LEGISLATIVE COUNCIL

Tuesday 25 March 1980

The PRESIDENT (Hon. A. M. Whyte) took the Chair at 2.15 p.m. and read prayers.

ASSENT TO BILLS

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

Barley Marketing Act Amendment,
Motor Fuel Rationing,
Wheat Marketing.

PUBLIC WORKS COMMITTEE REPORTS

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

Gilles Plains Community College (Stage III) and Redevelopment of Marleston College of Further Education,
Hillcrest Hospital (Fire, Safety, Upgrading, Wards 1, 2, 3, 4 and Litchfield House),
North-Eastern Suburbs Trunk Sewer Reorganisation, Stage III,
Stirling North Primary School.

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

River Murray Salinity Control Programme—Noora Drainage Disposal Scheme.

PAPERS TABLED

The following papers were laid on the table:

By the Attorney-General (Hon. K. T. Griffin)—

By Command

Legal Services Commission—Report, 1978-1979.

Pursuant to Statute

Lottery and Gaming Act, 1936-1978—Variation of Regulations—"Instant Bingo".
Road Traffic Act, 1961-1979—Variation of Regulations—Traffic Prohibition—Marion, Meadows, West Torrens, Whyalla.
Supreme Court Act, 1935-1975—Supreme Court Rules, 1980 (No. 2).

By the Minister of Local Government (Hon. C. M. Hill)—

Pursuant to Statute

Engineering and Water Supply Department—Report, 1978-1979
Recreation Grounds (Regulations) Act, 1931-1978—Variation of Regulations.
City of Noarlunga—By-law No. 11—For regulating Bathing and Controlling the Beach and Foreshore.
District Council of Kingscote—By-law No. 26—In respect of camping.
District Council of Mannum—By-law No. 4—Petrol Pumps. By-law No. 10—Keeping of Dogs.
Friendly Societies Act, 1919-1975—Amendments to General Laws—Manchester Unity Independent Order of Oddfellows Friendly Society in South Australia.

By the Minister of Community Welfare (Hon. J. C. Burdett)—

Pursuant to Statute

Institute of Medical and Veterinary Science—Report, 1977-1978
Planning and Development Act, 1966-1978—Interim Development Control—District Council of Karoonda East Murray.
South Australian Health Commission Act, 1975-1978—Modbury Hospital—By-laws. Port Augusta Hospital Inc.—By-laws.

QUESTIONS

ADELAIDE UNIVERSITY COUNCIL

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before asking the Attorney-General a question about the election of student members of the Adelaide University Council.

Leave granted.

The Hon. C. J. SUMNER: My question relates to the conduct of elections for the student members of the Adelaide University Council; I understand they took place in September last year. Serious allegations have been made that some ballot-papers in that election were forged. I understand that a problem arises in the conduct of such elections because a letter with the ballot-paper is sent to every student by way of departmental letterboxes. If a particular student does not collect his letter, it is then possible for other students to collect the envelopes, open them, take out the ballot-papers, forge them, and return them to the returning officer.

I understand that the university is investigating this method of balloting in relation to future elections. Nonetheless, the allegations have been made in relation to the recent election. These allegations are particularly serious at Adelaide University, because they follow complaints and findings in previous student elections at that university. The seriousness is amplified because it was found on previous occasions that Liberal Club members and members of the Liberal Party were involved in the ballot rigging.

The Hon. C. M. Hill: Which Liberal Club?

The Hon. C. J. SUMNER: The honourable member can make up his own mind. As I understand it, the Liberal Club at the university has very close ties with the Liberal Party. Honourable members will recall that, about a year ago, this allegation of ballot rigging by members of the Liberal Club and the Liberal Party at Adelaide University was raised in this Chamber. It now appears that the Liberal Club at the Adelaide University has again been involved in similar practices. Two of the candidates complained about in the election of members to the university council are members of the Liberal Club at the University of Adelaide.

I suggest that the Liberal Party is involved, because these allegations of problems in relation to the Liberal Club have occurred at Adelaide University for several years. It appears that the Liberal Club has been involved in the same tactics that it was involved in about a year ago, and has thereby secured the election of two of its supporters to the university council. I understand that on behalf of the defeated candidate in the election a writ has been issued in the Supreme Court, against the University of Adelaide requesting that there be a new election.

I believe that an examination of the ballot-papers that has been conducted indicates that there is a substantial suspicion that at least some of the ballot-papers were forged. I am sure the Attorney will appreciate that a financial difficulty faces a student taking an action of this

kind to achieve a just and fair outcome of the election. I am also sure that the Attorney-General would wish to see clarified once and for all the position at Adelaide University in relation to the election of members to the university council and to other bodies in that university.

As I have said, the difficulty for one student to take action against the university in this matter requires considerable financial resources, particularly if the university opposes the action. Therefore, will the Attorney-General ascertain whether legal assistance through the Legal Services Commission would be available to the student who wishes to contest the results of this election?

The Hon. K. T. GRIFFIN: I am surprised that the Leader of the Opposition should embark upon a statement in explanation of his question when there is, as he says, a writ issued with a view to resolving the difficulty. The Leader has indicated that the defeated student has issued a writ in the courts claiming that there ought to be a fresh election, and that of course is the appropriate place to settle the question of whether or not the election was a proper one. Regarding the Legal Services Commission, the Leader should know as well as I know that the Minister has no power to direct the commission. Anyone wanting legal aid must satisfy the criteria of the commission, and anyone is at liberty to apply for that finance. I certainly do not intend to intervene.

TELEPHONE RENTALS

The Hon. D. H. LAIDLAW: I seek leave to make a brief statement before asking the Attorney-General, representing the Premier, a question about telephone rentals for farmers, delicatessen owners and others.

Leave granted.

The Hon. D. H. LAIDLAW: At present, the occupier of a domestic residence pays an annual telephone rental of $85, whilst occupiers of business premises pay $120 for a single connection. Since farmers are deemed to carry on business from their place of residence, they pay $120 a year in rental. Telecom claims that two benefits accrue from paying the higher rental. First, the occupier has his name listed in the Yellow Pages of the telephone directory. I did a rough count and estimate that 12 500 persons are listed under the category of "farmer", and an extra 1 000 are listed as "grazier" in the Yellow Pages of the metropolitan and four country directories in South Australia. It is doubtful whether any one of the 13 500 gets one jot of benefit from having his name listed.

Secondly, Telecom claims that, by paying the higher annual fee of $120, an occupier can ensure that the rental charge is tax deductible. However, the Taxation Department points out that its officers, and not Telecom, decide whether telephone rentals are tax deductible and that the amount charged by Telecom being either $120 or $85 is not the deciding factor for that department.

I have referred to the situation of farmers because they comprise the most numerous group in the Yellow Pages. There are others, such as 1 000 delicatessen owners, who likewise derive little or no benefit from being listed. Since 13 500 farmers and graziers are paying $470 000 a year extra in telephone rentals for the doubtful privilege of having their names listed in the Yellow Pages, and since Telecom made a profit of $190 000 000 last year, can the Premier approach the Federal Minister of Post and Telecommunications or the Telecom authorities and ask that consideration be given to abolishing the $35 premium on annual rentals for non-domestic connections, and so reduce the size of the Yellow Page sections of the telephone directory by including only those names of subscribers who want to be listed and who are prepared to pay extra for such a privilege?

The Hon. K. T. GRIFFIN: I will refer the honourable member's question to the Premier, with a request that the matter be taken up with the appropriate Federal Minister with a view to meeting the anomaly in relation to the Yellow Pages.

IRAQI TRADE

The Hon. B. A. CHATTERTON: I seek leave to make a short explanation before directing to the Minister of Community Welfare, representing the Minister of Agriculture, a question on Iraqi trade.

Leave granted.

The Hon. B. A. CHATTERTON: On 11 March, a report appeared in the *Advertiser*, which I quote in part, as follows:

> Mr. Chapman said yesterday: "When we came into government we found the Iraqis had stopped negotiations on the supply of South Australian expertise and materials. They had notified termination of negotiations. I simply advised them we were prepared to review the matter. The problem was that our price was too high and the Iraqis are looking for a less expensive deal. We've now entered into new negotiations, and at the moment things are looking pretty good."

It is not hard to show that that is a completely false report of the situation in relation to negotiations between South Australia and Iraq. It is fairly obvious that it is not possible to negotiate until a project is identified, and, as the mission that went from South Australia to Iraq to identify a project on dry-land farming did not leave South Australia until December 1979, it was impossible for the Iraqis to break off negotiations on a project that had not been identified. If the Minister wants to confirm that what I am saying is true, he should contact the Federal Department of Trade, because that department prepared a report on the visit of Mr. Garland, who was then Minister for Special Trade Representations. He had visited Iraq, and the report stated that his discussions in Iraq had shown that the Iraqi Government wanted to proceed with a Western Australian and a South Australian project.

The visit of the Minister for Special Trade Representations was in September 1979. The fact that the Minister points out that the price was too high has been confirmed to me by other people from Baghdad. My questions to the Minister of Agriculture are these: first, does the Minister agree that his accusations reported in the *Advertiser* of 11 March that negotiations had stopped when the Liberal Party came to Government are completely false; secondly, what was the price quoted by the South Australian Government to the Iraqi Government that the Minister of Agriculture now says is too high?

The Hon. J. C. BURDETT: I will refer the honourable member's question to my colleague and bring back a reply.

LOCAL GOVERNMENT ACT

The Hon. L. H. DAVIS: I seek leave to make a brief statement before asking a question of the Minister of Local Government on the Local Government Act.

Leave granted.

The Hon. L. H. DAVIS: A press report of proceedings of a recent local government seminar included a reference to comments made by Mr. Michael Bowering, of the

Crown Law Office, who claimed that the Local Government Act was outmoded, impossible to read, involved, confusing and a heap of junk, and was ready for substantial revision. It appears that the previous Labor Government paid little regard to this important third tier of government. Will the present Government review the current Local Government Act with a view to introducing appropriate amendments?

The Hon. C. M. HILL: It is true that the previous Labor Government did nothing about completely rewriting the Local Government Act during its term of office from 1970 to 1979. The former Labor Government of the late 1960's did establish a committee to report on the revision of the Local Government Act; from memory, I think it was called the Local Government Act Revision Committee. It was established in 1967, and it was working throughout the period of the former Hall Liberal Government, except for the very end of that Government's term of office when its report was brought down. I can remember initiating the printing of that report and also the printing of the summary of that report. Therefore, that report, which should have been accepted and used as the basis for rewriting the Local Government Act, was printed and available to the former Labor Government in 1970. However, that is all history. The new Liberal Government has already decided that the Local Government Act shall not be amended but rewritten. A committee including representatives of the Department of Local Government, the Crown Solicitor's Office and the Parliamentary Counsel is in the process of rewriting the Local Government Act.

FRECKLED DUCKS

The Hon. J. R. CORNWALL: I seek leave to make a brief statement before asking the Minister of Community Welfare, representing the Minister of Environment, a question about freckled ducks.

Leave granted.

The Hon. J. R. CORNWALL: In a late edition of last evening's *News* and in this morning's *Advertiser*, it was reported that Cabinet yesterday decided to close the Bool Lagoon Game Reserve until May. The *News* report stated:

> Announcing Cabinet's decision, the Environment Minister, Mr. Wotton, said that probably less than 100 freckled ducks remained.

The report further stated:

> It is widely recognised that the freckled duck is among the least common of all Australian ducks and is one of the rarest water fowl in the world.

That is an amazing statement accompanied by mind-boggling inaction in all the circumstances. The Minister was given adequate warning before the last slaughter occurred, yet he refused to take action to stop it. Now, with the full support of Cabinet, he proposes to defer the April shoot but keep his options open for open days in May, June and July.

Members interjecting:

The PRESIDENT: Order!

The Hon. J. R. CORNWALL: This is despite his published statement that the freckled duck is one of the rarest water fowl in the world. It is interesting to trace the events leading up to the slaughter of the ducks. Senior officers of the National Parks and Wildlife Service were told late in January and again on 8 February that relatively large numbers of freckled ducks had been sighted by ornithologists at Bool Lagoon. The caller on 8 February was told that, despite the risk of heavy mortality, it would be politically impossible to close the lagoon for a third season in succession. Mr. Shane Parker, Curator of Birds at the Museum, spoke to a very senior officer on about 15 February and gave a further warning of the risk of the slaughter which was likely to occur. He was told that everyone in the National Parks and Wildlife Service was unhappy about the decision to allow shooting but that it could not be altered because it was a Ministerial decision. So, the count-down for the massacre began.

On opening day the lagoon was hopelessly undermanned by rangers. Only one gate was manned, although there was at least one other which was very much in use. Elementary precautions which had been pressed for by the Field and Game Association were not taken, especially its recommendation to allow shooters in only after daybreak so they had some chance to identify the protected birds. During the night about 1 000 shooters assembled around the lagoon. Many of them were well fortified by alcohol before daybreak, inexperienced, and shooting at anything that moved. According to one reliable estimate, fewer than 10 per cent of the shooters were members of the Field and Game Association.

The freckled duck is nocturnal, slow in daytime and therefore more likely than any other species to be shot. Initial estimates put the number slaughtered at 500. Later reports estimate that the figure could have been as high as 1 000. The extent of the slaughter can be imagined. The Minister admits that, whether 500, 1 000 or some number in between were shot, probably less than 100 freckled ducks now remain.

On 12 March, the Nature Conservation Society, the South Australian Ornithological Association and Mr. Shane Parker from the Museum saw the Minister and pressed him to reclassify Bool Lagoon as a conservation park. His and the Government's only apparent response has been to defer the April shoot (and I emphasise the April shoot only).

Is the Minister aware that, because of his decisions and because the lagoon was grossly undermanned on 1 March, local rangers have been made to look ridiculous? Is he aware that rangers throughout the National Parks and Wildlife Service are enraged by his bungling incompetence? What worthwhile actions are proposed to ensure that such a massacre is never allowed to occur again? Does he intend to recommend that Bool Lagoon be reclassified as a conservation park and, if not, why not?

The Hon. J. C. BURDETT: I will refer the honourable member's question to my colleague and bring back a reply.

TREASURER'S GUARANTEE

The Hon. R. C. DeGARIS: Will the Attorney-General ascertain from the Treasurer what amount of money borrowed by statutory authorities and private industry is subject to the Treasurer's guarantee? In the event of a Treasurer's being called on to meet any payments under the guarantees given, could the Attorney-General ascertain the procedures needed to appropriate the moneys to so meet those payments?

The Hon. K. T. GRIFFIN: I will refer the honourable member's question to the Treasurer and bring back a reply.

WOMEN'S ADVISER

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister of Local Government, representing the Minister of Education, a

question about a women's adviser in the Department of Further Education.

Leave granted.

The Hon. ANNE LEVY: Shortly before the last election, the previous Government had decided to appoint a women's adviser in the Department of Further Education. I understand that straight after the election the matter was considered by the new Government, and it was decided to proceed with the appointment of a women's adviser in the Department of Further Education. The position was advertised in late September last year, and interviews were conducted during last November, with a second round of interviews in February this year. However, at the last minute we were told that, rather than make an appointment to this important position, the position has been deferred and no appointment will be made at the moment.

This seems rather odd in view of the stated policy of the Government of applying equal opportunity provisions for all women throughout the State. It is well recognised that the provisions of a women's adviser in the Education Department has done a great deal towards the provision of equal opportunity within that department. Many people have been hoping that a similar beneficial result would occur when the women's adviser was appointed in the Department of Further Education. That department deals with many young people who have ceased formal education. It can and is doing a great deal for young unemployed people and, as all the figures indicate, a disproportionately large number of young unemployed people are female. The whole policy of the Department of Further Education with regard to young unemployed females needs examining and it is in this connection that a women's adviser would be extremely valuable.

Furthermore, there is a need to co-ordinate the work done in many different colleges of the Department of Further Education regarding courses for females and facilities available for female staff. The decision that has been made to defer this appointment has been extremely demoralising for all women employed in the Department of Further Education. Will the Minister say for how long this appointment has been deferred; will he say why it has been deferred (the reason can hardly be expense, because the position would have been budgeted for in last October's Budget); and has the position of Women's Adviser to the Department of Further Education effectively been abolished?

The Hon. C. M. HILL: I will refer the honourable member's questions to the Minister of Education and bring back a reply.

COMMUNITY WELFARE SERVICES

The Hon. M. B. CAMERON: I seek leave to make a brief statement before asking the Minister of Community Welfare a question about community welfare services.

Leave granted.

The Hon. M. B. CAMERON: In November 1979 the Minister of Community Welfare announced the setting up of an independent committee to inquire into community welfare services in South Australia. When is it expected the inquiry will report on its findings, and what will the report lead to?

The Hon. J. C. BURDETT: The Community Welfare Advisory Committee on the Delivery of Community Welfare Services is expected to make a first report in May so that the findings of the committee can be discussed in a seminar on 29 May and 30 May.

The seminar is being held so that changes to the Community Welfare Act proposed by a committee headed by Professor Brown can be further considered in relation to the findings of the Community Welfare Advisory Committee on the Delivery of Community Welfare Services and any new policy initiatives that are being planned. It is not possible to say at this stage what other results the report of the advisory committee will lead to.

SOUTHERN VALES WINERY

The Hon. G. L. BRUCE: I seek leave to make a brief statement before asking the Minister of Community Welfare, representing the Minister of Agriculture, a question about the Southern Vales winery.

Leave granted.

The Hon. G. L. BRUCE: In *Hansard* of 4 March (page 1374) the Minister of Agriculture stated:

> From the evidence now available it is clear that the co-operative will need to make a number of hard commercial decisions before the 1981 vintage, particularly if it is to trade out of its present difficulties. It is in the interests of growers and all those associated with the co-operative and the industry that those decisions are made quickly and in a proper commercial way.

Will the Minister give an assurance that he has full confidence in the present management of the Southern Vales winery to administer and guide the winery in its present difficulties? What changes, if any, during the past two years have occurred at the winery in relation to top management, and what background and experience in the wine industry does the present management have? Does the Minister believe that the present management has the expertise and is capable of making the hard commercial decisions needed, and referred to by him, before the 1981 vintage for the winery to trade out of its present difficulties?

The Hon. J. C. BURDETT: I will consult my colleague and bring down a reply.

BUSH FIRES

The Hon. R. J. RITSON: Has the Attorney-General a reply to a question that I asked regarding the investigation of bush fires?

The Hon. K. T. GRIFFIN: Whilst it is not possible to prepare an estimate of costs of different forms of inquiries into the bush fire, I can say that the holding of a Royal Commission would be by far the most expensive exercise. I would expect that the cost of holding an inquest would be slightly greater than an ordinary departmental inquiry, because there would be the need to pay witness fees. It is my view that the holding of an inquest by the State Coroner is the most effective way of determining the cause and origin of the fire.

APPOINTMENTS

The Hon. N. K. FOSTER: I seek leave to make a brief explanation before asking the Minister of Consumer Affairs a question about appointments.

Leave granted.

The Hon. N. K. FOSTER: Much has been heard from the Government regarding the 3 per cent cutback of education spending and Government cutbacks in other areas. The Government is not prepared to undertake its responsibilities to people who elected it to office. South Australia has the highest unemployment rate of any State

in Australia and also the highest increase in the cost of commodities.

The Hon. L. H. Davis interjecting:

The Hon. N. K. FOSTER: One of these days I may get on the honourable member's wavelength. He must have worked hard to obtain his red tie from the Liberal Party. He is no socialist. I could continue for some time, giving examples of the ways in which this State is measured, and I could also talk about the false advertising of members opposite, but I want to give other honourable members the chance to ask questions.

I understand that the Minister may appoint a person to the Credit Tribunal, or as a Registrar of credit unions. I also understand that a person by the name of Worth is at present a member of the Minister's staff. Mr. Worth was a Liberal Party candidate against Robin Millhouse for the seat of Mitcham on at least two occasions, if not three. I therefore ask the Minister whether the appointment of a Registrar is in keeping with the stated policy of the Government; if the answer is in the affirmative, does the Minister affirm that he will support only his friends for public office?

Members interjecting:

The PRESIDENT: Order!

The Hon. N. K. FOSTER: You must have heard him that time, Mr. President. Will the Minister ensure that the position in question is subject to the discussion, decision and recommendation of the credit unions, and not given as a plum to a member of his staff or one of his political friends?

The Hon. J. C. BURDETT: A Registrar of the Credit Tribunal and of the credit unions has been appointed.

LOCAL GOVERNMENT ACT

The Hon. M. B. DAWKINS: I seek leave to make a short explanation prior to asking the Minister of Local Government a question that is supplementary to a question previously asked about the Local Government Act.

Leave granted.

The Hon. M. B. DAWKINS: I refer to the revision of the Local Government Act and to the valuable work done by the previous Local Government Act Revision Committee, which, as the Minister stated, was established during the regime of the Hon. Stanley Bevan as Minister of Local Government from 1965 to 1968. That representative committee did extremely valuable work. It presented a report, as the Hon. Mr. Hill said, during his period in office. Will the present committee, which has been given the task of revising the complex and extensive Local Government Act, take due notice of the valuable work that was done by the previous Local Government Act Revision Committee when reviewing the Act?

