LEGISLATIVE COUNCIL

Wednesday 9 November 1983

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

ASSENT TO BILLS

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

Fisheries Act Amendment,
Inheritance (Family Provision) Act Amendment,
South Australian Meat Corporation Act Amendment,
Supreme Court Act Amendment (No. 2).

QUESTIONS

WATER RATES

The Hon. M.B. CAMERON: I seek leave to make a brief explanation before asking the Minister of Agriculture a question about Riverland water rates.

Leave granted.

The Hon. M.B. CAMERON: It is well known that officers of the Department of Agriculture have made clear the very difficult situation that fruitgrowers in the Riverland, in particular, face. It has been publicly stated by departmental officers that up to one-third of Riverland fruitgrowers have inadequate incomes and urgently seek a solution to this problem.

Recently the Government announced a 28 per cent increase in irrigation and water charges, which will cost the average fruitgrower in excess of $1 000. This will place an even greater burden on these people. The Minister of Agriculture will be aware of this difficulty and must agree that some action is necessary. I will quote from the *Murray Pioneer*, in which Mr Venton Cook, who is the regional economist with the Department of Agriculture, said:

> Our evidence indicates there are between one-quarter and one-third of Riverland fruitgrowers who have inadequate incomes and who urgently need a solution to the problems.

He talks about growers who have few debts but also have very low incomes in many cases because they are being forced to undertake a replanting programme. In some cases, this is not entirely their fault. They may have good prospects of viability within two or three years, but their major need is for cash immediately to carry them through. Every time a Government rate is increased, that need for cash to carry them through increases; so, it is a matter of growers in many cases having to borrow to pay further Government commitments.

In view of the obvious plight of irrigators in Government irrigation areas, will the Minister of Agriculture take a submission to Cabinet that the Government rescind the 28 per cent increase in water rates, pending a thorough review of the cost and efficiency of the supplying of water to these irrigators?

The Hon. FRANK BLEVINS: I have some sympathy with the sentiments expressed by the Hon. Martin Cameron in the explanation preceding his question. The Department of Agriculture is aware of the problems that the primary producers in the Riverland are having—not just in the Riverland, but in many areas. The Riverland is of particular concern to the Government, which is expressing that concern by attempting to get the Riverland Redevelopment Council off the ground as soon as possible. The problems in the Riverland will not be solved by rescinding this increase in the rates charged for water. The problems are far deeper than that. The cost of water itself is a question which should properly be directed to the Minister of Water Resources, but I can say that the economists who look at these things have advised the Government that the additional cost would represent a 2 per cent increase on the cost of water for the Riverland irrigators. It seems to me to be marginal when one has the problems on the scale that are there, as stated by our economist in the Riverland (one-third of the producers are in some dire financial difficulty)—this increase in charges will not make a great deal of difference.

I point out that where one has a problem of that size I personally and the Government do not see that an increase in subsidy for irrigators across the board irrespective of their financial position is the way to address a particular problem for a section of the industry. It would be far better to address the problem specifically, and the money that might be saved (if there is any saving) by not subsidising those who do not need it could be better spent assisting those who still have some future prospects of remaining viable as primary producers.

Again, my understanding is that the subsidy on water in regard to these irrigators is still somewhere in the region of 75 per cent. At present, they pay about 25 per cent of the true cost of water, but those figures are off the top of my head—I am not the Minister of Water Resources.

Members interjecting:

The PRESIDENT: Order!

The Hon. FRANK BLEVINS: That is my understanding. If the Opposition is saying that that level of subsidy (that is, 75 per cent) is insufficient and that it would provide a larger subsidy, members opposite would have to justify that to the rest of the people in South Australia. They would also have to justify providing that level of subsidy to people who do not need it. I would think that it would be very difficult for members opposite to justify that. I can see no real value in not increasing the cost of water, or any other services, as cost increases occur, to the community at large.

If that is not done, somewhere along the line we finish up with a situation that would be very similar to that which occurred in South Australia 12 months ago, when there was a large and increasing deficit. Somewhere along the line every section of the community must pay to bring down that deficit. I am absolutely amazed that the Opposition has never acknowledged that point. Somewhere along the line the deficit must be brought down to manageable proportions. This is one small example where everyone in the community will have to sacrifice to make up for the three years of complete financial irresponsibility that we went through from 1979 to 1982. Again, if for some reason people choose not to believe me when I say that, then I can only refer them to the speeches made by the Hon. Mr DeGaris over the preceding three years. The honourable member asked whether I would take a submission on water charges to Cabinet. The answer is 'No': I do not take submissions to Cabinet on matters that are outside my portfolio.

The Hon. R.I. LUCAS: I wish to ask a supplementary question. Will the Minister make available to the Opposition the details of the information that has been researched by Government economists and provided to him about the effect of these charges on the Riverland producers, to which the Minister has referred?

The Hon. FRANK BLEVINS: That information was provided to the Government. I will certainly refer this matter to the Minister of Water Resources, who collated the figures, and I will bring back a reply.

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Minister of Agriculture, representing the Minister of Water Resources, a question about water rates.

Leave granted.

The Hon. J.C. BURDETT: On a visit to the Riverland last week, a number of my colleagues and I met with fruitgrowers, local government representatives and business people to discuss problems of concern to them. The paramount concern at present is obviously the extremely high increase in irrigation charges together, of course, with the increase in electricity charges that was imposed on irrigators by the Government. Irrigators in the Riverland region obtain their water supply from one of three sources: by pumping water directly from the river themselves; by having water supplied by a private irrigation scheme, such as the Renmark Irrigation Trust; or by having water supplied by the E. & W.S. Department.

A great deal of concern was expressed by those with whom we met that the Government, while charging 28 per cent more than the private suppliers, is able to recover only 26 per cent of the cost of supplying water to irrigation areas, compared with the situation in regard to private suppliers, who are able to recover fully the operating, maintenance, and capital costs of their schemes.

How does the Minister account for the fact that the Government recovers only 26 per cent of the total cost of operating and maintaining Government irrigation areas when private irrigation schemes have to meet 100 per cent of total costs and do so at a much lower rate?

The Hon. FRANK BLEVINS: I shall be happy to refer that matter to my colleague in another place and bring back a reply.

ELECTRICITY CHARGES

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Minister of Agriculture a question on electricity charges to primary producers.

Leave granted.

The Hon. K.T. GRIFFIN: Within 10 months the Government has increased electricity charges on two occasions. On each occasion it was 12 per cent and that, on the base figure, totals a 25.5 per cent increase in 10 months. This has a significant impact on every member of the community directly, whether in their homes, on the costs of goods and services or on people in business. For people in business the impact is generally greater. Some businesses can pass on those charges but many cannot, and primary producers are in this category where they are unable to pass on any cost increases. Irrigators, too, are in the same category as primary producers. The pumping of water is essential if irrigators are to maintain adequately their production to help them make some sort of living and keep pace with increasing costs and the cost of living. Obviously, this requires the use of large quantities of electricity. Some estimates place the average income of Riverland fruitgrowers at between $8 000 and $9 000 a year. Obviously, any increase in electricity charges will further erode an irrigator's financial position and an urgent investigation into that impact is thus warranted. My questions are:

1. Has the Government assessed the impact on irrigators and employment generally in irrigation areas of the 25.5 per cent increase in electricity charges approved by the Government in the past 10 months?

2. If it has, what is that impact?

3. If it has not, will the Government undertake immediately a study of the effects of these increases on Riverland irrigators, particularly in regard to Government irrigation areas?

The Hon. C.J. Sumner: Who sets the prices?

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: You put them up.

The Hon. C.J. Sumner interjecting:

The PRESIDENT: Order! The Attorney-General will come to order.

The Hon. FRANK BLEVINS: I appreciate the problems that members opposite are having in Question Time today but really—

The Hon. C.M. Hill: You have the problems.

The PRESIDENT: Order!

The Hon. FRANK BLEVINS: I really believe that Opposition members should do a little better. The Hon. Mr Griffin knows full well that ETSA sets the price of electricity—not the Government.

The Hon. K.T. Griffin interjecting:

The Hon. FRANK BLEVINS: The Hon. Mr Griffin is attempting to mislead people who may be listening to Parliament, but his puerile attempt is rather pathetic, because every honourable member in this Council knows that the Government does not set electricity charges. The Hon. Mr Griffin knows that, just as the rest of us know it, and his attempts to mislead people who may be listening to Parliament and who do not know that are abvious. I think that I have said more than enough to answer the questions that were quite falsely put by the Hon. Mr Griffin.

The Hon. K.T. GRIFFIN: I have a supplementary question. The Minister did not answer any of my questions, so I will ask them again. Has the Government assessed the impact on irrigators and on employment generally in the State irrigation areas, of the 25½ per cent increase in electricity charges approved by the Government in the past 10 months? If so, what is the impact and, if not, will the Government immediately undertake a study of the effects of the increase on irrigators in Government irrigation areas in this State? They are the questions which the Minister has not yet answered.

The Hon. FRANK BLEVINS: The Hon. Mr Griffin repeated his questions, so I will repeat my answer: the Government has no control over electricity charges—none whatsoever. However, I will elaborate. There is no doubt that any cost increases have an impact on every section of the community. I ask the Opposition, in the unlikely event that it gets back into Government, whether it will not permit ETSA to set electricity charges at a level that ETSA feels is appropriate for its proper running? Is the Hon. Mr Griffin saying on behalf of the Opposition that he will interfere with the present practice of ETSA and not the Government setting the price for electricity?

The Hon. K.T. GRIFFIN: If the Minister will not answer my question, I will put it on notice for Wednesday next.

The Hon. M.B. CAMERON: I have a supplementary question.

The PRESIDENT: Order! I hope that it is not a repetition of the previous question.

The Hon. M.B. CAMERON: No, Sir. In view of the Minister's statement about electricity charges, does he acknowledge that the latest ETSA price increase has occurred as a result of the Government's decision to place greater charges on ETSA?

The Hon. FRANK BLEVINS: I will refer the honourable member's question to my colleague, the Minister of Mines and Energy, in another place. I will ask him to provide a list of ETSA charges from 1979 onwards so that we can see what has happened over a longer period than the past 12 months, and that list will be in *Hansard*. I will look forward to seeing the information provided by the Minister of Mines and Energy. I hope that the people who read *Hansard* or who are listening to Parliament today will ask their local members and those members who have been asking questions for them today just what that answer is, because I think that they will be enlightened.

CHEESE

The Hon. ANNE LEVY: Has the Minister of Health a reply to the question I asked on 30 August about cheese?

The Hon. J.R. CORNWALL: An imported cheese survey was commenced in July for analysis to detect levels of moisture, fat, nitrites, nitrates benzoic acid and natamycin. There are some 677 known types of imported cheeses and brands thereof, and the survey is being done in progressive stages. The results for the first 22 samples analysed are set out in the attached table and explanatory notes. I seek leave to have the table and explanatory notes inserted in *Hansard* without my reading them.

Leave granted.

Examination of Importer Cheeses

The results so far are listed in the following table:

These cheeses were examined for moisture content (maximum levels prescribed); fat content (minimum levels prescribed); presence of nitrite/nitrate; sorbic acid (permitted preservative in some cheeses); benzoic acid (preservative not permitted); and natamycin (preservative presently not permitted but addition to 10 mg/kg proposed).

Fat and moisture content is prescribed by either the schedule for named cheeses, the standards for generic cheeses on the general provision if cheese not listed in schedule or covered by generic standard. Allowance has been made in the case of nitrite/nitrate and benzoic acid for the naturally occurring levels of these in cheese.

IMPORTED CHEESE SURVEY

Variety and source of Cheese	Classification	Moisture			Fat			Preservatives															
		Moisture Max. legal	Results		Fat Min. Legal	Results		Nitrite legal mg/kg	Results		Nitrate legal mg/kg	Results		Sorbic legal mg/kg	Results		Benzoic legal mg/kg	Results		Natamycin	Results	
			Pass	Fail		Pass	Fail		Pass	Fail		Pass	Fail		Pass	Fail		Pass	Fail		Rind mg/kg	Rindless mg/kg
Edam	NC	48	41	-	40	43	-		ND	-		4			ND	-		0.30	ND	-		ND	-
Gruyere	NC	39	36	-	45	48	-		ND	-		3			ND	-		0.30	ND	-		ND	-
Mainland Cheddar	NC	38	34	-	50	55	-		ND	-		3			ND	-		0.30	ND	-		ND	-
Jarlsburg	NC	41	41	-	45	46	-		ND	-		4			ND	-		0.30	ND	-		8	-
Pepper-Bayernland	UC	38		48	50	58	-		ND	-		11			ND	-		0.30	ND	-		ND	-
Ambrosia Tilsiter	NC	50	38	-	45	57	-		ND	-		4			ND	-		0.30	ND	-		ND	-
Table Cheese	LF	?	42	-	max 30		48		ND	-			145		ND	-		0.30	ND	-		ND	-
Babybel	UC	38	-	44	50	52	-		ND	-		6			ND	-		0.30	ND	-		ND	-
Dutch Edam	NC	48	44	-	40	41	-		ND	-			60		ND	-		0.30	ND	-		ND	-
Dutch Gouda	NC	45	34	-	48	49	-		ND	-		3			ND	-		0.30	ND	-		ND	
Greve	NC	41	38	-	43	50	-		ND	-		2			-	5		0.30	ND	-		20	6
Danish Estrom	NC	50	41	-	45	47	-		ND	-		4			ND	-		0.30	ND	-		ND	-
Dutch Smoked Proc.	PC	45	45	-	45	47	-		-	1		-	14	0.1	ND	-		0.30	ND	-		ND	-
Provolone	NC	45	34	-	45	-	43		ND	-		8	-		-	2		0.30	ND	-		ND	-
Aged Gouda	NC	45	26	-	48	49	-		ND	-		9	-		ND	-		0.30	ND	-		ND	-
Leerdammer	LF	?	37		max 30		47		ND	-		4	-		ND	-		0.30	ND	-		2	2
Leyden	NC	45	28	-	25	42	-		ND	-		9	-		ND	-		0.30	3	-		ND	-
Botanica Poivre	UC	38		39	50		49		ND	-		6	-		ND	-		0.30	ND	-		4	ND
Capitoul	UC	38	32	-	50	52	-		ND	-		5	-		ND	-		0.30	ND	-		4	ND
Pompadour	UC	38		42	50	50			ND	-		3	-		ND	-		0.30	5	-		ND	ND
Creme-Delpolder	UC	38	38		50	63			ND	-		5	-		ND	-		0.30	4	-		ND	ND
Bel-Paese	UC	38		42	50		49		ND	-		2	-		ND	-		0.30	3	-		ND	ND
		Moisture 5 Fail 22%			Fat 5 Fail 22%			Nitrite 1 Fail 4.5%			Nitrate 3 Fail 13%			Sorbic Acid 2 Fail 9%									

Classification Code
LF - Low fat or skim milk
NC - Named cheese
UC - Unnamed cheese
PC - Processed cheese

ND = not detected

The consumer can identify the cheeses when they are sold in packages and labelled; however, there is no ready identification available to the consumer when the cheese is weighed and wrapped in the presence of the consumer from bulk cheeses, so this type of transaction is exempted from the labelling requirements.

The Hon. J.R. CORNWALL: It is not intended to sample all types of imported cheeses, but the situation will be reviewed as progressive analysis results become available of the need for further sampling.

WATER RATES

The Hon. C.M. HILL: I seek leave to make a short statement before asking the Minister of Agriculture a question about the Riverland cannery and the recent exorbitant increase in fees.

Leave granted.

The Hon. C.M. HILL: Many members are aware of the deep feeling of those people from the Riverland area who visited Parliament House at 12.30 p.m. today to protest to the Government about the scandalous increase of 28 per cent in water rates. I believe that the time has come when the Government must either emphatically do something about the situation or get out of office. The majority of the community up there are going to be facing bankruptcy.

The PRESIDENT: Order! I ask the honourable member to confine his remarks to an explanation of his question.

The Hon. C.M. HILL: That is what I was trying to do, Mr President, but members opposite do not want to listen. I bow to your ruling, Sir, without question.

The PRESIDENT: It is not my ruling: it is your Standing Order.

The Hon. C.M. HILL: Then I bow to the Standing Order without question. I ask the two following questions hoping that I will get a more realistic answer than the Minister has given to previous questions today. First, whilst people would be aware that the future of the Riverland cannery has been, and remains, uncertain, is the Minister aware that if the Government fails to rescind the 28 per cent increase in water charges the future of many of the fruitgrowers supplying the Riverland cannery will be severely jeopardised and that in many cases they will be forced out of production, thus reducing to uneconomic levels the supply of fruit available to be processed? Secondly, has the Minister conducted a study of the impact on the future of the cannery if this increase in water charges is not rescinded?

The Hon. FRANK BLEVINS: I am pleased to see the degree of interest (although it is a little belated) being shown by the Opposition in the Riverland cannery. It has taken Opposition members 12 months to wake up that the cannery is even there. Cost increases, whether for water, electricity, or any other commodity, impinge on the community and have some effect on someone—nobody is denying that. The cost increases that impinge on people in the Riverland also impinge on people in the metropolitan area, on the West Coast, and in the South-East, as well as on the canning industry, motor car industry, and so on. There is no single section of the community where cost increases do not have some effect. All businesses, whether involving motor cars, a cannery or any other form of enterprise must adjust to those increases in the same way as members of the community adjust with their wages and salaries. Cost increases impinge on people's standard of living and on the way in which they manage their affairs.

I am satisfied that the management of the cannery is such that it can cope with the increased costs, as those increases also impinge on its competitors in exactly the same way as they do in the car industry, and so on. I do not have any fears at all for the canning fruit industry in the Riverland specific to this particular cost increase.

LANGUAGE COURSES

The Hon. M.S. FELEPPA: I seek leave to make a brief explanation before asking the Minister of Agriculture, representing the Minister of Education, a question about language courses.

Leave granted.

The Hon. M.S. FELEPPA: I have received a copy of a petition signed by 591 persons, mostly residents of Elizabeth-Salisbury; Wakefield-Virginia; Smithfield-Two Wells; and Pooraka-Parafield. This petition, presented to the Minister of Education and the Principal of the South Australian College of Advanced Education, Dr Ramsay, on 3 October 1983, requested that Italian language courses be introduced at the Salisbury campus of the S.A.C.A.E. First, has the Minister considered the request made by those petitioners? Secondly, will the Minister reply to the delegation representing those signatories, and will he inform them of any action that he may choose to take?

The Hon. FRANK BLEVINS: I will be happy to take this question to my colleague in another place and bring back a reply.

SAX REPORT

The Hon. R.I. LUCAS: I seek leave to make a brief explanation prior to asking the Minister of Health a question about the Sax Report.

Leave granted.

The Hon. R.I. LUCAS: On 18 October the Minister tabled the Sax Report of Inquiry into Hospital Services in South Australia. One of its major recommendations was a significant reallocation of hospital beds in the metropolitan area from the inner suburban area to the outer suburban area. I am sure that the Minister would agree that such a proposal would clearly have a major impact on Adelaide University's clinical teaching programme. First, has the university been formally invited by the Government to comment on the implications of the Sax Report and, secondly, if not, will the Minister be formally inviting university comment and, if so, when?

The Hon. J.R. CORNWALL: I do not concede that any reasonable transfer of beds from what the member described as 'inner suburban hospitals' to outer areas where they are urgently needed will necessarily create the alleged difficulties to which he referred. One of the transfers suggested, for example, was from the Royal Adelaide Hospital to the Modbury Hospital, which is already used for teaching purposes by the University of Adelaide. Honourable members can be assured that there is no doubt at all that there will be all sorts of consultations with the university, and any other interested bodies or individuals—a point that I made perfectly clear when I tabled the Sax Report.

PINE PLANTATIONS

The Hon. B.A. CHATTERTON: I seek leave to make a brief explanation before asking the Attorney-General a question about investment in pine plantations.

Leave granted.

The Hon. B.A. CHATTERTON: I have been provided with some publicity material from a company called Pinelands which is seeking investment from the public in a pine plantation in the South-East. There are a number of state-

ments within the publicity material being supplied to the public that have caused me some concern. For example, the cost of the plantation is being charged to the public at the rate of $3 200 per hectare, which seems to be very high to anyone who has had any experience in pine forestry.

Also, the publicity material makes comparisons between investment in a pine plantation and other areas of investment. In that comparison the claim is made that no tax will be paid on the investment in the pine plantation. I am not sure that that claim can be sustained.

The third area of concern is the following statement, which appears in the publicity material:

> Timber prices increase at a greater rate than inflation because of a growing scarcity of timber.

Anyone who has had any experience in the timber market over the past few years knows that there is no scarcity of timber and that, in fact, a great deal of timber is being dumped on the Australian market. The publicity material also states that timber grows in volume each year and also in price. That is also untrue as prices have not been going up at a rate equal to inflation.

Therefore, first, will the Attorney-General say whether or not the publicity material that has been issued by the Pinelands company complies with the requirements of the Corporate Affairs Commission in terms of prospectuses that are required of companies seeking investment from the public? Secondly, if it has not complied with those requirements, will the Attorney investigate this publicity material in order to ascertain whether or not it is required that it should comply with the Corporate Affairs Commission regulations and whether or not the public will be protected in that case?

The Hon. C.J. SUMNER: I am not aware of the publicity to which the honourable member refers. However, I will certainly undertake some inquiries into the matter and bring back a reply.

MARLA STORE

The Hon. H.P.K. DUNN: I seek leave to make a brief explanation before asking the Minister of Health, representing the Minister of Lands, a question on the subject of a second store at Marla.

Leave granted.

The Hon. H.P.K. DUNN: I have received a letter from the Marla Trading Company stating that the Iwantja Aboriginal community at Marla wishes to establish a retail store and fuel outlet in the Marla township. Marla, as you know, Sir, is in a very remote region of the State on the Alice Springs Highway. To enable a facility to be put there to cater for tourism and for the people who live in that sparsely populated area, the Government guaranteed finance for the Marla Bore Trading Company to start in that area.

In the past two years since that company has been established, the tourist industry has seen some downturn, probably due to the slow development of the road in that area. The fuel outlet and store has not had the income that was originally proposed, and the company now finds itself in a financially critical situation. The proposed establishment of another store and fuel outlet in that area would put it further into difficulty. Can the Minister tell me what advice has been given to the Iwantja community and, secondly, if the go-ahead has been given, under what conditions was the decision made?

The Hon. J.R. CORNWALL: I will be pleased to take the question to my colleague the Minister of Lands in another place and bring back a reply.

FARM MECHANISATION OFFICER

The Hon. I. GILFILLAN: The Minister of Agriculture will remember that on 18 August he gave an answer to an earlier question of mine that approval had been given for a position of farm mechanisation officer to be advertised. I was disappointed to see in the latest SAGRIC *Gazette* no listing of the position, although there are listings of positions vacant in the Department of Agriculture approved for filling. No position for a farm mechanisation officer is advertised. Is the Department deliberately ignoring this announcement, or is it an oversight? Does the Minister have any indication as to when this position will be advertised?

The Hon. FRANK BLEVINS: No, there is no great plot by the Department. It is not deliberately ignoring anything. What it is trying to do is free up the position within the Department so that the appropriate officer, as described by the Hon. Mr Gilfillan, can be employed. As soon as we have a position freed up the advertising will go ahead in the normal way.

The Hon. I. GILFILLAN: I ask a supplementary question: how long does the Minister expect it will be before that will take place?

The Hon. FRANK BLEVINS: As soon as practicable.

FINGERPRINTS

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Attorney-General, representing the Chief Secretary, a question about fingerprints.

Leave granted.

The Hon. ANNE LEVY: About two months ago, as everyone is aware, numerous demonstrations occurred at Roxby Downs. Quite a number of people were then arrested and charged, although very few have yet come to court. All those people who were arrested had their fingerprints and photos taken, which, I understand, is common procedure when people are arrested. However, I understand that several charges may be dropped and so will never come to court. Also, some people who have been charged may be acquitted when they are brought to court.

I ask the Minister, representing the Chief Secretary, what happens to the fingerprints and photos of people who are charged and acquitted or of people in relation to whom charges are dropped and never brought to court? Do the police keep the fingerprints and records of those people or are they destroyed, as I hope they would be, and, furthermore, is Special Branch keeping files on people at demonstrations, be they at Roxby Downs or on the steps of Parliament House?

The Hon. C.J. SUMNER: I will refer that question to my colleague and bring back a reply.

SUPERANNUATION

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Attorney-General, as Leader of the Government in the Council, a question about Housing Trust superannuation.

Leave granted.

The Hon. L.H. DAVIS: The South Australian Housing Trust annual report for the year ended 30 June 1983, which has just been released, contains the following statement on page 20:

> Early in 1983, following an extended period of discussion and correspondence with the State Superannuation Fund, the Trust also made representations to the Government about the costs which it, or rather its tenants, had to bear in respect of those of

its staff who are members of the Superannuation Fund. In particular the Trust expressed concern about—

- The high annual cost of employers' contributions being 3.3 times employee contributions;
- The need for regular substantial increases in the provision for the unfunded liability which now stands at $17.25 million in respect of 215 staff members; and
- The need to attribute to the provision an earnings rate of the c.p.i. plus 4 per cent, which is in excess of the historical and likely long-term future rate of return on investments and the current actual earnings rate of the Superannuation Fund.

The Housing Trust is one of South Australia's largest and most highly regarded statutory authorities. The Board of the Trust, in its annual report, has expressed concern at the cost of providing for superannuation. The fact is that the Housing Trust's provision for superannuation has ballooned from $3.6 million in 1978-79 to $8.4 million in 1979-80, to $17.3 million in 1982-83. The Board makes the point that the Housing Trust contributes 3.3 times employee contributions; that is, statutory authorities such as the Housing Trust are required to contribute 77 per cent and employees only 23 per cent to the South Australian Superannuation Fund. However, in the private sector, employer contributions on average are only 2.3 times employee contributions, highlighting the wide gap between the cost of public and private sector schemes.

The other point raised by the Housing Trust is that it must contribute to the provision for superannuation at an earnings rate of the consumer price index (which is 12.3 per cent for 1982-83) plus 4 per cent—a total of 16.3 per cent. That is well in excess of the current earnings rate of the South Australian Superannuation Fund (11.39 per cent in 1982-83) or indeed the likely future earnings rate of the fund—a seemingly unreasonable provision.

In view of this strong and factual criticism of the South Australian Superannuation Fund by a highly regarded statutory authority, will the Government undertake to establish an independent inquiry to investigate the expected future cost of the Superannuation Fund, the administration and investments of the Fund, and the relative superannuation benefits of public and private sector employees following the receipt of the Public Actuary's triennial review?

The Hon. C.J. SUMNER: I will obtain that information for the honourable member and bring back a reply.

LEAD LEVELS

The Hon. K.T. GRIFFIN: Has the Minister of Health a reply to a question I asked on 18 August about the traffic situation near Glenelg school? That question was asked in conjunction with a question about lead levels in relation to that school.

The Hon. J.R. CORNWALL: The response to the question was made separately. In regard to the traffic situation, on 14 September 1983 I stated in my reply to the honourable member that I had taken up with my colleagues the Ministers of Transport and Education the traffic situation at the Glenelg school. I have now received comments from both Ministers on this matter.

The Minister of Transport has informed me that in October 1981 the Secretary of the Glenelg Junior Primary School Council wrote to the Road Traffic Board concerning the operation of the pedestrian crossing on Diagonal Road adjacent to the school. This matter was referred to the Highways Department for attention. The Department investigated the location and on 20 April 1982 installed an additional symbolic 'Signals Ahead' sign in the median adjacent to the existing sign on the southern approach to the signals.

In July 1983 following representations from the Glenelg Primary School Council the Highways Department installed 'Signals Ahead' pavement messages on the southern approach. Following an on-site meeting in September 1982, involving the (then) Minister of Transport, the Commissioner of Highways and representatives of the school, a similar pavement message was installed on the northern approach. The existing pedestrian protection and traffic controls are considered adequate. With respect to the speed of vehicles passing the school, the Police Department has been requested to keep the area under surveillance. The Minister of Education has advised me that those officers of his Department who are responsible for road safety around schools and who maintain a close liaison with the Highways Department consider that as a result of the above action no significant problem remains.

MARKET RESEARCH

The Hon. R.I. LUCAS: Has the Attorney-General a reply to a question I asked on 9 August about market research?

The Hon. C.J. SUMNER: The market research company, ANOP, has recently completed a drug-related attitude survey for the South Australian Health Commission. The total cost of this survey was $32 000. There have been no other contracts with ANOP for market research for Government departments or agencies, nor are any pending.

