for long on this measure. There seems to be a remarkable degree of unanimity on the Bill, even though the Hon. Mr. Burdett has complained about the lack of time to consider the matter, a complaint that I do not believe is particularly justified, as the matter was raised several months ago—in fact, shortly after the election of the Fraser Government in 1975 with the stated intention to close down the Australian Legal Aid Office and to devolve the responsibility for legal aid on to the States. Since that time, discussions have taken place at Attorneys-General conferences, there have been discussions in South Australia, and, as the Hon. Mr. Burdett mentioned, a working party was set up by the Attorney-General with representatives of the Law Society and the Government, ultimately producing a report that formed the basis of this Bill.

There was at all times consultation at least with the legal profession about the matter. As I was a member of the working party, I do not want to commend my own work on it, but I should like to commend the work of the working party and the representatives of the Law Society on it. A considerable amount of work went into it and meetings were held over a fairly lengthy period of time. The report has formed the basis of this Bill, and I should like to commend those members on that committee for the work they did.

One problem that I feel may occur with this Bill is related not specifically to legal aid but to the general policies of the Fraser Government in relation to federalism. I have mentioned in this Chamber on previous occasions my worry that the Federal Government is withdrawing from providing services for which previously it has had responsibility, leaving responsibility with the States, but without any financial back-up for it. That is the reason why the Bill is being introduced at this time but not proclaimed immediately, because the financial agreement has to be worked out to ensure that there are sufficient funds for the commission to function effectively and to provide at least the services that are being provided at the moment, and preferably a wider range of services.

Of course, it will depend on what sort of financial agreement can be worked out with the Commonwealth, and I hope it will be an agreement that will last for some considerable time. The commission could turn out to be a hollow organisation if the financial agreement runs out in the future and if the Commonwealth Government does not continue to give funds, if the State Government has to pick up the tab, and if it does not have the means to do it. In that case the commission and the provision of legal aid would suffer. That general point applies to many of the Commonwealth-State funded projects, such as the Australian Assistance Plan, where the Commonwealth has withdrawn and perhaps not left sufficient funds for the State to carry on. That is the only pessimistic note I would inject into this debate.

The general provisions of the Bill are highly commendable. It is desirable that the provision of legal services be consolidated into one organisation, taking the A.L.A.O., with its professional full-time staff, and the Law Society scheme, which has operated through the private sector of the legal profession, and merging them, thereby providing one place to which people can apply for legal aid. No doubt offices will be centrally situated and readily accessible, thereby avoiding the problems that occurred in the past, when people were in doubt whether to apply to the A.L.A.O. or the Law Society. One can envisage that regional offices will be set up in the suburbs and country centres. That consolidation of services can only be to the benefit of the public. I commend the Bill to the Council, and I commend the Government for introducing it. The Bill sets up a mechanism to provide the service and to get on with that service immediately that proper financial relationships have been entered into. I appreciate that the Hon. Mr. Burdett has co-operated with the Attorney-General in this matter, and I trust that financial arrangements will soon be forthcoming from the Commonwealth, so that the commission can commence its work of providing a more uniform, more centralised, and more accessible legal service to the public.

Bill read a second time.

In Committee.

Clause 1—"Short title."

The Hon. J. C. BURDETT: I do not intend to move any of the amendments relating to the title that are on file.

Clause passed.

Clauses 2 to 5 passed.

Clause 6—"Constitution of Legal Services Commission."

The Hon. D. H. L. BANFIELD (Minister of Health): I move:

Page 4, line 17—After "Crown" insert "and shall be independent of the Government".

This amendment clearly indicates the independence of the service.

Amendment carried; clause as amended passed.

Clause 7—"Terms and conditions of office."

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

Page 4, lines 39 to 41—Leave out all words in these lines and insert—

hold office for a term of three years, except in the case of a member of the Commission appointed on the commencement of this Act who shall be appointed for a term not exceeding three years specified in the instrument of his appointment, and in either case a member shall be eligible for re-appointment.