The Hon. C. M. HILL: The answer is "Yes". The present committee will take heed of the report to which the honourable member referred. However, I point out that it must be used now only as a base from which the present committee can work, because of the great changes that have taken place in local government over about 10 years. Certainly, as a basis of consideration, the committee will take heed of that report.

FIRE PREVENTION SERVICES

The Hon. BARBARA WIESE: I seek leave to make a brief explanation before asking the Minister of Local Government, representing the Chief Secretary, a question about fire prevention services.

Leave granted.

The Hon. BARBARA WIESE: Last week I was approached for assistance by a woman who lives in the Adelaide Hills. Following the recent tragic fire in the Adelaide Hills this woman and some of her neighbours had inquired at the Aldgate Country Fire Services branch about the possibility of joining its fire drill and fire prevention course. The woman was told that women were not accepted for that course at that branch. Apparently each C.F.S. branch has the authority to make its own decisions about such matters. Further inquiries have revealed that not all C.F.S. branches are as sexist or short-sighted as the Aldgate branch, since some will train women in fire prevention techniques.

As it happened, I was able to arrange for an officer from C.F.S. headquarters to make arrangements for fire prevention lessons for the woman and her neighbours. However, it is most unsatisfactory that a C.F.S. branch should be entitled to refuse to teach women how to protect their houses and families in the event of a fire occurring. After all, it is women who are most likely to be at home in the Hills in the event of such a fire breaking out. I believe that this incident highlights one of the many problems we have in the organisation of our current fire prevention services in South Australia. Fire prevention was referred to by the committee of inquiry into fire services, which was set up by the previous Government. Has the Minister considered the committee of inquiry's report; does he intend to implement any of the committee's recommendations; and, if so, which ones, and when?

The Hon. C. M. HILL: I will refer those questions to the Chief Secretary and see to it that a full explanation and report, with answers, are brought down as quickly as possible.

LOCAL MANUFACTURERS

The Hon. D. H. LAIDLAW: Has the Attorney-General an answer to a question I asked about the Government's policy in regard to granting preference to local manufacturers?

The Hon. K. T. GRIFFIN: Early in 1979, two officers of the South Australian Government attended a meeting in Melbourne following an invitation from the Victorian Premier to discuss the question of State preferences. While no firm action resulted directly from that meeting, at the August 1979 meeting of Commonwealth and State Industry Ministers it was agreed that a Commonwealth-State working party would be established to investigate the system of State preferences. The working party's report is expected to be available to the Industry Ministers at their August 1980 meeting. The responsible Minister in this State is the Minister of Industrial Affairs. After receipt and consideration of the working party's report, each State will be in a position to decide whether it should adopt a unilateral position or act in parallel with one or more of the other States.

Increasing interstate freight cost is a factor which does provide some protection to South Australian manufacturers. In addition, South Australia is not as disadvantaged as some might imagine in freighting to interstate markets because in many instances we can take advantage of special back-loading rates, particularly to the Eastern States. Without wishing to prejudice the working party's investigations and findings, it is the view of this Government that it would be highly desirable for all States to move towards the uniform abolition of the preferences system. If necessary, such a move could be initiated by two

States acting in parallel and abolishing the system on a reciprocal basis.

THIRD PARTY INSURANCE

The Hon. C. W. CREEDON: Has the Attorney-General, representing the Minister of Transport, a reply to a question I asked about third party motor vehicle insurance?

The Hon. K. T. GRIFFIN: The matter of compulsory third party property insurance has received detailed consideration over the years. In 1972 the previous Government set up a committee to examine it. The committee comprises the Registrar of Motor Vehicles, the Public Actuary, the Chairman of the State Government Insurance Commission, a legal practitioner nominated by the Attorney-General, a representative of the insurance companies nominated by the Underwriters Association, and a representative of the R.A.A.

The committee considered the matter thoroughly and concluded that it was not possible to implement a scheme which would help vehicle owners without imposing major disadvantages. Consequently, the Government decided not to proceed with the matter for the time being. It is considered that the circumstances applying at the time the committee made its report still pertain today. Accordingly, it is not intended to introduce a compulsory third party property insurance scheme at the present time. I might add that there has been a world-wide trend in recent years away from third party insurance to first party insurance.

GAWLER RAIL SERVICE

The Hon. C. W. CREEDON: Has the Attorney-General, representing the Minister of Transport, a reply to a question I asked about the Gawler rail service?

The Hon. K. T. GRIFFIN: The railway line to North Gawler is owned by the State Transport Authority. The authority has no plans to withdraw metropolitan passenger rail services to North Gawler.

BERRI ROAD BRIDGE

The Hon. C. W. CREEDON: Has the Attorney-General, representing the Minister of Transport, a reply to the question I asked about the Berri road bridge?

The Hon. K. T. GRIFFIN: My colleague, the Minister of Transport, has requested the Commissioner of Highways to undertake an urgent investigation into the provision of a bridge over the Murray River at Berri. The Highways Department is preparing plans showing alternative locations for a bridge with a view to placing them on public display. These plans are expected to be available in mid-1980.

THE OVERLAND

The Hon. L. H. DAVIS: Has the Attorney-General, representing the Minister of Transport, a reply to the question I asked about the Overland train service between Melbourne and Adelaide?

The Hon. K. T. GRIFFIN: The Chairman of the Australian National Railways Commission advises that the matter of performance of the Overland is of considerable concern to the commission. Numerous conferences have been held with the Victorian Railways in an endeavour to improve the performance of this train and, in fact, all trains operated between South Australia and Victoria. Whilst much progress has been made with the upgrading of facilities on the South Australian side of the border, little has so far been achieved in Victoria. The situation has now been reached whereby little running time is lost in South Australia, and in fact on many occasions it has been possible to recover some of the lost time incurred by the Victorian system. Main constraints remaining to "on time" running in Victoria are the poor condition of the track resulting in the imposition of numerous speed restrictions, lack of sufficient long crossing sidings to enable the passing of the longer trains now operating, and the shortage of locomotive power.

The Victorian Railways will shortly commence a seven-year programme to upgrade the line between Melbourne and Serviceton. This programme will include relaying of the track and construction of a number of long crossing loops. It is understood that the construction of the first two loops at Pinpinio and Murtoa will be completed within the next six months. In the meantime, however, to avoid the high incidence of late arrivals, the Overland time table has been amended to provide for additional running time betwen Melbourne and Serviceton as from 1 March 1980. The eastbound movement from Adelaide will arrive in Melbourne at 9.30 a.m. the next day (that is, 30 minutes later than now) whilst the westbound movement from Melbourne will arrive in Adelaide at 9.35 a.m. the next day (that is, 45 minutes later than now).

VOLUNTARY WORKERS

The Hon. D. H. LAIDLAW: My question to the Minister of Community Welfare is on the subject of voluntary workers. Is it correct that the Department for Community Welfare has a number of voluntary workers supporting the department's staff? If that is so, how many are there, what type of work are they doing, what training are they given, and are there any new developments in this system?

The Hon. J. C. BURDETT: There are a number of voluntary aides supporting the staff of the department. In the financial year 1978-79, the department had a total of 582 volunteers registered as community aides. There were 286 other volunteers working with staff who were not formally registered. In March 1980 the number of registered volunteers had increased to 709. I would expect that by the end of the financial year the number will be 1 000.

The majority of volunteers work in several areas, ranging from a practical type of work (for example, gardening, household tasks, driving, producing and distributing information) to a more personal supportive work with individual clients of the department, that is, running groups for isolated mothers, play groups, working with young offenders, etc.

Each of the department's regions provides a variety of training programmes. Generally they consist of the following components: information on the role and function of district offices and community welfare workers; visits to other helping agencies; information on the role of helping in the community; communication skills; assertiveness training; parenting skills; causes and management of non-accidental injury to children (child abuse); working with groups; working with young offenders; budget advice; and working with community welfare workers.

The honourable member asked about new developments, and there are some new developments. A recent

development has been the development of the parent aide programme. This involves training volunteers to work as a team member with the professionals involved with families where children are at a risk of non-accidental injury. In this role, the volunteer is involved in a range of tasks, for example, assisting practically in the home to ease some of the immediate pressures on the parents; accompanying socially isolated parents to appropriate social groups; monitoring of the situation; and providing a warm supportive relationship to the parents.

In addition to this area, there is a developing involvement of volunteers in the work with young offenders in the community in both residential care units and also the groups run by the Youth Project Services. In this role the volunteers are involved with camps, running discussion groups and so on.

MILANG BUS SERVICE

The Hon. J. E. DUNFORD: Has the Attorney-General a reply to my question about the Milang bus service?

The Hon. K. T. GRIFFIN: I am advised by the Minister of Transport that applications for grants to purchase community buses must be made by local councils which, in turn, must guarantee the continued operation of community bus services. Guidelines for the eligibility of proposed community bus services are available from the Department of Transport. As Milang is in the Strathalbyn District Council area, it would be better if the matter could be referred to the district council for its consideration on behalf of the residents of Milang and other parts of the district.

The PRESIDENT: Call on the business of the day.

The Hon. Anne Levy: There is still a minute left!

The PRESIDENT: I will make that decision. Because of the situation that usually arises, involving a member asking a question and getting only half-way through it—

The Hon. Anne Levy: I was about to ask for a reply to a question.

The Hon. N. K. Foster: It's time we altered the system.

The PRESIDENT: Call on the business of the day.

QUESTIONS ON NOTICE

HILLS LAND

The Hon. N. K. FOSTER (on notice) asked the Minister of Local Government:

1. Will the Minister ascertain whether or not Mr. Stan Evans, member for Fisher, has owned any land or purchased any land since his election to Parliament that has been acquired, purchased or leased from, or rented to, any Government, semi-Government or local government authority?

2. Have the areas of land on which are situated the high school, the oval and the E. & W.S. Department at Heathfield ever been the subject of ownership, etc., by the firm F. S. Evans & Co.?

3. Can the Minister inform this Council what areas of land have been purchased, acquired, or notice of intent to purchase have been made by Mr. Stan Evans, member for Fisher, or by F. S. Evans & Co. Ltd. or on behalf of any person associated with that company or Mr. Stan Evans, M.P.?

4. Will the Minister make available details of any land in the Stirling District Council area that has been subdivided from broadacres into one hectare or one-acre lots?

5. Will the Minister ascertain from the Stirling Council the number of subdivisions which have had the support or have been the subject of an application by Stan Evans, M.P., F. S. Evans & Co. Ltd., or any person associated with that company?

6. Will the Minister investigate the date on which purchase of land was made on behalf of Stan Evans, M.P., or F. S. Evans & Co. or business associates in regard to certificate of title volume 1583, folio 17, volume 1878, folio 140, and volume 1899, folio 10, volume 3345, folio 198?

The Hon. C. M. HILL: Providing answers to the questions asked by the honourable member far exceeds my responsibility as Minister of Local Government. Most of the information sought can be obtained by the honourable member or any other member of the public by a search in the Lands Titles Office, at the Corporte Affairs Commission, or at the State Planning Authority.

HILLS FIRE

The Hon. N. K. FOSTER (on notice) asked the Minister of Community Welfare:

1. Is the Minister aware that the Stirling District Council officers offered the service of bulldozers and heavy equipment to fight the fire but was subsequently refused by the council?

2. Is the Minister aware of an open letter sent to members of Parliament signed by a fire victim in which references were made to questions in the State Parliament on 28 November 1974 referring to allegations of corruption in the Stirling District Council?

3. Is the Minister aware of an article that appeared in the *Mount Barker Courier* on Wednesday 27 February 1980 in which the Striling Council's Fire Chief, Mr. Thiem, described the bushfire on Wednesday 20 February 1980 as being "dreaded and expected"?

4. Is the Minister aware that at 11.00 a.m. the Aldgate C.F.S. visited the Heathfield rubbish dump and found that the gate was locked and they could not enter?

5. Is the Minister aware that two of the fire control officers were fighting fires elsewhere and that a third was at his place of employment, leaving no-one with authority to enter the dump?

6. Will the Minister ensure that the article which appeared in the *Mount Barker Courier* attributed to Mr. Thiem be tabled as evidence at any inquiry held on the fire?

7. Is the Minister aware of public statements being made by both Stirling District Council officers and others, that a permit was issued to F. S. Evans & Co. allowing them to burn in the Heathfield dump on the first day of each month, the permit being renewable at the end of the month?

8. Will the Government consider introducing urgent legislation to amend the Bushfires Act, 1976, to prevent a recurrence of the position as it relates to permits such as those issued by the Stirling District Council?

The Hon. J. C. BURDETT: The replies are as follows:

1. In view of the pending coronial inquest into the bush-fire disaster, it is not appropriate to comment at this stage.

2. Yes, if reference is made to a letter written under the pseudonym "A fire victim".

3. Yes.

4. See answer to 1. above.

5. See answer to 1. above.

6. The Minister of Agriculture has forwarded a copy of the article to the State Coroner. It is up to him to determine whether the article be tabled at the inquest.

7. See answer to 1. above.
8. See answer to 1. above.

SPECIAL BRANCH

The Hon. ANNE LEVY (on notice) asked the Attorney-General:

1. Under what guidelines is the Special Branch of the Police Force operating at present?
2. Have these guidelines been changed since 15 September 1979 and, if so, in what way?
3. Are any changes in the guidelines anticipated in the life of this Parliament?
4. On approximately how many people are files currently held by Special Branch?

The Hon. K. T. GRIFFIN: The replies are as follows:

1. The Special Branch is operating under the instruction issued by His Excellency the Governor-in-Council dated 18 January 1978.
2. No.
3. No decision has yet been made.
4. The records now on file in Special Branch are those remaining after completion of culling. It is not the Government's policy to disclose information on the numbers of files kept.

JUSTICES ACT AMENDMENT BILL

The Hon. K. T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Justices Act, 1921-1979. Read a first time.

The Hon. K. T. GRIFFIN: I move:

That this Bill be now read a second time.

The purpose of the amendments proposed by this Bill is to enable prosecutions for minor offences instituted by the office of the Corporate Affairs Commission under the Companies Act, 1962-1979, to be disposed of quickly and efficiently under the provisions in the Justices Act, 1921-1979.

Section 57a of the Justices Act, 1921-1979, provides a simple method for a defendant to plead guilty to a minor offence without attending at court and section 62ba allows prosecutions for minor offences to proceed where the defendant fails to attend court. This section also facilitates proof of the charge where the defendant fails to attend. The majority of the prosecutions instituted by the Corporate Affairs Commission are for offences of a minor nature (such as failure to file documents). Often the defendant wishes to plead guilty or fails to attend and it is important that the provisions of the Justices Act, 1921-1979, be available so that the court's time is not unnecessarily occupied and delays are not caused in the court list.

The relevant provisions of the Justices Act, 1921-1979, have effect only where proceedings are instituted by a police officer or "other public officer". It is necessary to widen this category so that those persons who are permitted by section 382 of the Companies Act, 1962-1979, to institute prosecutions under that Act are included. The Bill will have this effect by including the Corporate Affairs Commission itself and its officers and employees. It is intended that a Bill will be introduced into Parliament amending section 382 of the Companies Act, 1962-1979, so that officers and employees of the Commission will be able to institute prosecutions without the specific authority of the Commissioner for Corporate Affairs. As a result the personal involvement of the Commissioner will no longer be required in the issuing and conduct of proceedings for minor offences, thus saving considerable time.

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

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 makes an amendment to section 27a of the principal Act. Section 27a simplifies the procedure for serving a summons on a defendant where a complaint is made by a police officer or other public officer. This amendment substitutes a reference to a public authority for the existing reference to a member of the police force.

Clause 3 amends section 57a of the principal Act. Paragraphs *(a)*, *(b)* and *(c)* make amendments similar to the amendment to section 27a and consequential amendments. Paragraph *(d)* replaces the definition of "public officer" with definitions of "public authority" and a new definition of "public officer". The definition of "public authority" includes the Corporate Affairs Commission thus ensuring that all prosecutions instituted by the Commission itself can be dealt with expeditiously. The definition also includes those authorities listed in the old definition, the employees of which were defined as "public officers". The new definition of "public officer" includes police officers and any officer or employee of a public authority. Because police officers are included in the definition of "public officer" the reference to members of the police force in the principal Act is no longer necessary. As can be seen in the earlier amendments the reference to a member of the police force or any other public officer has been replaced by reference to a public authority or public officer thus considerably widening the effectiveness of the provisions concerned. Paragraph *(d)* makes a consequential amendment to subsection (12) of section 27a.

Clause 4 makes the necessary consequential amendments to section 62ba of the principal Act.

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

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

Bill recommitted.

(Continued from 6 March. Page 1517.)

Clause 2—"Commencement"—reconsidered.

The Hon. J. C. BURDETT: Amendments have been placed on file for clauses 2 and 3, and I ask that, in explaining the amendments, I be permitted to refer to amendments to both clauses, because that is the only way in which I can explain effectively what I am seeking to do. The Government originally introduced in the House of Assembly the Planning and Development Act Amendment Bill to provide, as an interim measure, control of large shopping developments outside shopping zones until the end of 1980. It was envisaged that, during the interim period, there would be public discussion of, and Government decisions on, the policy proposals contained in the Department of Urban and Regional Affairs discussion paper on the "Control of Retail and Centres Development in Metropolitan Adelaide".

The Government's Bill, as originally introduced, would prohibit shopping developments to more than 450 square metres outside designated shopping zones; it would apply only in the Adelaide metropolitan area; it would not affect

developments within shopping zones; and it would apply from 15 February 1980 (the date when the Minister of Planning announced the proposed amending Bill).

Upon receipt of the Government's Bill, the Opposition amended it in the Committee stages to provide for a total moratorium on all shopping developments and extensions to existing shops throughout the whole of the State; a retrospective application of this moratorium to 26 February 1980; and a continuation of the moratorium until 31 August 1980.

The Government rejected the Opposition amendments on the following grounds: the moratorium proposal is Draconian and would have significant impacts on an already depressed building industry; the application to the whole of the State was indiscriminate and could have effects on the development of areas such as the new town of Leigh Creek, halting construction unnecessarily; the retrospective application of the moratorium could mean that all developments throughout the whole of the State which had not received final planning and building approval as at 26 February could not be proceeded with, even though such applications may have already received planning approval in principle by councils. Furthermore, it has been brought to my attention that there are cases within the metropolitan area where developers have received planning approval from council, exercised their option to purchase land, and are now faced with the possibility of not being able to proceed, because their Building Act approval has yet to be finalised. The Government also believes that the proposal will stop existing shops from being upgraded and expanded, even for a small local shop.

The Government believes that its original measures are clearer and more precise, allowing for shops to develop in those areas where they have been planned for and the need exists, and therefore supports the thrust of the original Bill. There have, however, been further amendments prepared to add a new dimension to the Government's original Bill which would require council consent for shopping development within established shopping zones. This amendment does not affect the primary thrust of the Government's Bill, and is in accord with the proposals outlined in the Department of Urban and Regional Affairs "Retail and Centres" discussion paper.

The proposed amendment would, in effect, provide the planning authority (council or the S.P.A.) with additional power to assess shopping developments and give its "consent". (Currently shops are "permitted" in most shopping zones); it would ensure that an expanded concept of third party appeals is not introduced for shopping developments within shopping zones. (Currently no third party appeals are provided for "permitted" developments); it would require the planning authority in exercising its "consent" to have regard to both the planning regulations and the authorised development plan; it would ensure that the planning authorities are concerned more with the environment impacts of a particular development within a shopping zone than with the question of viability; it would provide for this amendment to apply from 25 March 1980, and it would apply only to the metropolitan area.

So that the members of this Council are clear about the consistency of this proposed amendment with the steps taken to date to improve and clarify retail planning policies in the metropolitan area of Adelaide, let me explain the situation as it now is.

The Government released (in December—within three months of coming into office) a major discussion paper on retail and centres development. The discussion paper was prepared by the Department of Urban and Regional Affairs in conjunction with a consultative committee, including representatives of retailers, the development industry, and local government. The Government has provided a three-month period (to the end of March) for public comment on the discussion paper and made officers of DURA available to discuss the issues with councils and interested groups, e.g. regional organisation of councils and building owners and managers association.

It has taken steps, in conjunction with the Royal Australian Planning Institute, the Institute of Urban Studies and the Local Government Association to arrange, for March, a number of open seminar discussions on the discussion paper, and offered assistance to council to examine the retail and centre policies applying in their areas.

The Government has had prepared within the Department of Urban and Regional Affairs a booklet setting out guidelines for the design of shopping and centres development to assist councils and developers to understand the location and design criteria proposed in the discussion paper and generally to promote better design of shops.

The Government has introduced a Bill to amend the Planning and Development Act to severely limit retail development outside defined shopping zones while the discussion paper is being considered and acted on. It has also recently established an interdepartmental working party (under my auspices as Minister of Consumer Affairs) to investigate claims of oppressive clauses in leases of retail premises in shopping centres.