WATER RATES

The Hon. M.B. CAMERON (Leader of the Opposition): I move:

That in the opinion of this Council—

1. the 28 per cent increase in water rates is iniquitous;
2. the increase should be rescinded by the Government;
3. an independent inquiry should be established immediately to review the level of rates charged in irrigation areas by the Engineering and Water Supply Department (and the reasons for that high level) compared with the significantly lower charges for water supplied by private suppliers.

It is well known that in the Riverland area of South Australia the economy remains depressed and Riverland fruitgrowers are, generally, facing an extremely difficult time. The severity of this situation was reinforced when, along with five of my colleagues from this side of the Council, I visited the Riverland last week. In discussions with councils, agriculturists and business people, one matter was raised as an issue of vital concern to the community. That was the massive 28 per cent increase in water rates levied by the Government.

It was an issue of such significance that even during inspections of schools and discussions around the hotel bar, the impact of the water rate hike was freely raised—and condemned by locals. I am sure the Hon. Mr Milne, who I understand was also in the Riverland last week, would have reported a similar concern. People know that many growers are already on the ropes and that the unprecedented 28 per cent rise in water rates will force them to the canvas. And we must remember that, to the Riverland, water is absolutely essential: indeed, it is part of the commodity production. It is a vital aspect. It was the availability of relatively cheap potable water from the Murray River which enabled the agricultural industries of the Riverland to develop and grow. Now this growth is at risk. The Minister of Water Resources announced just over four months ago that irrigation and drainage rates in Government irrigation areas for 1983-84 would jump by 28 per cent.

The Hon. C.J. Sumner: Is it at risk just because of the increase in water rates?

The Hon. M.B. CAMERON: It sure is, and the Attorney will hear more about that.

The Hon. C.M. Hill: He is the Minister of Ethnic Affairs as well.

The PRESIDENT: Order!

The Hon. C.M. Hill: He should be helping people in the Riverland, but he turns his back on them.

The PRESIDENT: Order! The Hon. Mr Hill is continually interjecting. He is continuing to interject when he is asked to come to order. I ask the honourable member to cease, or I will take further action.

The Hon. M.B. CAMERON: This was higher than the exceptional 22 per cent leap in domestic water supply charges and it was a massive blow to many already struggling irrigators. That is the point to which the Attorney-General should listen carefully. Those people are already struggling, even without this increase, and that is why this increase has caused such concern in the Riverland. In applying this hike the Government showed a callous disregard for the well-being of the entire Riverland community. It ignored the difficult times irrigators are already facing. And the increase flies in the face of all the promises and commitments which this Government made prior to coming to office.

By passing on these rises, the Minister clearly rubber stamped his Department's proposals—he looked neither to see whether they were necessary nor what impact they would have. He has simply endorsed the obvious inefficiencies of the E. & W.S. Department and made clear that he expects the public in the Riverland to pay for them. Instead of forcing the Department to become efficient, the Government is prepared to allow it to use its virtual monoploy position to perpetuate its inadequacies. In his policy speech (and the Attorney would be well aware of this) the Premier made a number of now famous statements. One of these, of course, was (and it will be repeated for the next three years):

> Unlike the Liberals we will not allow State charges to be used as a form of back-door taxation.

This rate increase brings to 72 the number of State charges which have risen since the Government came to office. In light of the irrigators' current plight, this increase is one of the most iniquitous of the entire 72.

In his policy speech the Premier made another less publicised but in this instance just as important promise. He said:

> We will work with farmers and growers to reduce costs.

This action breaks that promise. In fact it raises costs substantially, putting at risk many growers. Its ramifications extend well beyond the individual growers, too. The increased costs will mean that growers will have to cut employment, lifting the already higher than average unemployment in the Riverland region. The Federal Minister for Employment has stated that in the past 12 months there has been a 100 per cent increase in unemployment in the Riverland. That is a very dramatic increase indeed, even in view of some of the actions of this Government.

Families will be forced to work even longer and harder—without the penalty rates, leave loadings and other privileges which the Deputy Premier claims are everyone's right. After last week's visit, I know of one instance (and I am sure it is not an isolated one) where a grower over 70 years of age has to keep working because he cannot afford to get out of the industry. In many instances wives and other family members are replacing paid employees who, even before the rate increases, were receiving more than their employers.

Consider, for example, the plight of fruitgrowers who supply the Riverland cannery. Their average pre-tax income is $8 000-$9 000 and now they are faced with an average $500 to $1 000 increase in water rates. Where does the Minister expect them to find the money? The Government cannot claim ignorance about the plight of Riverland fruitgrowers. The Minister of Agriculture should, in fact, be very well informed of the serious situation, in view of the reports on this matter that have been prepared by Department of Agriculture officers. Indeed, on 18 October this year the regional economist with the Department of Agriculture (I have already quoted what he said, but I now quote more fully), Mr Venton Cook, in an article in the *Murray Pioneer* headed 'Many Growers Needing Help' wrote the following:

> Many growers are suffering hardship because of very low levels of profit from fruit blocks. Our evidence indicates there are between one-quarter and one-third of Riverland fruitgrowers who have inadequate incomes and who urgently need a solution to the problems. In my work around the Riverland I frequently encounter fruitgrowers who have economic/financial problems of one kind or another with each case usually requiring an individual solution. However, there are three major types of problems. There is the financially over-committed grower who has slipped back to the point where there is no way for him to recover—

there are plenty of those because of the present situation—

> Annual income is insufficient to meet commitments. For one reason or another debts exceed the normal level considered safe or acceptable to the lenders.
>
> Secondly, there is the grower with few debts but who also has a very low income, perhaps because he is undertaking a replanting programme.

Those replanting programmes result from problems associated with the sale of the product. The article continues:

> He may have good prospects of viability within two or three years but his major need is for cash immediately, to carry him through. This grower seeks the short-term support of his bank as well as vigorously seeking extra income from cash crops or off-farm work for himself or members of the family. Thirdly, there is the grower who has a high income, but also heavy commitments in terms of repayments or loans.

Regardless of which of these situations an individual is in, the Government has, through its callous action, only added to his plight. In his announcement Mr Slater justified the rise by saying that, despite the increases, revenue received would recover only part of the direct operating costs to provide water and drainage facilities. The Minister stated:

> In other words only 26 per cent of total costs will be recovered from those who benefit from these facilities. This means there will still be a deficit on irrigation and drainage operations of more than $10 million representing administration, interest charges and depreciation on the capital assets provided.

I heard the Minister of Agriculture in answering a question today say that Riverland fruitgrowers are, in fact, receiving subsidies from the Government. It is that situation that Riverland fruitgrowers question, because many of them receive water from private irrigators and the cost to fruitgrowers from private irrigators is 25 per cent less than the present Government charges, and private irrigators supply at 100 per cent of the cost. How can it be a subsidy? I do not think that the Minister of Agriculture has even bothered to examine this problem, otherwise he would know that what the Government is doing is to expect fruitgrowers to pay for the inefficiencies and bad spending of the E. & W.S. Department. If the Department had not increased its capital cost to the point where it is impossible for it to recover such costs through normal charges, then fruitgrowers would not be being asked to face up to such enormous charges.

The Hon. R.C. DeGaris: Do private irrigators pay any charge for drainage?

The PRESIDENT: Order!

The Hon. M.B. CAMERON: I am sure that the Hon. Mr DeGaris will be able to make a contribution later. We should note that the Government has been quite willing to pass on the increase without taking account of:

1. The capacity of irrigators to pay; or
2. The fact that private suppliers charge substantially lower rates and yet manage to run their water

scheme without the high deficits which the E. & W.S. incurs.

Why did the Minister not get a comparison between public and private water charges before lifting E. & W.S. Department rates by 28 per cent? Interestingly, in his announcement the Minister said:

I am also investigating a policy on future charges, which must reflect the cost of irrigation projects being sought by irrigators in the region.

If that occurs, irrigators will be asked in the Government scheme to pay an additional three times what they are already paying, if the Minister is correct in saying that at the moment the Department is only recovering 22 per cent. What he is saying in that statement is that in future he will be looking to full recovery.

The Hon. K.L. Milne: It is 26 per cent.

The Hon. M.B. CAMERON: That is correct.

The Hon. H.P.K. Dunn: That would make it 74 per cent.

The Hon. M.B. CAMERON: Yes, growers will have another three times what they are facing now if the Minister continues with this policy. Instead of passing on the costs to irrigators so willingly, the Minister of Water Resources would be better looking into the inefficiencies of his own Department—which must be seriously questioned.

We would all acknowledge that the E. & W.S. Department provides a variety of services across South Australia. However, if we consider the area of irrigation—where the most iniquitous of the tax increases applies—we find that in comparison with some of the private schemes in operation the E. & W.S. Department's costs are much higher. What is particularly galling is that in some cases neighbours are having to pay different rates for the very same commodity. If the Government provides their water they have to pay much more (up to $1 000) with the prospect of further rises! And regardless of whether the irrigators are supplied from the river themselves or are supplied by, for example, the Renmark Irrigation Trust or are supplied by the E. & W.S. Department, they still produce the same products, sell on the same markets and receive the same prices.

As an example of just how iniquitous the situation is, we need only compare the position of Riverland growers with those in the Murrumbidgee area. Riverland growers pay 3.75c a kilolitre compared with 1.1c a kilolitre for Murrumbidgee growers—in other words, over three times the amount! Translated into total costs, this means that an average Riverland citrus orchardist pays $3 000 more for water to irrigate than an equivalent orchardist in the Murrumbidgee.

The Hon. H.P.K. Dunn: That is because it has more salt in it!

The Hon. M.B. CAMERON: Yes. I should stress that the pressure which this hike has produced is not confined to citrus growers—it affects all irrigators, particularly grapegrowers who already face a very depressed wine industry. There needs to be an inquiry into two matters:

1. The capacity of irrigators to pay the new water rates; and

2. Why Government charges are so much higher than private charges. (The matter raised by the Hon. Mr DeGaris can come into that investigation).

Mr Slater indicated that at the new rate (3.75c per kilolitre) the Government was only recouping 26 per cent of the cost of running the Riverland irrigation scheme. Something must be terribly wrong when private schemes at a cost of 28 per cent less than E. & W.S. Department charges are able to cover the full cost of their operations, including servicing capital debts. How much longer does the Government really expect irrigators to pay for the E. & W.S. Department's inefficiencies?

Already those irrigators who are supplied water by the E. & W.S. pay more and the Minister has indicated that he intends to recover even more costs. To recover costs fully would require charges being quadrupled—that is an increase of 400 per cent! Yet private schemes already cover costs at a cheaper rate than that which the E. & W.S. charges.

I am sure that there would be many irrigators who would be quite happy to be supplied by a private organisation like the Renmark Irrigation Trust rather than the Government. It would be foolhardy to try and place on irrigators in Government irrigation areas a burden far in excess of the burden carried by irrigators in private irrigation areas. To do so would simply shift the burden from one area of Government to another. Many irrigators and their employees would be forced on to an already depressed job market and would become dependent on Community Welfare Department services. Of course, Department of Social Security assistance and unemployment benefits are Federally funded and the State Government might get some satisfaction from reducing its Budget pressures by transferring them to the Federal Government, but one can see no other advantage from its action.

The State Government should be demanding that the E. & W.S. cut its overheads and become efficient. Private irrigators can always rectify inefficiencies in their systems by voting out boards and installing new members who are prepared to take action. Unfortunately, such an alternative is unavailable to those in Government irrigation areas who are forced to grin and bear the increases or go out of business. Lest anyone believes that we are overstating the effect of this increase on the Riverland, I will present some concerning facts to the Council. As I said earlier, the Riverland economy is depressed. Already pressured by the uncertainty of the Riverland cannery and the cancellation or deferral of vital capital works it now faces further undermining because of this Government increase. As I have said, the number of unemployed Riverlanders has doubled over the past 12 months. Figures released by the Minister for Employment and Industrial Relations in August showed that a record 1 762 Riverland people were unemployed at 30 June, compared with 870 at the same time in 1982. The rate of unemployment rose to 13 per cent; higher than the State figure for the first time and almost double the 1982 rate. There is no doubt that, if the increased water charges are allowed to remain, this position will worsen.

Regrettably, this Government has no truly country seats. As a result there is no-one in the Cabinet fully aware or even willing to represent or take account of the special needs of country people. We saw evidence of that today when no member of the Government was prepared to meet with people who had taken the trouble to travel a long way from the Riverland in order to present their views to the Government. These people had to travel to Adelaide because the Minister, Mr Slater, has continually refused to travel to the Riverland and meet them.

The Hon. Diana Laidlaw: Has the Minister of Agriculture been up there to see them?

The Hon. M.B. CAMERON: I do not want to talk about the Minister of Agriculture. I believe that he has been up there. However, no member of the Government was prepared to meet with people from the Riverland today.

Members interjecting:

The PRESIDENT: Order! Obviously, the Hon. Miss Laidlaw came into the Chamber a little late and is not aware that I will not allow a cross-chamber discussion. Interjections will be kept to an absolute minimum.

The Hon. M.B. CAMERON: The people from the Riverland were placed in a most regrettable position: a position that must cause them even greater frustration than they felt prior to their visit to Parliament. To express their position they went to a lot of trouble and many hundreds of them travelled all the way to Adelaide. It is a great shame that

they did not receive some acknowledgment of their efforts from a member of the Government. The people from the Riverland were prepared to meet anyone, even a backbencher, but no Government member ventured on to the steps of Parliament House to talk with them. One or two Government members showed their faces around the corner but disappeared very quickly into the rabbit warren of Parliament House.

Anyone who has any knowledge of irrigation industries, particularly horticultural industries in South Australia, realises that there is simply no chance of many of the irrigators involved in that industry being able to meet the 28 per cent increase in costs. Soon after the increase was announced, a well-known spokesman in the wine grapegrowing industry, Mr Allan Preece, warned the Government about the impact of the higher water charges. This was something taken up at the time by a number of members, including the Hon. Miss Laidlaw who posed two questions to the Minister of Agriculture. Regrettably, the Minister chose to ignore the warnings and, in my opinion, failed to seriously address the issues raised in the Hon. Miss Laidlaw's questions. He sought to play politics with the questions, rather than respond sensibly and sympathetically as one would have hoped of a Minister of Agriculture.

I am sure that the Hon. Miss Laidlaw will take up again the issues that she raised, but let me remind the Council of Mr Preece's comments. I quote from an article in the *News* of 16 August headed 'Growers will have to "turn to handouts" ', as follows:

> Cost of living handouts to wine grapegrowers will soar because of higher water charges imposed by the Bannon Government, it is claimed.
>
> The S.A. Wine Grapegrowers Council says irrigators cannot sustain a 28 per cent increase in water costs. They're not making enough money off their fruit blocks to meet existing commitments, said council spokesman, Mr A. Preece. The increase would force dozens of growers to seek household support from the Agriculture Department. The Department's Rural Assistance Branch already is paying almost $500 000 a year to about 60 Riverland growers.
>
> The money—up to $8 000 a year for a family of four—is paid to growers whose property incomes are judged unviable. The scheme is federally funded. Mr Preece said water, electricity, fertiliser and labour costs already had exceeded the gross incomes of many producers. Many growers were earning less than $5 000 and would need a 40 per cent rise in their returns to cover the additional impost. The Government should be trying to encourage the industry back on its feet—not push it further down the drain, Mr Preece said.

If the Government is looking for an increased return, it is likely to be in for a rude shock. There may be no revenue advantage at all—bad debts will no doubt rise, not because of any wilful action on the part of irrigators but because many will simply not be able to pay. In fact, those people already receiving Government subsidies will have them increased in order to cover the Government's own impost.

In the Auditor-General's Report on page 111, referring to irrigation and drainage, the responsibility of the Government in that area is spelt out and reference is made to the operation, as follows:

> The charges raised $3 137 000 . . . represented 85 per cent . . . of direct operations, and maintenance costs. Other costs were $8 826 000. Rates outstanding at 30 June 1983 were $1 289 000.

Outstanding rates were $371 000 or 40 per cent higher than for 30 June 1982. This was prior to the 28 per cent increase. That figure will further dramatically increase. The Government would be better viewing its actions with a longer term perspective. It should rescind the increases, inquire into E. & W.S. irrigation and drainage charges, and give growers the chance to improve their position. If their viability can be re-established over the next two or three years, then they can, over time and in a co-ordinated way, pay any fair increases due. By not looking at the E. & W.S., particularly in the light of the overwhelming evidence which suggests that already the charges are too high in comparison with that which the private sector can achieve, the Government is literally signing the death warrants of many small businesses (and many of these people operate small businesses).

My colleague in another place, the Hon. Peter Arnold, has revealed the costly extra burden which the use of E. & W.S. Department day labour has placed on irrigation rehabilitation schemes. Indeed, he drew attention to the fact that day labour costs nearly twice as much. The use of private contractors has in the past enabled the pipeline laying rate to increase by 95 per cent. Clearly then there is some capacity to cut costs and the Government has an obligation to investigate such possibilities. In the meantime, it should rescind the 28 per cent increase. The frustration felt by irrigators serviced by the E. & W.S. Department is heightened by the fact that much of the Government scheme needs upgrading.

This Government has charged more for water and yet at the same time allowed Government irrigation areas to run down. The efficiency of irrigators relies heavily on the system by which water is delivered to the irrigator. We cannot expect irrigators to implement improved irrigation practices if they are operating in an antiquated distribution scheme. Parliament has already been told that the Government and the Minister have curtailed the rehabilitation of the Government irrigation areas and therefore they have made it virtually impossible for half the Government irrigation areas to put into operation effectively modern irrigation systems. Most of South Australia's private irrigation areas have been rehabilitated, but only about 50 per cent of Government areas have been updated.

The remaining sections, in part, would be some of the most antiquated irrigation distribution systems in the world. There is no way that those growers can effectively implement modern irrigation practices that are being implemented in other parts of the world. A responsible increase in water prices would have been acceptable if it had been based on the industry's capacity to pay and if at the same time an all-out effort had been made to stem operating and administrative costs within the Department. All growers in the Riverland know that that has not happened. They all have stories about how pipes are laid and about how rehabilitation is carried out. If any Minister wants to find out some of their stories (and they are all true), he should go and talk to any grower, who will no doubt have a story to tell about how inefficient the whole system is.

With the same rate structure as that of the Government undertaking, the Renmark Irrigation Trust can meet all its operating costs as well as its commitment to repay loans received from the Government for the rehabilitation of its distribution system. One of the saddest aspects of this whole affair has been the inability of the Ministers of Water Resources and of Agriculture to understand the impact of their actions. Indeed, the response of the Minister of Water Resources to the evidence put before him has been dismal. When the evidence of depressed incomes was placed before the Minister, this is what he said on 19 October 1983:

> The point I am making is that stated irrigator household incomes in the A.B.S. figures understate the actual incomes themselves, because irrigators in some cases are able to record consumption expenses as costs, and indeed on occasions because of the existence of a cash economy some receipts are not recorded at all.

That was an incredible statement by the Minister. The Minister continued:

> Indeed, there is a possibility of income splitting and other tax concessions. The average tax paid by an irrigator in the Riverland is less than half the tax paid by a city wage earner with the same pre-tax income. All in all, I do not think that we can reasonably claim that the irrigators are worse off on average than is the rest of the population.

That really demonstrates the fact that the Minister has not been to the Riverland and has never sought to talk to growers. He did not even have the gumption to go out to the front of the building today, meet growers and listen to what they had to say.

The Hon. K.T. Griffin: He's on a pretty high salary.

The Hon. M.B. CAMERON: Yes, he will not have to worry at all. It is time that the Minister of Water Resources found out the truth. Let him go to the Riverland as we did. Let him talk to the growers, local government representatives and, indeed, his own Government advisers in the Riverland. The story will be the same—many irrigators are in dire straits and are already forced to take outside jobs to keep their blocks going. Already they are seeking rural assistance in ever increasing numbers. Growers need help. Regrettably, they cannot expect too much joy from the State Government. I refer, as an example, to an article by a Berri fruitgrower, Mr Michael O'Donohoe, who was the Regional Manager of the Department of Social Security at Berri for five years prior to running a mixed fruit property. The article appeared in the *Murray Pioneer* of 28 October 1983 and is headed 'Fruitgrowers are being Misled'. It states:

Some of the income support services provided for Riverland fruitgrowers are a disgrace. In seeking assistance under the Rural Assistance Act growers are given wrong and misleading information. With the increase of 28 per cent in water rates I took to the exercise of finding out what help a fruitgrower in financial need could be expected to receive. I phoned the Rural Assistance Branch of the Department of Agriculture in Adelaide and made inquiries on the qualifications for household support. I put myself in the position of a primary producer unaware of the system and unaware of his full legal rights. I let the information flow to me without displaying my disagreement with what I was being told.

I was told that to qualify for household support I would need to fulfil certain conditions. I would first need to establish that I was a primary producer, that I was in necessitous circumstances and that I had exhausted all available means of finance. The senior officer said the scheme was that of last resort lender, and a farmer would have to be very low—just about rock bottom—to get it. Without me asking he said: 'It is not an income support scheme'. He said it would also need to be established that I was on a non-viable farm, and if this is so I would have to give clear indication that I would sell the farm. I questioned the latter a little and he said that to get the non-viable farmer off the land is the aim of the exercise.

He said because they were last resort lenders I would have to seek help from a bank and be refused before the Rural Assistance Branch would consider payment of household support. He agreed when I said I would first have to go to the bank and try there first. The Rural Assistance Branch advice that they are lenders of last resort is particularly misleading. Whilst qualifications for household support exist, the money is given as a grant. From what I have been told, and from what other growers have been told, it would seem that everything has been placed in the way of growers to stop them receiving household support. Many growers have needed to finance their living expenses by non-payment of irrigation rates, and in some cases arrears owing are massive.

Have they had an entitlement to household support? Have their rights to this payment been misrepresented to them? Are they to be compensated? I am informed that growers needing assistance go away when told they must put their properties up for sale to qualify for household support. This is not a requirement by the Commonwealth, however, the provider of the funds. Why, therefore, do State Governments have such a Draconian approach to the problems of fruitgrowers? To demonstrate the iniquitous approach to policy interpretation by the Rural Assistance Branch we have only to consider the case of the marginally viable grower hit by last year's frost. Acting on their information he would borrow to the point of his ruining his long-term viability prospects and up to the point of the bank's refusal for any more credit. He can then apply for household support, which can be paid only if he puts his property on the market for sale. All this is against the spirit of the Rural Assistance Act, and is not really required. The implications of management performance by the Rural Assistance Branch stretch further into other Government departments, especially to incidences of gross waste and inefficiency in the E. & W.S. Department. The lack of empathy and generally poor consideration of growers' problems account for the poor persuasive powers of the Public Service and Government with the Commonwealth over the grape excise.

I think that that just about sums up the attitude of some Government departments to people in the Riverland. I hoped that this Government recognised some of the problems in the Riverland, but it is clear it has not, because it has set about increasing water rates by 28 per cent this year to growers who cannot afford that increase and in the face of so many other problems in the Riverland, including those of the Riverland cannery. We believe that this 28 per cent increase cannot be justified in any manner or form because private schemes in the Riverland area can supply water to growers at 25 per cent less and still cover all of their costs. However, the E. & W.S. Department and the Minister claim that they are covering only 26 per cent of their costs, and the growers are faced with the problem of looking forward to a future of huge increases in order to recover costs.

We want this rate increase withdrawn and an immediate inquiry by an independent person, not by the E. & W.S. Department, into the whole question of rates charged by both the public and private sectors. Let us have a real investigation into whether or not this rate increase is justified or whether, in fact, we should be looking at turning over the whole system in an updated form to private people so that it can be run efficiently. I urge members of the Council to support the motion.

The Hon. J.C. BURDETT: I support the motion. The Government's action regarding water rates is most disturbing. Traditionally, Governments have tried to operate on water rates in the metropolitan area of Adelaide, a fact that is also comprehended by the motion, at a level that would roughly break even during a financial year. We now have a distinct break from a policy that has been exercised for many years by successive Governments. It is important to note that the present Government has deliberately set a rate that must be paid by people living in the metropolitan area that will bring in about $5.5 million in excess of actual operating costs. I think that statement bears repeating—the rate set in the metropolitan area of Adelaide will bring in about $5.5 million in excess of actual operating costs.

That is something that has not received any publicity in the metropolitan area, and the Government has not bothered to inform the people of metropolitan Adelaide about that fact. In other words, it is using the metropolitan water supply operation as a Government revenue-raising instrumentality.

Similar situations exist in country areas; for example, that 28 per cent increase in water rates in Government irrigation areas. I keep returning to the 28 per cent increase, not just because of the inability of irrigators in Government irrigation areas to meet the increase, but also because of the situation with the Renmark Irrigation Trust in the Riverland, which is alongside the Government irrigation areas.

The Renmark Irrigation Trust has a similar rate structure to that applying in Government irrigation areas. In other words, growers pay approximately the same amount for the supply of water on an annual basis. In the Renmark Irrigation Trust area the Trust must meet 100 per cent of its operating costs, loan commitments to the State Government, and rehabilitation costs. The Trust meets 100 per cent of its costs and must also meet repayments on loans. However, in the Government irrigation areas, which have a similar rating base and where farmers pay a similar amount per hectare for the supply of water, the State operation covers only about 26 per cent of the total cost.

In other words, the Renmark Irrigation Trust is some 400 per cent more efficient and effective in the supply of irrigation water to ratepayers, compared with the current Government operation. I appreciate that the Engineering and Water Supply Department provides other services in the community that the Renmark Irrigation Trust does not

provide. However, that in itself is of no concern to individual ratepaying irrigators.

If we compare like with like, we have a situation where the Renmark Irrigation Trust can effectively supply its growers at a quarter of the cost charged by the State Government. That is a Government decision. It is the Government's affair if it wants to run that type of operation. However, to turn around and say that irrigators must pick up the short-fall in the style of operation run by the Government is quite wrong. Growers have no say whatsoever in how Government irrigation areas are run and, what is more, growers in the Government irrigation areas can do nothing whatsoever about the situation. The Government has turned around and said that water rates must rise by 28 per cent this year.

It is anyone's guess what the Government has in mind for the irrigators next year when it is only recovering 26 per cent of its costs and, in a like situation, the Renmark Irrigation Trust is recovering 100 per cent of its costs. Obviously, the Government is passing the buck to the ratepaying irrigators, and that is just not on. The Government needs to put its own house in order rather than try and lumber an industry that does not have the ability to meet that type of increase. The Government needs to put its own house in order and recognise that the industry just cannot meet that sort of payment. I believe that the State Government, if it is to persist with this 28 per cent increase, will have far more to lose than it will gain, because many more growers will be forced off their properties, and many more growers will not be able to meet that 28 per cent commitment.

The Federal Government's social security payments and community welfare payments will be dramatically increased. The situation has deteriorated quite dramatically in the past 12 months, and that is indicated by a 100 per cent increase in the number of unemployed persons in the Riverland.

So, there is ample proof that the irrigators in that area do not have the ability to meet that 28 per cent increase. I call on the Minister to withdraw that 28 per cent increase and to have a study undertaken. I trust that the Government will have the nous to realise that it cannot get blood out of a stone and that if it persists with its present plan everyone, including the Government, will lose.

The evidence is clear that the 28 per cent increase in irrigation and drainage rates charged by the State Government poses a long-term threat to the viability of the valuable agricultural industry based around the Murray River. Already, growers in this region are facing an extremely difficult financial situation. Their survival is under threat. Water is their most precious commodity, as we have indicated. It is the availability of water at reasonable prices that has enabled the South Australian Riverland in particular to produce products of world standard and enabled an extensive regional economy to be developed.

If we put at risk these industries that rely on water, as the Government is doing with this 28 per cent increase in charges, then we put at risk the entire regional economy. Not only will the fruitgrowers and their families be affected, but those who are employed by them will face the bleak prospect of no jobs; local businesses will suffer reduced sales; their capacity to employ will fall; and the already high level of unemployment in the Riverland community will rise.

The industries of the Riverland area are so closely tied to the success of the region's agricultural pursuits that we cannot afford to allow Government action such as this to put at risk the entire region. The 28 per cent increase in water rates should be rescinded. It is unfair to expect irrigators to consistently pay more and more for water without any regard for the efficiency of the E. & W.S. Department and the capacity of that Department to economise and improve the efficiency of its operations.

We have already indicated the substantial variations between the charges levied by private irrigation suppliers on the one hand and the E. & W.S. Department on the other. The Government throughout the debate on these increased charges, which has taken place over the past four months, has been unable to explain why the E. & W.S. Department already charges so much more. Yet it is quite prepared to allow that burden to grow.

An independent inquiry must be instituted by the Government to review the level of rates charged in the irrigation areas by the E. & W.S. Department. The public has a right to know why the E. and W.S. Department charges so much more and why the Government believes that it should be allowed to levy even higher charges. The public needs to know why private suppliers are able to fully meet their costs, including servicing of debt, whilst the E. & W.S. Department is unable to even meet its direct costs in providing water in irrigation areas.