I believe that there ought to be a fixed term, so that members of the commission will not be as dependent on the Government for re-appointment as they would be in the case of a short appointment. I acknowledge that it could be necessary to depart from that rule for the first three years of the life of the commission.

The Hon. D. H. L. BANFIELD: I move:

That further consideration of clause 7 be postponed.

I wish to give further consideration to the amendment.

Motion carried.

Clauses 8 and 9 passed.

Clause 10—"Functions of the Commission."

The Hon. D. H. L. BANFIELD: I move:

Page 6, after line 27—Insert subclause as follows:

(1a) In determining the criteria upon which legal assistance is to be granted in pursuance of this Act, the Commission shall have regard to the principles—

(*a*) that legal assistance should be granted in pursuance of this Act where the public interest or the interests of justice so require; and

(*b*) that, subject to paragraph (*a*) of this subsection, legal assistance should not be granted where the applicant could afford to pay in full for that legal assistance without undue financial hardship.

We do not want people to be able to get free assistance if they are able to pay in full for legal services without undue hardship.

Amendment carried; clause as amended passed.

Clauses 11 to 14 passed.

Clause 15—"Employment of legal practitioners and other persons by the commission."

The Hon. D. H. L. BANFIELD moved:

Page 8, lines 23 to 26—Leave out all words in these lines.

Amendment carried; clause as amended passed.

Clauses 16 to 18 passed.

Clause 19—"Payment of legal costs to practitioners providing legal assistance who are not employees of the commission."

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

Page 10, line 17—After "the Commission" insert "after consultation with the Law Society".

I pointed out in my second reading speech that I considered that this was necessary to ensure that the commission, on questions of policy as to costs, does first consult with the Law Society. In the last two years I believe the amount of costs paid by the Law Society under its legal aid scheme to members of the profession to whom matters were assigned was 80c in the dollar. The A.L.A.O. has remained at 90c in the dollar. I understand that most of the interstate schemes have been, in fact, paying 85c in the dollar. There were some people who felt that a minimum payment of, say, 80c in the dollar ought to be inserted in the Bill. This has not been done with other schemes and it does not seem to be appropriate to be inserted in the Bill. I have not moved an amendment in that regard. I commend the amendment I have moved to ensure that the commission does consult with the Law Society.

Amendment carried; clause as amended passed.

Clauses 20 to 26 passed.

Clause 27—"Agreements between State and Commonwealth."

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

Page 13, line 10—After "arrangement" insert ", if made with the concurrence of the Commission,".

I explained when I spoke on the second reading my reason for this amendment. If the amendment is not inserted it could be that some future State and Federal Governments, by collusion, could direct the commission and its policies could virtually make the agreement substitute for the Act and destroy the independence of the commission. I consider that this is a most important matter. I therefore move this amendment, which is designed to ensure that before the commission is bound by such an agreement it must be heard.

The Hon. D. H. L. BANFIELD: The Government has no objection to that.

Amendment carried; clause as amended passed.

Clauses 28 to 34 passed.

Clause 7—"Terms and conditions of office"—further considered.

The Hon. D. H. L. BANFIELD: The Government accepts the amendment moved by the Hon. Mr. Burdett.

Amendment carried; clause as amended passed.

Schedule and title passed.

Bill reported with amendments.

Bill recommitted.

Clause 15—"Employment of legal practitioners and other persons by the commission"—reconsidered.

The Hon. D. H. L. BANFIELD: I move:

Page 8, lines 27 and 28—Leave out "immediately upon the commencement of this Act" and insert "upon the commencement of this Act or within one month of the cessation of his service in the Australian Legal Aid Office".

This gives the employee one month to make up his mind whether he wants to be a part of this, and I move accordingly.

Amendment carried; clause as amended passed.

Bill reported with a further amendment. Committee's report adopted.

Bill read a third time and passed.

SUCCESSION DUTIES ACT AMENDMENT BILL

Received from the House of Assembly and read a first time.