The Government's measure, together with proposed amendments, is directed towards clarifying the situation in relation to retail policies within the metropolitan area and is more precise than anything the Opposition has proposed to date. The confusion in the minds of Opposition members about the measure that should be taken in this matter is staggering. First, they want a moratorium. Now, I understand that they are not so sure that their first thought was their best. In any event, the Government's proposals are far less Draconian than any of those put forward by Opposition members to date. The Government recognises that competition is essential to satisfy the consumers needs and to keep down prices, but it is also aware that new retail developments should be focused on defined centres, and the function of existing centres should be maintained wherever possible, and that new retail developments will have to satisfy environmental criteria proposed in the discussion paper and guidelines document. The Government is also aware that the creation of new shopping centres would require rezoning the land involved, thereby providing an opportunity for public comment and council and Government assessment of the impact of the proposed centre.

I recognise that this is a very complex issue. However, Opposition members have done little to clarify the situation and have only contributed to the confusion in both the minds of the public and members in this Chamber. The Government's proposed amendments are considered and clear, and therefore I commend them to members for their support. I realise that these amendments are very extensive and that they propose what is really a compromise between the Government's original Bill and the Opposition's amendments. I recognise that they are a new ball game. Members opposite have spoken to me and requested time to consider the amendments, which have only just been placed on file. That is quite reasonable. For these reasons I thought that the best course was to explain the amendments, as I have done, to give that benefit to the

Opposition, and now to ask that progress be reported and the Committee have leave to sit again.

The Hon. J. R. CORNWALL: I seek to make preliminary remarks as this matter has come right out of the blue. It is probably the most extraordinary performance that I can remember in the five years that I have been in this Parliament.

The Hon. J. C. BURDETT: I rise on a point of order. Surely the only matter on which the honourable member may comment is my motion that progress be reported and the Committee have leave to sit again.

The PRESIDENT: Does the honourable Minister wish to withdraw his motion temporarily to allow some debate on the Bill, or is he putting his motion? I give him the opportunity to withdraw the motion.

The Hon. J. C. BURDETT: If the honourable member wishes to debate the amendments, I do not wish to deprive him of that right, and in a moment I will seek to withdraw the motion. On the other hand, I had understood, from what the honourable member said, that he wanted progress to be reported. However, I will withdraw the motion.

The Hon. J. R. CORNWALL: I repeat that this is the most extraordinary performance that I can remember in the five years that I have been in this Council. This matter has been under consideration and has been a matter of public interest and controversy for at least four months. Particularly during the past three months it has probably been the number one ongoing story in the State. The Government has had ample time to talk to all interested bodies—resident action groups, traders, small businessmen, the Chamber of Commerce, the trade union movement and everyone who has a vital interest in this matter. The Government also had the opportunity, during the Norwood by-election, to sample public opinion.

It eventually produced a Bill, which was debated at considerable length in the House of Assembly. Our amendments were moved in another place and adequate time was given to consider those amendments. The Minister in another place was quite adamant that he would not be budging one inch and that the Government had gone as far as it was prepared to go. The Bill then came into this Council where it was debated again. We went through all the amendments again, and the Government refused to budge or give one inch. It was sticking to its guns for reasons that we could not understand. There was no consultation and no opportunity given to us to try to reach any consensus at all on the matter. All of the Opposition's amendments were put to a vote, and there was no attempt to find any way to solve the very serious problems involved.

The Opposition has always been flexible in this matter. We were trying, without the resources that are available to the Government, to do the best we could for all the people in the community. However, the Government has consistently refused to budge from its line. We got to the stage where the third reading of the Bill was before this Council, when normally we would have had to consider going to a conference of managers. All of our work in the past few days as an Opposition has been to consult the people and try to reach some position which would accommodate the majority wishes of the community and all those directly concerned.

No indication from the Government was given that it would take this action. We came in here today without the Minister so much as letting me have a glance at the proposal until well into Question Time. It is an extraordinary situation. The Opposition will now have to consult a wide range of people in the community and go through the processes again because of incompetence and bungling of, and the uncertainty that has been created by, the Government. We will have to go right through the performance again, and that will require some time. I make clear to the Council that, although I am more than happy for the Minister to report progress, the Opposition will not be in a position to proceed with these amendments tomorrow. I serve clear notice of that on the Minister. It will take the Opposition until at least Thursday to go through the full process of consultation. This is essential, and it would be unreasonable in the circumstances, with this whole new ball game (to use the Minister's expression), to expect us to be able to proceed with these major amendments in the Bill by tomorrow.

The Hon. C. J. Sumner: It's a new Bill.

The Hon. J. R. CORNWALL: Yes. In those circumstances, we cannot consider this Bill fully in 24 hours, and there is no reason why we should do so, because the Government's legislative programme is not exactly heavy and the number of days for which we are sitting is not exactly exhausting. It seems more than reasonable that the Opposition will want at least until Thursday to consider this matter.

The Hon. J. C. BURDETT: The Government has consulted with various interests, particularly local government, which has supported us. When I previously spoke about measures similar to this Bill, I read a letter in which the Local Government Association expressed its support. There is nothing extraordinary about this procedure. In the first place, the Government considered, and still considers, that the original Bill provided best for the interests of the whole community. However, in the Committee stage, amendments were passed that totally changed the Bill, providing for a moratorium in lieu of measures proposed by the Government. There is no question of the Government's being incompetent or having bungled. The Government introduced a measure that it still considers to be the best. That Bill was overthrown in the Committee stage, and the Government has now introduced a compromise between the original Bill and the amendments introduced by the Opposition and passed in this Council. There is nothing extraordinary about that. Standing Orders provide that a Bill can be recommitted.

The Hon. C. J. Sumner: We know that.

The Hon. J. C. BURDETT: It is a pity that the Hon. Dr. Cornwall did not wake up to that fact when he was speaking. There is nothing extraordinary in this Bill's being recommitted.

The Hon. C. J. Sumner: It's a new Bill at the third reading stage.

The Hon. J. C. BURDETT: The Opposition introduced a new Bill in the Committee stage. What we are doing is before the third reading stage. This step is perfectly proper and usual. I have not known similar action taken many times to be called extraordinary in the more than five years since I have been in the Council. No doubt such action will be taken in future as well.

The Hon. K. L. MILNE: We should have more time to consider this measure because a lot of new issues are involved, some of which are not clear. The various Acts involved present a maze for most people. This Bill cannot be considered in a hurry, as I think all honourable members appreciate. We will come to a better understanding if the debate is adjourned until Thursday.

The Hon. J. C. BURDETT: I ask that progress be reported and that the Committee have leave to sit again on Thursday.

Progress reported; Committee to sit again.

ENVIRONMENTAL PROTECTION COUNCIL ACT AMENDMENT BILL

Second reading.

The Hon. J. C. BURDETT (Minister of Community Welfare): I move:

That this Bill be now read a second time.

This Bill provides for the establishment of a new Environmental Protection Council with changes to the structure and chairmanship of the council to enable it to operate more efficiently as an independent source of advice on environmental matters. The current legislation provides for eight members of the council with one, the Director-General of the Department for the Environment, as Chairman, three other public servants and four other members appointed by the Governor.

The functions of the council as outlined in the Act are to report to the Minister on environmental matters referred to it or raised of its own initiative; to conduct inquiries as requested; and to recommend or promote research on environmental matters. It is not proposed to make any legislative change to the role and functions of the council. As presently defined in the legislation, the role and functions are adequate and appropriate.

However, this Bill proposes that changes be made to the structure and chairmanship of the council. At present, with the Chairman being the Director-General of the Department for the Environment there has been a conflict of interest as one of the functions of the council is to advise critically on the character of the Government's policies and activities. It is therefore proposed that an independent Chairman be appointed.

At present, there are four *ex officio* public servants on the council. This has tended to limit the scope and nature of discussion on some subjects by the council and it is therefore proposed that no *ex officio* public servants be appointed. Instead, two public servants will be appointed to the council on the basis of their particular expertise in the environment and health areas respectively. The Government recognises that the nature of environmental problems is becoming more complex. In the next few years the balance between economic and environmental matters will change in accordance with fundamental social changes. The more vision and wisdom which can be brought to bear on these matters the better. This Bill provides for additional expertise to be provided to the Environmental Protection Council and will ensure that its operations are independent of the Department for the Environment, enabling it to fulfil a "watchdog" function while still being required to advise and report to the Minister.

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Clause 3 provides for the amendment of section 4 of the principal Act which provides for the constitution of the Environmental Protection Council. The clause amends that section by providing that the offices of the existing membership of the council shall be vacated and that the council shall consist of nine members, instead of the present eight, reflecting interest groups and areas of expertise that differ from those provided for by the present provision.

The membership proposed is to be made up of a person having expertise in biological conservation; an academic having expertise relevant to environmental protection; a representative of the Conservation Council of South Australia; a person having a special interest in environmental protection; persons representative of mining or manufacturing interests, rural industry interests and local government interests, respectively; and two public servants, one with expertise in environmental protection and the other with expertise in public health. The clause provides that no more than three members of the council shall be public servants and that one member, not being a public servant, shall be appointed to be the chairman of the council. I commend the Bill to honourable members.

The Hon. J. R. CORNWALL secured the adjournment of the debate.

SOUTH AUSTRALIAN MUSEUM ACT AMENDMENT BILL

Second reading.

The Hon. C. M. HILL (Minister of Arts): I move:

That this Bill be now read a second time.

The intention of this Bill is twofold. First, an amendment is made to the financial provision contained in section 19 of the principal Act which will empower the Museum Board to borrow money for the purposes of the board. Secondly, the Bill inserts a new part into the principal Act dealing with meteorites. The purpose of this part is to preserve meteorites that fall in South Australia for scientific research and for the benefit of the people of this State.

In recent years there has been a rapid increase in the commercial trade in meteorites. This has resulted in the collection of large numbers of South Australian meteorites and their sale interstate and overseas. This has occurred despite Commonwealth customs legislation that prohibits the exportation of meteorites. It has been recognised by the Museum authorities in each State that co-operation is necessary between the States to reduce the movement of meteorites interstate and overseas. Part of this co-operative effort is the enactment of protective legislation in each State. Legislation similar to the provisions in this Bill has already been enacted in Tasmania and Western Australia and legislation is intended for the other States.

The effect of the new part is that all meteorites that have fallen to earth in South Australia before the commencement of the Act and are not owned by anyone, and all meteorites that fall in South Australia after the commencement of the Act will belong to the board of the South Australian Museum. However, people who own meteorites at the commencement of the Act will be able to retain ownership if they register the meteorite with the board within one year. Thereafter the board must be notified of any change in ownership of the meteorite. This will enable the board to keep track of meteorites in private ownership.

The Bill makes certain provisions to facilitate the finding of meteorites. There is an obligation on a person finding a meteorite to report it to the board. The board may pay a reward for the delivery of a meteorite to the board or the provision of information that leads to the finding or recovery of a meteorite. A person who has been authorised by the board is entitled to enter private property to search for or recover a meteorite.

Clause 1 is formal. Clause 2 provides for the commencement of the Act. Clause 3 makes a consequential amendment to section 3 of the principal Act. Clause 4 adds two new definitions. The word "meteorite" is defined to include all meteorites except tektites. Tektites are small non-crystalline meteorites that fall in great profusion in a belt that passes across the State. The Museum already has the largest collection in the world. Because of the large numbers of tektites available and the existing collection there is no need to bring them under the protection of this

legislation. Subclause *(c)* simplifies and widens the definition of the "State collection" so that meteorites will be included.

Clause 5 makes consequential amendments. Clause 6 enacts new Part IIA. New section 16a deals with the vesting of meteorites in the board and the requirements for registration and notification of changes in ownership. Subsection (5) will confine the operation of this section to meteorites that fall to earth in South Australia. Subsection (3) makes it an offence to fail to notify the board of a change in ownership or possession of a meteorite that is privately owned. Subsection (4) enables a court, when convicting a person for a failure to notify, to order that the meteorite be forfeited to the board. New section 16b relates to rewards for the delivery of a meteorite or for supplying information leading to the finding of a meteorite. Subsection (2) requires a person finding a meteorite to notify the board and provides a penalty if he fails to do so. This subsection has effect only where a person knows that what he has found is a meteorite. New section 16c provides for the entry onto land of persons authorised by the board for the purpose of searching for, examining and recovering meteorites. Subsection (2) requires notice to be given to private owners before entry and subsection (3) provides a penalty of $500 for anyone who obstructs an authorised person exercising powers conferred by the clause.

Clause 7 amends section 17 of the principal Act so that in future it will be an offence to sell, damage or destroy or be in possession of a meteorite owned by the board. However, possession for the purpose of delivering a meteorite to the board will not be an offence. Clause 8 amends sections 18 and 19 of the principal Act. The subsection added to section 18 is an evidentiary provision which will place the onus of proving in any proceedings that the board did not own a meteorite on the person making that allegation. The amendment to section 19 adds three new subsections which constitute the borrowing powers of the board. Clause 9 makes a consequential amendment to section 20 of the principal Act.

The Hon. ANNE LEVY secured the adjournment of the debate.

MOTOR VEHICLES ACT AMENDMENT BILL

Second reading.

The Hon. K. T. GRIFFIN (Attorney-General): I move:

That this Bill be now read a second time.

The principal object of this Bill is to introduce a probationary licence system similar to that which exists in the majority of other States of Australia. Victoria and Western Australia introduced a probationary licence system in 1964, Tasmania in 1965, New South Wales in 1966, Queensland in 1970, and the Northern Territory in 1974. Consideration was first given to introducing the system in South Australia in 1967 but was deferred in favour of the points demerit scheme which had regard to erring drivers of all ages and not only to new drivers.

The purpose of the probationary system is primarily educational, in that it creates a greater awareness in a new driver of his responsibilities, not only in his own behaviour but in his behaviour towards others. The probationary driver will be required to observe road traffic rules including all speed limits and for the period that he is a probationary driver to drive at a speed no greater than 80 kilometres per hour. One of the major factors in the cause of accidents is the speed at which vehicles are driven and under this scheme the new driver will be restricted to driving at a speed which relates to his experience as a driver. He will be required to display "P" plates to distinguish him from other drivers.

The scheme anticipates that the good driving habits created during this probationary period will continue after the driver is granted a full unrestricted licence. In common with most States the basic principles are the issue of a probationary licence to any person who has not previously held a licence or has not held a licence for three years, and cancellation of that licence upon conviction for any one of a number of traffic offences, or conviction for a breach of the conditions of the licence.

The probationary licence will be issued for a period of one year. If the licence is cancelled a waiting period of three months must be served before again being eligible to apply for another probationary licence. A right of appeal against cancellation is provided. The same provisions are to apply to holders of learner's permits, as it would be an anomalous situation if learner drivers were to be subject to less stringent conditions than probationary drivers.

The Bill also seeks to broaden the powers of the consultative committee appointed pursuant to section 139b of the Act. Drivers who have been convicted of an offence or a series of offences involving the use of a motor vehicle or who otherwise behave in a manner suggesting they may be unfit to hold a licence are interviewed by the consultative committee. The committee already has the power to recommend the cancellation of a licence or to recommend that the Registrar refuse to issue or renew a licence. Their powers are to be extended to allow them to recommend suspension of a licence or the issue of a probationary licence to persons who come to their attention.

As a corollary to the probationary licence system, the Bill also provides for the creation of an offence under the regulations where a person who is not a learner driver or a probationary driver drives a vehicle to which "L" plates or "P" plates are affixed. I believe that the probationary licence system is most worthwhile and will play a significant part in the preparation of new drivers for today's traffic conditions, and in reducing the risk of accidents involving young inexperienced drivers. 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 provides for the Act to come into operation on a day to be proclaimed. It is envisaged at this point that the Act will be proclaimed three months after it is passed. Clause 3 provides that section 98b of the principal Act, which is the demerit points provision, applies in relation to the holder of a learner's permit.

Clause 4 inserts two new sections in the principal Act. New section 81a provides that a person who has not held a driver's licence at some time during the previous three years (either in this State or in another State or country) must be given a so-called "probationary licence" for the first twelve months of driving on a full licence. The section also applies to a person who comes from interstate with a current probationary licence issued in that other State, the intention being that such a person will only be issued with a probationary licence for the requisite number of months to make up a total "offence free" probation period of 12 months.

The section thirdly applies to any person who has had his licence cancelled under these new provisions. The two conditions to which a probationary driver will be subject

(in addition of course to any other conditions that may be imposed under any other section of the Act) are, first, that he will not exceed the speed of 80 kilometres per hour on any road in any part of the State and, secondly, that his vehicle must bear "P" plates. It will be an offence for any person to contravene these conditions, the penalty being a maximum of two hundred dollars. It should be made clear that this section only refers to the holder of a driver's licence. Similar conditions will be imposed upon all learner's permits pursuant to section 75a of the Act and so specific amendment is not needed in this area. It is not intended to endorse probationary conditions upon learner's permits issued for the purpose of enabling a non-probationary driver to gain a further classification on his licence.

New section 81b provides for the cancellation of a learner's permit or driver's licence endorsed with probationary conditions where the holder breaches either of the probationary conditions, or where he incurs three or more demerit points (whether for one offence or as an aggregate in respect of a number of offences committed on different occasions). The Registrar is obliged to cancel a permit or licence in those circumstances, whether or not the driver is by then the holder of a full (i.e., non-probationary) licence. The Registrar will specify in the notice of cancellation the day upon which the cancellation is to take effect. A person who has had his permit or licence cancelled under this section is not permitted to apply for a fresh permit or licence until the expiration of three months. If he is currently disqualified or has had his licence suspended, he of course cannot apply for a new permit or licence until that disqualification or suspension has expired.

It should be pointed out that the effect of cancellation is that the person no longer holds a permit or licence, and so, if he drives a motor vehice vehicle on a road, he will be guilty of the offence of driving without a licence contrary to the provisions of section 74 of the Act, which carries a maximum penalty of two hundred dollars. It is intended that, before a person can get a fresh licence, he will be required under section 80 of the Act to undergo a practical driving test. Where the holder of a learner's permit has his permit cancelled under this section, it is up to the Registrar in his discretion to decide whether that person should undergo a written test again before he is issued with a fresh permit.

A right of appeal is given against cancellation of a driver's licence under this section, on the ground of undue hardship, but it should be noted that this right is not afforded to a person who is still on a learner's permit at the time of cancellation. Where an appeal succeeds, the probationary period is to be extended, or a fresh probationary period imposed, for the period of one year from the time when liability for cancellation arose (i.e., conviction of the offence that gave rise to cancellation). A person who has had an appeal allowed is not permitted to appeal against any subsequent cancellation for a period of one year from the determination of that successful appeal.

Clause 5 empowers the consultative committee to direct the Registrar to suspend a licence or learner's permit, or to impose a period of probation, where a driver has committed offences or otherwise behaved in a manner that shows him to be unfit to hold a permit or licence. Clause 6 obliges the court to notify the Registrar of any conviction of the offence of contravening a condition of a permit or licence, thus enabling the Registrar effectively to carry out his duty to cancel permits or licences under new section 81b. Clause 7 empowers the Governor to make regulations relating to prohibiting persons from driving vehicles bearing "L" plates or "P" plates unless they are the holders of a learner's permit or a probationary licence.

The Hon. FRANK BLEVINS secured the adjournment of the debate.

DANGEROUS SUBSTANCES ACT AMENDMENT BILL

Second reading.

The Hon. J. C. BURDETT (Minister of Community Welfare): I move:

That this Bill be now read a second time.

This Bill proposes amendments to the principal Act, the Dangerous Substances Act, 1979, authorising the making of regulations controlling the manufacture, installation, maintenance and repair of machines, equipment, containers or devices in or in connection with which dangerous substances are kept or used. The principal Act includes provisions designed to control the storage, handling, conveyance and use of dangerous substances in the interests of safety. However, recently when the need arose to regulate the installation of liquefied petroleum gas conversion apparatus in motor vehicles, it was found that the Act does not include provisions authorising the making of the necessary regulations. As a result regulations to deal with this matter were made under the Road Traffic Act. The Government, however, considers that the ambit of this general Act dealing with the safety aspects of dangerous substances should be enlarged so that regulations may be made under it regulating the installation of liquefied petroleum gas conversion apparatus and any similar matter as the need arises.

Clause 1 is formal. Clause 2 provides that the measure may be brought into operation by proclamation. Clause 3 provides for the amendment of section 30 of the principal Act which empowers the making of regulations. The amendment inserts new paragraphs authorising regulations requiring persons manufacturing, installing, repairing or maintaining machines, equipment, containers or devices in or in connection with which dangerous substances are kept or used to have received training and to hold permits to be issued by the Chief Inspector.

The Hon. FRANK BLEVINS secured the adjournment of the debate.

SECOND-HAND MOTOR VEHICLES ACT AMENDMENT BILL

Order of the Day, Other Business, No. 6: The Hon. J. C. Burdett to move:

That he have leave to introduce a Bill for an Act to amend the Second-hand Motor Vehicles Act, 1971.

The Hon. J. C. BURDETT (Minister of Community Welfare): I move:

That this Order of the Day be discharged.

Order of the Day discharged.

SELECT COMMITTEE ON CERTAIN LOCAL GOVERNMENT BOUNDARIES IN THE NORTH OF THE STATE

The Hon. C. M. HILL (Minister of Local Government): I move:

That the time for bringing up the report of the Select Committee be extended until Tuesday 10 June 1980.