This is a very serious issue. Already, irrigators have been burdened by State charges and tax increases which this Government promised would not occur. Increased electricity charges already place significant additional burdens on the depressed income of irrigators because of their need to continuously pump water to service their blocks. The Government must act now. I support the motion.

The Hon. K.L. MILNE: I support the motion in principle, but I foreshadow amendments to the wording which would certainly indicate to some of us rather better what we have in mind. As I said at lunchtime, it was a privilege to be invited to join the rally but, like everybody else, I regretted the necessity for it. Life in the Riverland has never been easy, but when Britain joined the Common Market the danger signs were immediate and real; when Greece joined the Common Market it was worse. If Spain and Portugal join the Common Market, as they probably will—they are planting fruit trees already in anticipation, I understand—it will be worse again, if that is possible. It all comes back on the growers. It seems that whatever action is taken it comes back on the growers. The Government and all of us in the metropolitan area must understand that.

Take, for example, the excise on brandy. The Governments of the time thought that that would not make much difference, but the situation now, I understand, is that 60 per cent of brandy—sometimes French brandy that is not brandy at all but has a label on it saying 'Brandy'—is imported and only 40 per cent is made from local grapes.

The agents who import brandy are doing well, but the grapegrowers are not doing well. The new tax on grape spirit added to fortified wine is a Federal tax. It is commonly, but mistakenly, known as a wine tax, although it is a tax on alcohol added to fortified wine, resulting in port, sherry and so on. That will mean that those wines will no longer be competitive overseas. They were only just competitive in any case, but this measure will mean that they will not be competitive. It will almost certainly mean that it will be difficult for those wines to compete with imported wines from Portugal and Spain. The wine companies can import port wine and sherry, so they will not be affected—they will survive. However, the grapegrowers will not survive.

The Riverland Fruit Products, which was started by fruitgrowers for fruitgrowers, is under receivership and is being propped up by direct Government subsidy. Unless something drastic is done, the cannery will soon collapse and, if this new charge in regard to water rates is continued, I am quite certain that a number of growers will leave their properties. That will mean the death knell of the cannery, without doubt. The cannery is no longer run for the growers, and if

it folds up everyone in the Riverland will suffer—the shopkeepers, the banks, and everyone else. The Food Preservers Union believes it has done its best to keep the cannery open but, unless a five-year plan can be agreed, no one will have confidence in its future, and unless the losses can be reduced drastically, no Government will continue to subsidise such a venture. Unless the union has a change of heart, the loss will not be reduced in the near future, so there is a catch 22 situation.

The price regulating scheme was introduced in 1966 through the Department of Public and Consumer Affairs. It developed into an arbitration, not a price fixing, scheme. Each year the growers said what they wanted to say on increased prices and costs, the wineries said what they were prepared to pay (which was much lower, of course) and the Department of Public and Consumer Affairs, which was not trained in this area, simply struck a balance somewhere and said, 'That is a fair price on which to compromise.' It was an arbitration compromise.

As a result, if one looks at the prices over those years, one sees that quite obviously they did not keep pace with the consumer price index. The dreadful calamitous frost which occurred in the Riverland and which went almost unheeded in the city should perhaps have been declared a natural disaster, like the floods and bushfires. We have never encountered anything of that magnitude. However, the victims of that frost did not receive the sympathy or the assistance that the flood victims and the bushfire victims received. Yet that frost ruined many growers forever and it set back other growers for up to 10 years or more.

Added to all those things, growers have had to contend with the very heavy increased costs of temporary labour, and like everyone else they have had to contend with high interest rates, increased electricity charges for pumping water, council rates, postage, and so on. On top of all that they are being asked to accept and absorb a 28 per cent increase in the cost of water. The growers simply cannot do that. Already over 50 per cent of the fruitgrowers are earning less than the minimum wage of $10 800 per year. Many of them receive as little as $5 000 per annum, and at least 160 of those growers in the Riverland come under family relief schemes.

I believe (as the Hon. Martin Cameron stated and as the Hon. Mr Burdett said in support) that the time has come for the irrigation scheme that is run by the E. &. W.S. Department to be removed from that Department and formed into an irrigation trust. In my view it was never a good idea that such a scheme be run by a Public Service department, or, if it was once a good idea, it would not appear to be a good idea now. An increase of 28 per cent does not mean all that much to the Government. The cost of collection will be fairly heavy. However, this measure is like an additional tax on the growers, those who are least able to pay, and this sort of thing keeps on happening, for example, in regard to beer prices and other items. It is always the working man who has to pay out of proportion, and I do not know why Governments continue in this vein.

The cost of water from the E.&.W.S. Department will now be 3.75c a kilolitre; from the Renmark Irrigation Trust, 3c a kilolitre; and from the Mildura Irrigation Trust, 2.3c a kilolitre. In New South Wales, for some reason, the price is 1.1c a kilolitre. We should understand this very clearly, because this is an accountancy matter, not a political matter. This increase means that our growers using the E. and W.S. service will pay $3 000 more for their water than growers in New South Wales will pay, $1 500 more than their competitors in Victoria will pay, and about $1 000 more than their competitors who obtain water from the trusts will pay. That is pure madness. But let me be fair. Both the Liberal and Labor Governments have increased water costs in the Riverland over the years, so I do not blame either Party particularly. One will recall that the Liberal Government increased water charges by 46.6 per cent (nearly 50 per cent) in its three years of office.

This is not a Party-political matter—it is a fact that we have reached the end of the road. No Government, whether Liberal or Labor, can continue to say, 'We have a shortfall in our costs and in our Budget, and, therefore, we will increase taxes.' This is truly a matter of survival for the fruitgrowing industry in the Riverland. That industry means far more to this State than the sum that the Government will collect from the 28 per cent increase in water charges would indicate. We must all contribute to finding a solution for the growers who are in a desperate situation.

We must all understand that a great deal of the plight (but not all of it) of the growers in the Riverland is caused by forces beyond their control, one of which is the Common Market. Our high wage structure, which is now level with that of the Eastern States, is another factor, and that makes this industry non-competitive. The Australian Democrats urge the Government (in fact, we plead with the Government) to cancel any increase in water costs until some plan can be devised in regard to the fruit growers of the Riverland, on whom we have relied for so long and on whom we still rely to a great extent. They should be allowed to improve or change their way of life with dignity, for their own benefit and for that of their children.

If honourable members want to see how they are living, they should go up there and find out. Therefore, I take the liberty of seeking to amend the motion. Hoping that I will receive the forbearance of the Leader in this matter, I move:

1. Leave out all words after the words 'That in the opinion of this Council'.
2. Insert the following paragraphs in lieu thereof:
   I. The Government's 28 per cent increase in water rates shows a complete lack of understanding of, and sympathy with, the plight of the canning fruit growers, and grape, citrus and vegetable growers in the Riverland because of most growers' inability to earn the minimum wage from their blocks.
   II. The increase should be rescinded by the Government.
   III. An independent inquiry should be established immediately to review the level of rates charged in irrigation areas by the Engineering and Water Supply Department (and the reasons for that high level) compared with the significantly lower charges for water supplied by private suppliers and to consider the advantages and disadvantages of transferring the Engineering and Water Supply irrigation scheme to an irrigation trust similar to that of the Renmark and Mildura Irrigation Trusts.

I emphasise that, certainly in principle and based on what is intended, I support the motion.

The Hon. DIANA LAIDLAW: I rise to support the motion moved by the Hon. Mr Cameron, because I believe that the Minister of Agriculture's total refusal to accept any responsibility for the effects on the grape and fruit growing industry in the Riverland, of a decision by his Government to increase water rates, warrants further exposure. My comments are based on two questions which I asked the Minister (Hon. Frank Blevins) in this Chamber on 17 and 24 August.

Initially, I asked the Minister a question about speculation that the Federal Government was to impose a tax on the wine industry in its forthcoming Budget. In explanation, I acknowledged that the South Australian Premierier had sent a six-page submission to the Federal Government urging it to stand by its election commitment not to introduce a wine tax because of 'the major economic pressures facing the industry in this State at the present time'.

I then proceeded to query the genuineness of the Government's pleas on these economic grounds and the value of these protests as a means of influencing the Federal Government not to impose a wine tax in the light of the

State Government's own decision a week earlier to increase by 28 per cent the cost of water to growers of irrigated vines, and the decision of the same week which effectively increased the stamp duty on wine by 3c in every dollar. Specifically, my question to the Minister was whether, if reports of the wine tax proved correct, he considered that the Federal Government might have paid more regard to the South Australian Government's concern in relation to 'the major economic pressures on the wine industry at the present time' if the South Australian Government itself had not recently contributed so substantially to these pressures.

In the event, the Federal Government did not impose a wine tax. Instead, it chose to introduce a more iniquitous, ill-considered and ill-researched tax on fortified wine to which even the Minister himself was forced to object. Nevertheless, my proposition remains the same, namely, that the State Government could not present a credible case to the Federal Government objecting to any Federal imposts on the wine industry when it had just imposed its own iniquitous imposts on the industry in the form of a 28 per cent increase in water rates from growers of irrigated vines.

The Hon. Mr Blevins, in a waffling response to my question of 17 August, totally, and I suggest deliberately, evaded the logic of the point that I was making. As on most occasions the Minister is an intelligent and astute gentleman, I cannot accept that the point that I raised could or would have escaped him. Nevertheless, in his answer to me the Minister indicated initially that I had misdirected my question, and he then proceeded to indicate repeatedly that he was not responsible in any way for the increased water charges levied on the Riverland irrigators. He accepted no responsibility for the impact of those charges.

Whilst I have highlighted that the Minister evaded my direct question, his response was significant anyway, albeit inadvertently so, because I understood that, in the operation of responsible Cabinet Government, Ministers collectively are required to accept responsibility for Cabinet decisions. If that is not the case, perhaps the Minister can further enlighten me. The Minister concluded his reply by accusing me of politicking, being negative and of introducing all kinds of extraneous matters.

The Hon. H.P.K. Dunn: That's not like you.

The Hon. DIANA LAIDLAW: It is hardly like me to do anything like that. Considering the content and tenor of the Minister's remarks, I was more than a little surprised when in reply to a supplementary question that I asked seeking confirmation of the Minister's interest in and respect for the wine industry—one of the most significant industries in the State—the Minister sought to reassure me by stating:

> Anything that damages that section of the economy would cause me, as Minister of Agriculture, great concern.

A week later I pursued my questioning on the subject of the increased charges, because I could not accept the Minister's abrogation of responsibility for decisions by his Government, his statement that he had no idea at all about the imposts in relation to water used by people living in the Riverland, or his accusation that by raising the subject I was merely politicking, being negative and raising all kinds of extraneous matters.

In the explanation to my question of 24 August I gave the Minister the benefit of the doubt that, in answering my question on 17 August he had not seen the statement on page 3 of the *News* (16 August) by Mr A. Preece of the Wine Grapegrowers Council of South Australia. In my question of 24 August, I quoted part of the article, and I intended to do so again today but, as my Leader (Hon. M.B. Cameron) has already referred to it, I will save the Council's time by not repeating it.

I accept the Minister's explanation on 24 August that he had not been aware of Mr Preece's statement, although I remain mildly surprised, considering the strength of Mr Preece's remarks and the relevance of those remarks to the Minister's portfolio responsibility, that the article had not been drawn to his immediate attention. My question to the Minister of 24 August was as follows:

> Does the Minister accept Mr Preece's judgment that the high water rates will have a most damaging effect on the industry? If that is so, does he accept that this matter should be of concern to him as Minister (at least as much of a concern as he has just related in respect of the increase in excise for fortified wines that was announced last night) and that the matter is not solely the responsibility of the Minister of Water Resources? Accordingly, is the Minister prepared on behalf of the industry to endeavour to persuade the Minister of Water Resources and the Government to reverse the decision to impose crippling increases in water rates as these increases will affect the future viability of large sections of the wine industry?

In reply, the Minister said, 'I do appreciate the necessity of that action.' The action he refers to was the increase in water rates. The Minister then went on to explain that the impost was merely a cost recovery exercise. Essentially, this is where the problem lies. The Minister appears to be prepared to meekly accept another Minister's submission that there is a need to recover costs from the E. & W.S. Department, without being prepared to recognise the impact of the decision on the producers of fruit and grapes in the Riverland. The Minister is responsible for overseeing the welfare of these industries. Unfortunately, he is not prepared to stand up and fight for the survival of those industries.

I share the growers' alarm at the acquiescence of the Minister of Agriculture and his inability to perceive that the flow-on effects now and in the future of his acquiescence will be critical to the survival of the growers, their families and the economy of the Riverland in general. The Minister must recognise that the 28 per cent increase will recover, as the Hon. Mr Burdett explained, only 25 per cent of the E. & W.S. Department costs. Therefore, is the Minister of Agriculture prepared to simply accept any future moves by his Government to recover the other 75 per cent of costs without insisting, as appears to have been the case on this occasion, that the Government put its own house in order in respect of the operations of the E. &. W.S. Department?

Growers deserve to know the views of the Minister of Agriculture in relation to this matter. They deserve to know that the Minister of Agriculture is prepared to fight for their interests and their survival. They also deserve to know whether the Minister of Agriculture is prepared to accept the discriminatory position faced by those growers who are beholden to the E. & W.S. Department and who must pay considerably more for water than other growers. This discrimination should be of concern to the Minister. I hope that the Minister of Agriculture will impress on his colleague, the Minister of Water Resources, the seriousness of the situation that presently exists and the need to remedy the situation to the advantage of growers and the economy of the Riverland.

An independent inquiry as proposed by the Hon. Mr Cameron could see the situation reversed. In the meantime, I hope that the Minister of Agriculture will also impress on all his colleagues the need to respond to the call of people from the Riverland who today travelled a considerable distance to plead that the increase be rescinded. Certainly, my call on the Minister of 24 August that he take action met with no response. Without wishing to undervalue my role or impact in this Chamber, I hope that the demonstration of genuine concern by Riverland growers today will have more impact on the Minister and the Government's sense of justice and fair play in relation to this matter. I support the motion.

The Hon. C.M. HILL: I support the motion which, in effect, states, first, that the increase in water rates in the

Riverland is iniquitous; secondly, that it should be repealed; and, thirdly, that an independent inquiry should look at the question so that a much fairer rate can be fixed. It is not surprising that the Government has come up with this increase. After all, we read in today's newspaper that the Government has the inglorious record of levying 72 increases in charges and taxation in its first 12 months of office.

However, I think that the increase that we are now discussing tops them all. There is no doubt at all that the increase is hitting the Riverland region very hard indeed. The people who assembled on the steps of Parliament House today have a genuine protest and, in effect, they are fighting for their survival. I cannot believe that the Government will not take some notice of the protest and all that is being said in Parliament today.

The Hon. Diana Laidlaw: The Premierier said that he would review electricity rates.

The Hon. C.M. HILL: That is correct. There have been occasions when the Premierier has indicated that he would review these questions. This motion deals with a section of the Riverland community, genuine hard-working citizens, whose voices deserve to be heard. Basically, it is an issue of survival. It is far more serious than other matters where profits are reduced as a result of increased Government charges.

I was a little disappointed with the Australian Democrats contribution a few moments ago. I should have thought that the Hon. Mr Milne would have fully supported the motion. Instead, the Hon. Mr Milne had two bob each way. Just as he was resuming his seat, the Hon. Mr Milne said that he would support the motion. I am not sure whether or not he meant that. The Hon. Mr Milne said that he would be moving an amendment to the motion which, in effect, deleted all the words contained in the body of the motion.

The Hon. K.L. Milne: Rubbish!

The Hon. C.M. HILL: That is the effect of the Hon. Mr Milne's amendment. The Hon. Mr Milne's amendment deletes all words after the first line. The first line simply states, 'That in the opinion of this Council'.

The Hon. K.L. Milne: My amendment is virtually the same—read them both.

The Hon. C.M. HILL: The Hon. Mr Milne's amendment is virtually the same as the motion, but in his words. The Hon. Mr Milne cannot escape the charge that his amendment amounts to a hope for some cheap publicity so that the honourable member can say that the Council passed his motion. I ask the Hon. Mr Milne to get behind the Hon. Mr Cameron's motion so that we can present a united front to the Government.

The Hon. K.L. Milne: How about getting behind my amendment?

The Hon. C.M. HILL: Of course, it simply amounts to 'I do not like your words, but you should like mine.' Politics of that nature should not be introduced into this issue. I hope that ultimately the Australian Democrats support the Opposition's motion. I hope that we will see immediate action by the Minister and the Government and that they will review this matter. The people from the Riverland who travelled to Adelaide today should not return home without receiving an indication that their protest will be taken seriously and that the Government will review this matter.

The Hon. J.C. Burdett: Government members should speak to the motion today.

The Hon. C.M. HILL: Of course they should. It does not occur to the Government that people do not appear from the Riverland and from other country areas in the front of Parliament House at the drop of a hat. These people have held meetings and have given up the whole day, which means money to them, to travel to Adelaide. They should not have to return home completely empty-handed with the simple hope that in due course the Government will do something. We should have an immediate response from the Government that it is at least sympathetic.

Finally, I would like the Minister of Ethnic Affairs to enter the debate and indicate to the Council whether he has any special concern for the Greek community in the Riverland. I estimate that between 80 per cent and 90 per cent of the people assembled in front of Parliament House today were of Greek origin. The Government has a Ministry of Ethnic Affairs and a Minister of Ethnic Affairs. I am not criticising the record of the Minister of Ethnic Affairs to date. However, I think that this is the first time in 12 months of Labor Government that the Minister of Ethnic Affairs has been put to the test.

Has the Minister of Ethnic Affairs considered the plight of ethnic people in the Riverland? Did the Minister of Ethnic Affairs speak up when Cabinet discussed the 28 per cent increase? Where did the Minister's vote lie when the Government decided to increase water rates for Greek people in the Riverland? Surely the Minister of Ethnic Affairs should give the Greek community some consideration, because they come under his Ministerial responsibility.

That is what a Minister of Ethnic Affairs is for. If he stands up and says, 'Yes, I did take into account their plight, I did take into account that it is my responsibility to consider their case but I still believe that they should pay,' then at least we would know where we stand as a Council and where he stands as Minister, and the Greek community would know where the Government stands on this question. Before this debate is over, I hope that the Minister of Ethnic Affairs will express his view on this matter so that those people to whom he relates closely, namely, members from migrant communities (and this involves not necessarily Greek people only but all people from migrant communities in the Riverland Region) will know where this Government's Minister of Ethnic Affairs stands in relation to this iniquitous rate increase.

In summary, therefore, I simply say that there is no doubt at all that the cause that has been raised by this protest, the cause of these people, is justified. We are not dealing with people who have come here overnight—we are not dealing with people who cannot be classified as hard workers. We are dealing with some of the best citizens of the State who are involved with primary production—people for whom life has been economically difficult for many years.

Also, they have been somewhat in isolation from the mainstream of social life in metropolitan Adelaide and have been hit hard by the cannery disaster. Yet, on top of all that, this Government puts its stamp of approval on this 28 per cent increase. These people deserve better treatment and, if the Government thinks that their cause is not justified, I would like to hear a Government voice on this matter. I appeal to the Government, first, to let us know where it stands on this matter and, secondly, to give some consideration to this whole issue. I hope that the vast majority of members in this Council, irrespective of Party affiliations, will support this motion when the vote is taken on it.

The Hon. FRANK BLEVINS (Minister of Agriculture): I have found the debate this afternoon extremely interesting. I must state from the outset that it would be one of the most political debates that I have heard since the Roxby Downs debate. It was an intensely political debate engaged in for a specific audience. I understand, having been in Opposition for three years, the frustration of being in Opposition and the necessity at times, to bring forth motions such as this, even when that motion cannot be justified. I state from the outset that I understand the difficulties of being in Opposition.

The Hon. M.B. Cameron: You might be better off going back.

The PRESIDENT: Order! The Minister was well behaved during the debate and I request that he be heard in the same manner.

The Hon. FRANK BLEVINS: Thank you, Mr President. I think that the word for which you were searching was 'silent'. Having said that, I want to join with honourable members who have expressed sympathy for the difficulties that some people engaged in horticultural production in the Riverland are having, because I have that same degree of sympathy, as has the Government. However, it is one thing to be sympathetic and another to completely turn a blind eye to reality. What this Government is not prepared to do is turn a blind eye to that reality and to state that a problem does not exist, do nothing about it and pass quite meaningless resolutions such as the motion that has been moved here today.

I will point out one or two of the real problems in the Riverland. I think, quite frankly, that to some extent the Hon. Mr Milne is the only person who expressed some of the real problems existing in the Riverland. He did not entirely waste his time when addressing this Council. Really, the problems of the Riverland, although political, are not entirely under the control of this State Government. The effect on the Riverland of decisions made in Brussels for the European Economic Community are enormous and a decision made on the water rates pales into insignificance when compared to those decisions.

The problem is that a great number of the products grown in the Riverland, although they are superb products, are not grown at a price at which they can be sold. That is the problem. To add, as this cost increase has done, another 2 per cent to that problem is a very minor point when one-third of the people in the industry in the Riverland, no matter what occurs, will be in dire financial straits, and those people must consider phasing themselves out of the industry. Those are the cold, hard facts. I do not like those facts any more than anybody else in this Council, or in the Riverland, likes them, but those are the facts.

A decision was taken, mainly by the Common Market, which has ensured that this will occur. Through my department and through the Rural Adjustment Scheme, we will do everything we can to see that this adjustment takes place with the minimum amount of disruption possible. That is a stark, hard, economic fact of life, and to waffle on as has happened here today about removing a 2 per cent impost on people in the Riverland is not to address the problem at all.

One example of the real problem is the minimum price of wine grapes, which has increased from about $100 a tonne in 1975 to $144 a tonne in 1983— in nine years— that is, if one can sell them. If one indexed the 1975 price using the consumer price index, the 1983 minimum price should be $223 a tonne. However, even at $144 a tonne the product cannot be sold. That is just one example of this problem. Not one person in the Opposition addressed himself to this problem. Members opposite wanted to score political points because they had people in the gallery who had come to hear that. However, I have far more regard for the people in the Riverland and know that they will not be impressed by the political posturing of the Opposition today.

Members interjecting:

The PRESIDENT: Order!

The Hon. FRANK BLEVINS: There are far too many intelligent people in the Riverland who know about this and who are attempting to address the real problem. Until such time as everybody does that, we are doing the Riverland a disservice—and that is what members opposite have done here this afternoon.

The Hon. Diana Laidlaw: Why didn't you go out on the steps of Parliament House and say this at lunch time?

The Hon. FRANK BLEVINS: Because I was not invited. For the benefit of the Hon. Miss Laidlaw, I have been to the Riverland and had discussions about wine-grape prices on two occasions since I have been Minister and, indeed, I have had discussions with the industry about wine-grape prices on a lot more occasions than that. I will be happy to go to the Riverland and talk to the people there about issues covered by my portfolio at any time. I always have been, and I always will be, willing to do so.

Had they invited me to their meeting today I would have been only too pleased to go and address them. I have sufficient confidence in the intelligence of the people in the Riverland to appreciate that they would have realised that I would have been there attempting to address the problems in the industry.

The Hon. Diana Laidlaw: I thought that when I asked questions of you previously—

The PRESIDENT: Order! The Hon. Miss Laidlaw has already asked those questions and has received whatever reply the Minister intends to give her, and I ask her not to repeat them now.

The Hon. FRANK BLEVINS: The Hon. Miss Laidlaw, for some reason this afternoon, is highly disorderly, but you, Sir, are dealing with that very well. I know that it is the second time you have had to chastise her, but I will leave that comment there. As regards the questions the Hon. Miss Laidlaw asks, she stated in her address a moment ago that she got a waffly reply. I do not deny that that is the case. Why? Because they were waffly questions. When she asks questions that relate to the portfolio for which I am responsible she will get proper replies, as she did when she asked her questions properly.

What disturbs me today is the way the Opposition members attacked the E. & W.S. Department; a great percentage of their speeches attacked the E. & W.S. Department as if it was formed 12 months ago.

The Hon. J.C. Burdett: It is the Minister who was attacked.

The Hon. FRANK BLEVINS: It is not true that members opposite just attacked the Minister. If the honourable member reads *Hansard* tomorrow he will see that there was a continued and sustained attack on people who cannot respond; that is, the officers of the E. & W.S. Department. That is a cowardly way of approaching any debate in the Council. The E. & W.S. Department was not born 12 months ago. It has been going for a long time; in fact, honourable members may be interested to know that the E. & W.S. Department operated during the three years between 1979 and 1982 under the control of the Hon. Peter Arnold, who was the Minister in charge. He was also at that time, and still is, the local member for the area that is mainly under discussion today. If there were any serious deficiencies in the E. & W.S. Department, I would have expected that during those three years those deficiencies would be sorted out, particularly as the Minister in charge of the Department at that time was also the local member for the Riverland. So, if there is any criticism of the E. & W.S. Department, I suggest that members take their criticism back a little further than 12 months.

To suggest that this Government has done nothing to assist irrigators in the Riverland is completely untrue. I will give a couple of examples: there were remissions in the 1982-83 excess water charges, and the use of water without excess charges for five months this financial year. Investigations have taken place to increase grower involvement in the running of the Government irrigation water supply work; in fact, the Government is looking at ways to give the growers greater say and more responsibility (I emphasise 'more responsibility') in the operation of those works. Ways

are being considered now in a whole range of means of attempting to establish, for example, management advisory boards through to the possible formation of a trust to take over the system. So, it may well be—I cannot say categorically because I am not the Minister—that the systems could be offered to the irrigators to take over and run the operation themselves. I will be interested to see whether that occurs and what the response from the irrigators will be.

Some of the remarks that were made by honourable members during the course of this debate warrant a more considered reply, particularly some of the quite outrageous and cowardly attacks and charges that were made against the E. & W.S. Department. In order for me to respond more fully to some of those cowardly attacks on the Department I seek leave to continue my remarks later.

Leave granted; debate adjourned.

TRAFFIC INFRINGEMENT NOTICES

The Hon. M.B. CAMERON (Leader of the Opposition): I move:

That regulations under the Police Offences Act, 1953, concerning traffic infringement notices (fees), made on 25 August 1983, and laid on the table of this Council on 30 August 1983, be disallowed.

The changes that this Government has made to the regulations under the Police Offences Act to allow it dramatically to increase traffic infringement notices expiation fees are nothing less than totally inconsistent with all that the Labor Party said in Opposition.

We have a situation where in January this year the Government 'requested' the Police Department to review the fees to account for inflation. This was little more than two months since it was elected to office. It was during the time of the wages pause and it was allegedly before the Government became aware of the seriousness of the financial position facing the State. A number of matters give rise to grave concern. First, we have the position of these fees being used by the Government as just a form of taxation, and we all recall what the Labor Party has said about State taxes and charges. Let me remind the Council once again (and this will be brought up time and again over the next three years) what the A.L.P. and the Premier said in its policy speech:

Unlike the Liberals we will not allow State charges . . . to be used as a form of backdoor taxation.

Yet what has happened with these fees? They have risen simply because the c.p.i. has risen. Imagine the outcry if the courts imposed indexation of fines by the c.p.i.; it would be called unjust and illogical. The present Deputy Premier said in April 1981:

Charges are being put up quite simply to pay the State's bills.

Yet his Government is prepared to break all its promises and lift these fees on average by 20 per cent—an enormous jump. When the Premierier was asked by the Hon. Michael Wilson in March this year if he would give an assurance that no State taxes will be increased while the wage pause is operating in South Australia, the Premier said 'Yes'. He made a clear commitment not to increase them.

The hypocrisy of the increased expiation fees is highlighted when we consider what the present Chief Secretary, the very person responsible for the Police Force, said about traffic infringement notices. He made the following comments (I should stress not when the fees were lifted but when the number issued was higher than many people had expected):

. . . one of the main reasons for the Government's—

This is the previous Government about which he is talking—

. . . introducing on-the-spot fines was to impose yet another form of backdoor taxation . . . This Government has increased taxation. Indeed, it is the highest taxing Government that this State has ever had, and it raises its taxation in a backdoor and snide manner, as this taxation measure that has been imposed on the South Australian community shows. It is taxation through on-the-spot fines, and it is a disgraceful performance by the Government.

In Opposition, the Chief Secretary, who is a member of the Labor Government, did not stop there. He stated:

On-the-spot fines are being used by the Government as a money-making racket.

How else could one describe these fee hikes of up to 25 per cent? But Mr Keneally in his enthusiasm went on even more—I bet he would be regretting his comments now! He even went so far as to say:

The Government is causing police officers to be unofficial tax collectors . . .