The Hon. D. H. L. BANFIELD (Minister of Health): I move:

That this Bill be now read a second time.

Its object is to give effect to a decision of the Government to grant some relief from succession duties in cases of hardship when an interest in a dwellinghouse is derived by the surviving unmarried brother or sister of a deceased person and the survivor and the deceased lived together prior to the date of death. Various representations have been received by the Government for the surviving brother or sister of a deceased person to be exempted from succession duties in respect of property derived from the deceased. Pursuant to its policy of keeping State taxation under continual review and giving remissions where possible, consistent with its obligations to provide the services the community requires, the Government endeavours to give priority for concessions to those areas causing the greatest hardship. In this case, the Government has decided that a rebate of duty is justified and should be granted in circumstances where:

(*a*) an interest in a dwellinghouse used as the principal place of residence by the deceased and a surviving unmarried brother or sister passes to such survivor; and

(*b*) the surviving brother or sister was living with the deceased for a period of at least five years prior to the date of death.

It is proposed that the concessions will also apply where a person acted in *loco parentis* to either or both of the deceased and/or the survivor.

The concession proposed is based on that applying under the present Act in respect of a dwelling derived by an orphan child under 18 years of age or a child housekeeper, except that provision has been made also for a reduction of the rebate where property in excess of $5 000 in addition to the interests in the dwellinghouse is derived by the surviving brother or sister. It is considered by the Government that, in these circumstances, the same degree of hardship would not be experienced in paying succession duty as that which would be experienced by a person who did not derive such other property. It is also pointed out that provision will still exist under the present Act that enables the Commissioner to defer payment of duty in appropriate cases where duty is payable but reasons for deferment can be shown to exist.

Clauses 1 and 2 are formal. Clause 3 provides that the new amendments are to apply in respect of the estates of persons dying after the commencement of the amending Act. Clause 4 makes an amendment to a heading. Clause 5 extends the meaning of "brother" and "sister" to cover cases where no blood relationship exists, but the claimant was brought up in the same family as the deceased and is consequently *de facto* a member of the same family. Clause 6 extends the benefits of Part IVB to brothers and sisters of the deceased. Clause 7 is the provision that introduces the benefits that I have outlined above. Clause 8 is a consequential amendment.

The Hon. R. C. DeGARIS secured the adjournment of the debate.

LIBRARIES (SUBSIDIES) ACT AMENDMENT BILL

Received from the House of Assembly and read a first time.

The Hon. B. A. CHATTERTON (Minister of Agriculture): I move:

That this Bill be now read a second time.

It makes two small amendments to the Libraries (Subsidies) Act designed to bring the Act into line with advances that have been made in the provision of library services. The present Act provides for the payment of subsidy to a council or approved body towards the expenses incurred establishing premises for the purposes of a library. No subsidy can be made towards the expenses incurred in acquiring or fitting out a motor vehicle as a mobile library, because a motor vehicle does not constitute "premises" for the purposes of the Act. Although the operational expenses of a number of mobile libraries have been subsidised in the past, the vehicles concerned have been acquired without cost to the councils concerned, so until the present the problem of granting subsidies for these purposes has not arisen.

The Libraries Board sees the establishment of mobile library services as an important factor in the development of a State-wide system of public library services, particularly in rural areas and in the developing outer metropolitan areas. The Bill also expands the principal Act so that it covers not only books lent by libraries but also other library materials such as records, cassettes, films, slides, prints, videotapes, maps and so on. Such materials are now commonly handled by libraries, and obviously ought to be brought within the purview of the Act. Clause 1 is formal. Clauses 2 and 3 provide for the payment of subsidies in respect of acquisition of motor vehicles and expand the provisions of the principal Act so that they cover not only books but also other materials of a kind normally handled by libraries.

The Hon. J. A. CARNIE secured the adjournment of the debate.

ADJOURNMENT

At 11.28 p.m. the Council adjourned until Wednesday, April 27, at 2.15 p.m.