Motion carried.

CREDIT UNIONS ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 4 March. Page 1355.)

The Hon. C. J. SUMNER (Leader of the Opposition): The Opposition supports the second reading of the Bill, which is essentially a Committee Bill. There is no dispute about most of the clauses in what could be described as a tidying-up Bill. In general, the regulation of credit unions, which was introduced by the Credit Unions Act in this Parliament in 1976, has been welcomed by the credit unions and has worked satisfactorily.

Since then there has been considerable growth in the credit union movement and in the business that is done by credit unions. Over the past few years they have slowly and surely obtained an increasing share of the financial market. Credit unions have now reached the stage where, taken as a whole, they have improved their financial assets and status in relation to other financial and more traditional institutions, such as banks, compared to the position some years ago.

With the expanding nature of the credit unions, with the large number of assets that they have, and with the greater business that they attract, there is a greater need to ensure the protection of the public and credit union members. I believe that the 1976 Act has worked well, but some amendments have now become necessary as a result of experience gained in operating under the Act in the past four years.

The Labor Government was working on these amendments before 15 September, and it had reached the stage of approving instructions for drafting. Obviously, we have no objection to the great majority of the amendments suggested in the Bill. In fact, only one point is in dispute, and that concerns clauses 10, 15 and a consequential change in respect of clause 4. Clause 10 amends section 39 and clause 15 amends section 52. Both those existing sections deal with the disclosure of loans made by a credit union to officers or employees of that union, including directors, and make it mandatory that such loans should be disclosed to an annual general meeting of members of the credit union.

Regarding clause 10 (and the same comments apply in relation to clause 15), in his second reading explanation the Minister stated:

> The common law rule that requires a director, as a person in a fiduciary position, to disclose to a general meeting of members any financial interest in a contract with the credit union in order to preserve the validity of the contract is specifically negated.

What the second reading explanation admits is that there is a common law rule that requires a person in a fiduciary position to disclose to members of an association, company or, in this case, a credit union, any financial interest in a contract with that association, credit union, or company.

It is a rule of general application which has had some ramifications, indeed, in the Parliamentary sphere, where it is considered by many, certainly by the Labor Party, that people who are making decisions about particular issues in the community ought to disclose their financial interests to that community so that the community can judge whether or not there is any conflict of interest or any attempt by the person making rules or decisions to attempt to use his position for his own benefit.

Similarly, that is the common law rule which is referred to in the second reading explanation and which I have just quoted as having its rationale in that philosophy, namely, that a person who is in a position of trust on a board or a committee of an association, company or credit union ought, if he obtains some benefit from that association, to disclose openly to the membership of that association the interest that he has obtained.

I believe it is important that we maintain the principle stated in the second reading explanation and that we do not detract from it, even in the case of credit unions. What this amounts to is in fact a loosening of the control of membership over what the directors do in the operations of the credit union. There should be more openness and accountability—and not less—as credit unions become larger, more complex and more significant in the financial world of this State.

The members of the credit union must be assured that those people in positions of responsibility are not using their position for their own special advantage and to the detriment of the general membership. The argument put up in support of this provision is one relating to privacy, that the financial affairs of an officer or employee of a credit union should not be made available to the general membership and that, to do that, is a breach of that person's privacy. One has to weigh up that right to privacy against the general community right or community interest, in this case the interest of members of the credit union, to know that the people in charge of the affairs of their union are conducting themselves in a manner that is above board and is not providing them with any financial gain.

There is also a question of privacy that arises in relation to the disclosure of the financial interests of members of Parliament, but we believe that the general or community good demands that that right to privacy be overridden; in other words, it is important that the community should know whether a member of Parliament has a financial interest which may affect his decision making in legislation that comes before the Parliament or, if he is a Minister, his decision making as a Minister. That general common need, I believe, overrides the so-called right to privacy.

A similar argument can be used in the case before us of the disclosure by officers and employees of a credit union of any loans obtained from that credit union. The interest of the general membership of a credit union should override the right to privacy which is asserted in the second reading explanation as the reason for this amendment. The present position in sections 39 and 52 is that a loan to an officer or employee by a credit union or by an association of credit unions should be disclosed to the annual general meeting of the credit union or the association of credit unions. We believe that that provision should remain in sections 39 and 52.

Whilst we support most of the Bill, we will be moving amendments to clauses 10 and 15, and that will probably mean that clause 4 will no longer be necessary. The amendments will retain the provision which this Bill adds to the present Act, namely, that any loan made by a credit union to an officer or employee of a credit union should be reported to the Registrar of Credit Unions. That is in addition to the situation now applying under the present Act, and we think it is desirable. It would require a report to the Registrar within one month if a loan were to be made by a credit union to one of its officers or employees.

In addition, we believe that the clause relating to disclosure to a public meeting, the annual general meeting of the membership, should be retained, and we will be moving that in amendments to clause 10. Clause 15 deals with the same principle, but in respect of an association of credit unions, of which there is only one at the moment, and it will require that loans made by that association to its employees or officers or to the employees or officers of a constituent credit union should be disclosed to the annual

general meeting of the Association of Credit Unions.

Section 52 deals with an association of credit unions, that is, an association which now has as its membership many of the credit unions now operating in South Australia. So, the principle is the same in clause 10 and clause 15, and we will be seeking to amend those clauses along the lines I have mentioned.

The Minister said that section 61 means that, if any director has paid or receives a loan on a concessional basis, that concessional basis would have to be approved at a general meeting of the credit union. That seems to be the case with section 61 of the Act, but I should like the Minister's comments on the fact that that section does not deal with employees of credit unions. What is the position, in his amending Bill (if the Council does not agree with our amendments) in relation to employees who receive concessional loans? There seems to be nothing touching on employees or officers (other than directors) receiving concessional loans.

Further, I think an argument could be mounted in respect of section 61 that a director can receive a concessional loan and not have to have it approved at a general meeting of the credit union if it was thought that this was not in the nature of a remuneration by the credit union to the director; in other words, I think there is an ambiguity in section 61 that could well be looked at if the Minister decides not to accept our amendments and wants to proceed with his Bill as it stands.

One of the central points in relation to the Minister's argument is that concessional loans would still need to be disclosed to a general meeting of the credit unions (that is, concessional loans presumably to directors and officers), whereas, under his Bill, loans that are not concessional, that are under the normal lending conditions of the credit unions, would not have to be reported to the general meeting, but would have to be reported only to the Registrar within one month of the loan's having been made.

That is the basis of the Minister's argument. It seems that, if there is any doubt about the power in section 61, it ought to be clarified in relation to both those matters, namely, whether it applies to an employee as well as an officer and whether or not there is some ambiguity in section 61 in that it could be argued that the concession is not meant to be remuneration for services as a director. If the Council does not accept my amendments to clear up the matter completely by providing for open disclosure to the membership of all loans to officers or employees by credit unions, the Minister needs to look at section 61. There ought to be some clarification of that section. With those reservations and suggested amendments, I support the second reading.

The Hon. L. H. DAVIS: I rise to briefly support the Government's amendments to the Credit Union Act. I concur with the remarks of the Hon. Mr. Sumner that this is essentially a tidying-up operation, which is not surprising in view of the fairly dramatic changes that have occurred in the capital market and not least in the area of credit unions, which began operating in this State in 1948. When the legislation was introduced in the State in 1976 there were 62 000 members of credit unions with assets of $42 000 000. Today there are 103 000 members with assets of $143 000 000. One might say that almost one in 10 South Australians are today members of a credit union. I think it is also true to say that this Bill, in general terms, which was supported by the Liberal Party when first introduced by the Labor Government in 1976, has worked satisfactorily. It is interesting to note that there was no demurrer on that point on either side of the Council. It is also interesting to note that the Hon. Mr. Sumner was careful to avoid any reference whatsoever to other States' provisions for credit unions.

No reference to other institutions in the financial sector was made with regard to the matter on which he was proposing amendments. The fact is that the proposal by the Minister strengthens the existing legislation, which provides only for the members of a credit union and association to receive notice of the loan at the next meeting, which could be 10, 11, or even 11½ months after the loan was first made. The proposal, which the Government has introduced by way of amendment to this Act, requires notice of loans to officers, employees and directors to be provided to the Registrar within one month of them being made. This is a substantial strengthening of the Act, because not only the details of names and addresses of officers, employees and directors of credit unions have to be given but also the amount and terms of the loan must be stated. Quite obviously, if the amount and the terms of the loan are irregular, the Registrar has the power to do something about it.

The Hon. R. C. DeGaris: What could he do?

The Hon. L. H. DAVIS: The Registrar has powers under the Act to look into the matter further. There are not just words in this Act; there are teeth as well. To suggest, as the Hon. Mr. Sumner does, that, in addition to providing the Registrar with details about these loans, information which in many cases might be 10 or 11 months out of date also has to be given to a general meeting, is really just binding up these provisions with a lot of red tape. As the credit unions grow (I understand there are now more than 40 of them) so will the number of employees of the association and credit unions receiving these loans in the normal course of business. If the Registrar does not have the necessary power to effectively police the provisions of the Act, that will be a matter which in turn will have to be looked at, just as these provisions had to be looked at.

The Hon. C. J. Sumner: The members should know what is going on.

The Hon. L. H. DAVIS: The Building Society Act was introduced in 1975 and, as I understand it, no provisions exist in that Act for members to know what is going on. The Registrar, in the instance of building societies, has the same sort of powers to inquire into irregularities, and so he should, just as the Corporate Affairs Commission has in relation to companies being investigated. The point that Mr. Sumner has mentioned should fall on deaf ears. There is no other State that has such provisions. There are other financial institutions where potential conflicts of duty and interest may arise, and there are safeguards. In many cases legislation introduced by the Labor Government has not included provisions sought by way of amendment today.

The Hon. J. C. BURDETT (Minister of Consumer Affairs): I thank honourable members for their contributions. Certainly, there is no doubt that this Bill will strengthen controls. At the same time, it reserves a reasonable right of privacy for persons who happen to be directors or officers of the credit union. The Hon. Mr. Davis has already pointed out that provisions in the existing Act under section 39 (2) are quite inadequate as it merely states:

> The amount of every such loan shall be reported to the annual general meeting of the credit union.

That meeting could be 11 months away. Nothing else may happen. Reporting to the Registrar with his investigative powers can lead to something which does really happen. The Leader of the Opposition referred to section 61 and my having referred to it before. That section states:

> A director of any credit union shall not be paid any remuneration for his services as a director other than such fees concessions and other benefits as may be approved at a general meeting of the credit union.

It is quite true that that applies not only to directors but also to officers. If there was a concessional payment, it would clearly amount to a remuneration, whatever it was considered to be. Surely, a co-operative credit union can be trusted to restrain and control its own officers. The amendments which have been foreshadowed by the Leader of the Opposition indicate that in all cases, whether it is a concessional loan or otherwise, there should be a dragnet which would require all officers or directors who obtain a loan from the society to disclose it at an annual general meeting. I suggest that this is a gross breach of privacy and an unnecessary one and is not in the public interest. It is also one which is covered by greater controls in the Bill. I suggest that the Leader has overlooked sections 59 and 60 of the Act. Section 59 (1) provides:

> Subject to the provisions of this section, a director of a credit union who is or becomes in any way (whether directly or indirectly) interested in a contract, or proposed contract with the credit union, shall declare the nature and extent of his interest to the board of directors in accordance with this section.

So, he has to disclose this to the board. We must be pragmatic and practical. From my knowledge of boards, disclosure would be sufficient. The provisions of section 9 strengthen my case. Section 60 (1) *(d)* provides:

> An officer of a credit union whether on his own account or in partnership with any other person (or body of persons) shall not, without the approval of a majority of the directors . . . borrow moneys from the credit union.

It is already provided in the Act that, if a director wants to borrow money, this fact must be disclosed to the board; the same applies to an officer. The Bill provides that, if I wanted to borrow money from the board, this fact must be disclosed to the Registrar. The control seems adequate and, as the Hon. Mr. Davis pointed out, this control is more stringent than that provided for other financial institutions. It should not be necessary to require an officer or director who is borrowing money from the institute concerned, properly and legitimately, to make known to every member of the association (there may be thousands of members) that he has applied for a loan. Under the existing Act, section 39 (2) provides that the only thing which is required to be reported is the amount of the loan, and not the terms thereof, but they must be reported to the Registrar under this Bill.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Inspection of documents."

The Hon. C. J. SUMNER: During the second reading stage, I indicated that I would move an amendment to clause 4. I intend to move amendments to clauses 10 and 15. On reflection, I do not believe that an amendment to clause 4 is necessary, because amendments to clauses 10 and 15 will maintain the system of reporting to the Registrar. Clause 4 deals with the inspection of some documents, held by the Registrar and given to the Registrar, which indicate loans that have been made by a credit union to one of its officers or employees. If the amendments which provide for disclosure to the annual general meeting of members of the union are defeated, we may wish to delete clause 4, because there should be some way in which members can ascertain what loans have been made to the directors, the officers or the employees of the credit union.

Under the present proposal, there is absolutely no way in which the members can find out what loans have been made. A report is made to the Registrar, who is able to investigate any unusual circumstances in relation to the loan. Under clause 4 there is no way that any members of the credit union can find out what loans have been made by the union to one of its officers or employees. If amendments to clauses 10 and 15 are passed, there is no need for clause 4 to be deleted, because a safeguard would be provided—all loans and terms of loans must be reported to an annual general meeting of the credit union. However, if the amendments are defeated, I believe that clause 4 should be reconsidered and deleted so that there is some capacity by which members, at least those who are interested, can find out what loans have been made to directors, officers or employees.

The difficulty is that this Bill removes completely from the membership any rights to its knowing what officers or employees borrow from the co-operative credit union. Because it is a co-operative organisation, it is important that members have some access to knowledge of the financial dealings between the credit union (because it is their co-operative) and the people who, for the time being, are charged with the running of that organisation—the directors, officers or employees.

This Bill, as it stands, leaves open no avenue to a member to inspect or find out those financial relationships. If amendments to clauses 10 and 15 are accepted by the Council, I can see no harm in this clause remaining; on the other hand, if those amendments are not accepted, I believe that clause 4 should be deleted. I suggest that consideration of clause 4 be postponed.

The Hon. J. C. BURDETT: I have no objection to consideration of clause 4 being postponed, but I point out that under the present Act there is no way in which a member of a credit union can find out whether a loan has been made to an officer or a director. I suggest that there is no reason why that person should have that power. As the Hon. Mr. Davis pointed out—

The Hon. C. J. Sumner: He finds out now at the annual general meeting.

The Hon. J. C. BURDETT: He can now but only in that way.

The Hon. C. J. Sumner: At least he can find out.

The Hon. J. C. BURDETT: There is no way in which a member of a building society can find out if a loan has been made to a director. I am aware of no way in which a shareholder of a bank can find out whether a loan has been made—

The Hon. C. J. Sumner: That is not a co-op.

The Hon. J. C. BURDETT: No, it is not, but a building society is a co-op. Credit unions and building societies are becoming a major force in the economic sphere, and I am glad that they are doing so. In the past they did not play a major part and were very small organisations that did not amount to very much; these days, they have the kind of funds indicated by the Hon. Mr. Davis. Building societies have become bigger and have larger capital sums. Credit unions and building societies have muscle in the economic sense, and they are starting to move into competition with banks and finance companies.

Therefore, there should be protection and privacy to a person who is an officer or a director of the organisation if he obtains a loan from that organisation, as applies in the case of building societies and banks. As provided by sections 59 and 60 of the principal Act, neither a director nor an officer can obtain a loan from a credit union without disclosing this fact to the board.

The board is elected by the credit union and is entrusted with the obligation of looking after the members of the

credit union. There is no reason why an officer or a director of a credit union should be subjected to the indignity of having his financial affairs inquired into by members of the association, because he has to disclose such matters to the board of directors anyway.

The Hon. C. J. SUMNER: I appreciate that the Minister is prepared to agree to the deferral of consideration of this clause. The Minister seems to have used as his king-hit argument the fact that in another area where co-operative institutions are involved, namely, building societies, there is no such provision as presently contained in this Act, which we are seeking to retain. I really do not see that that is of any great moment. The Opposition would be happy for the Minister to introduce a Bill to give effect—

The Hon. L. H. Davis: Your Party introduced that legislation.

The Hon. C. J. SUMNER: That is all very well; I am aware of that. I believe that the principle enshrined in the Credit Unions Act in relation to the openness of the dealings of people who are running this co-operative should have general application and should apply to other co-operative bodies. If the Minister wished to introduce a Bill to amend the Building Societies Act, the Opposition would be quite prepared to give it very sympathetic consideration. However, the position in relation to banks is different because they are not co-operative organisations, whereas building societies and credit unions are. I believe that members of those associations have a right to know the financial dealings between the organisation itself and the people charged with the running of the organisation at a particular time. Further, the Minister said that he thought that there was no way that a member could determine what loans had been made by a credit union to its directors, officers or employees at the present time. That is incorrect, as I believe the Minister probably now concedes.

The Hon. J. C. Burdett: Only the amounts.

The Hon. C. J. SUMNER: Yes, that is true. At the present time a member can gather this information at the annual general meeting, where such loans must be recorded.

The Hon. J. C. Burdett: Only the amounts.

The Hon. C. J. SUMNER: I agree; the amounts only. As the Hon. Mr. Burdett can see, the Opposition's amendment seeks to tidy up that situation. The amendment also seeks to disclose the terms of the loans at the annual general meeting. In other words, a report should be made to the Registrar within one month; we agree with that, because it is an extra protection. There should also be a disclosure at the annual general meeting of the credit union of the same matters that must be disclosed to the Registrar; that is, the amount of a loan and the terms of a loan. The Opposition believes that the report to the Registrar within one month provides added protection. However, there is still an overriding right of the members of a co-operative organisation to know what is going on between a co-operative and the directors, officers and employees.

Consideration of clause 4 deferred.

Clauses 5 to 9 passed.

Clause 10—"Loans to officers and employees."

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

Pages 2 and 3—Leave out subsections (3) and (4) and insert subsection as follows:

(3) The amount, and the terms, of every loan made under this section to an officer or employee of the credit union shall be reported by the credit union to the annual general meeting of the credit union next following the making of the loan.

This amendment deals with section 39 of the principal Act. Subsection (1) of section 39 states that, subject to its rules, a credit union may lend moneys to any of its officers or employees who are members of that credit union. That would not be interfered with by the proposal in the Bill, which seeks to insert a new subsection (2), which requires the reporting procedure of any loans to the Registrar within one month and also gives protection to a credit union where a loan is made to the directors but not reported to the members of the credit union. The Opposition seeks to delete that provision from the Bill, and in its place insert the amendment I have moved. That would mean that the terms of every loan made under section 39 should be reported at the annual general meeting of a credit union.

The Hon. R. C. DeGaris: What does section 39 (2) say now?

The Hon. C. J. SUMNER: That section says:

The amount of every such loan shall be reported to the annual general meeting of the credit union.

That is the section that the Bill seeks to remove, and insert in lieu thereof the procedure of reporting to the Registrar any loan within one month. The Opposition does not seek the removal of the clause in the Bill that requires the reporting to the Registrar within one month, but it does seek to reinsert the section that requires that the amount of every loan be reported to the annual general meeting along with the terms. I believe the Opposition's arguments for this amendment were adequately canvassed during the second reading debate.

The Hon. J. C. BURDETT: I oppose the amendment. The Government's opposition to this amendment has been fairly adequately canvassed already. It is a gross and unnecessary invasion of the privacy of an officer or director of a credit union to have such information disclosed to the thousands of members of a credit union at its annual general meeting. There is no reason whatever why the fact that such a person has obtained a loan from the credit union should be disclosed, because the safeguards—if this Bill is passed—are quite adequate. Even if the Bill is not passed, the directors have to disclose these matters to the board of directors pursuant to section 59 of the principal Act.

I stress that this is the board of directors of a co-operative elected by the members to preserve their interests. Under section 60, if a loan is granted to an officer, it has to be disclosed; it is an offence if it is not. As well as those protections in the existing Act as it stands, we are proposing that, within one month of a loan's being made to a director or an officer, it has to be disclosed to the Registrar who has various investigative powers, and obviously can do something about it far more rapidly than anything can be done at the present time.

There is no similar kind of protection of any sort in the Building Societies Act, and that is a fair argument, because such societies are also co-operatives. Co-operatives are big business at the present time; they are not peanuts any more. I suggest that the amendment is unnecessary and unwarranted.

The Hon. C. J. Sumner: It is all the more necessary.

The Hon. J. C. BURDETT: It is unnecessary and unwarranted, if an officer or director is given an advance in the ordinary line of business, that it should be disclosed to the members. It has to be disclosed to the board anyway, and it has to be disclosed to the Registrar if this Bill is passed. I oppose the amendment.

The Hon. R. C. DeGARIS: I am not clear on the position in relation to a loan that is granted at a rate of interest below the normal rate applying at the time. I think the Minister said it applied under section 61, but I am not clear

whether or not it would come into the category of being remuneration. Can the Minister answer that question?