Yet, as the Minister responsible, he proposes fee increases of up to 25 per cent! This Government has gone even further than the former Government ever did. It has given no sound reason for the fee increases. It has not said, for example, that the administration costs of the scheme have risen by X per cent and therefore an increase in fees is warranted—it has simply jumped in with another backdoor tax increase. And the Chief Secretary, now a member of the Government (but he was not when he said this), had the effrontery to say:

I want to say that I am particularly concerned that this cynical and bankrupt Government [the former Government] should be so unprincipled as to allow the good standing of the Police Force in South Australia to be so damaged merely to bolster the Treasury finances.

If anything will undermine police credibility in this area it is an *ad hoc* increase in fees introduced by stealth in this way. The increased fees lift to 72 the number of State charges which this Government has increased. And then of course there are the four increased and two extra taxes.

In his report to the Joint Committee on Subordinate Legislation detailing the increased traffic infringement notice expiation fee, the Acting Commissioner of Police, after indicating that the request for an increase came from the Government, said something which seems quite at odds with the Government's story. Three reasons were given by the Government for finally approving the increased fees. These were:

1. That most expiation fees in New South Wales were increased by $20 on 7 February 1982.
2. That the current expiation fees are in most instances less than court fines and costs for the same offences.

Of course, that is exactly why they were introduced in the first place.

3. Inflation rate during the 1982 calendar year was just over 10 per cent and a similar increase was probable in December 1983 making an approximate increase of just over 20 per cent over the past two years.

None of these so-called grounds for approval hold up. What the rate of expiation fees in New South Wales has to do with the administration of law in South Australia is quite beyond me. It seems that the Government merely used this as an excuse and that in fact no mention is made of the position in other States. The fact that one State increases its fees should have little significance for the Police Force in South Australia.

The second point that expiation fees are in most instances less than court fines and costs is again a mere excuse. In fact, the very reason, as I said, for the introduction of traffic ingringement notices or on-the-spot fines, as they are commonly called, was so that motorists would have the choice of opting for immediate payment of a fee or taking the matter to the courts, and it was openly acknowledged that an incentive would be given to motorists by way of lower expiation fees so that administration and other costs associated with court procedures could be restrained. In other words, there was some financial incentive for people to

expiate traffic infringement notices immediately rather than go through the costly and time-consuming procedure of going before the court and this of course helps the State through relieving pressure on our system of administration of justice.

Thirdly, the rate of inflation in any period should have little relevance to the level of fees which are charged within our judiciary system. The aim of the traffic infringement notice fees is to place a penalty on people who have in some way committed an infringement under the Police Offences Act. To suggest that such penalties should be indexed to the rate of inflation is absolutely ludicrous. It may be argued that fees should be increased in accordance with the rise in the cost of administration, but this is not what the Government has done. It has simply said that because costs have risen then on-the-spot fines will rise as well. This highlights more than any other factor the fact that for this Government traffic infringement notices have become a method of backdoor taxation and not a more convenient way of administering justice for minor offences. For these reasons, I move the disallowance of these regulations.

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

SHOP TRADING HOURS ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 26 October. Page 1331.)

The Hon. M.B. CAMERON (Leader of the Opposition): When last speaking on this matter I sought leave to conclude my remarks because the Hon. Mr Gilfillan had raised a number of issues, some of which I believed I should consider carefully. The most important issue was the question of producer support, but somehow or other our lines appear to be crossed. Mr Gilfillan was claiming support for his action in this matter, but it is important to establish what the honourable member said. He stated:

> I expected that members might question the producers' support for this measure, because it is very easy to misrepresent their views and because it may seem to be a retrograde step. I want to make plain that, if I felt that that was the case, I would in no way have considered introducing this Bill.

The Hon. Mr Lucas interjected:

> Will they open at both times?

And the Hon. Mr Gilfillan replied:

> They will have one option or the other, and that is stated in the letter. I introduce this Bill with confidence, knowing that it is not the ultimate but believing, as the Hon. Mr Cameron believes, that producers would like to see the restrictions lifted, and knowing that this is a first step.

The Hon. R.J. Ritson: What is your impression from that?

The Hon. M.B. CAMERON: I get the impression—

The PRESIDENT: Order! I ask the Hon. Mr Cameron to address the Chair.

The Hon. M.B. CAMERON: I get the impression that the Hon. Mr Gilfillan had producer support for this measure and that if he had not had such support he would not have introduced the Bill. I wrote to the United Farmers and Stockowners outlining what Mr Gilfillan had said, asking whether that letter conveyed that body's opinion. In reply, the United Farmers and Stockowners stated:

> Dear Mr Cameron,
>
> I acknowledge receipt of your letter dated 28 October concerning the Bill to amend the Shop Trading Hours Act and particularly to the *Hansard* comments attributed to Mr Ian Gilfillan concerning producer support for his Bill. I did write to Mr Gilfillan on 25 October 1983, wherein I said:
>
> 'My organisation believes that shop proprietors ought to have the option of opening late night or Saturday morning—not compulsorily one or the other.'

The Hon. R.J. Ritson: That is different, isn't it?

The Hon. L.H. Davis: That is not industry support.

The Hon. M.B. CAMERON: If the Hon. Mr Gilfillan was a Minister I would be asking for his resignation from Parliament, because the words he left off the end of his quote were the vital bit that indicated producer support for his measure.

However, they do not support his measure. I do not know whether it was a mischievous move that caused the Hon. Mr Gilfillan to leave out that important phrase, but I recommend to the honourable member that, when he speaks in this Council, wherever possible he is open and honest in what he says, because such a situation really leaves one with a feeling of not really knowing where one stands. It really upset me to find that in fact he had been less than open on this matter. As the honourable member said that he would not have introduced this Bill unless he had producer the support, I assume that he will reconsider his position in this matter.

Another matter which I want to raise and which I want the Hon. Mr Gilfillan to note carefully relates to butchers, who have tended to be overlooked in this whole matter. There is no doubt that producer resentment has been high that theirs is the only product—red meat—that cannot be sold during late night trading, especially when it is one of the major products of this State.

So, we went to the trouble of contacting on a random basis a number of Adelaide butchers. The butchers were selected at random from the telephone book. At the end of our questioning on this matter we found, if they had the option of opening for late night trading or for Saturday morning, the majority would open on Saturday morning and would not go for late night trading. The majority of butchers who said they would go for late night trading were the ones in supermarkets. The butchers who said that they would open on Saturday morning indicated almost to a man that, if they were in the vicinity of a supermarket and the supermarket butcher shop opened for late night trading, when they finally had the option, they would be forced to go to late night trading.

The end result of that was that the majority of Adelaide butchers would close their shops on Saturday morning. That is the very question I raised with the Hon. Mr Gilfillan earlier in the debate. I indicated that his Bill would lead inevitably to a serious reduction, if not a total abolition, of Saturday morning shopping for red meat from butchers. I can assure the Council that that is not what producers want—

The Hon. R.I. Lucas: Nor consumers.

The Hon. M.B. CAMERON: Right; it is not what consumers want either. We now face a serious problem. What has been seen as a compromise could lead, in fact, to the total abolition of red meat trading on Saturday morning.

The Hon. L.H. Davis: Just tell that to people who go shopping on Norwood Parade on Saturday morning.

The Hon. M.B. CAMERON: Yes, that is a serious situation. The matter needs much more research before we leap into hot water. If the Council does make this move and if the Hon. Mr Gilfillan and the Government combined are successful in making it, the Hon. Mr Gilfillan could find that producers would turn on him in much greater anger than he has seen as a result of his merely misquoting them. That would then be a small issue in comparison. I ask that the Hon. Mr Gilfillan consider withdrawing this Bill or, if he wants the credit for it, that is fine, and he should accept

some amendments or, if he wants, he can use the amendments that I have drawn up, he can take my amendments and change the Bill to what it should be; that is, to provide for late night shopping for red meat and no longer proceed with this rather crazy piece of legislation which gives an option one way or the other, with the end result being something that we do not want.

I indicate at this stage that I will support the second reading, with the proviso that I will put amendments on file which will get rid of this option because it will cause, after a period of time, all butchers to make a choice which I believe will lead to the abolition of Saturday morning shopping for red meat.

The Hon. H.P.K. DUNN: I move:

That the debate be now adjourned.

The PRESIDENT: I will put the motion. Those in favour say 'Aye' and those against say 'No'.

The Hon. I. Gilfillan: No.

The PRESIDENT: For a division to be held it is necessary for at least two honourable members to call 'No'.

Motion carried.

TOBACCO ADVERTISING (PROHIBITION) BILL

In Committee.

(Continued from 26 October. Page 1357.)

Clause 4—'Prohibition of advertising of tobacco or tobacco products.'

The Hon. R.I. LUCAS: When we last dealt with the Bill I was seeking from the Hon. Mr Milne information about the number of children taking up smoking each year in South Australia, but we really did not get a chance to pursue this matter fully. As a principal reason for introducing the Bill the honourable member claimed that it was to stop 9 000 or 10 000 children in South Australia each year taking up the smoking of cigarettes. Can the honourable member provide the Committee with the research material, source documents or the like indicating from where the figure of 9 000 or 10 000 comes?

The Hon. K.L. MILNE: The honourable member's question is quite irrelevant to clause 4. I refer to the *South Australian Teachers Journal* of Wednesday 5 October 1983, which provides figures in relation to the number of children who smoke and the percentage who smoked at least weekly in 1982, as follows: in year 7, 11 per cent of boys smoked and 5 per cent of girls smoked; in year 8, 19 per cent of boys smoked and 16 per cent of girls smoked; in year 9, 19 per cent of boys smoked and 28 per cent of girls smoked; in year 10, 36 per cent of boys smoked and 38 per cent of girls smoked.

The Hon. R.I. LUCAS: I acknowledge that the *Teachers Journal* states that a number of children smoke. However, I think that the Hon. Mr Milne would agree that the figures he has read out do not answer my question.

The Hon. K.L. MILNE: Mr Chairman, I rise on a point of order. The honourable member's question is totally irrelevant to clause 4.

The CHAIRMAN: Can the Hon. Mr Milne inform the Chair as to the clause to which the question is relevant?

The Hon. K.L. MILNE: It is not relevant at all. Nowhere does the Bill discuss the number of children who smoke. Perhaps the Opposition will support me if I introduce consumer protection legislation for children.

The CHAIRMAN: There is no point of order. This is a serious Bill and the honouable member should attempt to supply the information sought.

The Hon. R.I. LUCAS: The information supplied by the Hon. Mr Milne in response to my first question does not help me. I think that even the Hon. Mr Milne will concede that there is a difference between the number of children who currently smoke and the number of chldren who take up smoking each and every year. I remind the Hon. Mr Milne of an interview that he had with Mark Collier on Sydney radio. During the interview the Hon. Mr Milne said that he introduced the Bill because of the number of children who take up smoking each and every year. During the interview the Hon. Mr Milne also said that if anyone could demonstrate that that was not the case in South Australia he would withdraw his Bill. I repeat: where did the Hon. Mr Milne obtain the figure that between 9 000 and 10 000 children in South Australia take up smoking each and every year?

The CHAIRMAN: Does the honourable member wish to reply?

The Hon. K.L. Milne: No, Mr Chairman.

The Hon. L.H. DAVIS: I refer to a point made in relation to clause 4 when the Committee last considered the Bill. I refer to discrimination against companies that sell luxury products and license out their name to a cigarette company. I believe that the Bill discriminates against companies such as Alfred Dunhill and Cartier. The Hon. Mr Milne did not supply a satisfactory answer when I last raised this matter. I believe it is unfair that businesses such as Cartier would be forbidden from advertising if they set up a shop in Adelaide to sell luxury products.

The CHAIRMAN: Does the honourable member wish to reply?

The Hon. K.L. Milne: No, Mr Chairman.

The Hon. R.I. LUCAS: I am disappointed at the attitude being adopted by the Hon. Mr Milne: the Opposition is seeking information from him. If enacted, this will be important legislation, and it appears that the Bill will pass in this Chamber. The Opposition is seeking information on a number of matters, and will continue to do so. However, it appears that the Hon. Mr Milne will refuse to even respond. Unfortunately, if the Hon. Mr Milne continues in that vein, there is little that we can do.

I refer to the freedom of the press in South Australia if the Hon. Mr Milne's Bill is enacted. I think the Hon. Mr Burdett touched on this matter when the Committee last met. I refer to the question of the smoking of low tar and high tar cigarettes, and filtered and non-filtered cigarettes. A degree of evidence from medical researchers suggests that the smoking of low tar cigarettes is not as harmful as the smoking of high tar cigarettes. A publication entitled 'Advertising and Cigarette Consumption' indicates that the penetration of low tar cigarettes in countries that prohibit the advertising of tobacco is very light. For example, Norway prohibits tobacco advertising and low tar cigarettes account for only 22 per cent of the market; Finland has a similar ban and the penetration of low tar cigarettes in that country amounts to 32 per cent. Sweden allows the advertising of tobacco, and the penetration of low tar cigarettes in that country is double the penetration in Norway; in fact, the penetration of low tar cigarettes in Sweden is 48 per cent.

Does the Hon. Mr Milne concede that it would be preferable for smokers to smoke low tar cigarettes? Does the Hon. Mr Milne concede that one of the problems (perhaps unintended) with his Bill is that newspapers and the media in general will not be able to advocate the smoking of low tar or filtered cigarettes in preference to high tar or non-filtered cigarettes? There may well be a number of other innovations in the manufacture and production of cigarettes that would benefit consumers. I point out that many people will continue to smoke even if the Hon. Mr Milne's Bill is

enacted. Does the Hon. Mr Milne agree with the advertising of product advantages such as low tar and filtered cigarettes?

The Hon. K.L. MILNE: I am glad that the honourable member has raised the matter of tar content in cigarettes because it is one of the main reasons why smoking ought to be stopped. Cigarettes are all bad, whether they are low tar or high tar—that is my first point. My second point is that smokers know perfectly well what they are smoking because they talk about the cigarettes that they have been smoking for ages. They can see on the packet what the tar content of those cigarettes is, as it is usually stated whether they are high tar or low tar. There is nothing to stop people from doing that, so people will have ample opportunity to decide whether they smoke high tar or low tar cigarettes; it is entirely up to them. However, they are both bad for them.

The Hon. R.I. LUCAS: Does the honourable member concede, therefore, that the press would not be able to publish feature articles, editorials or anything else advocating the smoking of low tar cigarettes in preference to high tar cigarettes?

The Hon. K.L. MILNE: I cannot answer that.

The Hon. I. GILFILLAN: I was interested in Mr Lucas's question about statistics. I did not consider it to be a constructive question as I did not consider that it was a critical issue that we were not able to provide instant and off-the-cuff information as to whether or not 9 000 or 11 000 children take up smoking each year. I do not blame my colleague for not answering that question, or for not being in a position to do so. However, I have some figures relating to children in South Australia smoking. The percentage increases given are based on Victorian statistics. Betweeen the age of 14 and 17 years there is a 23 per cent increase in smoking by boys and girls. There are 67 526 children in schools in South Australia who fall into that 14 to 17 age group. If one works out 23 per cent of that figure it comes to approximately 16 000 children. Even if there is a quite extraordinary different percentage applicable in Victoria from that in South Australia it is quite obvious that the figures we have been using are on the conservative side. I would like it recorded that we are working on figures we believe are accurate and, if anything, conservative.

The Hon. L.H. DAVIS: I am disappointed by the Hon. Mr Milne's reaction to the Hon. Mr Lucas's valid argument that over a period of time people might be weaned away from high tar cigarettes to low tar cigarettes and that that process would be helped by advertising. Indeed, if one looks at the tar content of cigarettes one sees that it has been dramatically decreased over a period of time. I think I would be fairly close to the mark in saying that the average tar content of cigarettes sold on the Australian market today is roughly 50 per cent of the tar content of the high tar cigarettes of a few years ago. In fact, one has only to draw the analogy with alcohol to see that there has been an increased concentration of advertising on promoting low alcohol beer. I would have thought that analogy would apply equally in relation to tobacco advertising.

I draw the Hon. Mr Milne's attention to clause 4 and the blanket ban on advertising of tobacco and tobacco products. A lot of weight for this blanket ban is attached to arguments advanced by the medical profession. I have no objection to the observations that that profession makes about the effects of tobacco smoking. Nor do I have any objection to the observations it makes about drink and other products that we regularly consume. However, I suspect the Hon. Mr Milne is not aware that not all medical opinion about advertising of products and the harmful consequences of such advertising is the same. I refer him to an article that appeared in *The Medical Journal of Australia* of 25 June 1983 relating to the advertising of alcoholic liquor. The article was written by Francis T. McDermott, Victorian Chairman and National Charity Chairman, and Gordon W. Trinca, National Chairman, Road Trauma Committee, Royal Australasian College of Surgeons. They were referring in that article to alcohol, the road toll and the problem of health and matters very much the subject of this Bill. In particular, in this article they stated the following:

The Hon. K.L. Milne: Alcohol is not the subject of this Bill.

The Hon. L.H. DAVIS: It is related to matters of health, which are a subject of this Bill. The article states:

> In 1978, the Road Trauma Committee recommended a total ban on all alcohol advertising.

That was their view in 1978, and they stated the following:

> Our view has recently been modified. At this stage in Australian cultural development, it seems to us more appropriate, at least in the first instance, to seek improved community understanding of the health hazards of excessive alcohol consumption, especially those related to road safety.

I suggest that the Hon. Mr Milne might like to reflect on those remarks. I suggest to him that a better approach to clause 4 would be to modify his stance in seeking a total prohibition of the advertising of tobacco or tobacco products because it really is not going to go anywhere near bringing about the solution he wants. When he talks about a total ban he must consider the ability of other States to continue advertising in South Australia pursuant to the provisions of clause 5. Does the Hon. Mr Milne believe that the banning of advertising will necessarily achieve a desired result in the community, given the observation Mr Lucas has made about low tar products being necessarily a first step in educating the community on the problem of cigarette smoking?

The Hon. K.L. MILNE: I think that we are going to be bombarded with a series of questions from the Opposition which indicate that they are scraping the bottom of the barrel to find ways of criticising a Bill that they are going to oppose, anyway. There are some medical practitioners who are not quite as critical of smoking as are others. However, I do not know of any medical practitioner who says smoking is a good thing. I know some medical practitioners who smoke and are rather ashamed of doing so. On the question of high and low tar cigarettes, I think we must get this matter into proper perspective. What we are trying predominantly to do is gradually stop people smoking altogether of their own free will. We are aiming at the generation of children coming on. This is not going to happen overnight, so the interests that the Hon. Mr Davis feels he represents will not be brought to the ground overnight—it will be a long process, but one that has to start somewhere. Whether people smoke high or low tar cigarettes is not as important to me as whether 9 000, 10 000 or 16 000 children are prevented from taking up the habit every year.

The Hon. R.I. LUCAS: I will refer briefly to the comments made by the Hon. Mr Gilfillan when he suggested that the Democrats and the Hon. Mr Milne should not be blamed for giving information off-the-cuff. I can only suggest that the honourable member has an unusual definition for 'off-the-cuff' because the question involved was directed to the Hon. Mr Milne 14 days ago, so I would have thought that that was sufficient notice for the honourable member to be able to provide that information.

Secondly, in relation to that reference based on Victorian figures of a 23 per cent increase in the number of children smoking (between two consecutive calendar years, I suppose, although the honourable member was not quite clear on that), I only make the point briefly to the honourable member—as I am sure that he would realise—that there could be a dozen reasons why a figure of 23 per cent might have

been arrived at which might or might not be correct and might or might not be relevant to the South Australian situation, as he did concede (I concede that).

One would need to know exactly how the survey was conducted, what was the size of the survey, what was the method of the survey, how the question was directed to the students (the method of interview technique used—whether by personal or group interview) and how they define smoking—one cigarette or whatever. There are a number of things. I do not expect the honourable member to answer here, but I am saying to the honourable member—

The CHAIRMAN: The honourable member should be saying it through the Chair.

The Hon. R.I. LUCAS: Through the Chair I say to the honourable member that it is a little misleading for him to use the calculation which he did, come to a figure of 16 000 and then say, 'Even if there is a slight difference between Victoria and South Australia, the Hon. Mr Milne's figure of 9 000 to 10 000 additional children smoking each year is a fairly good estimate of what is happening.'

The Hon. K.L. MILNE: From discussions with the Western Australian people who are dealing with this matter, they felt that this was a conservative estimate. I was told by a senior member of the Education Department that it would be about right, but we should not place over-emphasis on this matter because it does not matter whether it is 5 000, 15 000 or 10 000 children. I am very disappointed that that is all the Hon. Mr Lucas has to contribute at this late stage. We have had six hours discussion on the Bill, and everyone is heartily sick of the length of the debate.

The CHAIRMAN: The Hon. Mr Milne has an amendment to clause 4, line 11. Does he wish to proceed with it?

The Hon. K.L. MILNE: Yes, I do, as a concession to the Opposition. Personally, I think that it is an improvement. I move:

Line 11, insert the word 'wilfully' after the words 'a person who'.

In order to be fair, the word should be added if the Opposition wants it. I am prepared to concede it, but it will mean that clause 6 will be redundant, and I will seek to have that withdrawn or opposed. Clause 6 really does the same thing as the word 'wilfully'.

Amendment carried; clause as amended passed.

Clause 5—'Non-application of this Act.'

The Hon. R.I. LUCAS: In clause 5 *(a)*, the Bill does not apply to an advertisement published by way of radio or television. First, I seek from the Hon. Mr Milne the reasons why the exemption is placed in the Bill.

The Hon. K.L. MILNE: That is because radio and television advertising of tobacco is under Commonwealth jurisdiction under section 100 of the Broadcasting and Television Act, which was inserted in 1976.

The Hon. L.H. DAVIS: In addition to the very substantial advertising which would continue to come into South Australia on radio or television, under clause 5 *(e)* a newspaper published outside this State could continue to carry advertisements relating to tobacco or tobacco products. One could see the situation where the clause which triggered off this Bill was in operation, but a magazine could be produced in a State which did not have a similar piece of legislation, and the magazine could have a circulation of close to one million copies a week or a month—as there are magazines with that circulation. This would mean that perhaps up to 100 000 or more copies of that magazine with full page colour advertisements relating to tobacco or tobacco products would continue to be sold in South Australia. It could also mean in the longer term if that situation prevailed that it would disadvantage local industry.

Let us take an example which is probably far from hypothetical. Queensland, is the heart of the tobacco industry. It might be that a Queensland Government of any persuasion would be loath to move against the tobacco industry and could attempt to make Queensland a centre where magazines are produced for circulation throughout Australia. Therefore, we could have a situation where the South Australian printing industry would be losing out because advertising is going to Queensland, which would be producing magazines for national circulation.

Does the Hon. Mr Milne consider that this exemption is appropriate, given the intention of the Bill to prohibit advertisements relating to tobacco, tobacco products or smoking, hopefully with the consequence of minimising any impact on local industry?

The Hon. K.L. Milne: Could the honourable member repeat that?

The Hon. L.H. DAVIS: Does the Hon. Mr Milne believe that the provisions of clause 5 *(e)* are consistent with the intention of the Bill relating to advertisements for tobacco or tobacco products, and does he believe that such a provision could possibly have harmful consequences on local industry?

The Hon. K.L. MILNE: It is not what the honourable member asked the first time.

The Hon. L.H. Davis: It was.

The Hon. K.L. MILNE: If I or the Parliamentary Counsel did not think that it was consistent with the Bill it would not be there. First, let me deal with Queensland. I sympathise with the Queensland problem. The greatest hope for Queensland is if we can find some other use for tobacco, which they have discovered in the United States, of course, where it is in use for fodder. Do not forget that the question of interstate magazines has been discussed quite a lot. It was known when the Bill was drafted that it could not be avoided. They found that in Western Australia. That is one of the reasons, I daresay, why the Hon. Dr Cornwall introduced his amendments, which we have all accepted.

The Hon. R.I. LUCAS: Does clause 5 *(e)* allow full page colour advertisements in the *Australian,* which is circulated in South Australia, the *National Times,* the *Financial Review* (which is a daily newspaper) and in the Melbourne *Age*? That range of daily newspapers is circulated here. Secondly, if so, does it allow full page colour advertisements in the local Adelaide *Advertiser* and, if not, is there a difference? If some publishers are allowed to take a good amount of advertising money from tobacco companies but the *Advertiser* publishers are not, is the honourable member concerned that local newspapers will experience problems?

The Hon. K.L. MILNE: The whole thrust of the Hon. Mr Lucas's question is that he is worried that the promotion of tobacco products, and so on, will be stopped. That is his attitude; we know that; and he will vote against the Bill. To answer his question specifically, my advice is that a publication such as the *Women's Weekly,* which is published in the normal way, would not be caught. It could still be sold here but printed interstate. However, a glossy supplement that is printed outside South Australia and published in, say, the *Advertiser* or the *News* would be caught.

The Hon. R.I. LUCAS: The honourable member's advice is that the *Women's Weekly* could continue to advertise for tobacco companies, but a full page colour advertisement in a local newspaper or magazine that is in competition with the *Women's Weekly,* such as the *Sam* magazine, which is published in South Australia, could not accept advertising revenue from tobacco companies.

I repeat the first question, part of which the honourable member has answered by saying the *Advertiser* and the *News* cannot accept advertising revenue. However, I take it that their competitors in South Australia, that is, newspapers such as the *Age,* the *Australian,* the *Financial Review,* and so on, could accept advertising revenue from tobacco com-

panies and could promote cigarette smoking in Adelaide and South Australia by way of full page colour advertisements.

The Hon. J.R. CORNWALL: Could I briefly enter the debate at this stage to point out the nonsense of that argument? The Council has already passed a major amendment which I had on file for clause 2 and which makes clear (I will use the exact wording to remind the member opposite who suffers from a degree of short-term memory loss, which is unusual in a person so young) that:

> Subject to subsection (2), this Act shall come into operation on a day to be fixed by proclamation.
>
> (2) The Governor shall not make a proclamation under subsection (1) unless he is satisfied—
>
> *(a)* that legislation similar in effect to this Act has come into operation, or is likely to come into operation, in the Australian Capital Territory and at least three other States of the Commonwealth;

The Hon. L.H. Davis: You missed the point.

The CHAIRMAN: Order!

The Hon. C.M. Hill: Sit down!

The CHAIRMAN: Order!

The Hon. J.R. CORNWALL: I did not miss the point at all.

The Hon. L.H. Davis: You weren't here for the debate.

The CHAIRMAN: Order! The Minister has the floor.

The Hon. J.R. CORNWALL: Thank you, Mr Chairman. The point I was making is that this Bill will not be proclaimed nor come into operation under the terms of the agreement in regard to clause 2, which was accepted some time ago by this Council, unless four States have passed legislation that is at least similar in effect. So, the arguments about the *Sydney Morning Herald* and the *Women's Weekly* having an unfair advantage in those circumstances are quite spurious. They are being advanced at the sort of level that has characterised the appalling performance of the Opposition throughout the whole debate on this Bill.

The Hon. L.H. DAVIS: I do not want to protract this argument, but quite obviously the Minister of Health was not here for the original observations that were made by the Hon. Mr Lucas and me, namely, that one could conceive of a situation where the Bill had been triggered following the introduction of similar legislation in three other States and the Australian Capital Territory but that one of those States which had not introduced legislation was Queensland.

One can easily conceive of a situation where national newspapers, for convenience in attracting advertising and because it is acceptable to people promoting tobacco and tobacco products, use Queensland to print, publish and distribute magazines, journals, periodicals (call them what you will) for distribution interstate. Those publications qualify as a national newspaper under the definition in the Bill.

Quite clearly, that is not a hypothetical situation, because Queensland is a tobacco-growing State, and one could imagine that it would perhaps be one of the last States in Australia to introduce such legislation. The point made (and if the Hon. Dr Cornwall had been here he would have known it) was that obviously this is attractive advertising of a national nature and that it could well act to the disadvantage of the local industry, which would be banned under the terms of this Act from publishing similar advertising.

I suspect also that section 92 of the Constitution may have something to do with that in the sense that, if something was published in Queensland, and if local legislation did not prohibit the publication of such advertisements, those organisations would be free to distribute throughout Australia.

The Hon. R.I. LUCAS: It was disappointing to see the Minister of Health enter the Chamber and, with his customary vitriol, lower the tone of the debate here.

The CHAIRMAN: Order! I am not interested in the tone: I am interested in the information that the honourable member can impart.

The Hon. R.I. LUCAS: The Minister, in his usual way, has completely missed the point, possibly because he was not here. If he had been here, he probably would still have missed the point. If the Minister looks at the amendment which he has moved and from which he quoted, he will see two supposed safeguards. One of them, the date of the proclamation, is not a safeguard at all. We are talking about the time when this Bill will be enacted. The second safeguard that the Minister proferred was that similar legislation must be passed by the A.C.T. and three other States of the Commonwealth.