The Hon. J. C. BURDETT: Section 61 provides:

> A director of any credit union shall not be paid any remuneration for his services as a director other than such fees, concessions and other benefits as may be approved at a general meeting of the credit union.

It appears that not only "remuneration" but "concessions" are referred to regarding a director. If he obtained a concessional loan, he would have to obtain the approval of a general meeting. That does not apply to officers.

I do not rest my case largely on this but rather on the fact that, if a loan is made to a director or an officer, it must be disclosed to the board, in either case, and under this Bill it must be disclosed to the Registrar. Certainly, if the loan were a concessional loan (we have to be practical about this), the board, which is elected by the co-operative for the purposes of looking after all the interests of its members, would want to know something about it, would perhaps want to attach conditions to it, and the Registrar would certainly have something to say about it.

The Committee divided on the amendment:

Ayes (10)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner (teller), and Barbara Wiese.

Noes (11)—The Hons. J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin, C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Majority of 1 for the Noes.

Amendment thus negatived; clause passed.

Clauses 11 to 14 passed.

Clause 15—"Monetary provisions."

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

> Page 4—Leave out subsections (2a) and (2b) and insert subsection as follows:
>
> (2a) The amount, and the terms, of every loan made under this section to an officer or employee of the association, or of a member of the association, shall be reported by the association to the annual general meeting of the association next following the making of the loan.

Section 52 of the principal Act deals with the monetary policies that are followed by an association. An association under the Credit Unions Act means "an association of credit unions". That is defined in section 5. About 12 months ago South Australia had two credit union associations. They amalgamated and there is now only one association representing credit unions in South Australia. In addition to the function of representation, the Association of Credit Unions, which is made up of the individual constituent credit unions that are its members, may carry out certain monetary functions. It may raise moneys by accepting deposits from its members, borrow moneys and give such security in respect of the borrowing as it thinks fit, and lend money to its members, or its officers and employees, upon such terms as it thinks fit. If this Bill is passed the powers of association are extended by giving it power to lend moneys not only to its members, that is, its constituent organisations, or to the officers and employees of the association, but also to officers or employees of the constituent credit union members.

There is an extension of the power of the association to lend money, that extension being to the officers and employees of its constituent members. Clause 15, in relation to the association of Credit Unions, also removes the requirement to report to an annual general meeting, and inserts a provision for a report to the Registrar, in terms similar to those inserted in section 39 of the Act by clause 10, which we have just considered.

The argument in principle in relation to the Association of Credit Unions is the same as that relating to individual credit unions. We believe that there should be disclosure, not only to the Registrar by the association of Credit Unions within one month of all loans made by it to its officers or employees, or the officers or employees of constituent credit unions, but that disclosure should be made also to the annual general meeting of the association. The principle is precisely the same as that just dealt with, except that it deals with an association of credit unions and not an individual credit union.

The Hon. J. C. BURDETT: I oppose the amendment. As the Leader has said, the principle is the same as that in the previous amendment, and I suggest it should be dealt with in the same way. It deals not with officers or directors of a credit union but of an association; otherwise, the principle is exactly the same and what we have been talking about is the same. There is a duty to disclose to the Registrar, but there is a privilege of privacy. There is now only one association, the Credit Union Association. Formerly, there were two, encompassing almost all of the credit unions of the State, and certainly in the case of the Credit Union Association all of the major credit unions.

The Bill was introduced with its approval and at its request. Officers of the association had discussions with me about the then proposed Opposition amendments which, at that time, were not on file but which were described fairly accurately. The Credit Union Association officers told me that they have informed the Opposition—and they informed me—that they support the Government Bill and oppose the Opposition amendment. So, the Credit Union Association, the association of credit unions, the people elected by the members of the credit unions to represent them as an association, state quite categorically that they support the Government's Bill and oppose the amendments.

The Committee divided on the amendment:

Ayes (10)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner (teller), and Barbara Wiese.

Noes (11)—The Hons. J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin, C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Majority of 1 for the Noes.

Amendment thus negatived; clause passed.

Clause 4—"Inspection of documents"—reconsidered.

The Hon. C. J. SUMNER: I believe that, in view of the clauses the Committee has now agreed to, we should vote against clause 4, which amends section 9, dealing with the inspection of documents held by the Registrar. Section 9 provides:

> 2. Any person may, on payment of the prescribed fee—
>
> *(a)* inspect any document registered by, or filed or lodged with the Registrar pursuant to this Act;
>
> *(b)* obtain from the Registrar a copy of the certificate of the registration of a credit union, or association; or
>
> *(c)* obtain from the Registrar a certified copy of any document, or any part of any document registered by or filed or lodged with the Registrar.

In other words, the Registrar conducts an open business. He has documents relating to the registration of credit unions that are available for public inspection, and so they should be. The section provides principally that any person may inspect any document registered by or filed or lodged with the Registrar. That is the basic principle in the Act. Now, however, by clause 4, the Government is seeking to restrict the right of a person to inspect some documents held by the registry, those documents relating

to loans provided by a credit union to its directors, officers, or employees pursuant to sections 39 and 52, which we have just dealt with.

What has happened as a result of the Government's legislation is that a shroud of secrecy has been thrown over the operations of credit unions, and in particular over the financial arrangements that may pertain between the credit union itself as an association and officers of that credit union. If we agree to clause 4 in its present form, there will be no rights to members at all. The Government, by this measure, has removed from the general membership of this co-operative society the right to know what financial dealings there are between the officers, the directors and that society. The members have absolutely no idea of what arrangements are made between the union and the employees and the directors. The directors now have virtually complete control over the question of what loans should be made by the credit union to the directors themselves or to employees or other officers. The members now have absolutely no rights in that area. They cannot find out by a report to an annual general meeting, because there is now a virtual prohibition on reports to an annual general meeting.

The Hon. L. H. Davis: That is not true; you can ask questions at any annual meeting.

The Hon. C. J. SUMNER: Yes, but you will not get an answer, because there is no requirement to report. There was previously a provision in this legislation which protected the membership, and the Government has taken out that provision. It has denied the rights of members to know what financial arrangements are taking place between the directors of the credit union and the union itself. By removing the requirement to report to the annual general meeting, it has denied them the right to know whether those transactions are above board.

The Government has said that there has to be a report to the Registrar. The Opposition agrees with that, but the Government is not letting the members know what is being reported to the Registrar. By clause 4, the Government is preventing any person from finding out what financial relationships there are between the directors and employees and the credit union itself.

The Hon. L. H. Davis: Are you saying that the Registrar won't do anything?

The Hon. C. J. SUMNER: He may if he knows the full circumstances, but he may not. The members ought to have some knowledge that what the Registrar is doing is correct. They cannot get that knowledge, because there is no way that the members can search the registry. Against the general principles laid down in section 9, we are now making an exception. The Committee has completely denied the average member of a credit union the right to knowledge of an important matter that could affect the operation of the credit union—the financial arrangements and loans between directors, officers and the credit union itself.

It may be that everything will go smoothly. It may be that there will be no cause for complaint, but surely the members ought to have the right, by some means, of finding that out. The directors ought to be above suspicion in this area, and the only way in which the members can find out that they are above suspicion is by knowing what goes on. The clauses that the Committee has passed have clouded the arrangements of credit unions in a cloak of secrecy. They have removed from the membership any right to know. If we now pass clause 4 there will be no right for a member to inspect the register. In respect of those matters, the Registrar will just have to say to a member who wants to find out what has happened, "Sorry, under the Act I cannot disclose this information to you." I ask the Minister how he envisages that members will find out what financial arrangements there are. Surely an association of this kind, which is a co-operative association—

The Hon. J. C. Burdett: Like a building society.

The Hon. C. J. SUMNER: All the people who put money in do so on a co-operative basis; it is a non-profit making organisation in that sense. Surely, there should be some right for the members to know that the operations of their society are all above board. What has been done today denies them that right completely. The Hon. Mr. Milne has been party to it. I am disappointed with his stand on this matter. I would have thought that a Party such as the Australian Democrats, which talks a lot about open government, would be prepared to carry its principles through to openness in financial dealings. However, it has bailed out on us once again. I find it disappointing that the Hon. Mr. Milne has been prepared to vote for provisions that have completely removed all rights that members of these associations had to know what was going on between the directors of the association and the association itself. I find it quite surprising that the Committee has gone along with this. I find it particularly surprising that the Australian Democrats have gone along with it, given their stated policies about openness and frankness in Government dealings. The only way to salvage anything from this state of affairs is to oppose clause 4, which I accordingly do.

The Hon. J. C. BURDETT: I support the clause. The Leader has referred many times, as well he may, to the provisions which have been carried by the Committee. The principle is exactly the same. One of the reasons for the Bill, which the Government introduced at the request of the credit union movement and the Credit Union Association, was that the privacy of officers or directors who obtain a loan from their association be not breached, but that other controls be instituted in lieu thereof.

Under the existing Act, there is the provision that disclosure must be made in the case of a director or officer of a board and, under the Bill, there is the very strong provision and powerful protection that the disclosure must be made to the Registrar within one month. The Registrar has some powers. The disclosure at the annual general meeting could be 11 months or more afterwards, when not much can be done about it. The principle is exactly the same as it was in the previous provision. I think the Leader conceded this. The Committee opposed the amendments moved by him earlier, and his present opposition to this clause is in the same category.

The principle of the Bill is to remove what the Government considered an unjustified, unwarranted and unnecessary invasion of privacy in regard to details of loans by directors or officers of an association or credit union being disclosed to the thousands of members. In addition to the existing safeguards of approval by and disclosure to the board, there will be disclosure to the Registrar. The association and I discussed the intended deletion of clause 4 and in this case, as with regards other matters, the association supports the Government and opposes what the Opposition seeks to do.

The Hon. R. C. DeGARIS: The Hon. Mr. Sumner talked about a prohibition in relation to disclosure to the annual general meeting. Does clause 4 preclude the rules of the association (over which the members have control) including a measure requiring that there should be disclosure of loans to directors at the annual general meeting of members?

The Hon. J. C. BURDETT: The answer is "No". If the rules of the society were approved by the Registrar, they would be binding.

The Hon. K. L. MILNE: I am not sure that all members understand what the Bill seeks to do. Safeguards do not always achieve the intended result. I understand what the Hon. Mr. Sumner stated about rights being withdrawn, but I am not sure that they should be allowed in this instance. I do not think we should confuse open government with private commercial companies, whether or not they are co-operatives. I am not sure that the simple deletion of clause 4 is the answer. I have listened to the arguments, and I am not convinced that this clause is the right provision to leave in the Bill. I do not want to have the situation whereby anyone can inquire into who had loans from a credit union. Members of the credit union should have some right, but this is a negative clause and we should design a positive clause. Therefore, I suggest that the Committee report progress.

The Hon. J. C. BURDETT: I am pleased to accede to the Hon. Mr. Milne's request.

Progress reported; Committee to sit again.

CONSUMER TRANSACTIONS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 March. Page 1435.)

The Hon. C. J. SUMNER (Leader of the Opposition): The Opposition is not prepared to support this Bill in its present form. The reasons given in the second reading explanation for the insertion of the new section in the Act are that problems have occurred from time to time in relation to the print size of consumer contracts, consumer credit contracts and consumer mortgages. The Act gives power for regulations to be prescribed providing for a minimum print size for those contracts. The reason, quite clearly, is that in the past, before the introduction of the Consumer Transactions Act and the Consumer Credit Act, undesirable practices were undertaken because a specified print size was not required by law. In certain transactions, contracts were written whereby a person wanting to peruse the contract had difficulty in doing so.

Problems were caused by what is called the fine print of contracts. The policy behind the amendments to the Consumer Transactions Act and the Consumer Credit Act is to ensure that contracts are printed in a legible way and not so as to deter a person who is signing a contract from reading the contract or understanding it because of print size, or difficulty in wording, which would be exacerbated by small print. That problem was to be overcome by the Consumer Transactions Act. The only reason given in the second reading explanation for this amendment relates to print size, although the amendment goes beyond that. The situation in relation to a consumer credit contract, or any other consumer contract or mortgage is that, particularly in regard to a consumer credit contract, if a contract is prepared and signed in a print size that is below the minimum prescribed by regulations, it follows that the credit provider cannot then obtain the credit charges that would normally accrue under the contract—the interest. In other words, as stated in the second reading explanation, civil consequences flow from a breach of the Act or regulations. This amendment seeks to provide a procedure whereby a credit tribunal can order that those civil consequences should not exist.

The circumstances are set out in the amending Bill, and the essence is defined in proposed new section 48a(3), which says:

> Where, upon an application under subsection (1) of this section, the tribunal is satisfied that the non-compliance was not, in the circumstances of the case, such as to warrant the consequences prescribed by this Act, it may grant relief against those consequences to such extent as may be just.

That gives the tribunal power to reverse the policy behind the legislation. In relation to print size, I imagine that if there was technical non-compliance with the size of print in relation to a consumer credit contract, the tribunal may say that the credit provider could enforce the contract in relation to interest payments. However, the present Act provides that, if there is such a breach, the person who has received the credit would have a valid defence against a claim by the credit provider for credit charges. The explanation of this clause refers only to the problems in relation to print size. When I was Minister of Prices and Consumer Affairs some action had to be taken to alleviate problems that had occurred because of non-compliance with the requirements of print size. That matter was dealt with by changing the regulations.

While I concede that there may be some problems with the technical non-compliance of print size requirements, the proposed amendment goes much further than that. Proposed new section 48a(1) provides:

> Where a person has made, or stands to make, a loss in consequence of non-compliance with section 48 of this Act, he may apply to the Tribunal for relief against the consequences of that non-compliance.

There is an explanation in relation to print size, but there is also an amendment that goes much further than that and refers to any contravention of or non-compliance with a provision of the Consumer Transactions Act. If the supplier of goods encounters any contravention of or non-compliance with the Act, he may apply to the tribunal for relief. Therefore, even if there is some problem with respect to print size that needs looking at, this clause goes much further and deals with any contravention or any non-compliance. New section 48a(3) gives the tribunal considerable power to relieve the offending party from the consequences of his failure to comply, and gives the court a very broad discretion. The Opposition believes that that discretion is too wide.

The argument in regard to print size may have some validity, although the regulations are laid down and the law is clear to everyone operating in this business. There may be some argument in relation to print size, but this Bill goes much further than simply dealing with print size and also takes into account any contravention or non-compliance with the Act. It is at that point that the Opposition strongly objects. In fact, I believe that this is the Liberal Government's first attack on the consumer laws established by the previous Labor Government in this State over the last 10 years.

I believe that the Liberal Government intends to substantially dismantle the comsumer legislation introduced by the previous Government. In the explanation to the Consumer Credit Act Amendment Bill it was stated that the Minister is undertaking a far-reaching review of the Consumer Transactions Act and the Consumer Credit Act. Those two Acts are central to the Labor policy on consumer protection. I believe that that review will considerably dismantle the benefits that the consumer protection laws introduced by Labor have given to the South Australian community. South Australia has had the best consumer protection laws in Australia, and the claim has often been made that we have the best consumer protection laws in the world. However, it seems that the Liberal Government will not tolerate that situation.

The breadth of this amendment is unnecessary to overcome the problem referred to by the Minister in relation to print size. The Minister gave no other reason beyond print size, and he stated that the amendment needs

to give a broad power to the tribunal to free any person who has contravened the Act from the consequences of such contravention. The Opposition does not believe that that is warranted, and much more information needs to be given before this Council should accede to that substantial revision of the consumer protection laws introduced by the previous Government.

There are several matters that I wish to comment on in relation to the technical drafting of this Bill. I am sure that the Hon. Mr. DeGaris and other members opposite will be very agitated, because new subsection (7) provides that relief may be granted in respect of events that occurred before the commencement of the amending Act. I am sure that the Hon. Mr. DeGaris is aware that this Bill will be retrospective. On many occasions he has commented on the undesirability of retrospective legislation, and I am sure he will do so again in relation to this Bill. I also wish to draw the Minister's attention to new section 48a(6) which provides:

> The Commissioner, and any person whose interests would be affected by an order under this section, may appear and be heard in proceedings under this section.

That is all very well, but new section 48a(2) provides:

> An application may be made under subsection (1) of this section in respect of a series of acts or omissions of a similar character.

In other words, a credit provider could apply to the tribunal for relief from non-compliance with the terms of the Act. That application could be granted by the tribunal in respect to many consumer contracts or credit contracts that were of a similar character.

It could be applied if there was a breach in relation to forms, for instance, that had been signed by 200, 300 or 400 consumers, people who were to be provided with credit. What rights are there for those people to appear and contest the matter?

The Minister will say that new section 48a (6) gives the right to any person whose interests would be affected by an order under this section to appear. That is right, but how does the Minister propose to notify those 300 or 400 consumers? Will they all have a right to appear, or will the Minister be satisfied with the Commissioner appearing on their behalf? I do not believe that would be satisfactory. How are the people who may be affected (there may be hundreds or even thousands) to be notified? What provision exists in the Bill for that? I do not believe there is any provision.

The second reading explanation states that criminal laibility will not be affected by this legislation, which deals only with the civil consequences of non-compliance. The Minister should examine section 48 of the Act as it deals with these requirements. He will see that no offence is provided under section 48, so that the only sanction that applies to a person who breaches the print size requirements laid down in that section or in regulations under it is that he cannot claim the credit charges, the interest that would normally be charged.

There is no criminal sanction under that section, so in that sense the second reading explanation is misleading. What does the Minister claim will be the sanctions applying to a credit provider who does not abide by section 48? There are no criminal penalties attaching to it. What will happen is that there will be absolutely no control.

The Hon. J. C. Burdett: The tribunal can exercise its right.

The Hon. C. J. SUMNER: True, but what the Minister says is that it will not affect criminal penalties. Section 48 has provided the prime reason for the introduction of this legislation, yet no criminal penalties apply. This Bill creates a situation where there would be no sanctions, for example, against a credit provider who breached the provisions of section 48. It applies not only to credit contracts but also to consumer contracts or consumer mortgages. By way of example, there would be no sanctions against any supplier of goods or credit who failed to comply with the provisions in section 48 and was able to obtain the exemption from compliance.

The Hon. R. C. DeGaris: I think you're talking nonsense.

The Hon. C. J. SUMNER: The honourable member may think that, but he often does. The honourable member is so confused about a lot of things that go on in this Chamber, and I do not want to go into those examples of his confusion that he has displayed over the number of years that I have been here. If the honourable member examines section 48 he will see that there are no criminal penalties that attach to a breach of it, despite this section being given as a prime reason for the introduction of the legislation. In the second reading explanation the Minister has clearly misled the Council—I do not say intentionally—but he has given an incorrect impression to the Council because he said that criminal sanctions will remain.

There are no criminal sanctions under section 48: that is the point I am making, and I am sure that it is at last clear to the Hon. Mr. DeGaris. The amendment is far too broad in its effect, and Parliament should wait until the review of the Consumer Transactions Act and the Consumer Credit Act, which has been promised by the Minister. The position is not so acute as to require such a wide-ranging and broad amendment to the Act which will relieve persons who do not comply with the Act of certain consequences.

I believe we ought to wait for that review before tampering with any part of the consumer protection legislation introduced by the former Labor Government. In the meantime, I would have thought that the problems of print size could have been dealt with adequately by regulations, which has happened in the past.

The Hon. R. C. DeGaris: Can you regulate retrospectively?

The Hon. C. J. SUMNER: I do not believe, given that this legislation has been in effect since 1972 without change (as far as print size is concerned), the situation is so desperate as to require the Council to take action before a genuine review of the Act is carried out, which is the Minister's intention. However, in a spirit of compromise, I have tabled an amendment to restrict the application of the new section 48a to the print size requirements, and would set up the procedure of applications to the tribunal only in relation to contravention of print size requirements, and would not relate to other contraventions of the Act now envisaged by this Bill.

I do not believe that that broad scope of the legislation is warranted. The Minister has said that there will be a review of the Consumer Credit Act. I mention that Act merely for the sake of completeness at the moment, where it is proposed to introduce a similar new provision. We will completely oppose the introduction of that new section of the Consumer Credit Act.

What we want is to limit this procedure at this time. The legislation has worked well up to date, and the Opposition cannot see what the urgency is with the Minister's introduction of both these Bills. Perhaps the Minister will answer that matter in his reply. Why can he not wait until his review is completed, especially if he says it will be completed before the next session? Why can he not agree to the compromise situation that I have advanced today; namely, that we restrict the application of this new section to the requirements of print size and then look at the

matter in the context of an overall review of the Act later in the year? Will the Minister say why that is not possible?

We are not happy about what we see as a considerable watering down of provisions which have operated for the benefit of South Australian consumers since 1972. We are not particularly happy even about the amendment that we intend to move to restrict the application of the Act to requirements in relation to print size, but, if the Minister believes that there is a problem with print size that cannot be dealt with by regulation, we are prepared to agree to the insertion in the Act of a proposition for an application to the tribunal on print size until such time as there is a major review of the legislation. That amendment is offered because we do not see why it is necessary for the Government to do this, except perhaps to pay off its backers at the last election or to fulfil some ideological commitment.