I will take the Minister slowly through the argument for his sake. The A.C.T. is clear. The three States could possibly be Western Australia, Tasmania and Queensland. The Commonwealth could pass its legislation and we could be left with two States, New South Wales and Victoria. For the benefit of the Minister, the newspapers that we have been discussing include the Melbourne *Age,* the *Financial Review,* the *Australian,* the Melbourne *Herald,* the Melbourne *Sun,* and the *Sydney Morning Herald*—all newspapers which circulate in South Australia to a great degree in competition with the *Advertiser* and the *News,* but which are published and produced in Melbourne and Sydney.

The Minister has completely missed the point. The supposed safeguard would not cover that situation at all and we could still have all these national papers produced in New South Wales and Victoria circulating in South Australia advocating smoking particular brands by way of full-page colour advertisements. Those newspapers would be able to accept considerable advertising revenue from tobacco companies, whereas their competitors in the newspaper field (we have already looked at the magazine area *vis-a-vis Sam Magazine* and the *Women's Weekly*) in South Australia would be at a considerable disadvantage. I do not wish to pursue that matter any more, other than to point out to the Minister that he is rather wide of the mark and has not grasped this matter at all.

The Hon. J.R. CORNWALL: Clearly, I did not miss the point at all. I said, and I repeat, that the arguments are spurious. I refer to the disgraceful behaviour of the Opposition during the passage of this Bill and the continuous filibustering and stupid arguments advanced.

The Hon. Mr Davis made great play of the fact that Queensland would be one out, that the *Women's Weekly* would shift its operations to Queensland, in the hypothetical picture that he painted, and presumably the Melbourne *Age* also would be printed in Townsville and the *Sydney Morning Herald* would be printed by the *Gympie Times.* That was the argument advanced. It is so stupid that it is an insult to every honourable member sitting on this side and to the Hon. Mr Gilfillan.

That was the argument advanced by the Hon. Mr Davis. He made great play that Queensland, because it had a particular economic interest in the growing of tobacco, would be a haven for the printing of newspapers presently printed in other States around the country.

On the other hand, the Hon. Mr Lucas talked about my vitriol. I have been very gentle all this week, and members can expect that I will be very gentle for the rest of the year. I rise more in sorrow than in anger to point out again the stupidity of the Hon. Mr Lucas's argument because, having listened to his colleague talk about a Queensland newspaper haven, a haven for printing journals generally, the Hon. Mr Lucas said that that would not happen at all, that most likely Tasmania and Queensland (he was showing great knowledge of contemporary politics) would be the first off the rank with legislation and that, therefore, we would have

the rest of the country flooded by the Melbourne *Herald,* the Melbourne *Sun,* the Melbourne *Age,* the *Sydney Morning Herald,* the *Daily Telegraph* and other papers too numerous to mention.

I do not want to labour the point, except to highlight the stupidity and the puerility of the arguments that have been advanced by members opposite. The Hon. Mr Milne has made the point clearly, succinctly and correctly. The Opposition intends to oppose the Bill, anyway. It is fighting tooth and claw, and why the Opposition has to unduly hold up the Bill by a process of unfair filibuster and the use of useless and specious arguments is quite beyond me.

The Hon. K.L. MILNE: I move:

Page 3, line 8—After 'tobacco product' insert ', or a document consisting only of a list of the prices of tobacco or tobacco products,'.

This amendment was foreshadowed in regard to the reconsideration of clause 3.

Amendment carried; clause as amended passed.

Clause 6—'Defence.'

The Hon. K.L. MILNE: I oppose the clause. The word 'wilfully' was inserted in clause 4 so that any person who wilfully publishes or causes to be published a tobacco advertisement is in trouble. If it is not wilful, the person is not in trouble. This clause provides that if it is not wilful, if a person does not know what is being done or has no knowledge of it, that person is not committing an offence. This clause is no longer necessary.

Clause negatived.

Clauses 7 to 10 passed.

Clause 3—'Interpretation.'—reconsidered.

The Hon. K.L. MILNE: I move:

Page 1, line 17—Leave out ', price-list'.

This amendment deals with the term 'price-list'. I agreed that the suggestion made earlier was good and that we should leave out this term.

Amendment carried; clause as amended passed.

[Sitting suspended from 5.50 to 7.45 p.m.]

New clause 11—'Expiry of this Act.'

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

Page 3, after clause 10—Insert new clause as follows:

11. This Act, if it has not come into operation by the thirtieth of November, 1986, shall expire on that day.

In many ways the Bill is peculiar, because it does not come into operation until certain other things occur. That has come about as a result of an amendment to clause 2 moved by the Minister of Health. As members know, the Minister of Health's amendment, in part, states:

(2) The Governor shall not make a proclamation under subsection (1) unless he is satisfied—

(a) that legislation similar in effect to this Act has come into operation, or is likely to come into operation, in the Australian Capital Territory and at least three other States of the Commonwealth; and

(b) that the publication by way of radio and television of advertisements of a similar kind to those referred to in section 4 (4) is prohibited under the law of the Commonwealth.

I think that that is a perfectly reasonable amendment. However, I believe that a Bill of this type should have a termination date. I think that the new clause is perfectly reasonable for this type of Bill.

The Hon. J.R. CORNWALL: The Government has given the new clause a great deal of consideration. I do not think that I am giving away any secrets when I inform the Committee that the Hon. Mr DeGaris was kind enough to draw my attention to the new clause about three weeks ago. I gave the new clause due consideration.

Because of the Government amendment, if the Bill passes, it does not have an agreed date for its proclamation. However, after consideration and discussion with my colleagues in both Cabinet and Caucus, it is felt that it is preferable that, if the Bill passes both Houses, it should remain as a signal reminder to Parliaments in other States and in the Commonwealth that South Australia has taken a decision that will stand within the reasonable span of the members of the present South Australian Parliament who take that decision.

After what I believe was mature and careful consideration, the Government has decided that it cannot find its way clear to support the new clause. Nevertheless, I concede that there is a substantial degree of merit in what the Hon. Mr DeGaris is trying to achieve. I think that, if we were closer in the sense that three other States were likely to consider or pass similar legislation in the immediate or medium-term future, the new clause would certainly commend itself strongly. However, on balance, the Government has decided that it cannot support the new clause.

New clause negatived.

Title passed.

The Hon. K.L. MILNE: I move:

That this Bill be now read a third time.

The Hon. J.C. BURDETT: I rise to speak to the third reading of the Bill and consider it as it has come out of Committee. The Bill has come out of Committee with an amendment which was moved by the Minister of Health and welcomed by the Hon. Mr Milne. I think it is worth mentioning the amendment in passing, even though it was referred to recently. Among other things, the Minister of Health's amendment provides:

. . . this Act shall come into operation on a day to be fixed by proclamation.

(2) The Governor shall not make a proclamation under subsection (1) unless he is satisfied—

(a) that legislation similar in effect to this Act has come into operation, or is likely to come into operation, in the Australian Capital Territory and at least three other States of the Commonwealth;

I think that the Council should consider what is occurring in Western Australia. My last information is that the Western Australian Legislative Council has amended similar legislation to delete all prohibition on cigarette advertising. The only substantial part of the Western Australian Bill remaining is the prohibition on selling tobacco products to minors.

I am informed that the situation in Western Australia is that the third reading of the Bill there has not been dealt with in the Legislative Council. If it is dealt with in a certain way there is a possibility of a conference occurring. I suggest that the chances of that Bill passing in a form that is in any way similar to this Bill are not high. Therefore, what we have is a Bill for the prohibition of advertising relating to tobacco products which contains a clause that means that it is fairly unlikely that it will ever be proclaimed. I suggest that we have here a Bill which has the hallmark of one never intended to be proclaimed—that is the way it came out of Committee. I would find it hypocritical to support a Bill in this form and prefer to honestly oppose it. The Liberal Party is very aware of the very severe and serious ills caused by smoking and does not in any way resile from that, or from the fact that it is the duty of any Government or alternative Government to do everything it can to educate people regarding smoking and to do what can be done to lessen the incidence of smoking.

The present Government, following the initiative of the previous Government, has implemented an excellent education programme relating to smoking. That is not, in itself, enough. My Party is undertaking an examination of a comprehensive policy regarding smoking and will obtain every assistance it can from the various bodies that advocate measures to reduce the incidence of smoking so that the

very dire consequences that can occur from it will be lessened. There would be no point whatever in this Bill unless it did, in fact, reduce the incidence of smoking and I am not satisfied that it would do that. In fact, I am fairly satisfied that it would not.

One must surely look at overseas experience, as we do not have Australian experience in this area. The sort of thing I could say to the proponents of this Bill is that overseas information does not establish that a Bill of this kind would reduce the incidence of smoking, either among minors or among other groups. I do not know that I should refer to the incidence of smoking among minors, which I agree is the most frightening problem at the present time. However, during the Committee stages of the Bill it appeared to me that the Hon. Mr Milne was saying that it was not relevant to refer to the incidence of smoking among minors. Be it among minors, or other groups, overseas experience has been variously interpreted and figures indicated in different ways by different bodies. It seems to me that that experience has indicated that measures such as this are not effective in reducing the incidence of smoking.

Measures of this kind are interventionalist and intervene in rights that people would otherwise have. Therefore, surely it should not be put into effect unless it is likely to be effective in reducing the incidence of smoking. As I have said previously, my own inclination from what I have seen of what has happened overseas is that it has not been effective. In fact, after introduction of legislation of this kind on several occasions the incidence of smoking has increased. As I have said previously, the kindest thing that can be said to the proponents of this Bill is that it is not established that a Bill of this kind will reduce the incidence of smoking and, if it will not do that, it would be quite wrong to pass it.

I do not intend to be long, but should raise the question of sponsorship of cultural organisations and sporting organisations by tobacco companies. This matter has been canvassed during the time that this Bill has been before the Council. It has been made clear to members of this Council through representations made to us that members of cultural and sporting organisations are worried about the matter of sponsorship. The Hon. Mr Milne, who introduced this Bill, suggested that there should be a delay factor in its coming into operation and, indeed, there will be because of the amendments introduced by the Minister of Health. He also suggested that during that time cultural and sporting bodies could obtain other sponsorships. I say that that suggestion is pie in the sky. It is not easy to gain monetary sponsorship for sporting, cultural, charitable or other bodies. The sources of such sponsorship are limited. The number of organisations able to give substantial financial support are limited, as such organisations have heavy pressures placed upon them.

To suggest that, given time, sponsorship for these organisations could be found elsewhere is not realistic unless it is suggested where that sponsorship will come from. I cannot see any reason to suppose that, if the very substantial sponsorship coming from the tobacco industry for sporting and cultural bodies is withdrawn, that tab will be picked up by anyone else. There is also the question of Government sponsorship. The Federal Government has not indicated that it will pick up the tab for such sponsorship. Comments made by the Minister of Health at the State level hedge around the place but there is nothing like any kind of firm undertaking that would satisfy the bodies concerned, or this Council, that this tab will be picked up by somebody else. This is a matter that cannot be ignored. For the reasons I have given, I oppose the third reading of this Bill.

The Hon. L.H. DAVIS: I also oppose the third reading of this Bill. It might be said that this Bill was conceived in a colander—it is half-baked legislation and a Bill of shreds and patches. No-one doubts the Hon. Mr Milne's worthy motives, but he has seized upon the original legislation introduced by Dr Dadour in the Western Australian Parliament in October 1982. He has adopted about half of that Bill and left the rest out. It is interesting to note that the Bill before the Council is quite different from the Bill currently being debated by the Western Australian Parliament. This Bill, as it comes out of Committee, contains a number of unsatisfactory features. As it stands, it would be illegal to advertise matches. It reverses the onus of proof so that advertisements are deemed to be advertisements for tobacco or tobacco products unless it can be proved to the contrary. All reports of cigarette companies (companies which may have many other interests) *prima facie* under the definitions of the Bill will also be deemed to be in contravention of the provisions of this Bill. I will touch on a few of the unsatisfactory features of this legislation. No-one during this debate has suggested that sponsorship of cultural organisations impacts on the incidence, or is likely to reduce the incidence, of smoking among children.

We have had examples of hyprocisy from the Labor Party on this matter. Not only has it produced only one speaker—

The Hon. J.R. CORNWALL: I rise on a point of order, Sir. 'Hypocrisy' is an unparliamentary word. The Opposition should not be allowed to get away with it.

The PRESIDENT: Order! I accept the point of order. We had an understanding several days ago regarding the words 'hypocrisy' and 'hypocrites'. I ask the honourable member to withdraw the word 'hypocrisy'.

The Hon. L.H. DAVIS: I will withdraw that, Mr President. We have had a very good example of the double standards of the Labor Party in respect of this Bill. In the middle of the debate we saw the Premier quite publicly—and I suspect quite deliberately—accept a $50 000 donation from a tobacco company to sponsor one of the major cultural groups in South Australia. At the same time we have had only one Government speaker to this Bill—the Minister of Health, who sought to water down the provisions of the Bill by introducing an amendment which guaranteed, as my colleague the Hon. Mr Burdett has rightly observed, that this Bill would become a piece of non-legislation because it is most unlikely to come into effect.

We see an example before us where the South Australian cricket team, of all cricket teams in Australia, has yet to pick up a sponsorship for the 1983-84 season. As the Hon. Mr Burdett has observed—again quite rightly—sponsorships, whether for sporting or for cultural bodies, are not easy to come by. Yet, this very Government, tongue in cheek, seeks to support this legislation, although it is careful to note that really it is not the Government that is supporting this legislation.

This same Government has had the audacity to increase the licence fees on tobacco products so that the Government take from tobacco products will rise from $16 million in the 1982-83 financial year to an estimated $30 million in the 1983-84 financial year, and this same Minister of Health, who trumpets the so-called Government support for this measure, has not given one hint of support in financial terms for lost sponsorships by offering to pick up the tab by allocating part of that $30 million which has already been taken from cigarette smokers in South Australia—double the amount of last year—by saying during the course of the debate, 'We will allocate $1 million or $2 million to pick up lost sponsorships for sporting or cultural groups.' So, the double standards of the Government in this matter are apparent. It is not at ease with this legislation and it will be a matter of some interest to members, at least on this side of the Council, to see what progress, if any, it makes in the lower House, given the Premier's public pos-

turing quite clearly against the measure that is now before us.

So, I rise to continue to oppose this legislation. There is no question that the Hon. Mr Milne is well motivated—

The Hon. C.J. Sumner interjecting:

The PRESIDENT: Order!

The Hon. L.H. DAVIS: Rather, it is a question of the methodology and what is the best course of action. I suggest, as members who have been associated with random breath testing have suggested, that in an issue such as this public education is the preferable course to take. I believe that this measure is Draconian, even though it may never come to pass.

I would like to add my weight to the argument that has been put forward by the Hon. Mr Burdett: this legislation is ill conceived. It has not been properly debated in Committee in the sense that the Hon. Mr Milne has claimed that this side has been filibustering, but quite clearly he does not understand that the Committee has every right to examine closely legislation which is before it. When one looks at the importance and the consequences of this legislation and compares the small amount of time which has been spent on it, for instance, with the many hours which the other side gladly gave to debating the most minute aspects of workers compensation not so long ago, it is amazing.

Finally, although I suspect that this Council might well pass this legislation, the Government, notwithstanding its published policy and the public posturing of the Minister of Health, will find every way in another place to see that this legislation will never come to pass. In other words, this Council is passing a measure which really is non-legislation.

The Hon. J.R. CORNWALL (Minister of Health): I will be very brief. Already, too much time has been spent on certain aspects of this Bill; an inordinate amount of time has been taken up in Committee. In the 8½ years in which I have been here I have never seen such a disgraceful and low standard of debate. I want to take this opportunity to congratulate the Hon. Mr Milne on his patience and perseverance with this legislation. He has been vilified by many people, particularly by members of the Opposition, for introducing the Bill. He has conducted himself in a most honourable way, of which in some respects I was quite envious. The way in which he handled the puerile and thoroughly vicious attacks of several back-bench members of the Opposition in Committee was an example to all of us. I know that I have certainly been impressed.

I point out in response to some of the remarks made by members opposite in their third reading contributions that this is a private member's Bill. The Government made that very clear. We did not pick it up and run with it, but we elected to support it. To have done otherwise would have been less than responsible.

I simply point out in closing that, despite the rhetoric with which members opposite have carried on, the sad fact is that 1 400 people are dying prematurely in South Australia every year because of tobacco smoking. In addition to that, many people are denied the quality of life which they ought to have in the senior years of their normal life span. As I pointed out to the Council previously, if one sees somebody with smokers' emphysema or if one goes to the clinic and sees people with peripheral vascular disease not related to diabetes and one is told by surgeons that rarely, if ever, do they see amputations of this kind necessary for non-smokers, one realises the effect that tobacco smoking is having on the community.

Of course, that is not to mention lung cancer, cardiovascular disease and heart disease in particular. All of those things have been documented in the past 30 years in more than 30 000 pages published in scientific literature.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: The Hon. Mr Blevins brought the ire of the Opposition down on his head when he said that he thought a very good case had been made out by the Opposition for the compulsory disclosure of donations to political Parties.

The Hon. R.I. Lucas: What has that got to do with it?

The Hon. J.R. CORNWALL: It has everything to do with the way in which decisions are made by the Opposition. We should recognise the cant and hyprocrisy that this—

The Hon. R.J. RITSON: I rise on a point of order. The Minister made a grave and injurious reflection on all members, but he has also attributed the qualities of cant and hypocrisy to us and I ask that he withdraw and apologise.

The PRESIDENT: I am not sure that I heard what the Minister said.

The Hon. R.J. RITSON: The words were 'cant' and 'hyprocrisy'.

The PRESIDENT: In that case, I ask the Minister to withdraw.

The Hon. J.R. CORNWALL: I withdraw the word 'hypocrisy', as it is now my recollection that that word is quite unparliamentary, but I really am sickened by the cant of members opposite. Let us be absolutely fair dinkum about this (to use an old fashioned Australian expression). As I was saying, 30 000 pages have been published in scientific literature in the past 30 years that show quite clearly that tobacco smoking causes all the things that I have enumerated, and more. It is about time we as responsible legislators took upon ourselves the task of trying to adopt this one measure as part of a multi-faceted approach to reducing the incidence of tobacco smoking, particularly in regard to children, adolescents and youth, in regard to whom the honourable member has consistently and responsibly expressed much concern.

It is no longer good enough that we accept a situation in which anti-smoking campaigns are conducted, and effectively, as has been shown in relation to the Iron Triangle, but in which we create huge credibility gaps for ourselves by allowing tobacco advertising to continue, albeit by indirect means—by sponsorship. I have pleasure in supporting the third reading. This is a historic occasion in the Australian context in that it will be the first time in this country, as far as I can recall, that an Upper House has passed this sort of legislation. I conclude by congratulating the Hon. Lance Milne on the considerable courage and perseverance he has shown in the way in which he has enabled this legislation not only to be brought into the Council but also to ultimately be passed by this Council.

The Hon. R.I. LUCAS: I oppose the third reading (and I do not intend to speak at length) for the reasons I gave in opposing the second reading. However, a number of points have arisen from the debate in this Chamber to which I believe I should refer. As the Hon. Mr Davis has said, the Hon. Mr Milne is clearly well intentioned in introducing this Bill. We have not intended to be personally vicious in our opposition to this Bill. We oppose the Bill and we will continue to oppose it strenuously. However, I hope that the Hon. Mr Milne, in accepting or rejecting all we have said, does not take it all too personally.

Nevertheless, the simple fact is that this Bill will not achieve what the Hon. Mr Milne wants it to achieve. I repeat the general principles that I outlined in the second reading debate: I believe that generally available consumer items such as tobacco and alcohol, which can be legally manufactured and legally traded, should be able to be pro-

moted and advertised legally. That is a simple statement of principle, and it is the major reason why I oppose this provision. Where does one draw the line if one institutes or enacts legislation such as this in relation to tobacco and other items, alcohol in particular?

Even if as a general principle I could support the proposal before us, the way in which the Bill has come from the Committee stage would be sufficient reason for me to oppose it. It is extremely poorly drafted. There are a number of consequences (unintended, I am sure) and I can say without hesitation after my short time in this Council that this is the worst piece of drafting that will have gone through this Council in my time (if it passes). I wish to make several points, but fairly briefly. The Hon. Mr Gilfillan (page 1141 of *Hansard*) stated:

> The Leeder survey was belittled somewhat by the Hon. Mr Lucas. I believe that was unfortunate . . .

Once again, I wish to place on record exactly what I said about the Leeder research to correct what I am sure was a misunderstanding by the Hon. Mr Gilfillan. Professor Leeder summarised the results of his Newcastle survey as follows:

> Approval of cigarette advertising in 1979 predisposed children to start smoking during the following year.

The important word is 'predisposed': he did not say 'caused'. Once again, it is important to clarify exactly what Professor Leeder's survey indicated. It showed that there was some relationship between advertising being approved in one year and people taking up smoking in the following year. It did not show causation between the two factors, and that is the important point that the Hon. Mr Milne, the Hon. Mr Gilfillan, and other proponents of this measure have misunderstood. It does not show causation.

Professor Leeder, in correspondence with the local newspaper, the *Newcastle Herald* (from recollection), and in a telephone conversation with me, was honest enough to concede that. He accepts that the survey does not show causation. It shows that there is a link, but Professor Leeder concedes that any of a number of factors could cause people to take up smoking. I will not go into the details of what some of those factors are, but I referred to them in the second reading stage.

The second matter to which I refer is what has happened in the Australian context since the ban on electronic media advertising in 1976. In general terms, two lots of figures have been produced in this debate, in an attempt to show two different things. Two members of the Liberal Party referred to cigarette consumption in abolute terms since 1976, showing an increase from 1976 to about 1982.

The Hon. Mr Gilfillan rejected that bit of statistical information, looked at per capita figures and sought to show that in per capita terms (he used an unusual definition of per capita, because he did not take the whole population; just adults 15 years and over) cigarette consumption had declined. The point that the Hon. Mr Gilfillan has missed in his contribution is that which I sought to make in the second reading debate; that is, it is not much use just looking at what happened since the change in 1976, or whenever overseas countries banned such advertising on the electronic media.

The point that needs to be assessed is the change in the cigarette sales after the imposition of that ban compared with the position before it. I made the point that in mature markets, such as the Australian cigarette market, it is accepted that cigarette sales reach a peak and then decline over time to a lower plateau. The cigarette market in 1976 is accepted as having been a mature consumer market and, if the Hon. Mr Gilfillan goes back to the per capita figures, which I agree are probably more correct figures, and looks at the situation before 1976 in comparison with the figures post 1976 and does a linear regression of the trend of those figures, he will see clearly that there has been a downwards trend since the 1970s in cigarette sales, unaffected by the 1976 ban. There is a straight-line relationship, declining since the early 1970s.

The PRESIDENT: Order! I have reminded the honourable member several times that he should address the Chair. Also, I point to the fact that, although there is no Standing Order in regard to the third reading, it is considered by convention that comments should be addressed to the Bill as it has come out of Committee. Therefore, without trying to inhibit the honourable member unduly, I make that comment to him and indicate that it would be better if he addressed the Chair.

The Hon. R.I. LUCAS: Thank you, Mr President. As always, I abide by your ruling and the Standing Orders of the Council. Certainly, I will address the Chair. The simple point that needs to be made is that one has to look at what happened before and what has happened after the ban. The mistake which the Hon. Mr Gilfillan has made with his figures and which shows in regard to those who have supplied them is that they have only looked at the situation after the change occurred.

Exactly the same reasoning and explanation can be made for the supposed argument that the ban in Norway has drastically reduced the number of young people smoking. That information has been profferred in this debate by a number of members. The simple fact is that one must look at what was happening prior to the ban and after the ban before one can make judgments about the effectiveness or not of the ban.

As my fifth point, I refer briefly to a letter which other honourable members and I have received only today on this matter from Dr Peter Bateman, President, Australian Council of Smoking and Health (ACOSH). In quoting various parts of the letter, I indicate to the Council that I will not be giving a misleading view of the points that Dr Bateman tried to make. He states:

> Please do one the courtesy of reading the rest of this letter, before consigning it to the waste paper basket. As you are probably aware, it is most unlikely (I am sad to say) that it will be picked up by anyone in the Lower House, so it will simply lapse, but you will have demonstrated to the majority of voters, who are non-smokers, and those smokers with children, who do not want them to take up the habit, that you have concern for people and not just money.

The third paragraph states:

> I am sure that the performance you have already put on is enough to convince the tobacco companies that you are on their side, so they will not carry out their threat to cut off campaign funds in the future. If the Bill does go to the House of Assembly, and is supported by Labor there, they—

the tobacco companies—

> may even carry out their threat to stand prominent sportsmen against them at the next election, to the ultimate good of the Liberal Party.

I take personal exception to that letter from Dr Peter Bateman, whom I do not know personally. I think it was unfortunate, and I am trying to be temperate in the language that I use because Dr Bateman, like the Hon. Mr Milne, is obviously well intentioned. He believes that the Bill should be supported strongly, but I believe that Dr Bateman should be taken to task when, on behalf of his organisation, he has addressed such a letter to members of this Council.

The inferences are quite clear, and I believe that such comments are possibly bordering on being actionable if any honourable member wants to proceed. Allegations like that ought not to be made to members who take a genuine view about the appropriateness or otherwise of a particular Bill. We have already sorted this out in this Chamber with the Hon. Mr Blevins and the Hon. Dr Cornwall, who suggested that the attitude we are taking on this Bill results from the

tobacco companies having bought our votes. That is absolutely scurrilous.

As I said, we have had this out with the Hon. Mr Blevins, who has been quiet ever since, and the Hon. Dr Cornwall. I state at this third reading stage that I hope that on mature reflection Dr Bateman, having probably got his way (if the Bill gets through this Council), will reconsider the message that he sent to honourable members on this side of the Council.

My final two points deal with the Bill as it comes out of Committee. I repeat the points raised by the Hon. Mr Milne, who must concede these matters as being clear inadequacies of the Bill. He has conceded that, if the Bill is ever to be enacted, no newspaper in South Australia will, under the provisions of the Bill, be able to advocate to consumers the smoking of low tar cigarettes or filtered cigarettes in preference to high tar or non-filtered cigarettes. The honourable member has conceded that the Bill, if it passes this Chamber, will prevent that sort of consumer information reaching South Australian consumers.

The Hon. C.J. Sumner: Would you support the Bill if that was covered?

The Hon. R.I. LUCAS: No, I have already told the Attorney, if he was listening, that I have major philosophical objections—

The Hon. C.J. Sumner: Don't use it as a reason for opposing the Bill if you are going to oppose it, anyway.

The PRESIDENT: Order!

The Hon. R.I. LUCAS: After the Attorney's years in this Council, he should be aware that, even if we oppose the Bill, it is incumbent on us to try to ensure that, when it leaves this Council, the Bill is in the best possible condition for public consumption.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: The final point relates to a matter that was conceded by the Hon. Mr Milne in Committee, namely, that the Melbourne *Age*, the Melbourne *Sun*, the Melbourne *Herald*, the *National Times*, the *Women's Weekly*, the *Sydney Morning Herald*, the *Australian*, or any of the major dailies or weeklies (the *Women's Weekly* is a monthly publication), can still accept full page colour advertisements for cigarette smoking for particular cigarette brands.

Those publications can be circulated in South Australia with tobacco advertising, yet the local *Advertiser*, *News* and *Sam* magazine will not be able to accept advertising revenue from tobacco companies. I conclude by saying that to the Hon. Mr Milne the Bill may be a laudible aim—but it will not work. It will be a disaster if this Bill is enacted. I strongly oppose the Bill at the third reading.

The Hon. K.L. MILNE: I will be brief, because I believe that all that needs to be said has been said. I will correct one remark made by the Hon. Mr Burdett. I doubt whether I said that the Bill's effect on minors is irrelevant. What I meant and what I think I said is that the exact number of schoolchildren who take up the habit of smoking is not relevant. We know that thousands of schoolchildren take up smoking every year—I think that is the relevant point. Members on all sides have said that they disapprove of smoking. At least we all agree on that, and so do more and more adults every day.

It is a strange and worrying phenomenon that there seems to be an epidemic of children taking up what we are gradually coming to realise is a most extraordinary habit. Children are adopting the smoking habit all over the world. Various countries are taking appropriate action to deal with the problem. It could well be that, as the advertising media and its expertise has improved and increased, tobacco advertising has had an even greater effect on young children.

Nicotine is a drug, and it is tragic to see so many children using it. We speak with horror of Aboriginal children sniffing petrol, but we seem to care little for our own children who use nicotine. Some people dare not take action for fear that it will interfere with tobacco company donations to cricket matches or something else.

The Hon. C.J. Sumner: Like what?

The Hon. K.L. MILNE: The ballet, golf tournaments, racing, and so on. I think that that argument is schizophrenia at its Western World worst, and I do not believe that that will occur.