We see no reason why there is urgency about bringing in this broad power, and we think that the matter of print size can be handled by regulation. However, I have tabled an amendment to deal with the matter in the manner in which the Minister has suggested, but only in relation to print size. We see no justification in the second reading explanation for going beyond that.

We are not happy with the Bill in its present form, and we will be moving amendments which will change its scope by limiting it to contravention of the print size regulations. If that requires us to support the second reading, we will do that with some reluctance, because we do not agree, and we will vote against the Bill at the third reading if our amendments are not accepted. In a spirit of compromise, however, we are prepared to allow the Minister his amendment, although in a much more narrow and confined area than that which he seeks.

The Hon. R. C. DeGARIS: In speaking to the Bill, the Hon. Mr. Sumner said that I would be jumping up and down about its retrospectivity. It is fair to say that, when retrospective legislation comes before us in this Council, it is examined always most minutely, because, where possible, retrospective legislation should not be used. However, there have been occasions when it has passed this Council, and we have passed retrospective legislation introduced by the Labor Government.

The Hon. C. J. Sumner: I know, but you always put on a turn.

The Hon. R. C. DeGARIS: That is quite untrue. I put on a turn when retrospective legislation makes illegal something that was done legally. That situation is entirely different from the situation where something probably has been done illegally, but not purposefully, and a genuine mistake has been made. Occasionally, there is a strong case for the introduction of retrospective legislation, but retrospectivity cannot just be lumped into one basket. It is not true to say that I am the man who has always opposed retrospective legislation; I have not. We are most discriminating in the matter, and where it is plainly necessary that that step must be taken it has been taken without opposition.

The Hon. Mr. Sumner has said that we should be proceeding by way of regulations, but how can we have regulations to alter something retrospectively when there is no power in the principal Act to do that? To say that this can be done by regulation is complete nonsense, because there is no power in the Act to regulate back to a point where the problems that have occurred could be overcome. I want to make those two points. I oppose retrospective provisions when they are of the type I have described, and I reject absolutely as nonsense the suggestion of the Hon. Mr. Sumner that this can be done by regulation. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

[Sitting suspended from 5.57 to 7.45 p.m.]

SOUTH AUSTRALIAN HEALTH COMMISSION ACT AMENDMENT BILL

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

The Hon. J. C. BURDETT (Minister of Community Welfare): I move:

That this Bill be now read a second time.

The purpose of this short Bill is to make fundamental changes to the constitution of the South Australian Health Commission. It is clear to the Government, after several months' assessment of the operations of the Health Commission, that the Commission is not functioning as the effective co-ordinating body which it was originally intended to be. As it is currently structured, the Commission relies heavily on collective decision-making. The structure fails to establish clear lines of authority and accountability and predisposes the Commission to the kinds of financial and administrative problems with which the Commission and the Hospitals Department have in the past been beset. The Government believes that firm and sustained action is necessary if the Commission is to fulfil its purpose. It is an operative Commission, not an advisory Commission and it is clear that it must have sound line management if it is to succeed.

The Bill seeks to establish the commission on a sound administrative basis. It is the policy of the Government that there should be a Chief Executive Officer of the Health Commission, who should also be the Chairman of the Commission and the only full-time member thereof. The Government believes that this will improve management and decision-making. It is proposed that the Chief Executive Officer be assisted by a Deputy Chief Executive Officer, who will be directly responsible for ensuring the effective and immediate implementation of decisions made by the Minister, the Commission or the Chief Executive Officer. The Deputy Chief Executive Officer will not be a member of the Commission. Both officers will be employed on contract and neither will be subject to the provisions of the Public Service Act.

The Government believes that the proposed changes will be of benefit to the staff working in the Commission (and I pay tribute to the well-motivated staff who have been working under difficult conditions), to the many health institutions and organisations who have dealings with the Commission, and, ultimately, to the community at large.

Clause 1 is formal. Clause 2 provides for the Act to come into operation on a day to be proclaimed. Clause 3 deletes the definition of "Chairman" as the question of the Chairman's deputy is to be dealt with specifically in the section of the Act that deals with the meetings of the Commission. Clause 4 provides that the Commission shall consist of one full-time member who will be the Chairman, and seven part-time members. The appointments of all existing members will terminate upon the commencement of the amending Act. The criteria for choosing members are broadened to include persons with expertise in business management generally.

Clause 5 amends the provision relating to deputies, by providing that a part-time member of the Commission may be appointed as the deputy of the Chairman of the

Commission. Clauses 6, 7 and 8 effect consequential amendments. Clause 9 provides for the establishment of the offices of Chief Executive Officer and Deputy Chief Executive Officer. The Chairman of the Commission will hold the office of Chief Executive Officer. The Deputy Chief Executive Officer will be appointed by the Governor. Neither office is to be subject to the Public Service Act.

The Hon. BARBARA WIESE secured the adjournment of the debate.

SUPERANNUATION ACT AMENDMENT BILL

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

CONSUMER TRANSACTIONS ACT AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 1629.)

The Hon. R. C. DeGARIS: I now conclude my remarks.

The Hon. J. C. BURDETT (Minister of Consumer Affairs): When the Leader spoke in this debate he suggested that South Australia had the best consumer protection in Australia.

The Hon. L. H. Davis: The most!

The Hon. J. C. BURDETT: I am not sure that we have the best, but we certainly have the most. The Leader said that the Government had stated that it would dismantle the protection given to the South Australian community.

The Hon. C. J. Sumner: That is what you are going to do.

The Hon. J. C. BURDETT: The Leader said that.

Members interjecting:

The PRESIDENT: Order!

The Hon. J. C. BURDETT: Of course we are not as such. We will review it, but we will not dismantle it as such. The Leader said that we would, but we have not said that, and I want to make that clear.

The Hon. C. J. Sumner: Will you not dismantle it?

The PRESIDENT: Order! The Leader seems to be of a most inquisitive mind at the moment. He will have an opportunity to speak in the debate, and I suggest that he listens to the Minister.

The Hon. J. C. BURDETT: The present Act provides massive civil penalties for defaults, and not only in the matter of print size; that was only cited as an example. There are others, such as section 44 in regard to guarantees, and another is section 7. I think that honourable members will realize that guarantees are made void in certain circumstances unless a legal practitioner has given a certificate. This section is very hard to interpret and it may very well be that, in a case where there is honesty on the part of the lender and the guarantor and where there may not have been compliance, the guarantee may be void. This amendment will give the tribunal the ability to consider this matter. In regard to print size, by how much can we change the print size? In one case of a contract which offended and was produced, I could read the print without using my glasses.

Thus the question of print size is rather important, because the civil penalties can be massive. The Leader mentioned that the criminal penalties are not to be removed. We are dealing simply with the civil penalties, which are quite ridiculous. As an example, one matter that was brought to my attention involved non-compliance, and the civil penalty in the inability to recover credit charges would amount to millions of dollars; that is ridiculous.

The Hon. C. J. Sumner: You are now talking about print size.

The Hon. J. C. BURDETT: Surely the Act is trying to protect consumers and provide reasonable penalties for people who fail to comply with the provisions of the Act. Surely the Leader would not say that print size is the only provision in the Act, because there are many other provisions; the Bill refers only to non-compliance with the provisions of the Act. There are cases in which absolutely massive and ridiculous civil penalties can be imposed because people may quite inadvertently fail to comply with some provision of the Act. The windfall gains to consumers are quite ridiculous. From the Leader's second reading speech it could be supposed at various times that relief from the provisions in the Act would be granted automatically.

The Hon. C. J. Sumner: It is very broad.

The Hon. J. C. BURDETT: No, it is not broad, because the Bill spells out the matters that the tribunal must take into account. The tribunal is headed by a judge, and that was established by the previous Government. Generally speaking, that system seems to have operated satisfactorily. The matters that are to be taken into account are spelt out quite clearly in the Act, and I can see no objection to the measure, which will enable a properly set up tribunal to take certain matters into account and give relief in cases where it sees fit. That relief is not automatic in any way. I commend the Bill to all honourable members.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Relief against civil consequences of non-compliance with this Act."

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

Leave out proposed new section 48a and insert new section 48a as follows:

(1) Where a person has made, or stands to make, a loss in consequence of non-compliance with section 48 of this Act, he may apply to the Tribunal for relief against the consequences of that non-compliance.

(2) An application may be made under subsection (1) of this section in respect of a series of acts or omissions of a similar character.

(3) Where, upon an application under subsection (1) of this section, the Tribunal is satisfied that the non-compliance was not, in the circumstances of the case, such as to warrant the consequences prescribed by this Act, it may grant relief against those consequences to such extent as may be just.

(4) In determining whether it should make an order for relief under this section and, if so, the terms on which relief should be granted, the Tribunal shall have regard to—

(a) the gravity of the non-compliance;

(b) the conduct of the applicant in relation to the transaction to which the application relates; and

(c) any prejudice that may result from the making of the order.

(5) An order for relief under this section may be made upon such conditions as the Tribunal considers just.

(6) The Commissioner, and any person whose interests would be affected by an order under this section, may appear and be heard in proceedings under this section.

(7) Relief may be granted under this section whether the non-compliance in respect of which relief is sought

occurred before or after the commencement of the Consumer Transactions Act Amendment Act, 1980.

This amendment simply limits the procedure for application to the tribunal, presently suggested by the Bill, to breaches of the Act relating only to print size. The Minister's reply to the second reading debate reinforces what I have to say. The Minister mentioned that he had had brought to his attention an example of non-compliance with print size—

The Hon. J. C. Burdett: I did not say that at all.

The Hon. C. J. SUMNER: All right. The Minister said that he had brought to his attention an example of non-compliance with the provisions of the Consumer Transactions Act that could have involved a pay-out of several million dollars by a company that I assume was a credit provider. The Minister was referring to print size; he will not deny that, and indeed he can confirm that fact to this Committee.

The Hon. J. C. Burdett: How do you know?

The Hon. C. J. SUMNER: I know, because you would not respond to my question when I interjected. I asked whether the example related to print size, but the Minister went on gaily and refused to answer. I now ask the Minister directly whether the matter brought to his attention related to print size. From the Minister's conduct during the debate I clearly believe that it must have, and if it does, that reinforces my argument, namely, that no evidence has been produced of any mischief that has been done as a result of technical non-compliance with other sections of the Act. For that reason I believe that the proposal for a broad power of review for the tribunal is unjustified.

During the second reading debate I said that, if there was a problem with print size, as a matter of compromise, the Opposition would be prepared to do something to accommodate that situation, at least until the Act is reviewed. The Opposition has done that through the amendment now before the Committee. It is very similar to the Government's proposal and merely changes proposed section 48a to confine the application of the tribunal to breaches of, or non-compliance with, section 48, which deals with print size in relation to consumer contracts, consumer credit contracts, and consumer mortgages.

In other words, in his second reading explanation the Minister clearly based his argument for the introduction of this Bill on the fact that there had been problems with print size. The Minister has now given the Committee one example of a problem that has been brought to his attention, but at no time during the second reading debate did he give any examples of any problems or mischief brought to his attention as a result of other sections.

The Minister mentioned section 44 in relation to guarantees and section 7, but he has not supplied any evidence. Surely the Committee should have some grounds for amending this legislation. I conceded, during the second reading debate, that I have had some problems drawn to my attention regarding print size, and the Opposition is prepared to accommodate that situation. However, the Minister is not happy with that and wants to go much further. In fact, the Minister wants to insert a provision that will mean that any non-compliance could be rectified by a tribunal.

In other words, we are giving the tribunal power to reverse the law. On the one hand, the Minister is saying that we have a law in black and white that members of the community and suppliers of goods and services should comply with but, on the other hand, he wants to insert a let-out clause and let the tribunal tell these people, "You have broken the law, but we will let you off." Thus, the Minister is giving a tribunal power to reverse what is laid down in the Statutes. We should receive substantial evidence before we adopt that procedure, but we do not have it.

All we have is the flimsy second reading explanation of the Minister referring to one problem that has occurred; print size, and no other. No example is given under sections 7 or 44. For that reason, the Committee has the right to question the Minister's motives. What is he trying to do?

Although the problem concerns print size, the Minister wants to go further and provide a general provision whereby the tribunal can reverse the laws laid down in the Consumer Transactions Act. As this Act has been in operation for eight years, there should be some examples that the Minister can produce to indicate to the Committee that there have been problems with those sections, given that perhaps something has to be done about print size.

Nothing is forthcoming, yet we are now expected to adopt this curious and special procedure that will enable courts to reverse the law on the basis of no evidence at all from the Minister: it is just at his whim and fancy that he believes the law is too strict. That is not good enough. The Minister also seeks to make this power retrospective. The Committee should not accept this proposition, because it is too broad.

The Hon. N. K. Foster: Is there provision for an appeal?

The Hon. C. J. SUMNER: No.

The Hon. J. C. Burdett: There can be appeal to the Credit Tribunal.

The Hon. C. J. SUMNER: There could be that appeal. The amendment limits the effect of the proposed provisions to print size. The Opposition has conceded that there may be a problem regarding print size, and it is willing to compromise about that. The Opposition does not like the procedure being established, because it is fundamentally wrong that we can have a law that can be reversed by the tribunal in this manner. However, there is a problem and the Opposition is willing to facilitate the resolution of that problem where it has been demonstrated. It has been demonstrated only with respect to non-compliance with print size requirements, and that is the effect of my amendment.

The Hon. J. C. BURDETT: I oppose the amendment. On the question of evidence, there was no proper evidence given to the Parliament, when the Consumer Credit Act and the Consumer Transactions Act were first introduced, in respect of the presumed evils that they were going to combat. Section 44, concerning the guarantee, is far too wide. For example, when a husband and wife, who are operating in partnership in a firm name and who hold their assets in a joint name, want to obtain an overdraft secured to the firm name and to their joint assets, they have still to get a solicitor's certificate under section 44, and that is ridiculous. No evidence whatever was produced about that sort of practice when these Acts were first introduced.

I will admit, as I said in the second reading explanation, that the main reason and the main evidence is in regard to print size. The multi-million dollar penalty is in regard to print size. If this can inadvertently occur, so can breaches of sections 7, 44, and 20 in regard to consumer leases, and the other provisions of the Act.

I suggest that what the Government proposes does not reverse the law; it is reasonable because, instead of imposing absolutely a positively massive civil penalty that may have no relation to the damage done to the individual, it leaves it to the tribunal. In the Bill the guidelines are such that the tribunal is obliged to take certain matters into account; relief will not be lightly given; but will be given as a matter of judicial discretion

and having regard to the things that have been spelt out.

While the main example has been print size, there can be quite inadvertent breaches of the Act in other respects which can produce ridiculous civil penalties. Although the example has been print size, the Government has sensibly taken the opportunity to provide some relief from the otherwise oppressive provisions of the original Act which might otherwise apply to credit providers. For those reasons I oppose the amendment.

The Hon. C. J. SUMNER: I am becoming less and less satisfied with the Minister's explanations. The Minister referred to section 44 and said no evidence was produced when the Bill was introduced in 1972. It was then a new Act. It has now been in operation for eight years, yet the Minister cannot give one example to the Committee outside of print size where a problem has occurred. He says there has been a problem. He says there is a potential problem in relation to section 44. The Minister should amend the substantive law on section 44 and not come to the Committee and produce the reversing of the law by a back-door method, as he is doing.

If the Minister has a problem with section 44 he should introduce a Bill to amend section 44, and the Committee can then confront the problem that the Government has. The Minister is getting in through the back-door providing for this appeal to the court. The Minister is throwing away his responsibility to amend section 44 by giving his power to the court. What does the Minister mean by this legislation? Section 44 is the only example apart from print size—

The Hon. J. C. Burdett: What about sections 7 and 20?

The Hon. C. J. SUMNER: Are there problems with those sections? No evidence has been produced to the Committee. Why does not the Minister amend the substantive provisions? Why does he not come clean and tell the Committee what problems he has and why he seeks change? We could then debate the matter properly. We cannot do it now because he is saying that there are some problems and that he wants to give the matter to the tribunal. He says, "I do not want to take any responsibility with it; we will give it to the tribunal, which can fix it up." That is not an approach that the Committee should countenance.

The other problem that the Minister has spoken about concerns what he said would be absurd penalties. If this Bill is passed, in some respects no penalties will be provided. No penalties exist under section 48 so that, if this Bill is passed and if relief is granted to a credit provider under the terms of this Bill, there would be no penalty. He would have breached the law without fear of penalty.

If the Minister were serious, perhaps he would include in the current section 48 a penalty provision and then his second reading explanation might have made some sense. It does not make any sense at the moment. He said that the power given to the court or tribunal is a narrow power.

I draw the Minister's attention again to proposed new section 48a (3). I ask the Committee to consider what sort of discretion has been given to a court in these circumstances. It is a matter purely in the discretion of the tribunal, and the guidelines are extremely broad; in fact, there are almost no guidelines at all. If the judge takes account of the circumstances and believes that the consequences of the Act are not warranted, he can make an order for relief. Section 48a (4) does impose some limit, but the discretion is broad indeed.

If we are to give such discretion, we should do it in reasonably well-defined areas. The problem in relation to print size certainly has not been demonstrated in relation to any of the other matters mentioned. If the Minister wants to amend this provision, let him come to the Committee with amendments to the sections involved. There is no urgency, because the situation has existed for eight years. The Minister says he is carrying out a review of the Act which will be available in the next session of Parliament, so why is he trying to do this now? I believe it is because this is the first of many attacks that this Government intends to make on consumer protection laws in South Australia.

The Hon. J. C. BURDETT: I think I was quite in order in what I said previously. When these Acts were first introduced, no reasons were given and no examples were advanced of why they were needed.

The Hon. Frank Blevins: Why didn't you ask? This is a House of Review.

The Hon. J. C. BURDETT: I was not here.

The Hon. C. J. Sumner: You haven't given any today, either.

The Hon. J. C. BURDETT: No reasons were given when the legislation was first introduced, so, when I want to amend it, why do I have to give examples? The Act went too far in the first place and imposed an absolute: if certain things were done, civil consequences would flow. There was to be no abatement. This applies to sections 7, 20, 44 and 48 of the principal Act, and probably to others. I make no bones about it. I have never thought that the principal Act is a sound one, and I have always thought that it goes too far. I seek simply to ameliorate it, because it imposes a civil penalty in all cases where certain specified things happen. If something is to be done in this area, it seems much more reasonable to put it to a tribunal.

There is no question of reversing the law—that was a ridiculous statement. We can reverse the law, and amend it and change it if we want to. The principal Act went too far in imposing a civil penalty which was not warranted and which could be quite massive in the case of certain breaches of the Act. I now seek to ameliorate or to reduce that penalty, or to give a power so to do. Instead of the penalty being automatic, as in the Bill, as in most other cases where there is a breach of the law the matter should be considered by a tribunal. In breaches of the criminal or civil law, a court adjudicates, and that is what I am seeking here.

Instead of saying that the penalty should be automatic, I am saying that, where the provisions of the Act are breached, it shall be up to the tribunal to consider what the penalty should be —whether it should remain, whether it should be reduced, taken away altogether, or taken away conditionally, which is what the Bill provides. I suggest that nothing could be more reasonable.

The Hon. G. L. BRUCE: Surely, the insertion of that provision, not being specific, short circuits the provisions of the principal Act, which become meaningless. Section 48a (1) gives an out. If it is not very serious, people think they can get off fairly lightly, and they would wear the minimum fine. If the legislation is not doing what it is supposed to do, there should be no green light for people who are prepared to wear the minimum fine. It should be spelt out in more detail.

The Hon. C. J. SUMNER: We have now found out what the Minister is about with this legislation. It has little to do with print size, and much to do with the Minister's always having thought that this legislation went too far. It might have been useful if he had explained that, instead of using the subterfuge of the print size. That was the only example given, because it is the only example the Minister has. Despite continued questioning, he has not been able to produce other instances, and I believe that that destroys his case.

The Minister has come to the Committee with a

proposal to amend the Bill on the basis that, in his opinion, the original Act went too far—and that is all there is to it. The Minister has said that no example was given when the original legislation was introduced in 1972. That may be so, but the principle was stated in the legislation, the Act has been in operation for eight years, and the Minister cannot produce one example, beyond print size, which indicates that it has been working in a way that has been detrimental to the public interest. We have conceded the matter of print size. That is the whole point of the amendment, and we are prepared to compromise to that extent.

The Minister has not produced one concrete example of any other problems. What he has in mind is a commitment that, in some way, this Bill went too far and he was determined, once his Party got into Government, to do what he could to weaken the Act and to make it conform to his ideas, irrespective of the evidence built up in the department over eight years of experience in administering its provisions. If the Minister can give us some examples, we can look at the matter sensibly, but until that is done we can proceed only on the basis of the one example before us. If we are given other examples, we are prepared to look at them.

The Hon. N. K. FOSTER: I am indeed concerned about this matter. I cannot see how—

The Hon. L. H. Davis: You've had your eyes closed for the past two years.

The Hon. N. K. FOSTER: Shut up, Davis.

The CHAIRMAN: Order! The Leader of the Opposition and the Hon. Mr. Blevins, who are speaking to one another, are not helping their colleague.

The Hon. N. K. FOSTER: I am not worried about my colleagues, Sir. Rather I am concerned about Government members. If you want to speak to Davis, I will sit down.

The CHAIRMAN: Order! I do not wish to do that. I merely want the honourable member to have the best possible hearing.

The Hon. N. K. FOSTER: Well, shut him up. This Bill has been introduced on the basis referred to by the Leader of the Opposition, whose remarks I support. Something should be done about the print size, which is being used as a vehicle to cloud other clauses of the Bill. The Minister has referred to sections 7, 20, 44 and 48. I have sat patiently without interjecting waiting for the Committee to be told the effect of those sections and about the original intent behind them. However, we have merely been told that they were brought in eight years ago. Nothing has been said about how they have applied to the public, business organisations, and so on.

This is not an extremely urgent matter: only the Liberal Party thinks that it is. Its members want to get out of this place and to stay away from it for as long as possible. The Hon. Mr. Hill is paying attention to what I am saying. He should whisper to his colleague that the Council could deal with other matters. The Minister will probably say in a minute that time is of the essence. However, he does not worry about that in relation to his own business.

The CHAIRMAN: I should prefer the honourable member to deal with the Bill.

The Hon. N. K. FOSTER: Why is the Minister of Consumer Affairs not willing to enlighten Opposition members, if not Government members, about what he means with his glancing references to sections 7, 20, 44 and 48? One of the great inconsiderations of the South Australian Parliament is that second reading explanations delivered in both Houses are taken to be the province of the selected few only. This also happened when the Labor Party was in Government. Second reading explanations are distributed to most members of both Commonwealth Houses of Parliament. Indeed, in the Federal House a Minister cannot continue his remarks on the second reading of a Bill unless every member has a copy of the explanation. Have members opposite ever had the second reading explanation of Bills?

The Hon. C. M. Hill: You get them the next day.

The Hon. N. K. FOSTER: That is the very point that I am making. However, a Minister in the Federal Parliament cannot read his second reading explanation unless all members have a copy thereof. Members in this place are disadvantaged and cannot therefore do their job properly. Having searched through every piece of paper that I have been given, I cannot find any information on this important matter.

The Hon. C. M. Hill: You've had the second reading explanation for a fortnight.

The Hon. N. K. FOSTER: True, I could turn it up in *Hansard*, but what does it mean in relation to the sections that have been referred to? To ascertain such information, one would have to leave the Chamber and go to the Library, during which time a vote could be taken. I am merely asking that the matter be adjourned so that members can inform themselves in relation to these sections. It is high time that the Standing Orders Committee did something about the aspects to which I have referred regarding second reading explanations.

The Hon. J. C. BURDETT: The second reading explanation of this Bill was given a fortnight ago.

The Hon. L. H. Davis: It was 20 days ago.

The Hon. N. K. Foster: That's not 20 sitting days. How many sitting days is it: four?

The Hon. J. C. BURDETT: That does not matter. In fact, the Opposition amendment was placed on file late this afternoon, and I have not had ample opportunity to examine it. However, the matter is as simple as this: instead of making the civil penalty automatic, as it is under the Act, this provision seeks to leave it to the tribunal, as applies in most other cases.

The Hon. FRANK BLEVINS: I fail to understand why the Government is trying to be so kind to these people who are, apparently, experiencing some difficulties with documents. I am not altogether in accord with my Leader, who is bending over backwards, if not too far, to accommodate these people, who seem to be having much difficulty in providing documents that comply with the law.

I refer to the size of the print. It seems to me that, if I was a large finance company, such as, say, Australian Guarantee Corporation, and was putting out 3 000 documents a year, or even a month, I would not find it too difficult to get myself a lawyer and say to him, "Have a look at these documents. Does the print size conform to the Act?"

It seems that the accommodation that my Leader is making to allow these people some form of appeal in the print size is accommodating them a little too much. I am not altogether happy with what my Leader is doing. The law was initially designed to solve the problem of small print in contracts. Consumers were apt to overlook the fine print. The law was designed to ensure that all the items in the contract could be seen perfectly clearly. Why cannot finance companies and other people who issue contracts comply with the Act? The Government has not convinced me that the legislation should be altered.

The Committee divided on the amendment:

Ayes (9)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner (teller), and Barbara Wiese.

Noes (10)—The Hons. J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, L. H. Davis, R. C. DeGaris, K. T. Griffin, C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Pair—Aye—The Hon. C. W. Creedon. No—The Hon. M. B. Dawkins.

Majority of 1 for the Noes.

Amendment thus negatived.

The Committee divided on the clause:

Ayes (10)—The Hons. J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, L. H. Davis, R. C. DeGaris, K. T. Griffin, C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Noes (9)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner (teller), and Barbara Wiese.

Pair—Aye—The Hon. M. B. Dawkins. No—The Hon. C. W. Creedon.

Majority of 1 for the Ayes.

Clause thus passed.

Title passed.

Bill reported without amendment. Committee's report adopted.

The Hon. J. C. BURDETT (Minister of Consumer Affairs): I move:

That this Bill be now read a third time.

The Hon. C. J. SUMNER (Leader of the Opposition): The Opposition opposes this Bill. As I said in my second reading speech, the Opposition is not particularly happy with this proposal and we consider it to be far too broad and wide ranging. It is certainly far wider than the reasons given by the Minister. During the Committee stage, the Opposition suggested a compromise that would have confined the Bill to the print size requirement contravention. That was not accepted by the Committee. Unfortunately, although there are still some problems with the print size, because of the wide-ranging nature of this amendment I do not believe that the Opposition can support this Bill. I believe that the problems that exist with the print size from time to time can be resolved by other methods.

I do not believe the Minister will be completely powerless to deal with problems that arise with print size. If the Council votes against this Bill at the third reading, the Opposition would be perfectly happy for the Minister to look at the print size situation and bring a Bill back to the Council dealing with that position. However, in opposing this Bill I believe that there exists in the present legislation and the regulations sufficient power for the Minister to deal with problems that may arise from time to time as a result of contraventions in relation to print size. This Bill, as it was introduced by the Minister, is far too much of an attack on the principles laid down in the Consumer Transactions Act, 1972, and the consumer protection laws introduced by the Labor Government, which have been of great benefit to a majority of the South Australian community. Accordingly, the Opposition will vote against the third reading.

The Hon. J. C. BURDETT (Minister of Consumer Affairs): The Council supported this Bill at the second reading, and the Committee supported it through the Committee stages. I am grateful to the Council and the Committee for their support. The principle is simply that the Government believes that, where there are breaches of the provisions, it should be left to a tribunal to adjudicate. I support the third reading of the Bill.

The Council divided on the third reading:

Ayes (10)—The Hons. J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Noes (9)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner (teller), and Barbara Wiese.

Pair—Aye—The Hon. K. T. Griffin. No—The Hon. C. W. Creedon.

Majority of 1 for the Ayes.

Third reading thus carried.

Bill passed.

CONSUMER CREDIT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 March. Page 1436.)

The Hon. C. J. SUMNER (Leader of the Opposition): This Bill contains, among other things, a principle similar to that enacted in the Consumer Transactions Act Amendment Bill, which the Opposition opposed. Therefore, the Council will probably not be surprised that the Opposition intends to oppose the insertion of the same review provision suggested by this Bill. However, provided I receive the Minister's co-operation, and provided that he gives frank and full answers to our questions, I am sure that this matter can be dealt with quite expeditiously.

That is in the Government's hands. One minor problem deserving some comment is that the Bill provides for an administrative change in relation to the position of the Registrar. The present Registrar has both judicial and administrative functions under the Act. The Government wants to split those functions and provide that the Registrar should have only administrative functions under the Act and that, in addition, there should be a commercial Registrar who would be able to perform the judicial functions under the Act.

The thinking is that the commercial Registrar would be a special magistrate who would be assigned to duties in the Credit Tribunal as a first priority, and would be available for general magisterial duties when not required at the tribunal. Perhaps the Minister will clarify for the Council whether that is the Government's thinking.

It has been suggested, and the Hon. Mr. Foster hinted at this today in Question Time, that this is the Robert Worth benefit Bill. Honourable members will recall that Mr. Worth was a candidate for the Liberal Party in Mitcham, where he contested two elections and was soundly defeated by the Australian Democrat member in another place. Licking his electoral wounds he scurried round to the Minister of Community Welfare and asked the Minister to give him a job. The Minister, a good Liberal Party man, not wanting to see his colleague left by the wayside, as a faithful failed candidate in Mitcham, gave him a job despite the fact, as has been pointed out many times in this Council, the Minister had made a number of statements opposing jobs for the boys when he was in Opposition.

In Government, virtually the first Ministerial act that he engaged in was to employ a failed Liberal candidate and give a job to a Liberal boy. When the Minister was asked this afternoon who was the Registrar of the Credit Tribunal, whether there had been a Registrar appointed, he responded that there had been a Registrar appointed, but he was not really open or frank with his answer.

The Hon. J. C. Burdett: It was a correct answer.

The Hon. C. J. SUMNER: But it did not give the whole picture, did it? I suspect that Mr. Noblett, who is the head of the Department of Public and Consumer Affairs, has taken on the job on a temporary basis; that is, until the Bill can go through Parliament and until a permanent Registrar can be appointed. Perhaps the Minister would like to deny that point but I suspect that Mr. Noblett as head of the department will not want to be the full-time Registrar of the Credit Tribunal. Instead, a position will be available for Mr. Worth at some future time as the Registrar of the Credit Tribunal. The Hon. Mr. Burdett would probably want that, because it will serve two purposes. First, it will get Mr. Worth off his staff, and I am sure that is something the Minister probably wants, after having had to work with him for the past six months and, secondly, it will be of benefit to Mr. Worth because it will give him an increased salary.

I do not know whether there is anything in these rumours, but around the traps they are pretty strong. I am asking the Minister directly and straight out whether there is any strength in the rumour that Mr. Robert Worth will be appointed as the Registrar or the Commercial Registrar when and if this Bill passes. I would like the Minister to elucidate on that matter, as well as saying whether Mr. Noblett will continue in that position indefinitely or whether that is only a temporary arrangement.

The Hon. L. H. Davis: The Hon. Mr. Foster would be an impeccable source.

The Hon. C. J. SUMNER: I am not disclosing whence I obtained this information, but I have received it from a number of sources and I believe firmly that this is what the Minister has in mind. The Minister was evasive with the Council this afternoon when asked this question. I do not believe that Mr. Noblett intends to remain in that position as the Registrar of the Credit Tribunal. That would be a most unusual situation.

The Hon. C. M. Hill: About what clause are you talking?

The Hon. C. J. SUMNER: Clause 5, which deals with the position of a Commercial Registrar. The Opposition does not intend to raise any major objections to this bit of administrative fiddling. I suppose it is a matter for the Government to decide which Liberals it will give jobs to, and if this little device will aid the Liberals in sorting out their problems in allocating jobs to their political candidates that have failed, then so be it. That is a matter for the Government. I believe it is worthy of comment, although we will not be formally opposing this proposition.

Two other major amendments result from this Bill. One is an amendment to section 28, which has been explained in the second reading explanation. Although I have some doubts about the validity of this proposed change, the Opposition is prepared to accept the amendment because it provides that a credit provider who is not licensed but who lends money at an interest rate which is prescribed by regulation should not have to forfeit the interest that would normally be due to him. As explained in the second reading explanation, a credit provider can carry on business without a licence, provided he does not charge more than the prescribed interest rate.

It really fits in with the existing provisions in the Act. Provided the non-licensed credit provider is not charging interest beyond the prescribed rate in the regulations, we are willing to accede to the Government's proposition that the civil consequences of not being able to claim the interest payments should not apply. The third aim of the Bill deals in principle with the same matters that were dealt with in the Consumer Transactions Act.

Clause 8 enacts section 60a of this Act, which is in precisely the same terms as was the section enacted in the Consumer Transactions Act. We have the same objections to it. We do not believe that the Minister has produced any evidence of problems with the present legislation. Nothing in the second reading explanation indicated problems to be overcome by legislation. In other words, this provision is opposed on the same grounds as was the provision the Council inserted in the Consumer Transactions Act relating to breaches other than those in relation to print size. For that reason, we oppose the clause, and, in Committee, we will be seeking to delete it.

In speaking to the Consumer Transactions Act Amendment Bill, I raised a matter that was not answered by the Minister regarding representation of consumers before the tribunal under the proposed new section 60a (6). I would appreciate a reply to the questions I have raised. How will it be possible to get before the court all the consumers who may be affected? The Bill suffers from the problems that the Hon. Mr. DeGaris always gets upset about, in that it has retrospective effect. He seemed to be able to rationalise that in relation to the other Bill, and I have no doubt that he will rationalise his support for retrospectivity in this case, although on past occasions he has always vehemently opposed legislation with retrospective effect.

We are prepared to support the second reading on the basis of the administrative change the Government wants in relation to the office of the Registrar and to support, although without any great enthusiasm, the proposed amendment to section 28, but we will be moving in Committee for the deletion of clause 8. Our letting the Bill go through the second reading stage should in no way be interpreted as support for clause 8 as presently drafted.

The Hon. J. C. BURDETT (Minister of Consumer Affairs): The tribunal can make orders about the representation of individual consumers. Most of what little I have to say pertains to the Bill, unlike much of what the Leader had to say.

Clause 5 deals with the appointment of a Commercial Registrar, who must be a legal practitioner. The reason is for flexibility: either the Registrar can be an S.M., who does other work, or he may be a legal practitioner who is not an S.M. (I do not think the position really warrants that), and he may act as Commercial Registrar and not carry out judicial functions. I think it was contemplated, when the original legislation was introduced, that the Registrar of the Credit Tribunal would have much more judicial work to do; in fact, he has had little such work and so it is possible to introduce this new section to provide flexibility.

I do not like departing from the Bill, but I shall depart from it for only one sentence. There is no truth in any rumour (I have not heard it before, and I imagine it emanated from the Hon. Mr. Foster) that Mr. Robert Worth will be appointed as Registrar of the Credit Tribunal.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Interpretation."

The Hon. C. J. SUMNER: Will the Minister refer to the definition of "sale by instalment"? I suppose the legislation as drafted is sufficient to amend it, but the word "consumer" appears twice in that definition. I hope there is no problem about the way in which the amendment is expressed. Which "consumer" is it intended should be deleted? I would like the Minister to clarify whether it is intended by the amendment that the word "consumer" is to be deleted in both places where it appears.

The Hon. J. C. BURDETT: So that I can clarify the matter, I suggest that this clause be considered again after consideration of clause 8.

Consideration of clause 2 deferred.

Clauses 3 to 7 passed.

Clause 8—"Relief against civil consequences of non-compliance with this Act."

The Hon. C. J. SUMNER: We oppose the clause. I do not think it is necessary for me to canvass the arguments again, as they were canvassed fully during the debate on a previous Bill. We believe that the wide-ranging discretion being given to the tribunal is unwarranted because, again, the Minister produced no evidence for it in the second reading explanation or in closing the second reading debate. We cannot see that a case has been made out to the Committee to justify an amendment of this kind. Where has the mischief occurred? What examples are there of mischief having occurred as a result of the legislation as it stands, without this let-out provision of an application to the tribunal to waive compliance with some provisions of the Act? In opposing clause 8, I ask the Minister to tell the Committee what matters have come to his attention that give rise to the need for new section 60a.

The Hon. J. C. BURDETT: The Leader has repeated himself many times, and I have given him the same answer, namely, that the Government considers that the civil penalty imposed by the present Act in relation to breaches is too severe and that it should be submitted to a tribunal, as are most other penalties for breaches of the law.

The Hon. C. J. SUMNER: I do not wish to labour the point or to harass the Minister over this issue. However, his explanations have been totally inadequate. The Opposition wants to know what representations the Minister has received about problems that have arisen in this respect. Can he give the Committee some concrete examples that have occurred during the eight years for which this legislation has been operating?

The Hon. J. C. BURDETT: This involves a matter of principle, namely, that, where a penalty is to be imposed for a breach of the law, it should be adjudicated on by a tribunal, and that is what this clause seeks to do. I support the clause.

The Committee divided on the clause:

Ayes (10)—The Hons. J. C. Burdett (teller), J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin, C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Noes (9)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner (teller), and Barbara Wiese.

Pair—Aye—The Hon. M. B. Cameron. No—The Hon. C. W. Creedon.

Majority of 1 for the Ayes.

Clause thus passed.

Title passed.

Clause 2—"Interpretation."

The Hon. C. J. SUMNER: I had a query about this clause, which seeks to strike out "consumer" where it appears in the definition of "sale by instalment" in section 5 of the Act. I was under the impression that "consumer" appeared twice in the definition, and I asked whether the Government intended to delete the word where it appeared twice. I was firmly convinced that the Bill introduced in 1972 was better legislation, but I did not take into account amendments which were carried in 1973 and to which, I am sure, I could not possibly have agreed had I been a member of this place at that time, because of my commitment to the original legislation. I overlooked the 1973 amendment, which changed the definition of "sale by instalment" and which removed "consumer" on one occasion. Therefore, as "consumer" appears only once in the definition, the clause is in order.

Clause passed.

Bill reported without amendment. Committee's report adopted.

The Hon. J. C. BURDETT (Minister of Consumer Affairs): I move:

That this Bill be now read a third time.

The Hon. C. J. SUMNER (Leader of the Opposition): The Opposition opposes the third reading. It does not believe that the minor amendments relating to the Registrar and to section 28 (3) justify the passage of the third reading, given that the Council has now agreed to insert new section 60a, which the Opposition has opposed consistently in the debate on this Bill and that on the Consumer Transactions Act Amendment Bill. I refer in this respect to the provision giving the court power to review a contract where there has been non-compliance with either of these Acts.

As the principle has been firmly established through the course of the debate on the two Bills, I will not call for a division on the third reading. However, I want the Council to know that, because clause 8 remains in the Bill, the Opposition opposes the third reading. We do not believe that the other minor amendments justify the passage of the Bill.

Bill read a third time and passed.

BOATING ACT AMENDMENT BILL

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

CRIMES (OFFENCES AT SEA) BILL

Returned from the House of Assembly without amendment.

OFF-SHORE WATERS (APPLICATION OF LAWS) ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

CANNED FRUITS MARKETING BILL

In Committee.

(Continued from 5 March. Page 1440.)

Clauses 2 and 3 passed.

Clause 4—"Interpretation."

The Hon. B. A. CHATTERTON: I move:

Page 2, lines 2 to 4—Leave out all words in these lines after "include" in line 2 and insert:

(c) goods that, having regard to their characteristics, may be described as "fruit pulp", "solid pack", "pie pack", "jam", "jelly", or "conserve";

or

(d) goods of a kind declared by the corporation not to be canned fruits:'

The purpose of this amendment is to give the corporation additional powers to exempt products from the canned

fruit quotas. The principle is already incorporated within the Bill before us that certain products should be exempt from the definition of canned fruits, which means that they are exempt from the canned fruit quotas. The purpose of my amendment is to give the corporation some additional powers to exempt new products that might be developed from the canned fruit quotas. The products that have been mentioned in the Bill before us are the historical ones, but other products are being developed and should be declared outside the quotas in the future.

The whole Bill before us would have been amended if that was to happen. In my second reading speech I referred to the problem of some of the products that are put on the market from overseas that are packed in liqueurs, brandies and so on. Those products are encroaching on to a market that could be developed for South Australian manufacturers. When this Bill comes into force, those products will be deducted from a canner's quota, and in such circumstances it would be very unlikely that a canner would market any of those new products because the volume would be small and it would be very unlikely that it would be worth while if the canners were to lose some of their existing quotas.

With the additional power that my amendment gives, the corporation can exclude these products and therefore provide positive incentives to canners to produce these products in addition to the ordinary lines they produce under quota. For these reasons I believe that the amendment will improve the growers' position in Australia and provide a positive incentive for canners to diversify into some of the new products and strongly compete with the imported products.

The Hon. J. C. BURDETT: An essential feature of the proposed marketing scheme is that the Australian Canned Fruits Corporation estimates sales of canned fruits on the most profitable markets, and allots quotas to the canners to produce for these markets. An average or equalised price is paid to the canners (subject to some premium provisions). As a result of these arrangements, there is reduced incentive for any individual canner to develop a new or different product such as, say, pears in brandy, if subsequent sales of that product are included in that canner's quota, attracting only an equalised price.

It is likely that canners would be more innovative in developing new products if those products were excluded from quota considerations; that is, if those products were to be declared by the corporation not to be canned fruits. The Government has been advised that, while accepting this amendment would be a minor breach of uniformity with the other States, there are no problems and the Government is pleased to accept the honourable member's amendment.

Amendment carried; clause as amended passed.

Remaining clauses (5 to 25) and title passed.

Bill read a third time and passed.

CHURCH OF ENGLAND IN AUSTRALIA CONSTITUTION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 6 March. Page 1498.)

The Hon. G. L. BRUCE: The Opposition fully supports this Bill and is aware that it is part of legislative amendments that must take place in each State of Australia for the church to achieve its aims to be known as the Anglican Church of Australia instead of its previous title of the Church of England. We realise that this amending Bill substitutes reference to the Anglican Church of Australia for the existing terminology in the principal Act and all other Acts presently in force. Provision is also made where it is not appropriate for the changed title to be used for the old title to be retained, and in the circumstances this can only be seen as right and proper.