One of the arguments used repeatedly by the Hon. Mr Lucas and the Hon. Mr Burdett is that the prohibition of tobacco advertising will not affect the sale of tobacco products. If that is so, why do tobacco companies spend millions of dollars on advertising annually? Why is there such a fuss, and why do tobacco companies encourage sporting bodies and others to make a fuss about legislation of this type, if tobacco company advertising has no effect? Of course tobacco advertising has an effect—we are all aware of that.

I am aware of the pressure that has been brought to bear on those for and against the Bill. Debate on the Bill has not been pleasant for anyone. I thank all those who have been involved with the legislation both inside and outside the Parliament, and I thank its opponents for the civilised way (with one or two notable exceptions) in which they have acted. I especially mention the Hon. Dr Cornwall, who has acted with sincerity and determination during the long debate on the Bill.

It required considerable courage to stand up to a moral, social and economic issue of this nature, particularly at a time when the Hon. Dr Cornwall had to make a decision and then carry his colleagues with him. The Hon. Dr Cornwall carried his colleagues in this Council, and I congratulate him for his efforts and courage. I am sure that neither he nor his colleagues will regret it.

All members must realise that no-one will be hurt when this Bill passes. People will not stop smoking overnight. It is a long-range process and, even if and when the required number of other States pass similar legislation and the South Australian legislation is proclaimed, it will still be a long time before the legislation has any effect. There is no need for anyone, sporting bodies or anyone else, to panic. I regard this Bill as a simple declaration by the Council, and I hope by the Parliament as a whole, that we heartily disapprove of smoking and that we intend to discourage it.

I do not agree that the Bill is poorly drafted. No member made that point during the debate; nor did the Hon. Mr Lucas tell us where the Bill should be improved. Members have moved only minor amendments. I would not be surprised if the principle of the Bill and much of its drafting were copied interstate.

With a deep feeling of history in the making, I mention with gratitude those bodies that have assisted with this Bill. I refer to the Australian Medical Association (South Australian Branch), the Australian Council on Smoking and Health, the Australian Council for Health, Physical Education and Recreation Incorporated, the National Heart Foundation, the Kidney Foundation, the Cancer Foundation, the Asthma Foundation, the Children's Television Committee, the Women's Keep Fit Association, the Child Adolescent and Family Health Service, the Institute for Fitness, Research and Training, the Australian Sports Medical Foundation, the Australian College of General Practitioners, the Nurses Federation, the Doctors Reform Society, the Parks Community Health Centre, the Salvation Army, the Public Service Association (in principle), and the Teachers Institute in its journal.

The South Australian Teachers Institute Journal carried two lead articles and an editorial dealing with this issue. To

all those people and the people connected with them I express my gratitude. I also express my deep gratitude to my friend and colleague, the Hon. Ian Gilfillan, who has been a tower of strength.

I sincerely hope that all members will relent and support this Bill. I believe that it would be a first for South Australia and that the people of South Australia would be glad, in due course, that members did so.

The Council divided on the third reading:

Ayes (10)—The Hons Frank Blevins, G.L. Bruce, J.R. Cornwall, C.W. Creedon, M.S. Feleppa, I. Gilfillan, Anne Levy, K.L. Milne (teller), C.J. Sumner, and Barbara Wiese.

Noes (9)—The Hons J.C. Burdett, M.B. Cameron (teller), L.H. Davis, R.C. DeGaris, H.P.K. Dunn, K.T. Griffin, Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Pair—Aye—The Hon. B.A. Chatterton. No—The Hon. C.M. Hill.

Majority of 1 for the Ayes.

Third reading thus carried.

Bill passed.

SHOP TRADING HOURS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 31 August. Page 630.)

The Hon. G.L. BRUCE: I move:

That this debate be further adjourned.

The Council divided on the motion:

Ayes (10)—The Hons Frank Blevins, G.L. Bruce (teller), J.R. Cornwall, C.W. Creedon, M.S. Feleppa, I. Gilfillan, Anne Levy, K.L. Milne, C.J. Sumner, and Barbara Wiese.

Noes (9)—The Hons J.C. Burdett, M.B. Cameron (teller), L.H. Davis, R.C. DeGaris, H.P.K. Dunn, K.T. Griffin, Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Pair—Aye—The Hon. B.A. Chatteron. No—The Hon. C.M. Hill.

Motion thus carried; debate adjourned.

The PRESIDENT: That this Order of the Day be made an Order of the Day for—?

The Hon. M.B. CAMERON (Leader of the Opposition): On motion.

The PRESIDENT: Those for the question say 'Aye'; those against say 'No'. I think that the Ayes have it.

The Hon. G.L. BRUCE: Divide!

The Council divided on the question:

Ayes (8)—The Hons J.C. Burdett, M.B. Cameron (teller), L.H. Davis, H.P.K. Dunn, K.T. Griffin, Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Noes (9)—The Hons Frank Blevins, G.L. Bruce (teller), J.R. Cornwall, M.S. Feleppa, I. Gilfillan, Anne Levy, K.L. Milne, C.J. Sumner, and Barbara Wiese.

Pairs—Ayes—The Hons C.M. Hill and R.C. DeGaris. Noes—The Hons B.A. Chatterton and C.W. Creedon.

Majority of 1 for the Noes.

Question thus negatived.

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

That the adjourned debate be made an Order of the Day for Thursday 10 November 1983.

Motion carried.

MOTOR VEHICLES ACT AMENDMENT BILL (No. 4)

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Motor Vehicles Act, 1959. Read a first time.

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

That this Bill be now read a second time.

It makes an amendment to Part IV of the Motor Vehicles Act, 1959, which contains the provisions relating to third party insurance. The Bill provides that an insurer may be joined as a defendant to an action relating to damages for death or bodily injury arising from the use of a motor vehicle.

The comprehensive third party insurance scheme in South Australia operates as if the insurer does not exist; the insured is treated as the real party to the proceedings. This situation works well in the normal case, but there are two classes of case where the scheme is not effective. One of these classes is exemplified by a decision of the Supreme Court in the case of *Savaglia v. MacLennan and Briggs*. Savaglia sustained injuries in a collision between two cars. He was a passenger in a car driven by MacLennan. There was evidence that both Savaglia and MacLennan had taken drugs, which could account for MacLennan's erratic driving. If it could have been shown that MacLennan was under the influence of drugs and alcohol to Savaglia's knowledge, the damages payable would have been much less. Because of MacLennan's refusal to admit to having taken drugs, the State Government Insurance Commission was unable to raise the matter at the trial as it was not in fact a party to the proceedings but merely conducting the insured's case for him.

The other class of case is that of conspiracy. This involves an agreement by occupants of a car to claim falsely that a person who was not the driver was in fact driving. This may happen when a driver is seriously injured and his passenger sustains only minor injury. The object of such a conspiracy is to allow the real driver to obtain damages for his injuries when, in fact, he was the negligent party. The former Government referred the matter to the Law Reform Committee of South Australia which gave its conclusions in its 63rd report. The committee recommended that, in cases of this sort, the insurer should be joined as a party to the proceedings. The State Government Insurance Commission was consulted, and has conferred with its solicitors.

Both the Government and the Commission are satisfied that this Bill provides the solution to the problem. Provision is made for the insurer to apply to be joined as a defendant to the action. The court shall not join the insurer unless it is of the opinion that there is an actual or potential conflict of interest between the insurer and the insured person in relation to the defence of the action and that the defence proposed by the insurer is not merely speculative.

These requirements protect the interests of the insured person. Where the insurer is joined, then in general terms, the insurer becomes the defendant, and the insured person ceases to be involved except for the purposes of being called by the insurer for cross-examination during the trial.

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

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 inserts new section 125a into the principal Act. The new section provides for the joinder of the insurer as a defendant in some cases. Under subsection (1), the insurer may apply to be joined as a defendant to an action in a case where damages are being sought against an insured person for death or bodily injury arising out of the use of a motor vehicle.

Under subsection (2), a court may only order joinder where it is of the opinion that there is an actual or potential conflict of interest between the insurer and the insured in relation to the defence to the action, and the defence pro-

posed by the insurer in relation to which the conflict arises is, in the circumstances, not merely speculative.

Subsection (3) provides that where an insurer is joined—

(a) the insurer directly assumes the liability (if any) of the insured person upon the claim in relation to death or bodily injury, and where such a liability exists, judgment is given against the insurer only;

(b) the insured person remains a party to the action only to defend a claim other than a claim for death or bodily injury, or to proceed upon a counterclaim. Where there is no other claim or counterclaim he ceases to be a party;

(c) the insured person shall not be called as a third party to the action;

(d) the insured person is, notwithstanding paragraphs *(b)* and *(c)*, entitled to be heard in the proceedings on any question concerning the claim for death or bodily injury;

(e) where the insured person does wish to be heard, he may be represented by his own legal counsel, and his costs shall be paid by the insurer unless the court finds special reasons for ordering otherwise;
and

(f) the insurer may apply to call the insured person to give evidence, and, in that event, he shall be called or summoned to appear as a witness and be liable to cross-examination by the insurer.

Subsection (4) provides that no judgment, or finding of a court, in proceedings where joinder has occurred, is binding in subsequent proceedings against the insured person under section 124a.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

BILLS OF SALE ACT AMENDMENT BILL

In Committee.

(Continued from 8 November. Page 1448.)

Clauses 2 to 4 passed.

Clause 5—'Contents of bill of sale.'

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

Page 1, line 26—after 'amended' insert—

'—

(a) by striking out from paragraph (1) the passage ', their residences or places of business and occupations' and substituting the passage 'and their places or residence or business';
and

(b)'

This amendment strikes out the requirement that the occupation of the grantor or grantee must be provided on bills of sale. During the second reading debate I stated that in these modern times it is sufficient if the main address or residence or place of business of the grantor or grantee be supplied. The same applies to the identification of witnesses who are signatories for the grantor or grantee on a bill of sale. This amendment relates to the occupation of the grantor or grantee and has the effect of deleting the requirement that the occupation be specified on bills of sale.

The Hon. C.J. SUMNER: The Government opposes this amendment. We believe there is extra protection in the fact that the occupation should be included in the citation by the grantor or grantee of the bill of sale. We cannot really see the force of the argument behind the honourable member's amendment. I would have thought he was interested in ensuring correct identification of people who were involved in the execution and registration of bills of sale. Although I do not believe it is a matter of great significance, I do believe that the amendment has no merit. It reduces the protection in terms of ensuring the identity of people who are involved in executing bills of sale.

Generally, in regard to documents lodged in the Lands Titles Office and transfers and the like in relation to the Real Property Act, the occupation of the transferor and the transferee is required. Indeed, the Registrar is very meticulous, or he used to be (and I assume he still is), in ensuring that a person who wishes to transfer land is correctly described, and that includes the name, address and occupation. I do not really see why that should not also apply to bills of sale, which are often registered with the Registrar-General of Deeds. I oppose the amendment.

Amendment negatived.

The Hon. K.T. GRIFFIN: I do not intend to proceed with the next amendment on file in my name which was obviously related to the first amendment. With the limited number of members in the Chamber, clearly the majority of that small number were not in favour of my first amendment, and accordingly I will not proceed with the second. It is not a matter of great moment. Certainly, there are more significant issues in the amendments that I wish to raise shortly, and I prefer to have them accepted rather than take up the Committee's time on this matter.

Clause passed.

Clauses 6 to 10 passed.

Clause 11—'Extension of time for registration of bill of sale.'

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

Pages 2 and 3—Leave out this clause and insert—

11. The following section is inserted after section 17a of the principal Act:

17b. Where—

(a) a bill of sale is not registered within the prescribed time;
and

(b) the Supreme Court, on the application of the grantee or the holder of the bill of sale or of any other person interested, is satisfied that the failure to register the bill of sale within the prescribed time was accidental or that on other grounds it is just and equitable to grant relief,

the Supreme Court may, on such terms and conditions as the Court thinks just, by order, extend the time for registration for such period as is specified in the order.

The present clause is designed to provide a mechanism for the extension of time for registering a bill of sale. Under the amendment a bill of sale will have to be registered within 60 days of the day of execution of the bill of sale, but there is also a mechanism provided in the amendment in the Bill that if not registered within that time the Registrar, on the application of the grantee of the bill of sale or any other person interested, may allow the late registration at any time not later than 30 days after the time when the registration of the bill of sale should have occurred.

Subsequent clauses provide for a right of appeal from a decision of the Registrar. That is an appeal to the Supreme Court. I believe that the provision is inadequate for a number of reasons. Under my amendment the Supreme Court, on the application of the grantee or the holder of the bill of sale or any other person interested who may apply, may grant an extension of time, not limited to 30 days after the expiration of the initial period of 60 days from the date of the bill of sale, but at any time. The Supreme Court would have to be satisfied that failure to register a bill of sale within the prescribed time was accidental or that on other grounds it is just and equitable to grant relief.

The provision is continued by allowing the Supreme Court to impose such terms and conditions as it thinks just when it grants any order for an extension of time for registration.

My amendment picks up to a large extent the provisions of the Companies (South Australia) Code, which give jurisdiction to the court in respect of the registration of charges. The court will have power, as it has under the Companies Code, to make what is called a Joplin order, which is an order, as I understand it, to protect priorities so that someone who has gained a priority for another bill of sale registered between the day of execution and the extended period, will not lose that priority by the granting of an extension of time for registration of the first bill of sale.

That is an important power of the court which the Registrar-General would not have and which he ought not to have because he is a statutory officeholder and is not a person who ought to make decisions about whether or not it is just and equitable to grant the sort of relief to which I have referred in the amendment.

The Hon. C.J. SUMNER: As we have just established that we are not bloody-minded or obstructive about the honourable member's amendments to the Bill, I indicate the Government's willingness to accept the amendment.

Existing clause struck out; new clause inserted.

Clause 12—'To be registered in order of production.'

The Hon. K.T. GRIFFIN: I want to comment on this clause. In the second reading debate I raised what appeared to be a question of a hiatus period in the transition from the date of registration determining priorities to the time of registration, and at that time I indicated that I may want to make further inquiries about it. I have now satisfied myself that the amendment is correct and that the change of the reference to the date of registration determining the order of priority to the time of production will not create any problems in the change from what is presently in the Act to what is proposed to be in the Act as the result of the amendment in clause 12. My difficulty with the clause has now been resolved.

Clause passed.

Clause 13 passed.

Clause 14—'Power of Registrar to extend time for renewal.'

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

Page 3—Leave out this clause and insert—

14. Sections 19b and 19c of the principal Act are repealed and the following section is substituted:

19b. Where—

(a) a bill of sale is not renewed within the prescribed time; and

(b) the Supreme Court, on the application of the grantee or the holder of the bill of sale or of any other person interested, is satisfied that the failure to renew the bill of sale within the prescribed time was accidental or that on other grounds it is just and equitable to grant relief,

the Supreme Court may, on such terms and conditions as the Court thinks just, by order extend the time for renewal for such period as is specified in the order.

This amendment is consequential in some respects to the amendments which, I am pleased to say, the Attorney-General has seen appropriate to support with regard to the extension of time for registration. It is appropriate that questions of extensions of time for renewal of bills of sale be treated identically, and the same mechanism is proposed in my amendment as has now been adopted by the Committee in respect of the extension of time for the initial registration. I hope that the Attorney is also willing to accept this amendment to maintain consistency.

The Hon. C.J. SUMNER: The honourable member's hopes are fulfilled on this occasion, and I am willing to accept his amendment.

Existing clause struck out; new clause inserted.

Clause 15—'Power of Court to extend time for renewal.'

The Hon. K.T. GRIFFIN: I oppose the clause.

Clause negatived.

Clauses 16 to 18 passed.

Clause 19—'Bills of sale to be void in certain circumstances.'

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

Page 5, after line 8—Insert paragraph as follows:

(aa) by striking out from subsection (1) the passage 'in which there shall be any material omission or misstatement of any of the particulars required by the ninth section hereof, or';

This clause relates to section 28 of the principal Act. In many respects this is one of the key clauses of the Bill, relating to one of the key clauses of the principal Act. Section 28 of the Act provides:

(1) Every bill of sale in which there shall be any material omission or misstatement of any of the particulars required by the ninth section hereof, or which shall not be registered within the time hereinbefore provided, or within any extended time allowed under section 19b or 19c of this Act, shall be void, as against—

(a) the official receiver or the trustee in insolvency of the grantor:

(b) the trustee of the estate of such grantor under any statutory assignment for the benefit of his creditors.

The Bill seeks to delete from subsection (1) the passage 'section 19b or 19c of'.

Even if clause 19 of the Bill is carried, a provision would still remain in the principal Act providing that, if there is any material omission or misstatement of any of the particulars required by section 9, the bill of sale is void. Therefore, the Act will only include the names and addresses of grantees, grantors, and so on. I believe that it is quite wrong that any validity as against the official receiver or trustee in insolvency or others should be determined on whether or not particulars are included in the bill of sale. Registration should be sufficient to achieve that security and priority.

The deletion of the words referred to in my amendment, while retaining the Government's amendment in clause 19, will provide that, if the bill of sale is not registered or the registration is not renewed either within the time allowed or by order of the court, it is void as against the official receiver and others. It is the act of registration or non-registration that is a critical factor in determining whether or not the bill of sale is void as against the official receiver and others. In the light of my explanation, which I know has been a little circuitous, I hope that the Attorney has been persuaded to accept my amendment.

The Hon. C.J. SUMNER: I have some sympathy for the honourable member's point in relation to this clause, but I confess to some concern that the Hon. Mr Griffin's amendment could mean that there is no attack in terms of priority on a bill of sale unless it is registered out of time. In other words, there could be all sorts of omissions in relation to the particulars required by section 9, which would be of no effect in terms of the priority that should be given. I ask the Hon. Mr Griffin whether he intends that the only thing that should defeat the priority is registration out of time, even though there may be a number of misstatements in the particulars required by section 9.

There could be some gross misstatements in the names and addresses and possibly even deliberate omissions. While I have some sympathy with the honourable member's point, where there is a genuine omission or misstatement caused by mistake or genuine error, is not the Hon. Mr Griffin's suggestion somewhat broader than it should be?

The Hon. K.T. GRIFFIN: I do not believe that that is the case. Section 9, as amended, only requires the names of the grantor or grantee, the residences or places of business and occupations, and the name, place and residence or business and occupation of every attesting witness. The Opposition amendment strikes out the requirement to state the consideration, description of the chattels, location of the chattels, the sums secured and whether or not they are an antecedent debt or a contemporaneous advance. The

only mandatory requirement so far as the Statute is concerned for registration purposes is that the name, address and occupation of grantor and grantee and the attesting witnesses be specified. If those details are stated in the bill of sale and it is produced for registration, the Registrar will register. The fact of registration will give priority against the official Receiver and others specified in this clause, but it still leaves the question of whether or not it is a valid bill of sale to be determined as between the parties and anyone claiming priority, other than the grantee of the bill of sale in question.

It may be that the description of the property over which the bill of sale has been granted is inadequate to identify the parties. But that is not a matter which ought to go to registration but one which would be resolved in any dispute about priorities. One still has to establish that it is a valid bill of sale. It is not the Registrar-General's responsibility to do that: all he has a responsibility to do is register a bill, provided it is in a particular form and contains name, address and occupation of grantor, grantee and attesting witnesses.

The removal of the words in the amendment I am moving will not in my view prejudice anybody. The removal of those words will make it quite clear that the question of validity of a bill of sale does not depend on whether or not one has an accurate address or name but on whether or not it is a valid bill of sale. That is determined outside the operation of this Act. I see no problem at all with this matter. If, however, the Attorney-General is still concerned about it, it may be that he will report progress and have further discussions about it. I sought advice from a member of the legal profession who informed me of what I believe to be the case, that this will not in any way create any prejudice and will make it clear that the question of whether or not it is void as against the official receiver will depend upon the substance of the bill of sale and not on some technical question as to whether or not the address or occupation shown is correct.

The Hon. C.J. SUMNER: I understand what the honourable member is saying, and I agree that we should return to this clause later.

Consideration of clause 19 deferred.

Clause 20 passed.

Clause 21—'Fees.'

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

Leave out this clause and insert new clause as follows:

21. Section 35 of the principal Act is repealed.

Section 35 of the Act states:

No practitioner of the Supreme Court or licensed landbrokers shall recover any fees for preparing any document under this Act other than those set forth in the seventh schedule hereto.

The seventh schedule, as I indicated during the second reading debate, is quite outdated and was last amended in 1940. As I indicated yesterday, the fees are ludicrously out of touch with reality. Every bill of sale where consideration shall not exceed $100 involves a fee of $1.05. Where the amount exceeds $100 the fee is $2.10, and for every folio beyond the first 10 folios there is an additional charge of 20c per folio. If the bill of sale is printed or part printed the fee is only 5c per folio, so one can see that those fees are quite ludicrously out of date.

I think that many people would be delighted if the value of money had not been so extraordinarily inflated in the past 40 years. Notwithstanding that, this is a provision which is just not enforced, and I suggest quite rightly so. Bills of sale are drawn by landbrokers, lawyers, stock agents, finance companies and others, and reasonable fees are charged for so doing according to the amount of work required to be done. It is a highly competitive market and I have heard of no instance where there has been overcharging for a bill of sale. If there had been there would have been complaints to the Law Society, now the Legal Practitioners Complaints Committee, the licensing authority for landbrokers—

The Hon. C.J. Sumner: What can it do to landbrokers?

The Hon. K.T. GRIFFIN: It has a general responsibility for licensing brokers and if it regards a fee charged by a landbroker as excessive it must be able to take that into consideration when issuing a licence. I suggest that there has been no demonstrated complaint about the present practice. There are already mechanisms for the review of the practices of lawyers and landbrokers. There is no mention of stock agents, stockbrokers or finance companies, although I presume that, so far as finance companies are concerned, the Credit Tribunal may have some involvement in respect of the general licensing provisions of credit providers.

I suggest to the Attorney that it is quite unfair, after 43 years, to suddenly insert a provision which contains the express intention of providing for regulating fees which have not effectively been regulated for 40 years. I suggest that, in the absence of any evidence that there has been any overcharging, and because of the highly competitive nature of this work, the present situation should prevail. I can understand the Attorney's concern about fees charged by professionals, but I suggest that there has been no abuse of this fee charging process and that, until there is, there is no reasonable basis upon which this provision ought to be included in the Act. If the Attorney-General finds some difficulty in accepting my amendment perhaps he can consider merely allowing clause 21 to be defeated so that the present provision prevails.

The Hon. C.J. Sumner: That is pointless.

The Hon. K.T. GRIFFIN: I know it. However, I suggest that because it is out of date it is not complied with and because it is so unreasonable no harm is done by leaving it there. I can understand also that it might be some source of irritation if an outmoded provision is there. So, I really urge the Attorney-General to seriously consider that matter and not proceed to regulation for the sake of regulation where presently there is no effective regulation and no abuse has been demonstrated of this highly competitive part of an industry. I urge the Attorney-General as an ideal to support my amendment, but at worst to allow the present section to remain.

The Hon. C.J. SUMNER: The honourable member is being persuasive tonight—uncharacteristically so, but nevertheless persuasive. I have only one query in relation to the honourable member's amendment: whilst I can accept that legal practitioners are subject to some controls with respect to their costs in that there is a general jurisdiction in the Supreme Court to have costs assessed, and if members of the public consider that they have been overcharged by a solicitor in relation to preparation of a bill of sale or anything else they can request that those costs be assessed by a master of the Supreme Court and the costs reduced should that be necessary, I am a little dubious about the honourable member's assertions in relation to land brokers.

I have not had the opportunity of properly researching the point, but it would seem an odd situation if solicitors were subject to some form of control (albeit by the means of the Supreme Court rather than any specific legislative requirement), whilst no controls existed over their competitors. I can understand the argument which says that bills of sale may be very different in the terms in which they are drawn and, whilst most of them are in standard form and therefore quite probably could be done at a standard fee by almost anyone, other bills of sale may be more complicated and require additional work for which a market rate, in effect, should be able to be charged by the person preparing the bill of sale.

Therefore, I have some sympathy for the honourable member's argument, but I find some problem with his asserting quite rightly that legal practitioners still have some controls over their charging, whereas I am not sure that the same controls exist in relation to land brokers, for instance. I am 90 per cent persuaded by the honourable member's convincing arguments this evening, but I still have some query about what recourse a member of the public might have against a land broker should that person feel that the land broker had overcharged.

The Hon. K.T. GRIFFIN: I take some heart from the fact that I am 90 per cent of the way, but it is always that last little bit that is difficult in trying to get to the finishing line. I am of the view that the Board which licenses land brokers would have a general authority in respect of the licensing or renewal of the licences of land brokers. I would have thought, although I have not checked with any member of that Board, that, if any member was making charges which in the nature of the work would be regarded as excessive, the Board would be able to take that into account in determining whether or not the licence should be renewed.

The Land and Business Agents Act, which I have in front of me, regrettably has an amendment to the renewal section, and I do not have it, but I would have thought that the Board had the appropriate authority; in any event, this sort of work is so competitive that, rather than a land broker overcharging, the land broker may well be seeking to charge lower fees to ensure that the land broker gains the work.

The other problem with the regulation of fees, which has been obvious under the Real Property Act regulations that regulate the fees that can be charged for Real Property Act transactions, is that everyone charges the prescribed fee, whereas prior to those fees coming into operation some probably charged higher fees and some charged lower fees. Everyone is now up to a common level. At this stage that is as far as I can take it. I guess that the Attorney-General may want to have time to think about it; the conduct of the business is certainly in his hands. If he wants to defer it, I have no objection.

The Hon. C.J. SUMNER: I am still not overly convinced by the honourable member's attempt to persuade me to go that much further. The problem is that there are not the strict provisions relating to charges imposed by land brokers that exist in relation to legal practitioners. Although it could be argued that some sections of the Land and Business Agents Act mean that a broker who overcharged could be challenged by someone and taken before the Land Brokers Board, I do not believe that unless the charge is really extraordinarily excessive any action could be taken. That concerns me a little. Whilst I agree that there is considerable merit in what the honourable member says, I would feel much happier if I knew that the same general restrictions that apply to legal practitioners also apply to land brokers.

It has been argued that most people involved in granting bills of sale know what they are doing, are operating in a very commercial context and therefore should be aware of any difficulties. I believe that that is universally the case, although many grantors of bills of sale, even though they are business people, would not necessarily be completely *au fait* with what charges are appropriate.

While I do not believe that this is a major point, I am still concerned about what redress might be available against a land broker who was responsible for charging excessively. The problem is, unless some kind of standard is set down, on what criteria would the Master of the Supreme Court or more particularly the Land Brokers Board determine whether or not there had been overcharging in relation to a bill of sale? I would certainly like to see some amicable solution to this matter, and I wonder whether this issue could be considered again after consideration of the next clause.

Consideration of clause 21 deferred.

Clause 22—'Insertion of new ss. 38a and 38b.'

The Hon. K.T. GRIFFIN: This is a difficult problem. The Attorney-General will note that I have on file two amendments, one referring to B4 paper size and one referring to A4 paper size. The amendment with which I wish to proceed relates to A4 paper size. I move:

Page 5, line 23—Leave out 'be on paper of a size and kind prescribed by regulation' and insert ', on and after a day to be fixed by proclamation, be on paper of international A4 paper size and of not less substance than 80 grammes per square metre'.

I know that the Registrar-General is somewhat anxious to create some measure of uniformity regarding size of documents that are lodged in both the Lands Titles Office and the general registry office, and that is why I initially had some inclination towards the B4 paper size, which I am told comprises a significant proportion of the bills of sale that are lodged with the Registrar General of Deeds.

However, the Stock Mortgages and Wool Liens Act provides under section 23 that every stock mortgage and agreement conferring preferable lien on wool be executed in duplicate and, until a date to be fixed by proclamation, shall be on paper of demi size and foolscap size initially; after that date, it will be on paper of size A4, 297 millimetres by 210 millimetres.

Although I understand that there has not yet been a proclamation under that section, the fact is that the A4 international paper size has been specifically referred to in that Act. I believe that the amendment was made in 1975. I know that land brokers and lawyers more commonly use the A4 international size paper, and I also understand that a number of credit providers, even in regard to bills of sale, are moving to the international A4 size. Most small practitioners, whether legal people or land brokers, have photocopiers that copy the smaller size, but not the larger size, paper. I propose that on and after a day to be fixed by proclamation bills of sale are to be on paper of international A4 size and of no less substance than 80 grammes per square metre, which I understand is what the Registrar General would prefer.

I believe that this provision should be included in the Act rather than being prescribed by regulation, because it will be there for everyone to see and there can be no adjustment by regulation without notice to members of the legal profession and the landbroking profession who prepare this sort of documentation. Rather than providing regulations in this regard, I believe that provision should be made in the Act, and that is why I have moved the amendment regarding specific standard and quality of paper.