It is also noted that the Bill contains a provision to ensure that the body presently known as the Church of England in Australia Trust Corporation has corporate status under the laws of this State. It has been stated in another place, and it is worth repeating, that in no way does the Bill have any bearing on this State's religion or beliefs or attempt to establish this religion as an official or State religion, and neither the church nor the State would want any misunderstanding on this matter.

The principal Act, to which this amending Bill refers, is to give legal force to the church's constitution, particularly as regards control of property belonging to the church. The Leader of the Opposition in another place has placed on record in *Hansard* the fascinating and interesting history relating to aspects of the church and Government in England in earlier days, and I would commend this to the attention of honourable members. With those few remarks, I indicate the Opposition's support for the Bill.

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

ROAD TRAFFIC ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 6 March. Page 1499.)

The Hon. FRANK BLEVINS: The Bill makes a number of amendments to the Road Traffic Act, most of which the Opposition supports. However, the Opposition strongly opposes one provision in the Bill, namely, the proposal in clauses 3 and 4 *(a)* that removes the present 25 kilometres an hour speed limit where roadworks are in progress.

I will come back to this matter later, but I will first deal with the provisions of the Bill with which the Opposition agrees.

In relation to clause 4, the Minister's second reading explanation referred to a court case last year which prompted the Government to bring in this amendment, which seeks to ensure that the speed restriction in the vicinity of schools is clearly defined and therefore can be efficiently policed.

The Minister's second reading explanation regarding this clause was extremely brief, and it was only by reading the debates in the House of Assembly that I was able to work out just what the problem is.

I know that the purists on the Government benches will not appreciate my doing that but, as the second reading was so deficient and was admitted to be, in the House of Assembly, I had no option.

The court case from which this problem arose was *Conn v. Fox* which was heard in the magistrates court last year. In effect, in that case a motorist was travelling west past a school and was booked for exceeding the 25 km/h limit. The magistrate held that, because the sign at the western end of the school was not facing the motorist but was facing east-bound traffic, it was not a legal sign under the Road Traffic Act.

That decision has upset the whole of the enforcement procedures of this particular speed limit. The Opposition agrees that this problem requires correction as soon as possible because we believe, as do Government members, that the maximum amount of protection possible should be afforded children using the roads.

Besides reinforcing the protection that we are trying to give children, this amendment will also make it easier for motorists to comply with the law.

I think all members will have experienced a sense of unease when passing a school and not being sure just where the speed restriction ends. I must admit that I always thought that the restriction near schools was in force anywhere after the 25 km/h sign, where it was reasonable to expect children to be present. Clearly I was wrong, and I am pleased that the position will be clarified.

Clause 5 gives the Opposition no problems at all. Again, all members will have had the experience of driving in the early hours of the morning and, when confronted with flashing yellow lights, taking extra care and treating the intersection as though the lights were not controlling the intersection. It appears that the law at present is ambiguous, and the Opposition welcomes this clarifying amendment to the Act.

Clause 6 seeks to add a new section to the Act setting out the requirements for child restraints. This new section provides that a person shall not drive a motor vehicle unless the requirements of the section are complied with. These are that, if a child is travelling in a motor vehicle fitted with a child restraint of a prescribed kind, the child must sit in the position fitted with the restraint unless that position is occupied by another child.

If there is no child restraint in the vehicle or, if there is one which is occupied by another child, the child must be accommodated in the back seat if there is one. There is a let-out for non-complying drivers under new subsection (5) if the driver can prove special reasons justifying non-compliance.

The question of seat belts in cars has been a vexed one. I do not think anyone argues that the statistics show that on average people wearing seat belts are not subject to the same degree of injury or death if involved in a motor vehicle accident as are people not wearing them. Of course, there is a civil liberties argument against being forced to wear seat belts, and it is an argument that I respect. However, the people of South Australia, through Parliament, have not been persuaded by the civil liberties argument and have legislated to make the wearing of seat belts compulsory. I do not think the same civil liberties argument can be put when we are dealing with children. Children obviously cannot make rational judgments for themselves in matters of this nature, and therefore society as a whole must enact legislation to protect them from being placed in dangerous situations.

This section does just that in relation to the dangers of travelling in a motor vehicle.

The Hon. Anne Levy: What about the responsibility of parents for the safety of children?

The Hon. FRANK BLEVINS: Of course, the ideal situation would be for parents not to place their children in dangerous situations, but that does not happen. One has only to drive out on the roads at any time to see a parent with a very young child actually standing up on the front seat alongside the parent who is driving the car. That, quite frankly, horrifies me. I agree with Miss Levy that parents should do the proper thing and not put children in dangerous situations. The fact is, however, that some parents do not do the proper thing. Some parents are quite irresponsible and I think children need protection from such parents. This new provision does that, and it is something in which I concur. The legislation is certainly not Draconian. Some would criticise it as not going far enough, and to me that criticism would have some validity. However, the Opposition goes along with the clause, as it believes it will assist in minimising injury and death to children unfortunate enough to be involved in a motor vehicle accident.

I turn now to clause 3. This is unfortunately where the Opposition will have to part company with the Government and oppose this part of the Bill. Clause 3 seeks to remove the present 25 km/h speed limit for traffic moving in the vicinity of roadworks. The idea of the 25 km/h limit is obvious: it is designed to protect the vehicles using the road on which the works are taking place by forcing them to slow down near possible hazards (road-mending equipment and things of that nature). Also, ultimately, it is designed to protect road workers from vehicles travelling at a speed that is dangerous to them when they are engaged in work on the roads. The Minister's second reading explanation relating to this clause was very brief (in fact, only seven lines), and merely said that the present 25 km/h speed limit had "proved impracticable in rural areas".

That amount of explanation hardly qualifies as proof that there is a problem, and that this clause will solve that problem. All that I can infer from the second reading explanation is that drivers are ignoring the 25 km/h limit signs and driving past roadworks at speeds exceeding the stated limit. If my inference is correct, then it seems to me that what the Government is saying is that because the law is not being observed then it should be changed. I cannot go along with that argument at all.

Very few laws would remain on the books if we virtually abandoned them because people were not giving them the attention they warrant. Surely, the solution is not to cave in to these law-breakers who are putting workers' lives in jeopardy, but to enforce the law more rigorously. I drive around the country a fair bit, as I know several other members do, and I cannot remember ever seeing radar, or even a police patrol, on a section of a road that is under a special speed restriction because roadworks are in progress.

Maybe if the police spent some time in apprehending these irresponsible motorists who are putting workers' lives in jeopardy there would be no need to try to pass an amendment of this nature, because motorists would soon get the message that signs at roadworks are there not just for the sake of being there, but are a very necessary road safety measure designed to protect road workers as well as the motorist.

I can see that there would be value in having some flexibility in the speed limit that can be imposed, and the Opposition will support the clause inasmuch as it does that. Obviously, the people actually on the roadworks site should have the power to say that 5 km/h, 10 km/h, 15 km/h, or whatever, is the safe speed to pass that particular section of the road, but the flexibility should not extend to being able to set a speed above 25 km/h.

The Opposition will oppose the part of the Bill that attempts to do that. It seems odd that, in a Bill dealing primarily with road safety matters, there should be a clause (clause 3) which reduces the protection now afforded to a section of the community which is particularly vulnerable on the road. I hope that the Minister will look again at the clause in Committee and agree with the Opposition's proposal that we think would improve clause 3. If this happens, it will give the Opposition great pleasure to support the improved Bill in its entirety, which is something we cannot now do. We support the second reading, with the reservation I have outlined regarding clause 3.

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

HIGHWAYS ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 6 March. Page 1499.)

The Hon. FRANK BLEVINS: The Opposition supports this Bill, the sole purpose of which is to raise the percentage allocation from the Highways Fund under section 32 *(1)(m)(i)* of the Highways Act, 1926-1979, in respect of road safety services provided, in a very efficient manner, by the Police Department. The position at present is as outlined by the Minister in his second reading explanation. A contribution equal to 6 per cent of fees received by the Registrar of Motor Vehicles is applied to the road safety services of the Police Department.

The recent reduction in registration fees following upon the introduction recently of an *ad valorem* licence fee in relation to the sale of motor spirit and diesel fuel will result in the income from registration fees being reduced by some $10 000 000 a year. In order to maintain the contribution at approximately the existing level, the percentage levy will have to be increased to 7·5 per cent.

Given that there was a situation, prior to the problems last year with the truckies' dispute and the legislation which resulted from that dispute, in which a certain amount of registration fees went to the Police Department for that very important work, it seems perfectly reasonable that there should not be any reduction in that amount virtually by accident. Any reduction in this payment should be a deliberate decision of the Government. Not that the Opposition is suggesting anything of the sort; in the middle of last year, when we were in Government, we thought it appropriate to grant to the Police Department an extra $1 000 000 in the Budget to be used in this essential area. In view of the Opposition's concern about road safety, we are happy to co-operate in passing this Bill as quickly as possible.

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

MARKETING OF EGGS ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 6 March. Page 1499.)

The Hon. B. A. CHATTERTON: This short Bill amends the Marketing of Eggs Act to give members of the South Australian Egg Board immunity from prosecution as individuals for the actions that they take in good faith as members of the board. As far as the Labor Party is concerned, there is nothing very contentious about the Bill. The amendment has come forward because the Egg Board has been more interventionist than have most marketing boards. Unfortunately, it is often the case that marketing boards in many industries tend, over time, to become a formidable brake on progress within their own industry. They are established to deal with a particular marketing situation, but they fail to move with changes in production and marketing as they occur. They become a cosy little club that protects everybody in the industry from competition and change, to the detriment of the consumer, who is left well and truly out in the cold.

No-one can accuse the Egg Board of taking this complacent view. The board has been innovative and dynamic. However, as we all know, dynamic change usually creates opposition, and I understand that this Bill was drafted when the board checked out its position. In supporting this protection for Egg Board members, I would like to say that I believe that the Egg Board has been very successful in its operations in this State and overseas, and a large part of its success must be credited to Ray Fuge, the Chairman of the Board. He is a most unusual Department of Agriculture officer, as he has moved from production to marketing with a natural flair that is quite remarkable. The industry in South Australia is very lucky to have him as Chairman of the board. I support this Bill.

The Hon. J. C. BURDETT (Minister of Community Welfare): I thank the honourable member for his contribution. While this Bill exempts members of the board from penalty and liability, at the same time it retains the liability of the Crown. The Government follows this policy wherever possible. The liability of the Crown in relation to Acts of this kind should be retained and, where necessary, imposed.

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

EGG INDUSTRY STABILIZATION ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 6 March. Page 1500.)

The Hon. B. A. CHATTERTON: I support this Bill. However, before I go into the details of the Bill, let me say that I find it ironical that this Bill, together with the canning fruit legislation and the quota provisions of the wheat Bill, demonstrates the unreality of Australian agricultural policy making. While most of the world makes agricultural policy in order to organise greater food production, we spend our time in Australia devising more and more ingenious methods of curtailing production. It is refreshing to periodically discuss with Ministers and senior officials overseas the real aim of agriculture—the provision of food for people.

However, that observation aside, this Bill allows the present system of hen quotas to be broken up to enable quotas to be given to producers for parts of a year. This is a sensible refinement of the present system of hen quotas. The purpose of the hen quota system is to provide a mechanism to reduce the surplus of eggs when markets determine that they must be processed and exported at a loss.

It has been very successful in improving returns to producers. It is well known that egg production varies during different seasons of the year as the laying rate of hens varies with the day length. While it is possible in light-proof sheds to create an artificially lighted environment that can alter production patterns, there will always be a large proportion of the industry working mostly with natural light and thus having a different output in winter and summer.

By establishing a system where hen quotas can be set at different levels and for different times of the year, the Egg Board will be able to manage production with greater refinement and reduce the number of eggs which are surplus to the requirements of the domestic market and which have to be sold on export markets for very low returns. The system of hen quotas has been criticised by some consumer groups as being detrimental to their interests. No doubt they will criticise this refinement as a continuation of what they believe to be a scheme to keep the price of eggs artificially high. I believe this fear to be unfounded. In fact, the hen quota system has benefited both producers and consumers.

Previously, the equalisation of domestic and export returns to producers meant that both producers and consumers were subsidising exports. By reducing the level of unprofitable exports it has been possible to increase returns to producers yet keep the price of eggs to the domestic consumer slightly under the general level of price increases. Of course, critics claim that a totally free market would be better still for consumers. This assumes that market forces would force the domestic price down as the marginal price for eggs for export is nil. No doubt the domestic price would move downwards in the short term, but over a period of time the industry would have to adjust to this loss of profitability and develop strategies that would enable it again to produce eggs at a profit. The process of adjustment implicit in such a strategy would create many bankruptcies and much hardship, particularly for the small producer.

There is, however, one area where egg marketing authorities will have to keep a firm stand if consumers are not legitimately to accuse producers of "ripping them off". I refer to the pressure that often arises with regard to the cost of hen quotas. To date, egg marketing authorities throughout Australia have resisted any attempt to include the price of purchasing a hen quota in any assessment of egg production costs. To allow the price of a quota to be included in the calculation of egg production costs is a sure formula for permanent inflation in the price to the consumer.

While the industry is profitable, new people will want to come in; established producers will want to expand, and they will be prepared to purchase quotas. If the cost of purchasing the quota is then included in a new price determination for the price of eggs, the profits of those egg producers who have not purchased new quotas will be significantly increased. This new profitability within the industry will encourage more new entrants to bid up the price of quotas. One would soon see a continuing and upward spiral of higher and higher quota prices causing higher egg prices and even higher quota prices.

While egg marketing authorities must make sure that the price of quotas is excluded from cost assessments, I am opposed to any attempt to go to the opposite extreme and try totally to suppress the market for hen quotas. Some producers have suggested that quotas should not be saleable at all. Others have suggested that their price be strictly controlled. Of course, if they are not saleable, people will go to considerable trouble to circumvent that provision. The key money syndrome is a good example of that happening.

Price control (for instance, by the authority) can work if all quota transfers are organised through the authority, but such a system introduces new inequalities. For instance, if the authority holds the price of a quota below the free market price, how will they select who will have the privilege of receiving a quota? In fact, the free transfer and sale of quotas is important to allow the industry to adjust rationally. More efficient producers can expand their enterprises, and the more inefficient can sell their quotas and leave the industry for some other occupation. The egg marketing authority can use the price of hen quotas as an independent check of their profitability studies.

If the price of quotas appears to be rising excessively, it is obvious that profit margins in the industry are too high. I support the Bill, as I believe the Egg Board in South Australia can competently use these additional powers for the benefit of both producers and consumers in this State.

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

COMPANIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 6 March. Page 1497.)

The Hon. C. J. SUMNER (Leader of the Opposition): The Opposition supports this Bill. It is a reasonably simple but nevertheless essential measure which is primarily machinery in nature and does not contain any policy decision. The first aspect of the Bill is to facilitate the production of microfilm records of company documents from the Corporate Affairs Commission documents in court. There may be some dispute at the moment here, if a microfilm record of a document held in the Corporate Affairs Commission is produced in court, about whether it can be validly received in evidence by the court.

This amendment to the Companies Act makes clear that the courts can take cognisance of microfilm records of the Corporate Affairs Commission documents, given that apparently the commission is now proceeding to place its documents on microfilm. There is only one query I would raise in relation to it. That is, what happens if there are any coloured marks on documents? I suppose this presupposes that there are in the Corporate Affairs Commission documents which at times do have markings in colour on them for some particular reason that may be relevant if the document is produced in court. I do not know, but, if some of the documents do in fact contain coloured markings, how will that be communicated in the microfilm records of the document when the matter gets before a court, or in any other way? I ask the Minister in reply whether he is able to satisfy me on that score.

The second matter, again, is a machinery matter that does not involve any policy decision. It is envisaged under the national companies and securities legislation, the uniform legislation which is being enacted for the whole of Australia, that the Corporate Affairs Commission in South Australia will administer the laws in this State.

Therefore, it will not be a matter of the Commonwealth's establishing a separate bureaucracy at State level to administer the laws, although there will be a commission at the national level to administer the legislation. It is intended that the Corporate Affairs Commission in this State should administer the new laws as a delegate of the national commission. The Bill removes any doubt whether or not the Corporate Affairs Commission in South Australia can be delegated with the power to act as the delegate for the national commission.

If one agrees with the national companies and securities scheme, as the Labor Party certainly does, this is a machinery matter which gives effect to the operation of that national scheme by providing that the local Corporate Affairs Commission be responsible for the administration of the scheme on behalf of the National Companies and Securities Commission.

The Hon. K. T. GRIFFIN (Minister of Corporate Affairs): I thank the Leader of the Opposition for his contribution in respect of the Bill. The only question that he has raised is what the consequences will be if, when microfilmed, coloured markings on a document filed in the Corporate Affairs Commission are not demonstrated on copies required to be produced to the court. My understanding is that there are no coloured markings on documents filed in the Corporate Affairs Commission. They are black prints on white paper and unless, for some internal reason, there might be official marking on the document, there will be no coloured markings on the documents filed at the Corporate Affairs Commission. Therefore, the problem raised by the Leader will not be

relevant to the consideration of this matter.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

SOUTH AUSTRALIAN WASTE MANAGEMENT COMMISSION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 6 March. Page 1498.)

The Hon. J. R. CORNWALL: As members will be aware, I am not one to give fulsome praise to members of the Government. However, on this occasion I take the opportunity to thank the Minister for the co-operation which he has extended to date to the Opposition, particularly to the Opposition spokesman on local government, on the Bills which have come before the Parliament. It is very useful to us as an Opposition to be able to have access to some of his senior public servants on matters of fact (not on matters of policy; that is appropriate and we do not complain about that). The Minister has been quite co-operative to date in assisting us to be briefed on the Bills which he has brought before the House. I thank him for that.

Whether or not that will continue with some of the more contentious Bills that come before the Parliament from the Department of Local Government remains to be seen. Certainly, I am always one to give credit where it is due. I thank the Minister quite handsomely for the co-operation that he has given to date. Having said that, I must criticise to some extent the second reading explanation for its lack of detail and clarity, and I think that point ought to be made. It is unfortunate that many of the second reading explanations to come before the Parliament do not contain the necessary detail to enable the Opposition to make intelligent comment without checking the matters further.

The Hon. R. C. DeGaris interjecting:

The Hon. J. R. CORNWALL: I know the Hon. Mr. DeGaris would agree that it is a great pity that a little more thought could not be put into the second reading explanations. I do not believe that this is done with any deviousness in mind; perhaps it is a matter of the style of some public servants who prepare these speeches. They are quite conversant with the Bill, and perhaps it is not surprising in the circumstances that the second reading explanations they prepare reflect the fact that they have a great knowledge of the subject, but lack to some extent the ability, rather than the will, to impart this knowledge to us. I think that this is a matter that all Ministers should look at, not only the Minister of Local Government. In that respect of course I would concede that the previous Government was not altogether blameless.

The Hon. J. C. Burdett: Did you ever change a second reading explanation?

The Hon. J. R. CORNWALL: Unfortunately, I never had the good fortune to give a second reading explanation as a Minister. However, I did have the occasion to check a couple in the pipeline, and I sent them back for adjustment.

I think it is quite important that I make this point. It is not a question of malice or of wanting to hide anything. I do not think that members of either side would suggest that, in a great majority of cases, there is any attempt at deception or of not wanting to make the facts known; they come up during the second reading and Committee debates, anyway. Without harping on the matter too much, I think it is quite important.

We were able to find out by speaking to one of the Minister's senior officers, with the Minister's permission, that this Bill comes forward because of recommendations that were made by the Treasury. It reorganises the financial arrangements of the Waste Management Commission, bringing the financial arrangements of the Act more or less into line with the financial arrangements which have been operating very satisfactorily under the Museum Act, for example, for quite some time. It is a machinery amendment and, as such, the Opposition is pleased to support it.

The Hon. C. M. HILL (Minister of Local Government): First, I thank the Hon. Dr. Cornwall for his gracious response in regard to efforts from Ministers on this side of the House in co-operating with the Opposition in this place. It has always been my view (and, of course, this is a traditional view) that, in the second Chamber, we do not parry and thrust to the same extent as occurs in another place. I think that, if co-operation can be offered by the Government and the Opposition to the other side, it means that we ultimately achieve better legislation, and that is our aim. From time to time I shall be pleased, wherever it is possible, to introduce members opposite to senior officers who can assist them in their review of legislation as it passes through this place.

In regard to the honourable member's comments about the second reading explanation, I have had an opportunity to look at it again, and I believe that the honourable member has a point when he says that it does not include all the detail that I should have expressed. In future, I will pay greater attention to second reading explanations. A Minister must accept responsibility for those explanations, and the blame cannot be shared by the Parliamentary Counsel under our present Parliamentary system. Dealing with the Bill itself, I thank the honourable member for accepting the need for change in regard to proposed new section 40, which is mentioned in clause 3, and I am pleased to hear that he supports the need for an improvement to that section, which is what the Bill achieves.

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

ADJOURNMENT

At 10.23 p.m. the Council adjourned until Wednesday 26 March at 2.15 p.m.