The Hon. C.J. SUMNER: I really think that the amendment should be rejected, notwithstanding the honourable member's powers of persuasion. I find somewhat bizarre the whole business of including in an Act of Parliament prescriptions of paper size.

The Hon. K.T. Griffin: So do I, but they shouldn't even be in regulations.

The Hon. C.J. SUMNER: I can see some reason for such provision in regulations, for reasons of consistency. I ask the Council to insist on the amendment proposed in the Bill and to reject the honourable member's amendment, because that amendment specifies a paper size. I really think that the sensible course is through regulation.

If the Government believes that there is some merit in consistency of paper size of documents that are lodged at various registries, that can be dealt with by regulation, and it will still be subject to Parliamentary control. I suggest that the amendment to the Bill be supported and that clause 5 of the Stock Mortgages and Wool Liens Act Amendment Bill be supported, which would mean that all paper sizes will then be left to regulation. I am afraid that on this

occasion I can see no merit in the honourable member's amendment, and I ask the Council to reject it resoundingly.

Amendment negatived; clause passed.

Clauses 23 to 25 passed.

Progress reported; Committee to sit again.

STOCK MORTGAGES AND WOOL LIENS ACT AMENDMENT BILL

In Committee.

(Continued from 8 November. Page 1448.)

Clause 2 passed.

Clause 3—'Stock mortgages.'

The Hon. K.T. GRIFFIN: My comments on this clause are relevant to all the clauses. I understand that this amendment will certainly bring this Act into line with the amendments which have been made to the Bills of Sale Act, and that other amendments that we are making to the Bills of Sale Act by virtue of the provisions of the Stock Mortgages and Wool Liens Act will be translated to apply to this Act. While I expressed some reservations yesterday as to whether or not any consequential amendments would be needed as a result of the amendments made by the Bills of Sale Act, I am now reasonably satisfied that no further amendments to this Bill are required.

Clause passed.

Remaining clauses (4 to 7) and title passed.

Bill read a third time and passed.

LAND TAX ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 November. Page 1457.)

The Hon. K.T. GRIFFIN: The Opposition supports the Bill. It is largely of a technical nature although, if the amendment were not to be made, it would have some significant ramifications in respect of the ability to levy land tax. However, the Opposition does not desire to take a point about that. Suffice it to say, when the Planning Act, 1982, was passed and became law, there was an oversight in respect of the Land Tax Act which presently adopts the definition of 'metropolitan area' from the 1966 Planning and Development Act.

This amendment brings the Land Tax Act up to date by adopting a new definition for 'metropolitan area'. It includes the metropolitan planning area under the Planning Act, 1982, plus the areas of the City of Adelaide and the municipality of Gawler. The City of Adelaide is not put in the purview of the Metropolitan Development Plan, nor is Gawler, but both of those areas are included in the old definition of 'metropolitan area'.

So, there is no difficulty in supporting the translation of the definition from the old Act to the new Planning Act. In another place the member for Light expressed the hope that this was not a forerunner to Gawler being included in the Adelaide Metropolitan Area, and he indicated that, while he did not see this Bill as a threat to Gawler in that respect, he wanted to put on notice that he and the Opposition would not regard our accession to this Bill as being an accession to any later proposition that Gawler would become part of the Adelaide metropolitan area for other purposes.

The Bill does have a retrospective effect to 30 June 1983, from which date liability for 1983-84 land tax is assessed. On this occasion the Opposition has no objection to that provision, although that should not be regarded as giving unqualified support to legislation which has a retrospective operation. In some respects we are rather surprised that the Government did not use the opportunity to fiddle with land tax. We are delighted that it did not but, in the context of its current taxation and charge increases, one might have expected land tax also to be included.

We are delighted that that has not been done. In fact, the Government is allowing inflation to give it a significant gain from land tax, rather than fiddling with the scales. I suppose that the scales in themselves do not compensate ordinary property owners for increases in the value of land as a result of inflation. That is a battle that we will consider at some time in the future. For the purposes of merely changing the definition, the Opposition supports the Bill.

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

MAGISTRATES BILL

In Committee.

(Continued from 8 November. Page 1453.)

Clauses 2 to 4 passed.

Clause 5—'Appointment of Magistrates.'

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

Page 2, lines 26 to 29—Leave out subclause (3).

This clause, which deals with the appointment of magistrates by the Governor on the recommendation of the Attorney-General, contains a provision for the appointment of acting magistrates for a term not exceeding three months. My amendment seeks to delete subclause (3) relating to acting magistrates.

During the second reading debate yesterday I said that I have some difficulty in accepting that on one day counsel could appear in the Magistrates Court; the next day he might be sitting on the bench as an acting or temporary magistrate; and a few weeks later he might appear in the same court before others who, during the period that he was an acting magistrate, would have been his colleagues. I think that the Magistrates Court jurisdiction is different from the jurisdictions of the District Court and the Supreme Court where on occasions senior practitioners have been appointed as acting judges and commissioners.

In many respects a number of relatively junior practitioners appear in the Magistrates Court, where counsel tends to rub shoulders with magistrates. I am concerned that, if a person who appears as counsel subsequently sits on the bench as an acting magistrate, it will create an appearance of undue influence or preference. That is my major reason for objecting to the appointment of acting magistrates.

If there are short-term difficulties in the magistracy, they can be overcome often by juggling the locations and workloads of other magistrates. If there is a continuing problem, it might be appropriate to consider the appointment of an additional magistrate or magistrates. The problem is not insurmountable. It is an undesirable solution to appoint an acting magistrate for a short period of time.

The Hon. C.J. SUMNER: I oppose the amendment. Acting Supreme Court judges can be appointed from the existing Judiciary or from the profession; the same thing applies in the District Court. I see no logic in the honourable member's proposition that a distinction could be drawn between a practising barrister in the Supreme Court being made an acting judge and a practitioner who appears in the magistrates court being made an acting magistrate.

Indeed, I believe that the Hon. Mr Griffin's arguments have no merit when one considers the following situation: an acting magistrate could be appointed from the ranks of

Queen's Counsel, who may be very remote and distant from the magistracy.

The Hon. K.T. Griffin: Very few Queen's Counsel would want to be appointed as an acting magistrate.

The Hon. C.J. SUMNER: It has happened before.

The Hon. K.T. Griffin: When—years ago? Do you mean Joe Nelligan?

The Hon. C.J. SUMNER: That is correct.

The Hon. K.T. Griffin: He was in his 70s when he was appointed.

The Hon. C.J. SUMNER: I have provided an example that points up the absurdity of the honourable member's argument. People who have little connection with the day-to-day activities of the Magistrates Court could be appointed as acting magistrates. I have referred to the example of Queen's Counsel: that may be rare, but it is certainly possible.

I refer also to the example of a solicitor who may not appear regularly in the Magistrates Court. I give the further example of the Director of the Law Department or someone similar who may have retired at the age of 60.

The Hon. K.T. Griffin: Do you mean the Crown Solicitor?

The Hon. C.J. SUMNER: No, I mean anyone; it could be a Director of a department who happens to be a practising solicitor.

Mr X may retire at 60. There is currently a former director of the Law Department performing duties of a judicial nature. As the honourable member well knows, the Coroner is a former Director of the Law Department who is taking on part-time work. No-one would criticise that. He does not practise in any jurisdiction as a barrister or solicitor.

The Hon. K.T. Griffin: But there is a mechanism for appointing him, is there not?

The Hon. C.J. SUMNER: Yes, but if one removed that provision a person could not be appointed as an acting magistrate. I believe that that would be unreasonable. Under the honourable member's argument there can be an acting Supreme Court judge appointed from the bar, an acting District Court judge appointed from the bar or anywhere else, but one cannot appoint an acting magistrate from anywhere, even though the person being appointed has had little involvement with the Magistrate's Court. I say that there should be power to appoint an acting magistrate. It provides greater flexibility for the Executive in determining what judicial strength is needed. I am sure that if the honourable member were ever to become Attorney-General—

The Hon. K.T. Griffin: It won't be long.

The Hon. C.J. SUMNER: That may be so, but that is a matter for the future. However, the honourable member is still young and reasonably active so I suppose he can hold out some hope in that regard. I can see no logic in the honourable member's point. I think that there are people who could be appointed to the position of acting magistrate without any possibility of there being conflict with their usual position. The Government finds this amendment unacceptable.

The Hon. K.T. GRIFFIN: There may well be people in the categories that the Attorney-General has referred to. However, if he is going to appoint a solicitor who has had no experience, or little experience, in the Magistrates Court I must seriously question the responsibility of the exercise of that discretion.

The Hon. C.J. Sumner: I did not say that.

The Hon. K.T. GRIFFIN: That is what the Attorney-General was suggesting in defence of his position. It is true that on one occasion a Queen's Counsel was appointed as a magistrate but that was at the end of his professional career and at a time when he was prepared to take up responsibility as a magistrate. I suggest to the Attorney-General that there would be no Silk who would be prepared to take on this job unless he was at the end of his professional career. I do not share the Attorney's view about this matter. I do not believe that acting magistrates ought to be appointed as proposed here. We will take a vote on the matter and, if the Attorney has sufficient numbers to vote with him, so be it. I believe that it is not appropriate to have this provision in the Bill.

The Hon. C.J. SUMNER: The honourable member has not addressed the question of flexibility. Clearly there are people who are qualified for appointment as acting magistrates who would not in any way be in conflict with their existing position. I can only refer to the example concerning the former Director of the Law Department. However, there are a number of others in that category who could be used in this position, whether they come from the public sector or the private sector. The honourable member knows a number of senior practitioners in the profession at present who could be available for acting appointments. A person has recently been appointed an acting Master without conflict with what he was doing. That person could well be appointed an acting magistrate without any fear whatever of conflict of position. It seems to me to be absurd to cut down on the sort of flexibility that this provision will give.

The Committee divided on the amendment:

Ayes (8)—The Hons J.C. Burdett, M.B. Cameron, L.H. Davis, H.P.K. Dunn, K.T. Griffin (teller), Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Noes (9)—The Hons Frank Blevins, G.L. Bruce, J.R. Cornwall, C.W. Creedon, I. Gilfillan, Anne Levy, K.L. Milne, C.J. Sumner (teller), and Barbara Wiese.

Pairs—Ayes—The Hons R.C. DeGaris and C.M. Hill. Noes—The Hons B.A. Chatterton and M.S. Feleppa.

Majority of 1 for the Noes.

Amendment thus negatived; clause passed.

Clause 6 passed.

Clause 7—'Responsibility for administration and control of the Magistracy.'

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

Page 3, lines 22 and 23—Leave out ', subject to the control and direction of the Chief Justice.'

Clause 7 deals with the hierarchy of responsibility for the administration of the magistracy. Subclause (1) provides that the Chief Magistrate is responsible, subject to the control and direction of the Chief Justice, for the administration of the magistracy. I said in the second reading debate that that was most inappropriate in the light of the Chief Justice's involvement in other areas of the Judiciary, particularly in the disciplinary procedures, because it is the Chief Justice who under clause 10 gives advice to the Governor on the suspension of a magistrate. The Chief Justice has to come to an opinion that there are reasonable grounds to suspect that the magistrate is guilty of an offence before suspension can be advised, and he can request the Attorney-General under clause 11 to initiate an investigation. The Chief Justice appoints a judge in the Supreme Court to conduct an inquiry into the behaviour of a magistrate if that is requested by the Attorney-General; it is likely to be the Chief Justice who sits as a member of the Full Court to determine whether or not the magistrate should be removed from office (if it is not the Chief Justice who sits on the Full Court and he disqualifies himself, I still think that there is potential conflict).

I feel very strongly about this issue: the Chief Justice ought not to be involved in the administration of the magistracy, which presumably means allocation of magistrates to courts, to country and city locations and so on. It perhaps is a difficult area for magistrates, but, after all, the Chief Justice is responsible for the administration of the Supreme Court Judiciary. The Senior Judge is responsible for the

administration of the District Court judges. So, why should the Chief Magistrate not be responsible for the administration of the magistracy?

All it will mean is that an appropriate person is chosen to perform that function of Chief Magistrate, a person who is not only appropriate in the judicial context but also has some administrative ability. It is quite wrong in principle that the Chief Justice should be involved in the administration of the magistracy in the light of his other functions. It is also wrong that the Supreme Court should be involved in the day-to-day affairs of a lower level of the judiciary (namely, the Magistrates Courts) when undoubtedly they will have either as single judges or as full courts responsibility for determining judicial accuracy or error.

I do not believe that the distinction between any of the three jurisdictions should be so blurred as to provide what may be perceived as a trend towards the unification of the system of courts in this State. Maybe that is a remote possibility, but each of the three levels has a distinct and separate judicial responsibility. The exercise of that is always subject to appeal to a higher level. There ought not to be involvement between one level and another—other than for the purpose of appeals. For those reasons, I ask the Council to support the amendment which I have moved in order to remove the Chief Justice from having any involvement with the administration of the magistracy.

The Hon. C.J. SUMNER: I oppose the amendment. It has been generally agreed in the discussions leading up to the Bill that, if the magistracy were to be removed from the Public Service, there needed to be some means of ensuring accountability of the magistracy and, if one takes the view that the Judiciary is independent, the argument is that magistrates should be responsible to other members of the Judiciary. That being the case, it seems appropriate that it be the Chief Justice as the head of the Judiciary of this State who is the person to whom that authority should be given. So, there should be some supervision of magistrates (for instance, on where they should sit) and some overall responsibility for their conduct, and accordingly it is not entirely appropriate that that should completely rest with the Chief Magistrate.

In relation to the day-to-day functioning of the Magistrates Court it will be the Chief Magistrate who is the ultimate authority. He may delegate to someone else some of the administrative authority in terms of who sits where and the like, but I would think that it would be the Chief Magistrate who in general terms would be responsible. The Bill provides—and I think that it is desirable—that there be an ultimate power or authority to supervise the conduct of the magistracy, and that properly resides with the Chief Justice. I do not believe that it can properly reside with anyone else within the Judiciary, given that we accept that there should be no executive control over the actions of the judiciary.

The Hon. K.T. GRIFFIN: I continue to have some concern about this provision. The Attorney-General has suggested that if it is removed there will be no-one with any control over the magistracy. That is not correct because the later provisions of the Bill give both the Chief Justice and the Attorney-General very wide powers. The power is there for the Attorney-General to initiate an investigation either on his own intiative or at the request of the Chief Justice. That, I suggest, has connotations of interference with judicial independence like nothing that exists at present. Then there is an opportunity for the Attorney-General to apply to the Supreme Court for an inquiry which is in the nature of a judicial inquiry. If the Supreme Court agrees, a single judge of the Supreme Court conducts an inquiry. Then, taking it further, the Attorney-General may apply to the Full Court for determination of whether the magistrate should be removed from office. So, there is adequate control over magistrates through the mechanisms which appear later in the Bill: the right of the Attorney-General to initiate an investigation, the right to apply to the Supreme Court for a judicial inquiry, and the right to apply to the Full Court of the Supreme Court for a determination of whether a magistrate should be removed from office.

I believe that they are adequate provisions for monitoring the behaviour and performance of magistrates: they do not present the same level of conflict of interest that I believe will occur if the Chief Justice has a responsibility for administration of the magistracy, or at least the ultimate responsibility for that, and also the other responsibilities as to discipline, which I have outlined. If there is a problem within the magistracy, without the Chief Justice having an overriding responsibility for its administration (if, for example, a Magistrate does not sit when he ought to be sitting, if he does not sit for the hours during which he ought to be sitting, if he misbehaves in any way or does not do as he is directed by the Chief Magistrate), there are plenty of avenues available under the Bill to enable the Attorney-General to take action and ultimately to have the matter considered by the Supreme Court, so I oppose the Attorney's proposition very strongly and I urge the committee to support my amendment.

The Committee divided on the amendment:

Ayes (8)—The Hons J.C. Burdett, M.B. Cameron, L.H. Davis, H.P.K. Dunn, K.T. Griffin (teller), Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Noes (9)—The Hons Frank Blevins, G.L. Bruce, J.R. Cornwall, C.W. Creedon, I. Gilfillan, Anne Levy, K.L. Milne, C.J. Sumner (teller), and Barbara Wiese.

Pairs—Ayes—The Hons R.C. DeGaris and C.M. Hill. Noes—The Hons B.A. Chatterton and M.S. Feleppa.

Majority of 1 for the Noes.

Amendment thus negatived; clause passed.

Clause 8—'Responsibility of magistrates to the Chief Magistrate.'

The Hon. K.T. GRIFFIN: I will not proceed with the amendment that I foreshadowed.

Clause passed.

Clause 9—'Tenure of office.'

The Hon. K.T. GRIFFIN: Again, the amendment I proposed was dependent upon the deletion of 'acting magistrates' from the Bill. I will not proceed with the amendment.

Clause passed.

Clause 10—'Suspension of magistrate from office.'

The Hon. K.T. GRIFFIN: Yesterday I asked, in the event of a magistrate's wanting to take legal action in respect of any suspension, to whom does he go? He may be suspended by the Governor on the advice of the Chief Justice but, if he wants to take action in respect of that suspension, obviously he must go to the Supreme Court, possibly taking out a prerogative writ. I suggest that, if that is the case (and I believe it is), there is a conflict between the responsibility of the Chief Justice in exercising his responsibilities under this clause and his responsibilities as Chief Justice in the Supreme Court, where the magistrate might be seeking relief. How does the Attorney-General believe that conflict will be resolved?

The Hon. C.J. SUMNER: The Chief Justice would not be involved in any case that was taken by a magistrate under this section. If there is a potential conflict with the Chief Justice in regard to suspension of a magistrate, as in regard to other circumstances, the Chief Justice would disqualify himself from sitting on that matter.

The Hon. K.T. GRIFFIN: That is an invidious position in which to put the Chief Justice of the Supreme Court. He must allocate judges to particular tasks which may involve that magistrate, yet he also has the responsibility of advising the Governor and reaching certain opinions about the mag-

istrate on which to base that advice. This is unsatisfactory. I cannot suggest an alternative at this stage, as I indicated yesterday. I had hoped that there might be something more substantive by way of response than the response that the Attorney-General has given.

The Hon. C.J. SUMNER: The fact is that there is no need for a substantive response. There are occasions when judges disqualify themselves. The reason why a Chief Justice may disqualify himself from being involved in a particular case does not involve his responsibility for allocating judges to that case, and this will be the sort of situation that will apply under the provisions of this clause.

Clause passed.

Clause 11—'Removal of magistrate from office.'

The Hon. K.T. GRIFFIN: This clause raises the question of the Attorney-General conducting an investigation. There is a question, first, whether it is the Attorney-General or whether in some way or other the Attorney has power to delegate that responsibility. In that event, to whom is such an investigation likely to be delegated?

The second point is whether the power of the Attorney-General might be construed as an interference with judicial independence if he were, of his own motion, to initiate an investigation in respect of a magistrate.

If the Attorney-General of the day did initiate such an investigation, without the Chief Justice requesting it, there might well be a hue and cry about it as being an interference with the Judiciary, and even more of a hue and cry if the Attorney-General were to delegate the responsibility either to some Government investigations officer or a police officer. Will the Attorney address those two points in this clause?

The Hon. C.J. SUMNER: It is impossible to say who would carry out the investigations. I suppose it would depend on the nature of the complaint. Perhaps if a serious offence had been committed which gave rise potentially to criminal charges, the police would have to be involved. However, it is more likely with a charge of a lesser kind that it would involve a Government investigations officer. Certainly, in the normal course of events that would occur after consultation with the Chief justice.

I do not believe that there is the potential conflict which the honourable member fears. As with so much of what occurs between the Executive and the Judiciary at present, it is a matter of common sense and good judgment between the officers concerned. There is much co-operation between the personalities involved at present. Although I cannot say what happened with the former Attorney, I do not think that there is likely to be any great cause for conflict.

Really, the possibility of conflict between the Executive and the Judiciary exists from time to time and, as honourable members would be aware, the present Chief Justice is outspoken when he believes that the Executive may have overstepped the mark in terms of its relations with the Judiciary. I would expect that the question of any investigation to be carried out would be a co-operative matter and who was actually carrying out the investigation would be the subject of discussion between the Attorney-General and the Chief Justice.

The Hon. K.T. GRIFFIN: Will the Attorney-General indicate to the Committee that he is satisfied that there is adequate power to enable this responsibility to be delegated by the Attorney-General, or is it a matter which is unclear?

The Hon. C.J. SUMNER: I would not have thought that it was unclear. The Attorney-General may delegate power of investigation, and I believe that clearly it would not be possible to conduct all aspects of investigations on his own behalf. I do not see any problem with an investigation being carried out under the general aegis and authority of the Attorney-General but, should the honourable member see any difficulty in that, perhaps he can propose an amendment.

The Hon. K.T. GRIFFIN: The Attorney suggests that I move an amendment, but I recognise the sensitivity of this matter. It will not be as easy as the Attorney has stated for him to either conduct an investigation or to delegate his responsibilities, no matter with whom he has consulted. Even though it has the imprimatur of the Chief Justice, the Attorney of the day will still find that a particularly difficult provision for him to implement. I merely place that concern on the record for the matter to be adjudged in the light of experience.

The Hon. C.J. SUMNER: As I said, I do not believe that specific delegations are required. Officers of the Public Service carry out tasks in the name and with the authority of the Minister and without any specific delegation. I presume that that would happen here. In other words, it is unlikely that any specific delegation or authority of delegation will be required under the Act. The Attorney or any other Minister having that authority would act in that way.

Clause passed.

Clause 12 passed.

Clause 13—'Remuneration of magistrates.'

The CHAIRMAN: I point out to the Committee that this clause, being a money clause, is in erased type. Standing Order 298 provides that no question shall be put in Committee upon such a clause. The message transmitting the Bill to the House of Assembly is required to indicate that this clause is deemed necessary to the Bill and any debate on this clause must await the return of the Bill from the House of Assembly.

Clause 14 passed.

Clause 15—'Recreation leave.'

The Hon. K.T. GRIFFIN: Can the Attorney-General assure the Committee that 20 working days recreation leave in respect of each completed year of service is the present entitlement of stipendiary magistrates?

The Hon. C.J. SUMNER: Yes.

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

Page 7, after line 11—Insert subclause as follows:

(6a) Where a stipendiary magistrate fails to take recreation leave to which he is entitled at or within a time required or approved by or pursuant to this section, he shall cease to be entitled to the leave.

I asked the Attorney some questions about subclause (4) in the second reading debate. I presume that if leave is not taken it would then be lost, which is what my amendment seeks to do. I would like to make the situation clear.

The Hon. C.J. SUMNER: The Government accepts the amendment.

Amendment carried; clause as amended passed.

Clause 16—'Sick leave.'

The Hon. K.T. GRIFFIN: I ask the Attorney-General whether the 12 working days sick leave in respect of each completed year of service is the present entitlement of stipendiary magistrates?

The Hon. C.J. SUMNER: The honourable member asked me a specific question in relation to annual leave as it applies to clause 15. As I understand it, 20 days is the current entitlement. The Hon. Mr Griffin has now asked me whether the entitlements in clause 16 are the current entitlements for magistrates. The Government intends to insert in the Bill the exact entitlements for magistrates at the present time.

When I say that four weeks annual leave is the present entitlement, that is my understanding of the situation. I say 'Yes' to the honourable member's question in relation to this clause, because that is my understanding of the position. However, if an error has been made, the Government's general policy is clear, that is, that this Bill should not constitute a derogation from the current rights enjoyed by magistrates.

The Hon. K.T. GRIFFIN: I understand that the Bill will not place magistrates in a worse position in respect of their commissions. I seek an assurance from the Attorney that the entitlements provided in the Bill are the present entitlements of magistrates. Is the Attorney suggesting that he is in some doubt about the matter? I want it on the record that the conditions provided in the Bill are no better or no worse than the conditions currently prevailing.

The Hon. C.J. SUMNER: An abundance of caution attracted me to the words that I used, namely, that it is my understanding that the provisions of the Bill accurately reflect the current entitlements of magistrates to sick leave, and so on. That is my belief, and that is the advice that I have been given. That is the instruction that the Government gave to Parliamentary Counsel and to the officers who prepared the Bill. I do not believe that the provisions of the Bill are incorrect in relation to the benefits enjoyed by magistrates.

In so far as the honourable member asks me whether the provisions contained in the Bill are the current provisions enjoyed by magistrates, my answer is 'Yes'. That is my clear understanding of the situation. However, if by some quirk of fate or bureaucratic upset there is an error, I have made the Government's policy clear and, in that event, Parliament can reconsider the matter. What I have said is my understanding of the current benefits enjoyed by magistrates.

The Hon. K.T. GRIFFIN: I presume from the Attorney's answer that he intends to check the matter while the Bill is considered in another place.

The Hon. C.J. Sumner: It's been checked.

The Hon. K.T. GRIFFIN: The Attorney just said that, if by some quirk of bureaucratic difficulty the provisions of the Bill are incorrect, Parliament can reconsider it. I presume that Parliament will do that when the Bill comes back. If that is the case, I am satisfied.

The Hon. C.J. SUMNER: I am not sure whether the Bill needs to be checked again, because a strict instruction was given. However, I undertake to have the Bill checked.

Clause passed.

Clause 17—'Long service leave.'

The Hon. K.T. GRIFFIN: I raised a question about subclause (2) during the second reading debate. I presume from what the Attorney has said that magistrates are currently entitled to take their present long service leave entitlement at half remuneration for double the length of leave. Will that create administrative difficulties in the servicing of courts?

The Hon. C.J. SUMNER: Yes, it is likely to cause administrative difficulties, but there is nothing that I can do about it. It is a benefit that is currently enjoyed by magistrates and public servants. In fact, I believe that a magistrate who recently announced his intention to retire has taken long service leave in that way. I certainly believe that it will create additional problems, but it is a benefit that is currently available to magistrates and, therefore, it should remain as a benefit under this legislation.

Clause passed.

Clause 18—'Special leave.'

The Hon. ANNE LEVY: Previous clauses have dealt with the rights of magistrates to recreation, sick and long service leave. However, there is no specific clause which refers to accouchement leave. I presume that accouchement leave is covered by this clause, where the Attorney-General determines special leave entitlement. Does the Attorney-General intend to provide accouchement leave to stipendiary magistrates, because it is currently available to all public servants?

The Hon. C.J. SUMNER: Yes. I add that it will be accouchement leave without remuneration, as provided under the Public Service Act. It is not contemplated to provide accouchement leave with remuneration while that does not apply under the Public Service Act.

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

Page 9, line 12—

Leave out 'Attorney-General' and insert 'Governor'.

Under this clause special leave without remuneration is to count as service for the purposes of the Magistrates Act, only to the extent determined by the Attorney-General. I have a further amendment to the following clause which relates to my comments in relation to this clause. As the Governor-in-Council appoints magistrates, I believe that the Governor-in-Council should also determine how much special leave without remuneration should count as service and for what purposes.

It is the position in respect of the Supreme Court and the District Court that the Governor-in-Council determines this matter. I believe that my amendment is consistent with the situation in the other two jurisdictions and is appropriate in view of the fact that the Governor-in-Council will now appoint magistrates.

The Hon. C.J. SUMNER: The Government believes that this amendment involves unnecessary, bureaucratic rigmarole and is opposed to it. Current provisions in the Public Service Act provide that the Public Service Board may recommend to the Governor that an officer be granted special leave with pay or part pay under certain conditions. Therefore, it seems to me that the honourable member's amendment, while having some merit, does not accord with the provisions of the Public Service Act which are, in effect, being incorporated in the Magistrates Act. I do not believe that this amendment needs to be supported. It seems to me that it is not unreasonable that the recommendation for special leave should be made by the Attorney-General rather than, as the honourable member has suggested, Cabinet.

The Hon. K.T. GRIFFIN: I do not agree with the Attorney-General. He has already said that the Public Service Act provides that the Public Service Board make a recommendation to the Governor about this matter. What the Attorney is seeking to do with this clause is put himself in the same position as both the Public Service Board and the Governor.

It is not an unnecessary, bureaucratic requirement to provide that, if any special leave without remuneration is to count as service for the purposes of this Act, as for the purposes of long service, recreation and sick leave, it is appropriate that a full Cabinet should consider such application and that it should go to the Governor-in-Council. It may be that quite a substantial period of time is involved, and I believe that the full Cabinet ought to have this responsibility and that it should not be left to one person—the Attorney-General of the day.

I strongly urge the Council to support my amendment because it avoids the question of a preference or inference which is more likely when one person is involved rather than the whole Cabinet. I believe that this is an important matter of principle, as it is in the next clause.

When some Supreme Court judges applied to have certain periods of past service, not in the Judiciary but in other service of the Crown, attributed for the purpose of long service leave, sick leave, superannuation and recreation leave, it was a matter that I determined as Attorney-General and then recommended to Cabinet, which, having approved it, put it through Executive Council. There are more safeguards in that course of action than in the course of a Minister (or even an acting Minister) making this decision.

I hold the strong view that to remove these sorts of questions as much as possible from individual preference and to the full Cabinet is the best possible move. I think that each case may well be judged on its merits. Also, each case may be different. Perhaps questions will be raised by other judicial officers as to whether or not their position is

being treated consistently with that of others. I suggest that the Governor-in-Council is a much better safeguard for the Government of the day and for the Attorney-General than is the Attorney-General making a Ministerial decision by himself.

As I said earlier, important questions are involved. The Attorney-General is the principal legal officer in the State and, as such, ought not have any reflection cast upon his attitude to any one or more judicial officers than is absolutely necessary. The sort of decision that he must make may be subject to criticism if the Attorney-General makes it himself rather than going through the formalities and safeguards of Cabinet and Executive Council.

The Hon. C.J. SUMNER: The honourable member has adopted a broad brush approach to this matter and suggested that all these determinations should be made by the Governor. I said that I thought this was unnecessary and bureaucratic rigmarole, and I still subscribe to that view. It may be that some of these determinations, such as special leave and other matters relating to rights of employment, are made by the Governor, but there are others that are made by the Public Service Board.

Special leave under the Public Service Act is determined by the Governor after a recommendation of the Board. This appears under section 98 of the Public Service Act. On the other hand, leave without pay is determined by the Board without reference to the Governor. It may be that in some cases it can be the Governor, and in others, the Board that makes this decision.

The intention of the Bill is to remove the necessity of having the Governor involved and leaves it to the Minister generally responsible for the Magistrates Act. It appears that special leave without remuneration is covered by section 98a of the Public Service Act, which provides that the Board may grant leave without pay to any person. On the other hand, under section 98 of the Public Service Act special leave may be granted by the Government after a recommendation by the Public Service Board. This is not a matter of great moment, and I suggest that this clause be postponed while I ascertain whether or not there is any need for absolute consistency between the two Acts, in accordance with previous undertaking that I have given.

The Hon. K.T. GRIFFIN: If one looks at the scheme in clause 18, one sees that special leave may be granted with or without remuneration and for any period that the Chief Magistrate thinks fit. So the Chief Magistrate makes a decision as to what special leave may be granted. If in any year the special leave is to be more than three working days and is to be remunerated the Governor has to consent to the grant of that leave. Then, if any special leave without remuneration is to count as service, my view is that that ought to be determined by the Governor-in-Council. So one is not restricting the rights to grant special leave without remuneration; that can be for any period that the Chief Magistrate deems appropiate, but if that special leave without remuneration is to count as service for the purpose of long service leave, superannuation and so on, it is my view that it ought to be considered by the Governor-in-Council.

Members will notice that if more than three working days remunerated special leave are to be granted in any year the Bill already provides for the Governor to consent to the granting of that leave. I am not hindering by my amendment the granting of special leave, but only dealing with the important question of how much of that special leave, where it has been without remuneration, should be attributed and counted as ordinary service. I am perfectly happy if the Attorney-General wishes to postpone consideration of the clause, but I still urge that when the appropriate time comes the amendment which I am suggesting should be made. It will not in any way fetter the granting of special leave and will not conflict with the spirit of the clause in any event.

Consideration of clauses 18 and 19 deferred.

Clause 20—'Payment of monetary equivalent of leave to personnel representative etc.'

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

Page 9

Line31—Leave out 'or next-of-kin'.

Line 36—Leave out 'or next-of-kin'.

I have already explained that it is inappropriate for this sort of clause to be carried where it seeks to override the testamentary wishes of a deceased magistrate. It may well have been a provision designed during the days when succession duties applied, when the trustees of a superannuation fund, for example, had to have a general discretion as to the person to whom they paid the deceased person's superannuation benefit, but that no longer applies.

With the magistrates there is no need for any overriding of the terms of the will because they have generous superannuation provisions, and the widow or widower or dependants of a deceased magistrate will be able to get almost immediate benefits from the superannuation fund. I believe that the two amendments are important as matters of principle in that we should not seek to override broadly the testamentary wishes of a deceased magistrate.

The Hon. C.J. SUMNER: I accept the general thrust of what the honourable member says, but I believe that we should keep faith with the intention of the Bill (namely, not to alter the conditions that magistrates currently have, either for better or worse). Section 97 of the Public Service Act provides that a person who is entitled to recreation or long service leave may have that leave paid by the Board to the dependants of the deceased officer or, if the officer died without leaving dependants, to the personal representative.

So, there is at present a broader discretion as to the person to whom to pay the entitlement—either to dependants or to personal representatives. I understand that the rationale for this is to enable payments to be made to widows, particularly in certain circumstances where there may be some delay in the grant of probate and therefore some delay in the personal representative's receiving payment under section 97 of the Public Service Act. The purpose is merely to give that sort of flexibility and option that currently exists under section 97 of the Public Service Act to any payments in relation to outstanding recreation or long service leave for a deceased magistrate under clause 20.

The Hon. K.T. GRIFFIN: The Attorney-General has referred to the provision of the Public Service Act which refers to dependants. This clause does not accurately reflect that provision of the Public Service Act, but even if it did I would still have some difficulty in accepting it because, while in the past it may have been appropriate (in the early days of the Public Service Act and with not-so-generous superannuation provisions) for the Government of the day to have discretion as to whether or not to pay out to personal representatives or dependants or next-of-kin, that need is not now obvious because under the Superannuation Act all that the widow, widower or other dependants have to do is to establish death (and that is done with a death certificate which is obtained in a matter of days) and payments begin immediately.

The mechanism for obtaining grants of probate now means that whilst there is a requirement under the Administration and Probate Act that one cannot apply for a grant in less than a month after the death unless one has an order of the court, one can get an urgent grant of probate within weeks, if necessary. So, the constraints which applied to the estates of deceased public servants up to the time of the abolition of succession duties certainly no longer apply. The

difficulty when the Succession Duties Act was in existence was that the Probate Office worked in conjunction with the Succession Duties Office, and also a grant of probate had to disclose all the assets, and it was a tedious task to obtain those details.

Then the probate would not be released until one had lodged succession duties forms, and obtained a release from succession duties. That could take up to a year; so, I can understand the Public Service Act containing that sort of provision in those circumstances, but there is no need for it now. We should be removing as many of these unnecessary provisions as possible.

Magistrates will not be prejudiced by the provision for payment to next-of-kin being removed. In fact, if one talks to magistrates and puts to them the options, some of them would be appalled that a Government would be able to make payments of what could be very large sums to next-of-kin rather than honouring the terms of the will. If the Attorney-General is still not inclined to accept the amendment, I ask him to report progress and consult with the spokesman for the magistrates to put to the magistrates clearly what this Bill provides in respect of payment to next-of-kin and in regard to overriding the terms of the magistrate's will. I would be surprised if the magistrates did not support the amendment. This is an important issue, because of the large sums involved and because of the principle that this clause reflects.

The Hon. C.J. SUMNER: The spokesman for the magistrates was consulted on this point. There was very thorough consultation. I do not want to get offside with the Judiciary, and I went out of my way to consult in relation to this Bill. There was no objection.

The Hon. M.B. Cameron: Did they understand it?

The Hon. C.J. SUMNER: They are magistrates, and I expect they would understand it. Therefore, I believe that the Committee should maintain the position. That is certainly the impression I gained from the spokesman for the magistrates, who was contacted this afternoon about the matter. In view of the passions with which the Hon. Mr Griffin is putting his case and his strongly held convictions, and in view of the lateness of the hour and the fact that we have to deal with certain other matters, I would be happy if progress was reported.

Progress reported; Committee to sit again.

SHOP TRADING HOURS ACT AMENDMENT BILL (No. 2)

The Hon. I. GILFILLAN: I move that—

The Hon. C.J. Sumner: This is nonsense. It is interfering with Government business.

The PRESIDENT: I point out to members that under Standing Order 70 the Hon. Mr Gilfillan has the right to proceed with private member's business that has been postponed during the day. I call on the Hon. Mr Gilfillan.

The Hon. I. GILFILLAN: I move:

That Order of the Day: Private Business—No.3 standing in my name, adjourned on motion, be considered forthwith.

The Council divided on the motion:

Ayes (2)— The Hons I. Gilfillan and K.L. Milne (teller).

Noes (15)—The Hons Frank Blevins, G.L. Bruce, J.C. Burdett, M.B. Cameron, J.R. Cornwall, C.W. Creedon, L.H. Davis, H.P.K. Dunn, K.T. Griffin, Diana Laidlaw, Anne Levy, R.I. Lucas, R.J. Ritson, C.J. Sumner (teller), and Barbara Wiese.

Majority of 13 for the Noes.

Motion thus negatived.

STATUTES AMENDMENT (MAGISTRATES) BILL

(Second reading debate adjourned on 8 November. Page 1455.)

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Amendment of Industrial Conciliation and Arbitration Act.'

The Hon. K.T. GRIFFIN: As my first amendment deals with clause 3 in the second schedule and seeks to remove the capacity of the Government of the day to appoint an acting magistrate and, as that has already been thrashed out in respect of the Magistrates Bill, which I lost, and as I suspect that I will lose this one, too, I will not proceed with the amendment I had foreshadowed. The matter of principle has been resolved. I disagree with the decision to leave the provision in, but there is no point in pursuing it in this Bill.

My next amendment on file deals with clause 6 of the second schedule and I fall from that amendment, too. The question of an acting magistrate has already been resolved in respect of the Magistrates Bill. There is no point in making this Bill different from the Magistrates Bill in this respect. Similarly, I fall from my amendment on file to clause 7 of the second schedule. In fact, I fall from the first three amendments on file to the second schedule. In respect of clause 13 of the second schedule, I move:

Page 7, after line 22—Insert subclause as follows:

(6a) Where a stipendiary magistrate fails to take recreation leave to which he is entitled at or within a time required or approved by or pursuant to this section, he shall cease to be entitled to the leave.

If the Attorney is consistent with his earlier attitude to the Magistrates Bill he will accept the amendment, which merely clarifies the position where a magistrate fails to take recreation leave after a period of deferment. The entitlement to that leave not taken ceases. That is really implicit in the Bill.

Amendment carried; clause as amended passed.

Progress reported; Committee to sit again.

SHOP TRADING HOURS ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading (resumed on notice).

(Continued from page 1550.)

The Hon. H.P.K. DUNN: This Bill comes on at a late hour, and I do not suppose that what I have to say sounds too cogent to anyone, but I believe strongly in what I am saying. The Bill is foolish. We started off with some common sense and we have degenerated to a position where we are now reducing shopping hours rather than increasing the time during which the public can shop.

This new Bill is most unusual. I believe that it will have the opposite effect to what it sets out to achieve: it will shorten shop trading hours in an unusual manner. In fact, I believe that it will result in a considerable loss of Saturday morning shopping for red meat. Even though the Bill does not specifically state that, common sense will ultimately determine that butcher shops close to supermarkets trading in red meat will have to close on Saturday mornings to compete with supermarkets on Thursday nights.

Some supermarkets use most insidious methods to avoid the legislation by selling a steak with onions or a pork chop with mushrooms, thereby claiming that it is not red meat. Supermarkets are avoiding the law in that way. The Bill

will force butcher shops in close proximity to supermarkets to trade on Thursday nights. However, if a butcher shop opens on a Thursday night, it cannot open on a Saturday morning.

We endeavoured to open up the shop trading hours issue with the idea of allowing the sale of red meat on Saturday mornings as well as on Thursday or Friday nights. In the country, if a butcher decides to remain open on a Saturday morning, nothing changes and, therefore, the Bill achieves nothing. I doubt whether a butcher will do much business on a Thursday night in the country, because most country people do their shopping on a Friday or on a Saturday morning. In this day and in this so-called enlightened society, I think it is incredible that we restrict shop trading hours. I believe that shop trading hours should be totally liberalised and that people should be able to purchase red meat when they wish.

A few years ago butchers accounted for 75 per cent of the red meat sold, and 25 per cent was sold by supermarkets. As a result of the prohibition on the sale of red meat during late night shopping, the distribution is now equal at 50 per cent each. I think that the share enjoyed by butchers will continue to diminish and, consequently, many small businesses will have to close. As a result, the choice now available to the consumer will be diminished and, further, people will have to travel greater distances to obtain red meat.

I do not believe that the Hon. Mr Gilfillan was completely honest when he said that farmers agree with the Bill. That is just not true. I have spoken to a number of producers and a few consumers in my area, and none of them appears to be happy with the Bill. I refer to the Hon. Mr Gilfillan's comments on page 1318 of *Hansard,* as follows:

> It is my belief that the retail industry will benefit because of the expected uplift in demand and the opportunity for more effective marketing to potential consumers: it will be good news all around. I expected that members might question the producers' support for this measure, because it is very easy to misrepresent their views and because it may seem to be a retrograde step. I want to make plain that, if I felt that that was the case, I would in no way have considered introducing this Bill. In support of my belief that producers support the Bill, I will cite a letter from the United Farmers and Stockowners of South Australia of 22 November 1983. The letter, which is addressed to me, states:
>
> > My organisation believes that shop proprietors ought to have the option of opening late night or Saturday morning.

The Hon. Mr Gilfillan failed to read the concluding words of that sentence, as follows:

> Not compulsorily one or the other.

The Hon. M.B. Cameron: That was deceitful.

The Hon. H.P.K. DUNN: That was quite deceitful. Not to quote the total paragraph in context was quite naughty and not at all helpful to the debate.

The Hon. I. Gilfillan: What do those words mean?

[Midnight]

The Hon. H.P.K. DUNN: If the Hon. Mr Gilfillan does not understand those words, perhaps the Bill should not have seen the light of day.

The Hon. K.L. Milne: What difference do those words make?

The Hon. H.P.K. DUNN: If it is compulsory, a butcher can trade only on a Thursday night or a Saturday morning and not at both times.

The Hon. K.L. Milne: I still don't understand the difference.

The Hon. H.P.K. DUNN: That is unfortunate. The Bill will not result in an extension of shop trading hours. I understood that the Bill was designed to extend trading hours to help the consumer and the producer. However, that will not be the result, because traders will have only a month to choose when they will trade. Whatever decision is made will apply for 12 months before it can be altered. I believe that that is not helpful.

If a butcher decides to trade on a Saturday morning and a supermarket is built in close proximity, the butcher will not be able to alter his decision until 12 months have elapsed. In that time the butcher could well find that his business was no longer viable. I do not believe that one month is sufficient time in which to make a decision. In fact, I do not believe that a time limit should apply.

I have pointed up a couple of weaknesses in the Bill. It does not help the consumer or the producer and does not promote the sale of red meat whatsoever.

The Hon. C.J. Sumner: Isn't red meat bad for one's health?

The Hon. H.P.K. DUNN: Red meat is not bad for one's health, and I am sure that all honourable members consume it in great quantities.

The Hon. C.J. Sumner: They tell me that red meat is not recommended.

The PRESIDENT: Order! interjections are not helping the processes of this debate.

The Hon. H.P.K. DUNN: It has been implied that we do not eat red meat, but we are carnivores.

The Hon. C.J. Sumner: There is medical evidence that red meat is bad for you.

The Hon. H.P.K. DUNN: The Attorney interjects and says that red meat is bad for us. However, if one read all the medical reports one would find that one could not get up in the morning and have breakfast without eating something that was bad for one. Red meat is a highly nutritious, high protein supplement.

The Hon. M.B. Cameron: The price of lamb has been good this year.

The Hon. H.P.K. DUNN: That is not so.

The PRESIDENT: Order! I ask the honourable member to disregard interjections, which are neither relevant nor helpful.

The Hon. H.P.K. DUNN: At 12.05 in the morning I still think that red meat needs promoting just as much as white meat, which is available at almost any time.

The Hon. DIANA LAIDLAW: The Bill introduced by the Hon. Mr Gilfillan seeks to amend the Shop Trading Hours Act to allow butchers the option of opening one night a week or, alternatively, on Saturday morning. This is the third time that a Bill of this kind has been introduced into this Council in the past six months. I suggest that the whole situation has developed into rather a farce and reflects ill on the capacity of members of this Chamber, especially when one considers that all three Bills sought the same ends: they are, to correct the anomaly in the present Act, one which I understand all members to some degree or another seek to have corrected.

Producers of fresh red meat should not be discriminated against in marketing their product. Under present requirements, butcher shops are not open during late night shopping hours. Consumers should not be denied access to purchase fresh red meat during these hours when all other shops are permitted to open. The Hon. Mr Gilfillan noted in his second reading speech that this Bill did not provide the ultimate in requirements for the marketing of fresh red meat. This is certainly true and I suggest is possibly the one correct assumption that he has made in presenting this Bill.

The Bill provides no basis to support his claim that the amendments are 'a substantial reform', and no basis for the claim that his amendments provide 'a significant extended period for consumers to purchase fresh red meat'. A maximum of only 3½ hours will be available for a butcher to extend trading during late night shopping.

As most frequenters of late night shopping areas, especially those in the suburbs, will confirm, during the last half hour or so of the period of late night shopping trading is very quiet. By contrast, butchers in the area in which I live in North Adelaide already trade anywhere from 3½ to 4½ hours on a Saturday morning, and trading, in each instance, is steady through their period of opening.

Therefore, I question most forcefully the suggestion that, if butchers find it to their benefit at present to trade from 3½ or 4½ hours on Saturday morning, they will opt by choice for the alternative period provided in this Bill, that alternative being late night shopping over a reduced number of hours or, at best, an equal number of hours, when it is known that at least during the last half hour of that trading period trade slackens off considerably. Therefore, at best, the Hon. Mr Gilfillan's so-called enlightened amendments will reinforce the *status quo* while introducing what I predict will be a shambles in respect of the marketing of fresh red meat.

This Bill has the potential for forcing butchers against their will and better judgment to opt for a less attractive alternative. The Hon. Mr Cameron noted in his contribution to this debate the response of a random telephone survey of butchers in the metropolitan area when the choices presented by this Bill were outlined to them. The vast majority opted, as forecast before, for remaining open on Saturday morning in preference to one late night during the week. However, the vast majority also indicated that if butchers located in shopping centres opted to open on one week night they would be forced, if located in an adjacent area, to follow suit and to change from a situation that is currently in their interest because of a measure which Mr Gilfillan has, I suggest, the audacity to call a 'substantial reform'.

If the Hon. Mr Gilfillan has grounds and evidence to prove that my predictions are unfounded, and to dispel the concern of many butchers, I would certainly like to hear them. Of course, such grounds and evidence would also go some way toward answering my criticism that, as the Bill now stands, there is no justification to warrant either his claim that the amendments are a substantial reform or that they provide a significantly extended period for consumers to purchase fresh red meat.

I believe that the Hon. Mr Gilfillan also owes honourable members an explanation as to why he chose to proceed with this Bill and could not accept the Hon. Mr Cameron's Bill which, of course, remains before this council for consideration and which has done so for, I think, about 10 weeks. The Hon. Mr Cameron's Bill provides for butchers to open both during late night trading hours and on Saturday morning, which is, in essence, identical to the proposal that the Hon. Mr Gilfillan presented to honourable members for consideration about six months ago.

Thus, if and when the Hon. Mr Gilfillan pays us the courtesy of explaining why he has not been able to support the Hon. Mr Cameron's Bill, and why he has supported the Government on at least four recent occasions, thereby ensuring that the Hon. Mr Cameron's Bill was not even given an opportunity for further debate, he would be enlightening this council as to why he has now departed from his earlier preferred option. I hope that the Hon. Mr Gilfillan will enlighten us when he closes the second reading debate.

At least in respect of his earlier stand on the sale of fresh red meat the Hon. Mr Gilfillan could claim with some justification that his amendments amounted to 'a substantial reform'. As it is, the Hon. Mr Gilfillan has acknowledged that his current proposal will still leave South Australians well short of conditions that prevail in some other States. Politics, as we all know in this Council, is the art of the possible. If 'substantial reform' and respect for the rights of consumers has been the goal that the Hon. Mr Gilfillan has sought in his various attempts to amend the Shop Trading Hours Act, I remind him that there was always a possibility of his realising that desirable goal if only he had remained true to this earlier views and could have persuaded himself to support the Hon. Mr Cameron's Bill.

While we are debating this Bill, I wish to use this opportunity to discuss shop trading hours in general. I have long favoured the regulation of shopping hours in this State and, indeed, throughout the country. During this time the intensity of the feeling that is roused throughout the country whenever the subject of shop trading hours is mentioned has never ceased to amaze me.

The Hon. C.J. Sumner: Have you ever spoken to the Small Business Association?

The Hon. DIANA LAIDLAW: Yes, I have consulted widely, and I have not changed my view. As Des Keegan has remarked in an article in *The Australian:*

> The heat of debate over the issue would not be much higher if the retailers were peddling high quality Colombian drugs to primary school students.

He has summed up the point very well. Beyond believing that market forces left to themselves are more able than politicians to resolve the issue and that politicians would be wise to take note of public opinion polls of this matter which, indeed, show overwhelming support for late night shopping over an extended period, I maintain also that politicians must accept at the same time—and the sooner the better—that in Australia today over 2.5 million women are in the workforce, 46 per cent of whom are married. In addition, there are also an increasing number of sole male parents and single men in the work force. At present these people can shop only on Thursday nights in the metropolitan area or Friday night in the city or on Saturday mornings. The other alternative is an odd half hour before, after or during working hours. Yet, for reasons best known to Governments and unions, these people are denied the opportunity by Governments to browse and shop at leisure and convenience all day Saturday and Sunday.

Not only are items such as whitegoods, furniture, and so forth, not items that we should be encouraging consumers to make hasty decisions about purchasing in an odd half hour at lunch or at the end of the day, but also there are difficulties for husbands and wives who wish to shop together for such big items, decisions about which could best be undertaken at weekends and at leisure.

In most countries of Europe and United States, detailed regulation of the variety that exists in the Australian States does not exist, and conflicts caused by political interference with markets are virtually non-existent. The most recent edition of the *Review*, published by the Institute of Public Affairs (Spring 1983), notes comments by Peter Samuels, who is the *News* correspondent in the United States. He writes:

> The battles over the deregulation of shopping hours were won in most States decades ago. Sabbath trading restrictions were killed after being put to electors in referendums.

Perhaps that is something that we should consider in this State. Peter Samuels continues:

> Statutory restrictions are now almost unknown so shopkeepers are generally free to adjust their shopping hours to the needs of the public. Those which do best in offering their products when people want to purchase them will thrive financially.
>
> Like Australia, the movement of women into the workforce has been a major impetus for the expansion of night and weekend shopping. Interestingly, one facilitating factor in shopping hours liberalisation has been the generally acquiescent attitudes of labour unions.
>
> I remember speaking to a union official a year ago who told me he had been involved in some of the campaigns in the 1950s to continue controls on shopping hours. He said 'It is a lost cause. People want to shop nights and weekends and our members want

to work. We are responsive. We have had to adapt. We do not oppose long hours anymore. It is work for our members.'

In respect of the situation in Paris, Peter Samuels noted:

Saturday is a full shopping day. An additional convenience is that individual food shops are generally open on Sunday mornings and, indeed, one of the pleasures of Paris is to walk and view the colourful displays of fruit, vegetables and other things set up in street stands, buy something and then adjourn for lunch.

I look forward to the day when such quality of life experiences as are available for Parisians to enjoy are also available to South Australians to enjoy, and what a boost such an initiative could be for tourism in this State. However, in South Australia and most parts of Australia, by contrast to the examples that I have highlighted from the United States and Europe, shop assistants work only during the week when most other people are at work, and are unable to patronise retail outlets.

To facilitate the regulation, I am not proposing that anyone should work longer than the period designated in the award. What I am arguing is that some work be done at weekends and for limited periods at night. This is not too much to ask for; after all, police, firemen, nurses and journalists, among others, work around the clock.

An honourable member: And members of Parliament.

The Hon. DIANA LAIDLAW: And members of Parliament. Nor do I believe that it is too much to ask politicians and union leaders when considering deregulation of shopping hours to appreciate that retail stores will not stay open beyond the constraints of profitable trading. Moreover, it would reflect well on politicians and union leaders if they also appreciated the potential of deregulation to create jobs and, if negotiated carefully, the potential to improve conditions for those already in employment.

In New South Wales two weeks ago, the Government announced that all day shopping on Saturdays and an extra late night shopping night would operate before Christmas this year. The announcement stems from negotiations between the State Government, unions and retailers following a report by a Mr Justice Macken of the State Industrial Commission. Under the new arrangements shop assistants will have their hours reduced from 40 to 35 a week, a claim that they have been seeking for some time, and they will move from a five day week to a four day and in some cases a three day week.

Mr Justice Macken also recommended the elimination of casual work in the retail industry (an industry which is heavily loaded with employees working on a casual basis). As this principle has subsequently been accepted by unions and employers, we will see shortly in New South Wales many people who are currently in casual employment gain permanent employment and all the other benefits associated with permanent employment. In addition, it is significant that as the Premier of New South Wales has marked the fight against unemployment as that State's number one priority, he estimated when tabling the Macken Report in Parliament that an additional 20 000 jobs could be created in New South Wales as a result of this new arrangement concerning shopping hours.

I suggest that the Government of South Australia would be well advised to take heed of the deregulation initiatives of the New South Wales Government and the positive benefits that would flow to this State from such a move. I suggest also that the Australian Democrats could do likewise and, if they really meant what they said and wanted to introduce significant reform into shop trading hours, they would not be bringing in a Bill such as this one, which would in effect reduce the hours during which the butcher shops could open and further restrict the access of consumers to the sale of fresh red meat.

In conclusion, I support the second reading of the Hon. Mr Gilfillan's Bill, but I do so most reluctantly because it will not realise the grand intention which he has attributed to the move. I support the second reading only on the basis that I understand it will facilitate discussion on the Hon. Mr Cameron's amendments.

The Hon. G.L. BRUCE: I support the Bill. I believe that the Bill has been drafted after extensive consultations with the various interested parties—consumers, employers, employees and producers.

Members interjecting:

The Hon. G.L. BRUCE: I am sure that when the Hon. Mr Gilfillan replies to this debate he will indicate the extent of the support for this Bill. By contrast, I suggest that the Liberals' Bill has involved no consultation with any of those interested bodies or parties other than the producers. The Bill allows that red meat be sold on both the late shopping nights and Saturday mornings without requiring employees in the industry to work extended hours beyond the long hours that they already work.

While the Bill does not go as far as some groups would like, it is an improvement on the existing position and it will allow red meat to be sold in competition with substitute products on late night shopping nights. I understand that the Department of Labour is in the process of preparing a report for the Minister of Labour on the general question of shop trading hours. The Government is reviewing whether shop trading hours might be better handled by some independent authority that is capable of considering objectively the contending views of the various interested parties. In the interim, I believe that this Bill is a positive step forward.

Members interjecting:

The Hon. G.L. BRUCE: I indicated previously in this Council (and I have no axe to grind one way or another) that, if the industry could reach a compromise, I would support it, but until that is achieved (and I am on record as saying that) I am not prepared to go one way or the other. Indications are that the Australian Meat Industry Employees Union is prepared to go along with this measure.

The Hon. Diana Laidlaw: You are providing one option only.

The Hon. G.L. BRUCE: That is right. The union objects to any extension of trading hours, because that would force its members to work longer hours because of the lack of trained casuals with the necessary trade skills to do the extra work. With Saturday trading, meat employees already work a long week under the existing legislation. I understand that after negotations the only option which appeared to overcome the problem of a long working week for the employees but which would allow red meat to be sold in competition with other substitute products was to allow individual butcher shops to decide whether they would trade on a Saturday or during late night shopping nights, but not both. This would mean no extension of shopping hours for the individual butcher shop but, because some shops would trade on Saturdays and some on late shopping nights, red meat would be available during both periods. Consumers would have to shop around for red meat. The big argument that I heard previously was that red meat was not available on late shopping nights. Under this Bill, red meat will be available. As the Bill provides an extension of trading time for the public and even though all shops might not be open at the same times, I do not see that there should be any objection from members in regard to that situation. I support the Bill. As I have said previously, I have no axe to grind one way or the other with the industry. I worked in an industry in which employees worked seven days a week—we had little option. The members of that industry were landed with it one way or the other. By consensus between the industry

and the members, it was worked out. That situation was not thrust upon us as this situation is being thrust upon people by the Liberals, who want trading on Saturdays as well as Thursday and Friday nights.

I believe that this Bill is a good stepping-stone to good legislation in regard to the trading of red meat. It gives the public an opportunity to at least shop around and obtain red meat either on a Thursday night or a Friday night or a Saturday morning. I support the Bill.

The Hon. R.I. LUCAS secured the adjournment of the debate.

ADJOURNMENT

At 12.32 a.m. the Council adjourned until Thursday 10 November at 2.15 p.m.